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May 1, 2002, 9:00 a.m.

Technical Advisory Committee

PRESENT: Di Giacomo, Carter, Woodhull, Latham, Ouano, Davis, Roop, Moore, McDowell and Graham.

ABSENT: Funk, Markwardt, King, Hodgson, and Hicks. Board of Education and State Highway Administration submitted written comments, which will be read at the appropriate time. Board of Education also submitted capacity and enrollment figures, copies attached for reference.

The plat Chesapeake Club was reviewed out of order because Mr. Pugh had to leave for a Critical Area Commission meeting.

5. Mike Pugh and Bud Felty presented The Chesapeake Club, Area H, Lots 110-216, Bay Club Parkway, Preliminary Plat, McCrone, Inc., Fifth District.

Mr. Pugh stated this is a continuation of Chesapeake Club development. This represents a new area. It is zoned RM. Public water and sewer are proposed. They are seeking to change the nature of the subdivision from lotominium/condominium to fee simple. They have been working with Public Works on upgrades to the streets (and dedication) and sewer, and with the Town of North East for water.

Mr. Carter stated that DPW has had extensive discussions with the developer about Chesapeake Club Drive and how that might be taken into the County’s road system for maintenance and ownership, as well as sewer. That is very likely to happen. Concerning sanitary sewer allocation, there are not currently sufficient allocations for the entire buildout of Section 8, which is 107 lots. DPW will be narrowing down an additional allocation to what was previously allocated to Chesapeake Club. Construction activities are proposed for this time next year, which probably will result in a total allocation to Chesapeake Club of at least 185 units, which 110 have already been spoken for. Some additional improvements to de la Plaine pump station may result in more allocations. Mr. Pugh advised that they are upgrading the on-site facilities to specifications, and relying on an off-site improvement to the capacity of the County’s line to the Town of North East. Much of this will be contingent on completing the requirements to create the allocations. Mr. Carter advised the applicant that DPW would be comfortable with proceeding to the preliminary plat stage, but not full final plat, based on what is currently known on the sanitary sewer allocation.

Mr. Woodhull stated that a stormwater management submittal must be approved by DPW prior to submittal for final plat approval. A street and storm drain submittal must be approved by DPW prior to submittal for final plat approval. A sanitary sewer submittal must be approved by DPW prior to submittal for final plat...
approval. Currently sewer capacity has not been provided to cover all of these units. DPW will shortly issue an additional 30 ELUs providing a total of 39 ELUs available. The Main Street upgrade would provide for a total of 185 lots. Minus the 110 in use allows for an additional 75 units. Additional upgrades to the de la Plaine pump station will still be required to achieve full build out of this section. Location of the sewer line that runs off of the end of Five Iron Drive is highly undesirable to DPW. Collection should be made on the street. The pump location behind Lot 155 is also not desirable to DPW.

Mr. Woodhull further stated that if sidewalks are required by the Planning Commission, the final plat should include a note indicating that sidewalks maintenance will be required of the adjacent property owners, as required by the Cecil County Road Code. Any applicable Rode Code Variances must be requested prior to submittal for preliminary plat approval.

Both the Road Code and the Sewer & Water Standards were adopted on April 25, 2002 and become effective July 24, 2002. Any administratively complete submittal received prior to July 24, 2002 can be designed under the former codes and standards, provided that such plans are approved by January 3, 2003. Designers may use the new codes and standards prior to the effective date.

All driveways must be paved at least to the right-of-way. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the owner’s expense. Outlet culverts must be extended to the stormwater management facility. Stormwater management outfalls must be extended to the toes of slopes. A Public Works Agreement will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements. An Inspection and Maintenance Agreement will be required for the stormwater management facilities. Utility easements may need to be wider depending on the conveyance system proposed.

Ms. Latham stated that a water appropriations permit is not required.

Mr. Ouano questioned the subdivision’s start date and size of home. Mr. Pugh stated they hope to begin construction in the spring or summer of 2003, and the homes will be between 2,000 and 3,000 square feet.

Mr. Davis had no comments.

Mr. Roop stated that any filling in the streams or adjacent wetlands will require a permit, and the isolated wetlands are handled by the State.
Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo advised that the Board of Education comments are private roads, so no interior bus service provided unless requested and a transportation road use waiver signed.

Mr. Di Giacomo advised that SHA had no comments. OPZ comments are as follows: the zoning is RM. The original Concept Plat was approved 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities. A revised Concept Plat was approved 12/20/93, and a subsequent revised Concept Plat was approved 6/20/94 (with no conditions). At that time, this section, corresponding to Sections J, K, and an area for FUTURE DEVELOPMENT, included 45 single family dwelling units in Sections J & K, an undetermined number in the Future Development area, and open space. Section H was then designated as an area located to the north of the currently-designated Section H.

This Section H Preliminary Plat proposes 107 lots, roadway, and 12.14 acres of common open space on 54.19 acres for a proposed density of 3.34/1 within the maximum allowable density, as well as that of the approved Concept Plat. It is generally consistent with the approved Concept Plat.

A 25’ buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination must be completed prior to the Planning Commission’s review of the Preliminary Plat. Mr. Pugh advised that a JD was previously done on the entire property.

Mr. Di Giacomo asked if the water areas on portions of proposed Lots 184, 195 & 196 are man-made? Mr. Felty stated he is not sure that is water. It may be sand trap.

Mr. Di Giacomo continued: A 25’ buffer is required from all intermittent streams. That buffer has been omitted on proposed lots 162-164.

This proposal satisfies the general open space provisions of the RM zone. 15% common open space is required for this section, 22.4% is proposed. Open space access between lots must be marked with concrete monuments. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. The habitats of rare, threatened, and endangered species must be avoided. No more than 40% of the
common open space required shall consist of those areas designated as non-tidal or tidal wetlands.

Sidewalks are recommended on the proposed roadways, consistent with previous sections. Rows of street trees 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 street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The road names Bay Club Parkway, Chip Shot Court, Five Iron Drive, and Tournament Circle have been approved by the County's Emergency Management Agency. The proposed Five Iron Drive cul-de-sac exceeds the 600 limit of the current Road Code. Therefore, a Road Code Waiver from the Department of Public Works is required.

25% landscaping of the development envelope is required in the RM zone. A minimum 25 Bufferyard C must be provided around the perimeter of the development tract. No parking areas, roadways, or accessory structures are permitted in the 25 planted buffer. The natural vegetative equivalent may be used to satisfy this requirement. On proposed Lots 134-135 and 149-153 the sanitary sewer easement is located in that buffer.

A key to the steep slopes shadings must be added prior to the Planning Commission's review of the Preliminary Plat. All lot dimensions must be added prior to the Planning Commission's review of the Preliminary Plat.

The Forest Stand Delineation (FSD) has been submitted. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to the Planning Commission's review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to the Planning Commission's review of the Final Plat. The Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Mr. Di Giacomo advised that OPZ was going to recommend that any owners of these lots must become members of the Section H Chesapeake Club Maintenance Association for maintenance of the common open space, any cul-de-sac islands, and other common elements, but that appears to be a moot issue. Mr. Pugh stated that as the roads are turned over in the Chesapeake Club Drive area, where the median would be retained, there is a Road Association in place that has responsibility for maintenance of common areas and stormwater facilities, etc., under the lotominium form. He feels they should become managers of the open space facilities throughout the rest of the subdivision. They may or may not want to enter into that responsibility. If the they don't, then a Homeowners' Association would be established for the balance of this tract. He advised that he would like to keep that option open until they determine how the common areas would be managed in the rest of the facility.

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Mr. Di Giacomo stated if the roads are proposed as private roads, then the owners of these lots must become members of the Chesapeake Club Road Maintenance Association for maintenance of the roads. If there is to be a Homeowners Association, then $50 per recorded lot would be required prior to recordation for improvements.

Mr. Di Giacomo asked if any consideration been given to providing a stub road to the lands of Mason Dixon Sand and Gravel? Mr. Pugh stated not to any great extent. They may stub the road further back in a different area. That issue will probably come up in a subsequent meeting. The developers will discuss that.

Mr. Di Giacomo continued: The record plat shall contain a statement signed by the Health Department approving authority, to the effect that use of such community water supply or community sewerage system is in conformance with the Comprehensive Water and Sewer Plan. The Record Plat shall also contain a statement, signed by the owner, that such facilities will be available to all lots or lotominiums offered for sale.

Mr. Di Giacomo advised that the issue of a Homeowners Association must be resolved prior to Planning Commission review of the final plat.

The Town of North East must verify water allocation for these lots prior to the Planning Commission's review of the Final Plat. The Cecil County DPW must verify sewer allocation for these lots prior to the Planning Commission's review of the Final Plat.

1. Richard VanEmburgh (Lane Engineering) and Dave Hill (Hillside Realty) presented lands of hillside realty (Harrington Subdivision), Main Street, Town of Rising Sun, Lane Engineering, Sixth District.

Mr. VanEmburgh stated the Town of Rising Sun approved the concept plat for this subdivision in March with a comment that it be reviewed by the County's Technical Advisory Committee. It will then be submitted to the town again. He has worked with the Town's engineer, Jim Ryan, and also with Butch King, SHA. The entrance on Harrington Drive is being redesigned. The Town currently has both water and sewer capacity. The right-of-ways have been changed to 50 feet width. The bulb at the end of the cul-de-sac has been changed from 88 feet to 100 feet to meet County Code. The other one at the south end of Harrington Drive has been changed to 126 feet to allow school buses to turn around. All development is being kept out of the floodplain.
Mr. Woodhull asked if the Town will annex this into the Town’s limits? Mr. VanEmburgh answered in the affirmative, but the Town has not had much luck determining where the Town’s limits are. Mr. Woodhull advised that DPW comments are based on the presumption that the property will be annexed. A stormwater management submittal must be approved by DPW prior to submittal for final plat approval. DPW will require full modeling of the floodplain to show impact on the stormwater management facilities, if they remain in close proximity to the graphical location shown on the plat.

DPW recommends consideration that internal streets use 50-foot right-of-way minor road standard, which has been done; cul-de-sacs be built to standard details (R-14 and R-17); and that an intermediate turn around (R-13 & R-16) be installed pursuant to the new Cecil County Road Code, which would be on Harrington Drive.

DPW also recommends that the Town require delineation of the floodplain matched to the contour lines of the topo map (full modeling). The town should require all driveways be paved at least to the right-of-way. DPW recommends that the designer review existing capacity in the sewer line, considering the potential for infiltration due to location in the floodplain.

Mr. Woodhull asked what the intentions for the dwelling on Lot 29 are? Mr. VanEmburgh stated that property is under contract. They intend to create a right-of-way there and remove buildings.

Mr. Woodhull continued: A street and storm drain submittal should be approved by the Town prior to submittal for final plat approval. A sanitary sewer submittal should be approved by the town for sewer improvements prior to submittal for final plat approval. Outlet culverts shall be extended to the stormwater management facility. Stormwater management outfalls shall be extended to the toes of slopes. A Public Works Agreement should be required by the Town for internal streets, storm drains, sanitary sewers, and any private utility improvements. An Inspection and Maintenance Agreement will be required for the stormwater management facilities between DPW and the developer. If Rising Sun does not annex the County portion, DPW will not accept the 50-foot right-of-way and cul-de-sac configuration. In fact, DPW will not recommend the acceptance of the road extensions by the County Commissioners.

Both the Road Code and the Sewer & Water Standards were adopted on April 25, 2002 and become effective July 24, 2002. Any administratively complete submittal received prior to July 24, 2002 can be designed under the former Codes and Standards, provided that such plans are approved by January 3, 2003. Designers may use the Codes and Standards prior to the effective date.

Ms. Latham stated that a water appropriations permit is not required.
Mr. Ouano questioned the start date and the size of homes. Mr. Hill stated they would like to start this fall, and the homes will be 1800 – 2000 square feet.

Mr. Ouano stated that Lot 29 has electric, and relocation will be at the owner’s expense.

Mr. Davis advised that Armstrong would provide telephone and cable TV service.

Mr. Roop stated that any filling within the wetlands would require a permit. A JD has not been done or verified. An application will need to be submitted to the Corps of Engineers for that. Mr. VanEmburgh stated that the application has been submitted.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo stated that Board of Education comments are cul-de-sacs too small for interior bus service. Bus service would be provided at State Hwy. 272. It would be within walking distance to Rising Sun Middle School.

Mr. Di Giacomo stated that the State Highway Administration has advised that sight distances and computations will have to be submitted for review by the highway hydraulic division.

OPZ comments are as follows: The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivisions proposed within the towns corporate limits. This subdivision is proposed in the Town of Rising Sun, although a portion of the land is currently in the County. The Town of Rising Sun has informed the Office of Planning and Zoning that the plan is for the County portion to be annexed into the Town within the next several months. The Office of Planning & Zoning’s comments relating to this Concept Plat are predicated on the assumption that the annexation into the Town will be completed. If not, then a separate Concept Plat (for that portion of the proposed development located in the County) must be submitted for review, and it shall conform to Cecil County Subdivision Regulations.

The Town zoning is R-2. The County zoning classification has not been provided. 47 lots are proposed on 19.664 acres, yielding a density of 2.39/1.
It is recommended that the stream buffers be consistent with the Town’s Zoning Ordinance, and, if required, that they be expanded in the presence of hydric soils, highly erodible soils and steep slopes.

It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town’s Zoning Ordinance for the R-2 zone. That will be difficult, since no lot sizes, no area figures, and no dimensions have been provided.

It is recommended that a boundary line survey be done in conjunction with the preparation of the Preliminary Plat if not already completed. It is recommended that acreages on the plat match those in the site data table. It is recommended that all requirements for Concept Plats set forth in the Town’s Zoning Ordinance and Subdivision Regulations have been satisfied.

Mr. Di Giacomo asked what the intent and nature of the Conowingo Power Co. easement on proposed Lots 5, 6, 7, 8, 25, 26, 27, & public right-of-way is? Mr. VanEmburgh stated it is an existing easement that needs to be addressed. Mr. Di Giacomo stated that Conowingo Power, n/k/a Conectiv, would need to grant a written release of easement. It is recommended that documentation of that release be required by the Town prior to review of the Final Plat.

Mr. Di Giacomo asked if any consideration has been given to creating an access to Cemetery Lane? Mr. VanEmburgh stated that the Town has asked for an emergency access from Cemetery Lane to either side. There is no way to access the east side, but a gravel access will possibly run between the stormwater pond and Lot 19 on the west side. He advised that he has written to the cemetery owners because it is a private road.

Mr. Di Giacomo continued: It is recommended that the locations of all dwellings or impervious surfaces be consistent with the requirements of the Town’s Zoning Ordinance and Subdivision Regulations with respect to any steep slopes. It is further recommended that on any slopes between 15 and 25%, good engineering practices be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

It is recommended that documentation of deed recordation associated with the agreement with Triple L & J, LLC for access to Wilson Avenue be required by the Town prior to Final Plat review.

It is recommended that any steep slopes be depicted on the Preliminary Plat.
A 25' buffer is recommended around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts or stream crossings prior to recordation.

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

It should be determined if the open space proposed satisfies the requirements of the Town’s Zoning Ordinance and Subdivision Regulations. It should be determined if Town’s Zoning Ordinance and Subdivision Regulations require that the open space and right-of-way acreages be shown on the plat. Mr. Di Giacomo asked if the proposed open space is to be maintained by a homeowners association or by the Town of Rising Sun? Mr. Van Emburgh stated that the intent is to have the Town take it, but that will have to be coordinated with the Town.

Mr. Di Giacomo continued: Protective fencing should be considered around the stormwater management areas.

It should be confirmed that the thresholds, specified in the Town’s Zoning Ordinance and Subdivision Regulations, for open space acreages in perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species have not been exceeded.

It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards. It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts. It is recommended that the Landscape Plan be approved prior to final subdivision approval. It is recommended that a Landscape Agreement be executed prior to recordation. Sidewalks are recommended on both sides of all internal streets. It should be confirmed that all aspects of the proposed street design and layout are consistent with the Town’s Subdivision Regulations and Public Works street code. The Final Forest Conservation Plan (FCP) should be approved prior final subdivision approval. Deed restrictions for the long-term protection of any Forest Retention/Afforestation Areas (FRAs) should be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA should be shown on the record plat.

The internal street names must be approved by the County Emergency Management Agency. It is recommended that this be done prior to Preliminary Plat approval, at the latest. Harrington Drive is approved.

It is recommended that access to public open space between lots be marked with concrete monuments.
It should be confirmed that the number of parking spaces proposed for each lot meets at least the minimum number required by the Town's Zoning Ordinance and Subdivision Regulations.

It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations.

It is recommended that deed discrepancies be resolved prior to Final Plat approval by the Town.

Consideration should be given to exploring possible greenway and hiking trail linkages.

Consideration should be given to soliciting review and comment on the subdivision layout by Rising Sun Community Fire Co. Fire hydrant locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations. Consideration should be given to locating a dry hydrant at the stream crossing if deemed advisable and feasible by the Rising Sun Community Fire Co.

Water allocation and sewer allocation should be confirmed by the Town of Rising Sun prior to final approval.

2. Faron Pyles presented **Stonebridge, Bethel Church Road, Concept Plat, Northern Bay Land Planning, Fifth District**.

Mr. Pyles stated this is a new project. It is in the DR zone. It is proposed to be served by public sewer, which is the Stoney Run Interceptor, and on-lot wells. He feels this will be developed with some of the nicest open space in Cecil County. They have tried to provide a lot of open space flow throughout the project. He had hoped to get a looped road, but it wouldn’t work without having double frontage lots, therefore a large radius cul-de-sac has been provided for emergency vehicles and school bus turn arounds.

Mr. Woodhull stated that a stormwater management submittal and a street and storm drain submittal must be approved by DPW prior to submittal for final plat approval.
Both the Road Code and the Sewer & Water Standards were adopted on April 25, 2002 and become effective July 24, 2002. Any administratively complete submittal received prior to July 24, 2002 can be designed under the former Codes and Standards, provided that such plans are approved by January 3, 2003. Designers may use the Codes and Standards prior to the effective date. If the old Road Code is used, then any applicable Road Code Variances must be requested prior to submittal for preliminary plat approval. The cul-de-sac serving Lots 17-21 must be 75-foot radius. If the new Code is followed, the cul-de-sac must be designed to those standards.

A sanitary sewer submittal must be approved by DPW for the sewer improvements prior to submittal for final plat approval. Analysis of impact on Stoney Run Interceptor capacity is required. Mr. Carter asked where the sewer will run? Mr. Pyles stated it will come across the south side of Lot 14 and then across Lot 15.

Mr. Woodhull continued: If sidewalks are required by the Planning Commission, the final plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

Sight distance measurements must be provided to DPW to establish compliance with the Cecil County Road Code. Mr. Woodhull asked if the internal streets are proposed as open or closed section? Mr. Pyles stated that based on the new standards, he would have to look into that.

Mr. Woodhull continued: Entrance geometry should be coordinated with DPW prior to significant engineering efforts. All driveways must be paved at least to the right-of-way. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the owner’s expense. Outlet culverts must be extended to the stormwater management facility. Stormwater management outfalls must be extended to the toes of slopes. The right-of-way dedication must be denoted as 30-foot wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. A Public Works Agreement will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements. An Inspection and Maintenance Agreement will be required for the stormwater management facilities. The 20-foot wide Inspection and Maintenance easements may need to be wider depending on the conveyance system proposed.

Mr. Woodhull further stated that DPW anticipates that OPZ will recommend a stub access to the Lands of Shultz, and in doing so should preserve whatever development potential the existing access provides. Mr. Pyles stated that Mr. Shultz has a right-of-way to use that existing lane. It has no determined width. Mr. Shultz has informed the developer that he has no intention of ever developing that parcel. He advised that he had difficulty finding a place to provide a stub to that property, considering the average lot size of one acre. Mr. Woodhull stated that if there is potential for more than 17 lots, then Stonebridge’s street must be a minor collector road.
Ms. Latham stated that a water appropriations permit is required.

Mr. Ouano questioned the average size of the homes and the approximate construction starting date. Mr. Pyles stated that homes will be 2,000 sq. ft., and they hope to begin construction in the spring/summer 2003. Mr. Ouano asked if the only access to the Lands of Shultz is the one shown? Mr. Pyles answered in the affirmative. That electric to the rear of those lots will probably be disconnected and put out on the street. Mr. Ouano advised that the poles may belong to Mr. Shultz. Mr. Pyles stated that they would prefer the electric to be brought down the street and along the lot lines. They could bring it between Lots 8 and 9 or 10 and 11.

Mr. Davis had no comments.

Mr. Roop stated that any filling within Stoney Run or adjacent wetlands would require a permit and a JD has not been verified yet.

Mr. Moore advised that the Health Department has a report about some dumping on this property, and specifically buried debris on Lots 1 and 2. The Health Department will be in touch with Maryland Department of the Environment, and in all likelihood an environmental assessment will be required, and some clean up. Mr. Pyles stated that the adjoiner is a contractor and he has a lot of building debris on his property. Mr. Moore stated there were 12 dump trucks that deposited large pieces of concrete and asphalt on the property, as well as the smell of gas. MDE has been on site. The debris was supposed to have been removed, but hasn’t been. Ms. Latham stated that she thinks that took place on the Burton property. Mr. Moore stated that based on his report, it was in the area of Lots 1 and 2. Ms. Latham asked who would be responsible to clean it up if it is on the Burton property, but impacts the lots in this subdivision? Mr. Moore responded that he would check on that.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell advised that he has been contacted by many homeowners abutting or near the proposed development. Those homeowners have a number of questions, concerns and issues with both the proposed development and the previous actions of the developer, which they believe is Burton. He asked if the Burtons have an interest in this subdivision? Mr. Pyles stated that Mrs. Burton has an interest in the property.

Mr. McDowell advised that the homeowners concerns relate to protecting the environment, protecting the enjoyment of their home sites, and assuring safety of drinking water and road travel. He listed the homeowners concerns:
1. BUILDING WASTE. How and where will the waste building materials from Stonebridge be disposed of? Mr. Burton has previously been cited on October 27, 1998, by Cecil County for having a rubble landfill and salvage yard on his property (P. 326, adjacent to the new development) in violation of the Cecil County Zoning Ordinance. It is alleged that many truck loads of building rubble (including roofing, siding, lumber, metal, asphalt, and concrete) have been hauled from other locations, some apparently from a truck stop, and dumped on this property. There was an odor of oil or gasoline emanating from the debris. This debris was burned and then buried with a bulldozer. The burning generated large clouds of black smoke. Residents are concerned that the ground around the burial site has been contaminated by the debris. The neighbors allege that Mr. Burton has taken no action in response to the letter from the County to remove the violation and return the property to its original condition. The residents are also concerned that this type of disposal not be done with the building debris in the new development. Lots 1 and 2 in the new development are close to this disposal and burial site on the adjacent parcel. These lots should possibly be changed to open space to provide a buffer from the contaminated area. Mr. Pyles stated that he was not aware of the debris situation. Obviously, that will be looked at and if there are environmental concerns and/or clean up, that will be dealt with through the approval phase of the project. He has already recommended to the developers that they create, in their deed restrictions, explicit requirements for how debris is to be taken from the site by the individual builders. He strongly believes that they will follow his advice.

Mr. McDowell continued:

2. WELLS. There will be 33 new wells for these homes. There will also be 40 additional wells in the nearby proposed development of Bedrock and 69 wells in the Bethel Springs Phase I and Phase II developments. With the current drought, how will these 142 additional wells impact the water table and the existing wells of nearby homes? There is also the possibility that contaminants from polluted debris buried in recent years on the lot adjacent to Stonebridge will leach through the soil into some of these wells, as well as the wells of the existing homes.

3. SEWER. Since the development will have public sewer, how will the sewage be pumped to this system and will a holding area be required? Mr. Pyles stated no, it will be gravity flow, and there will be no holding tank. Mr. McDowell asked if these homes will connect to the existing sewer main shown on the West side of the plat?

4. STORMWATER. Will the site be graded so that all stormwater is directed to the two stormwater management ponds shown on the plat? Will stormwater be directed into Stoney Run Creek? One stormwater pond is very near to an existing home; will there be an overflow drain to accommodate heavy rains and where will the overflow from the ponds drain to? Mr. Pyles stated there will be no stormwater runoff to the adjoiner. The ponds will be designed in a fashion as to output in a safe manner. There is a breach analysis that must be done to ensure that if there is a breach in a dam, there would be no adverse impact to adjoiners. That is all addressed in the design. Eventually the runoff will get into Stoney Run, but with the new stormwater regulations, these facilities will have to be designed with water quality features so that there will be pre-treatment of the stormwater before it is released. It will also be released at pre-development rates so the runoff will not be increased. It will be discharged in a manner that is not erosive.
Mr. McDowell continued:

5. SPRINGS. There are many springs feeding tributaries that flow across the property into Stony Run. Will these be protected and how will the roads be planned to cross these streams?

6. TREES/WOODS. The site is heavily wooded and the residents are concerned that the development preserves these trees. They do not want to see the area stripped of its trees. They want the woods to remain to prevent soil erosion and to act as a noise and visual buffer. They are particularly concerned since Mr. Burton has already cleared all the trees from a large area of his adjacent property where he buried the building debris.

7. BUFFERYARDS. The entrance to the development from Bethel Church Road is close to existing homes. It is requested that the existing trees be left or a bufferyard be placed on each side of the entrance roadway to shield these homeowners from the traffic.

8. TRAFFIC. Bethel Church Road is a busy road, but it is narrow, winding and hilly with a sharp drop-off on each side and no shoulders. The additional traffic from all of these new developments, Bethel Springs, Bedrock and Stonebridge, will have a significant impact. School bus stops on Bethel Church Road will be a hazard. The entrance for Stonebridge could be placed on Baron Road through Mr. Burton's property. Baron Road has less traffic than Bethel Church Road. Will Bethel Church Road be upgraded and widened to make it safe for the increased traffic?

9. BLASTING. There are many boulders in the area to be developed. Will blasting with explosives be used to facilitate removal of these? My Pyles advised that he has done no underground exploration, so he can't comment on that.

10. RIGHT-OF-WAY. An existing private road right-of-way is shown in back of lots 4-13. Access to the proposed county street in the development should be denied to users of the ROW via the access lanes to the open space. A bufferyard of trees should be placed between the private road ROW and the lots. This ROW should be at least as wide as that required for panhandle lots. The purpose of the second 100-foot ROW near the railroad line is not indicated and how it will impact use of the Common Open Space is unclear. Mr. Pyles stated that he has no idea what its purpose is, except that it could have been for cattle to access the stream. Its purpose is not stated anywhere.

Mr. Di Giacomo stated that Board of Education comments are as follows: Cul-de-sacs too small for interior bus service. Bus service would be provided at Bethel Church.

May 1, 2002, 9:00 a.m.
Mr. Di Giacomo stated that SHA had no comments. OPZ comments are as follows: The zoning is DR, which permits a maximum base density of 1 du/1 ac. With community facilities, a density of 4/1 permitted. This Concept Plat proposes 33 lots, streets, and 14.55 acres of common open space on 33.23 acres, for a proposed density of 1/.993. A boundary line survey must be done for 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. Slopes greater than 25% must be shown on the preliminary plat.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. Mr. Roop stated that a JD has not been verified or submitted. Mr. Pyles stated there are no wetlands on the property, except in the open space. Mr. Roop advised that Mr. Pyles should submit it and the Corps of Engineers would verify it.

Mr. Di Giacomo continued: The habitats of rare, threatened, and endangered species must be avoided.

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'.

This proposal satisfies the general open space provisions of the DR zone. 15% common open space is required; 44% is proposed. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands, if any.

The Stony Run stream buffer needs to be shown on the plat, and the above threshold figures need to be calculated prior to the submittal of the Preliminary Plat for TAC review.

The easements/rights-of-way across the areas of common open space are inconsistent with §176 of the Zoning Ordinance.

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A stub road access to the lands of Schultz would provide better access for future development, and it could potentially eliminate the right-of-way through the common open space. Mr. Pyles stated that at one time the entire tract included Mr. Schultz's property. Mr. Schultz sold the area that is being developed. He thinks they wanted to keep some creek access, either for themselves or for livestock. He advised that he would look into that.

Mr. Di Giacomo asked if any thought has been given to extending the common open space along the rear of proposed Lot 33 to join the westerly common open space strip along the entranceway? Mr. Pyles stated they thought about it, but the lots are getting pretty tight.

Mr. Di Giacomo further stated that access to common open space between lots must be marked with concrete monuments. 20% landscaping of the development envelope is required in the DR zone. Sidewalks are recommended on both sides of all internal roads in the DR zone.

The unnamed cul-de-sac exceeds the 600 limit of the current Road Code. Therefore, a Road Code Waiver from the Department of Public Works will be required.

The internal road names must be approved by the County Emergency Management Agency prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

Bufferyard Standard A is required along the lot lines of lot 13 to buffer adjacent agricultural uses. 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.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. None has been submitted. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat and the Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation.
Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

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

The Cecil County DPW must verify sewer capacity prior to the review of the Final Plat by the Planning Commission.

The owners names for parcels 238, 326, 579, & 757 are not current.

The power line over proposed Lots 3-8 should be relocated.


Mr. Felty stated this is a resubdivision of Iron Hill, LLC. This is a resubdivision of what was Lot 1A. The parcel was originally 3.2 acres and now being proposed as two lots -- 1.1-acre parcel and a 2.1-acre parcel.

Mr. Woodhull stated that Performance Food Group (PFG) was granted 14,000 gpd allocation for sewer and water consumption on 2/1/99 for the 41-acre site. This allocation does not automatically transfer with the property. If PFG is willing to relinquish some portion of this allocation to the owner of this newly created lot, then DPW would support the transfer. DPW does not know what is intended for this site, therefore the allocation amount needed is unknown.

Confirmation that stormwater management is provided for Lot 1C will be required at the time of site plan submittal.

Both the Road Code and the Sewer & Water Standards were adopted on April 25, 2002 and become effective July 24, 2002. Any administratively complete submittal received prior to July 24, 2002 can be designed under
the former Codes and Standards, provided that such plans are approved by January 3, 2003. Designers may use the Codes and Standards prior to the effective date.

Ms. Latham stated a water appropriations and use permit is not required since it will be served with public water.

Mr. Ouano and Mr. Davis had no comments.

Mr. Roop stated there are no wetlands or streams, so a permit is not required. However, a JD has not yet been verified. Mr. Di Giacomo stated there are a little bit of wetlands, but they are in the forest retention area.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo advised that Board of Education had no comments. SHA comments are will require all access off Performance Court, with no direct access on MD Rte. 279. OPZ comments are as follows:

The zoning is BI. Four lots were originally created on 41.81 acres. Proposed Lot 1-B is the site of the new 7-Eleven convenience store. This subdivision was approved by the Planning Commission on 4/16/01, and the Record Plat was signed on 8/28/01.

Wetlands are depicted within the Forest Retention Area on proposed Lot 1-C. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to site plan approvals. In this case, the Forest Conservation Plan would also have to be amended because of the location of the wetlands within the Forest Retention Area. Jurisdictional Determinations (JD) must be done prior to the any site plan approval, if required by the Corps of Engineers.

Landscaping of at least 25% of the development envelope shall be required for new development requiring a site plan. Rows of street trees are required, outside the right-of-way, along the Performance Drive road frontage. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Bufferyard standard D is required along the road frontages of MD 279. No storage or
parking may occur in required bufferyards. The Bufferyard details shall be incorporated into the Landscape Plan(s) submitted with any future site plan. The Landscape Plan(s) must be approved and the Landscape Agreement(s) executed prior to any site plan approval(s).

Parking areas for non-residential uses shall be screened by the use of landscape materials, other plantings, berms and/or fencing from all residential uses to reduce heat, glare, noise, light, litter, and dust emanating from these areas and the proposed uses. The locations and types of such landscaping materials shall be incorporated into the Landscape Plan, which is part of the Site Plan approval and not the subdivision approval. The Forest Stand Delineation (FSD) was approved 10/01/99. The Forest Conservation Plan (FCP) was approved 10/01/99. Deed restrictions specifically recognizing the new lots for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Mr. Felty questioned a JD being required if the wetlands are all in forest retention. Mr. Di Giacomo stated that OPZ’s policy has been that if it is in the forest retention area, then OPZ would not require a JD; however, the Corps of Engineers has the final say. Mr. Roop concurred that a JD is not required.

Mr. Dalrymple stated that the only purpose for subdividing this property is to accommodate financing criteria and to accommodate the potential future sale of the 7-Eleven. He has no intention of using the balance of the property until the County has adequate sewer allocation available. He advised that he was surprised at the decision of the Planning Commission. There is no request for a sewer allocation at this time because it is not known what will be placed there. At the time of site plan submittal, it will be known what will be on the lot. Mr. Moore advised that there must be allocation to form a new lot, and the Health Department would not sign the record plat without it. Mr. Emrey questioned the fact that sewer allocation was not brought to the developer’s attention at the last TAC meeting. Mr. Di Giacomo concurred that it was not.

Mr. Emrey asked for an explanation of the allocation process. Mr. Carter advised that when the property was a 41-acre parcel, PFG had requested an allocation of 14,000 gallons per day over a 12-year period. Mr. Emrey asked what PFG is using now? Mr. Carter stated that he did not know, but he thinks it is a relatively small amount of the 14,000 gallons allocated.

Mr. Emrey asked if there was allocation for Lot 1 when it was subdivided off the 41-acre parcel? Mr. Carter stated there was a small allocation for the 7-Eleven Convenience store that was obtained through incorrect counts. There may still be accounting errors. Mr. Emrey asked if the allocation for the 7-Eleven came out of the 14,000 allocated to PFG? Mr. Carter stated no.

Mr. Moore stated that when the Health Department approved the four lot subdivision for PFG, it stated that allocation at that time for those four lots must be approved by DPW. It states on the plat that public water and sewer is available for all lots offered for sale. When you subdivide one of those lots, the piece that is
subdivided must have allocation.

Mr. Dalrymple asked if those requirements have changed? Mr. Moore stated no.

Mr. Moore reiterated that there would have to be water allocation available before the Health Department would sign the record plat. Mr. Emrey feels that should be addressed at the Site Plan approval level and not the subdivision approval, since it wouldn’t be known what the use of the property would be until then. Mr. Moore advised that the State regulations would have to be changed in order to do that.

Mr. Moore stated that he isn’t sure why Lot 1 doesn’t have allocation since the plat states that water and sewer is available. Mr. Carter feels there was a misunderstanding of who the allocation belonged to, or there was an assumption that the allocation transferred to the other lots through the subdivision.

Mr. Dalrymple asked if Lot 1 received allocation at the time of the original subdivision, based on the 14,000 gallons allocation, and the 7-Eleven received a separate allocation, not based on the 14,000 gallon allocation, then it would seem that the balance of Lot 1 retains the original allocation.

Lengthy discussion followed concerning allocation.

4. Barry Montgomery and Bud Felty presented Bedrock, Lots 1-106, Bethel Church Road, Concept Plat, McCrone, Inc., Fifth District.

Mr. Montgomery stated this plat was before TAC and Planning Commission last month. The Planning Commission disapproved it because the forest stand delineation was not approved. It is zoned SR and is in the Development District corridor. The proposed minor subdivision lots have combined accesses with mulched sidewalk between them for bus pick up. The sewer line will run up the road to Billy Goss Loop and will cross over to Bedrock. Two lots were taken out of the common open space area to make it more accessible from the road. Barney Court has been changed to make sure the lots along that road meet the 1-to-3 length-to-width ratio.

Mr. Woodhull stated that stormwater management submittal must be approved by DPW prior to submittal for final plat approval. Preliminary plans for Phase I should carefully consider stormwater management requirements for Phase II on the west half of the project. The topography appears to allow for stormwater
management pond III to be delayed until the start of Phase II. A street and storm drain submittal must be approved by DPW prior to submittal for final plat approval.

The centerline of Flintstone Drive must align with the centerlines of Billy Goss Loop and the proposed entrance to Bethel Springs 2.

A sanitary sewer submittal must be approved by DPW for the sewer improvements prior to submittal final plat approval.

Because of the questionable build-out potential of this project, DPW recommends that the design of Flintstone Drive be completed through to Bethel Church Road and bonded in Phase 1. If this is not done, then a cul-de-sac with midpoint turn around must be designed and bonded, and right-of-way must be shown for the construction should Phase 2 not be constructed within a specific time.

If sidewalks are required by the Planning Commission, the final plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

Sight distance measurements for the entrances into the development must be provided to DPW to establish compliance with the Cecil County Road Code. DPW has concerns about Bufferyard C conflicting with sight distances at the entrance. The designer must address these possible conflicts.

Street and storm drain measurements for the driveway entrances for Lots 1-4 must be provided prior to submittal for minor subdivision approval. While DPW appreciates the inclusion of this minor subdivision on the overall concept plat, Lots 1-4 are not consistent with the Road Code (direct access to major collector road). Nonetheless, the joint access approach is reasonable mitigation of the concern, and the joint access design used at Racine Estates is recommended.

Any applicable Road Code Variances must be requested prior to submittal for preliminary plat approval.

Both the Road Code and the Sewer & Water Standards were adopted on April 25, 2002 and become effective July 24, 2002. Any administratively complete submittal received prior to July 24, 2002 can be designed under the former Codes and Standards, provided that such plans are approved by January 3, 2003. Designers may use the Codes and Standards prior to the effective date.

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Entrance geometry should be coordinated with DPW prior to significant engineering efforts. All driveways must be paved at least to the right-of-way. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the owner’s expense. Outlet culverts must be extended to the stormwater management facility. Stormwater management outfalls must be extended to the toes of slopes. The right-of-way dedication must be denoted as 30-foot wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. Denied access should be denoted for Lots 5, 40-45, 98-104, and 106. A Public Works Agreement will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements. An Inspection and Maintenance Agreement will be required for the stormwater management facilities. A utility easement for the existing 18-inch sanitary sewer line must be either confirmed or dedicated.

Ms. Latham advised that a water appropriations permit will be required. Mr. Montgomery asked who has jurisdiction and who’s rules have to be followed, Planning Commission or MDE? He advised that MDE did not require him to do an aquifer test in the area of Beaver Lodge and Bethel Springs, however, the Planning Commission did. Three subdivisions were consolidated (Phase I Bethel Springs, Phase II Bethel Springs, and Beaver Lodge) and the Planning Commission required one aquifer test. He asked if Bedrock could also be included in the results of the previous test? Ms. Latham stated that approximately one acre per lot of recharge is needed, but MDE would not necessarily use the surrounding area for recharge. An aquifer test is required after a subdivision reaches 40 lots. Sometimes, if an aquifer test is done within a two-mile radius, then the developer can hire a consultant to take that aquifer test data and apply it to this site, but the consultant would have to do a very good water balance analysis. Mr. Moore advised the applicant that he may have to abide by both MDE and the Planning Commission requirements.

Mr. Ouano and Mr. Davis had no comments.

Mr. Roop stated that any filling in Stoney Run or adjacent wetlands requires a permit and a JD has not yet been done or verified. If the applicant wants a JD, then an application must be submitted.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Montgomery stated that Note #2 is incorrect; it should state possible public water.

Mr. McDowell stated that the homeowners residing next to the Stonebridge development are also neighbors to the proposed Bedrock development. Some of the concerns they raised about Stonebridge also apply to Bedrock, particularly regarding the increased traffic on Bethel Church Road, the impact of new wells in the area, the handling of stormwater runoff, and the removal of trees. Also, it is not clear from the plat how Flintstone Drive will be terminated at lots 26 and 27 to allow vehicles to turn around until Phase 2 is built.
Mr. Di Giacomo stated that the Board of Education comments are as follows: Interior bus service would be provided once Flintstone Drive was completed or the Fred Drive/Flintstone Drive loop was completed.

Mr. Di Giacomo stated that SHA had no comments. OPZ comments are as follows: The zoning is SR, which permits a maximum base density of 1 du/1 ac. With community facilities, a density of 2/1 is permitted. This Concept Plat proposes 102 lots on 73.9 acres, for a proposed density of 1.725, or 1.38/acre. The area table includes acreage for the proposed minor subdivision. That must be corrected on the plat submitted for Planning Commission review.

Mr. Di Giacomo asked when the minor subdivision would be submitted? Mr. Montgomery stated it is in the process. Mr. Di Giacomo stated that once approved, the minor subdivision number must appear on all subsequent plats submitted in the major subdivision process.

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

This development is being proposed in 2 phases: 36 lots for Phase 1 and 66 lots for Phase 2.

This location is outside the water service area agreement between the County and the Town of North East.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft$^2$ 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. Slopes greater than 25%, which are shown as hatched areas on the Concept Plat, must again be shown on the Preliminary Plat.

A 110’ perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160’. The intermittent stream buffer must be shown: 50’ in a FRA; otherwise, 25’. A 25’ buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to Preliminary Plat review by the Planning Commission, unless the Corps of Engineers advises that it is not necessary.
The habitats of rare, threatened, and endangered species must be avoided.

The minimum area of each lot must be included, and the acreages of Phases I & II must be shown to verify density. The minimum lot sizes for Phases I & II must be shown to verify compliance with Article VI.

This proposal satisfies the general open space provisions of the SR zone for subdivisions of 10 or more lots. 15% common open space is required, 41.7% is proposed.

Fee simple access from the north to the active common open space south of proposed Lot 55 is recommended. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands. The calculations for those thresholds must be included on the Preliminary Plat.

Has any thought been given to the installation of protective fencing around the proposed stormwater management ponds in the areas of common open space?

A minimum of 20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended on at least one side of all internal roads in the SR zone. Neither of the proposed cul-de-sacs exceeds the 800 limit of the Subdivision Regulations or the 600 limit of the current Road Code.

Proposed lots 103 & 104 exceed the 3:1 length to width ratio. There are no panhandle lots. There should be no direct access from proposed lots onto Bethel Church Road.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Bethel Church Road. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept Plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and landscape plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

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The internal road names have been approved by the County Emergency Management Agency.

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 placed in escrow for improvements prior to recordation.

6. Donnie Sutton presented Bell, Clyde N., Sr., et ux. (Lands of), Lots 1-39, McCormick Drive and Woodrow Lane, Preliminary Plat, McCrone, Inc., Seventh District.

Mr. Sutton stated this subdivision will have a name when it goes before the Planning Commission Susquehanna River View. The plat will show Lots 1-22 and 24-39 since the area shown for future development will be Lot 23. Percs on Lot 23 have not worked out yet. The total acreage is 117.671 acres for just the Bell property, not including the two add-on areas, which would be 118.471 acres total, which meets the three acre density. The endangered species field survey has been completed and being compiled to be submitted to the State. There were no species found, but that has to be reviewed by the State. Mr. Di Giacomo stated that based on the information just given, Note 4 needs to be modified.

Mr. Woodhull stated that a stormwater management submittal must be approved by DPW prior to submittal for final plat approval. If stormwater management facilities are proposed (versus a waiver or exemption), the consultant is requested to send a second copy of the plan view only, which DPW will convey to the Health Department to keep them informed. A street and storm drain submittal must be approved by DPW prior to submittal for final plat approval. Any applicable Road Code Waivers must be requested prior to submittal for preliminary plat approval.

As it stands at this time, the proposed lots and the internal roads have no access to a public road; Susquehanna Section 2 has not received final plat approval. Until such time as it does, these proposed lots would in effect be landlocked. Further, even after Susquehanna receives final plat approval, there is no guarantee that the Susquehanna improvements will be realized within the time that lots in this proposed subdivision are sold. The applicant must alleviate this concern prior to submittal for final plat approval.

An Inspection and Maintenance Agreement will be required for the stormwater management facilities. A Public Works Agreement will be required for internal streets and storm drains.
Both the Road Code and the Sewer & Water Standards were adopted on April 25, 2002 and become effective July 24, 2002. Any administratively complete submittal received prior to July 24, 2002 can be designed under the former Codes and Standards, provided that such plans are approved by January 3, 2003. Designers may use the Codes and Standards prior to the effective date.

Ms. Latham advised that MDE has received the water appropriations permit application.

Mr. Ouano questioned the square footage of the homes, the estimated date of construction, and whether there are any existing dwellings on the property. Mr. Sutton stated the size of the homes will be the same as Susquehanna. They hope to begin construction in July or August 2003. There is one existing dwelling on Lot 29.

Mr. Davis advised that Armstrong would be able to provide cable TV service.

Mr. Roop stated that any filling within the ponds and swales will require a permit. A JD has not been verified.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo stated that Board of Education comments are Interior service would be provided once loop roads completed. Due to short distance, it is doubtful that bus service to Add On McCormick Drive would be provided. Based on student counts, service may be provided to Add On Woodrow Lane.

Mr. Di Giacomo stated that SHA had no comments. OPZ comments are as follows: The zoning is NAR, RCA (Critical Area portion). The NAR zone permits a maximum base density of 1 du/ 5 ac., or bonus density of 1/3. This Preliminary Plat proposes 38 lots, an area reserved for future development, roadway, 2 small add-ons, and 24.1 acres of common open space on 117.2 acres, for a proposed density of 1/3.(005), not 1/3.1, which is consistent with the Concept Plat approved on 12/17/01. Mr. Sutton stated the density is 1:3.01.

Mr. Di Giacomo continued: Technically, since the add-ons modify the Susquehanna subdivision, that fact should be referenced in the plat’s title block.
Note #4 needs to be expunged since a boundary line survey has been completed.

A mini road subdivision has been designed within this proposal. The owners of proposed lots 6-11 must become members of the Zachary Joseph Court mini road maintenance association -- in addition to the Homeowners Association.

For the steep slopes depictions, the notes should differentiate between shaded and crosshatched areas. 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.

The Natural Heritage Letter from DNR indicated that there could be the potential for the presence of the White Trout Lilly and Koehne’s Ammania. Therefore, a survey must be completed prior to the Planning Commission’s review of the Preliminary Plat. The forested areas, part of which are in the Critical Area contain FIDS habitat.

The 2.5 acres in the RCA district of the Critical Area are still proposed for common open space.

This proposal satisfies the common open space provisions of the NAR zone. 15% is required; approximately 20.6% is proposed. Proposed lot 29 would function as the large lot, and would consist of approximately 42.2% of the site. The new layout’s open space total acreage is 73.5 acres, or approximately 62.7% of the total. Access to common open space between lots must be marked with concrete monuments.

Mr. Di Giacomo asked why the septic reserve area on proposed Lot 29 isn’t shaded? Mr. Sutton stated that was an oversight and will be shaded for Planning Commission.

Mr. Di Giacomo continued: No landscaping of the development envelope is required in the NAR zone.

The proposed Zachary Joseph Court mini road is only about 415 ft in length. The extended McCormick Drive cul-de-sac exceeds the 800 ft limit of the Subdivision Regulations and the 600 ft limit of the current Road Code. Therefore, Planning Commission approval and a Road Code Waiver from the Department of Public Works will be required. Mr. Sutton advised that under the new Road Code, a Road Code Waiver would not be required.
Rows of street trees 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. The dwelling location on proposed Lot 33 does not comply with the Bufferyard A 100’ setback requirement. The Forest Stand Delineation (FSD) has been approved. The Preliminary Forest Conservation Plan (PFCP), which has not yet been submitted, must be approved prior to the Planning Commission’s review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A landscape agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

All road names have been approved.

There can be no further subdivision of the proposed large lot (29). Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

A Homeowners’ Association for maintenance of common open space and turn-around and cul-de-sac islands must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

The number of panhandle lots has been reduced by 1.

Because this proposed subdivision will be accessed through Susquehanna, the Susquehanna Section II record plat must be signed (because of the PWA) prior to this subdivision’s recordation.

7. Donnie Sutton presented Cameron Woods, Lots 1-27, Shady Beach Road, Concept Plat, McCrone, Inc., Fifth District.

Mr. Sutton stated this is the concept that was denied at last month’s Planning Commission meeting, based on FSD not being approved. The FSD approval is still waiting for the Natural Heritage letter, which is beyond the 30 day review period. Adjustments have been made to the drawing to accommodate DPW comments. Cameron Lane now accesses Shady Beach Road at a 90° angle. An access has been placed to the Ira B. Cameron lands off of Andrew Lane, to be reserved in developer’s ownership.
Mr. Woodhull stated that a stormwater management submittal and street and storm drain submittal must be approved by DPW prior to submittal for final plat approval. Sight distance measurements must be provided to DPW to establish compliance with the Cecil County Road Code. Sight distances are a particular concern on Sandy Point Road because of the vertical and horizontal grade changes and the vegetative encroachment on the roadway. A sight distance easement on Lots 7 and 8 may be required for perpetual vegetative clearing. Entrance geometry should be coordinated with DPW prior to significant engineering efforts. All driveways must be paved at least to the right-of-way. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the owner’s expense. An Inspection and Maintenance Agreement for stormwater management facilities is required. A Public Works Agreement for internal streets and storm drains is required.

Both the Road Code and the Sewer & Water Standards were adopted on April 25, 2002 and become effective July 24, 2002. Any administratively complete submittal received prior to July 24, 2002 can be designed under the former Codes and Standards, provided that such plans are approved by January 3, 2003. Designers may use the Codes and Standards prior to the effective date.

Due to development potential on the Ira Cameron lands, and a road going through to MD Rte. 272, Andrew Lane should be a minor collector road (60-foot right-of-way). Mr. Sutton stated that he doesn’t know that there is access to Rte. 272. Also, in order to go through to MD Rte. 272, a stream crossing would have to be provided, and in order to get a permit for that, it has to be proven that there is no other access to the property. Mr. Woodhull reiterated that the property could be developed whereby a minor road would not be adequate, not because of the number of homes but because it would be used as a cut-through. Mr. Sutton stated that there would have to be approval from SHA to access Rte. 272, and the permit would have to be obtained. He doesn’t see either of those things happening.

Ms. Latham advised that a water appropriations permit is required.

Mr. Ouano, Mr. Davis, and Mr. McDowell had no comments.

Mr. Roop stated that any filling in the streams or adjacent wetlands will require a permit from the Corps of Engineers, and the isolated wetlands require a permit from the State.

Mr. Moore read the Health Department comments, a copy attached for reference.
Mr. Di Giacomo stated that the Board of Education comments are: Due to short distance to Shady Beach, interior bus service would not be provided. Sight distance is a concern on Shady Beach Road.

Mr. Di Giacomo stated that SHA had no comments. OPZ comments are as follows: The zoning is SR, which permits a maximum base density of 1 du/1 ac. With community facilities, a density of 2/1 is permitted. This Concept Plat proposes 27 lots on 39.18 acres, for a proposed density of 1/1.451. A boundary line survey has been done. There are 4 panhandle lots proposed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft$^2$ 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. Slopes greater than 25% must again be shown on the Preliminary Plat.

A 110’ perennial stream buffer is required from all perennial streams present. This buffer has been expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160’, as shown. A 25’ buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

This proposal satisfies the general open space provisions of the SR zone for subdivisions of 10 or more lots. 15% common open space is required; 25% is proposed. The area table indicates that 27% is proposed; that must be corrected on the plat prior to submission for the Planning Commission’s review. Access to common open space between lots must be marked with concrete monuments. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands. The calculations for those thresholds must be included on the Preliminary Plat.

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

Sidewalks are recommended on at least one side of all internal roads in the SR zone.
None of the 3 proposed cul-de-sacs exceeds either the 800’ limit of the Subdivision Regulations or the 600’ limit of the current Road Code.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Shady Beach Road. Rows of street trees 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. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and landscape plan must be approved prior to Planning Commission review of the Final Plat.

A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names must be approved by the County 911 Emergency Management Agency prior to the Planning Commission’s review of the Preliminary Plat. The names Andrew Lane and Samuel Lane have been approved. The name Cameron Lane was not approved.

There can be no direct access onto Shady Beach Road from any of the proposed lots.

A stub road to the lands of Cameron (also located in the SR zone), to the west has been shown. Mr. Di Giacomo asked if any consideration has been given to allowing that right-of-way to be used for a greenway in the interim? Mr. Sutton advised that they will talk about that at the Planning Commission meeting.

Mr. Di Giacomo stated that a Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

The owners’ names for parcels 197, & 550 are not current.

The abandoned buildings will need to be removed prior to the signing of the Record Plat.
Mr. Sutton questioned Cameron Road not being approved. Mr. Di Giacomo advised there is another Cameron Road off of Riverside Drive, ADC Map 16, Grid B5.

8. Donnie Sutton presented Butlers Crossing, Section 3, Lots 11-17, Joe Meltz Road, Revised Concept Plat, McCrone, Inc., First District.

Mr. Sutton stated this is a revised concept plat for Section 3 of Butlers Crossing. After the plat was submitted for TAC review, the owner requested that Lot 11 be changed to two six-acre lots, which would change the overall density to one unit per 9.48 acres. The total overall density in Maryland would be 1:11.29 for Section 2 and Section 3. There are 26.1 acres of common open space to buffer the lands of Susan Peverly. The proposed mini road will access the existing stream crossing to access Lots 13 and 14 and provide 50-foot access to the lands in Delaware. The total lots in Delaware would be two, which would bring the total mini road lots to seven.

Mr. Di Giacomo asked if seven lots on a mini road requires that the two corner lots have access to the County road? Mr. Woodhull advised that he would check on that.

Mr. Woodhull stated that a stormwater management submittal must be approved by DPW prior to submittal for final plat approval. If stormwater management facilities are proposed (versus a waiver or exemption), the consultant is requested to send a second copy of the plan view only, which DPW will convey to the Health Department to keep them informed.

A Mass and Final Grading Plan will be required in accordance with the Residential Lot Grading Policy, which is normally submitted in connection with stormwater management submittal. The final plat must include a note recognizing the applicability of the Lot Grading Plans.

A street and storm drain submittal must be approved by the DPW prior to submittal for final plat approval.

Any applicable Road Code Waivers must be requested prior to submittal for preliminary plat approval. The existing 45-foot wide right-of-way must be confirmed by the applicant through thorough deed research. It is of inadequate width and location to permit the extension of Joe Meltz Road; applicant must resolve. Applicant may widen on the Lot 10 side of the road and realign Joe Meltz Road into the center of the 50-foot right-of-way for the new section using a transition. The cul-de-sac must meet the new Road Code standard.
The private mini road will allow for only two additional lots on the remaining lands located in Delaware. All driveways must be paved at least to the right-of-way.

A Public Works Agreement will be required for internal streets and storm drains.

The 30-foot road widening and utility easement shown for the abandoned road adjacent to Lot 11 is not required or desired by DPW. Mr. Sutton stated that Earl Christiansen has to have access. There is a recorded 50-foot right-of-way to that property.

Ms. Latham advised that a water appropriation permit will be required.

Mr. Ouano, Mr. Davis, and Mr. McDowell had no comments.

Mr. Roop stated that any filling of the perennial stream or adjacent wetlands will require a permit.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated that the Board of Education comments are no planned interior bus service.

Mr. Di Giacomo stated that SHA had no comments. OPZ comments are as follows: The zoning is SAR, which permits a maximum base density of 1 du/8 ac. The original Concept Plat was approved on 11/16/98 at a density of 1/21.2. This Section 3 Concept Plat proposes 7 lots plus remaining lands on 75.80 acres, for a proposed density of 1/9.48 for this section. These 7 proposed lots, together with the 7 lots from Sections 1 & 2, would bring the total to 14 lots plus remaining lands, on 169 acres, for a proposed density of 1/10.58.

The Planning Commission disapproved a previous Concept Plat submitted for Section 3 in July 2001. Since that previous submission had, and has, no standing, then this submission is not technically a revised Concept Plat. The plat’s title block must be revised accordingly prior to submission for Planning Commission review.
A minimum of 25.4 acres of common open space is required. That figure is based upon the total original acreage, consistent with previous conditions of approval. 26.1 acres (15.48%) is proposed. A Homeowners Association for maintenance of common open space must be established with $50 per recorded lot in all sections placed in escrow for improvements prior to recordation. All lot owners in all sections must become members. Access to common open space between lots must be marked with concrete monuments.

A boundary line survey must be done for 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. Any 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 has been 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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. Mr. Sutton stated that a JD was done. Mr. Roop stated that he hasn’t issued a letter for it yet, but he will. Mr. Di Giacomo advised that OPZ will need a copy of that letter.

Mr. Di Giacomo continued: The habitats of rare, threatened, and endangered species must be avoided. No landscaping of the development envelope is required in the SAR zone.

The proposed mini-road cul-de-sac exceeds the 800’ limit of the Subdivision Regulations and the 600’ limit of the current Road Code. Therefore, Planning Commission approval and a Road Code Waiver from the Department of Public Works will be required.

A mini-road maintenance association must be established with the owners of all lots accessing the mini-road becoming members.

There are no Bufferyard Standard C requirements, as Joe Meltz Road is functionally classified as a local road. Bufferyard Standard A is required along the side/rear lot lines of lots 11-13 to buffer adjacent agricultural uses. Where applicable, the natural vegetative equivalent may be used to satisfy the bufferyard requirements, or the dwellings on those lots may be located 300’ or more away from the property lines. For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural
Rows of street trees are required, outside the right-of-way, along both sides of the proposed mini-road and minor road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) has been approved. The forested area contains FIDS habitat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

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

Mr. Di Giacomo asked if this proposal has been submitted to the New Castle County Department of Land Use? Mr. Sutton stated no, because the owner doesn’t desire to do anything with the Delaware portion. Mr. Di Giacomo stated that documentation of New Castle County approval of the subdivision will be required prior to recordation in Cecil County.

The proposed mini-road presents limitations on the development of the remaining lands in New Castle County. Cecil County obviously has no authority to regulate or restrict development in New Castle County; however, it does have the authority to set the limit on the number of lots accessing a mini-road, which is 7. The remaining lands, mostly in Delaware, could be subdivided beyond the 7 lot limit. Therefore, should that road remain a mini-road, then a note should be placed on the plat indicating that limitation.

Mr. Di Giacomo asked what roads proposed Lots 11 & 15 will be accessing? Mr. Sutton stated the eastern half of Lot 11 will become Lot 12 and will access the mini road. The western half will access Joe Meltz Road.

Mr. Di Giacomo stated that the 911 emergency service centers of Cecil and New Castle Counties will need to coordinate coverage, as will the Cecilton and Middletown Fire Companies.
There were no further comments.

Deborah J. Graham

Administrative Assistant
July 3, 2002, 9:00 a.m.

Technical Advisory Committee

PRESENT:            Black, Woodhull, Carter, King, Ouano, Latham, Funk, Davis, Moore, and Graham.

ABSENT:            Roop, McDowell, Markwardt, Hodgson, and Hicks. Board of Education submitted capacity and enrollment figures, copies attached for reference. Corps of Engineers submitted written comments, which will be read at the appropriate time.

1. Harry Smith, Jr. presented Smith Creek Subdivision, Bohemia Church Road, Concept Plat, First District.

Mr. Smith stated this property is north of Bohemia Church Road. There have been a few prior subdivisions taken off this property. Welders Lane comes off Bohemia Church Road. This is the remaining lands of John Harrison. Five lots are proposed by extending the public road. There is a right-of-way adjacent to Lot 5. That would be extended into the open field area. Additionally, three large lots are being created in the Critical Area. Lot 4 has an existing house. There will be a lot line adjustment on that lot in order to include the barn. The property fronts on the Bohemia River and Smith Creek. There are tidal wetlands on the property and the majority of the property is existing woodlands. There is a perc done on Lot 14, but everything else is subject to perc testing.

Mr. Woodhull stated a street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval.

The cul-de-sac design can be done in accordance with the former Road Code or the new Road Code, which was adopted on April 25, 2002 and becomes effective July 24, 2002. Mr. Smith stated they will definitely be under the new Road Code because they will not have their design by July 24. Mr. Woodhull stated that if it is done to the new design, then a Road Code Waiver will not be necessary.

Welders Lane Extended will be considered a new street and must be renamed.
A PWA will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements.

Frontage for Lot 13 panhandle must be increased to a minimum of 25 as required in the Zoning Ordinance.

The existing driveway leading to the other lands of John R. Harrison, as shown on the Revised Final Major Subdivision Lots 1-4 Smith Creek, must be reworked at the intersection of Welders Lane and the new cul-de-sac to center it in the ROW.

A stormwater management (SWM) submittal must be approved by the DPW prior to submittal for Final Plat Approval. An Inspection and Maintenance Agreement will be required for any SWM facilities.

A Mass and Final Grading Plan will be required in accordance with the Residential Lot Grading Policy (normally submitted in connection with SWM submittal).

The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. [ A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon. ]

All driveways must be paved at least to the right of way.

Mr. King and Mr. Ouano had no comments.

Ms. Latham stated that a groundwater appropriations permit (GAP) will be required. Mr. Moore advised that there is an existing GAP that will have to be updated. Ms. Latham stated that she will check on that.

Mr. Funk stated that the soil boundaries must be added and the soil types must be labeled. The wetlands in the buffers must be labeled. Any ground disturbance over 5,000 sq. ft. will need an Erosion and Sediment Control Plan. If over 25,000 sq. ft., then an engineering plan will be required.
Mr. Davis had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Black stated that the U.S. Army Corps of Engineers advises that any filling in Smith Creek, Bohemia River, or adjacent wetlands requires a Department of the Army authorization.

Mr. Black stated that OPZ comments are as follows: The zoning is SAR with RCA Critical Area overlay. The RCA overlay zone permits a density of 1 du/20 ac. 3 lots are being proposed on 104.352 acres in the RCA zone for a proposed density of 1/34.78.

The SAR zone permits a maximum base density of 1 du/8 ac. Bonus density eligibility carries with it a permitted density of 1/5. As currently submitted, this Concept Plat proposes 9 lots on approximately 143 acres, for a proposed density of approximately 1/15.88.

However, as stated at the 2/22/00 Planning Commission meeting: The dwelling on the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, Lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1. Those comments pertain to Lot 5 of Smith Creek, which is erroneously shown as Lot 3 on sheet 2 of this plat. Its correct number and current deed reference must be included on the Concept Plat submitted for Planning Commission review.

In addition, the total acreage of the proposed subdivision has not been provided. This information is needed to calculate density. The total acreage must be included on the Concept Plat submitted for Planning Commission review, and it must include the original Deed Parcel 1 acreage from Lot 5 Smith Creek.

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

The Tax Map reference is incomplete. Most of this proposal is for TM 58, Deed Parcel 1 of Parcel 2. However, because of the proposed add-ons, this proposal also covers portions Deed Parcel 2 and Deed Parcel 3. This information must be included on the Concept Plat submitted for Planning Commission review.
The same applies to the Title Block. An add-on to Lot 1 of the Revised Minor Subdivision of J. Frank Skillman (originally part of Deed Parcel 2) is proposed. This represents a revision to that minor subdivision. The current deed reference and this information must be included on the Concept Plat submitted for Planning Commission review.

The proposed add-ons to Lot 4 of Smith Creek are another matter, inasmuch as they are accompanied by a proposed new lot to be carved out of Lot 4 Smith Creek (part of Deed Parcel 3), which represents a resubdivision of Smith Creek. That resubdivision is best pursued as a separate submittal; the same acreage cannot be included in two subdivisions. However, it does not appear that subdivision has any remaining density still available.

Any add-ons included on the Concept Plat submitted for Planning Commission review must include appropriately depicted add-on hooks.

The acreages of all add-ons and lots must be included on the Concept Plat submitted for Planning Commission review. In addition, the dwelling on Lot 5 must be included in this proposal’s density calculation.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft$^2$ 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. Any slopes greater than 25% must be shown on the preliminary plat.

A 110’ perennial stream buffer is required from any 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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

The open space provisions for the SAR zone stipulate that “A minimum of fifteen (15) percent common open space shall be required for all subdivisions involving ten (10) or more lots.” Since this has been submitted as an extension of the Smith Creek subdivision, in which there are already 4 lots, why hasn’t common open space been included? Mr. Smith stated he wasn’t aware of that, but it will be included.
Mr. Black continued: No landscaping of the development envelope is required in the SAR zone.

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. Per the requirements of §4.0.13(n) 1 of the Cecil County Subdivision regulations, steep slopes and sensitive soils must be depicted in the Critical Area portion of the property.

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 impervious surface in the RCA, and no more than 20% of the forest or developed woodland may be removed.

In the Critical Area, no structure shall exceed 35’ in height.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. Rows of street trees 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. The Forest Stand Delineation (FSD) has been approved, and an environmental assessment for the three proposed lots in the Critical Area has been submitted. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat and the Final Forest Conservation Plan (FCP) and a Landscape Plan for street trees must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The name Welders Lane Extended will need to be approved by the County Emergency Management Agency prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

If common open space is required, which it is, then a Homeowners Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. Access to any common open space between lots must be marked with concrete monuments.
Mr. Black advised that Monday, noon, is the deadline for Planning Commission submittal, 16 copies required.

2. Donnie Sutton presented Butlers Crossing, Section 3, Lots 11 & 12, Joe Meltz Road, Preliminary-Final Plat, First District.

Mr. Sutton stated this is a preliminary-final plat for Lots 11 and 12 in Section 3 of Butlers Crossing. It is a continuation of the approved concept. He advised that he realizes the Stormwater Management Plans and Forest Conservation Plans have to be approved prior to final plat submittal to the Planning Commission.

Mr. Woodhull stated a SWM submittal must be approved by the DPW prior to submittal for Final Plat Approval. An Inspection and Maintenance Agreement will be required for any SWM facilities. A Mass and Final Grading Plan will be required in accordance with the Residential Lot Grading Policy (normally submitted in connection with SWM submittal). The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. All driveways must be paved at least to the right of way. Mr. Woodhull questioned sight distance measurements. Mr. Sutton stated it is very flat. Mr. Woodhull asked if someone could mark the road to indicate where the driveways will be.

Mr. King and Mr. Ouano had no comments.

Ms. Latham advised that a GAP will be required.

Mr. Funk submitted the soils summary, a copy in the file for reference. He advised that on the eastern boundary of Lot 12, there is a soil symbol shown but it is not labeled, and it is hard to tell where it actually goes after it runs into the boundary line. It needs to be determined where it goes. Also, there is another soil type around the stream that is missing.

Mr. Davis had no comments.

Mr. Moore read the Health Department comments, a copy in the file for reference.
Mr. Black stated that the U.S. Army Corps of Engineers advises that any filling in in the existing stream or adjacent non-tidal wetlands requires a Department of the Army authorization.

Mr. Black stated that OPZ comments are as follows: The zoning is SAR, which permits a maximum base density of 1 du/8 ac.

The Section 3 Concept Plat proposed 8 lots (numbered 11 through 18) plus remaining lands on 75.80 acres, for a proposed density of 1/8.42 for this section. It was approved on 5/20/02, conditioned on: the proposed mini-road’s name being approved by the County’s Emergency Management Agency prior to Planning Commission review of the Preliminary Plat.

This Preliminary-Final Plat is consistent with the approved Concept Plat except that the lots’ numbers have changed. Proposed Lots 11 & 12 correspond to the Concept Plat’s proposed Lots 18 & 17, respectively. Mr. Black asked why the numbers have changed? Mr. Sutton stated they continue the series until they run out of lots. If those lots never get built on, there is no sense naming these Lots 17 and 18 and leaving a gap.

Mr. Black continued: The expanded, 160’ perennial stream buffer and the 25’ non-tidal wetland buffer are depicted on the plat. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recordation.

This proposal partly satisfies the common open space provisions of the SAR zone. The approved Concept Plat proposed 26.1 acres, and this Preliminary-Final Plat proposes 3.802 acres. If this Preliminary-Final Plat is approved, then that would leave a balance of 22.298 acres of open space outstanding.

No landscaping of the development envelope is required in the SAR zone.

There are no Bufferyard Standard C requirements, as Joe Meltz Road is functionally classified as a local road. The FSD has been approved. The forested area does contain FIDS habitat. A Forest Conservation Plan (FCP) has yet to be submitted. The FCP must be approved prior to Planning Commission review of the Preliminary-Final Plat. All information and data included in the FCP must match those included on the Preliminary-Final Plat submitted for Planning Commission review.

Deed restrictions (for proposed Lot 11) for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat. The standard Forest Retention note must appear on the Record...
The owners of these lots must become members of the Homeowners Association for maintenance of common open space, with $50 per recorded lot placed in escrow for improvements prior to recordation.

3. Donnie Sutton presented Crabbe, Gaither L. (Lands of), Rock Run Road, preliminary-final plat, Seventh District.

Mr. Sutton stated this is a preliminary-final plat for the lands of Gaither Crabbe. Mr. Crabbe owns two parcels, one of which is Minor Subdivision #2260 and labeled Lot 1 in the southwest corner of the property. He owns the other area that Lots 2 and 3 are cut out of. It was originally cut out of Ulysses McCoy property through the minor subdivision process. They are planning to extinguish Minor Subdivision #2260 lot lines around Lot 1 and add the remaining lands into that lot. Lot 2 will be created around the existing house and garage, and Lot 3 will be a new lot and a new house built for Mr. Crabbe's nephew. Perc tests have been done on Lot 3 and the existing septic areas from the minor subdivisions have been shown.

Mr. Woodhull stated sight distance measurements are required for the proposed driveway location on Lot 3.

A SWM submittal must be approved by the DPW prior to submittal for Final Plat Approval. This submittal must be under the new SWM Ordinance and it must address Lots 1, 2, & 3

The driveways must be paved at least to the right of way.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.

Mr. King had no comments.

Mr. Ouano asked what the address of the existing house is? Mr. Sutton stated he didn’t know. Mr. Moore stated it is 523 Rock Run Road, Port Deposit.
Ms. Latham advised that a GAP is not required.

Mr. Funk and Mr. Davis had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Black stated that the Army Corps of Engineers advises they have no authorization for the proposed work.

Mr. Black advised that OPZ comments are as follows: The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Preliminary-Final Plat proposes 3 lots on 18.432 acres, for a proposed density of 1/6.144.

This Preliminary-Final Plat has been submitted pursuant to the provisions of §4.0.1 of the Cecil County Subdivision Regulations. Fewer than 10 lots are proposed on less than 25 acres.

The owner’s address has not been provided.

The Minor Subdivision number is incorrect as shown on the plat. It must be changed to #2266, as correctly stated in Note #12.

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 perennial stream is shown on the wetlands maps and the USGS quad maps, and there appear to be both hydric and highly erodible soils present. Mr. Black asked why this stream hasn’t been depicted on the plat? Mr. Sutton stated it is in the forest retention area. Mr. Black stated that the stream, with appropriate stream buffers, must be depicted on the plat submitted for Planning Commission review.

Mr. Black continued: A 25’ buffer is required around any non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recordation.
No open space is required.

No landscaping of the development envelope is required in the NAR zone.

Bufferyard Standard C is required along the Rock Run Road road frontages. The natural vegetative equivalent may be used to satisfy the Bufferyard requirement. Neither a Forest Stand Delineation (FSD) nor a Forest Conservation Plan (FCP) nor a Landscape Plan for the Bufferyard C requirement has yet been submitted. All information and data must be approved prior to Planning Commission review of the Preliminary-Final Plat. All information and data included in the FSD, FCP, and Landscape Plan must match those included on the Preliminary-Final Plat submitted for Planning Commission review.

Mr. Black asked how the FRA line, shown on the plat, was determined? Mr. Sutton stated it was laid out to coincide with the edge of the woods. That will be finalized prior to submittal to Planning Commission.

Mr. Black advised that a Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The building restriction lines must be included on the Preliminary-Final Plat submitted for Planning Commission review.

The standard forest retention note must appear on the record plat.

Mr. Black questioned the proposed access point to proposed Lot 3. Mr. Sutton stated the sight distance on that will be checked. Mr. Black stated the access will need to be depicted and sight distances approved by DPW.

Mr. Moore advised that the address for Lot 1 is 555 Rock Run Road.
4. David Taylor presented Sunset North, MD Rte. 222 (Main Street), Town of Port Deposit, Seventh District.

Mr. Taylor stated this site is zoned CR and is located in the Town of Port Deposit. It is a lot considered to be re-developed, as there was an existing building and parking area. Those have been removed and the lot stabilized and is now vacant. It is approximately .5 acre on Main Street between the railroad tracks and the town hall. They are proposing to do a seven-unit townhouse condominium. They are also proposing additional parallel parking along Main Street. Those improvements are proposed to be done by SHA, should they choose to do that, in order to alleviate the parking problems in the town. The building is elevated to elevation 21, which is well above the 100-year floodplain. It will be constructed in accordance with the floodplain ordinance. It is in the Critical Area, IDA, and is buffer exempt. They will need to meet the 10% pollutant reduction of the Critical Area requirements, and they are currently working with the Critical Area Commission to achieve that. They will be submitting this to Cecil County to meet the water quality requirements. They will be requesting variances of water quantity as it discharges to a concrete conveyance tunnel that goes directly into the Susquehanna River. They would also request a variance of the recharge and the channel protection volume that would normally be required. As a re-development, they are required to do water quality for at least 20% of the impervious area. They are looking at sand filter device that would be located in the back green area. They are requesting an access permit from SHA. The plat shows a driveway access of 16 feet, which is less than the normal 25-foot minimum, but they are trying to come to some compromise with a setback from the concrete channel and also provide a driveway. A two-foot side yard variance will be requested. He advised that they have a letter from the adjoining property owner voicing no objection to that.

Mr. Woodhull stated a SWM submittal must be approved by the DPW prior to submittal for Final Plat Approval. The waiver under re-development must substantiate that this project meets the regulatory definition of re-development. DPW doesn’t know what was on this lot previously.

An Inspection and Maintenance Agreement will be required for any SWM facilities. If the SWM plan calls for using the existing storm drain lines under the railroad tracks, the engineer must verify their condition, capacity, and point of discharge. If a waiver, citing direct discharge to tidal water, is requested, the engineer must establish who owns the storm drains and what type of control (i.e. easement) they have over them.

Mr. King stated that SHA requirement for access is 25 feet for commercial entrances. This will have to be waived or the developer could make one way in and one way out on the other side. Mr. Taylor advised that they looked at that, but it won’t work and a variance will be requested. Mr. King stated that would have to be approved by his supervisor.

Mr. King further stated that concerning storm drain plans and computations will have to be reviewed by the hydrologic division. He asked if the parking on the road will be dedicated to public use? Mr. Taylor stated yes, an easement or right-of-way would be conveyed.

July 3, 2002, 9:00 a.m.
Mr. King asked where the note concerning front improvement plans from SHA came from. Mr. Taylor stated that item is under discussion and not nailed down. The parking is not required for this project. They will be talking to SHA as far as parking. Mr. King advised that the developer will have to do the improvements. The State will not do any improvements.

Mr. Ouano asked what the average square footage is of each unit? Mr. Taylor stated 1400 sq. ft. Mr. Ouano asked when the applicant plans to start construction? Mr. Taylor stated that as soon as they get all the approvals, probably autumn. Harold Harbold stated that the easement for access to the property in order to set a pole on that side of the street has already been signed by the property owner. The pin has been set on site by Conectiv. It has already been worked out with Conectiv’s meter groups where the meter heads would be set.

Ms. Latham stated that public water doesn’t need a GAP.

Mr. Funk stated that the soil boundary type must be added to the plat. Also, the 7th note states that a Sediment and Erosion Control Plan won’t be required. That is not true. If the disturbance is over 5,000 sq. ft., then requires an Erosion and Sediment Control Plan. If it is under 20,000 sq. ft., then a Standard Sediment and Erosion Control Plan can be used, but that’s only if slopes are less than 3-to-1 and no grading will take place within 100 feet of any water course. Mr. Taylor stated that statement was taken from a pamphlet given out by the Town of Port Deposit. Mr. Funk advised that it is incorrect.

Mr. Davis had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Black stated that the Army Corps of Engineers advises they have no authorization for the proposed work.

Mr. Black advised that OPZ comments are as follows: This subdivision is proposed in the Town of Port Deposit. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivisions proposed within the towns corporate limits.

The Office of Planning & Zoning’s comments relating to this Final Plat are predicated on the assumption that this Preliminary Site Plan is essentially a Concept Plat, and that no approvals have already been obtained from the Port Deposit Planning Commission. That should be verified with the Town.
Final Plat comments/questions are as follows:

Town Zoning: C/R (Commercial/Residential)

7 condominium townhomes are proposed on 0.52 acres, for a proposed density of 13.46/1. It should be confirmed that the proposed unit sizes meet the minimum lot or unit size requirements of the Town’s Zoning Ordinance and/or Subdivision Regulations for the C/R zone and that it is in accordance with the density for this zone.

It should be confirmed that the zoning is correctly stated.

It should be confirmed that the setbacks are consistent with the Town’s Zoning Ordinance for the C/R zone.

As shown on the plat, the NW corner of the structure intrudes beyond the building setback line.

It should be confirmed that the proposal is consistent with the provisions of the Town’s Critical Area regulations.

Since this proposed project is within the Critical Area, it is exempt (§3.2B) from the Forest Conservation Regulations.

It should be confirmed that the proposal is consistent with the provisions of the Town’s Zoning Ordinance and/or Subdivision Regulations for subdivisions in the flood plain.

The habitats of rare, threatened, and endangered species should be avoided. Has an environmental assessment been done? Mr. Taylor stated that needs to be taken care of. It has not been done at this point.

Mr. Black continued:

It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, if required.

If street trees are required, then it is recommended that no street trees be planted within 20 feet of any sewer laterals and cleanouts.
It is recommended that any required Landscape Plan be approved prior to final subdivision approval.

It is recommended that any Landscape Agreement be executed prior to recordation.

It should be confirmed that all aspects of the proposed street design and layout are consistent with the Town’s Subdivision Regulations and Public Works street code.

Of particular interest is the access road to the rear of the proposed townhomes. It is only 16’ wide at its widest point. Since it will serve both ingress and egress, it should be wide enough to accommodate 2 automobiles, one moving in either direction. At its narrowest point, 7½’ per lane, compared to 9 wide parallel parking spaces, does not seem adequate. In addition, 15’ seems marginal for heavy truck access to the rear dumpster location, or for emergency apparatus access.

Will the access road to the rear of the townhomes have a particular street name? Mr. Taylor advised that it is just a driveway. It is consistent with what you would find elsewhere in Port Deposit. Mr. Black stated if it is given a street name, then it should be approved by the County’s Emergency Management Agency prior to Final Plat approval.

Mr. Black continued:

It should be confirmed that the number of parking spaces proposed for each lot meets at least the minimum number required by the Town’s Zoning Ordinance and Subdivision Regulations.

The front parallel parking spaces are proposed to be partially in the SHA Main Street right-of-way. This arrangement should be either formalized or rectified prior to Final Plat approval.

The correct deed reference for parcel 195 is WLB 940/364.

A small part of the SHA Main Street right-of-way in the front is partially situated on this parcel. This arrangement also should be either formalized or rectified prior to Final Plat approval.

It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations.

Consideration should be given to soliciting review and comment on the subdivision access by the Port Deposit Water Witch Fire Co.
Additional fire hydrant/standpipe locations, if any, should be consistent with the Town's Zoning Ordinance and Subdivision Regulations.

A Condominium Regime must be established and accepted by the State prior to recordation.

Mr. King stated he would like the note referring to SHA making the front improvement plans to be removed from the plat. Mr. Harbold stated they can pull the project nine feet further toward the street. If the town doesn't need the parking, then we don't need to give it to them. Mr. Jack Conrad stated there was parking there and we are willing to give them the property for parking spaces. If not, they'll move the project closer to the street. Mr. Taylor stated it would help meet the Critical Area requirements because it would mean less impervious areas.

Mary Anne Skilling, CBCAC, stated that reducing or eliminating the parking could be a way to help address the stormwater management issues.

Mr. Harbold stated there was mention made as to what formerly existed there. The house numbers are on the plat. The infill is 131-143 North Main Street. The property address to the south is 129 and the property address to the north is 145 North Main Street. Those seven addresses were dedicated addresses for 100 years. No one knows at what stage those houses disappeared. The house to the south, where it was five apartments, went away in the past five years.

5. Mike McAllister presented Rock View, Section 3, Lot 8, Rock Church Road, Fourth District.

Mr. McAllister stated this is a lot that Joseph and Beverly Mackie would like to convey to their son, Mark, and his wife. It is located to the west of Rock Church Road. The whole tract is currently in ag preservation. It has to get an exemption from that in order to deed the lot to the son. The sight distance is adequate. The lot is less than one acre in size. 15% or greater slopes are shown. The proposed house, well, and septic area are shown. This is the third lot that will be conveyed out to a child. Lots 6 and 7 were previously approved. The density is one unit per 57.8 acres. The GAP has been applied for. A stormwater management exemption has been requested. A grading plan will have to be done. The house will be built on relatively steep slopes. A Bufferyard A modification will be requested from the Planning Commission. Planting large trees will obstruct the nice view from this lot. Buffering this lot would not accomplish anything. Bufferyard modifications were granted on Lots 6 and 7.

Mr. Woodhull stated a SWM submittal must be approved by the DPW prior to submittal for Final Plat Approval. Mr. McAllister started a waiver request has been submitted for that.
Mr. Woodhull further stated that sight distance for the driveway was found to be adequate in both directions on Rock Church Road. However, to assure a clear sight distance looking north, the bank must be graded and some trees cleared to Verizon's telephone pole #16 to obtain final approval. This was spelled out in DPW's April 16, 2002 letter referenced in note 9 on the plat.

The driveway must be paved at least to the right of way. Include a 30' wide Road Widening and Utility Easement. The 18' wide access easement is narrow considering it contains a 10'-12' wide driveway and drainage on either side. Mr. McAllister stated the reason it is 18 feet is he located the actual center of the existing lane and the small barn and storage building, and the actual distance from the center lane to the corner of that building is 10 feet. He didn't want the edge of the easement encroaching into that building. The existing lane is in good shape and there isn't any necessity for ditching.

Mr. King had no comments.

Mr. Ouano stated Conectiv will be coming up on either side of the proposed driveway. That easement should be indicated on the deed. Conectiv will require a 10-foot clear path on whatever side of the driveway they decide to come up. Conectiv will request an easement. Also, the plat should show the pole location (#16) in question.

Ms. Latham stated that this lot has to be added to the GAP.

Mr. Funk submitted the soils summary, a copy in the file for reference.

Mr. Davis had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference. The Health Department did receive an application to upgrade the GAP. A note will have to be put in the section asking if this project is consistent with the County's water and sewer plan and local Planning and Zoning, which the answer is no. The project is consistent with the water and sewer plan but has not been reviewed by the Cecil County Commission. The Health Department will submit the GAP application to the State today.

Mr. Black stated that the Army Corps of Engineers advises they have no authorization for the proposed work.
Mr. Black advised that OPZ comments are as follows: The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. This Preliminary-Final Plat proposes one additional lot on approximately 229 remaining acres, for a proposed density of 1/57.75.

The open space provisions for the NAR zone are moot since there are still fewer than ten lots proposed.

No landscaping of the development envelope is required in the NAR zone.

Bufferyard Standard A is required along the perimeter lot lines. Staff will recommend a 10’ modified Bufferyard A, consistent with those previously approved for Lots 6 and 7.

Staff will also recommend an agricultural setback modification, consistent with those previously approved.

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with. This requirement has been satisfied in Note # 10.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. This project is exempt under provisions of §3.2K of the Forest Conservation Regulations, as noted on the plat. A Landscape Plan for the bufferyard must be approved prior to Planning Commission review of the Preliminary-Final Plat. A Landscape Agreement must be executed prior to recordation.

The pending MALPF exclusion, as noted in Note # 7, must be granted prior to recordation. Documentation thereof will be required.

Mr. McAllister asked if the 30-foot road widening easement could be done away with since this will be an easement with a Perpetual Road Maintenance Agreement (PRMA)? There is no fee simple ground being conveyed out to Rock Church Road. He feels it is unrealistic to create that across that small area. Mr. Carter stated that DPW needs to seek those easements and rights-of-way whenever it can so it can maintain infrastructure. Mr. McAllister stated an easement in lieu of a fee simple grant would be more realistic. Mr. Carter stated that would be acceptable.
There were no further comments.

Deborah J. Graham
Administrative Assistant
Mr. McDowell is with us today and he is the Citizens Representative from the Planning Commission.

Villages at North East, Shady Beach Road, Concept Plat, Master Consulting, P.A., Fifth District.

Mr. Mike Pugh is representing the developers of the Villages of North East. Mr. James F. Biegen, Maser Consulting and Mr. David Meiskin, Principal of Winsor Development Corporation, North East 400 LLC are presenting this age-restricted community. This project that has been submitted is zoned SR and they are submitting under Section 6.1, the cluster provision, of the Cecil County Subdivision Regulations, which give the lot configurations a different approach under the standard zoning ordinance lot size requirements. This is intended to be a private community with private roads. The roads would be gated. The water and sewer lines within the community are to be publicly maintained. All will be built to County specifications, that is roads, water and sewer. We would like the roads to be private in this community. The lower section of the property is currently zoned NAR, and we have blended units into the NAR portion of the property. They would like to have the Planning Commission blend the properties together instead of using the artificial zoning line. The sewer for the property would be County sewer. The Mauldin Ave. force main is currently in design as is the De La Plaine Pumping Station. The water would be either from the Town of North East or with a private on-site system. It will be a community water supply in any event.

Mr. David Meiskin, is a partner in the Windsor Management Company, each individual project is put under separate entity. His Company has done ten (10) active adult communities in various States. If anyone has any questions or would like to see maps and site plans on some of the other communities, they would be happy to provide them. This is an active adult community. You or your spouse has to be fifty-five (55) years old to live there. No school age children are aloud to live in this community, since no school buses would be allowed in the community. Children over the age of eighteen (18) can live there. Grandchildren can visit for a maximum time of twelve weeks in a year. The community is geared to a certain lifestyle. The people want to be able to travel and not have to worry about maintenance on their property. The civic association takes care of all maintenance; there will be a clubhouse, pool, tennis and other amenities through out the community. On the grounds there will be putting greens, gardens, walking trails and various other amenities. We have tried to leave as many trees as possible. About 50% of the site would stay its natural state. This community will be
gated for security reasons. The homes will be ranging from 1,400 sq.-ft. - 2,200 sq.-ft. of living space, two car garages, close to the water and the Town of North East.

Mr. Muller, Emergency Services had no comments.

Mr. Moore read the Health Department Comments, a copy attached for reference.

Mr. McDowell, Citizens Representative had no comments.

Mr. Carter, Director of Public Works introduced two men that are employed by Public Works, Mr. John Curtis, Plans Reviewer, and Mr. Mark Woodall Senior Plans Reviewer that will be working on this project.

Mr. Carter, Director of Public Works read:

**Villages of North East, Shady Beach Road, Concept Plat (Curtis)**

The following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for Final Plat Approval: a stormwater management submittal; a street and stormdrain submittal; and a sanitary sewer submittal. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations; it should be noted for the record that public water would be provided from the Town of North East system. We would need the Town of North East’s approval also.

Has the fire company commented on the need for fire hydrants? DPW recommends hydrants at each intersection (including Shady Beach Road) and along the internal streets at separation distances of no more than 600 feet. Because of the close proximity of the houses (some 12 or so), consideration of closer hydrant spacing may be in order (although consultation with the North East Fire Department is recommended); alternatively, other consideration should be given to minimize the spread of a fire, given the close spacing.

Looped water mains should be designed to ensure adequate fire flow and pressure throughout the development. If a private system were put in, the Department of Public Works would step their involvement in the water system. This would fall under the Maryland Department of the Environment.
If the applicant has not already obtained a copy of the Cecil County Road Code, the Water and Sewer Standards, and the Stormwater Management Ordinance, they are strongly recommended. Documents incorporated by reference (such as the 10-State Standards for Water and for Sewer, and the MDE SWM Design Manual) will be similarly essential.

The Department of Public Works views the two entrances as essential and encourages consideration of a third. A third entrance may be needed for the size and layout of the development.

The lands of Ford on the west side of Shady Beach Road are the subject of a pending Concept Plat for Cameron Woods; the proposed entrances of the two developments must be either directly aligned or offset in accordance with the required distances of the Cecil County Road Code.

Mr. Pugh asked who the developer was for Cameron Woods.

Mr. Carter stated that it was Mr. Cameron Fockler, Elkton, MD.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Entrance geometry should be coordinated with DPW prior to significant engineering efforts.

Shady Beach Road will not likely support the addition of some 800 additional homes without upgrade to Major Collector cross section. Pending an anticipated traffic impact study, the Department recommends that the Planning Commission require upgrade of Shady Beach Road from State Route 272 as a condition of approval. It is recommended that the applicant complete deed research as soon as possible along Shady Beach Road to determine what fee simple right of way and/or road widening and utility easements already exist.

Mr. Pugh asked if a traffic study was a requirement?
Mr. Carter stated, yes that, we would amend that.

All internal roadways that support more than 300 homes must be Major Collectors; all internal roadways that support between 50 and 300 homes must be Minor Collectors; only internal roads serving less than 50 homes may be Minor Roads.

All lots must front Minor Roads wherever possible. Where substantiated as necessary, lots may front Major Collector Roads; however, additional pavement cross section may be required by the Department to provide for safe egress from driveways.

The proposed gates cannot be used if the internal roads are proposed as public roads. If the internal roads are proposed as private, the emergency services community will be strongly advised to address access issues with the applicant. The Department strongly recommends against the internal roads being private; this has been tried with very unfavorable results. This is similarly true for private utilities (water and sewer) within the development. The Department of Public Works would like to see County Roads instead of Private Roads.

The number of cul-de-sac streets is excessive and there appears to be many lost opportunities to provide internal connectivity. For consideration of fire and other emergency management response, and snow removal activities, the Department strongly recommends reconfiguration to eliminate many of the cul-de-sacs.

The cul-de-sac bulbs are shown as 50 radii; these must be expanded to 75 in accordance with the Cecil County Road Code.

The roadway eyebrows shown on the Concept Plat should be removed or replaced with Intermediate Turnarounds (Standard Detail R-16 of the Cecil County Road Code).

The Department strongly recommends the use of a construction entrance for the project, separate from the final entrances.

All driveways must be paved at least to the right of way.
Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

The ROW dedication must be denoted as, 30 wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. This would be on Shady Beach Road.

No wastewater allocation exists for this development at this time. The proposed North East sewer upgrades (anticipated spring 2003) will address a portion of the obstacle (a Benefit Assessment per dwelling will apply, in addition to the Connection Fee), but the DelaPlaine Pump Station must also be upgraded and the applicant must design and construct the off site sewer lines to connect the flow to DelaPlaine Pump Station.

There is also some question of the appropriateness of extending water and sewer to this property, as it may lie beyond the development district. The applicant should evaluate the Comprehensive Plan and the Master Water and Sewer Plan and present the case for extending water and sewer to this property before the Planning Commission at Concept Plat. The Department will similarly review the relevant documents and present its position at Concept Plat.

In connecting the Villages of North East to the DelaPlaine pump station, the use of gravity main must be maximized.

A PWA will be required for internal streets, stormdrains, sanitary sewers, and any private utility improvements.

An Inspection and Maintenance Agreement will be required for the SWM facilities.

Mr. DiGiacomo stated the Board of Education has no comments.

Mr. DiGiacomo read the U.S. Army Corps of Engineer's comments, a copy attached for reference.

Mr. DiGiacomo read the MDE comments, a copy attached for reference.
Mr. DiGiacomo read the State Highway comments, a copy attached for reference.

Mr. DiGiacomo read the North East Fire Company comments, a copy attached for reference.

Mr. DiGiacomo read: Zoning: SR & NAR

Per the cover letter, this submission seeks to invoke the provisions of §6.1 of the Cecil County Subdivision Regulations regarding residential cluster development.

Density: In the SR portion, this Concept Plat proposes 754 lots on 396 acres, for a proposed density of 1.904/1. The SR zone permits a maximum base density of 1 du/1 acre. With community facilities, a density of 2/1 is permitted. If community facilities are planned, then that must be stated on the Concept Plat. The use of such facilities would require amendments to the Master Water and Sewer Plans prior to Final Plat review.

Verification of water allocation must be received from the Town of North East prior to Final Plat review. The water service area agreement between the County and the Town of North East will need to be amended to include this parcel prior to the Planning Commission’s review of the Final Plat.

Verification of sewer allocation must be received from the Department of Public Works prior to Final Plat review.

If on-site wells and septic systems are proposed, then the 1/1 density cannot be exceeded in the SR portion of the property and a GAP will need to be obtained prior to Final Plat review. Moreover, as currently proposed for the SR portion, the project cannot be realized without community facilities.

In the NAR portion, this Concept Plat proposes 88 lots on 33 acres, for a proposed density of 2.67/1. The NAR zone permits a maximum base density of only 1 du/5 ac., and bonus density eligibility carries with it a permitted density of 1/3. §6.1 states that

Developers cannot construct more dwelling units on the site than normally would be permitted in the respective zoning district. Consequently, the density proposed for the NAR portion exceeds the permitted maximum and must be reduced.
The intent of §6.1 is to permit greater flexibility for creative design, using the clustering of homes to save permanent open space, which would provide recreational opportunities close to home. Such clustering may be accomplished through allowing reductions in the respective minimum lot area and yard requirements.

There may some question as to whether § 6.2 & 165 of the Cecil County Zoning Ordinance are in conflict with §6.1 of the Cecil County Subdivision Regulations. The Zoning Ordinance makes quite clear that its authority supersedes that of other laws or regulations, specifically with respect to lot area and yard requirements.

However, the Zoning Ordinance makes clear that its purpose is not to replace existing laws, rules, regulations, etc., and that it has the basic objective of implementing the Comprehensive Plan, including to concentrate development in areas suitable for growth as designated in the Comprehensive Plan (§3.2.h). The Comprehensive Plan states that one of the purposes of the Suburban District is to encourage cluster development as a means of maximizing common open space and minimizing disturbance of the natural resources.

In addition, §170 of the Cecil County Zoning Ordinance grants the Planning Commission the power to modify front, rear, and side setbacks, as well as lot widths in major subdivisions where it is demonstrated that the modifications will contribute to better subdivision design and will not have an adverse effect on adjacent properties.

Therefore, in general, it is the reasoned opinion of staff that the provisions of §6.1 of the Cecil County Subdivision Regulations, regarding residential cluster development, are consistent with the various sections of the Cecil County Zoning Ordinance and the Cecil County Comprehensive Plan as to language and intent.

With respect to this specific parcel of land, it is noted that it is not situated in a Priority Funding Area. §1.1 of the Subdivision Regulations states their intent to be, in part, to legislate the intent of the policies of the Comprehensive Plan. Therefore, the provisions of §6.1 may be invoked to facilitate an innovative and environmentally friendly layout, but, in so doing, PFA boundaries and SR and NAR densities remain unaffected.

A Traffic Impact Study (TIS) is required. It must be completed prior to TAC review of the Preliminary Plat.

ARTICLE VI of the Cecil County Zoning Ordinance stipulates that the minimum lot area in the SR and NAR (with community facilities) is 12,000 ft$^2$. It further stipulates that the minimum yard requirements shall be 30 front, 10 side, 40 rear, and 30/10/30, respectively.
The plat information indicates that proposed lot sizes are 5,720 and 6,600 ft$^2$. The plat contains no information regarding proposed yard dimensions. Rather, that information is contained in a separate pamphlet: 20' front, 5'/7' side (12' combined), and 20' rear. This information must be included on the plat submitted for Planning Commission review.

There is a discrepancy in the property boundary depiction between the page 1 and page 2 of the submitted Concept Plat. That discrepancy must be rectified on the plat submitted for Planning Commission review. In addition, the plat layout does not match up with the pamphlet layout. If there are any unused, remaining lands, then they must be identified on the plat.

A boundary line survey must be done for 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 ft$^2$ 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. 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'. At least one perennial stream (Ford Run) runs through the property; it should be shown on the plat.

A 25' buffer is required around all non-tidal wetlands present. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

Two wetland impacts resulting from roadway construction are depicted on the plat. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

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

15% common open space is required for subdivisions of 10 or more lots in the SR and NAR zones. In keeping with established precedent to achieve a better design (e.g., the Villages of Elk Neck), the common
open space requirements for the respective zones could be satisfied by providing the combined required acreages anywhere on the property. That in no way would reduce the total common open space acreage required.

The accompanying pamphlet indicates that 58.2% common open space is proposed. Why has the common open space acreage information not been provided on the plat? That information must be included on the plat submitted for Planning Commission review.

Except in the NAR and SAR zones, 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 (except in the NAR and SAR zones). Those percentages must be stated on the Preliminary Plat submitted for TAC review.

The Elk Neck Trail is in very close proximity to this property. Has any thought been given to greenway access or connectivity? Is the developer willing to consider such access and connectivity?

Mr. Pugh stated we have no information on that question at the present time.

No landscaping of the development envelope is required in the NAR zone. 20% landscaping of the development envelope is required in the SR zone.

Sidewalks are recommended on at least one side of all internal roads, in the SR-zoned portion and the NAR-zoned portion for the sake of consistency.

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

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.
Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat (§5.1.C, Cecil County Forest Conservation Regulations). None has yet been submitted.

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

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

A landscape agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Staff will recommend the inclusion of the potential internal roadway connection. It will improve connectivity, enhance emergency response capability, and potentially reduce trip lengths. For those same reasons, contingent upon Chesapeake Club Drive and Bay Club Parkway being accepted by the County into the public road system, staff will recommend the inclusion of the extension of an unnamed cul-de-sac to the proposed Bay Club Parkway in the Chesapeake Club Section H development to the north. Since that project has received Preliminary Plat approval, per §4.0.13 (h) of the Cecil County Subdivision Regulations, that roadway should be depicted.

The internal road names will need to be approved by the County Emergency Management Agency prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

Lot dimensions have not been provided, as required by §4.0.13 (j) of the Cecil County Subdivision Regulations.
The adjacent Old York Estates has not been shown, as required by §4.0.13 (c) of the Cecil County Subdivision Regulations.

Lot numbers, though not explicitly required, should be included on the plat submitted for Planning Commission review. Those, together with the missing street names, would make reference to specific areas possible. For example, there are areas now depicted on the plat where proposed common open space/greenway vistas do not match up well, but there are no references to conveniently pinpoint the exact locations.

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

A Homeowners Association for maintenance of common open space, the clubhouse, common parking, landscape islands, and recreational facilities must be established prior to recordation. $50 per recorded lot must be placed in escrow for improvements to the common open space and landscape islands prior to recordation.

The Election District (5) must be added to the title block of the Concept Plat submitted for Planning Commission review.

The location(s) of existing utilities on or within 200 ft of the parcel must be added prior to Planning Commission review of the Concept Plat.

A Special Exception will need to be obtained from the Board of Appeals for the Private Club prior to Final Plat Approval.

The clubhouse, parking, and recreational facilities are accessory uses to the proposed subdivision. Therefore, a major site plan submittal will not be required. The details of those improvements, as required in §291 and Appendix A of the Zoning Ordinance, must be shown on subsequent Preliminary and Final Plats. The issuance of a building permit for the clubhouse will be contingent upon recordation/Final Plat approval.

Active recreation improvements should be included in the Public Works Agreement.
Lastly, it should be noted that §6.1.5 (a) (b) & (c) of the Subdivision Regulations requires strict compliance with, as follows:

a) Re-subdivision shall not be permitted in cluster development so as to reduce lot areas below those permitted in the originally recorded Final Plat.

b) The development of land within the cluster is permitted only in accordance with the approved site development plan on file at the Office of Planning and Zoning.

c) The agreements concerning the ownership and maintenance of open space land shall be recorded simultaneously with the Final Plat.

Mr. Pugh stated he would like copies of the minutes, and he had a few questions he would like answered. Why is a Special Exception for a private club needed? This private club is for the homeowners and not attended to benefit off-site.

Mr. DiGiacomo stated that in that zone, a private club would need a special exception.

Mr. Pugh stated that we should re-word the words private club. This is purely a technical issue, because the Zoning Ordinance requires this Special Exception. Also could you clarify the blending of the design in the ordinance?

Section 6.1 clearly states that developers cannot construct more dwelling units on the site than normally would be permitted in the respected zoning district. IN the NAR portion there are to many lots.

Mr. Pugh reads the ordinance differently. My concept it is in the perimeter of the property, not zoning bound specific. It is saying that you cannot exceed the density allowable on the tract.

Mr. DiGiacomo stated that the open space should be in the SR portion In the NAR portion we need to keep the NAR density.

Mr. Pugh stated we should put this to the Planning Commission for their advice and decision.
Mr. Pugh stated in the context of the internal roads and creating of loops and the cul-de-sacs: do you want us to try to alter this plan now or when we approach the preliminary plat or can we sort through those decisions and make those conclusions at that point in time. We make not be able to get all the facts for this concept stage.

Mr. DiGiacomo stated that Public Works and Planning and Zoning would like those changes made as soon as possible as a part of this review. Two important things that the Planning Commission looks at are density and layout, so this should be changed before the Planning Commission meeting.

Mr. Carter stated that the number of cul-de-sacs is excessive. He would like to see these re-designed. The fire company will be concerned about these short cul-de-sacs.

Mr. Meiskin stated the typical adult communities that he has been involved with, have short cul-de-sacs, because the clients want quiet streets.

Mr. DiGiacomo asked if the active adult communities have bicycle lanes or include bike racks, or are they more automobile oriented?

Mr. Meiskin stated that there actually more walking oriented. They do not walk one behind the other they walk linear. We would like to put walking trails through the existing woods.

Chesapeake Club, Fairhaven Estates, Lotominiums 81-84 and 105-107, MD Rte. 272, Preliminary Plat, McCrone, Inc., Fifth District.

Mr. Mike Pugh and Mr. Mike Burcham, with McCrone, Inc. is representing the overall plan of the Chesapeake Club. This is Section C, D and E of Guilford Lane/Yarmouth Lane and Range Road. The project has gone through several creations over the years and now is going through another. The current owner Chesapeake Investors is selling the property and a purchase contract has been executed with Michael Palmisano. The new owner has contracted with Ryan Homes for the construction of town-homes in these areas which were previously re-platted from villas to single-family and now townhouses. Mr. Pugh would like to receive comments on these seven (7) town-house units. The Open Space area and the Forest Retention area is unchanged, all that is being done is inserting town-homes where there were villas.

Mr. Moore read the Health Department comments, a copy attached for reference. Mr. Moore asked Mr. Pugh if there was a condo agreement already in place.

August 7, 2002, 9:00 a.m.
Mr. Pugh stated, yes.

Mr. McDowell, Citizens Representative, read the letters sent to the Planning and Zoning Office, dated August 5, 2002, from the Chesapeake Club Condominium, Section Two, Board of Directors, James A. Roney, III and a letter from Fairhaven Estates dated August 5, 2002, copies attached for reference.

Chesapeake Club, Fairhaven Estates, Lotominiums 81-84 and 105-107, Preliminary Plat (Woodhull)

The development thus far for Chesapeake Club does not reflect the original Concept Plat and development has proceeded in a piecemeal fashion. Such a "creeping" subdivision approach does not lend itself to good planning or infrastructure design and, indeed, there have been many problems with Chesapeake Club as a result. The Department recommends that a new Concept Plat be required by the Planning Commission to outline the revised development plans for the remainder of the Chesapeake Club.

A SWM submittal must be approved by the DPW prior to submittal for Final Plat Approval. If these lotominiums are within the planned drainage area for the existing stormwater management facilities, the submittal must address this and confirm that the cumulative activity within the drainage area is consistent with the design of the stormwater management facilities.

A revised street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval. The as-built condition of Range Road must be reflected in the submittal. It is likely that the as-built condition of Range Road may be insufficient for the number of lots proposed in total.

Mr. Pugh stated that it is a collector road, standard.

Sight distance measurements for the proposed driveway entrances must be provided to the DPW to establish compliance with the Cecil County Road Code. The steep grade of Range Road may prove an obstacle to these lots.

All driveways must be paved at least to the right of way.
Some sewer allocation is available for the Chesapeake Club and the developer must choose which of the various development plans will go forward within those allocations.

Mr. Carter stated that on this plat dealing with sewerage disposal, this should be changed to be consistent with the notes 9 and 10.

Mr. DiGiacomo stated the Board of Education has no comments.

Mr. DiGiacomo read the comments from Maryland Department of the Environment, copy attached for reference.

Mr. DiGiacomo read the comments from the U.S. Army Corps of Engineers, copy attached for reference.

Mr. DiGiacomo stated the Maryland State Highway Administration has no comments.

Mr. DiGiacomo stated Emergency Management Services has no comments.

Mr. DiGiacomo read: Zoning: RM

This section of the Chesapeake Club previously received Final Plat approval for Lotominiums 81-83 on 1/22/02. This Preliminary Plat proposes to increase the number of units from 3 to 7. Therefore, the plat must include a note about the purpose of the submission, and the title block must include the word revised.

The original Concept Plat was approved 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities. This plat proposes 7 lotominiums and open space on 2.18 acres for a proposed density of 3.21/1, which is within the maximum allowable density.

A revised Concept Plat was approved 12/20/93, and a subsequent revised Concept Plat was approved 6/20/94 (with no conditions).
The proposed lotominiums contained in this Preliminary Plat were part of Area E in the approved Concept, Preliminary, and Final Plats.

This Preliminary Plat is consistent with the approved Concept Plats, except that 7 units are being proposed for Area E, instead of 4.

Street trees and landscaping must be consistent with the approved Preliminary Plat/Site Plan. No street trees shall be planted within 20 feet of sewer laterals and cleanouts.

Documentation of upward revision of the Town of North East water Allocation (1/17/02) must be provided prior to the Planning Commission’s review of the Final Plat. There must also be verification of sewer allocation from DPW prior to the Planning Commission’s review of the Final Plat.

This section’s proposed 71.3% open space and that provided in other sections satisfies the general open space requirements. The same amount of open space (67,738 ft$^2$) is proposed as in the previously approved Final Plat.

In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. The 25-foot non-tidal wetland buffer must be maintained on lotominium lots 105-107.

Why is the 2,772-ft$^2$ forest retention area to the rear of lotominium lot 107 labeled Landscape Preservation Area?

Mr. Burcham, with McCrone, Inc. will check with the Consultants on the forestry work to see why it is labeled that way.

The owners of these lotominiums must become members of their appropriate Section (2) Chesapeake Club Maintenance Association and the Chesapeake Club Road Maintenance Association for maintenance of common open space, cul-de-sac islands, roads, and other common elements.

The Record Plat shall contain a statement signed by the owner to the effect that plans for such facilities, including any necessary point of discharge have been approved by the appropriate Federal, State, or County authority.
The FSD, FFCP and Landscape Plan were previously approved. However, the FFCP and the Landscape Plan must be revised to reflect the additional lotominiums. They must be approved prior to the Planning Commission’s review of the Final Plat. A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The condominium documents covering these specific units must be accepted by the Secretary of State prior to recordation.

Note # 10’s deed reference is actually a mortgage reference. The correct deed reference must be cited on the Preliminary Plat submitted for Planning Commission review.

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Mr. Pugh stated this section is already recorded with the Maryland Secretary of the State.

Chesapeake Club, Bay Club Landing, Units 108-127, MD Rte. 272, Preliminary Plat, McCrone, Inc., Fifth District.

Mr. Mike Pugh and Mr. Mike Burcham presented this preliminary plat. This area is an approved five (5) single-family lotominium area. The proposal is for twenty (20) townhouse unit condominiums versus lotominium for a variety. There would be no lot lines being identified as we did on Ginty Drive, These would be condominium in the pure sense. They would be creating the documents for the condominium and the process for that particular section would be that normally associated with condominium. The units would gain approval and the record plat and final plat approval come after the units are built.
Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell, Citizens Representative presented in the previous project comments from the homeowners, a copy attached for reference.

Chesapeake Club, Bay Club Landing, Units 108-127, Preliminary Plat (Woodhull)

Mr. Matt Carter Department of Public Works stated that the comments that he provided on the previous preliminary plats apply the same for this preliminary plat.

The development thus far for Chesapeake Club does not reflect the original Concept Plat and development has proceeded in a piecemeal fashion. Such a creeping subdivision approach does not lend itself to good planning or infrastructure design and, indeed, there have been many problems with Chesapeake Club as a result. The Department recommends that a new Concept Plat be required by the Planning Commission to outline the revised development plans for the remainder of the Chesapeake Club.

A SWM submittal must be approved by the DPW prior to submittal for Final Plat Approval. If these units are within the planned drainage area for the existing stormwater management facilities, the submittal must address this and confirm that the cumulative activity within the drainage area is consistent with the design of the stormwater management facilities.

A revised street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval. The as-built condition of Range Road must be reflected in the submittal. It is likely that the as-built condition of Range Road may be insufficient for the number of lots proposed in total.

The proposed road cross section is not likely to be acceptable.

Is it proposed that units 125-127 share a common driveway?

Mr. Pugh stated yes. The association of the Bay Club Landing would then be created and they would maintain the common driveways. The parking areas would all be common elements.
All driveways must be paved at least to the right of way.

Some sewer allocation is available for the Chesapeake Club and the developer must choose which of the various development plans will go forward within those allocations.

Mr. DiGiacomo stated the Board of Education has no comments.

Mr. DiGiacomo read the Maryland Department Of the Environment, a copy attached for the record.

Mr. DiGiacomo read the State Highway Association has no comments, a copy attached for the record.

Mr. DiGiacomo read the U.S. Army Corps of Engineers, a copy attached for the record.

Mr. DiGiacomo read: Zoning = RM

This section of the Chesapeake Club previously received Final Plat approval for Lotominiums 105-109 on 1/22/02. This Preliminary Plat proposes to increase the number of units from 5 to 20, and to change their ownership form from lotominiums to condominiums. Therefore, the Preliminary Plat must include a note about the purpose of the submission, and the title block must include the word revised.

Since there is no conventional subdivision, people buy the units themselves, which consist of the area enclosed by the walls. The unit owners are entitled to a certain amount of property around the unit for their own use.

The original Concept Plat was approved 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities.

A revised Concept Plat was approved 12/20/93, and a subsequent revised Concept Plat was approved 6/20/94 (with no conditions). At those times, this section, corresponding to Section F, was proposed to be an apartment complex.
This revised Preliminary Plat is generally consistent with the approved Concept Plat. Obviously, it does not contain apartments, as was envisioned in the Concept Plat.

The RM zone permits a base density of 6/1 in areas with community facilities and Detached Single Family Units. This plat proposes 20 condominiums, roadway, and open space on 9.97 acres for a proposed density of 2.01/1, well within the maximum allowable density.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts. Has a JD been done?

Mr. Digacomo stated according to the Corps of Engineers, the answer is yes.

This proposal satisfies the general open space provisions of the RM zone. 20% common open space is required, and areas of open space are depicted, but the percentage of open space provided in this section is not stated on the plat. That information must be provided on the plat submitted for Planning Commission review.

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. The habitats of rare, threatened, and endangered species must be avoided. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands.

Sidewalks are recommended on Range Road, consistent with previous sections. A new roadway is being proposed, but no name has been proposed. We need to attach a road name to these units. The new roadway name must be approved prior to the Planning Commission’s review of the Preliminary Plat. Why is the proposed new roadway only 12’ wide?

Mr. DiGiacomo stated a road name would be helpful, especially for Emergency Services.
Mr. Pugh asked do we need to put a name to the driveways? The driveway is 12 wide because it is a limited use drive and is not attended to handle through traffic and its function is purely for the three residences in the rear. It is the width of mini roads.

Will the maintenance of is the proposed new roadway be the responsibility of the owners of units 125-127 or the Chesapeake Club Road Association?

Mr. Pugh responded that it would be the responsibility of the association.

There do not appear to be 51 parking spaces depicted. How is that total arrived at?

Mr. Burcham stated that units 119-124 are garage units, so each unit there has garage space and one space outside the garage.

Rows of street trees 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 street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The Forest Stand Delineation (FSD) was approved 6/20/94, and an extension (since that approval was more than 5 years old) has been granted.

The Preliminary Forest Conservation Plan (PFCP) was approved 10/13/00.

The final Forest Conservation Plan (FCP) and Landscape Plan have been approved. However, because of the new condominium structure configuration, they must be revised prior to the Planning Commission’s review of the Preliminary Plat.

The Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be
shown on the record plat.

The owners of these condominiums must become members of the Section 3 Chesapeake Club Maintenance Association and the Chesapeake Club Road Association for maintenance of common open space, cul-de-sac islands, roads, and other common elements.

The Record Plat shall contain a statement signed by the Health Department approving authority; to the effect that use of such community water supply or community sewerage system is in conformance with the Comprehensive Water and Sewer Plan. The Record Plat shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all condominiums offered for sale.

The Record Plat shall contain a statement signed by the owner to the effect that plans for such facilities, including any necessary point of discharge have been approved by the appropriate Federal, State, or County authority.

The Subdivision Regulations define Condoriniun as follows:

A condominium is an ownership arrangement, not a land use; therefore, it is allowed in any district and under the same restrictions as the residential land uses that it comprises. A condominium shall not negate lot nor other requirements intended to provide adequate light, air, and privacy. A condominium is a dwelling unit, which has all of the following characteristics:

(a) The use (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.
(b) The unit may be any permitted dwelling type.
(c) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Condominium Act of the State of Maryland and other requirements specified in the County Code regarding such open spaces.

In addition, a condominium process was established for the Chesapeake Club. The first approved site plan (March 1991) was very specific with construction drawings. From that site plan, building permits were issued. Next, the units were built, and then, the plats came back to the Planning Commission for approval, as built.
This Preliminary Plat will serve as the site plan, which must include construction drawings. From it, the condominiums will be built. The Final Plat will record the actual footprint of the units and the actual building plans as constructed.

Documentation of water allocation from the Town of North East must be provided prior to the Planning Commission’s review of the Preliminary Plat/Site Plan. There must also be verification of sewer allocation from DPW prior to the Planning Commission’s review of the Preliminary Plat/Site Plan.

The condominium documents covering these specific units must be accepted by the Secretary of State prior to recordation.

Street trees and landscaping must be consistent with the Preliminary Plat/Site Plan. No street trees shall be planted within 20 feet of sewer laterals and cleanouts.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Note # 16’s deed reference is actually a mortgage reference. The proper deed reference must be cited on the Preliminary Plat/Site Plan submitted for Planning Commission review.

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Chesapeake Club, Model Area, Units 127-132, MD Rte. 272, Preliminary Plat, McCrone, Inc., Fifth District.
Mr. Pugh stated the purpose for this particular area is for Ryan Homes to establish a model area in the front of the project from which they can market the sales of the town house units. The intent is that these would be condominiums, not included in any existing sections of the lotominiums.

Mr. Moore read the Heath Department comments, a copy attached for reference.

Mr. McDowell, Citizens Representative, received two letters with comments from residents in the community. The first letter was signed by twenty-one, (21) residents. The second letter was sent by Eric Mark Paternoster, Engineer from Dewberry and Davis, LLC in Baltimore, copies attached for reference. Comments in the first letters read should become part of record.

Chesapeake Club, Model Area, Units 127-132, Preliminary Plat (Woodhull)

The development thus far for Chesapeake Club does not reflect the original Concept Plat and development has proceeded in a piecemeal fashion. Such a creeping subdivision approach does not lend itself to good planning or infrastructure design and, indeed, there have been many problems with Chesapeake Club as a result. The Department recommends that a new Concept Plat be required by the Planning Commission to outline the revised development plans for the remainder of the Chesapeake Club.

A SWM submittal must be approved by the DPW prior to submittal for Preliminary Plat Approval. If these units are within the planned drainage area for the existing stormwater management facilities, the submittal must address this and confirm that the cumulative activity within the drainage area is consistent with the design of the stormwater management facilities.

A Street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval.

The location of these lots is undesirable because of the proximity to the intersection with Route 272 and they are inconsistent with the intent of a Major Collector Road (Chesapeake Club Drive), which does not provide for direct access to residential lots. The Department strongly recommends reconsideration of placing lots at this location and may recommend disapproval by the Planning Commission.

The minor road proposed for units 130-132 will encourage drivers entering the development to go the wrong way on Chesapeake Club Drive to enter the minor road.
What would happen with the existing paved pathway? Is that going to be re-located?

Mr. Pugh stated that is correct.

All driveways must be paved at least to the right of way.

Some sewer allocation is available for the Chesapeake Club and the developer must choose which of the various development plans will go forward within those allocations.

Mr. DiGiacomo stated there are no comments from the Board of Education.

Mr. DiGiacomo read the comments from The Maryland Department of the Environment, a copy attached for reference.

Mr. DiGiacomo read the comments from The Maryland Department of Transportation, a copy attached for reference.

Mr. DiGiacomo read the comments from The U.S. Army Corps of Engineers, a copy attached for reference.

Mr. DiGiacomo stated there are no comments from Emergency Services.

Mr. DiGiacomo read: Zoning = RM

The original Concept Plat was approved 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities.

A revised Concept Plat was approved 12/20/93, and a subsequent revised Concept Plat was approved 6/20/94 (with no conditions). At those times, this section was proposed for simply future development.
This Preliminary Plat is somewhat consistent with the approved Concept Plat; however, the proposed layout for this section suggests a lack of harmony with the overall design. This is most evident with access issues to the new, unnamed road from Chesapeake Club Drive. Mr. DiGiacomo explained how he thought the Planning Commission members would be confused seeing two of the same Lots 127 on different submittals. You may need a revised concept for the overall layout.

The RM zone permits a base density of 6/1 in areas with community facilities and Detached Single Family Units. This plat proposes 6 condominiums, roadway, and open space on 1.74 acres for a proposed density of 3.45/1, well within the maximum allowable density.

Since there is no conventional subdivision, people buy the condominium units themselves, which consist of the area enclosed by the walls. The unit owners are entitled to a certain amount of property around the unit for their own use.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts. Has a JD been done?

Mr. Pugh stated no, it has not been done on this particular section.

20% common open space is required in the RM zone, and common areas are depicted, but the percentage of open space provided in this section is not stated on the plat. That information must be provided on the plat submitted for Planning Commission review.

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. The habitats of rare, threatened, and endangered species must be avoided. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands.

Sidewalks are recommended on Chesapeake Club Drive and the new road, consistent with previous sections. The plat is unclear with respect to whether a sidewalk extends beyond to parking area and roadway to the 3 back condos. It looks like the sidewalk goes to the parking area. This needs to be clarified.

The proposed new roadway encroaches into non-tidal wetland buffers.
No name has been proposed for that new road. A road name will need to be approved by the County 911 Emergency Management Agency prior to the Planning Commission’s review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

Access to the proposed new road is awkward. There is currently a center landscape island in Chesapeake Club Drive where a left-turn entrance logically would be located. As proposed, access from MD 272 could only be accomplished by making a U-turn at the Ginty Drive crossover. That awkwardness of access will be exacerbated as future traffic volumes on Chesapeake Club Drive increase.

Rows of street trees 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 street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The Forest Stand Delineation (FSD) was approved 6/27/94, and an extension (since that approval was more than 5 years old) has been granted (9/22/00).

The Preliminary Forest Conservation Plan (PFCP) has not yet been submitted. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to the Planning Commission’s review of the Preliminary Plat.

The Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The owners of these condominiums must become members of the appropriate Section’s Chesapeake Club Maintenance Association and the Chesapeake Club Road Association for maintenance of common open space, cul-de-sac islands, roads, and other common elements.

The Record Plat shall contain a statement signed by the Health Department approving authority; to the effect that use of such community water supply or community sewerage system is in conformance with the Comprehensive Water and Sewer Plan. The Record Plat shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all condominiums offered for sale.
Documentation of water allocation from the Town of North East must be provided prior to the Planning Commission’s review of the Preliminary Plat. There must also be verification of sewer capacity allocation from DPW prior to the Planning Commission’s review of the Preliminary Plat.

The Subdivision Regulations define Condominium as follows:

A condominium is an ownership arrangement, not a land use; therefore, it is allowed in any district and under the same restrictions as the residential land uses that it comprises. A condominium shall not negate lot nor other requirements intended to provide adequate light, air, and privacy. A condominium is a dwelling unit, which has all of the following characteristics:

a) The use (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.

b) The unit may be any permitted dwelling type.

c) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Condominium Act of the State of Maryland and other requirements specified in the County Code regarding such open spaces.

In addition, a condominium process was established for the Chesapeake Club. The first approved site plan (March 1991) was very specific with construction drawings. From that site plan, building permits were issued. Next, the units were built, and then, the plats came back to the Planning Commission for approval, as built.

This Preliminary Plat will serve as the site plan, which must include construction drawings. From it, the condominiums will be built. The Final Plat will record the actual footprint of the units and the actual building plans as constructed.

Street trees and landscaping must be consistent with the Preliminary Plat/Site Plan.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

August 7, 2002, 9:00 a.m.
The condominium documents covering these specific units must be accepted by the Secretary of State prior to recordation.

Note # 16's deed reference is actually a mortgage reference. The proper deed reference must be cited on the Preliminary Plat submitted for Planning Commission review.

Short of submitting a new Concept Plat, as this overall Chesapeake Club project evolves (sometimes changing course), staff recommends that the developer clearly articulate to the Planning Commission how each section fits the grand design or vision of the remainder of the project, especially with respect to overall layout and access to streets, roads, and highways. Moreover, the layouts of new sections must harmoniously and reasonably fit the overall layout and design. Otherwise, a revised Concept Plat is in order. Over the years there has been a series of revised concept plats that have been submitted. In terms of density they have all adhered to the first concept plat from 1987 and everyone is reading from the same pages for the balance of the project.

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Mr. Pugh stated he wanted to make a couple of comments about the concept issue. We fully appreciate the comments you have made about the concept plan, but the overall pattern of everything is in place already. Things that were on the original concept, over time, have changed for a variety of reasons, such as market driven, new ownership and a host of other reasons. In the concept plan we are dealing with in RN-high density property that is by its nature and was originally conceived of as a mixed-use project. It was never said that these properties would not continue to be mixed-use properties. The concept was drawn up ten (10) years ago, and it is very hard to stick with the same plans. We want to resist in being pigeon hold into a creating a concept today that forecasts what any given section may want to be ten years from now. For example: Area-F was originally shown as thirty-two (32) units of apartment buildings. This was done in the vacuum of not having the nontidal wetlands delineated. It was also done at the time when there was not a 110' stream buffer. This project will eventually feed out on to Irishtown Road. At any main spot we have to be given the flexibility to maintain the mixed-use project with water and sewer consistent with smart growth with the comprehensive plan that is laid out. We need to go by the master plan.
Mr. McDowell, Citizens Representative stated that there is one thing missing in your discussion, the commitment that was made to the current homeowners. These homeowners bought those properties expecting certain things, told certain things by the developer and saw certain things being planned in the concept plan and they bought with those expectations. They are no opposed to having a mixed development, but they do need to have buffers between the areas where they purchased with certain expectations, and do not want to see the values impacted on their homes.

Mr. Pugh stated that the representations that have been given in the model area, I am not privy to those discussions. Mr. Pugh stated that in 1987 this showed up on the concept plat as commercial property. It has been changed from commercial to open space. The area around the stormwater pond was originally the Sales and Marketing Office. There has been some history of use in this area.

Mr. DiGiacomo recognizes Mr. Pugh’s problems, but a concept plat is not the final plat, and a simple articulation of the current vision is all that is recommended.

Meeting adjourned: 11:35 a.m.
1. David Strouss and Mike Powell presented Courts of Mallory, Town of North East, Mechanics Valley Road and Deans Bank Road, Concept Plat, Fifth District.

Mr. Strouss stated this property is located in the Town of North East. This is Phases 2 & 3 of the project. Phase 1 consists of 18 single-family homes, and is currently under construction. Phase 2 is 57 single-family homes and Phase 3 is 37 townhouses. This concept was originally before TAC in 1997. At that time, it was 76 single family, 12 duplexes and 58 apartments for a total of 146 units. This concept represents a reduction to 112 units.

Mr. Woodhull stated it is the DPW’s recommendation that the Town of North East withhold any action on Phases 2 & 3 of this project until the roadway surface repair of Mechanics Valley Road is complete. Sidewalks do not exist along Mechanics Valley Road, nor does the County own ROW for this installation. The Town should consider requiring the developer to construct sidewalks along Mechanics Valley Road, including obtaining ROW (at the developer’s expense).

A stormwater management (SWM) plan and a Mass and Final Grading plan must be approved by the Cecil County Department of Public Works (CCDPW) prior to submittal for final plat approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.) SWM conveyance may require additional easements that will be difficult with such narrow lots. Access for maintenance may also be a concern during design phase. The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.
The CCDPW understands that the internal roads are to be dedicated to the Town of North East. However, the Department recommends to the Town of North East that the internal streets be built to County Road Code standards or equivalent. Mallory Way should be designed as a Minor Collector, given that it will serve 112 homes. Augusta Way should be stubbed to the Lands of Ridgely Forest to facilitate smart design for both developments. Augusta Way should continue as a Minor Collector Road. The alleyways shown should be cutoff from the proposed Town ROW. The proposed cul-de-sac bulb should be increased to 75 radius, per the Road Code, to provide for emergency services vehicles. Merion Way’s ROW is unclear in how it will handle parking. It should be modeled after Road Code Standards R-2 & R-3. Mr. Woodhull asked where parking will be for Lots 100-108? Mr. Strouss stated parking will be off the alleyway.

Mr. Woodhull continued: Sewer capacity for Phases 2 & 3 is dependent on the upgrade of off-site sanitary sewer lines. The off site sewer upgrade plan submitted at the same time as the Phase 1 submittal should now be addressed by the proposed North East sewer upgrades (anticipated spring 2003). If the County project proceeds, it will nullify the need for the previously required off-site improvements. However, a benefit assessment (BA) per dwelling will apply, in addition to the connection fee. The BA is currently estimated to be $1,000 per ELU. Building Permits cannot be approved until the upgrade is complete. An on-site sanitary sewer plan submittal must be approved by the CCDPW prior to submittal for Final Plat Approval. Sanitary sewer stubs should be made to Lands of Ridgely Forest in the vicinity of Lots 39/40 & 45/46. The sanitary sewer submittal must also reflect the proposed, Town of North East owned, water line locations and all proposed fire hydrant locations. Mr. Woodhull asked if the fire company has commented on the need for fire hydrants? Mr. Strouss stated no. Mr. Woodhull stated that CCDPW recommends hydrants at each intersection and along the internal streets at separation distances of no more than 600 feet. Because of the close proximity of the houses, consideration of closer hydrant spacing may be in order (although consultation with the North East Fire Department is recommended); alternatively, other consideration should be given to minimize the spread of a fire, given the close spacing.

Mr. Woodhull further stated that the relationship between the rear lot lines of Lots 48-58 and 93-99, and Amtrak’s northeast corridor rail lines, should be addressed. The applicant should provide indication of the existing railroad ROW and distance from the southernmost tracks to the aforementioned lot lines. An analysis of derailment of Amtrak’s passenger train, envisioning an end-over-end transport of a passenger car, should be provided to the Town to evaluate the risk of placing houses so close to the railroad.

An Inspection and Maintenance Agreement will be required for SWM facilities and a Public Works Agreement will be required for sanitary sewer.

Mr. King had no comments.

Mr. Ouano asked when the project would start the road surfacing date for the next section? Mr. Powell stated next year. Mr. Ouano asked if the square footage of the homes would be the same as in Phase 1?
Powell answered in the affirmative.

Mr. Funk stated that the soil boundary lines and soil types need to be added to the plat. An Erosion and Sediment Control plan has been approved. He asked if any thought has been given to the noise coming from the trains? Mr. Strouss stated there would be wood fencing along the railroad. Mr. Funk suggested that a landscaped earthen berm would cut down on the noise. Mr. Strouss stated that in addition to the fence, there would be a 25-foot landscaped buffer.

Mr. Moore read the Health Department comments, a copy attached for reference. In addition to written comments, he stated that the closest existing sewer lines must be shown on the plat.

Mr. McDowell had no comments.

Mr. Di Giacomo read MDE comments, a copy attached for reference.

This subdivision is proposed in the Town of North East. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns corporate limits. The Office of Planning & Zoning’s comments, relating to this Concept Plat, are predicated upon the understanding that Phase 1 is not now under review. The comments are, therefore, as follows:

- Town Zoning: R-3 (Multi Residential District) for phases 2 & 3.

- The notes create some confusion inasmuch as they include all lots in all phases of this development, which is in contradiction to the title block which indicates that only phases 2 & 3 are under consideration.

- If the notes are correct, then 112 lots are being proposed on 38.594 acres, yielding a density of 2.9/1. It should be noted that figure is a combined density for all phases in both the R-2 and R-3 zones.

- If the title block is correct, then 94 lots are being proposed on 26.311 acres, yielding a density of 3.57/1.
It is recommended that the proposed density be verified as being consistent with the Town’s Zoning Ordinance.

It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town’s Zoning Ordinance for the R-3 zone. It should also be confirmed that these types of townhouses are permitted in the R-3 zone.

A bus stop shelter has been provided in Phase 1. Consideration should be given to providing at least one more in Phases 2 & 3. Possible locations include the recreation area to the south of proposed Lot 19 and the overflow parking lot between proposed Lots 58 & 99.

Consideration should be given to including on the plat the numbering of all proposed lots.

How will the owners of what would appear to be proposed Lots 95-98 access their rear yards? It appears that they would, for example, need to take a lawn mower through the house from the front. Possibly rear alleys should be provided.

Why is a 25’ Bufferyard C proposed around the periphery when none was for Phase 1? Mr. Strouss stated that is a new item in the North East Zoning Ordinance.

Mr. Di Giacomo continued:

The Forest Stand Delineation (FSD) was approved by the State on 8/20/98. The State reviewed and approved the FSD because, prior to 2/4/00, the Town had not adopted a local FCA program, nor had the Town assigned review and approval powers over to Cecil County.

Per Todd Ericson’s letter dated 8/20/98, the FSD approval remains valid until 10/20/03. Upon the FSD’s expiration, if necessary, the developer must either request an extension from the state or submit a new FSD to the County.

The Town of North East and Cecil County signed an Assigning obligations under the Forest Conservation Act agreement on 2/4/00. Consequently, all procedures and regulations of the County’s FCA cover any proposed development activities within the Town. Moreover, plats,
building permits and/or grading permits must receive County approval prior to recordation or issuance.

- According to the Natural Heritage Service, the site contains FIDS habitat, and according to the U.S. Fish and Wildlife Service, bog turtle habitat may be present on site. In a letter dated 6/19/97, the Fish and Wildlife Service recommends that the developer thoroughly inspect the subject property for the presence of appropriate bog turtle habitat. Should this investigation reveal appropriate habitat, we recommend that a survey for bog turtle be completed.

- A new Jurisdictional Determination (JD) must be done. The original JD was conducted on 5/9/97, and it was valid for only 5 years.

- Per the Final Forest Conservation Plan (FCP) that was approved for phase 1, 2½ additional acres of forest in Phases 2 & 3 must be placed into retention in order to fully satisfy the Phase 1 FCA requirements.

- It is recommended that a boundary line survey be done in conjunction with the preparation of the Preliminary Plat if not already completed.

- It is recommended that acreages be checked, so that those cited on the plat match those in the plan notes or subsequent site data table.

- It is recommended that the plat be checked to ensure that all requirements for Concept Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied.

- It is recommended that consideration be given to the installation of protective fencing around the stormwater management areas particularly in light of their close proximity to a recreation area.

- It is recommended that the plat be checked to ensure that all open space requirements have been satisfied.

- It should be confirmed that the thresholds, as specified in the Town's Zoning Ordinance and Subdivision Regulations, for open space acreages in perennial or intermittent stream buffers, non-tidal
wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species have not been exceeded.

- It is recommended that the locations of all dwellings or impervious surfaces be consistent with the requirements of the Town’s Zoning Ordinance and Subdivision Regulations with respect to any steep slopes. It is further recommended that on any slopes between 15 and 25%, good engineering practices be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

- It is recommended that any steep slopes be depicted on the Preliminary Plat.

- A 25’ buffer is recommended around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts or stream crossings prior to recordation.

- The habitats of any rare, threatened, and endangered species should be avoided.

- It should be determined if Town’s Zoning Ordinance and Subdivision Regulations require that right-of-way acreages be shown on the plat.

- Is the proposed open space to be maintained by a homeowners association or by the Town of North East? Mr. Powell stated it will be maintained by the homeowners association.

Mr. Di Giacomo continued:

- It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.

- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
It is recommended that the Landscape Plan be approved prior to final subdivision approval.

It is recommended that a Landscape Agreement be executed prior to recordation.

Sidewalks are recommended on both sides of all internal streets.

It should be confirmed that all aspects of the proposed street design and layout are consistent with the Town’s Subdivision Regulations and Public Works Street Code. This is especially true with regard to the private rear alleys.

The Final Forest Conservation Plan (FCP) should be approved prior final subdivision approval.

Deed restrictions for the long-term protection of any Forest Retention/Afforestation Areas (FRAs) should be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA should be shown on the record plat.

The internal street names have been approved by the County Emergency Management Agency.

It is recommended that the private alleys also be named, and that those names be approved by the County Emergency Management Agency.

Care must be taken to differentiate Merion Way from Augusta Way and Augusta Way from Greenbrier Court when addressing is done.

It is recommended that any access to public open space between lots be marked with concrete monuments.

It should be confirmed that the number of parking spaces proposed for each lot meets at least the minimum number required by the Town’s Zoning Ordinance and Subdivision Regulations.
• It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations.

• It is recommended that consideration be given to exploring any possible greenway and hiking trail linkages, as well as bicycle facility linkages.

• Consideration should be given to soliciting review and comment on the subdivision layout by the North East Volunteer Fire Company.

• Fire hydrant locations should be shown and should be consistent with the Town’s Zoning Ordinance and Subdivision Regulations.

• Consideration should be given to locating a dry hydrant at the proposed wetland crossing if deemed advisable and feasible by the North East Volunteer Fire Co.

• Water allocation should be confirmed by the Town of North East prior to final approval.

• Sewer allocation should be confirmed by the Cecil County Department of Public Works prior to final approval.

• Each lot should be checked for compliance with any Town requirements regarding minimum road frontage.

2. Fred Orr and Kevin Geraghty presented Hutton, Randall and Mary (Lands of), Williams Road and Hutton Road, Concept Plat, Second District.

Mr. Orr stated this property is zoned NAR. The subdivision proposes bonus density for a total of 98 lots.
Mr. Woodhull stated a stormwater management (SWM) plan; a street and storm drain plan; and a Mass and Final Grading plan must be approved by the Department of Public Works (DPW) prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.) The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.

The potential for inclusion of dry hydrants should be discussed with the serving fire company. This is all predicated on whether the SWM facilities are designed as wet ponds of sufficient volume to support dry hydrants.

The 60’ right-of-way (ROW) portion of the northern loop road may not be necessary. With the lot contributions shown and the likely direction of travel, a minor road standard throughout the loop will be adequate. With the addition of an estimated 980 trips per day, the applicant may be required to upgrade Williams Road to a Minor Collector Road Standard between the development and U. S. Route 213.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. Lots should front the most minor street and denied access should be denoted accordingly. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. Entrance geometry should be coordinated with DPW prior to significant engineering efforts. Match centerlines for opposing entrances or provide adequate separation distance. Resolve apparent inaccuracies as to southern entrances on to Williams Road. The location map shows a different situation than what is reflected on the plan. Mr. Orr stated that the ADC map geometry does not match the platted geometry. He advised that he took the alignments for Sunnybrook Estates from the recorded final plat. The County street access will be directly opposite Brookview Loop. Mr. Woodhull questioned the private road shown on the plat. Mr. Geraghty stated that is Mr. Hutton’s existing farm lane. Mr. Woodhull stated that should be shown on the plat. Mr. Carter stated that a note should be put on the plat that the actual plan view is more accurate.

Mr. Woodhull asked how road drainage will be handled for the entrances? Mr. Orr stated that the east entrance will drain to the stormwater management area shown. The west entrance will drain back to the stormwater management facilities because of the topo. Mr. Woodhull stated if they are drained to Williams Road, then a storm drain ditch system will be required along this development’s road frontage.

Mr. Woodhull continued: All driveways must be paved at least to the right of way.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.

September 4, 2002, 9:00 a.m. 93
A ROW dedication should be denoted as, 30 wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. A similar dedication along Hutton Road is also needed.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal streets and storm drains.

Mr. King had no comments.

Mr. Ouano asked what the estimated starting date would be? Mr. Geraghty stated Spring 2003. Mr. Ouano asked what the size of the homes will be? Mr. Geraghty stated 2500 to 4000 square feet. Mr. Reynolds asked if only one builder would build the homes, and if natural gas would be provided? Mr. Geraghty stated that more than likely it would be one builder, and they haven’t decided if natural gas would be supplied. He gave Conectiv representatives his phone number.

Mr. Funk stated that an approved Erosion and Sediment Control Plan is required. He asked if Lot 98 will be an area for future development? Mr. Geraghty stated no, that lot will be restricted from further subdivision.

Mr. Moore read the Health Department comments, a copy attached for reference. In addition to written comments, he advised that some seasonal testing will be required on the other side of the road because mottling was found in the soil.

Mr. McDowell advised that he received no public comment on this subdivision.

Mr. Di Giacomo read MDE written comments, a copy attached for reference.

OPZ comments are as follows: The zoning is NAR, which permits a maximum base density of 1 du/5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 98 lots on 297.06 acres, for a proposed density of 1/3.03. 44.56 acres (or 15%) of common open space are proposed.
The proposed large lot, lot 98, is 158.18 acres (or 53%) of the total acreage. The combined open space proposed totals 68%, which exceeds the 60% threshold for bonus density eligibility. This proposal satisfies the general open space provisions of the NAR zone.

Mr. Di Giacomo asked why proposed Lot 98 has such an unusual shape? Mr. Orr stated the configuration of Lot 98 is a result of on-site soils available for perc testing. Also, they looked at the development on Williams Road and decided the western side of the site would lend itself to residential development. Mr. Geraghty stated that an agreement was made with the farmer that he can farm the remaining land.

Mr. Di Giacomo asked why it is necessary for proposed Lot 98 to have frontage on the northernmost, unnamed cul-de-sac? Mr. Orr stated that is for access to the stormwater management area and to serve as access to Lot 98. Mr. Di Giacomo stated that OPZ will recommend that all stormwater management areas be included in common open space.

Mr. Di Giacomo continued: The Tax Map and Parcel Number information must be included on the plat, as well as Minor Subdivision number 1842. Those pieces of information are important. For example, tax records show parcel 188 on Tax Map 38 to be only 290 acres. If the acreage of one (or more) of the minor subdivisions is proposed to be included, then that should be stated. As is, 98 proposed lots on 290 acres yields a density 1/2.96 which is too high. A boundary line survey must be done for 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. 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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

No landscaping of the development envelope is required in the NAR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Hutton and Williams Roads. However, a Bufferyard
Standard C along proposed Lot 98’s road frontages would not contribute to the preservation of the rural character of this area. Rather, staff will recommend that there be no Bufferyard C along proposed Lot 98’s road frontages in favor of a modified Bufferyard A (with no 100’ setback) along the rear lot lines of proposed Lots 6-19 and 22-23. Rows of street trees 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. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

Unless it can be clearly determined that Parcel 132 on Tax Map 33 has road access off Lewis Shore Road, then a stub must be provided to that parcel.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat and the Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County’s 911 Emergency Management Agency prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

Access to common open space between and beside lots must be marked with concrete monuments. Mr. Di Giacomo asked if there are any areas of active recreation being proposed? Mr. Geraghty stated no.

Mr. Di Giacomo continued: Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

A Homeowners’ Association for maintenance of common open space and landscape islands must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Orr questioned the requirement for a stub road. Mr. Geraghty stated that parcel accesses Lewis Shore Drive.
Mr. Woodhull stated if a stub is provided, then the 60-foot right-of-way on the northern loop may change. Also, the northeastern stormwater management area has a drainage and utility easement to it. If it is a pond, then an access road will be required. Mr. Orr asked if that would be fee simple. Mr. Woodhull stated that an easement would be fine. It would part of the Inspection and Maintenance Agreement.

3. James Keifer, Morris Wolfe, and Fred Orr presented Hardy Realty, Inc. (Lands of), MD Rte. 277 (Fletchwood Road), Concept Plat, Fourth District.

Mr. Keifer stated this proposal is for a development of 44 acres off MD Rte. 277 just west of MD Rte. 279, north of Elkton, north of I-95, and west of Newark, Delaware. The property is zoned RM. Eight four-story, 16-unit, two bedroom condos are proposed, for a total of 128 condos, along with 198, 20’ x 32’, townhouses with perpendicular parking. A community center is also proposed. A monumental entrance to the subdivision will be across from Beech Drive. The site is bisected by West Branch, a branch of the Cristina River. Therefore, a stream-crossing permit from MDE and Corps of Engineers will be required.

Mr. Woodhull stated the following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for Final Plat Approval: a stormwater management submittal; a street and storm drain submittal; a Mass and Final Grading Plan; a sanitary sewer submittal; and a water system submittal. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.)

Mr. Woodhull asked if the fire company has commented on the need for fire hydrants? Mr. Keifer stated no. Mr. Woodhull stated that DPW recommends hydrants at each intersection (including Fletchwood Road) and along the internal streets at separation distances of no more than 600 feet. Because of the clustering of townhouses, consideration of closer hydrant spacing may be in order (although consultation with the Singerly Fire Company is recommended); alternatively, other consideration should be given to minimize the spread of a fire, given the close spacing. The ability of the existing water distribution system, together with the proposed extensions, to provide adequate fire flow and pressure must be demonstrated through a comprehensive network model. Loop water mains must be designed to ensure adequate fire flow and pressure throughout the development.
If the applicant has not already obtained a copy of the Cecil County Road Code, the Water and Sewer Standards, and the Stormwater Management Ordinance, they are strongly recommended. Documents incorporated by reference (such as the 10-State Standards for Water and for Sewer, and the MDE SWM Design Manual) will be similarly essential.

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance. This includes analysis of the drainage ditches and cross culvert on MD 277.

The proposed private road to the condominiums must be a county road and must meet Road Code Standards. A second entrance should be provided or a connection with Persimmon Lane must be provided.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. Entrance geometry should be coordinated with DPW prior to significant engineering efforts.

All driveways must be paved at least to the right of way.

Mr. Woodhull asked what the allowable occupancy of the clubhouse will be (vis a vis the Fire Marshall)? Mr. Keifer stated he did not know. Mr. Wolfe stated the size of the swimming pool is usually dictated by the Health Department, and the clubhouse relates to that. Mr. Woodhull stated that DPW’s concern is that if there is not adequate parking, then guests will park illegally along the County road.

Mr. Woodhull further stated that the proposed road and the associated lots are immediately adjacent to the floodplain line, which has been graphically shown from the FEMA maps. In reality, the floodplain follows some (probably as yet undefined) topographic contour. Because the road and/or some of the lots could potentially be within the floodplain, an engineering analysis should be completed to delineate it. A particular concern is that the main road could be under water during a significant flood and those rear lot owners would be stranded in or out; it could pose emergency response concerns.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

A request for water allocation must be submitted to DPW.
No wastewater allocation exists for this development at this time. The Meadowview Wastewater Treatment Plant has no unallocated capacity at this time. As such, no new connections may be made until system capacity is expanded.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal streets, storm drains, and sanitary sewer.

Mr. King stated that a Traffic Impact Study (TIS) and signal warrant analysis will be required. He suggested it be from MD Rte. 316 up to MD Rte. 279. Curb and gutter will have to be constructed on line and grade with the existing curb and gutter at Persimmon Lane, and that will be 34 feet from the centerline of the roadway. A left-turn storage lane into the site must be provided. This may require the applicant to overlay and re-stripe MD Rte. 277. Storm drain plans and computations will have to be submitted for review. A striping plan will have to be submitted for review. Sidewalks may be required to construct along the frontage of MD Rte. 277. Further comments may be warranted by SHA after review of the TIS.

Mr. Ouano asked when the estimated starting date would be? Mr. Wolfe stated as soon as the sewage treatment plant is updated, hopefully within two years.

Mr. Reynolds questioned the size of the townhouses and whether they will be supplied natural gas. Mr. Wolfe stated the units would be three bedrooms, 20’ x 32’ units, and will be supplied with natural gas. Mr. Reynolds stated there is a four-way switchgear at Buttonbush Court. Conectiv would want to have access, tentatively through an area that he indicated on the plat. He asked how far the buildings are set back from the paved area? Mr. Wolfe stated 20 feet. (This figure was later revised to 15 feet.) Mr. Reynolds asked if the water shutoffs would be in the paved areas or grass areas? Mr. Carter stated that they must be in the grassed areas. Mr. Reynolds stated that Conectiv would need enough room to get a trench in there.

Mr. Funk stated that an approved Erosion and Sediment Control Plan will be required.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell stated that he received no public comments on this agenda item.

Mr. Di Giacomo read MDE comments, a copy attached for reference.
OPZ comments are as follows: The zoning is RM, which permits a maximum density of 12 du s/1 acre for townhouses and 16/1 for apartments, with community facilities. This Concept Plat proposes 198 townhomes and 128 condominiums. The 326 proposed dwelling units on 44.35 acres, yields a proposed density of 7.35/1.

Note #5 must be amended. It suggests that by combining building types, 1241 dwelling units are allowed on these 44.35 acres. That is not correct. The acreage in each section must be provided on the Concept Plat submitted for Planning Commission's review.

Since a portion of this project is a condominium project, that portion will have a different review process than the normal subdivision process to be applied to the townhouse portion. The TAC and the Planning Commission will review the Concept Plat as a whole. If approved, then the applicant will submit a Preliminary Plat/Site Plan for the condominiums and clubhouse for TAC review and Planning Commission review and approval. Once the units and clubhouse are built, then the developer will apply for as built Final Plat review by the Planning Commission. If approved, then condominium plats may be recorded.

A boundary line survey must be done for 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 ft$^2$ 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. 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 erosible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. There appear to be hydric soils (Hatboro silt loam and Othello silt loam) on either side of the stream, but only a 110' stream buffer has been shown.

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. It is incumbent upon the applicant to make the request of thePlanning Commission.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. Mr. Di Giacomo indicated a contiguous area on an adjacent plat is shown as wetlands. Mr. Keifer stated that area has
already been reviewed.

Mr. Di Giacomo continued: The habitats of rare, threatened, and endangered species must be avoided.

It is unclear whether this proposal satisfies the open space provisions of the RM zone. 20% is required; however, the open space acreage is not provided. The Concept Plat submitted for the Planning Commission’s review must include the open space acreage. 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands. The open space acreage must be included on the Concept Plat submitted for Planning Commission review, and those thresholds must be provided on the Preliminary Plat submitted for TAC review.

Mr. Di Giacomo asked if any active recreation areas are planned? Mr. Keifer stated the community center and areas within the court will be active recreation.

Mr. Di Giacomo further stated that 25% landscaping of the development envelope is required in the RM zone.

Sidewalks are recommended on both sides of all internal roads.

A Traffic Impact Study (TIS) must be submitted prior to the submission of the Preliminary Plat for TAC review.

Fire hydrant locations should be selected in consultation with the Department of Public Works and the Singerly Volunteer Fire Company. Consideration should be given to the installation of a dry hydrant on the proposed bridge structure over the West Branch.

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. The maximum townhouse height is 35’. Apartment/condominium buildings shall be set back at least 20’ from all parking areas and internal roads.
Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Fletchwood Road. The 25’ peripheral bufferyard must be labeled Bufferyard C.

Fletchwood Road, MD Route 277, is functionally classified as an arterial road. In the RM zone, the minimum building setback is 50’. One townhouse is depicted only 40’ from the property line.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

Staff will recommend that the proposed private road be a public road. If it were to be private, then a variance from the Board of Appeals would be necessary.

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

Some of the parking spaces are depicted partly on individual lots and partly on common open space. Those spaces should be located on one or the other, but not both.

§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.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat and the Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County’s 911 Emergency Management Agency prior to the Planning Commission’s review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.
Access to common open space between lots must be marked with concrete monuments. Additional open space access between structures should be considered in the townhouse portion. As designed, most owners would take a long and circuitous path to their back yards - to move lawn mowers, for example. This is an awkward design.

In the townhouse portion, a Homeowners Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

All condominium owners must become members of the condominium association(s) for maintenance of the buildings, parking areas, private roads, landscaping, clubhouse, and common elements.

The condo instruments for these condominiums must be accepted by the Maryland Secretary of State prior to recordation.

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 Comprehensive 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 condominiums and townhouses offered for sale.

Verification of water and sewer allocation must be received for the condominium units and clubhouse prior to the issuance of building permits. Verification of water and sewer allocation must be received for the townhouse portion prior to the Planning Commission's review of the Final Plat.

Mr. Carter stated that the final plats should reflect the Meadowview Wastewater Treatment Plant to the east. Mr. Di Giacomo stated that the reflection should be on the preliminary plats since the condo plats are not submitted as final until after they are built.

Mr. Wolfe questioned the road being connected to Persimmon Creek. He stated that he did not want to do that. Mr. Carter stated that with this number of units, there should be a second entrance onto Fletchwood Road or Persimmon Lane. He assumes that SHA would want to limit the number of entrances onto MD Rte. 277. Discussion followed concerning a second access.
Mr. Wolfe questioned the upgrade of the wastewater treatment plant. Mr. Carter stated the current plan is to proceed forward with design and construction of a new wastewater treatment plant on the same site, which would have additional capacity and would include this development. DPW estimates a two-year build out for that. Mr. Wolfe stated that he would like to help this along, either with pre-paying charges or some other means, but he needs concept approval before he could arrange for that.

Mr. Keifer stated that he would like to correct the setback that was mentioned earlier. It is 15 feet from the curb as opposed to 20 feet, as stated.

4. Mike Pugh and Mike Burcham presented Chesapeake Club, Area H-1, Lots 128-186, MD Rte. 272 and Chesapeake Club Drive, Preliminary Plat, Fifth District.

Mr. Pugh stated this is the next undeveloped section of Chesapeake Club. This parcel was largely zoned commercial, which has been rezoned to RM. This whole area, plus the previous plat will be called Section H for preliminary plat purposes. The final plats will show the sections as H-1, H-2, H-3, etc. Section H will be called Fairway Links. The un-named loop will be Crescent Link Drive. He displayed a base map that showed what was approved on 5/20/02 and the proposal today. The computations of the overall section will change. Mr. Di Giacomo stated this should be titled a revision to a previously approved preliminary plat.

Mr. Woodhull stated a stormwater management (SWM) submittal must be approved by the DPW prior to submittal for final plat approval. The SWM area located behind Lots 156 & 157 appears to extend beyond the phase line for this section and possibly overlap the proposed SWM area adjacent to Chip Shot Court on to the proposed subdivision for Chesapeake Club, Area H Lots 110-216. He asked if the applicant proposes a common pond to handle parts of both areas? Mr. Burcham answered in the affirmative.

Mr. Woodhull continued: The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance. A street and storm drain submittal must be approved by the DPW prior to submittal for final plat approval.

Modification of the entrance onto Chesapeake Club Drive will likely be required to handle the merge of collector roads. All lots must front Minor Roads wherever possible. Where substantiated as necessary, lots may front Major Collector Roads; however, additional pavement cross section may be required by DPW to provide for safe egress from driveways. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
Mr. Woodhull asked if the open space adjacent to Lot 148 is intended for future ROW dedication? Mr. Pugh answered in the affirmative. There will be two roads ultimately going out onto Irishtown Road.

Mr. Woodhull continued: All driveways must be paved at least to the right of way

Lots 128-133 and 180 must be denied access to Chesapeake Club Drive.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

Sanitary sewer design submittals must be approved by the DPW prior to submittal for final plat approval. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations. These water lines and hydrants will belong to the Town of North East.

Some sewer allocation is available for the Chesapeake Club and the developer must choose which of the various development plans will go forward within those allocations. The proposed North East sewer upgrades (anticipated spring 2003) will address the remaining capacity issue (a benefit assessment per dwelling will apply, in addition to the connection fee), but the DelaPlaine Pump Station must also be upgraded.

A Mass and Final Grading Plan will be required. The final plat must include a note recognizing the applicability of the Lot Grading Plans. (A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.)

A Public Works Agreement will be required for internal streets, storm drains, and sanitary sewer and an Inspection and Maintenance Agreement will be required for the SWM facilities.

Mr. King and Mr. Ouano had no comments.

Mr. Funk stated an approved Erosion and Sediment Control Plan will be required.
Mr. Moore read the Health Department comments, a copy attached for reference. He advised that required statements must be on the final and record plats.

Mr. McDowell read a letter from the current residents of Chesapeake Club, a copy attached for reference.

Mr. Di Giacomo read MDE comments, a copy attached for reference.

OPZ comments are as follows: The current RM zoning is the result of a zoning change. The Board of County Commissioners rezoned 28.684 acres on which this proposed development would be situated, from BG to RM, on 7/2/02.

The original Concept Plat was approved 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities. A revised Concept Plat was approved 12/20/93, a subsequent revised Concept Plat was approved 6/20/94 (with no conditions), and the most recent revised Concept Plat was approved on 3/16/98. These revised Concept Plats have all adhered to the originally-approved density of 3.5/1, so they have reflected changes in only layout and structure types. That most recent of revised Concepts showed this area as an area of future commercial development.

In addition, this plat is in direct contradiction to the Area H, lots 110-216 Preliminary Plat that was approved on 5/20/02. Lots 213-216 on that plat corresponds to lots 148-151 on this plat. Lot 10 corresponds to Lot 152 on this plat. The area of common open space corresponds to Lots 153 and 154 on this plat.

Together, the recent rezoning, the approved Concept Plats designating this area for commercial development, and the same lots being proposed on 2 different Preliminary Plats clearly necessitate the submittal of a revised Concept Plat. There is a change in direction, but it lacks articulation. The direction of any development proposal should be clearly and uniformly consistent from underlying zoning, to Concept, to Preliminary Plat, to subsequent Preliminary Plat.

As is, this Section H-1 Preliminary Plat proposes residential development: 59 lots, roadway, and common open space on 35.14 acres for a proposed density of 1.73/1 within the maximum allowable density, as well as that of the approved Concept Plat. However, it is not consistent with the approved revised Concept Plat of 3/16/98, nor the Preliminary Plat approved 5/20/02. Therefore, a revised Concept Plat should be submitted.

The internal road names need to be approved by the County's 911 Emergency Management Agency prior to Planning Commission review of the Preliminary Plat. If the proposed roads are to be public, then Chesapeake

September 4, 2002, 9:00 a.m.
Club Drive must first be accepted by the Department of Public Works. If they are proposed to be private roads, then a variance from the Board of Appeals must be obtained. This plat also shows a stub road to the north, off the proposed Bay Club Parkway, between the 14th and 15th holes. Since the most recent Concept Plat shows only future development for that general area, the inclusion of this stub road further underlines the need for a more current revised Concept Plat.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft$^2$ 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. Slopes greater than 25% must be shown on the preliminary plat.

A 110’ perennial stream buffer is required from any 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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. Mr. Pugh stated that they have already received a JD. Mr. Di Giacomo stated that OPZ will need a copy for the file.

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

This proposal satisfies the general open space provisions of the RM zone. 8.94 acres, or 25.44%, is being proposed, which could change, but there appears to be ample open space provided. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands.

25% landscaping of the development envelope is required in the RM zone.

Sidewalks are recommended on both sides of all internal roads.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 272 and Shady Beach Road.
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.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. One has been submitted. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat and the Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

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 placed in escrow for improvements prior to recordation.

Water allocation must be confirmed by the Town of North East prior to final approval. Sewer allocation must be confirmed by the Department of Public Works prior to final approval.

Mr. Pugh stated that Chesapeake Club Drive is intended to become a County road and these are intended to be County roads with fee simple lots. That is currently being worked out with DPW. As far as sidewalks being required on both sides, the existing subdivision only has sidewalks on one side. Mr. Di Giacomo stated that this section should be consistent with previous sections.

Mr. Pugh stated that he would prefer to preserve a 25-foot landscape easement along Chesapeake Club Drive, as well as preserve landscape easement along the rear lot lines contiguous to the fairways, in order to maintain a wooded condition but not a forest conservation condition. The intention is to maintain a wooded perimeter.
Mr. Pugh asked if the concept presented today would be adequate to present with the preliminary plat to the Planning Commission? Mr. Di Giacomo stated OPZ would recommend accepting that as long as all the information is included. Mr. Pugh stated they would like to put together some sort of overall future routing of the project that shows infrastructure plans, but without indicating a housing style.

Mr. Di Giacomo questioned the cart paths. Mr. Pugh stated some will be moved, some may have easements.

Mr. Di Giacomo recommended a revised concept plat be submitted as an agenda item with the preliminary plat following that. Discussion followed concerning plat submittals for Planning Commission review. It was determined that a revised concept plat would be submitted, followed by a revised preliminary plat.

Mr. Ouano stated that possibly a new terminal pole could be placed on the south side for Conectiv, by providing an adequate easement just outside the right-of-way of Lot 180.

There were no further comments.
October 2, 2002, 9:00 a.m.

Technical Advisory Committee

PRESENT:    Di Giacomo, Woodhull, Carter, Markwardt, Latham, Funk, Roop, McDowell, Moore, and Graham.

ABSENT:       King, Davis, Ouano, Hodgson, and Hicks.  State Highway Administration advised that they had no comments on any of the agenda items.  Board of Education submitted enrollment and capacity figures, copies attached for reference.

1.        Harry Smith presented Harrison, John R. (Lands of), Preliminary Plat, First District.

Mr. Smith stated five lots average two acres, accessing off of Welders Lane with a new road. There are three larger Critical Area lots, which are close to 40 acres. There are also some additional add-on parcels, one of which will add to Lot 4, Mr. Harrison’s home lot; and a smaller additional add-on to Lot 1 of the revised minor subdivision of Frank Skillman.

Mr. Woodhull stated the following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for Final Plat Approval: a stormwater management plan submittal, a mass and final grading plan, and a street and storm drain submittal.

Creek Lane must be designed to the standards of the current Road Code. The cul-de-sac bulb on Creek Lane needs to have 75 degree radius with R/W. Remove the line between the rights-of-way for Welders and Creek Lanes.

All driveways must be paved at least to the right of way.

A Public Works Agreement will be required for internal streets and storm drains.
An Inspection and Maintenance Agreement will be required for any SWM facilities.

The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. [ A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon. ]

Mr. Markwardt questioned the size of the homes and their value. Mr. Smith stated the homes will be 3500 square feet, but he is not sure of the cost. Mr. Markwardt questioned phasing and construction start date. Mr. Smith stated that Mr. Harrison doesn’t propose to build any houses on the three Critical Area lots in the near future. The other five will be marketed as soon as final approved is received. Mr. Markwardt stated that he doesn’t anticipate an increase in bus service.

Ms. Latham stated if this is only a nine lot subdivision, then a GAP is not required. If the lots are re-numbered with the lots in Smith Creek, then a permit will be required because it will be over ten lots. Mr. Smith advised that it will not become a part of Smith Creek.

Mr. Funk stated that an approved Erosion and Sediment Control Plan will be required.

Mr. Roop stated that any fill or structures in the river or creek where there are tidal wetlands will require a permit. Any fill in the non-tidal wetlands requires a permit.

Mr. Moore read the Health Department comments, a copy attached for reference. Mr. Di Giacomo asked if the Health Department would required this plat to come back to TAC? Mr. Moore stated that it probably should because the Health Department can’t make a statement as to how this will work out based on what was submitted. Mr. Di Giacomo stated that OPZ won’t say that the plat ought to come back to TAC but it should be considered in order to have adequate comments on the record based on the information presented.

Mr. McDowell stated that he has not received any comments from the community.

Mr. Di Giacomo stated the zoning is SAR & RCA (Critical Area). The RCA overlay zone permits a density of 1 du/20 ac. 3 lots are being proposed on 104.4 acres in the RCA zone for a proposed density of 1/34.8. The total acreage for those 3 proposed lots is 116.443 acres.
The SAR zone permits a maximum base density of 1 du/8 ac. Bonus density eligibility carries with it a permitted density of 1/5. As currently submitted, this Concept Plat proposes 8 new lots, add-ons, and right-of-way on approximately 130 acres in Deed Parcel 1 of (TM 58) Parcel 2.

As stated at the 2/22/00 Planning Commission meeting: The dwelling on the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1. Those comments pertain to Lot 5 of Smith Creek. Therefore, Lot 5 in Smith Creek must be included as the 9th lot in the density calculation, which yields a proposed density of approximately 1/14.44.

Most of this proposal is for TM 58, Deed Parcel 1 of Parcel 2. However, because of the proposed add-ons, this proposal also involves portions of Deed Parcel 2 and Deed Parcel 3. The Title Block now reflects the fact that an add-on to Lot 1 of the Revised Minor Subdivision of J. Frank Skillman (originally part of Deed Parcel 2) is proposed. The proposed add-ons to Lot 4 of Smith Creek (part of Deed Parcel 3) and 2 proposed driveways to be cut from Lot 4, Deed Parcel 3, for lots proposed on Deed Parcel 1 also represent revisions to the Smith Creek subdivision. These facts have also been reflected in the revised Title Block.

Mr. Di Giacomo asked if a boundary line survey been done? Mr. Smith answered in the affirmative.

Mr. Di Giacomo continued: §4.1.22 (a) of the Subdivision Regulations requires that Preliminary Plats be no smaller than 1" = 200' in scale where the average lot is > 5 ac., if approved by OPZ. Sheet 1 is drawn on the scale of 1" = 300. That must be corrected prior to the Planning Commission's review of the Preliminary Plat.

§4.1.22 (b) requires that the scale of the vicinity map on Preliminary Plats be no smaller than 1" = 2000. The scale of this vicinity map has not been indicated. That must be corrected prior to the Planning Commission's review of the Preliminary Plat.

§4.1.22 (i) requires that the existing topography be included at 2- or 5-foot contours. There appears to be topographic detail on sheet 1, but it is very difficult to read especially at 300 scale. Topo must be from a source permitted in §4.1.22 (i).

No setbacks, or building restriction lines, have been provided, as required in §4.1.22 (l).

§4.1.22 (q) requires that the percolation information is to be included in conformance with the specifications promulgated by the Maryland Department of Health & Mental Hygiene. That must be corrected prior to the Planning Commission's review of the Preliminary Plat.
No dwelling locations have been shown, as required in §4.1.22 (v) 4.

Mr. Di Giacomo asked if any areas of temporary disturbance have been identified as required in §4.1.22 (v) 11? Mr. Smith stated no. Mr. Di Giacomo stated that without some of that information, the Environmental Impact Statement, in terms of where the houses will be located, how long the driveways will be, how much impervious cover there will be, can’t be determined.

Some of the information presented in note form should be included in the vicinity map block and some should be included in the form of an area table, consistent with the requirements of §4.1.22 (b) and §4.1.22 (r).

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. A sensitive species survey has been done. It found that suitable habitat for the six possible rare species does exist along the shoreline where no development is proposed. A FIDS note must appear on the Record Plat.

No landscaping of the development envelope is required in the SAR zone.

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. 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 impervious surface in the RCA, and no more than 20% of the forest or developed woodland may be removed. This information must be provided prior to the Planning Commission’s review of the Preliminary Plat.

In the Critical Area, no structure shall exceed 35’ in height.
Rows of street trees are required, outside the right-of-way, along both sides of Creek Lane. The Forest Stand Delineation (FSD) was approved on 10/15/99. An additional Environmental Assessment for the three proposed lots in the Critical Area has been submitted with field assessment to determine the presence of sensitive species. The Preliminary Forest Conservation Plan (PFCP) has been submitted, but not approved. It must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and a Landscape Plan for street trees must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The name Creek Lane has been approved by the County Emergency Management Agency.

Mr. Smith asked if he just needs to set up a meeting with the Health Department to go over the data that needs to be provided for the perc tests. Mr. Moore answered in the affirmative.

Mr. Smith asked if the JD needs to be done and approved prior to Planning Commission review of the preliminary plat? Mr. Di Giacomo answered in the affirmative. Mr. Roop concurred.

Mr. Di Giacomo advised that even though it is a moot point, the deadline for Planning Commission submittal for this month is Monday, noon, 16 copies.

2. Faron Pyles and Mike Pugh presented Villages of Elk Neck, Racine Estates, Section Two, Lots 7-21, Racine School Road, Preliminary Plat, Fifth District.

Mr. Pugh stated that this plat represents the next section of Racine Estates in the Villages of Elk Neck. It is different than what was shown on the concept plat that was submitted to the Planning Commission because the Planning Commission instructed them to change from road front lots to some interior road network. That has been done with this proposal of two mini road cul-de-sacs, which will be private roads.

Mr. Woodhull stated the following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for Final Plat Approval: a stormwater management plan, a Mass and Final Grading Plan, and a street and stormdrain plan. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. The SWM design must address the conveyance requirements of 251-9 A 5 of the Stormwater Management Ordinance, including drainage for Racine School Road.
Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The centerline of the entrances should be marked on Racine School Road to facilitate review and verification of the sight distances provided. Sight distances for Freedom School Road appear to be achievable. The location of Jones Creek Lane entrance was not obvious and should be marked.

Racine School Road, as a collector road, is unsuitable for direct access to lots where it can be avoided. Lot 7 should access Jones Creek Lane.

A statement clearly outlining the responsibilities of homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. The Department proposes the following note: (The proposed internal roads will not be dedicated for public ownership or maintenance. The homeowner’s association shall retain title to the road and all maintenance responsibilities.).

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

The narrow frontage for Lots 16-19 and 11-13 will pose a significant challenge to SWM design. Innovative engineering will be required to address this issue. This Department may impose additional design requirements to achieve SWM drainage.

Entrance geometry should be coordinated with DPW prior to significant engineering efforts. Entrances must be designed to accommodate cluster mailbox installation and school bus locations.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.

The drainage easement between Lots 7, 8 & 9 must be shown as being private, and its maintenance will be the responsibility of the homeowners.

A Public Works Agreement will be required for internal streets, stormdrains, and any private utility improvements and an Inspection and Maintenance Agreement will be required for the SWM facilities.
Mr. Markwardt asked if there are any plans to widen McKinneytown and Racine School Roads? Mr. Di Giacomo stated that the Suburban District and the Rural Conservation Area is divided by Racine School Road. The road has been widened in the Suburban District area to accommodate the increased density. The County won’t widen the road in the Rural Conservation District in a fashion so as to invite future development in precisely the areas where the County doesn’t want development to occur. Nevertheless, safety issues must be addressed everywhere. Mr. Markwardt is concerned that more traffic will flow from Old Elk Neck via that way to Oldfield Point Road and more traffic from that direction going towards Rte. 272 via McKinneytown Road because it is the easiest access the I-95 and U.S. Rte. 40. He feels that at the very least, trees that are close to the road should be removed and a shoulder put in. Mr. Pugh stated that the limitation of Racine School Road was one of the reasons they decreased the densities in the subdivision. Further, the Villages of Elk Neck is growing to the north, and the next section will have a direct access onto Oldfield Point Road. The ultimately layout of the Villages of Elk Neck will have another access on Old Elk Neck Road, which is approximate to Shady Beach Road. Therefore, the traffic being generated across McKinneytown Road will have another avenue.

Mr. Markwardt questioned the size and cost of the homes? Mr. Pugh stated the homes in this section will be 4,000 to 6,000 square feet and cost $750,000.

Ms. Latham stated that these lots are already included in the GAP.

Mr. Funk submitted the soil summary to the applicant. An approved Erosion and Sediment Control Plan will be required prior to any ground surface activities. When designing the Erosion and Sediment Control Plan, the applicant should keep in mind that a lot of the soils are listed as highly erodible or potentially highly erodible. Therefore, measures may have to be added to keep any erosion on site.

Mr. Roop stated that the only wetlands are on Lot 11, which are isolated, therefore it is under the State’s jurisdiction, and the Corps of Engineers has no jurisdiction.

Mr. Moore read the Health Department comments, a copy attached for reference. In addition to written comments, Mr. Moore stated that a preliminary plat must be submitted to the Health Department showing the forest retention areas and stormwater management devices prior to record plat approval.

Mr. McDowell had no comments.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/5 ac. Bonus density eligibility carries with it a permitted density of 1/3.
The current Concept Plat for the Villages of Elk Neck, which proposed 12 lots on 84 acres in the NAR-zoned portion of the project (approved density of 1/7) and 182 lots on 316 acres (with 80.5 acres of common open space) in the SR-zoned portion (approved density of 1/1.7), was approved on 11/15/99, conditioned on:

1) That a Traffic Impact Study (TIS) be reviewed prior to Preliminary Plat review by the Technical Advisory Committee;

2) That at least one stub road be extended to Forest Knoll (If a second stub is extended to Forest Knoll beyond what was required in Forest Knoll’s conditional approval, then that should be coordinated;

3) That a looped road for common access to Racine School Road, from lots 8-19 be added; and

4) That a jurisdicational determination be done by the Corps of Engineers prior to Preliminary Plat review by the Planning Commission.

This Preliminary Plat proposes 15 lots on 87.22 acres, for a proposed density of 1/5.8. The approved Concept Plat calls for an NAR density of 1/7. Otherwise, this Preliminary Plat is generally consistent with the approved Concept Plat.

Even though the proposed density is well within the maximum allowable in the NAR zone, staff cannot recommend approval for any Preliminary Plat when its proposed density exceeds that of the approved Concept Plat. Therefore, staff would recommend the submission of a revised Concept Plat that reflects the increased density. Contingent upon revised Concept Plat approval by the Planning Commission, this Preliminary Plat could then be approved as well. Otherwise, this Preliminary Plat must be resubmitted with a proposed density that is consistent with that of the approved Concept Plat.

The July 2000 Traffic Impact Study (TIS) for the Villages of Elk Neck found that intersections would continue to operate at LOS B in the peak hours. Even if the 3 additional dwelling units were significant enough to degrade LOS to condition C, as stipulated in the Comprehensive Plan, peak hour LOS C is acceptable in both the Suburban and Rural Conservation Districts.

Per the approved Concept Plat, the open space provisions of the NAR zone will be satisfied in the SR portion of the project.

Mr. Di Giacomo asked if a boundary line survey has been completed? Mr. Pyles answered in the affirmative.

Mr. Di Giacomo continued: No landscaping of the development envelope is required in the NAR zone.
Rows of street trees are required along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

Bufferyard standard C is required along the Racine School Road road frontages. The natural vegetative equivalent may be used to satisfy this requirement, but field verification will need to take place.

The Forest Stand Delineation (FSD) was approved on 7/24/94, and extended for 5 years on 10/4/99. The site contains FIDS habitat. The Preliminary Forest Conservation Plan (PFCP) has not yet been submitted. It must be approved prior to the Planning Commission’s review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The owners of these lots must become members of the Homeowners Association for maintenance of common open space, with $50 per recorded lot placed in escrow for improvements prior to recordation. The owners of all lots having access to the mini roads must become members of a separate Mini Road Maintenance Corporation.

Mr. Di Giacomo reminded the applicant of the Monday, noon deadline, 16 copies required if they wish to proceed to the October Planning Commission meeting.

Mr. Pugh questioned Lot 7 accessing off Jones Creek? That would exceed the maximum number of lots permitted on a private mini road. He asked if a Waiver should be requested. He advised that he can demonstrate that sight distance can be accomplished with a road front lot. Mr. Carter stated they are trying to minimize direct access onto collector roads. It would be DPW’s preference to not have it access Racine School Road. He advised that DPW would have to think about this lot’s access.

3. Mike Burcham, Tom Montgomery, and Barry Montgomery presented Bedrock, Lots 1-106, Bethel Church Road, Preliminary Plat, McCrone, Inc., Fifth District.

Barry Montgomery stated this is a preliminary plat of Bedrock.
Mr. Woodhull stated the following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for Final Plat Approval: a stormwater management plan, a sanitary sewer plan, a mass and final grading plan, and a street and stormdrain plan.

Lots 1-4 must have denied access except for the shared driveway locations. These lots must have driveway turnarounds and they must be so shown on the final plat.

An oververtical or knoll exists in Bethel Church Road near proposed Lot 102 and may need to be addressed as an off site improvement.

The sewer line run in the vicinity of Lots 4 & 5 should be located in the Bethel Church Road ROW. If the line cannot be so located than call out the utility easement located on Lots 4 & 5. Please confirm or dedicate a Utility easement for the existing 18” Sanitary Sewer Line.

The Department considers Flintstone Drive to meet the requirements for Minor Collector Road status. All lots must front the most minor road and denied access for fronts on the major road, such as Lots 69 and 26. The lots must be denied access to Flintstone Drive, and must access Fred Drive. The amount of access to Flintstone Drive must be limited. Mr. Montgomery asked if he doesn’t develop Fred Drive, then how will Lots 26 and 69 have access? Mr. Woodhull stated that driveway turnarounds would have to be provided, at a minimum. Mr. Montgomery stated that may not work. Further, after they get to the 75th lot, they can’t developer beyond that until public water becomes available. He requested it be left open for discussion. Mr. Woodhull stated the driveways for Lots 106, 41, 40, & 5 must be shown at the southernmost side of the lots. The remainder of the lots must be denied access. This will need to be discussed further, too.

Mr. Woodhull further stated that DPW recommends the use of driveway turnarounds or extra road section for lots fronting Flintstone Drive.

Because of the questionable build-out potential of this project DPW recommends that the design of Flintstone Drive be completed through to Bethel Church Road and bonded in Phase 1. If this is not done, then a cul-de-sac with midpoint turnaround must be designed and bonded and rights-of-way must be shown for the construction should Phase 2 not be constructed within a specific time.

Drainage from Wilma Court should be designed for closed pipe system in the vicinity of Lots 6-7, 35-36, & 50-51. All SWM drainage easements must be piped at least 50’ beyond the houses. He asked why the drainage easement between Lots 50-51 isn’t aligned with the easement between Lots 35-36? Mr. Burcham
stated that will be aligned in the engineering design.

Mr. Woodhull continued: The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.

The sanitary easement between Wilma Court and Flintstone Drive must be widened and the yard setbacks increased and/or other measures used to provide adequate room to provide maintenance access to the sewer. Sanitary sewer proposed outside of the ROW shall be ductile iron. The Department will require justification for the seemingly long and circuitous route of the sewer from Barney Court and Fred Drive.

The Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements.

The TIS was received on 9/30/02 and the Department has not had the opportunity to begin review. As such any decision on requirements for offsite improvements to Bethel Church Road and Marysville Road will be held until the review is complete.

Mr. Markwardt asked if the project will be done in two phases? Mr. Montgomery stated two or more. Mr. Markwardt asked what the first phase will be? Mr. Montgomery stated Flintstone Drive will be done first. Mr. Markwardt asked if Lots 40 down through 26 will be Phase 1? Mr. Montgomery answered in the affirmative. Mr. Markwardt stated the Board of Education would like to see some type of walkway connecting Lots 1 through 4 for safety reasons. Mr. Montgomery stated that is already shown on the plat. Mr. Markwardt stated that a bus stop will probably be at Billy Goss Loop in the future, therefore it would make sense to have the bus stop at Lot 1. Mr. Montgomery stated that is different from what was said at the last meeting. Mr. Markwardt stated that is fine. He questioned the size and price. Mr. Montgomery stated 3 to 4 bedrooms and cost approximately $200,000.

Ms. Latham stated that MDE has received an application for Phase 1, for 40 lots. She asked if public water does not become available, what will happen to the balance of the property? Mr. Montgomery stated it will be undeveloped land.
Mr. Funk presented a soil summary to the applicant. An approved Erosion and Sediment Control Plan will be required prior to any ground surface activities. The soils on Lots 1-5 have some hydric soils and highly erodible soils, therefore when the Erosion and Sediment Plan is planned, some extra measures may be required.

Mr. Roop stated that any filling in Stoney Run, the streams, or non-tidal wetlands will require a permit. A JD will be required.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo stated the property is zoned SR, which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 2/1 is permitted.

The Concept Plat was approved on 5/20/02, conditioned on:

1) A Jurisdictional determination being completed prior to Planning Commission review of the Preliminary Plat;

2) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes;

3) A sensitive species survey being conducted prior Preliminary Plat review by the Planning Commission;

4) All conditions of approval by MDE being fulfilled; and

5) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat review by the Technical Advisory Committee.

This Preliminary Plat is generally consistent with the approved Concept Plat, but it is confusing. It combines major subdivision lots and minor subdivision lots. Lots 1-4 must be either part of this major subdivision proposal or not included at all.

According to the Area Table information, 102 lots are proposed on 75.6 (was 73.9) acres, for a proposed density of 1/.741, or 1.35/acre. However, the area table includes 106 lots, so the density is 1/.713, or 1.402/acre. If the 4 lots in question are factored out, then the total acreage is 73.377. Based upon that figure...
and 102 major subdivision lots, the proposed density is 1.719, or 1.39/acre.

The total acreage of the major subdivision has declined since the submittal of the Concept Plat. Is that the result of a boundary line survey? Mr. Burcham answered in the affirmative.

Mr. Di Giacomo continued: After the minor subdivision application is submitted, once approved, the minor subdivision number must appear on all subsequent plats submitted in the major subdivision process. If a minor subdivision has not been approved for proposed Lots 1-4 prior to the submission of the Final Plat, then that area must be shown as remaining lands. Once the Final Plat is approved, proposed Lots 1-4 lose their minor subdivision eligibility. If they are subsequently proposed to be developed, those lots must then be submitted as a Preliminary Plat for review by the TAC and review and approval by the Planning Commission.

The Concept Plat proposed 2 phases: 36 lots for Phase 1 and 66 lots for Phase 2. That was a total of 102 lots. However, Note #3 indicates that Phase 1 will consist of 4 minor and 36 major subdivision lots. That is consistent with the Phase 1 total acreage provided in the Area Table, but both must be corrected to exclude the minor subdivision lots prior to the submission of the Preliminary Plat for the Planning Commission’s review. Note #3 also indicates that Phase 2 will consist of 35 lots. The plat shows that Phase 2 will consist of 66. This discrepancy must be rectified prior to the submission of the Preliminary Plat for the Planning Commission’s review. If there is to be a Phase 3, then its proposed lots, as well as those for Phase 2, must be clearly identified on the plat and in Note #3 prior to the submission of the Preliminary Plat for the Planning Commission’s review. Proposed lots 1-4 could ultimately be Phase 2 or 3, and the lots proposed to be served by Town water could be either Phase 3 or Phase 4.

Mr. Montgomery stated the reason the minor subdivision lots are shown on the plat are because of the new Stormwater Management Ordinance. They don’t want to put a stormwater pond in for the minor subdivision lots and then put another pond in close behind that for the major subdivision lots. Mr. Carter stated they could probably arrange within the Ordinance to approve the minor subdivision from a stormwater management point of view with the condition that that area would be included as managed area in the stormwater pond for the larger development. That would be more consistent with the Ordinance. Mr. Di Giacomo reiterated that if the major subdivision receives final approval before the minor subdivision lots are approved, then the minor subdivision potential is lost.

Mr. Di Giacomo further stated that this location is outside the water service agreement area between the County and the Town of North East. The Master Water and Sewer Plan will need to be amended for sewer, showing this property as S-1.

The dwelling locations on proposed Lots 33, 34, 91, 92, 94, and 97 are partially located on steep slopes (as defined by §2.0 of the Subdivision Regulations). 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.

The expanded perennial stream buffer and the intermittent stream buffer have been shown, (50’ in a FRA; otherwise, 25’). A 25’ buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to Preliminary Plat review by the Planning Commission, per condition #1 of Concept Plat approval. The wetlands shown do not match the wetlands depicted on the approved FSD.

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

This proposal satisfies the common open space provisions of the SR zone for subdivisions of 10 or more lots. 15% common open space is required, 42.38 % is proposed most of it included in the proposed Phase I. That figure (42.38%) is based upon 102 lots. Fee simple access from the north to the active common open space south of proposed Lot 55 is recommended. Mr. Di Giacomo asked what improvements are planned for the open space? Mr. Montgomery stated some multi-use recreational facilities are planned, such as basketball, soccer field, and green space.

Mr. Di Giacomo continued: If proposed Lots 1-4 become part of the major subdivision, then those lot owners must become members of the Homeowners' Association for maintenance of common open space, with $50 for each of those recorded lots being placed in escrow for improvements prior to recordation.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands. Calculations for those thresholds have not been included on the Preliminary Plat and should be included on the plat submitted for Planning Commission review.

Mr. Di Giacomo asked if any thought has been given to the installation of protective fencing around the proposed stormwater management ponds in the areas of common open space? Mr. Burcham stated no.

Mr. Di Giacomo stated that a minimum of 20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended on at least one side of all internal roads in the SR zone.
There should be no direct access from any of the proposed lots onto Bethel Church Road. Obviously, that might affect Lots 1-4.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Bethel Church Road. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. The Forest Stand Delineation (FSD) was approved 5/17/02. The site contains FIDS habitat, and Natural Heritage’s database indicates that 5 endangered or threatened species (Swamp Pink, Darlington’s Spurge, Canada Burnet, Rough-leaved Aster, and Climbing Fern) are known to occur within the vicinity. A survey for these species will need to be conducted prior to Preliminary Plat review by the Planning Commission, per condition #3 of Concept Plat approval.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. It has not yet been submitted. The wetlands areas on the Preliminary Plat and the PFCP must match up. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The road names have been approved by the County Emergency Management Agency. A Traffic Impact Study has been submitted. OPZ has not had a chance to review it since it was only received yesterday.

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 placed in escrow for improvements prior to recordation.

Mr. Burcham submitted the sensitive species survey to Mr. Di Giacomo.

4. Mike Burcham, John Mascari, Ann Jackson, and Don Jackson presented Sherrard, Warwick C. (Lands of), Camp Meeting Ground Road, Concept Plat, Seventh District.
Mr. Burcham stated this is a proposal for a manufactured home park on the south side of Camp Meeting Ground Road, adjacent to an existing mobile home park known as Woodlawn Mobile Estates. The property is zoned NAR on the south, with a small section zoned BG, and the remainder zoned MH. 74 manufactured home sites are shown. There are a few indications on the plat labeling these as lots and those will be corrected to sites. The private rights-of-way are shown as 42-feet wide, which is the standard width for a collector road. They would like to decrease the width to 34 feet for a local access road in a private community. He requested a meeting with DPW on that issue. Mr. Di Giacomo advised that OPZ should be included in that meeting.

Mr. Woodhull stated a stormwater management plan, a street and storm drain plan, sanitary sewer & water plan, and a Mass and Final Grading plan must be approved by DPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. ( A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon. )

DPW considers a second entrance as a requirement for this number of mobile home lots. He asked what the intent is for the remainder of the property? Mr. Burcham stated that when this property was zoned MH, there was a strip of land left on the southernmost boundary that was left in the NAR zone to protect the adjoining properties from the mobile home sites. That area will be retained as open space for this development. The remainder will be remaining lands of the owner. Mr. Woodhull stated there is potential for activity between Jackson Park Road and here. Mr. Mascari stated that the owners want to keep this as an individual park with its own identity. Ms. Jackson asked what the necessity of a second entrance is? Mr. Woodhull stated that a second entrance is required primarily for emergency services. Ms. Jackson asked if the access to Jackson Park Road would have to be left open at all times, or could it just be an access for emergency vehicles? She advised that this community is proposed for 55 years and older. It is planned to be a retirement community with no children. For the resident’s protection, they would like to keep the traffic flow down. By opening the road, and leaving it open, it will be used as a short cut between the two roads, which they don’t want. Mr. Woodhull stated they could look at the possibility of two accesses on Camp Meeting Ground Road, or coming in York Drive. Ms. Jackson stated this will be a separate entity, with its own name, separate from the existing mobile home park. Under regulations to keep it as a 55 and older community, they cannot have interacting roads with the existing mobile home park. Therefore, they cannot use their road as an access. Mr. Carter stated different options can be explored.

Mr. Woodhull continued: The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county’s Stormwater Ordinance. Careful analysis of the proposed stormwater management area between Lots 8 & 9 will be required due to its proximity to the house on the James M. & Marcia Dickerson property, and also where it comes down into the sump and goes under Camp Meeting Ground Road, and its impact on the house on the other side. Also, where drainage comes down across the ag fields before it reaches the stream.
The potential for inclusion of dry hydrants should be discussed with the serving fire company. This is all predicated on whether the SWM facilities are designed as wet ponds of sufficient volume to support dry hydrants.

The private water well and sanitary sewer treatment facilities must be indicated on the final plat. Water and sewer facilities will require permits from MDE. Due to the possibility of Cecil County having to take over the operation of these private utilities, DPW requires that the wastewater treatment plant and the water plant designs be submitted for review.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. The internal road design must include at least a 24' paved width and adequate drainage. If the internal roads are private, a statement clearly outlining the responsibilities of the park owner in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The centerline of the entrance should be marked on Camp Meeting Ground Road to facilitate review and verification of the sight distances provided.

Lots 1 and 43 must be denied access to Road A.

Adequate off street parking must be provided for the clubhouse.

Entrance geometry should be coordinated with DPW prior to significant engineering efforts.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal streets and storm drains.

October 2, 2002, 9:00 a.m.
Mr. Burcham stated that since the roads will be private, sidewalks will be maintained by the manufactured park owner. Mr. Woodhull stated that is okay.

Mr. Markwardt stated that since this is an adult only community, the Board of Education has no comments.

Ms. Latham stated that a private water supply would require a GAP. In this case, this number of homes would fall under large user category, which would require public notice and possibly an aquifer test. The amount of recharge available to this property may not be enough to serve this many homes, which could result in the denial of the permit, or the number of lots would have to be reduced. Mr. Mascari stated this property owner owns more property in the vicinity that is under agricultural use. He asked if those other lands could help toward that recharge possibility? Ms. Latham stated if that is done, water could not be withdrawn from that land for anything, including irrigation or subdivision.

Mr. Funk submitted a soil summary to the applicant. He stated that an approved Erosion and Sediment Control Plan will be required.

Mr. Roop stated that the plan doesn’t show any wetlands or streams, therefore, a permit is not required, but a JD has not been done. That should be applied for.

Mr. Moore asked what will be used for sewage? Mr. Mascari stated they will use the existing lagoon for the existing mobile home park, as well as spray irrigation as a secondary discharge from any additional flows out of the lagoon. There are currently drainfields for a portion of the lagoon as well. There is a current stream discharge permit for the lagoon.

Mr. Moore asked if the existing water supply from the adjacent mobile home park will be used? Mr. Jackson stated they would have to do a statistical study to see if it could support it. He thinks that it most likely will have its own separate water supply. Based on experience, the system won’t have to be as large as the existing mobile home park’s system. Ms. Jackson stated that currently there are 140 sites, 74 of which are 55 or older. The manufacturers of these homes have advised them that it takes 55-75 gallons per site per day for 55 and older homes.

Mr. Moore asked if there is an existing GAP? Ms. Jackson stated there is a GAP for the existing park. Mr. Moore stated if the existing water supply will be used in this mobile home park, then the existing GAP must be updated. If it’s a separate system, then a GAP must be issued by MDE for the new sites. Identify the public water and sewer on the plat. Sewer allocation must be obtained from MDE for proposed use. Water allocation must be obtained from MDE for the proposed use. A permit to construct the water supply, if it’s a new one, must be obtained from MDE prior to final plat approval. A permit to upgrade the existing sewer
lagoon is required from MDE prior to final plat approval. Plans for the water and sewer line must be approved by the Cecil County Department of Public Works prior to final plat approval.

Identify the building on remaining lands on Jackson Park Road. Depending on when it was built, percolation tests and soil evaluation may be required to define a 10,000 square foot sewage area on the remaining lands, or provide a connection to the remaining land. If a pumping station is required, a permit to construct the pumping station must be issued by MDE prior to final plat approval. Show the proposed water lines and sewer lines on the preliminary plat. Show the closest water and sewer line on the preliminary plat. Show existing water supply and sewer lagoon on the preliminary plat.

Food facility plans and your proposal, in writing, for the clubhouse must be submitted to the Cecil County Health Department prior to site plan approval. A sewer line must be shown to the remaining BG lands. Identify the use of the existing buildings.

The tax map is incorrect, and this is not in the first district. The correct tax map is 23.

Mr. McDowell stated that he has been contacted by homeowners abutting or residing near the proposed manufactured home park. They have a number of concerns and issues with the proposed development. Also, there are two neighboring mobile home parks, Woodlawn Mobile Estates and a park fronting on Jackson Park Road, owned by the developer of the subject park. The neighbors are concerned that the management and appearance of these parks may be an indication of how the proposed park will be operated. They would like to know the demographics of the group to which it will be marketed--will it be young families, be limited to age 55 and older, or be a general mix? If it is limited to senior citizens, then some of their concerns will be mitigated.

The following are specific issues raised by the nearby residents:

1. TRAFFIC. Camp Meeting Ground Road is a narrow county road with curves and hills. It serves a number of houses, a large trailer park, and as a connector from Tome Highway to Principio Road. It has a significant traffic flow and has been the site of a number of accidents. The addition of 74 more home sites will greatly increase the traffic load. This increased traffic will require the road to be widened, if not now, at least in the future. There should be turn lanes into the new development or an easement for their future construction.

2. ENTRANCE LOCATION. The location of ROAD A on the plat is directly across Camp Meeting Ground Road from an existing home. The headlights of all cars leaving the development will shine directly into the windows of this house. Also the entrance to the existing Woodlawn Park is often a noisy area where kids congregate. The entrance of the new park should be moved to a less objectionable site. A connection with the
road network in the adjacent park to allow the existing exit to be used would be a possibility.

3. SEWER SERVICE. The existing park uses a sewer lagoon located across the road and in back of several homes. This lagoon frequently has a strong and offensive odor, which requires the neighbors to keep their windows closed. This pond is also a potential safety hazard (an attractive nuisance) since it is not fenced and is accessible from Camp Meeting Ground Road. What type of sewer system is planned for the new development and where will it be located?

4. WATER SERVICE. The neighbors are concerned about the impact on their wells when 74 new homes on only 25 acres draw their water supply from new wells. They understand that the wells supplying the Woodlawn Park have been inadequate during this year’s drought and that water has been hauled in to supply the residents. This year’s drought has also caused several other wells in the area to go dry. What is the planned water supply for the new development?

5. NOISE/ACTIVITY. Kids play in the streets and gather at the entrance to the current park where they ride their bicycles, and make normal (but loud and distracting) noise. What active recreation area is planned for the new development with playground equipment, basketball hoops, and ball fields to give the children of the residents an area where they can play other than in the streets?

6. BUFFERYARD. The neighbors are concerned about the effectiveness of the planned bufferyard along Camp Meeting Ground Road and the lack of a bufferyard shielding the unsightly Business General area. They are particularly concerned about the immediate time period before the trees and shrubs mature and become an effective barrier, which will take a number of years. During this interim period, there should be a tall fence constructed to provide both a noise barrier and a visual screen. Also the bufferyard on the plat is marked Bufferyard D and Common Open Space; however, the county Zoning Ordinance appears to prohibit a bufferyard area from also counting towards the open space requirement (Section 78). Without including the bufferyard, does the remaining open space meet the ordinance requirement?

7. APPEARANCE AND UPKEEP. The area marked as Area to Remain Business General Use on the subject plat is currently used as a maintenance area for the Woodlawn Park. It has a number of abandoned and unsightly trailers; abandoned, rusting old cars, and until recently, rusting heating oil tanks strewn around with weeds surrounding them. The maintenance building and surrounding area, which is close to Camp Meeting Ground Road, is an eyesore. The building is weathered, unpainted, and surrounded by pieces of equipment and various other unsightly items. No bufferyard is shown to shield this area from the road, from the lots in the existing park, or from the lots in the proposed development. This area should be cleaned up and shielded from view with both a fence and a bufferyard on all four sides. Also until this year, old trailers have been moved there and burned, generating smoky pollution.
8. PLAT QUESTIONS. There is no area shown on the plat for the location of service facilities for sewer, water and electric distribution and management. The acreage listed for the site is 35.89; however, the county records show that deed as comprising 45 acres. Also, the property lines shown appear to be inconsistent.

Mr. Di Giacomo stated the current zoning is BG, MH and NAR. The MH, or Manufactured Home, District permits a maximum base density of 2 du/1 ac., or up to 6 du/1 ac. if a manufactured home park, as stipulated in § 30 and 78 of the Cecil County Zoning Ordinance.

This Concept Plat proposes 74 additional manufactured home sites (signifying a manufactured home park), open space, and roads on an undetermined number of MH-zoned acres. A portion of the Bufferyard D and open space are depicted in the NAR-zoned portion of the property. The 24.62 acres cited on the plat appears to include both MH-zoned and NAR-zoned acreage in the eastern portion on Parcel 12. The exact amounts of each must be included on the Concept Plat submitted for the Planning Commission’s review.

Mr. Di Giacomo asked why the total acreage for Parcel 12 hasn’t been indicated, specifically, the western portion of Parcel 12? Mr. Burcham stated that parcel is broken up into two parcel descriptions in the deed. Mr. Di Giacomo asked what date those two descriptions first appear? Mr. Burcham did not know.

Mr. Di Giacomo further stated that the density must be based upon the MH-zoned acreage only. The density of the current proposal is cannot be determined with the information given. Manufactured home parks are not permitted in the NAR zone. He asked why the NAR zone’s setbacks have been included under the general data table and what are the plans for the remaining 8.46 NAR-zoned acres? Ms. Jackson stated there are no plans for this acreage. Mr. Moore asked if there is a house on the property? Mr. Burcham answered in the affirmative. He stated that they think there is another exception to this deed that hasn’t been taken off yet. That home is not part of this property. Additional deed research must be done on this dwelling. Mr. Moore stated if it was built prior to 1974, a perc test would have to be done for it. Mr. Burcham stated that there will probably be another parcel that will be removed from the remaining lands acreage.

Mr. Mascari stated that there is the possibility that a new sanitary sewer pump station may be required, and it may be in that region. There is the possibility of utilizing the access for the land that adjoins Jackson Park Road for access to that sanitary pump station. Forest retention is also a possibility in that area.

Mr. Di Giacomo continued: This plat depicts portions of three (3) manufactured homes in the Woodlawn Mobile Estates manufactured home park actually being located on the remaining 8.46 NAR-zoned acres. However, the information provided on the plat does not match the official zoning maps. The acreage represented on the plat as NAR is actually MH. That discrepancy affects the density calculation and the remaining NAR acreage information. These discrepancies must be rectified on the Concept Plat submitted for the Planning Commission’s review.
Those 3 manufactured homes will have to be removed from P. 12.

Mr. Di Giacomo asked what the plans are for the 2.81 BG-zoned acres? The plat indicates: area to remain business general use. Ms. Jackson stated there will be no change there.

Mr. Di Giacomo asked if a boundary line survey has been completed? Mr. Burcham stated no. Mr. Di Giacomo stated it must be completed prior to submission of the Preliminary Plat for TAC review.

Mr. Di Giacomo further stated that the tax map information provided on the plat is incorrect. The tax map must be identified as tax map 23 on the Concept Plat submitted for the Planning Commission’s review. The ADC map number appears to have been used in place of the tax map number. That is not permitted. This property is located in the 7th, not the 1st, Election District. The correct Election District must appear on any Concept Plat submitted for Planning Commission review.

If parcels 291 and 250 are to be included, then there must be some depiction of what is proposed on those parcels and how it relates to the overall project. He asked if they are proposed to be the locations of the sewerage facility? Mr. Mascari stated those parcel numbers will be removed from the plat. They were put on there by mistake.

Mr. Di Giacomo continued: On the other part of Parcel 12, there is an existing manufactured home park that has access off of Jackson Park Road. He asked if that is considered part of Woodlawn Mobile Estates? Ms. Jackson stated that is part of it. Mr. Di Giacomo stated the title block suggests this is going to be part of the Woodlawn Mobile Home Estates.

Mr. Di Giacomo further stated that 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. Any slopes greater than 25% must be shown on the preliminary plat.

A 110’ perennial stream buffer is required from any 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 any non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

October 2, 2002, 9:00 a.m.
The habitats of any rare, threatened, and endangered species must be avoided.

§78.8 stipulates that, Manufactured home parks shall be surrounded by bufferyards meeting the Bufferyard D standard as shown in Appendix B. A Bufferyard standard D is shown, except along the border with the Woodlawn Mobile Estates and the BG-zoned portion of the property, which suggests that it is part of the Woodlawn Mobile Estates and not a separate entity.

- Unless this proposal is an extension of the Woodlawn Mobile Estates, as suggested in the title block, then the Bufferyard D must border this manufactured home park along its common border with Woodlawn Mobile Estates.

- If the BG-zoned portion of the property is not part of this proposal, then a Bufferyard D must be shown along the BG-MH border.

A minimum of 15% of the total park area shall be devoted to open space and recreational area, not including roads and bufferyards. Using the acreage figures provided, which are possibly subject to revision, at least 3.7 acres of open space is required. §78.4 stipulates that, Required open space shall not include roadways and bufferyards. It is unclear how much of the 4.78 acres of open space being provided actually include the Bufferyard D that has been shown. That must be clarified on any Concept Plat submitted for review by the Planning Commission. The 4.78 acres of proposed open space includes the clubhouse area. Manufactured home parks do not have homeowners associations; therefore, the open space cannot be labeled common open space. All references to common open space must be corrected on any Concept Plat submitted for the Planning Commission’s review. 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the open space required shall consist of those areas designated as non-tidal or tidal wetlands.

The proposed clubhouse facility is an accessory use to the proposed manufactured home park. Therefore, a major site plan submittal will not be required. Rather, the applicant may show the details of those improvements, as required in §291 and Appendix A of the Zoning Ordinance, on subsequent Preliminary and Final Plats. Or, the applicant may wish to submit a separate site plan application pursuant to the provisions of §291 of the Zoning Ordinance. The issuance of a building permit for the clubhouse will be contingent upon either recordation or site plan approval.

20% landscaping of the development envelope is required in the MH zone, and rows of street trees are required along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. No street trees should be planted within 20 feet of sewer laterals and cleanouts.
Sidewalks are recommended on at least one side of all internal roads.

The Forest Stand Delineation (FSD) must be approved prior to the Planning Commission’s review of the Concept Plat. It has not yet been submitted. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Water supply and sewer service notes, consistent with Sections 4.2.13 (t) & (u) of the Subdivision Regulations must appear on the Record Plat stating that such services shall be made available to all sites. Verification must be received from MDE prior to Final Plat review that the proposed water system is capable of serving these proposed sites. The proposed sites must be served by water & sewer systems approved by the Health Department. Those private systems shall be consistent with §78.1. That must be reflected on the Concept Plat submitted for review by the Planning Commission. Where the water will come from and where the sewerage will go are going to be key items that the Planning Commission will want to know the answers to.

The location(s) of existing utilities on or within 200 ft of the parcel must be added prior to the Planning Commission’s review of the Concept Plat.

Each manufactured home site shall measure not less than 4000 ft$^2$ in area. All the sites depicted are in excess of 4000 ft$^2$. Minimum setbacks on all manufactured home sites shall be 15’ front and rear, 10’ on each side, as has been depicted in the Typical Lot Layout graphic.

Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations. The internal road names Core Lane (Road A), Cider Circle (Road B), and Granny Smith Court (Road C), were faxed to OPZ after submission of the Concept Plat and subsequently approved by the County 911 Emergency Management Agency. Roadways in manufactured home parks are private roads.

Each manufactured home site shall be provided with 2 off-street parking spaces.

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.

October 2, 2002, 9:00 a.m.
All the requirements of § 30 & 78 of the Zoning Ordinance and §6.6 of the Subdivision Regulations must be satisfied, including roadway geometry, which is why OPZ needs to be a party to the discussions with DPW.

Mr. Moore stated if a site plan for the clubhouse is not proposed, then all food facility plans, etc. must be approved by the Cecil County Health Department prior to final plat approval.

Mr. Di Giacomo reminded the applicant of the Monday, noon deadline, 16 copies required if they wish to proceed to the October Planning Commission meeting.

5. Donnie Sutton presented Rettig, Richard (Lands of), Lot 6, Resubdivision Plan of Lots 4 & 5, Old Telegraph Road, Preliminary-Final Plat, First District.

Mr. Sutton stated this is a preliminary-final major subdivision for the Lands of Richard Rettig on Old Telegraph Road. The property has two existing dwellings. He received approval for Lots 3, 4 and 5 through Special Growth Allocation in 1994. He lives in the larger existing home and may one day wish to move into the small existing home and sell off the larger home. He wants to remove the existing drive to the large house in the back by adding in that area that was left for access to Old Telegraph Road for Lots 4 and 5. There is currently still existing a combined access between the Lands of Tortolani and Rettig along the existing driveway on the northernmost portion of the property, out to Telegraph Road. Mr. Rettig would probably approach it as a Perpetual Road Maintenance Agreement for the remaining lands to access out to that existing drive.

Mr. Woodhull stated DPW understands that this subdivision is for the purpose of land transfer only. As such it would qualify for a 251-5 C. exemption. A formal request for this exemption must be submitted to DPW for approval. Any development of these lots will require a SWM plan submittal.

Mr. Woodhull asked how Notes 1 & 3 apply to this subdivision? Mr. Sutton stated those notes will be removed from the plat.

Mr. Woodhull asked where the water supply is to the existing dwelling on the remaining lands of Richard M. Rettig? Mr. Sutton stated there is a well there that probably didn’t show up because of the scale. He will highlight it on the subsequent plat.
Mr. Woodhull stated the rights, privileges, and responsibilities for the common drive for Lot 6, remaining lands of Rettig and Lands of Tortolani, must be identified by deed. Mr. Sutton stated it is currently in the Rettig and Tortolani deeds. Mr. Woodhull stated this must be verified to the Department. Mr. Sutton stated that he would get a copy of the deeds for DPW.

Ms. Latham stated a GAP is not required.

Mr. Funk had no comments.

Mr. Roop stated if someone should buy this and they want to put a pier across, if they don’t have adequate water depths, then they would need a permit.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo read a letter from the Critical Area Commission, which he read, a copy attached for reference. He also read a memo from Chris Rogers, Principal Planner for OPZ in 1995, to Bill Manlove, County Commissioner in 1995, a copy attached for reference. He indicated an area that is being subdivided, and stated that is zoned RCA; therefore, it appears that growth allocation is required to subdivide that, but growth allocation is not available. Mr. Sutton asked why growth allocation is needed to add that area in, eliminate a driveway, and have no new development? Mr. Di Giacomo stated that is the interpretation of the Critical Area Commission. That land was not part of the growth allocation. It is RCA and there are now parts of two more lots in the RCA.

OPZ comments are as follows: The zoning is SAR, RCA, & LDA. The original Final Plat was approved on 5/15/95. It consisted of Lots 3, 4, 5, and remaining lands on 88.738 acres, yielding a density of 1/22.184. The Record Plat was signed on 10/26/95.

Mr. Di Giacomo asked why a Concept Plat hasn’t been submitted since the remaining lands are more than 25 acres? Mr. Sutton stated there is no proposed development on the remaining lands. This is a subdivision around existing dwellings.
Mr. Di Giacomo stated that the SAR zone permits a maximum base density of 1 du/8 ac. Bonus density eligibility carries with it a permitted density of 1/5. This Preliminary-Final Plat proposes 1 new lot, Lot 6, which, combined with Lots 3, 4, 5, and remaining lands, should yield a new density of 1/17.748. However, the acreage figures that have been provided on the plat are contradictory. If the 3.032 acres of roadway and lots are subtracted from the Record Plat's total acreage of 88.738, then the remainder is 85.706 acres. Since Lot 3 is not included in this submission, its acreage of 0.971 must be subtracted to yield a new total acreage of 84.735. That figure does not match total acreage of 87.069 in this plat's Area Table. In addition, the 2 acreage totals in the Area Table do not match each other, either, and the acreage for proposed Lot 6 given on the plat does not match the figure given in the Area Table. According to the Area Table, Lot 6 has 27.002 acres inside the Critical Area, while the plat indicates that it has only 21.992 acres in total. Assuming the Area Table's Critical Area acreage is correct, then the remaining lands should have only 14.1 Critical Area acres which appears to be incorrect. The Area Table indicates that proposed Lot 6 includes 5.3 acres of private wetlands. Yet, the area designated as private wetlands are part of Parcel 1 and have neither been shown as part of this proposal nor have been included in the total acreage in the Area Table. Mr. Sutton stated that those wetlands are included in the total acreage of the property. The new division line will extend into the private wetlands. The line between Lot 6 and the remaining lands will be bolded.

Mr. Di Giacomo continued: The plat includes an incorrect address for the developer. The plat does not include a purpose statement for the resubdivision.

A 3.332-acre area including recorded Lot 3, 4, 5, and a small amount of road frontage for the remaining lands was the subject of a Special Growth Allocation application from RCA to LDA. The Board of County Commissioners voted to grant the request on 3/21/95. This plat has failed to indicate that part of the project boundary to have been designated LDA, and it has failed to cite that case number, 94-21, of the Special Growth Allocation rezoning.

No increase in density is proposed in the LDA portion.

In the RCA portion, one additional lot is being proposed. It is unclear what is being proposed for Parcel 39. In the RCA zone, a density of only 1/20 is permitted. Mr. Sutton stated that is Parcel 38 and is to be added in. It has always been a part of the remaining lands and he doesn’t know why there is a separate tax item on it. He advised that he would put a parcel hook across it to Lot 6.

Mr. Di Giacomo continued: 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. 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 impervious surface in the RCA.

No more than 20% of the forest or developed woodland may be removed.

The correct Election District must be included in the title block.

Since Parcel 39 is included in this proposal, why haven’t they been listed under the vicinity map? Since Parcel 39 is included in this proposal, why hasn’t its acreage been included in the Area Table? Mr. Sutton it is included in Lot 6’s area.

Since Parcel 1 is included under the vicinity map, why doesn’t the plat reflect that or include its acreage in the total area? Mr. Sutton stated that it is.

Mr. Di Giacomo asked why a Resubdivision Resolution hasn’t been included on the plat? Mr. Sutton stated it will be on the plat submitted to the Planning Commission.

Mr. Di Giacomo further stated that no open space is required. No landscaping of the development envelope is required in the SAR zone. However, Bufferyard Standard C is required, outside the right-of-way, along the Old Telegraph Road road frontages. The approved Landscape Plan will have to be amended to include the add-ons to lots 4 & 5 prior to Planning Commission review of the Preliminary-Final Plat. No amended Landscape Plan has yet been submitted. Mr. Sutton stated they will be seeking a waiver of the Bufferyard C for the area on Lot 6. There is an existing Landscape Plan that was good for Lots 3, 4, and 5, which has been installed. Mr. Di Giacomo stated the planting material has not been installed.

Mr. Di Giacomo continued: The Forest Stand Delineation (FSD), final Forest Conservation Plan (FCP), and the Landscape Plan have not yet been submitted. If this proceeds as a Preliminary-Final Plat, then all three must be approved prior to the Planning Commission’s review. An Environmental Assessment has been received.

A Landscape Agreement must be executed prior to recordation. The landscaping requirements from the previous subdivision have yet to be completed. If this proceeds as a Preliminary-Final Plat, then all the previous landscaping requirements must be completed prior to the Planning Commission’s review. Staff will not otherwise recommend approval.
Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

A Natural Heritage Letter, dated 9/26/94, indicates that the Eastern Lampmussel is known to occur in the vicinity of Old Telegraph Road and the Bohemia Creek.

The Critical Area portions of this proposal are exempt under §3.2B. A note to that effect should appear on the plat.

The joint access easement must be checked by the Department of Public Works for sight distance, and documentation of an access agreement must be provided prior to recordation.

Since it is unclear exactly what is being proposed with respect to Parcels 1 and 39, it is impossible for the TAC to have rendered cogent comments. In addition, owing to the confusion regarding acreages, the Election District, statement of purpose, etc., this plat, whether as a Concept or Preliminary-Final, should first come back for TAC review prior to submission for Planning Commission review and approval.

Mr. Sutton asked if the landscaping has to be installed prior to Planning Commission review of the plat? Mr. Di Giacomo stated no, but OPZ would not recommend approval. Mr. Sutton asked if the applicant may post a bond again? He thinks there is probably still an open bond on the previous subdivision. Mr. Di Giacomo stated he would have to check on that.

Mr. Sutton asked if this plat has to come back to TAC? Mr. Di Giacomo stated that he would like to see it come back to TAC since there are so many issues. He advised the applicant to contact the Critical Area Commission concerning the add-ons. Mr. Sutton stated those add-ons may be eliminated.

6. Donnie Sutton presented Susquehanna, Section 3, Lots 38-41 & 76, Liberty Grove Road, Preliminary-Final Plat, Seventh District.

Mr. Sutton stated this is a revision to the preliminary plat that was approved for Section 2. It is amending it to add Lot 76 and also reconfigure Lots 39 and 40. Lot 76 was in an area projected to be a stormwater management facility. It was determined that a stormwater management facility is not required. This lot was
included in the calculations to determine if a stormwater management facility was necessary, therefore it has already been submitted and reviewed by DPW. Lot 39 and 40 has been reconfigured to balance out the area of open space that was originally shown. It provides connectivity to the open space in Susquehanna View. The concept plat was approved for 75 lots. This does not exceed the total approved lots because the numbering started with #5. The subdivision is four lots short of the approved concept. Additional testing has been done. No change has been proposed for the forest retention areas, therefore the existing approved Forest Conservation Plan will remain.

Mr. Woodhull stated a Lot Grading Plan must be approved for Lot 76 prior to final plat approval.

Ms. Latham stated that the GAP does not need to be changed. Mr. Moore stated that he figured the GAP is one lot short. Mr. Sutton stated that he will send an application to update the GAP to 72 lots.

Mr. Funk and Mr. Roop had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. The Concept Plat for Susquehanna was approved by the Planning Commission on 1/18/00 for 75 lots on 309.2 acres at a density of 1/4.1, conditioned on:

1. Additional common open space being provided in a centrally located area in the vicinity of lots 61 and 62 with a north and south access from Woodrow Lane and the other road,

2. Road improvements as recommended by the Department of Public Works being provided along Liberty Grove Road,

3. A jurisdictional determination being done by the Corps of Engineers prior to preliminary plat review by the Planning Commission,

4. Two stubs to the Lands of Bell being provided,

5. Deed restrictions prohibiting further subdivision to the large lot, Lot 5, being noted on the plat and recorded prior to recordation of the plat,

6. A name other than Susquehanna Hills being used,
7. Bufferyard C, outside the right-of-way, being provided along Liberty Grove Road and Canal Road,

8. A Bufferyard A being provided along the rear lot lines of Lots 24-38 to buffer adjacent agricultural uses,

9. A Preliminary Forest Conservation Plan being approved prior to preliminary plat review by the Planning Commission,

10. A Homeowners Association being established for maintenance of the common open space with $50.00 per recorded lot being placed in escrow for improvements prior to recordation, and

11. Deed restrictions prohibiting further subdivision of Lot 79 being noted on the plat and recorded prior to recordation.

The Lot 5 Preliminary-Final Plat and the Lot 6 Preliminary-Final Plat were both approved with conditions on 4/17/00. The Lot 5 Record Plat was signed on 7/6/00, and the Lot 6 Record Plat was signed on 6/13/01.

The balance of the proposed Susquehanna subdivision was submitted as a Preliminary Plat and approved by the Planning Commission on 7/17/00, conditioned on:

1) Health Department requirements being met,

2) Department of Public Works requirements being met,

3) The developer accepting the Department of Public Works requirements regarding Canal and Liberty Grove Road entrance and drainage improvements,

4) These lots becoming members of the Homeowners Association for maintenance of the common open space with $50.00 per recorded lot being placed in escrow for improvements prior to recordation,

5) The name McCormick Drive being approved by the 911 Emergency center prior to Final Plat review by the Planning Commission,

6) A Landscape Plan that addresses Bufferyard A and C requirements being approved prior to Final Plat review by the Planning Commission,

7) A Landscape Agreement for bufferyards and street trees being executed prior to recordation of the plat,

8) A Final Forest Conservation Plan being approved prior to Final Plat review by the Planning Commission,

9) Deed restrictions for the long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the forest retention area being shown on the record plat,

10) Bufferyard C requirements along Canal Road being waived,
11) The centrally located common open space requirement being waived in favor of additional common open space behind Lots 13-18,

12) All trash, abandoned vehicles, and collapsed buildings being cleared from the common open space prior to recordation,

13) Stormwater pond details, septic area details, and other discrepancies being resolved on the Final Plat, and the Forest Conservation Plan, prior to Final Plat review by the Planning Commission,

14) Areas of steep slopes on Lots 72 and 73 being depicted, or reconciled with information previously provided, and

15) Wetlands depicted on previous Forest Conservation Plans matching up with the final plat submitted for Planning Commission review, as well as the Final Forest Conservation Plan.

The Section 1 Final Plat was approved on 10/16/00, conditioned on:

1) That Health Department requirements be met;

2) That DPW requirements be met;

3) That the developer accept DPW requirements regarding Canal and Liberty Grove Roads bank, drainage, and entrance improvements;

4) That the owners of these lots become members of the Homeowners Association for maintenance of common open space with $50 per recorded lot placed in escrow for improvements prior to recordation;

5) That a Landscape Agreement for bufferyards and street trees be executed prior to recordation;

6) That deed restrictions for long-term protection of the forest retention areas be recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat,

7) That all trash, abandoned vehicles, and collapsed buildings in areas designated as common open space be cleared prior to recordation,

8) That the areas of proposed lots 13-17, 19, 44, 51-54, 57-58, 61-63, 69-70, & 73-74 be expressed in square feet on the Record Plat, and

9) That Section 2 consists of approximately 37.65 acres of common open space, when it is submitted.

The Section 1 Record Plat (41 lots) was signed on 6/14/01. The Section 2 Final Plat, (24 lots) was approved on 8/19/02. This Section 3 Preliminary-Final Plat proposes 5 lots on 36.24 acres, with 31.65 acres of common open space. This Preliminary-Final Plat, bringing the total number of lots to 72, is generally consistent with the approved Concept and Preliminary Plats.
A JD has been completed, and documentation thereof has been received by OPZ. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recordation.

This proposal satisfies the common open space requirement. The approved Preliminary Plat proposed 53.55 acres. Section 1 included 15.903 acres of common open space, and Section 2 included 5.998 acres. Therefore, approximately 31.65 acres of additional common open space were required for Section 3, and that amount has been included on this submission.

The developers must express their acceptance of Canal and Liberty Grove Roads bank, drainage, and entrance improvements as required by DPW.

No landscaping of the development envelope is required in the NAR zone.

Rows of street trees are required along both sides of all internal roads, outside the right-of-way. Where feasible, the natural vegetative equivalent may be used to satisfy the street tree requirements. The Forest Stand Delineation (FSD) was approved 10/15/99. The Preliminary Forest Conservation Plan (PFCP) was approved 4/10/00. The Final Forest Conservation Plan (FCP) and the Landscape Plan for street trees were approved 10/16/00. The FCP must be revised prior to Planning Commission’s review of this Preliminary-Final Plat to reflect the new, proposed Lot 76 and the reconfiguration of proposed Lots 39 & 40. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

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

The owners of these lots must become members of the Homeowners Association for maintenance of common open space with $50 per recorded lot placed in escrow for improvements prior to recordation.

The GAP must be updated.

There were no further comments.
November 6, 2002, 9:00 a.m.

Technical Advisory Committee

PRESENT:    Di Giacomo, Woodhull, Roop, McDowell, Moore, and Graham.

ABSENT:       Markwardt, Latham, Funk, King, Davis, Ouano, Hodgson, and Hicks. State Highway Administration and Maryland Department of Environment submitted written comments, which will be read at the appropriate time. Don Hicks, fire departments representative, and Jun Ouano, Conectiv representative, telephoned with no comments.

1. Donny Sutton presented Rettig, Richard (Lands of), Lot 6, Old Telegraph Road, Preliminary-Final Plat, First District.

Mr. Sutton stated this is a re-submittal of what was previously submitted to TAC with revisions based on Critical Area Commission comments. The previous plat had additions to Lots 4 and 5. Those add-ons will be eliminated and the access for Lot 6 will be through the existing lane out to Old Telegraph Road. The remaining lands will continue to access through the existing combined access along the Lands of Tortolani. The environmental plat listed this as being in the First Election District. That will be corrected to the Second Election District.

Mr. Woodhull stated DPW understands that this subdivision is for the purpose of land transfer only. As such it would qualify for a 251- 5 C. exemption. A formal request for this exemption must be submitted to the Department for approval. Any development of these lots will require a Stormwater Management Plan submittal.

The rights, privileges, and responsibilities for the common drive for Lot 6, remaining lands of Rettig and Lands of Tortolani must be identified by deed. This must be verified by DPW.

Mr. Woodhull asked where the water supply to the existing dwelling is on the remaining lands of Richard M. Rettig? Mr. Sutton stated there is an existing well on Lot 6. He believes it is inside the house. That will be labeled on the plat submitted for Planning Commission review.
Mr. Roop stated that any filling of wetlands or river or structures in the river would require a permit from the Corps of Engineers. Mr. Sutton stated none are proposed.

Mr. Moore read the Health Department comments, a copy attached for reference. In addition to written comments, he advised that a proposed well, meeting the distance requirements from the approved sewage areas, must be shown on the plat. It must be at least 30 feet from the house. A note must be on the plat stating that when the existing well needs to be replaced, a new well will be drilled as shown.

Mr. McDowell had no comments.

Mr. Di Giacomo read MDE written comments, a copy attached for reference.

Mr. Di Giacomo stated that the zoning is SAR, RCA, & LDA. A 3.332-acre area including recorded Lots 3, 4, 5, and a small amount of road frontage for the remaining lands was the subject of a Special Growth Allocation application from RCA to LDA. The Board of County Commissioners voted to grant the request on 3/21/95.

The original Final Plat was approved on 5/15/95. It consisted of Lots 3, 4, 5, and remaining lands (including 9.5 acres of private wetlands) on 88.738 acres, yielding a density of 1/22.184. The Record Plat was signed on 10/26/95.

Mr. Di Giacomo asked why a concept plat hasn’t been submitted since the remaining lands are more than 25 acres? Mr. Sutton stated they are not separating the remaining lands. They are only separating Lot 6. There is no further subdivision available.

Mr. Di Giacomo stated the SAR zone permits a maximum base density of 1 du/8 ac. Bonus density eligibility carries with it a permitted density of 1/5. This Preliminary-Final Plat proposes 1 new lot, Lot 6, which, combined with Lots 3, 4, 5, and remaining lands, should yield a new density of 1/17.748.

Mr. Di Giacomo asked if the acreage for Parcel 39 is included in the proposed Lot 6 total? Mr. Sutton answered in the affirmative. Mr. Di Giacomo stated that must be made clear in the columns.
Mr. Di Giacomo continued: The Critical Area Findings Plan indicates that proposed Lot 6 has only 21.992 acres. The plat indicates 27.728 acres. That discrepancy must be resolved prior to submission to the Planning Commission for review and approval.

Based upon the figures in the Area Table, it is apparent that the intent is to include 5.3 acres of private wetlands in proposed Lot 6. However, those 5.3 acres are not bounded by the same line width as Parcel 39 and the easterly portion of Parcel 38. Mr. Sutton stated it is easier to define the private wetlands the way it is laid out on the plat.

Mr. Di Giacomo further stated that the plat again includes an incorrect address for the developer. A different developer address is found on the Critical Area Findings Plan. That must be corrected on the plat submitted to the Planning Commission.

This plat must indicate that part of the subdivision that has been designated LDA, and it must cite that case number, 94-21, of the Special Growth Allocation rezoning. This plat must also show that a portion of proposed Lot 6 has been designated LDA. Mr. Sutton advised that access was never intended to be part of the Growth Allocation. Mr. Di Giacomo responded that OPZ and the applicant would have to discuss that.

Mr. Di Giacomo continued: One additional lot is being proposed in the RCA portion, but there is to be no actual new development. In the RCA zone, a density of only 1/20 is permitted. One additional lot in the RCA zone would be within the 1/20 permitted density.

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. 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 impervious surface in the RCA.

No more than 20% of the forest or developed woodland may be removed.

The must be corrected in the title blocks.
Since Parcel 39 is included in this proposal, it should be included in the Area Table.

No open space is required.

No landscaping of the development envelope is required in the SAR zone. However, Bufferyard Standard C is required, outside the right-of-way, along the Old Telegraph Road road frontages. The Landscape Plan has not yet been submitted. If this proceeds as a Preliminary-Final Plat, then it must be approved prior to the Planning Commission's review. Mr. Sutton stated they will be seeking a waiver of the Bufferyard C.

Mr. Di Giacomo stated that an environmental assessment has been received.

A Landscape Agreement, if a waiver is not granted, must be executed prior to recordation.

Mr. Di Giacomo advised that the landscaping requirements from the previous subdivision have yet to be completed. Mr. Sutton stated the owner said they have been completed and the owner was to contact Mr. Black of OPZ. Mr. Di Giacomo stated that he will verify that.

Mr. Di Giacomo continued: Deed restrictions for the long-term protection of any Forest Retention/Afforestation Areas (FRAs) in the section outside the Critical Area must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat. Mr. Sutton asked why deed restrictions are required if there are no forested areas outside the Critical Area on Lot 6? There are forested areas on the remaining lands, but no development is proposed on those. Mr. Di Giacomo stated deed restrictions would be required in the event there are forested areas on Lot 6.

Mr. Di Giacomo advised that a Natural Heritage Letter, dated 9/26/94, indicates that the Eastern Lampmussel is known to occur in the vicinity of Old Telegraph Road and the Bohemia Creek.

The Critical Area portion of this proposal is exempt under §3.2B. The balance is exempt under §3.2N. A note to that effect must appear on the plat.

Mr. Di Giacomo asked what legal instruments are in effect to cover the access easement across proposed Lot 6? Mr. Sutton stated there is a joint access agreement in the deed. Lot 6 will have its own access.
Mr. Di Giacomo reminded the applicant that due to the Veterans Day holiday, the deadline would be Tuesday, noon, 16 copies required if they wish to proceed to the November Planning Commission meeting.

2. Donny Sutton presented Roop Road Estates, Lot 1, Roop Road, Preliminary-Final Plat, Eighth District.

Mr. Sutton stated this is a preliminary-final plat of Roop Road Estates, Lot 1. This lot has not been before the Planning Commission as yet.

Mr. Woodhull stated stormwater management for this lot is addressed in the Stormwater Management Plan for Roop Road Estates, Section 1, Lots 1-7 that has been reviewed. Only minor comments and administrative items remain outstanding.

The Mini Road Section R-9 must be changed to R-1 to reflect the 36 wide right-of-way. North Rise Lane must be paved due to the slope. The denied access for this lot must be extended along North Rise Road to ensure that the driveway is located no less than 75 from the intersection, per the County Road Code. Section 3.07.15 of the Road Code directs that Roop Road must be upgraded to a Minor Collector Standard at a distance of 100 either side of the point of intersection between Roop Road and North Rise Lane.

A note must be placed on the Final Plat relative to the lot grading requirements. The language is available from the Plans Reviewer. [A lot grading plan has been approved by the CCDWP for the construction shown hereon. A site construction as-built shall be submitted to the CCDWP prior to use and/or occupancy of any of the sites shown hereon.]

An Inspection and Maintenance Agreement will be required for the stormwater management facilities and a Public Works Agreement will be required for internal streets and storm drains.

Mr. Roop stated that any filling within the perennial stream or non-tidal wetlands will require a permit from the Army Corps of Engineers.

Mr. Moore read the Health Department comments, a copy attached for reference.
Mr. McDowell had no comments.

Mr. Di Giacomo read MDE written comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR. The parcel of which proposed Lot 1 is a part was included as Parcel 3A on the Final Plat for the John M. Connelly Farm, approved by the Planning Commission on 1/19/82, at which time the overall density of the entire 790-acre tract was set at 3 acres per unit. That density approval is still valid, and was the standard for approval of the Concept Plat, which included proposed Lot 1.

The Concept Plat was approved on 7/16/01, conditioned on:

1) The suggested sensitive species surveys being done prior to Planning Commission review of the Preliminary Plat;

2) A boundary line survey for density calculation purposes being complete prior to Technical Advisory Committee review of the Preliminary Plat;

3) The Preliminary Forest Conservation Plan being approved prior to Planning Commission review of the Preliminary Plat; and

4) The Bufferyard C requirement being waived to the extent necessary for adequate sight distance.

The Preliminary Plat, which proposed 29 lots plus remaining lands on 100.01 acres, for a proposed density of 1/3.33, was approved 10/14/01, conditioned on:

1) Health Department requirements being met;

2) DPW requirements being met;

3) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Planning Commission review of the Final Plat;

4) The owners of these lots becoming members of the Homeowners Association for maintenance of common open space and the cul-de-sac island with $50 per recorded lot placed in escrow prior to recordation;

5) The owners of the lots accessing the mini road becoming members of the mini road maintenance association;

6) A landscape agreement, including bufferyards and street trees, being executed prior to recordation;

7) Deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the FRA being shown on the record plat; and
8) Minor subdivision # 866 being extinguished prior to Final Plat review by the Planning Commission.

Proposed Lot 1 was withdrawn from consideration as part of the Preliminary Plat by request of the applicant. Therefore, proposed Lot 1 was not included in the Section 1 Final Plat submission to the Planning Commission last month.

This Preliminary-Final Plat is generally consistent with the approved Concept Plat.

The common open space requirements will be satisfied in other sections, consistent with the approved Preliminary Plat (17.5%).

No landscaping of the development envelope is required in the NAR zone. The Bufferyard C requirement was waived.

Notice has been 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 Forest Stand Delineation (FSD), Preliminary Forest Conservation Plan (PFCP), Final Forest Conservation Plan (FCP) and Landscape Plan have been approved. A Landscape Agreement must be executed prior to recordation.

The owners of Lot 1 must become a member of the Homeowners Association that must be established for maintenance of common open space, with $50 placed in escrow for improvements prior to recordation. The owners of Lot 1 must become a member of the North Rise Lane Mini-Road Maintenance Association that must be established for maintenance of the mini-road.

Mr. Di Giacomo reminded the applicant that due to the Veterans Day holiday, the deadline would be Tuesday, noon, 16 copies required if they wish to proceed to the November Planning Commission meeting.

Mr. Sutton stated this is Lot 5 of an approved Minor Subdivision. It is located on the southwest side of Cayots Corner off of MD Rte. 213. Six lots (small farmlands) are proposed with a mini road. No development is proposed in the wooded areas or wetland areas. They are not seeking to maximize the density. The property has potential for at least eight lots and possibly 13. Wet season percs will hopefully be done next year.

Mr. Woodhull stated a Stormwater Management Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by DPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.)

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County’s Stormwater Management Ordinance. The potential for inclusion of dry hydrants should be discussed with the serving fire company. This is all predicated on whether the stormwater management facilities are designed as wet ponds of sufficient volume to support dry hydrants.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. The proposed cul-de-sac bulb geometry exceeds the minimum requirements and will not require a formal variance. The internal road is proposed as private, as such, a statement clearly outlining the responsibilities of the Homeowners Association in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. The Department proposes the following note: The proposed internal roads will not be dedicated for public ownership or maintenance. The Homeowners Association shall retain title to the road and all maintenance responsibilities. The proposed Private Mini Road must meet the requirements set forth in Section 2.13 of the County Road Code.

The driveways for Lots 5 & 10 must be located no less than 75 from the intersection of MD Rte. 213, and the appropriate area of denied access must be indicated on the Final Plat.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the owners’ expense.
If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owners, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the stormwater management facilities and a Public Works Agreement will be required for the private mini road and storm drains.

Mr. Roop stated that any filling of the perennial stream or non-tidal wetlands would require a permit from the Army Corps of Engineers.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo read MDE and SHA comments, copies attached for reference.

OPZ comments are as follows: The zoning is SAR, which permits a maximum base density of 1 du/8 ac. Bonus density eligibility, which is not sought in this case, carries with it a permitted density of 1/5. This Concept Plat proposes 6 lots, a private mini-road, and a landscaped cul-de-sac bulb island on 69.9 acres, for a proposed density of 1/11.65. This parcel is shown as lot #5 on Minor Subdivision #2490.

The plat shows proposed Lots 5-10. However, the area table lists proposed Lots 6-11. This discrepancy must be resolved prior to submission for review by the Planning Commission.

A boundary line survey must be done for 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. Any 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’. It appears that the stream buffer needs to be expanded. A 25’ buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. Mr. Sutton stated the non-tidal wetlands and stream buffers were taken directly from the minor subdivision plat. Mr. Roop advised that a JD was not done at the minor subdivision stage. Mr. Sutton stated that no development is occurring in the wooded areas, therefore a JD should not be required. Those wetlands will be in a forested area. Mr. Di Giacomo stated that if the non-tidal wetlands prove to be an intermittent stream, then a 50’-buffer will be required, assuming the wooded area is to become forest retention area.

Mr. Di Giacomo continued: The habitats of rare, threatened, and endangered species must be avoided.

No open space is required for subdivisions of fewer than 10 lots. The mini-road maintenance association that must be formed must maintain the landscaped open space in the mini-road cul-de-sac. OPZ recommends one association to cover the mini road and the landscaping of the island bulb. No landscaping of the development envelope is required in the SAR zone. Bufferyard Standard C is required, outside the right-of-way, along the MD 213 road frontages.

Mr. Di Giacomo asked what the “along existing hedgerow” notation below proposed lots 5 & 6 indicates? Mr. Sutton stated it is a Bufferyard A along the existing hedgerow. There is an existing hedgerow between this lot and the adjoining farm that may partially qualify as the vegetated equivalent for the Bufferyard A. However, it may have to be augmented.

Mr. Di Giacomo stated that Bufferyard Standard A is required along the southerly lot lines of Lots 5 & 6 to buffer adjacent agricultural uses. The 100’ Bufferyard A building restriction line must be depicted.

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.

Rows of street trees are required, outside the right-of-way, along both sides of the proposed mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be

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executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The mini-road's name must be approved by the County 911 Emergency Management Agency prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations. A Mini-Road Maintenance Association for maintenance of the proposed mini-road and open space island must be established with all lot owners becoming members.

Per §4.0.13 (i) of the Cecil County Subdivision Regulations, the location of existing utilities must be shown on the Concept Plat. Minor Subdivision # 2490 indicates utility easements. Mr. Di Giacomo asked why they haven’t been shown? Mr. Sutton stated that he believes the utility easements are the easements along the access for Lots 3 and 4.

Mr. Di Giacomo reminded the applicant that due to the Veterans Day holiday, the deadline would be Tuesday, noon, 16 copies required if they wish to proceed to the November Planning Commission meeting.

There were no further comments.

Deborah J. Graham

Administrative Assistant

ABSENT:       King, Davis, Hodgson, and Hicks.  State Highway Administration submitted written comments, which will be read at the appropriate time.

1.        Stanly Granger, Abel Gamboa, and John Su presented Gamboa, Abel, et al. (Lands of), Ebenezer Church Road, Preliminary-Final Plat, Fifth District.

Mr. Granger stated this is a division of lands of an existing development. What was known as Lot 1 was transferred to Mr. Gamboa. Mr. Su, one of the previous owners, lives in the house and would like to separate the house from the mushroom operation.

Mr. Woodhull stated if this subdivision is for the purpose of land transfer only it should qualify for a 251- 5 C. exemption. The plat must contain a note recognizing this. (The purpose of this subdivision is for land transfer only. Any development of these lots will require a stormwater management submittal.)

A right-of-way dedication for Lots 1 and 3 should be denoted as, 30-foot wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

All existing structures and paved areas must be denoted as such on the plat.

Mr. Markwardt had no comments.

Ms. Latham stated a GAP is not required.
Mr. Ouano, Mr. Funk, and Mr. Roop had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference. Mr. Granger stated the wells are shown off the corner of the mushroom house and in front of the house. Mr. Granger asked if additional perc tests are required for Lot 1? Mr. Moore stated that is correct. Mr. Granger asked if the Health Department has the location of the septic tanks on that lot? Mr. Moore stated that the garage was either built over part of the drainfield or the tank. It could be in the little corner to the north. 30,000 square feet was defined when this subdivision was submitted previously; 20,000 square feet for the mushroom building and office, and 10,000 square feet for the manufacture home. The other 10,000 square feet was for Lot 1 to take care of what was ruined when the house and garage were built. The applicant can do one of two things – do seasonal percs or divide it to encompass the 10,000 square feet. The monitoring wells are still down, therefore the Health Department doesn’t know if there will be seasonal tests done this year, but hopefully there will be some tests done.

Mr. McDowell had no comments.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Preliminary-Final plat proposes 2 new lots on 19.651 acres. A condition of approval of the K-N-K subdivision was that Lot 2 shall be used for all future density determinations. Therefore, the proposed density is 1/7.451, which is within the maximum allowable.

This Preliminary-Final Plat is being submitted without benefit of a Concept Plat first being approved, in accordance with §4.0.1 of the Cecil County Subdivision Regulations.

This is actually a resubdivision plat, and it must be labeled as such.

No open space is required.

No landscaping of the development envelope is required in the NAR zone.

No Forest Stand Delineation or Forest Conservation Plan has been submitted. Both must be approved prior the Planning Commission review.
Note # 1 indicates that lot 1 is exempt under §3.2K. Who will be the owner of lot 1? Mr. Granger stated that Mr. Su will be the owner. Mr. Su advised that his parents live in the house.

Mr. Di Giacomo continued: The landscaping requirements from the creation of Lots 1 & 2 have been satisfied. If it is not exempt, then deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

2. Stanly Granger presented Huegel, Otto M. & Greta E. (Lands of), Principio Road, Preliminary-Final Plat, Fifth District.

Mr. Granger stated this is a mini road subdivision that is proposed off Principio Road. The ten acres will be divided from Mr. Huegel’s property so it can be transferred. At this point, it is proposed to be used as a church.

Mr. Woodhull stated a Stormwater Management Plan; a Street and Storm Drain Plan; and a Mass and Final Grading Plan must be approved by the DPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A lot grading plan has been approved by the CCDWP for the construction shown hereon. A site construction as-built shall be submitted to the CCDWP prior to use and/or occupancy of any of the sites shown hereon.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.

The potential for inclusion of dry hydrants should be discussed with the serving fire company. This is all predicated on whether the SWM facilities are designed as wet ponds of sufficient volume to support dry hydrants. The existing on-site pond may also be a good candidate for this.

Section 3.07.15 of the Road Code directs that Principio Road must be upgraded to a Minor Collector Standard for a distance of 100' either side of the point of intersection between Principio Road and the proposed entrance. The right-of-way dedication should be denoted as, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. The proposed private mini road is not appropriate for the institutional use proposed by the sanctuary and dining buildings. Ultimately, this lot could produce an
average of 100 or more trip ends per day, versus 10 for a residential lot. The entrance road should be constructed as a (public) Minor Road Standard for the first 2000 +/- with an intermediate turnaround at approximately 1300 feet in. This will require a Road Code Variance. A private mini road may continue from that point if residential uses are proposed for the remaining lands. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. For the section of the internal road proposed as private, a statement clearly outlining the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. The Department proposes the following note: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities.).

The existing home on the remaining lands must become a member of the mini road maintenance association and access from the mini road.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalk maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the stormwater management facilities and a Public Works Agreement will be required for any public road or private mini road and storm drains.

Discussion followed concerning the turn around and variances.

Mr. Markwardt advised that if the property is subdivided for residential use, any bus transportation would be from Principio Road.

Ms. Latham stated that a GAP is required if it is to be a church. She asked why there are two proposed wells shown? Mr. Granger stated that originally the property was proposed as a mini road with five lots. At this point, the owner doesn’t want to do anything other than the church. That well should be removed.

Mr. Ouano stated that when the road is prepared, Conectiv utilities will have to have a ten-foot clear path on one side of the road, which Conectiv will choose.

Mr. Funk submitted the soil summary. An approved Erosion & Sediment Control Plan prior to any ground disturbance activities.
Mr. Roop stated there are no streams or wetlands, therefore nothing is required from Corps of Engineers.

Mr. Moore advised that the Health Department reviewed the plan as a general proposal for a church. He read the Health Department written comments, a copy attached for reference. He further stated that if the plat is proposed as one dwelling, then there would be adequate sewage.

Mr. McDowell had no comments.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Preliminary-Final plat proposes 5 lots on 45.116 acres for a proposed density is 1/9.023.

Mr. Di Giacomo asked why a Concept Plat hasn’t been submitted, in accordance with §4.0.1 of the Cecil County Subdivision Regulations, since it is more than 25 acres? Mr. Granger stated that originally the owner was going to do five lots, but subsequently decided not to do any residential lots because he lives in the adjoining house. They had a concept plat for five lots ready to submit, but changed it to the plat submitted. Mr. Granger advised the owner to seek approval for the entire property, but the owner informed him that he did not wish to do that at this time because he would have to pay taxes on five building lots.

Discussion followed concerning concept plat submittal.

Mr. Di Giacomo continued: This Preliminary-Final Plat is confusing inasmuch as three of the proposed lots are not depicted on the plat and are shown to have zero acreage in the acreage data table. Those lots must be shown or reference thereto deleted prior to Planning Commission review. A revised subdivision plat will need to be submitted showing proposed lots 2, 3, & 4 if they are subsequently proposed to be created.

Depending on the locations of lots 2, 3, & 4, a Bufferyard standard A may be required. Bufferyard standard A is required along the northern property line of proposed Lot 1.

This is proposed as a mini-road. However, the Road Code gives the clear message that mini-roads are permitted only for residential uses. With the institutional sanctuary use, a public road seems more appropriate.
The lot created via Minor Subdivision # 1606, shown as “other lands of Otto M. & Greta E. Huegel” must be denied access to the proposed mini-road.

Parcel 378 shown on the area map is actually Parcel 397. That must be corrected.

No open space is required.

No landscaping of the development envelope is required in the NAR zone.

No Forest Stand Delineation or Forest Conservation Plan has been submitted. The Forest Stand Delineation must be approved prior to the Planning Commission’s review of the Concept Plat. The Forest Conservation Plan and Landscape Plan (for the Bufferyard A and street trees) must be approved prior to the Planning Commission’s review of the Preliminary-Final Plat. A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

OPZ has not heard if the road name “Floral Way” has been approved by EMA, but it must be approved prior to the Preliminary-Final plat being approved by the Planning Commission.

Mr. Granger asked if the road is built to a minor collector road standard, would the County take title to it? Mr. Carter stated that was the intent. Discussion followed concerning mini road and private road.

3. David Strouss and Brian Lopez presented Victoria Park at North East, Town of North East, Main Street and Mauldin Avenue, Concept Plat, Fifth District.
Mr. Strouss stated this is a senior apartment development concept plan in the Town of North East. It is proposed as 47 apartment units and several medical offices. They were at the North East Planning Commission meeting earlier this year and were requested to come to TAC for additional comments.

Mr. Woodhull stated a Stormwater Management Plan, a Sanitary Sewer Plan and a Mass and Final Grading Plan must be approved by the Cecil County Department of Public (CCDPW) Works prior to submittal for Final Plat Approval. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. ( A lot grading plan has been approved by the CCDWP for the construction shown hereon. A site construction as-built shall be submitted to the CCDWP prior to use and/or occupancy of any of the sites shown hereon. )

DPW understands that the Town of North East will own the water lines for this site.

A sewer allocation request has been approved by CCDPW for 46 units and a medical office. A revised allocation for 47 units and the medical office can be accommodated. Mr. Lopez stated that there will be two medical offices.

Mr. Woodhull stated that currently the collection system in Main Street south of Thomas Avenue has been determined by the Department to be at or near its capacity. This system is scheduled for upgrade in the spring, at which time capacity would be available for this development. A benefit assessment will apply.

Mr. Carter stated that the preferred discharge point for the sanitary sewer for the project would be the Mauldin Avenue/Thomas Avenue manhole. The elevations may not work, but DPW would like to see it explored.

Mr. Woodhull continued: The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.

If this project will indeed be constructed within the next 2-3 years, the entrance on to Main Street should be coordinated with the upcoming streetscape project so that the new construction is not torn up immediately.

Mr. Markwardt had no comments.
Ms. Latham stated that a GAP would not be required since it is on public water.

Mr. Ouano stated that the electric will most likely come from the Mauldin Avenue side.

Mr. Funk stated that soil boundaries and types to the plan. He asked if the area proposed for the dumpster will be wide enough for a trash truck to pull in and turn around without backing out onto Mauldin Avenue? Mr. Strouss stated they will look at that.

Mr. Roop stated that any filling within the stream or adjacent wetlands would require a permit from the Corps of Engineers.

Mr. Moore read the Health Department comments, a copy attached for reference. He asked what the gallonage flow is for the sewer allocation? Mr. Carter stated 12,074 gallons, which was based on 46 units and 2,000 gallon per day for the medical office. That will probably change slightly before it is completed.

Mr. McDowell stated that he hasn’t received any comments from the community. He is concerned about parking. Five spaces for two medical offices would hardly accommodate the employees, let alone the patients. Mr. Strouss stated that it meets the town’s ordinance. Since this is a senior apartment complex, the actual number of cars for occupants is one or less per unit. Therefore, there will be adequate parking because the senior complex will provide some of the parking for the physicians’ offices.

Mr. Di Giacomo read the North East Volunteer Fire Company comments, a copy attached for reference.

Mr. Di Giacomo read State Highway Administration’s comments, a copy attached for reference.

OPZ comments are as follows: This subdivision is proposed in the Town of North East. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns’ corporate limits. The Office of Planning & Zoning’s comments and questions relating to this Concept Plat are as follows:

- Town Zoning: C-1. It should be confirmed that this use is consistent with this zoning.
• Critical Area Designation: IDA

• Has any consideration been given to locating the building farther away from the buffer and outside the 500-year floodplain by moving the parking area to the northern portion of the site? Mr. Lopez stated they could give that further thought.

Mr. Di Giacomo continued:

• There is an obvious hazard between vehicles entering from Main Street and vehicles backing out from the 8 parking spaces on the NW corner of the parking area.

• Have right-in, right-out entrances been considered for both Main Street and Mauldin Avenue? That is what SHA is recommending.

• It is recommended that the proposed density be verified as being consistent with the Town’s Zoning Ordinance.

• It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town’s Zoning Ordinance for the C-1 zone.

• The Town of North East and Cecil County signed an Assigning obligations under the Forest Conservation Act agreement on 2/4/00. However, this project is exempt under §3.2.B for the Forest Conservation Regulations.

• It appears that the building restriction line along the northerly property line is beyond the property line. Mr. Strouss stated that he has an actual boundary survey from an older concept plat.

Mr. Di Giacomo continued:

• It is recommended that the plat be checked to ensure that all requirements for Concept Plats, as set forth in the Town’s Zoning Ordinance and Subdivision Regulations, have been satisfied.
• A 25’ buffer is recommended around any non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts or stream crossings prior to recordation.

• The habitats of any rare, threatened, and endangered species should be avoided.

• It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.

• It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.

• It is recommended that the Landscape Plan be approved prior to final subdivision approval.

• It is recommended that a Landscape Agreement be executed prior to recordation.

• Sidewalks are recommended along Main Street and Mauldin Avenue.

• It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town’s Subdivision Regulations and Public Works Street Code.

• It should be confirmed that the number of parking spaces falls with the minimum and maximum established by the Town’s Zoning Ordinance and Subdivision Regulations.

• It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations.

• Consideration should be given to the comments submitted by the North East Volunteer Fire Company.
• Fire hydrant/standpipe locations should be shown and should be consistent with the Town’s Zoning Ordinance and Subdivision Regulations.

• Consideration should be given to locating dry hydrants at the proposed stream crossings if deemed advisable and feasible by the North East Volunteer Fire Co.

• Water allocation should be confirmed by the Town of North East prior to final approval.

• Sewer allocation should be confirmed by the Cecil County Department of Public Works prior to final approval.

• It is recommended that the site design be consistent with the Town’s policies regarding possible bus stops/shelters and/or bicycle racks.

• It is recommended that final subdivision plat approval be coordinated with SHA entrance design approval.

• It is recommended that a lighting plan that emphasizes pedestrian safety and security be submitted.

• It is recommended that all variance numbers be shown on the plat.

Mr. Ouano asked what the address is for the existing building? Mr. Lopez stated it is 520 South Main Street.

4. Mike Estes presented Herman, Eugene F. (Lands of), New Bridge Road, Concept Plat, Eighth District.
Mr. Estes stated this is a concept plat on 51.43 acres. Bonus density is being sought. The development is clustered in the southwest portion of the site, adjoining the Octoraro Lakes subdivision, with the large remaining lot encompassing the existing buildings and open space to the east toward Octoraro Lake.

Mr. Woodhull stated a Stormwater Management Plan; a Street and Storm Drain Plan; and a Mass and Final Grading plan must be approved by the DPW prior to submittal for final plat approval. The final plat must include a note recognizing the applicability of the Lot Grading Plans. (A lot grading plan has been approved by the CCDWP for the construction shown hereon. A site construction as-built shall be submitted to the CCDWP prior to use and/or occupancy of any of the sites shown hereon.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance.

Section 3.07.15 of the Road Code directs that New Bridge Road must be upgraded to a Minor Collector Standard for a distance of 100 feet either side of the point of intersection between New Bridge Road and the proposed entrance. New Bridge Road over Octoraro Creek (CE007) is currently limited to no more than 6,000-pound loads. The steel truss bridge dates to 1884 and the historic nature will likely limit DPW to repair rather than replacement. As such, the 16'-5" travel way will not be widened. Most ambulances, fire trucks, school buses, and fuel delivery trucks may not legally use the bridge. Rehabilitation is currently planned for Fiscal-Year 2006 at an estimated cost of $400,000. Therefore, until at least FY 2006, major traffic loads will enter and exit from the west (Roop Road), including most emergency response vehicles. New Bridge Road is only 18' wide with no shoulders. Widening is not planned or recommended because of the limitations of the bridge. Pavement distress (including alligator cracking) is evident. Required off-site improvements will include milling, sub grade repair (as necessary), wedge/level to 2%, a 1.5" surface course and 18" graded aggregate sub base shoulders.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Sight distance measurements have been provided and are under review. The pavement should be marked to indicate the entrance centerline to allow departmental review of the proposed location. However, a preliminary review indicates that the proposed entrance location will require the removal of trees and shrubs along New Bridge Road. Entrance geometry should be coordinated with DPW prior to significant engineering efforts.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.
Mr. Woodhull asked if any thought has been given to the two stub streets from Cree Terrace and Algonquin Drive? Mr. Estes stated that Algonquin Drive is a very steep slope area and is also in the floodplain. It would be difficult to connect to Cree Terrace because of the location of the existing house and garage/buildings. Mr. Carter stated that if those vacant stubs are not going to be used as connection points, then it must be determined what will be done with them.

Mr. Woodhull stated that all driveways must be paved to the right-of-way.

Lots 2, 6, and 17 should be denied access to New Bridge Road. Lot 1 should be denied access to New Bridge Road except for the existing driveway.

The potential for inclusion of dry hydrants should be discussed with the serving fire company. This is all predicated on whether the SWM facilities are designed as wet ponds of sufficient volume to support dry hydrants.

If the Planning Commission requires sidewalks, the final plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal street and stormdrains.

Mr. Markwardt questioned the size of homes and the beginning construction date. Mr. Estes stated that he assumes they will be in keeping with the general characteristics of the area. It hasn’t been discussed with the developer. He also doesn’t know the expected price range of the homes. They expect to begin construction in the Fall of 2003 at the earliest.

Mr. Markwardt stated that bus service would be at New Bridge Road and the collector road. There is a gravel area that the County maintains that is used for school bus turn around. School buses do not go up Horseshoe Road any further than its junction with Springhill.

Discussion followed concerning upgrading the bridge.
Ms. Latham stated that a GAP would be required.

Mr. Ouano had no comments.

Mr. Funk stated that an approved Erosion & Sediment Control Plan prior to ground disturbance activities will be required. The plan should show the soil boundaries and types. He feels the common open space on the east side is impractical for the residents. He questioned the common open space on the west side next to Lots 16, 17, and 18. Mr. Estes stated that is part of the Octoraro Lakes subdivision. Mr. Funk feels the common open space should be shifted to the north to provide a larger contiguous open space area.

Mr. Roop stated there are no streams or wetlands on the property, therefore a permit from the Corps of Engineers is not required.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell advised that he has received no comments from the community. He voiced his concern about the separation of the large common open space and its distance from the community. He asked if there will be access to that open space from New Bridge Road? Mr. Estes stated there will be no vehicular access. The idea is that the residents could walk to the open space. They made an effort to provide open space in the center of the property as much as possible, however the location of the existing house, it is limited as to where the lots could be placed. There is a nice, usable area by the creek. It is a passable strip by foot to the open space.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 17 lots on 51.43 acres, for a proposed density of 1/3.03. A boundary line survey must be done for 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 ft\(^2\) 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. 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 Octoraro Creek stream buffer must be shown. A 25' buffer is required around any tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

Mr. Di Giacomo asked if the proposed entrance is at least 450' away from the intersection, as required by §7.2.12.E.4 of the Cecil County Subdivision Regulations? Mr. Estes answered in the affirmative.

Mr. Di Giacomo continued: This proposal satisfies the open space provisions of the NAR zone. 60% is required for bonus density eligibility, including 15% common open space.

No landscaping of the development envelope is required in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the New Bridge Road road frontages. A row of street trees is required, outside the right-of-way, along both sides of the proposed, unnamed cul-de-sac. If feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

Mr. Di Giacomo asked if the topography in the area of the cul-de-sac is consistent with §7.2.12.B.9 of the Cecil County Subdivision Regulations with regard to downhill cul-de-sacs? Mr. Estes stated it starts to go back uphill at the beginning of the cul-de-sac.

Mr. Di Giacomo stated that any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat and the Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the
Cecil County Subdivision Regulations.

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

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

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

Mr. Woodhull informed the applicant that the common open space in the stormwater management area cannot be moved adjacent to New Bridge Road because of the slope; some open space would have to be left in the center for stormwater management. He asked where the discharge is envisioned? Mr. Estes stated there is an existing ditchline in the open space area, but that has not been thoroughly examined at this point. Mr. Woodhull advised that should be closely analyzed for its impact to Octoraro Lakes.


Mr. Granger stated this is a commercial development in the Town of Perryville. Lot 1 will be comprised of self-storage units. The front lots will be a fast food restaurant and a bank. At this point, it is proposed that town water and sewer will be brought to the site. Stormwater management and forest retention will be located on the east side where there is an existing stream corridor.

Mr. Woodhull stated that DPW understands that the Town of Perryville will own the road, sanitary sewer, and water for this site. The Town of Perryville should evaluate whether sewer and water allocation can be made. The Town of Perryville should review internal streets and storm drain plans. Unless proven non-feasible, the proposed sanitary sewer in U.S. Route 40 should be designed as gravity flow. It appears that at least another 250' of gravity sewer is feasible.

A Stormwater Management Plan, and a Mass and Final Grading Plan must be approved by the Cecil County DPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. A lot grading plan has been approved by the CCDWP for the
construction shown hereon. A site construction as-built shall be submitted to the CCDWP prior to use and/or occupancy of any of the sites shown hereon.

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance.

Mr. Woodhull asked if the point of discharge for the stormwater management will be at the stream crossing going under U.S. Rte. 40 in the forest retention area? Mr. Granger answered in the affirmative.

Mr. Woodhull stated that DPW recommends consideration that the entrance boulevard should have a 60’ ROW and a paved width of 48’ to support four 12’ wide traffic lanes. The entrance island will consume some 4’ leaving the four lanes at only 10’. The pavement design should be in accordance with Standard R-23 of the Road Code. It would appear that some of the internal roads would remain private and in joint ownership. The Town of Perryville should require that a private road association be established for all owners, or address the issue in some other manner.

An Inspection and Maintenance Agreement will be required for the stormwater management facilities.

Mr. Markwardt had no comments.

Ms. Latham stated that public water doesn’t require a GAP.

Mr. Ouano asked when the project would begin construction? Mr. Palmer stated sometime in the spring, depending on the approval process.

Mr. Charles Gardner, Perryville Volunteer Fire Department, stated that the fire department is concerned with the hydrant placements. They are looking for a minimum of four one at the very entrance, preferably the east side. Another one should be placed at the fast food restaurant. He indicated on the plat where the other two hydrants should be placed.

Mr. Funk stated that the soil boundaries and types need to be added to the plan. An Erosion and Sediment Control Plan is not needed. There is a stream indicated on the second sheet. He asked if there are any wetlands associated with the stream? Mr. Granger stated probably. Mr. Funk stated that the 100-year
floodplain must be shown. He asked if any traffic studies will be done to determine the traffic going into these areas and if that study would determine how long the left turn lanes should be? Mr. Granger stated that a traffic study has not been done. If the Town or SHA requires it, then one will be done.

Mr. Roop stated that any filling within the stream or wetland would require a permit from the Corps of Engineer, but it doesn't show up on the quad sheets. He asked if it is an actual stream? Mr. Granger stated he thinks it is more of a ditch. It is at least an intermittent stream, but it may not be perennial.

Mr. Moore read the Health Department comments, a copy attached for reference. In reference to the Health Department comments, Mr. Granger stated the name of the project will be changed to Osprey Landing.

Mr. McDowell had no comments.

Mr. Di Giacomo read SHA written comments, a copy attached for reference. OPZ comments are as follows:

This subdivision/site plan is proposed on land that has been annexed into the Town of Perryville. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns' corporate limits.

The Office of Planning & Zoning's comments and questions, relating to this Concept Plat/Site Plan are as follows:

- Town Zoning: C-2. Note #4 indicates that the zoning is the County's BI. That error should be corrected.

- If the Boulevard entrance road is proposed for ownership by the Town, then it should be confirmed that its design meets all Town standards. If it is not to be owned by the Town, then who will own it and maintain it, and what legal arrangements are proposed, and are they acceptable to the Town? Mr. Granger stated that will be conveyed to the Town once it is built and subdivided.

- What is the rationale for proposing 15 parking spaces directly in front of the 3,080-ft² storage building and 9 spaces alongside the 4,500-ft² storage building? It may impede access. Mr. Granger stated that may change slightly as the project proceeds.
• Consideration should be given to locating some handicapped parking spaces inside the gates of the self-storage facility.

• Consideration should be given to moving the fast food building forward to the depicted 75 BRL, shifting the handicapped parking spaces to the west front, shifting 8 spaces to against the landscape island, and creating a one-way, counter-clockwise traffic flow. That would reduce potential safety conflicts among pedestrians and vehicles.

• If the above changes were implemented, then the driveway between the landscape island and the privacy wall to the north does not need to be two-way beyond the entrance to the fast food parking lot.

• Consideration should be given to creating a one-way, counter-clockwise traffic flow through the bank parking lot. That would reduce potential safety conflicts among pedestrians and vehicles.

• If the above changes were implemented, then the bank building site could be shifted slightly to the west to allow for an exit lane to the east of the 4 proposed drive-through banking lanes.

• In addition, if the above changes were implemented, then the driveway between the landscape island and the privacy wall to the north does not need to be two-way beyond the exit driveway.

• It should be determined if there will be any areas of outdoor storage or trash bins, where they might be located, and how they will be accessed by trucks.

• It is recommended that final subdivision/site plan approval be coordinated with and contingent upon SHA entrance design approval.

• Consideration should be given to controlling the internal intersection with a four-way stop.

• It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town’s Zoning Ordinance for the C-2 zone.
The Town of Perryville and Cecil County have not signed an Assigning obligations under the Forest Conservation Act agreement. Consequently, the County will review a forest conservation plan only as a courtesy to the Town.

It is recommended that the plat be checked to ensure that all requirements for Concept Plats, as set forth in the Town’s Zoning Ordinance and Subdivision Regulations, have been satisfied.

It is recommended that consideration be given to the installation of protective fencing around the stormwater management pond particularly in light of its close proximity to the proposed fast food parking lot.

It is recommended that the locations of all structures or impervious surfaces be consistent with the requirements of the Town’s Zoning Ordinance and Subdivision Regulations with respect to any steep slopes. It is further recommended that on any slopes between 15 and 25%, good engineering practices be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

It is recommended that any steep slopes be depicted on the Preliminary Plat and site plan(s).

A 25’ buffer is recommended around any non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts or stream crossings prior to recordation or site plan approval(s).

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

Is the owner of Lot 1 proposed to be the party responsible for the maintenance of the SWM pond? Mr. Granger stated there will be a stormwater management easement around that pond, that will probably be a joint easement.

It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.
• It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.

• It is recommended that the Landscape Plan be approved prior to final subdivision and/or site plan(s) approval.

• It is recommended that a Landscape Agreement be executed prior to recordation and/or final site plan(s) approval.

• A sidewalk and a crosswalk are recommended between the proposed bank and the proposed fast food restaurant.

• It should be confirmed that all aspects of the proposed street design and layout are consistent with the Town’s Subdivision Regulations and Public Works Street Code.

• It is recommended that the Final Forest Conservation Plan (FCP) be approved prior final subdivision or site plan approval.

• Deed restrictions for the long-term protection of any Forest Retention/ Afforestation Areas (FRAs) should be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA should be shown on the record plat.

• The internal street names must be approved by the County Emergency Management Agency.

• It should be confirmed that the number of parking spaces proposed for each lot meets at least the minimum and does not exceed any maximum established by the Town’s Zoning Ordinance and Subdivision Regulations.

• It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations.

• Consideration should be given to the Perryville Volunteer Fire Company comments.
• Fire hydrant locations should be shown and should be consistent with the Town’s Zoning Ordinance and Subdivision Regulations.

• Water allocation should be confirmed by the Town of Perryville prior to final approval.

• Sewer allocation should be confirmed by the Town of Perryville prior to final approval.

• Why are sewer connections and septic tanks shown on the site plan? Mr. Granger stated that nothing has been designed. It is more likely that the septic tanks will be removed from the plan.

Mr. Di Giacomo continued:

• Each lot should be checked for compliance with any Town requirements regarding minimum road frontage.

• It is recommended that a lighting plan be submitted in conjunction with site plan(s) approval.

• It is recommended that the site design be consistent with the Town’s policies regarding possible bus stops/shelters and bicycle racks.

• It is recommended that the site plan(s) include detailed information on all proposed signage. It is further recommended that site plan(s) approval be contingent upon the proposed signage being consistent with all applicable requirements of the Town’s Zoning Ordinance and Subdivision Regulations.

Mr. Moore stated that the Health Department will need a copy of the approved grinder pump details prior to record plat approval.
6. Fred Orr, Steve Loriello, and Scott Downs presented Holt Family Partnership (Lands of), Oldfield Point Road, Concept Plat, Fifth District.

Mr. Orr stated this is a concept plat proposing 67 lots on 229 acres. The total overall site density is one unit per 3.42 acres. The zoning is NAR and SR. The NAR zone consists of 142 acres and the balance is SR. The internal street access will be from Oldfield Point Road. A trail system is proposed to connect the entire community through the common open space areas to the Elk River. Approximately 67.8 acres are in the Critical Area, designated LDA. 23.5 acres are shown as reserved by owner, which is assigned to St. John’s Manor East as common open space. Mr. Di Giacomo stated that was a reserved area to satisfy the density requirements.

Mr. Orr further stated that the density calculation shown reflects the 23.5 acres being removed from the SR zoned area, with the balance being 42.8 acres. On-site wells and septic systems are proposed. The 15% LDA impervious surface requirement will be easily met.

Mr. Woodhull stated that a Stormwater Management Plan, a Street and Storm Drain Plan; and a Mass and Final Grading Plan must be approved by DPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A lot grading plan has been approved by the CCDWP for the construction shown hereon. A site construction as-built shall be submitted to the CCDWP prior to use and/or occupancy of any of the sites shown hereon.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.

Upgrade of the final section of Oldfield Point Road is scheduled in the CIP for FY 2008. The Department does not consider this road to be suitable for an additional 660 trip ends per day and substantial off-site improvements will likely be required at Preliminary Plat review.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

The intermediate turnarounds designed as eyebrows do not comply with the Road Code Standard R-16. A substantive Road Code Variance request must be submitted. At a minimum, the lot entrances are inconsistent with the denied access limits of R-16.
Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The pavement should be marked to indicate the entrance centerline to allow departmental review of the proposed location.

Entrance geometry should be coordinated with DPW prior to significant engineering efforts. The loss of dual entrances from the previous plan is regrettable and discouraging. He asked why they have been abandoned? Mr. Orr stated that this is proposing minor streets rather than a collector road. They felt that by the downgrade of the streets and the opposite entrances, essentially creating one entrance onto Oldfield Point Road, that that would be weighed against the secondary access points along the frontage. They felt that minimizing the number of accesses along Oldfield Point Road, when a minor collector road wasn’t required, had some importance.

Mr. Woodhull continued: Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense. Utility poles near the proposed entrances will need to be relocated.

The right-of-way dedication should be denoted as, 30’ wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

Lots 1 and 23 should be denied access to Road C except for the easternmost 30’ of frontage. Lots 24 and 66 should be denied access to Road B except for the westernmost 30’ of frontage.

All driveways must be paved at least to the right of way.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

The drainage & utility easement located between Lots 61 and 62 may need to be widened to accommodate both access and the storm drain.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal streets and stormdrains.
Mr. Markwardt questioned the size, pricing and phasing of construction. Mr. Palmer stated the homes will be three to four bedrooms, similar to those in Villages of Elk Neck. The price will be at least $250,000 to $400,000. There has been no discussion on the construction phasing at this point. Mr. Markwardt stated that bus transportation would initially be at the two road ends until the roads are accepted by the County. Road C may be too short to provide bus service. Roads A & B would probably meet the distance requirement.

Ms. Latham stated that since the average annual water use will exceed 10,000 gallons per day, it will have to go out on public notice to get the GAP, and it may require an on-site aquifer test.

Mr. Ouano questioned the estimated start date. Mr. Palmer stated Spring 2004 at the earliest, depending on approvals.

Mr. Funk submitted the soil summary report. An Erosion and Sediment Control Plan will need to be approved prior to ground disturbing activities. The soils shown are hard to read and need to be darkened. He questioned the open space to the west. He stated that a stream will have to be crossed to get to that area. He asked how the residents will access it? Mr. Orr stated that no constructed access is proposed at this time. If the community wanted to make some type of trail system in the future, they would have to apply for a crossing permit.

Mr. Roop stated that any filling or structures in the Jones Creek, the Elk River, or the tidal wetlands would require permit. Also, any filling in the non-tidal wetlands would require a permit and a JD has not been done.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell stated that he has received comments from the community concerning the condition of Oldfield Point Road and its adequacy to serve the increasing number of homeowners in the area. The road must be updated. Concerning the trail system, it doesn't seem logical for that to be between Lots 18 & 19. He asked why it wasn't placed between Lots 17 and 18 so users wouldn't have to walk up the road. Since it crosses the reserve area, does it require some type of negotiated agreement? Mr. Orr stated that he is not aware that the actual reservation requires that. Mr. McDowell stated there is still some question about the status of that property and what its uses could be.

Mr. Di Giacomo read the Critical Area Commission written comments, a copy attached for reference. OPZ comments are as follows: The zoning is NAR, SR, LDA (Critical Area). The NAR zone permits a maximum base density of 1 du/5 ac. Bonus density eligibility carries with it a permitted density of 1/3. In the NAR-zoned portion, this Concept Plat proposes 46 lots (43 new) on 142.4 acres, for a proposed density of 1/3.15. Per the conditions of approval for St. John’s Manor West, 3 lots and 2.5 acres from St. John’s Manor...
West are included in this density calculation.

The SR zone permits a density of 1 du/ 1 ac. This Concept Plat proposes 23 lots on 87 acres, for a proposed density of 1/3.78. That calculation is based upon the inclusion of 23.53 acres of previously reserved land, so by excluding that acreage, this plat proposes 23 lots on 63.47 acres, for a proposed density of 1/2.76.

No development is proposed on the 23.53 reserved acres that were used for the St. John's Vista subdivision density calculation, upon which that Final Plat was approved on 9/19/89, and those reserved lands cannot now again be used for another subdivision's density calculation.

To recapitulate, the NAR density must be calculated by adding 3 lots and 2.5 acres, and the SR density must be calculated by subtracting 23.53 acres.

A portion of the SR-zoned section, approximately 68 acres, lies within the LDA classification, or overlay zone, of the Chesapeake Bay Critical Area District, which has an impervious cover limitation of 15%. In terms of roadway surfaces, the "eyebrow" in proposed County Road C might be reconsidered to reduce impervious cover in the Critical Area.

The exact Critical Area acreage must be provided on the Concept Plat submitted for review by the Planning Commission. On this plat, Note # 5 indicates the LDA acreage to be 68.1. However, Note # 9 shows it to be 67.81 acres.

The LDA zone permits a density consistent with that of the base zone or 3.99/1, whichever is the more restrictive. The proposed density 1/4.86 is permitted within the LDA classification. However, as now configured, this proposal could possibly exceed the 15% impervious cover threshold.

An environmental assessment is required prior to TAC review of the Preliminary Plat for the lots proposed in the Critical Area. All perennial and intermittent streams, areas of steep slopes, any habitat protection areas, and tidal and non-tidal wetlands must be shown in the Critical Area portion of the plat prior to Planning Commission review. An environmental assessment was previously reviewed, and no rare, threatened, or endangered species inhabit the site, though the forested areas contain FIDS habitat.

The Critical Area buffer, and all expansions thereof, must be shown prior to submission for Planning Commission review.

December 4, 2002, 9:00 a.m.
No development is permitted in the tidal wetlands and tidal waters buffers, including septic systems, impervious surfaces, parking areas, roads, or structures.

No more than 15% of the surface area can be converted to impervious surface in the LDA. No more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested.

In the Critical Area, no structure shall exceed 35’ in height.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes. The boundary line survey will be important for this project as records indicate that there are only approximately 198 acres for Parcel 8, not the 229 acres represented on the plat. A downward revision of acreage in the NAR-zoned portion could possibly result in this proposal exceeding the maximum that would be allowable under bonus density eligibility.

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.

Any slopes greater than 25% must be shown on the preliminary plat. In the LDA classified zones, development on slopes greater than 15% shall be prohibited unless such development is demonstrated to be the only effective way to maintain or improve slope stability.

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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. Areas of wetlands are depicted on several lots. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.
The habitats of rare, threatened, and endangered species must be avoided.

This proposal satisfies the 60% open space requirement for bonus density eligibility in the NAR zone. In the SR zone, at least 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. Also, in the SR zone, no more than 40% of the common open space required shall consist of those areas designated as non-tidal or tidal wetlands. Those calculations are included on this plat, and the SR common open space requirements are met.

No landscaping of the development envelope is required in the NAR zone. 20% landscaping is required in the SR zone.

Sidewalks are recommended along one side of the proposed County Road C in the SR zone. If the location of the greenway were such that it wouldn’t require walking along the road to get from one section to the other, and since this is in the Critical Area, OPZ would reconsider its recommendation of sidewalks in order to reduce impervious cover.

Bufferyard Standard C is required, outside the right-of-way, in the common open space along Oldfield Point Road.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads in both zones. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. A Forest Stand Delineation (FSD) was previously approved on 2/11/02, but the wetlands and stream locations shown on this Concept Plat do no match those shown on the approved FSD. A revised FSD must be approved and/or the Concept Plat must be revised to resolve these discrepancies prior to the Planning Commission’s review of the Concept Plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat and the Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat. That portion of the proposal within the Critical Area is exempt under §3.2B.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.
Considering the number of lots approved in Bradfield and elsewhere, as well as road conditions, staff will recommend a Traffic Impact Study (TIS) being completed prior to the TAC’s review of any Preliminary Plat to look at this proposal’s impact on Oldfield Point Road. In addition, it should look at bike/ped safety issues where the proposed trail system would cross Oldfield Point Road.

Mr. Di Giacomo asked why the stub between lots 8 and 9 in St. John’s Manor West has not been utilized to connect to Oldfield Point Road? Mr. Orr stated they tried to minimize the number of access points from this subdivision to Oldfield Point Road. This proposal requires minor roads rather than minor collector roads, which would be a larger standard for a higher traffic volume and designed to higher traffic speed. Mr. Carter stated if that stub is not going to be used, it should be extinguished at some point. However, it could be used as a construction entrance in the interim, which the County would strongly recommend.

Mr. Di Giacomo continued: Access to common open space between lots must be marked with concrete monuments.

A Homeowners’ Association for maintenance of common open space and landscaped islands must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

Existing structures are depicted on proposed Lots 4, 5, 6, and the proposed Road C right-of-way, which the applicant has already stated that they will be demolished.

Mr. Woodhull stated that concerning off-site improvements on Oldfield Point Road being required the final segment would be the full frontage of this subdivision and extend to Racine Schoolhouse Road. The County has easements for right-of-way on both sides of Oldfield Point Road up to Racine Schoolhouse Road.

Discussion followed concerning upgrading of Oldfield Point Road.

Mr. Di Giacomo stated there are several references in the Critical Area comments that refer to a revised concept plat. That is technically not correct. The previous concept was only presented to TAC and has no standing because it was never submitted to or approved by the Planning Commission. This is a new proposal, not a revised proposal.
7. Fred Orr and Mark Amoss presented Miklas and Rowles (Lands of), Red Toad Road, Concept Plat, Fifth District.

Mr. Orr stated this proposal consists of 38 lots on 30+ acres, encompassing the Rowles minor subdivision, now known as Parcels 351, 352, and 353. The internal subdivision street access is from Red Toad Road. The common open space provided is 15%. The town has notified the applicant that they will not be serving Lots 1-6 and 33-35, which had been proposed with public water. The concept would therefore have to be amended proposing on-site wells.

Mr. Woodhull stated a Stormwater Management Plan, Streets and Storm Drain Plan, a Sanitary Sewer Plan, and a Mass and Final Grading Plan must be approved by the DPW prior to submittal for Final Plat approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A lot grading plan has been approved by the CCDWP for the construction shown hereon. A site construction as-built shall be submitted to the CCDWP prior to use and/or occupancy of any of the sites shown hereon.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.

A sewer allocation request must be submitted to the CCDPW. Currently the capacity of the sewer line servicing this area through Whitaker Woods to the line along Razor Strap Road is limited. DPW strongly recommends that an alternative routing be considered along Fineburg Road to the existing sanitary sewer line in Meadow Run (Maxwell Lane). The Department considers this rerouting as a benefit to developer, in that it could eliminate the need for the proposed pumping station and allow for the needed capacity required by this project. DPW requests that a stub line and easement be provided between Lots 27-28 to allow connection of the existing sanitary sewer, running along the B. & O. Railroad, by the County through this development.

The right-of-way dedication should be denoted as, 30 wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. This dedication would apply to the Fineburg Road and Red Toad Road frontage.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The pavement should be marked to indicate the entrance centerline to allow departmental review of the proposed location.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
Section 3.07.15 of the Road Code directs that Red Toad Road must be reconstructed for a distance of 100' either side of the point of intersection between Red Toad Road and the proposed road A.

The entrance geometry must be coordinated with CCDPW prior to significant engineering efforts. The Department envisions a 3-lane configuration from approximately the southerly limit of the Miklas property to approximately 100' north of the Whitaker Woods entrance, with one lane southbound and two northbound lanes.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.

The Department strongly recommends a second entrance to this development. That entrance should be made from Road B to Fineburg Road in the vicinity of Lots 13 And 14.

Lots 1 and 38 should be denied access to Road A except for the eastern most 20' of frontage. Lot 6 should be denied access to Road A except for the westernmost 30' of frontage and the entire frontage on Road B. Lots 12, 13, and 14 should be denied access to Fineburg Road. All denied access must be shown on the plat.

All driveways must be paved at least to the right of way.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

The potential for inclusion of dry hydrants should be discussed with the serving fire company. This is all predicated on whether the SWM facilities are designed as wet ponds of sufficient volume to support dry hydrants.

The 20' wide drainage & utility access easement, adjacent to Lot 19, may need to be wider to accommodate sewer, storm drain, and access road.
An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal streets and stormdrains.

Mr. Markwardt questioned the size, price and construction phasing. Mr. Amoss stated they would probably be 1600 square feet, with three to five bedrooms, but that has not yet been determined. Construction would begin in 12 months or more, based on approvals. Mr. Markwardt stated that based upon the short distance of Road B, interior bus service would typically not be provided, however if Road B connected to Fineburg Road, that would open up bus service inside because of the ability to connect to Fineburg Road.

Ms. Latham stated that a GAP would be required. Although it doesn’t appear to be a large permit, an average lot size of one acre would be required because the wells are in hard rock. Therefore, there could only be a maximum of 30 lots allowed.

Mr. Ouano had no comments.

Mr. Funk submitted the soils summary. An approved Erosion and Sediment Control Plan would be required. The soil Elkton silt loam is hydric, but it is listed on the plan as non-hydric.

Mr. Roop stated that any filling of the perennial stream or non-tidal wetland would require a permit. The JD has not been finalized.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo read a letter from the Town of North East, a copy attached for reference. Mr. Di Giacomo also read a letter from the North East Volunteer Fire Department, a copy attached for reference. OPZ comments are as follows: The zoning is SR, which permits a maximum base density of 1 du/1 ac. With community facilities, a density of 2/1 is permitted. This Concept Plat proposes 38 lots on 30.18 acres, for a proposed density of 1.26/1.

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

December 4, 2002, 9:00 a.m.
Mrs. Rowles has contacted OPZ to question her name being used on the plat, since she sold her property to a Mr. Ken Kulewski in September of this year. If that information is correct, then the current property owners must be listed on the plat submitted for Planning Commission review.

The Master Water and Sewer Plan must be amended prior to Final Plat approval, as will the Water Service Agreement between the Town of North East and the County. If not then the proposed density is not achievable, given MDE restrictions on wells in this area. Generally, only one per acre is permitted.

If fire hydrants are to be used, their locations should be determined in consultation with the Department of Public Works and the North East Volunteer Fire Company. If feasible, dry hydrants should be considered at the SWM ponds and the proposed Road A stream crossing.

Mr. Di Giacomo asked who is proposed to own and maintain the proposed sewage pumping station? Mr. Orr stated that it is proposed to be public, therefore Cecil County will own and maintain it.

Mr. Di Giacomo asked if the Department of Public Works has verified sewer allocation? Mr. Carter stated no.

Mr. Di Giacomo continued: Parcels 351, 352, & 353 were created through the minor subdivision process. Therefore, Minor Subdivision # 3369 must be referenced on the plat. That subdivision’s FCP shows an established forest retention area where the Proposed County Road A is now depicted on the plat.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft

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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.
The habitats of rare, threatened, and endangered species must be avoided.

This proposal satisfies the common open space provisions of the SR zone.

15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands. Those threshold calculations must be included on the Preliminary Plat.

A minimum of 20% landscaping of the development envelope is required.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Fineburg and Red Toad Roads. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

Mr. Di Giacomo asked why connectivity through to Fineburg Road isn’t being proposed? Mr. Orr stated that due to the nature of Red Toad Road being the collector road in that area. They are willing to look at the interconnection with Fineburg Road.

Mr. Di Giacomo continued: Access to common open space between lots must be marked with concrete monuments.
Sidewalks are recommended on at least one side of all internal roads.

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