CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, September 2, 2020
9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Perryville Room - Via Teleconference, Elkton, Maryland

Present: Matt Littlejohn, (LUDS/P&Z); Kordell Wilen, (LUDS/DPR) and Jennifer Bakeoven (LUDS/P&Z).

Joined via teleconference – Teresa Gardner, (DPW), Mari Markkula, (CCSCD); Rich Baker (MDOT/SHA);
Kate Charbonneau, (CAC).

Absent: Stephen O’Connor, (LUDS/P&Z), Ed Arellano, (DEH); Henry Dierker, (SHA); Rob Peoples, (MDE);
Philip Cwiek, (USCoE); Jun Ouano, (Delmarva Power); Charles Simpers, (CCPS); Adam Gould, (Artesian Water);
Stephen Lord, (Verizon Wireless); Citizen’s Representative and Fire Chief Representative.

1. Elk Nest, Lots 1-29, Concept Plat, West Shady Beach and Hances Point Roads, Northern Bay Land Planning Engineering and Surveying Corp., Fifth Election District.

Faron Pyles, Northern Bay Land Planning, appeared and presented an overview of the project.

Kate Charbonneau, Critical Area Commission, stated that the CAC submitted a letter to Planning & Zoning. They would like to take some more time to review the plat. Their initial concern is with the newly proposed lots that appear to be located in what was the forest retention areas on the previous plat. She would like to know how these lots meet the 2009 approved Forest Conservation Plan. If that plan was revised or adjusted she requested that that information be forwarded to the CAC. Additionally, she believes that with the proposed 40%-45% clearing for lots 1-24, any additional clearing would not be permitted.

Mr. Pyles stated that he would like to review the letter from the CAC before responding.

Ms. Gardner, DPW, read the comments of the department:
1. A SWM maintenance and inspection easement is shown upslope of an intermittent stream. The concept plat does not indicate the exact location of the SWM facility. The release from the facility must be discharged at non-erosive velocities to a stable downstream conveyance system. Too often outfalls are not extended into the stream or wetland buffer to avoid permitting requirements without consideration of the erosive potential between the outfall and the conveyance channel. The design should not show an outfall pipe stopping at the buffer line with no consideration of how that runoff will reach the stream channel in a non-erosive manner.

2. Is a drainage easement needed for the common space next to Lot 25? Does the downstream stream channel need to be restored prior to receiving this modified flow pattern from this subdivision? This will be driven by the condition of receiving stream and volume of flow. Mr. Pyles said that he doesn’t anticipate that as the stormwater management easement shown there is in the area of the proposed submerged gravel wetland. Mr. Pyles stated a SWM pond would not be used in the new proposal.

3. Has the intermittent stream been assessed to determine if it is currently experiencing any degradation near the proposed project?
4. Ensure that the outfall pipe and associated discharges from the SWM facility do not negatively impact down slope property owners and or private infrastructure.

5. It appears that grading associated with the construction of several lots, notably 5, 6, 7, 8, 15, 16 & 25 will potentially impact wetland buffers shown on the concept plat which contradicts Note 7 - “There shall be no disturbance to the intermittent stream buffer or wetland buffers shown heron.” Mr. Pyles stated that there should not be an impact on the wetland buffer for lot 25.

6. Houses will be built within a few feet of wetlands buffer. It will be challenging to stop the owners from encroaching on wetlands with sheds, walkways, patios and driveways.

7. Is stormwater management sufficient, due to the poor soil types and topography? A pond was previously required.

8. Has the stormwater management been eliminated and replaced by building lots?

9. Utility easement between Lot 18 and 19 is not wide enough. Room for access trail needs to be provided and maintenance trail constructed. Mr. Pyles stated that this was resolved at plan review level.

10. How is access to Lots 28 and 29 to be made? This submittal does not tell us if they have legal access to the private road easement or the intent of Note 14. This should be documented prior to allowing those lots. Mr. Pyles that they will access the existing 40’ wide right away.

11. Houses on Elkview Court need to be set back further to make room for driveways and utilities.

12. Roads are shown over wetlands streams and wetland buffers. Substantial undercutting may be required as well as road edge underdrains.

13. Lot 29 is within the floodplain surrounded in every by streams. Will enough buildable area remain?

14. What is purpose of panhandle on Lot 17? What is driving the access off Elk Nest Drive? Mr. Pyles stated that Elk View Court is a private mini road which means it can only be accessed by seven (7) lots.

15. Who is responsible for the tree planting easement?

16. Note 12 does not address access for Lot 25.

17. Has a sight distance analysis been completed for the entrance to Hances Point Road? Mike Palmisano, Developer attempted to answer but referred back to Mr. Pyles.

Mr. Wilen, LUDS/DPR, read the comments of the division:

1. The approved Stormwater Management Plans (SWM) satisfied the current Stormwater Management Code for Lots 1-29. Therefore, no additional stormwater management plans will be required for the proposed subdivision.
2. Development Plans Review recommends requesting a road code variance for Lot 17 to access Elk View Court in lieu of access from Elk Nest Drive.

3. A private road maintenance agreement is recommended for Lot 28 to access the existing 40’ wide right-of-way to remain private. There are 4 existing properties that access the northerly end of the private lane.

4. A road code variance is required for Lot 29 to access the existing 40’ wide right-of-way to remain private. There are 10 existing properties that access the southerly end of the private lane. A private road maintenance agreement is recommended for this portion of the existing 40’ wide right-of-way to remain private.

Discussion ensued regarding possible road code variance requests.

Mr. Littlejohn read the comments from the Health Department:
1. Written confirmation of adequate sewer allocation must be received prior to final plat approval.
2. If an upgrade to the sewer plant is required to serve this development, approval for the upgrade must be approved by the Cecil County Department of Public Works and Maryland Department of the Environment prior to final plat approval.
3. Design of the sewer lines should include a capacity for the parcel.
4. The Master Water and Sewer Plan must be amended to include this project as an area served by Public Sewer prior to final plat approval.
5. The Health Departments previous review was for 24 lots.
6. The existing Groundwater Appropriation Permit (GAP) for 26 wells expires October 2020. If the final plat has not been signed and a well has not been drilled after the expiration date then an updated GAP is required. The current GAP is for 26 wells not the proposed 29.

Final and Record plats are required to have the following statements:
1. Public sewerage will be available to all lots offered for sale. (By owners signature block).
2. Use of public sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department's signature block).

Ms. Markkula, CSCD read the comments of the department:
A stand-alone erosion and sediment control plan was previously approved for this property on May 6, 2020. A revised stand-alone erosion and sediment control plan should be submitted to the District for review and approval.

Mr. Wilen remarked that there is capacity at the de la Plaine pump station for the additional lots proposed.

Mr. Littlejohn read the comments from the Maryland Dept. of the Environment:
Comments related to Water Appropriation and Use regulations are below:

Elk Nest, Lots 1-29, Concept Plat, Northern Bay.
The plat shows water will be provided by individual domestic wells. A Water Appropriation and Use Permit is required.

This site has an active Water Appropriation and Use Permit (see attached) for the subdivision; however, the permit lists 26 lots while the new concept plat lists 29. This means the Water Appropriation and Use Permit will need to be modified for the increased number of lots. An application for this change can be downloaded at the following link:


Also, provide a written explanation for the plans and a timeline for the area noted as remaining lands. How many phases are there to this development? When were the other phases platted and recorded? If the remaining land is to be developed into residential lots, provide the number of units. Appropriation permits should generally reflect the complete site development during a typical permit period, which is 12 years. If any development is to occur on the remaining lands within the next 12 years, the permit should also be modified to include any water use associated with the proposed development.

See Condition No. 13 (copied below) in the current Water Appropriation and Use Permit for the current expiration of the active permit and the process to request an extension. If a modification application is not submitted prior to the permit expiring, an extension should be requested.

13. Initiation of Withdrawal - The Permittee shall notify the Administration by certified mail when withdrawals for the uses specified in this permit have been initiated. This permit shall expire if water withdrawal is not commenced within two years after the effective date of this permit except that upon written request to the administration prior to the expiration of the two year period, the time limit may be extended for good cause, at the discretion of the Administration.

After the developer completes the application, please have the Cecil County Health Department review the project for consistency with the master water and sewer plan and the local planning and zoning requirements. CCHD should complete the bottom portion of the second page of the application and email it back to me.

Mr. Baker, MDOT / SHA stated that this development does not seem to effect MDOT / SHA but he remarked that there could possibly be a sight distance issue coming out of the development “to the left”.

Mr. Littlejohn read the comments from CCPS:

1. Bus Service: To provide bus service inside of the development, 5 criteria must be met. They are outlined in the attached Bus Stop Guidelines document under “New Developments interior route extension”.
   o While this development meets some criteria based on the map supplied, a complete evaluation will need to take place following the acceptance of these roads by Cecil Count public roads. Due to the limited walking distance from the farthest point and the lack of enrolled students CCPS will not be providing “Interior Service” to this development until further evaluations can be made and all 5 criteria can be met. As a result “interior service” will not be provided.

   • Based on this information we would look at placing a community stop at Hances Point Road and we will not enter the development at any time in the near future unless bus stop guidelines are revised.
2. Schools in this attendance area are North East Elementary, North East Middle, and North East High Schools. Please refer to the capacity sheet to note the enrollment at these schools.

*Bus Stop Guidelines and Capacity sheets can be found in the file.

Mr. Littlejohn, LUDS /P&Z read the comments of the division:
This proposal is in compliance with §3.8 of the Subdivision Regulations regarding public notification.

The site is within the Low Density Residential (LDR) and Maritime Business (MB) zoning districts.

18.324 acres of the site is located within the Limited Development Area (LDA) Critical Area overlay district.

The LDR zone permits a maximum base density of 1 dwelling unit (du) per 1 acre (ac) without community facilities¹ and 2du/1ac with community facilities. Up to 4 townhouse dwelling units per 1 ac are permitted with conditions in the MB zoning district.² This Concept Plat proposes 29 lots³ served by community facilities on 22.325 acres, for a proposed density of 1.30 du /1 ac.

A maximum of 3.99du/1ac is permitted in the LDA Critical Area overlay. This Concept Plat proposes 22 lots in or within 18.324 Critical Area acres served by community facilities for a proposed density of 1.20 du /1 ac.

A portion of the site is located within Floodplain overlay zone. The floodplain zone location and map source are shown on the plat.

This project location is situated within the 2010 Comprehensive Plan’s Low-Density Growth Area (LDGA) land use district.

The project is located within an “Other Communities” Priority Funding Area (PFA).

The site is not located within a Priority Preservation Area (PPA).

As established by the County’s adoption of the Sustainable Growth and Agricultural Preservation Act’s tier map, this site is located within a Tier II⁴ area.

This site is located W4⁵ and S2⁶ on the 2019 Master Water & Sewer Plan.

The site is located within the North East Fire Company (005) service area. As of September 13, 2019, the Division of Planning & Zoning is requesting this information be placed on all subdivisions and site plans for the benefit of the State Department of Assessments and Taxation. This is on the plan as General Note #13.

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¹ Community Facilities is defined as A public, private, or community water supply and distribution system and/or sewerage disposal system severing three (3) or more dwelling units.

² See Section 75 of the Cecil County Zoning Ordinance for conditions.

³ All lots are proposed within the LDR zoning district; MB zoned portions of the property are either existing Open Space or proposed remaining lands.

⁴ Tier II areas are those planned to be served by public sewerage systems in locally designated growth areas needed to satisfy demand for development at densities consistent with the long term development policy after consideration of the capacity of land available for development including infill and redevelopment within the County. The County may only grant approval if all lots will be served by public sewer or if a minor subdivision is served by on-site sewage disposal systems.

⁵ Future Service, 3-6 years

⁶ Future Service, 0-2 years
On June 21, 2004 the Planning Commission reviewed a Concept Plat of 26 lots on 18.73 acres for a density of 1.4 (du)/1 (ac). It was approved, with following conditions:
1. The Jurisdiction Determination being completed prior to Planning Commission’s review of the Preliminary Plat;
2. A boundary line survey being complete in preparation of the Preliminary Plat for density calculation purposes; and
3. A study to determine the appropriate termination of the County own portion of West Shady Beach Road, agreeable to the Planning Commission/Road Department.

On January 18, 2005 the Planning Commission reviewed a Preliminary Plat of 26 lots on 18.73 acres for density of 1.4 du/1ac. It was approved, with following conditions:
1. Health Department requirements being met;
2. DPW requirements being met;
3. The FCP being approved prior to Final Plat review;
4. Landscape Plan being approved prior to Final Plat review;
5. Environmental Assessment being approved prior to Final Plat review; and
6. The details of the Final Plat and FCP matching up, including a clarification of the Forest Retention lines and their identification on both the Final Plat and FCP.

On December 18, 2006 the Planning Commission granted a one-year extension of the Preliminary Plat approval (expiring on 12/18/07).

On February 20, 2007 the Planning Commission exercised its powers under section 3.5 of the Subdivision Regulations to allow the 1/1 tree replacement outside of the Critical Area, condition on:
1. The exact location being determined;
2. The location and the planning being part of the FCP/Final Environmental Assessment that must be approved by the staff prior to the Planning Commission’s review of the Final Plat; and
3. A courtesy proposal being submitted to the Critical Area Commission staff for their review and comments.

On November 19, 2007 the Planning Commission granted a one-year extension of the Preliminary Plat, to expire on 11/19/2008.

On October 20, 2008 the Planning Commission granted a one-year extension of the Preliminary Plat, to expire on 10/20/2009.

On February 17, 2009 the Planning Commission Tabled a Final plat of 26 lots “until after the variance issues have been resolved and contingent upon Preliminary Plat extension, if necessary”.

On October 19, 2009 the Planning Commission reviewed a Final Plat of 24 lots. It was approved, with following conditions:
1. Health Department requirements being met;
2. DPW requirements being met;
3. A Homeowners’ Association for maintenance of common open space being established with $50 per recorded lot being place in escrow for improvements prior to recordation;
4. A Mini-road Maintenance Association for the maintenance of the mini road being established prior to recordation, with the owners of all lots accessing the proposed Elk View Court becoming members;

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

6. The Revised FFCP/Landscape Plan/FEA being approved prior to recordation;

7. The Landscape Agreement’s being executed prior to recordation;

8. The Record Plat’s containing a statement signed by the Health Department, approving authority, to the effect that use of the community sewerage system is in conformance with the Master Water and Sewer Plan;

9. The Record Plat’s also containing a statement, signed by the owner, to the effect that sewer facilities will be available to all lots/homes offered for sale; and

10. Any necessary MDE/Corps Permit’s being obtained prior to recordation

Preliminary Plat Extension, Lots 1-26 was WITHDRAWN by applicant.

Staff provided a Checkprint review of the proposed record plat February 24, 2020.

Record Plats for the October 2009 Final Plat approval were signed by the Department of Land Use and Development Services’ Director on August 24, 2020.

§4.0.1 of the Subdivision Regulations requires the preparation of a Concept Plat for projects with more than 10 lots or 25 or more acres, whichever is more restrictive.

Today’s submittal is for a new rather than a revised Concept Plat since the 2004 Concept has expired.

§4.0.6 of the Subdivision Regulations requires that the TAC and subsequently the Planning Commission, will, in general, be reviewing the Concept Plat with regard to the following:
   (a) Interior street configuration and layout
   (b) Proposed density.
   (c) Entrance locations (both street and driveway)
   (d) Traffic effect on existing and proposed roads.
   (e) Water and Sewer facilities.
   (f) Feasibility of a subdivision in the area, including:
      1. Total number and size of lots
      2. Effect on school district and school bus service
      3. Approximate lot layout and other reserved areas, if any.
   (g) New land development technique(s)
   (h) The effect on waterways, shorelines, due to run-off, erosion, etc.
   (i) Consistency with the Critical Area Program requirements
   (j) Consistency with the Cecil County Forest Conservation Regulations
   (k) Stormwater Management requirements.

The applicant is reminded that §4.0.13(a) of the Subdivision Regulations requires that a Concept Plat shall only be reviewed by the Planning Commission if the Forest Stand Delineation (FSD)/Conceptual Environmental Assessment (C-EA) and Stormwater Management Concept Plan (C-SWM) have been approved prior to submission.
The applicant is advised that since the Elk Nest Record Plat is signed, that any of the redesigned lots (i.e. lots 17, 18, 19 & 20) should be referred to as 17A, 18A, 19A or 20A in subsequent submittal. For simplicity, the staff report will refer to these lots as shown on this TAC submittal.

### Article VI – Schedule of Zone Regulations –LDR zone with Community Facilities

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<th>Lot size</th>
<th>Lot width</th>
<th>Front Setback</th>
<th>Rear Setback</th>
<th>Side Setback</th>
<th>Max Height</th>
<th>Road Frontage</th>
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<td>40</td>
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The Front setback on lot 17 must be from the property line that is behind Lot 14 and not the panhandle portion of the property.

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 perennial stream buffers are shown on the plat.

Letter of Authorization to conduct a regulated activity in a non-tidal wetland and/or buffer (i.e. Wetland Permit) was received by the Division of Planning & Zoning on June 15, 2020. The permit is valid until 12/19/2024.

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.

The habitats of rare, threatened, and endangered species (RTE) must be avoided. The Wildlife & Heritage Service has determined that no RTE species are located on site per a letter dated January 16, 2004. Since it has been 16 years staff will be recommending to the Planning Commission that an updated letter be provided.

Article IX, §174.7 of the Zoning Ordinance requires that all regulated activities defined by the Cecil County Forest Conservation Regulations shall meet all requirements a prescribed herein. The most recent Final Forest Conservation Plan (FFCP) was approved on August 18, 2020.

The Soil Types are not required for the Concept Plat, but must be shown on the Preliminary Plat

A minimum 15% Common Open Space (COS) is required for all subdivisions involving 10 or more lots in the LDR zoning district. This project proposes 3.161 acres or 14.15% of COS which is deficient.

No more than 40% of required COS shall consist of areas designated as non-tidal or tidal wetlands. The project proposes 0 acres or 0% of the required COS consist of areas designated as non-tidal or tidal wetlands.

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7 Road Frontage may be reduced to lower figure for lots on a local roadway as defined on the Official Cecil County Roadway Classification Map.

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

9 22.325 acres *0.15 = 3.35 acres

10 3.35 acres *0.40 = 1.34 acres
At a minimum 15% of the required COS\textsuperscript{11} shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes or RTE habitats. The project proposes 1.35 acres exclusive of those areas exceeding the requirement.

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

Prior to recordation of the final plat, there shall be some form of surety acceptable to the County, in an amount specified by the County, or the execution and recordation of a subdivision agreement, which shall be submitted with the final plat which subdivision agreement or surety shall secure an agreement to construct required physical improvement identified on the plan for Open Space Improvements.

A minimum of 15% of the development envelope shall be landscaped. The calculations for the landscaping must be on the Preliminary Plat.

Street Trees are required along both sides of all newly created streets so that for every 50 feet of road frontage, there is one deciduous tree that has or will have when fully mature at trunk of at least 12 inches in diameter.

An exclusive ten-foot-wide planting easement shall be established on each newly created lot for the purpose of permitting the developer to plant or retain sufficient trees to meet the street tree requirement. This easement is shown on the plat; however it is proposed to be shared with a drainage easement, which is not permitted.

In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. This must be noted on the Final Plat.

A Bufferyard meeting the C standard in Appendix B of the Zoning Ordinance must be established along Hances Point Rd. It has been shown on this submittal.

DLUDS or the Planning Commission shall require Bufferyards to separate different zoning districts. Part of the remaining lands and Common Open Space are within two different zoning districts. The applicant is advised to be prepared to notify the Planning Commission of their plans of the remaining lands including the MB portions of the property.

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

Proposed Lot 29 is located within the Critical Area Buffer. In order to develop a dwelling on that site the applicant must apply and be granted a Variance\textsuperscript{12} prior to submittal of the Concept Plat to the Planning Commission. If a variance to Critical Area Buffer requirements is granted, any disturbance must be mitigated at a 3:1 planting ratio.

The applicant should verify with Planning & Zoning staff and Critical Area Commission staff, if disturbance activities for the proposed lots were already addressed in the previous Environmental Assessment. In particular,

\textsuperscript{11} 3.35 acres *0.15 = 0.50 acres

\textsuperscript{12} Board of Appeals file 3481 granted “...a eighty-five (85’) foot variance to locate a pump station within the stream buffer...” Due the specificity of the use in the Board of Appeal 10/27/2009 opinion, that variance only applies to a pump station use only.
the proposed lots 26, 27 & 28 are part of the current open space parcel. If disturbance activities for these areas were not already addressed, then environmental and natural features must be identified and protected per Article XI, Part I § 200.3. These must be made part of a revised Environmental Impact Assessment Report (EA). If required, a conceptual EA must be approved prior to Planning Commission submittal of the Concept Plat.

If a new EA is required, then a Habitat Protection Plan (HPP) may also be required, per the standards of Article XI, Part I, §197.10.a. prior to approval of the Final EA.

During the development of the HPP, the Critical Area Buffer may be identified as one of the protected habitats. If so, then a Buffer Management Plan (BMP) must be completed per Article XI, Part I, §196.6 prior to approval of the HPP.

The following standards apply within the floodplain portions of the site:

Subdivision proposal shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.

Subdivision proposals shall have adequate drainage paths provided to reduce exposure to flood hazards and guide flood waters around and away from proposed structures.

The location of the “Limit of Moderate Wave Action (LiMWA)” boundary should be placed on all subsequent submittals and the record plat. This coincides with the distinction of the Coastal A Zone and the Flood Hazard Areas (A Zone). The applicant is advised that if any building is to occur in the Coastal A Zone, then the building standards for the entire structure must meet the requirements outlined in Article XI, Part III, §232 of the Zoning Ordinance.

The applicant is reminded that if they seek a variance to any of the Floodplain standards, they must meet the criteria outline in Article XI, Part III, §233 in addition to the requirements in Article XVII, Part I, §306 of the Zoning Ordinance.

Two off street parking spaces are required for each lot. Driveways shall measure not less than 12 feet in width and 18 feet in length.

§7.2.12A.2 of the Subdivision Regulations requires that whenever a subdivision abuts a County owned or maintained roads that a dedication for public use is required. The land dedication for West Shady Beach Road is clearly shown or noted on the plat.

§7.2.12B.6 requires that all street names shall be approved by the Department of Emergency Services and the Department of Land Use and Development Services (LUDS). Road names shall not be duplicate or analogous those used elsewhere in the County. Further all proposed suffixes and prefixes shall not deviate from the standards adopted by the United States Postal Service. The proposed road names Elk View Court and Elk Nest Drive have been previously APPROVED by DES.
The Planning Commission adopted a policy on November 21, 1989 that at Traffic Impact Study (TIS) is required when 100 or more dwelling units are proposed or where the Planning Commission feels special circumstances would warrant a study. This Concept Plat TAC submittal doesn’t meet the 100 dwelling units’ threshold. Considering that Concept Plat proposes only 5 additional lot from the approved Final Plat for this site, staff views that this project does not rise to the special circumstances provision to require a TIS.

§7.2.12F.1 stipulates that the Planning Commission shall have the right to approve or disapprove any point of ingress or egress to any lot, tract, parcel or development from any street or highway. This submittal proposes access points for proposed lots 28 & 29 from a private right of way. The applicant seeks a modification under Section 3.5 of the Cecil County Subdivision Regulations for accessing the existing Shady Beach Road via the existing 40’ Right of Way.

While the Planning Commission is empowered to grant access via §7.2.12F.1, they cannot waive road frontage requirements via section 3.5. That section of the Subdivision regulations states that the Planning Commission may grant a modification to these regulations, however the Subdivision Regulations does not address Road Frontage\(^\text{13}\) requirements. Therefore, the applicant must get a Variance for Lots 28 & 29 prior to submittal of the Concept Plat to the Planning Commission.

Sidewalks along one side of all internal streets is required per Article III, Part II, §26.5 of the Cecil County Zoning Ordinance. Sidewalk locations must be shown on the preliminary plat submittal.

The Division of Planning of Zoning is asking the following note be placed on plats for the benefit of potential owners of lots that adjoin sidewalks: Maintenance of the sidewalks shall be the responsibility of the Homeowner, Property Owner, and/or Homeowners Association on whose property the sidewalk fronts.

The Division of Plans Review reports that the approved Stormwater Management Plans satisfy the stormwater management code for Lots 1-29, and no additional stormwater management plans are required for the proposed subdivision.

The Division of Plans Review is recommending that the applicant seek a Variance to the Road Code standards to permit an eighth lot on Elk View Court. If this is granted by the Director of Public Works, it must be noted on the Concept Plat.

General Note 8 states that the water supply will be private wells. Pursuant to Chapter 1 §1.3.1.L of the Master Water & Sewer Plan, a note should be placed on the Final & Record plats that the individual wells are interim in natures and that connection to a future community system shall be made when such system becomes available.

General Note 9 states that sewer service will be provided by Cecil County DPW. Documentation of sewer allocation/capacity must be provided by the applicant prior to the submittal of the Final Plat.

The Final Plat shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.

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\(^{13}\) It does address minimum lot areas and widths in §7.4.6
The Final Plat shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

The following items must be completed prior to submittal of a Preliminary Plat to the Planning Commission:
1. All Concept Plat conditions are satisfied.
2. Preliminary Forest Conservation Plan (PFCP) must be approved.
3. SWM Preliminary Plan must be approved.
4. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

A Landscape Agreement for the site has been executed. However, if new landscaping is required for the new lots that agreement must be appended, or a second agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) have been recorded and noted on the plat.

All proposed lots shall not exceed the 3:1 length to width ratio established in §7.4.2.

A Homeowners’ Association for maintenance of common open space has been established. The additional lots must be added to the Homeowners Association with $50 per recorded lot added to the existing escrow account for improvements prior to recordation.

§4.0.2 of the Subdivision Regulations states “If, for any reason, after Technical Advisory Committee review, a Concept Plat is revised to propose fewer lots but the same layout, said revised Concept Plat does not first have to be re-reviewed by the Technical Advisory Committee before being scheduled for subsequent review by the Planning Commission”. Several of today’s comments require variances to be granted for this layout to continue to Planning Commission. Additionally, the Open Space requirement is deficient, which will change to the layout. Due to the redesign, a re-review by the TAC will be required prior to proceeding to the Planning Commission.

School information:
- **TAC Report**: North East ES, North East MS, North East HS
- **FTE**: 546, 797, 1051
- **Capacity**: 542, 712, 1009
- **% Utilization**: 101%, 112%, 104%

**CONCEPT PLAT REQUIRED INFORMATION:**
(a) Concept Plats shall be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete plats will not be accepted by the Office of Planning and Zoning. For Planning Commission review only, a Concept Plat shall not be considered complete if the Forest Stand Delineation and Stormwater Management Concept Plan have not been approved prior to submission of said Concept Plat (if in the Critical Area, a Concept Plat will not be considered complete unless the Conceptual Environmental Assessment has been approved prior to submission of said Concept Plat). In addition, for Technical Advisory Committee and Planning Commission review, a Concept Plat shall not be considered complete if the public notification sign(s) have not been properly installed, if the electronic version of the plat has not been submitted for posting on the County’s website, and if the submission fee, established in Appendix A, has not been paid prior to submission of said Concept Plat. Incomplete Concept Plats will be returned to the subdivider within fifteen (15) days of submission for completion and resubmission by the subdivider at a later date, and the submission fees shall be forfeited.

(b) A vicinity map indicating the location of the property with reference to surrounding property, streets, nearest major intersection, north point, landmarks, streams, etc. Show all property owned according to the tax maps if only a part of the property is to be developed. The tax map, block (grid), and parcel number(s) shall also be provided.

(c) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
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Title information:
1. Proposed name
2. Scale of Plat (feet and meters).
3. Location by election district, County and State.
4. Date.

Name and address of owner or person representing owner who is responsible for preparation of the plat.

Boundary of proposed subdivision. This can be a deed plot.

Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).

Location of existing utilities on or within two hundred (200) feet of the parcel.

The layout of all proposed and existing lots with appropriate dimensions and minimum area.

The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.

Existing zoning classification of tract and all adjacent parcels. Any proposed zoning for the tract must be effectuated by a rezoning prior to the Planning Commission’s review of the Concept Plat.

If community sewerage and/or water systems are to be used, such notation shall be made on the Concept Plat. The proposed providers of public water and/or sewer shall be cited on the plat, as applicable.

In the case of multi-family projects (apartments, townhouses, etc.) the following additional items shall be shown:
1. Approximate location of buildings.
2. Total number of units in each building.
3. Total number of off-street parking spaces and the space to unit ratio.

General location and areal extent of the following when the subdivision is proposed in the Cecil County Critical Area:
1. Tidal and non-tidal wetlands;
2. Streams (perennial and intermittent);
3. Areas of steep slopes, highly erodible and other soils with development constraints;
4. Shore and stream Buffer (110-foot or 200-foot minimum);
5. Natural resource protection areas, Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;
6. The Critical Area Boundary and the applicable land management classification(s), i.e. Intensely Developed Area (IDA), Limited Developed Area (LDA), or Resource Conservation Area (RCA);
7. Computation of the amount of acres in the Critical Area District; and
8. The location and extent of existing and/or proposed shore erosion abatement approaches.

All existing easements on the parcel(s) to be subdivided.

Any existing cemeteries or burial sites on the parcel(s) to be subdivided.

Additional information as required by the Forest Conservation Regulations and/or the Forest Conservation Technical Manual.

Mr. Pyles stated that the design of this project is going to extend a low pressure gravity system to the west end of West Shady Beach Road. On both the north and south sides of West Shady Beach, properties have had issues with septic disposal for a long time. This project will help with those properties connecting into the county sewer.

Mr. Wilen stated that the extension along West Shady Beach Road, north and south of the T pertains to lot 28 which would extends the line to the north and lot 29 would extend the line to the south right now under the approved development plans that were recorded (lots 1-24). The sewer line will be extended to the West Shady Beach private right of way and it will be stubbed out both for an extension North and South. If this subdivision doesn’t received approval, those houses will still be able to connect to the line. Mr. Wilen explained that he will be meeting with those residents to discuss options that are available.

The September TAC meeting ended at 10:01 a.m.

Respectfully submitted,
Jennifer Bakeoven
Administrative Assistant
Department of Land Use & Development Services
Division of Planning & Zoning