

TOWN OF NORTH EAST

Subdivision Regulations



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Office of the Administrator

CERTIFICATION

I, Melissa B. Cook-MacKenzie, Administrator of the Town of North East, hereby certify that this volume of the **Subdivision Regulations of the Town of North East**, includes the recodified Subdivision Regulations enacted by Ordinance Number 2018-10-02, which were been adopted by the Mayor and Commissioners of the Town of North East, Maryland on November 14, 2018. These amendments became effective on November 24, 2018.

These amendments were enacted by Ordinance 2018-10-02

Given under my hand and Seal of the Town of North East, County of Cecil, State of Maryland, this 30th day of January, 2019 at North East, Maryland.

Melissa B. Cook - MacKenzie
Administrator



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ARTICLE 1. AUTHORITY

Section 1-1. Legislative Authority

The Annotated Code of Maryland; Land Use; Title 5. Subdivision. Section 5-101 empowers the Town of North East to enact subdivision regulations; governing the subdivision of land within the Town of North East for the health, safety, welfare and common interest of the citizens of the Town. The Planning Commission is empowered by the Subdivision Regulations to have the authority to review and act on subdivision proposals located in the Town of North East.

Section 1-2. Legislative Intent

The Subdivision Regulations are adopted for the purpose of promoting the health, safety, morals and general welfare of the residents and visitors of the Town, to guide the future growth of the Town in accordance with the Comprehensive Plan, the Critical Area Program, the Road Code and Floodplain Regulations, to enact such an ordinance to provide for the integrated and efficient development of land in accordance with the *Town of North East Zoning Ordinance* and land use provision of the *Town of North East Comprehensive Plan*, for proper arrangement and construction of streets and utilities, for adequate and accessible open spaces for recreation, light and air, for transportation in and through the Town, for avoidance of congestion of population, and for the protection of forests, wetlands, streams and their buffers, areas of steep slopes, highly erodible and other soils with development constraints, shorelines, and wildlife habitats; these regulations for procedures and standards in subdividing and developing land are adopted and prescribed by the Town of North East.

Section 1-3. Jurisdiction

These regulations shall apply to all land located within the incorporated area of North East.

Section 1-4. Title

This Ordinance shall be known, referred to and cited as the *Town of North East Subdivision Regulations*.

Section 1-5. Enforcement of This Ordinance

This Ordinance shall be enforced by a duly empowered Town Official.

Section 1-6. Conflict with Other Regulations

Whenever any provision of this subdivision ordinance conflicts with any other provision of law, deed restriction or covenant, that provision which is more restrictive or imposes the higher standard or requirement shall govern. Such determination shall be made by the Planning Commission.

Section 1-7. Separability Clause

Should any word, phrase, clause, sentence, paragraph, section or part of this ordinance be declared by the courts to be unconstitutional or invalid, such

decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE II. DEFINITIONS

Section 2-1. General

The following definitions apply to the text of these regulations:

1. Unless the context indicates the contrary, words:
 - a. Used in the present tense include the future;
 - b. In the singular number include the plural;
 - c. In the plural number include the singular.
2. The words “shall and will” are always mandatory and not discretionary. The word “may” is permissive.
3. Details and specifics will always set the precedent where a generalization will not.
4. In cases of any differences of meaning or implication between the text of these regulations and any caption, illustration, summary table, or illustrative table, the text shall control.
5. A “building” or “structure” includes any part thereof.
6. The word “person” includes an individual, a corporation, a partnership, an unincorporated association, or any other similar entity.
7. All terms defined under various sections of the *Town of North East Zoning Ordinance* and the Road Code, where occurring in these regulations, shall have the meanings specified in the Zoning Ordinance, except where specifically defined in these regulations.
8. The word “County” means Cecil County, Maryland. The word “State” means the State of Maryland. The term “Town” means the Town of North East, Maryland.
9. The term “Town Limits” means any exterior boundary of the Town of North East.
10. Activities which fall under the requirements of the Cecil County Forest Conservation Regulations and/or the Cecil County Stormwater Management Ordinance shall use the definitions contained therein. Definitions in the Forest Conservation Regulations and the Stormwater Management Ordinance shall take precedence over definitions in these Subdivision Regulations.
11. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning.

Section 2-2. Definitions

For the purpose of these regulations, certain terms and words are hereby defined:

Afforestation –

- a. The establishment of a forest on an area from which forest cover has been absent for a long period of time;
- b. Planting of open areas which are not presently in forest cover;
- c. Or establishment of a forest according to procedures set forth in the Cecil County Forest Conservation Technical Manual.

Alley – see “Street”.

Anadromous fish - fish that travel upstream (from their primary habitat in the ocean) to freshwater in order to spawn.

Best Management Practices (BMPs) - conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxic substances, and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste containment structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

Block – an area of land containing one or more lots and bounded by streets providing access to such lot or lots.

Board – The Mayor and Board of Town Commissioners.

Buffer (spelled with a capital B) - a naturally vegetated area or vegetated area established or managed to protect aquatic, wetland shoreline, and terrestrial environments from man-made disturbances. In the Critical Area Overlay District ("O"), the minimum Buffer is a continuous area located immediately landward of tidal waters (measured from the Mean High Water Line), tributary streams in the Critical Area, and tidal wetlands and has a minimum width of one hundred and ten feet (110'). The Buffer shall be expanded beyond the minimum depth to include certain sensitive areas as per requirements established in the Zoning Ordinance.

Community piers - boat docking facilities associated with subdivisions and similar residential areas, and with condominium, apartment, and other multiple-family dwelling units. Private piers are excluded from this definition.

Conservation easement - a non-possessory interest in land that restricts the manner in which the land may be developed in an effort to conserve natural resources for future use.

Critical Area - all lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

- a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps, and all state and private wetlands designated under Title 9 of the Natural Resources Article, Annotated of Maryland; and

b. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and

c. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

Critical Area Commission - Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

Crosswalk - a pedestrian crosswalk, affording means of pedestrian travel from one side of the street to the other.

Cul-de-sac - see "Street".

Declaration of Intent - a signed and witnessed statement by a landowner or the landowner's agent certifying that the activity on the landowner's property:

a. Is for certain activities exempted under the Forest Conservation Regulations.

b. Does not circumvent the requirements of the Forest Conservation Regulations, and

c. Does not conflict with the purposes of any other Declaration of Intent.

Dedication - the deliberate setting aside or appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Density - the number of dwelling units per acre of gross area of a development tract.

Developed woodlands - areas one (1) acre or more in size that predominantly contain trees and natural vegetation and that also include residential, commercial, or industrial structures and uses.

Development Expense Agreement - agreement between the land owner and the Town. An escrow deposit is provided by the land owner and placed in an escrow account to cover the cost of review from concept thru final plan review. The escrow amount is estimated by the Town Engineer.

Development or development activities - any construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land.

Drainage ways - minor watercourses that are defined either by soil type or by the presence of intermittent or perennial streams or topography that indicates a swale where surface sheet flows join.

Driveway - the portion of a lot which is intended to provide vehicular access from a public or private street or alley to private property.

Easement Reservation - a strip of land extending along a property line or across a lot, from which an easement has been or is to be granted for a specific purpose or purposes. All easement reservations are to be maintained in perpetuity for intended purposes unless otherwise noted on the record plat, site plan, or easement agreement.

Environmental Assessment - a comprehensive report that describes the natural features and characteristics of a proposed development site, the changes that will occur as the result of proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development, and mitigation measures to be taken to minimize undesirable impacts to the environment.

Exclusion - an act of the Mayor and Commissioners, approved by the Critical Area Commission that relieves an area of the Town from the Zoning and Subdivision provisions applicable only to the Critical Area Overlay District ("CAO").

Exemption - an act of the Mayor and Commissioners, approved by the Critical Area Commission, that relieves an area of the Town from the Buffer provisions of the Critical Area Overlay District ("CAO").

Final Subdivision Plat - See "Plat".

Fisheries activities - commercial water dependent fisheries facilities including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as wholesale and retail sales, product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

Floodplain - any land area susceptible to being inundated by water from any source (see definition of "Flood" or "Flooding"). North East Flood Plain Management Regulations (FPM) can be found in Article 5 of the *Town of North East Zoning Ordinance*.

Flood or Flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters, and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Zone - a designation for areas that are shown on *Flood Insurance Rate Maps*.

Forest - a biological community dominated by trees and other woody plants covering a land area of one (1) acre or more. This also includes forests that have been cut but not cleared.

Forest Conservation Plan Requirements - Forest Conservation Plan Requirements are outlined in Article 14 of the *Town of North East Zoning Ordinance*.

Forest Conservation Technical Manual - the technical manual adopted by the Board of County Commissioners used to establish standards of performance required in preparing forest stand delineations and forest conservation plans.

Forest management - the protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, wildlife habitat, etc.

Forest practice - the alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational, or water quality values.

Grandfathered - describes the status accorded certain properties and development activities that are of record prior to the date of adoption of the *Town of North East Zoning Ordinance* or provisions of the *Town of North East Zoning Ordinance*.

Growth Allocation - an act of the Mayor and Commissioners, which provides for conversion of a property or properties located in a Resource Conservation Area (RCA) and/or the Limited Development Area (LDA) in the Critical Area Overlay District ("CAO") to another land management classification which allows an increase in the permitted density.

Habitat Protection Areas - Threatened and Endangered Species, species in Need of Conservation, and Plant and Wildlife Habitats, Non-tidal Wetlands, the Buffer and Anadromous Fish Propagation Waters as designated in the North East Critical Area Program.

Health Department Approving Authority - the Secretary of Health and Mental Hygiene or his designee.

Highly erodible soils - soils with a slope greater than 15 percent; or those soils with a K value greater than 0.35 with slopes greater than 5 percent.

Hydric soils - soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

Land clearing - any activity that removes the vegetative ground cover, including stumps, brush, stones, and the movement of topsoil prior to grading.

Local Streets - see "Street".

Lot - a parcel, tract, or portion of land separated from other parcels, tracts, or portions by separate description as on a subdivision plat or record of survey map, or by metes and bounds, for purpose of sale, lease, or transfer of ownership or separate use.

Major Arterial - see "Street".

Major Collector - see "Street".

Marginal Access Street - see "Street".

Marina - any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities.

Mean High Water Line - the average level of high tides at a given location.

Minor Arterial - see "Street".

Minor Collector - see "Street".

Minor or Insignificant Impacts - means:

a. Any land disturbance that will affect less than 5,000 square feet of land area not located in a Habitat Protection Area identified in the North East Critical Area Program; or

b. Any land disturbance within the Buffer that will affect less than 50 square feet of land area provided such disturbance does not occur in a non-tidal wetland, a Plant and Wildlife Habitat, or a Threatened or Endangered Species or Species in Need of Conservation Habitat as identified in the North East Critical Area Program.

Modified Buffer Area (MBA) - an area officially mapped by the Town and approved by the Critical Area Commission as a Modified Buffer Area, where it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional, or recreational development prevents the Buffer from fulfilling its water quality and habitat functions, and where development in accordance with specific BMA provisions can be permitted in the Buffer without a variance.

Natural Vegetation - plant communities that develop in the absence of human activities.

Natural features - components and processes present in or produced by nature, including but not limited to soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, and wildlife.

Non-tidal wetlands - refers to those lands in the Critical Area (excluding tidal wetlands regulated under Title 9 of Natural Resources Article, Annotated Code of Maryland) farm ponds and other man-made bodies of water whose purpose is to impound water for agriculture, water supply, recreation, or waterfowl habitat where the water table is usually at or near the surface, or lands where the soil or substrate is covered by shallow water at some time during the growing season, and that are usually characterized by one or both of the following:

a. At least periodically, the lands support predominantly hydrophytic vegetation; and/or

b. The substrate is predominantly undrained hydric soils.

Offsets - structures or actions that compensate for undesirable impacts.

Open space - land and water areas retained for use as active or passive recreation areas in an essentially underdeveloped state.

Open water - tidal waters of the State that do not contain tidal wetlands and/or submerged aquatic vegetation.

Original Parcel - any lot which was recorded prior to the date set by the Town Commissioners for commencing the implementation of this document.

Owner - the person, partnership, corporation, company, or other legal entity holding current legal title.

Pad, development - the area of a lot, within a larger overall lot area, that is devoted to structures and septic systems. In general, where a development pad is prescribed, the remaining area of the lot must be maintained in natural vegetation.

Pavement - the portion of a street or walkway surfaced for vehicular or pedestrian movement and constructed according to the *Town of North East Road Code*.

Physiographic features - the soils, topography, land slope and aspect, bodies of water, and local climate that influence the form and species composition of plant communities.

Planning Commission - the Town of North East Planning Commission

Plat:

a. Concept Plat - the drawing(s) indicating conceptual layout of the proposed subdivision, demonstrating the subdivider's general objectives and desires in regard to the future development of his land. The concept plat is less detailed and specific than a preliminary plat in terms of the exact arrangement of parking areas, access points, open spaces, forest conservation areas, stormwater management practices, and other site features, general traffic pattern and street layout.

b. Preliminary Plat - the drawing(s) indicating the layout of the proposed subdivision and preliminary site improvements design, location of forest conservation areas, location of all proposed stormwater management practices and structures, accompanied by the supplementary documentation.

c. Final Plat - the drawing(s) showing the final subdivision's layout of all right-of-ways, property lines, easements, forest conservation areas, etc., grading and location of all nonstructural and structural stormwater management practices as approved by the County, and all pertinent zoning and subdivision data, in accordance with the approved preliminary plat or part thereof.

d. Combined Preliminary/Final Plat - *may* be permitted by the Planning Commission or the Zoning Administrator for a Minor Subdivision. The drawing(s) shall include the proposed layout of the Minor Subdivision and proposed site improvements design, accompanied by the supplementary documentation.

Public - open to common use, whether or not public ownership is involved.

Public Improvement Plans - construction drawings including design and specification drawings for proposed site improvements for a subdivision. The public improvement plans show the public improvements or changes within the public right-of-way or permanent easements to "Public Improvements". This term may also be referred to as site development plans and site improvement plans and/or constructions drawings.

Public Improvements - any improvements within public right-of-ways or permanent easements, including, but not limited to:

- a. street pavement,
- b. curbs and gutters,
- c. alley pavement,
- d. sidewalks,
- e. bridges,
- f. crosswalks,
- g. water mains,
- h. sanitary sewers,
- i. storm drains,
- j. storm water management facilities with appurtenant construction,
- k. screen planting,
- l. street trees, street lighting, street signs, traffic signs, etc.

Public Works Agreement - a contract, between the developer and the Town, to complete the necessary improvements outlined in 'Public Improvements' in accordance with approved plans and specifications by a given date; and such contract to be guaranteed by a surety acceptable to the Town of North East. (a certified check, cash, an irrevocable letter of credit from a bank or other accredited institution, etc.)

Redevelopment - the process of developing land that is or has been developed.

Reforestation - the establishment of a forest through artificial reproduction or natural regeneration.

Resubdivision - a further division or modification of an existing subdivision either previously approved by the Planning Commission and recorded or recognized by the Planning Commission and recorded in either the Land or Plat Records of Cecil County.

Right-of-Way - a strip of land designated for the use of a street, highway, utility, driveway, alley, or walkway, or for any drainage or public purpose or other similar uses.

Road - see "Street".

Shore Erosion Control Measures - any number of structural and nonstructural methods or techniques for controlling the erosion of shoreline areas. More specifically the term refers to:

1. Nonstructural - Creation of an intertidal marsh fringe channel ward of the existing bank by one of the following methods;
 - a. Vegetation - Planting an existing shore with a wide band of vegetation;
 - b. Bank Sloping/Vegetation - Sloping and planting a non-wooded bank to manage tidal water contact, using structures to contain sloped materials if necessary; and
 - c. Contained Beach - Filling alongshore with sandy materials, grading, and containing the new beach to eliminate tidal water contact with the bank.

2. Structural

a. Revetment - facing laid on a sloping shore to reduce wave energy and contain shore materials;

b. Bulkhead - excluded due to adverse impacts to the near-shore marine environment, except in the following special cases:

(1) Where erosion impact is severe and high bluffs and/or dense woodland preclude land access, bulkheads can be installed by shallow-draft barge and pile driver; and

(2) In narrow, manmade lagoons for activities that require frequent interchange between boats and land.

Sidewalk - a paved walk for pedestrian traffic and generally placed parallel to a street or highway and is typically located within the street right-of-way.

Sight Distance - clear visual distance along a road or access at intersection. Measurements of Sight Distance shall be in accordance with the current edition of *A Policy on Geometric Design of Highways and Streets*, prepared by the Federal Highway Administration.

Significant Impact - any land disturbance not defined as a "minor impact" in the *Town of North East Critical Area Program*.

Site Development Plans - see "Plats".

Soil Conservation and Water Quality Plans - land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:

a. How the landowner plans to treat a farm unit;

b. Which Best Management Practices the land owner plans to install to treat undesirable conditions; and

c. The schedule for applying Best Management Practices.

d. Cecil County has agreed to administer and enforce the State regulations regarding soil conservation within the corporate limits of the Town of North East.

Steep slopes - slopes of 15 percent or greater incline.

Storm Water Management - The Town of North East has adopted the Cecil County Stormwater Management Ordinance, adopted May 3, 2011, and all subsequent amendments. The Cecil County Stormwater Management Ordinance is hereby incorporated herein by reference as fully as if set forth verbatim herein. All standards, requirements, rights and liabilities shall be applicable within the corporate boundaries of the Town of North East and any penalties or other sanctions for violations of said Ordinance shall be applicable within the corporate boundaries of the Town of North East just as they are applicable outside of said

boundaries. Cecil County has agreed to administer and enforce the Ordinance within the corporate limits of the Town of North East.

Street - the term "street", "road", or "highway" means a public or private way for vehicular traffic of such width, design, construction, and specifications as the *Town of North East Road Code* now requires or might hereafter require. A public right-of-way which provides primary access to abutting properties. The term also applies to rights-of-way which provide access to abutting properties and to rights-of-way under the Town ownership prior to enactment of these regulations. The Towns' highways and streets are classified into one of the following:

a. Freeway - a limited access, high speed road with grade separated interchanges that carries primarily inter-county traffic. It is a specialized highway with one function - to carry traffic via a roadway with controlled access, no parking and no at-grade intersections. Individual property access is prohibited.

b. Major/Principal Arterial - a street with the primary function being to move large volumes of inter-county vehicular traffic. It is intended to provide unity throughout a contiguous area with channelized intersections and no parking. Individual property access is prohibited.

c. Minor Arterial - a street which is intended as a main feeder street for local traffic. Individual property access is prohibited.

d. Major Collector - a street which is intended primarily to collect traffic from local residential areas. Its primary function is to conduct traffic from minor collector streets to commercial and industrial areas, and to arterials or freeways. Individual property access is permitted.

e. Minor Collector - a street which is intended as a main interior street, non-conductive to through traffic and primarily for local traffic. Its primary function is to conduct traffic from local streets to major collector streets. Individual property access is permitted.

f. Local - a street which provides access exclusively to abutting properties and which is not conducive to through traffic. Individual property access is permitted.

g. Cul-de-sac - a short residential street having but one end open for vehicular traffic, the other being permanently terminated by a turnaround for vehicles.

h. Alley - a public or private minor way, which provides service access for vehicles and pedestrians to the side or rear of abutting properties particularly in townhouses, apartments, commercial, or industrial developments.

i. Commercial Road - any road which lies within or is contiguous to any area which has been recommended or approved for any class of commercial use in any zoning.

j. Marginal Access Street or Service Road - a minor street which is parallel to and adjacent to an arterial street, and which provides access to abutting properties and protection from through traffic.

k. Public Street – a street which is owned and maintained by the Town.

l. Private Street – a street or drive typically owned and maintained by private entities and/or individuals and not maintained by the Town.

Structure - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Structure, principal - that construction or assembly of materials which combine to form an occupiable building, dwelling or dwellings, the intent of which is to provide for the main function of the principal structure. Accessory buildings attached to principal structure either directly or by breeze-way will also be considered principal structure.

Subdivider - a person who undertakes development activity as defined in this ordinance; or a person who undertakes development activity as defined in Criteria of the Critical Area Commission.

Subdivision - the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or territory subdivided.

Subdivision Agreement – a contract, between the developer and the Town to complete necessary improvements prior to the installation of any Town Construction Authorization for a dwelling unit within a subdivision.

Tidal wetlands - means state wetlands that are defined as any land under the navigable waters of the state below the Mean High Water Line, affected by the regular rise and fall of tide, and private wetlands that defined as any land not considered "state wetlands" bordering or lying beneath tidal waters, that is subject to regular or periodic tidal action and supports aquatic growth. Private wetlands includes wetlands transferred by the state by a valid grant, lease, patent, or grant confirmed by Article 5 of the Declaration of Rights of the Constitution to the extent of the interest transferred. The term "regular or periodic tidal action" means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by the wind or any other circumstance.

Topography - the existing configuration of the earth's surface including the relative relief, elevations, and position of land features.

Tributary streams - perennial and intermittent streams in the Critical Area that are so noted on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the Town of North East.

Walkway - as distinguished from a sidewalk and crosswalk which are incorporated in a street right-of-way, a walkway is a pedestrian right-of-way usually extending from a street into a block or across a block to another street or incorporated into an open space design.

Water-dependent facilities - structures or works associated with industrial, maritime, recreational, educational, or fisheries activities which the Town of North East has determined require location at or near the shoreline within the Buffer.

Wildlife corridor - a strip of land having vegetation that provides habitat and a safe passageway for wildlife.

ARTICLE III. GENERAL PROVISIONS

Section 3-1. Introduction

1. It shall be unlawful for the owner of any land within the jurisdiction of the Town to which these Regulations may apply, or any other person, firm, or corporation, to subdivide any lot, tract, or parcel of land, or layout, construct, open or dedicate for public use or travel, any street, sanitary sewer, storm sewer, drainage facilities, or other facilities in connection therewith, or for the common use of occupants of buildings within the subdivision, unless and until:

a. A plat of such subdivision is caused to be made in accordance with the regulations set forth herein and in the Annotated Code of Maryland, as amended;

b. Approval is secured as provided herein; and

c. Copies of said plat have been recorded in the office of the Clerk of the Court of Cecil County.

Section 3-2. General Requirement for Subdivision

1. In planning and developing a subdivision, the developer or his agent shall comply with the general principle of design and minimum requirements for the layout of subdivisions set forth in Appendix A, with the regulations concerning improvements as set forth in Appendix B and in every case he shall observe the procedures outlined in Article V.

2. Any owner or developer of any tract of land located in the corporate limit of the Town, who intends to subdivide the same for the creation of a minor or major subdivision, shall follow the requirements of the ordinance set forth herein and in the Annotated Code of Maryland, as amended, shall prepare a subdivision plat including all required documentation, and after securing the approval thereof by the Planning Commission or Zoning Administrator, shall cause a copy of such plat to be recorded in the office of the Clerk of the Circuit Court of Cecil County.

3. In case of the reservation of building lots, such lots shall be platted in accordance with the *Town of North East Zoning Ordinance, Town of North East Subdivision Regulations*, and applicable agencies.

Section 3-3. Resubdivision of Land

1. Whenever any change affecting any street layout or areas reserved for public use, any modification, division, addition, deletion, or correction proposed to a lot or lots in a previously recorded subdivision, the owner must file a "resubdivision plat" to be approved by those agencies normally approving Final Plats and to be recorded by the Developer together with a notation in the form of a resolution, which shall make reference to the original plat and shall be affixed to the resubdivision plat.

2. Changes occurring as a result of highway, road or street improvements, which require additional right-of-way, shall not require a resubdivision plat to be recorded.

3. In cases where two (2) or more lots in the same ownership are effectively utilized so as to virtually eliminate the interior lot lines, such as construction of

a permanent structure across lot lines, a resubdivision plat combining the affected lots into one lot will be required. An exception to this shall be only when the two lots are under one deed. Any remaining lots shall conform to all existing Zoning Regulations and; if conveyed shall not effectively create a zoning violation on the remaining lots.

4. Procedure for Subdivisions Where Future Resubdivision is Indicated: Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into small building sites, the Planning Commission will require that such parcel of land allow for the future street extensions and the ultimate connections to adjacent streets. Easements providing for the future extension of such streets shall be made a requirement of the plat.

5. The Zoning Administrator may approve resubdivision of Minor Subdivisions and may also approve minor adjustments to lot lines on major subdivisions, previously approved by the Planning Commission, when the Zoning Administrator deems it to be appropriate.

Section 3-4. Addition or Subtraction of Lots

1. Whenever the owner of a lot or parcel wishes to add additional land to said lot or parcel, a survey plat shall be filed, to be reviewed by the Zoning Administrator, which plat shall contain the following:

- a. A boundary survey of additional land.
- b. The lot or parcel to which the addition is being made.
- c. The original lot or parcel as required below:
 - (1) If five acres or under remains, a boundary survey and deed shall be made.
 - (2) If over five acres remains, a deed shall be provided.

d. When applicable, the signature of a registered surveyor certifying it as an accurate survey.

e. A signature block for the Zoning Administrator's approval.

f. A note on the plat stating the following: "Application is hereby made for your approval of the indicated transfer of land solely for adding to adjoining holdings and not for development. Any future subdivision of this land or building development will be submitted in the regular manner for approval in accordance with the existing Subdivision Regulations".

g. A road dedication statement, if applicable.

h. Signature block for the Health Department approving authority.

2. No transfer of land shall be approved if the original lot from which the transfer was made causes said lot to be less than the minimum lot size for its zoning

district or causes the lot to be in violation of any other applicable zoning or health requirements.

3. The approved survey plat shall be recorded with the Clerk of the Circuit Court of Cecil County.

4. A Declaration of Intent must be filed with the Cecil County to comply with the Forest Conservation Regulations.

Section 3-5. Lot Line Adjustments

The Zoning Administrator has the authority to approve Minor Subdivisions of land involving minor adjustments in lot lines without the necessity of the Subdivision complying with preliminary plat procedures or Planning Commission review or Cecil County Technical Advisory Committee (TAC) review.

Section 3-6. Minor Subdivisions

1. For a Minor Subdivision of four (4) lots or fewer, a preliminary plat shall not be required, provided the Minor Subdivision has been reviewed by the Cecil County Technical Advisory Committee (TAC) and all applicable comments have been satisfied. A property owner shall apply to the Planning Commission for approval of Minor Subdivision by submitting a combined preliminary/final plat, provided that the proposed subdivision:

- a. Does not involve a proposed new street.
- b. Does not cause any lot to be less than the minimum lot size required for its zoning district, and
- c. Does not cause any lot to be in violation of any other applicable zoning, health or environmental requirements.

2. The combined preliminary/final plat application shall be submitted on forms approved by the Town and the appropriate fees shall be paid.

3. The combined preliminary/final plat shall follow all requirements of a normal final plat as provided in Section 5-6, and shall contain the following information:

- a. Existing topography at two or five-foot contour intervals. Contour lines shall be indicated at least fifty (50) feet beyond the subdivision boundary. Contours shall be based upon government bench marks when available or be estimation from United States Geological Survey quadrangle maps unless otherwise required by the Planning Commission. A reference or bench mark shall be described on the plat, together with elevation. The source of contours shall be stated on the plat.

- b. All existing pertinent features, either natural or man-made, that may

influence the design of the subdivision, such as important large trees or wooded areas, Forest Conservation areas, power transmission towers, existing buildings and structures, ponds, drainage ditches, watercourses, 100-year flood plain, and jurisdictional wetlands.

c. Location of existing utilities and recorded utility easements; right of ways (public or private) on or within two hundred (200) feet of the tract. This should include electric and telephone poles, underground cables, and towers.

d. Location and extent of permanent erosion and sediment control facilities such as sedimentation ponds, drainage ditches, diversion terraces if required by Cecil Soil Conservation District.

e. Location of wells, septic disposal areas, as well as, percolation information and soil types. Source for water and sewer shall be stated.

f. Information required by the *Town of North East Critical Area Program*, including but not limited to the Critical Area Buffer, Critical Area District, the Critical Area Boundary line on existing and created parcels and Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed Minor Subdivision, limits of tidal wetlands, the mean high water line and an environmental assessment.

g. The location and extent of existing and/or proposed shore erosion abatement approaches.

h. Lot area in acres and square feet for each parcel.

i. Tax map, grid, and parcel numbers.

j. Signature blocks for Health Department, Owner, Town, and Town Engineer.

4. The Zoning Administrator may require full compliance with the major subdivision approval process where special problems prevail in a Minor Subdivision Application or where prior subdivision has occurred. In any case, no more than four (4) lots may be approved administratively under this Minor Subdivision approval process from any lot or parcel of land which was in existence on the date of original enactment of these Subdivision Regulations.

5. An applicant for a Minor Subdivision may appeal any decision of the Zoning Administrator in the Minor Subdivision approval process to the Planning Commission. The Zoning Administrator may also refer questions or the entire approval process to the Planning Commission in cases of question or difficulty.

6. The Zoning Administrator shall require that the remaining original tract be shown as stated in the appropriate section below:

a. If less than five (5) acres of land remain in the original tract after the lots are excluded, then all of the tract (lots and remainder) must be platted and deed provided.

b. If more than five (5) acres of land remain in the original tract after the lots are excluded, then the owner is not required to plat the remaining acreage, but shall provide a deed.

7. The owner is required to provide a sketch of the tax map showing his entire acreage and the location of the lots being platted and any previously platted lots.

8. The approved Minor Subdivision plat shall be recorded with the Clerk of the Circuit Court of Cecil County.

Section 3-7. Subdivision Name

The subdivision name approved by the Planning Commission shall constitute the subdivision's official name. No other name may be used for advertising or sale purposes unless approved by the Planning Commission and amended on the plat and re-recorded bearing the revised name.

Section 3-8. Adequate Public Facilities

1. In pursuit of its responsibility and obligation to provide for the health, safety, and general welfare of existing and future residents in any subdivision, the Planning Commission may disapprove the subdivision of land if it is found that any one of the following public facilities is not adequately provided for in the proposed subdivision.

a. Off Road Access

(1) Off-site road access to the proposed subdivision must not be hazardous and unsafe by virtue of one or more of the following:

i. Lack of compliance with the applicable sections of the *Town of North East Road Code*.

ii. Poor or non-existent sight distances, due to topography, natural vegetation or poor road alignment: vertical and/or horizontal.

iii. Grades exceeding maximum allowed.

iv. Width of paved surface too narrow to allow the passing of two (2) vehicles safely.

v. When a proposed subdivision entrance abuts a highway under the jurisdiction of the State Highway Administration, the entrance intersection is subject to requirements of that agency and the overall safety of the access shall be coordinated with said agency.

b. Water and Sewer

(1) The proposed subdivision shall be disapproved unless the provisions are made for the disposal of sewage and the provision of water;

(2) Each lot is to be served with public water and public sewer. Privately owned and operated utility systems for new subdivisions or land developments will not be allowed.

c. Drainage

(1) No inherent factors of drainage, soil character, or other conditions that would tend to produce health problems, exist, regardless of lot size.

2. Each lot is assured a connection with a public water main when located inside a Town service area.

Section 3-9. Commercial and Industrial Subdivisions

1. Developers of commercial and industrial subdivisions shall submit subdivision plats in the same manner and shall provide the same information as required in Article V of this ordinance.

2. The Preliminary Plat shall follow the procedural requirements of Section 5-4 and shall incorporate any necessary changes required by the Planning Commission as a result of Concept Plat review.

3. The Final Plat shall follow the procedural requirements of Section 5-6. The plat shall include the entire tract and shall also include any public right-of-ways as required by the Concept Plat or Preliminary Plat. In the event of a phased subdivision that only a portion of the entire tract is to be developed, the developer may elect to record only that portion of the tract together with any required public right-of-ways.

Section 3-10. Private Roads in Residential, Commercial, and Industrial Subdivisions

In developments designed and used exclusively for rental occupancy under single ownership, the maintenance of the local roads may be retained by the owner; however, the construction of private roads shall meet the criteria set by the *Town of North East Road Code*.

Section 3-11. Building Permits

1. No zoning certification or construction authorization from the Town of North East Planning Office and no building permits will be approved by the Cecil County Department of Permits and Inspections for any subdivision or development until or unless the requirements of this ordinance have been met as verified by the Planning Commission.

2. No building permit shall be issued for the final ten percent (10%) of lots in a subdivision under construction, or if ten percent (10%) is less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by this ordinance for the subdivision and approved by the Planning Commission are fully in compliance with Article IV of this Ordinance.

ARTICLE IV. ADMINISTRATION

Section 4-1. Administrative Responsibility

At the direction of the Planning Commission, it shall be the responsibility of the Zoning Administrator to administer and enforce these regulations and to establish the procedures for the proper implementation consistent with these regulations.

Section 4-2. Referral

1. The Zoning Administrator may refer the subdivision plat and development plans to a Town or County agency or any other agency (State or Federal) which it deems appropriate for their comments and/or recommendations, the Planning Commission will determine the basis of approval and/or disapproval of a proposed subdivision plat or site development plans.

2. Approvals for specific elements of a subdivision development plan, including but not limited to sediment and erosion control, stormwater management, and sewerage disposal, must come from those County Departments or other agencies (State or Federal) having jurisdiction in that area. All requirements for acquiring approval of a specific element are contained in codes or regulations administered by the agency or department responsible and are not necessarily available in this regulation.

Section 4-3. Application

1. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare, as set forth in the statement of legislative intent. Any subdivision or development complying with these minimum requirements and any regulations pursuant thereto, shall be approved, and a Public Works Agreement, where necessary, shall be executed between the developer and the Town prior to any final approval.

2. The Planning Commission shall require each subdivision to conform to the Zoning Ordinance applicable thereto.

Section 4-4. Appeal from this Ordinance

1. Any person or entity aggrieved by the decision of the Zoning Administrator in connection with duties and authorities granted to said Administrator within this Subdivision Regulation, may appeal that decision to the North East Planning Commission within fifteen (15) days after notice of the decision of the Zoning Administrator.

2. Any person or entity aggrieved by the decision of the Planning Commission shall have the right of appeal to the Circuit Court for Cecil County within thirty (30) days after notice of the decision of said Planning Commission; said appeal shall be taken in accordance with the Maryland Rules of Procedures as they apply to appeals from Administrative Agencies.

Section 4-5. Penalties

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiate to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the planning commission; and recorded or filed in the office of the office of the Clerk of the Court, shall forfeit and pay a penalty of not less than two hundred dollars (\$200.00) and not exceeding One Thousand Dollars (\$1,000.00) in the discretion of the court for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and in addition shall pay all costs and expenses involved in the case. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The Town may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by civil action in any court of competent jurisdiction.

Section 4-6. Variances

1. Hardship-Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these Subdivision Regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variance will not have the effect of nullifying the intent and purpose of the North East Comprehensive Plan and Subdivision Regulations. The Planning Commission shall determine extraordinary hardship if it finds all of the following facts in regard to the subdivision:

a. That the land is of such shape or size, or is affected by such topographical conditions, or other physical features, or conditions of the proposed subdivision, or because of the nature of adjacent developments, or is subject to such title limitations of record that it is impossible or impractical for the subdivider to comply with all of the regulations of this ordinance;

b. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.

2. Conditions

a. In granting variances, the Planning Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so varied or modified.

b. Any modification of these regulations for a particular subdivision or development shall be noted on the final plat and appear in the records of the Planning Commission.

Section 4-7. Fees

1. An executed Development Expense Agreement and escrow deposit shall be provided to the Town of North East by the owner of the property, prior to submission of a subdivision proposal to the Town of North East.

a. Fees for processing of plats and plans required herein and for recording the final plat shall be collected from the applicant at the time of filing the first plat or plan, in accordance with a fee schedule of charges adopted by resolution of the Mayor and Commissioners.

b. The fee schedule shall be posted in the Town Office and may be altered or amended only by the Mayor and Commissioners.

c. A basic fee shall be charged for each subdivision plat review and an additional fee shall be added for each lot over two, within the subdivision.

d. In the event that a proposed subdivision plat is of such complexity and/or potential local impact that outside professional assistance is required, the Town shall select the professional of its choice. Costs of this work shall be borne by the subdivider.

Section 4-8. Amendments

1. The Regulations, as set forth in these subdivision regulations may from time to time be amended, supplemented, changed or repealed by the Mayor and Commissioners if it is determined by the Mayor and Commissioners that any such amendment will better the public interest and the general purpose of these subdivision regulations and the North East Comprehensive Plan. Proposals for amendment may be initiated by any person, group, agency, or organization, by the Mayor and Commissioners, by recommendation from the Planning Commission or by any other governmental agency of the Town. All proposed amendments shall be reviewed by the Planning Commission and their recommendation shall be submitted to the Mayor and Commissioners. The Planning Commission may hold a public hearing prior to its submittal of a recommendation to the Mayor and Commissioners. Prior to making a decision, the Mayor and Commissioners shall hold a public hearing on the proposed amendment.

2. No such action by the Mayor and Commissioners may be taken on a subdivision regulation amendment until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. The Mayor and Commissioners shall publish notice of the time and place of a public hearing, together with a brief and accurate summary of the nature and contents of the subdivision regulation sufficient to inform an individual of ordinary intelligence of the nature and contents of the subdivision regulation. The notice shall be published at least once in a weekly or daily newspaper that circulates in Town.

Section 4-9. Filing Schedule

1. The Town of North East Planning Office shall prepare a filing schedule for applications to the Planning Commission. All applications to the Planning Commission shall adhere to the filing schedule. The filing schedule shall be made available at the Town of North East Planning Office and shall contain the following information:

- a. Meeting dates, time and location for the Planning Commission.
- b. Submittal deadlines for the Planning Commission.

Section 4-10. Submittal to the Cecil County Technical Advisory Committee

1. Prior to submittal of the concept and/or preliminary plat to the Town of North East Planning Commission, the Developer or applicant shall submit the plat to the Cecil County Technical Advisory Committee (TAC) in accordance with the County schedule and requirements. The Developer, or applicant, shall copy the Town of North East Planning Office on all correspondence.

2. If the concept and/or preliminary plat has not been brought before the North East Planning Commission within one year from the date of review by the Cecil County Technical Advisory Committee, the Town shall require the Developer, or applicant, to re-submit the plat to TAC.

Section 4-11. Public Notification

1. It shall be the responsibility of the Developer, or the applicant acting on the Developer's behalf, to send by Certified Mail to all property owners immediately contiguous to the property on which a subdivision is proposed, and shall include notice of the initial review of the subdivision proposal by the Town of North East Planning Commission. Said notices shall be sent by Certified Mail a minimum of 14 days prior to the meeting date. It shall be the responsibility of the applicant to provide documentation to the Town of North East Planning Office that this requirement has been met.

2. The notice shall contain the following information:

- a. Property owner/developer, address, telephone number
- b. Acreage, zoning
- c. Proposed number of lots/units
- d. The Town of North East Planning Office website address.
- e. Date, location and time of the Planning Commission meeting.

Section 4-12. Public Notice Sign

1. Prior to the initial submittal of the plat to the Planning Commission, the developer shall be responsible for the erection and maintenance of a clearly visible sign containing a copy of the proposed plat on each of the property's road frontages.

2. Each sign shall be provided by the developer and fabricated to specifications provided herein in Appendix C. The signs shall be durable, weather resistant, and shall be maintained in place throughout until the final plat approval. The plat shall also be provided electronically to the Planning Office for posting on the Town's website. If the Town Zoning Administrator, or designee determines that the applicant has failed to maintain or properly install the sign in compliance

with these requirements, the Planning Commission will be notified and the proposed project will be withdrawn from the agenda.

ARTICLE V. PLAT PROVISIONS

Section 5-1. Introduction

This article explains the approval process for major subdivision plats. The stages outlined herein as Concept Plat, Preliminary Plat, Public Improvement Plans, and Final Plat, and the procedures pertaining thereto, shall be followed in all subdivisions of five (5) lots or more.

Section 5-2. Technical Advisory Committee

Prior to submittal of the Concept Plat to the Town of North East, the applicant shall submit to the Cecil County Technical Advisory Committee for review and comment, unless otherwise determined by the Zoning Administrator. Applicant, owner and developer shall follow the Cecil County Government requirement with regard to notification to adjoining property owners and public notice signs required for this meeting. Two weeks prior to the Technical Advisory Committee meeting, the applicant, owner and developer shall provide notice of the impending Technical Advisory Committee meeting to the Town of North East Planning Office and shall provide two copies of the submission to the Town of North East Planning Office. The Town Planning Office will attend the County meeting. The applicant, owner and developer shall forward all Technical Advisory Committee recommendations, comments, minutes and actions to the Town of North East Planning Office.

Section 5-3. Concept Plat

1. Concept Stormwater Management and Concept Sediment and Erosion Control plan approvals are required from the Cecil County Department of Public Works prior to Concept Plat submission.

a. The applicant shall submit a Concept Stormwater Management Plan and a Concept Sediment and Erosion Control Plan to the Cecil County Department of Public Works. Two copies of the submitted plans and a copy of the transmittal shall be submitted to the Town of North East Planning Office prior to Concept Plan submittal.

b. After Cecil County has approved the Concept Stormwater Management Plan and the Concept Sediment and Erosion Control Plan, and all conditions of the approvals have been satisfied, the applicant shall submit two paper copies and one electronic copy of the approved, signed plans to the Town of North East Planning Office.

c. After the above has been completed, the applicant may submit the concept plat to the North East Planning Commission in accordance with the North East Subdivision Regulations.

2. Purpose for Concept Plat

a. The purpose of the Concept Plat is to afford the applicant the opportunity to consult early and informally with Town officials, the Planning Commission and the agencies before preparation of the Preliminary Plat and formal application for approval. The review by the Planning Commission of the

Concept Plat is to determine feasibility of the project and to determine the maximum density allowable and an acceptable general layout on the parcel. The Concept Plat shall include:

- (1) Existing and proposed impervious
- (2) Interior street configuration and road layout
- (3) Street and driveway entrances
- (4) Pedestrian circulation
- (5) Proposed density
- (6) Landscaped areas
- (7) 100-year floodplain
- (8) Critical Area designations
- (9) Forest Conservation requirements
- (10) Existing easements
- (11) Buffers, and setbacks
- (12) Tidal and non-tidal wetlands
- (13) Waterways
- (14) Proposed phasing of project, if applicable

b. During the Concept Plat procedure, the applicant can advantageously make use of the services of the administrative personnel of the Town. In addition, the Planning Commission can assist the applicant to analyze the potential problems with the development and plan more adequately for its sound coordination with the community. This procedure also affords the Town the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. It may also simplify official actions and save unnecessary expense and delay.

3. Concept Plat Procedure

a. Applicant prepares Concept Plat of the proposed subdivision and accompanying application conforming to the requirements set forth in these regulations.

b. Applicant must execute the Development Expense Agreement.

c. Applicant shall submit 15 paper copies and one electronic copy of the Concept Plat to the Town of North East Planning Office.

d. Applicant shall submit 15 paper copies and one electronic copy of all agency comments from the Cecil County Technical Advisory Committee.

e. Concept Plats must be received 45 days prior to the Planning Commission meeting.

f. Two weeks prior to Planning Commission meeting, applicant provides public notice in accordance with the *North East Subdivision Regulations, Section 4-11. Public Notification.*

g. Two weeks prior to the Planning Commission meeting, applicant shall install the public notice sign(s) at the proposed subdivision site in accordance with the *North East Subdivision Regulations; Section 4-12. Public Notice Sign.*

h. It shall be the responsibility of the Planning Office to notify the applicant and owner as to the time, date, and place of the Planning Commission meeting and hearing(s) regarding the development. All such meetings shall be open to the public.

i. The Planning Commission will review the Concept Plat in accordance with the Annotated Code of Maryland; Land Use; Title 5, Section 5-104 (as may be periodically amended), and with regard to the following points:

- (1) Design.
- (2) Layout.
- (3) Aesthetics.
- (4) Harmony with neighborhood and community.
- (5) Interior street configuration.
- (6) Entrance locations (street and driveways and temporary construction entrances).
- (7) Traffic effect on existing and proposed town roads.
- (8) Water facilities.
- (9) Feasibility of a subdivision in the area.
 - i. Total number and size of lots.
 - ii. Effect on school district and school bus service.
 - iii. The cost of providing local governmental services to the residential subdivision.
 - iv. Approximate lot layout and other reserved areas, if any.
- (10) New land development techniques.
- (11) Buffers and easements, floodplain, and Critical Areas.
- (12) Conflicts with Stormwater Management regulations, Section 6-4.
- (13) Other conflicts or potential conflicts with Town infrastructure.
- (14) Consistency with the *Town of North East Comprehensive Plan.*
- (15) Approval of the Concept Plat by Cecil County Department of Public Works for compliance with Storm Water Management regulations and Sediment and Erosion Control.

(16) Cecil County Technical Advisory Committee (TAC) comments.

(17) The Planning Commission will review the Concept Plat for general suitability of design without regard for drainage, erosion, or vertical alignment of streets. These will be reviewed in the Preliminary Plat submission.

j. The Planning Commission, either the same evening or within one (1) month following the applicant's presentation to the Planning Commission, shall:

(1) grant conditional approval of the Concept Plat if all the requirements of these regulations and other applicable regulations, ordinances and the *Town of North East Comprehensive Plan* are met; or

(2) evaluate applicant's submission and presentation; conduct discussion with applicant; and review reports from Town and County agencies; and

(3) determine whether the Concept Plat meets the objectives and requirements of these regulations and other applicable regulations, ordinances, the *Town of North East Comprehensive Plan*; and

(4) inform the applicant in writing of the Planning Commission's decision, including required changes in the concept plat and the reasons for the decision.

k. Approval of the density and layout of a Concept Plat shall be subject to meeting all applicable requirements of the Zoning Ordinance, Subdivision Regulations, Stormwater Regulations, Sediment and Erosion Regulations, County and State Regulations, as well as all Federal requirements.

l. The action of the Planning Commission shall be noted on two copies of the Concept Plat, referenced and attached to any conditions determined. One copy shall be returned to the applicant and the other shall be retained by the Planning Commission.

m. Approval of the Concept Plat does not guarantee subsequent approvals of a Preliminary Plat or Final Plat.

n. Concept Plat Approval or Conditional Concept Plat approval from the North East Planning Commission shall be valid for a period of one (1) year from the date of initial Planning Commission approval.

(1) The Planning Commission may, at their regular monthly meeting, grant a one (1) year extension of the approval of a Concept Plat, upon a request for extension from the applicant, owner or developer. A request for extension shall be filed no later than the date of the submission deadline for the Planning Commission meeting prior to the expiration of said Concept Plat. After consideration by the Planning Commission, the sub-divider and other concerned agencies shall receive written notice from the

Planning Commission if their extension has been approved or denied.

o. A disapproved or expired Concept Plat has no status and any further consideration or review submission shall be treated as a new application.

4. The following information shall be provided to the Town of North East Planning Commission at the time of Concept Plat submittal:

a. Written statement describing existing site conditions and proposed development to include:

- (1) Data on existing and proposed covenants,
- (2) Land characteristics,
- (3) Available community facilities and utilities,
- (4) Number of residential lots anticipated,
- (5) Typical lot width and depth,
- (6) Business areas,
- (7) Playgrounds,
- (8) Parks and other public areas,
- (9) Proposed utilities and street improvements,
- (10) Storm Water Management areas as per *Section 6-4 Storm Water Management*.

b. Location map shall be submitted on paper 8 1/2" x 11" maximum size, at a scale not less than 1" = 800', showing relationship of proposed subdivision to existing community facilities which serve or influence it to include:

- (1) Development name and location,
- (2) Highways, streets and watercourses,
- (3) Shopping centers,
- (4) Schools,
- (5) Parks and playgrounds,
- (6) Principal places of employment,
- (7) Other community features such as railroad stations, airports, hospitals and churches,
- (8) Map title, scale, north arrow and date,
- (9) Critical Area Boundary and designation,
- (10) 100 year flood plain and floodway.

c. Concept Plat shall be submitted on 24" x 36" (maximum) size paper. The scale shall be no smaller than 1" = 100' (1" = 200' where the average lot size is

greater than five (5) acres). The Plat shall be clear and legible, and shall include the following information:

- (1) A vicinity map indicating the location of the property with reference to surrounding properties, streets, landmarks, streams, etc. (scale shall be no smaller than 1"= 2,000'). 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.
- (2) Name of the proposed subdivision,
- (3) Name and address of the owner,
- (4) Name and address of the engineer or surveyor,
- (5) Tract and proposed subdivision boundaries,
- (6) North point and date,
- (7) Scale of Plat,
- (8) Tax Map and Parcel Number(s),
- (9) Existing streets on and adjacent to the tract,
- (10) Significant topographical and physical features,
- (11) Proposed general street layout and width,
- (12) Proposed general lot layout, minimum area and dimensions,
- (13) Contours based on U.S.G.S. topography,
- (14) Location of existing utilities on or within two hundred (200) feet of the proposed subdivision,
- (15) Existing easements on the parcel(s) to be subdivided,
- (16) Existing cemeteries or burial sites on the parcel(s) to be subdivided,
- (17) The approximate location and area of all property proposed to be reserved for public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements;
- (18) Existing zoning of the tract and adjacent property. Any proposed zoning for the tract must be effectuated by a rezoning prior to the Planning Commission's review of the Concept Plat;
- (19) In the case of multi-family projects (apartments, townhouses, etc.), the following additional items shall be shown:
 - i. Approximate location of buildings,
 - ii. Total number of units in each building,

- iii. Total number of off-street parking spaces and the space to unit ratio,
- iv. Phasing of the project, if applicable.

- (20) Tidal and non-tidal wetlands and their buffers;
- (21) Streams perennial and intermittent, and their buffers;
- (22) 100-year flood plain;
- (23) Areas of steep slopes, highly erodible and other soils with development constraints;
- (24) Critical Area Buffers, shore and stream buffers, and expanded buffers per Article V and Article XII of the *Town of North East Zoning Ordinance*;
- (25) Natural resource protection areas, including Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;
- (26) The Critical Area Boundary and the current land management classification(s), i.e., intensely developed area (IDA), limited development area (LDA), or resource conservation area (RCA);
- (27) Computation of the amount of acres in the Critical Area District;
- (28) The location and extent of existing and/or proposed erosion abatement approaches; and
- (29) Additional information as required by the Forest Conservation Regulations and/or the Forest Conservation Technical Manual;
- (30) Stormwater management requirements as per Section 6-4.;

d. Data to accompany Concept Plat submittal to the North East Planning Office:

- (1) Technical Advisory Committee recommendations, comments, minutes and required actions.
- (2) Approved Conceptual Environmental Assessment (if the subdivision is in the Critical Area).
- (3) Approved Preliminary Forest Conservation Plan (if applicable).
- (4) Evidence of the proper installation of the public notice sign(s) as established in The North East Subdivision Regulations; Appendix C.
- (5) Application and submission fees.
- (6) Traffic Impact Study, if applicable.
- (7) Approved Concept Storm Water Management Plan.
- (8) Approved Concept Sediment and Erosion Control Plan.

(9) Town of North East Development Expense Agreement signed by owner(s) with the required escrow deposit.

Section 5-4. Preliminary Plat

1. Preliminary Stormwater Management and Preliminary Sediment and Erosion Control plan approvals are required from the Cecil County Department of Public Works prior to Preliminary Plat submission.

a. The applicant shall submit a Preliminary Stormwater Management Plan and a Preliminary Sediment and Erosion Control Plan to the Cecil County Department of Public Works. Two copies of the submitted plans and a copy of the transmittal shall be submitted to the Town of North East Planning Office prior to Preliminary Plat submittal.

b. After Cecil County has approved the Preliminary Stormwater Management Plan and the Preliminary Sediment and Erosion Control Plan, and all conditions of the approvals have been satisfied, the applicant shall submit two paper copies and one electronic copy of the approved, signed plans to the Town of North East Planning Office.

c. After the above has been completed, the applicant may submit the Preliminary Plat to the North East Planning Commission in accordance with the North East Subdivision Regulations.

2. Purpose for Preliminary Plat.

a. The purpose of the Preliminary Plat is to afford the applicant the opportunity to present to the Town and other reviewing agencies the preliminary design of proposed subdivision or land development and to secure the Planning Commission and other agencies' required approvals of the Preliminary Plat before proceeding with preparation of the Final Plat.

b. The Preliminary Plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these regulations, except where variation therefrom may be specifically authorized in writing by the Planning Commission and stated on the Plat.

3. Preliminary Plat Procedure

a. Applicant prepares the preliminary plat for the proposed subdivision conforming to the requirements set forth in these regulations.

b. Applicant prepares public improvement plans in accordance with Section 5-5.

c. Applicant shall submit 15 paper copies and one electronic copy of the Preliminary Plat and Public Improvement Plans, Subdivision Application, and applicable filing fees to the Town of North East Planning Office.

d. Public notice sign(s) at the proposed subdivision site, in accordance with *The North East Subdivision Regulations; Section 4-12*. Public Notice Sign, are to be maintained in place throughout the review process until final plat approval.

e. Preliminary Plats and Public Improvement Plans must be received by the North East Planning Office 45 days prior to the Planning Commission meeting.

f. It shall be the responsibility of the Planning Office to notify the applicant and owner as to the time, date, and place of the Planning Commission meeting and hearings regarding the development. All such meetings shall be open to the public.

g. At the scheduled meeting, the Planning Commission:

- (1) receives and reviews the applicant's submission;
- (2) receives and reviews reports from Town and other agencies;
- (3) hears applicant's presentation; and
- (4) discusses submission with the applicant.

h. The Planning Commission will review the Preliminary Plat in accordance with *Section 5-4. Paragraph 4 Required Information for the Preliminary Plat*, and will review with regard to the general suitability of design including the following points:

- (1) Interior street configuration and vertical alignment,
- (2) Entrance locations (both street and driveways),
- (3) Traffic effect on existing and proposed Town roads,
- (4) Water and sewer facilities,
- (5) Feasibility of a subdivision in the area,
 - i. Total number and size of lots,
 - ii. Effect on school district and school bus service,
 - iii. Approximate lot layout and other reserved areas, if any,
- (6) New land development technique,
- (7) The effect on waterways, shorelines, due to runoff, erosion, etc.,
- (8) Boundary of proposed subdivision and remaining parcel or tract where applicable,
- (9) Conformity of the subdivision to the letter and intent of the Town of North East Critical Area Program and related implementation requirements,
- (10) Conformity of the subdivision to all agency comments,

i. The Planning Commission shall:

- (1) evaluate applicant's submission, presentation, discussion with the applicant, and reports from Town agencies;
- (2) determine whether the Preliminary Plat meets the objectives and

requirements of the *Town of North East Subdivision Regulations*; the *Town of North East Zoning Ordinance*, and the *North East Comprehensive Plan*; and

(3) inform the applicant in writing of the recommendation for approval, conditional approval, or disapproval and shall outline the required changes to the Preliminary Plat and Public Improvement Plans, if any, and the reasons for the decision, and deadline of the approval granted. The preliminary plat may be tabled during the Planning Commission meeting if there is lack of information or if substantial changes are necessary to be performed in order to make the plat acceptable to the Planning Commission.

j. The action of the Planning Commission shall be noted on two copies of the Preliminary Plat, referenced and attached to any conditions determined. One copy shall be returned to the applicant and the other shall be retained by the Planning Commission. Conditional approval of the Preliminary Plat shall in no way constitute the approval of the forthcoming Final Plat.

k. A disapproved or voided Preliminary Plat has no status and any further consideration or review submission shall be treated as a new application.

l. Any Preliminary Plat conditionally approved by the Planning Commission shall be exempt from any changes in the Subdivision Regulations or other applicable law for a period of one (1) year from the date of conditional approval of the Preliminary Plat.

m. Preliminary Plat Approval or Conditional Preliminary Plat Approval from the North East Planning Commission shall be valid for a period of one (1) year from the date of initial Planning Commission approval and shall expire at the end of such period unless all conditions have been met and final plat submission has been made to the North East Planning Office.

(1) A request for extension shall be filed with the North East Planning Office no later than thirty (30) days prior to the expiration of Preliminary Plat Approval or Conditional Preliminary Plat Approval.

(2) Such request shall be acknowledged and a decision rendered thereon not more than forty-five (45) days after filing said request.

4. Required Information for Preliminary Plat:

a. The preliminary plat shall be submitted on 24" x 36" maximum size paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. The scale shall be no smaller than 1" = 100' (1" = 200' where the average lot size is greater than five (5) acres as approved by the Planning and Zoning Department). When more than one (1) sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale. Each sheet must have the engineer's/surveyor's seal. The plat shall show the following information:

(1) Proposed phasing, if applicable.

(2) A vicinity map indicating the location of the property with reference to surrounding properties, streets, landmarks, streams, etc. (scale shall be no smaller than 1"= 800'. The tax map, block (grid), parcel number(s) shall also be shown.

(3) North arrow. Indicate if True North.

(4) The names, map and parcel number, and the liber and folio of all adjoining properties. In the event that a recorded subdivision adjoins the land to be developed, the subdivision name, and recording reference shall be indicated. In the event that a historic district or other officially designated historic site adjoins the land to be developed, it shall be identified.

(5) Title information:

- i. Proposed name.
- ii. Scale of Plat (feet).
- iii. Location by election district, County and State.
- iv. Date.

(6) Name and address of the owner and registered engineer or surveyor licensed in the State of Maryland responsible for the preparation of the plat, signature, and seal of engineer, surveyor, and corporation required.

(7) Zoning district classification of the tract or parcel being subdivided.

(8) Total number of lots, area of lots, density, the total area of any open space, the total area of any common open space; total area and types of right-of-way dedicated, and total area of subdivision shall be indicated in table form. All acreage shall be accounted for, per the boundary line survey, and the Preliminary Plat density shall not exceed the approved Concept Plat density.

(7) In cases of condominium or multi-family projects (Apartments, townhouses, etc.), the following items shall be shown:

- i. Approximate location of each building, setbacks from all streets (public or private), property lines and distance between buildings.
- ii. Number and types of units in each building.
- iii. Total number of units and sub-totals of each type.
- iv. Number of parking spaces in each off-street parking area, and the space to unit ratio.

(10) Perimeter of the entire parcel and surveyed boundary of proposed subdivision with metes and bounds. All major

subdivisions boundaries must be provided with coordinates consistent with the geodetic control requirements approved by the Cecil County Board of County Commissioners on 15 May 2007.

(11) Highway Corridor Overlay District (HCOD) delineation in accordance with Zoning Ordinance, if applicable.

(12) Location of all Habitat Protection Area[s] on the site, if applicable.

(13) 100-yr. floodplain delineation, if applicable.

(14) All existing natural features and site constraints that may influence the design of the subdivision, such as the non-tidal wetlands and their buffers, isolated large trees, wooded areas, forests, marshes, ponds, water courses and their buffers, steep slopes, etc.

(15) All existing manmade features that may influence the design of the subdivision, such as the power transmission towers, existing buildings and structures, retaining walls, fences, culverts, permanent sediment and erosion control structures, etc.

(16) Existing topography at two (2) or five (5) foot contour intervals. Contour lines shall be indicated one hundred (100) feet beyond subdivision boundary. Contours shall be based on government bench marks, when available, within two thousand (2000) feet of property or by estimation from USGS quadrangle maps. Datum shall be stated in all cases and a reference or benchmark described on plat together with elevation. Source of contours shall be stated on plat, such as, field run topo, or aerial topo, etc. Interpolation of contours from USGS quadrangle maps will not be accepted.

(17) Subsurface conditions on the tract, if required by the Planning Commission: location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.

(18) Location, width, and names of all existing railroads, highways, streets and/or alleys and their right-of-ways 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.

(19) Location of all existing utilities and their right-of-ways on or within two hundred (200) feet of the subdivision with approximate pipe sizes and directions of slope indicated. Electric, light and telephone poles shall be shown.

(20) The layout of all proposed and existing lots with approximate dimensions, acreages and minimum building line indicated.

(21) The layout of all proposed streets, pedestrian ways and bike trails, including width of right-of-ways and pavements, and street grades.

(22) The location, dimensions, and area of all proposed property to be reserved or temporarily reserved for public use, or to be reserved for use of all property owners in the subdivision, and the location, dimensions and purposes of any proposed easements, including drainage easements.

(23) Existing and proposed (schematic) storm drain system, including the type(s) of structures, existing and proposed stormwater management facility locations, and any deviations from standards, consistent with Appendix B, Articles B-I (4) and B-II (4);

(24) Location of all other proposed site improvements including but not limited to club houses, community pools, retaining walls, fences, playgrounds, bus stops, cluster mailboxes, gazebos, etc., as well as permanent sediment and erosion control structures.

(25) Locations of the proposed septic disposal area, wells and percolation information are to be indicated in accordance with the specifications of the Maryland State Department of Health and Mental Hygiene when individual sanitary facilities are to be used. If community sewerage and/or water systems are to be used, such notation shall be made on the Preliminary Plat.

(26) Soil types.

(27) Location of proposed open spaces, the buffer areas, forested areas and landscaping (the plat shall show all areas to be maintained as, and the means by which such landscaping will be permanently maintained shall be specified).

(28) Areas proposed for reforestation and afforestation.

(29) Proposed natural park areas, as appropriate.

(30) Computation of the total area within the Critical Area District, area within each of the land management classifications (i.e., IDA, LDA, RCA), number of lots in the Critical Area;

(31) Critical Area Boundary and the current land management classification(s), i.e., intensely developed area (IDA), limited development area (LDA), ore resource conservation area (RCA);

(32) Critical Area Buffers, shore and stream buffers, and expanded buffers per Article 5 and Article 12 of the *Town of North East Zoning Ordinance*;

(33) Natural resource protection areas, including Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;

(34) Slopes 15 percent or greater;

(35) Location and area extent of all soils exhibiting the following characteristics as determined by the Soil Survey, such as:

i. septic limitations,

ii. wet soils,

iii. hydric soils and soils with hydric properties,

iv. highly erodible soils (soils on slope greater than 15 percent or soils on slope greater than 5 percent with "K" values greater than 0.35).

(36) Location of tidal and non-tidal wetlands and buffers on and adjacent to the site and delineation of the watershed thereof;

(37) Location of streams perennial and intermittent, and their buffers;

(38) Location of eroding shoreline reaches, the rates of erosion, areas, where shore erosion measures are in-place, areas to be protected by installation of proposed erosion abatement approaches;

(39) 100-year flood plain;

(40) Location of anadromous fish spawning stream(s) on or adjacent to the site and a delineation of the watershed area of the stream on the site;

(41) Total area of the site that will be temporarily disturbed during development and area that will be permanently disturbed (disturbed is defined as any activity occurring on an area which may result in the loss of or damage to existing natural vegetation);

(42) The location of the Critical Area District Boundary and the Buffer, the mean high waterline and the landward edge of tidal wetlands;

(43) Additional information as required by the Cecil County Forest Conservation Regulations and/or the Forest Conservation Technical Manual; and

(44) Additional information as required by the Cecil County Department of Public Works and Storm Water Management approval of preliminary Storm Water Management regulations.

5. In addition, the Preliminary Plat shall be accompanied by the following when the subdivision or development is proposed in the Critical Areas, as required:

a. A Planting Plan reviewed by and addressing comments from the Chesapeake Bay Critical Area Commission;

b. A Habitat Protection Plan reviewed by and addressing comments of the Maryland Forest, Park and Wildlife Service and the Water Resources Administration and other agencies as appropriate;

c. A Shore Erosion Protection Plan - complete specification for proposed shore erosion work;

d. Buffer Management Plan;

e. Approved Environmental Assessment Report which provides a coherent statement of how the proposed development addresses the goals and objectives of the *Town of North East Critical Area Program*. At a minimum the Environmental Assessment shall include all items outlined in the *North East Zoning Ordinance; Section 5-12, Appendix CA-1* as well as the following:

(1) A statement of existing conditions, e.g., amount and types of forest cover, amount and type of wetlands, discussion of existing agricultural activities on the site, soil types, topography, etc.;

(2) An outline of proposed development project, including number and type of residential units, amount of impervious surface, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas;

(3) An outline of the proposed development's impacts on water quality and Habitat Protection Areas; and

(4) Documentation of all correspondence and findings.

f. Natural Park Management Plan, as appropriate.

6. Data to accompany the Preliminary Plat:

a. The Traffic Impact Study (with State Highway Administration comments, if applicable)

b. Approved Jurisdictional Delineation/Determination.

c. Approved Preliminary Forest Conservation Plan (if applicable).

d. Approved Preliminary Stormwater Management Plan.

e. Approved Preliminary Erosion and Sediment Control Plan.

f. Evidence of the proper installation of the public notice sign(s) as established in the *Town of North East Subdivision Regulations; Appendix C, Article C-11*.

g. TAC comments and recommendations.

h. Certified boundary survey.

i. Subdivision Application and submission fees.

7. Be consistent with phasing shown on the subdivision plat. Each phase shall be able to be independently constructed and not dependent on the completion of a future phase to meet requirements (i.e. stormwater management, lighting, pedestrian circulation, etc.)

Section 5-5. Public Improvement Plans

1. Public Improvement Plans shall be submitted with Preliminary Plats.

2. Purpose for Public Improvement Plans:

a. The subdivider shall prepare the Public Improvement Plans (Construction Drawings) to be submitted along with the Preliminary Plat, and containing the final design layout, construction details and specifications of all site improvements within proposed subdivision or part thereof, for consideration and approval by the Planning Commission.

b. The subdivider shall obtain final technical design approval of Public Improvement Plans which shall include all required street and storm drain plans, water and sewer plans, and stormwater management plans, etc., as outlined in Article II: Definitions, from the Town Engineer and other agencies, prior to submitting for Final Plat review.

3. Design of Public Improvement Plans shall be consistent with phasing shown on the subdivision plat. Each phase shall be able to be independently constructed and not dependent on the completion of a future phase to meet requirements (i.e. stormwater management, lighting, pedestrian circulation, etc.)

4. Procedure for Public Improvement Plans:

a. Applicant prepares Public Improvement Plans of the proposed subdivision, or part thereof, in accordance with these regulations, conforming to Town Design Standards and any other applicable Cecil County, State and Federal regulations and design standards.

b. Applicant submits the Public Improvement Plans to the Planning Office, in accordance with Section V-5.5, with all required supporting documentation (including copies of transmittals), applicable permits and fees within one (1) year from the date of receiving Concept Plat or Conditional Concept Plat Approval.

c. Each agency to which the Plans are distributed shall submit written comments to the Planning Office. The Planning Office shall direct all comments to the Town Engineer for coordination with the applicant.

d. The Planning Commission shall review the Public Improvement Plans with regard to:

- (1) Design,
- (2) Layout,
- (3) Aesthetics,
- (4) Harmony with neighborhood, and
- (5) Consistency with the *Town of North East Comprehensive Plan*.

e. The Town Engineer shall review the Public Improvement Plans with regard to the following points:

- (1) Conformance with the Concept Plat,
- (2) Conformance with the requirements set forth in these regulations,
- (3) Conformance with the Town Design Standards and any other applicable Cecil County, State and Federal regulations and design standards. (Including, but not limited to, the *Town of North East Standard Specifications for Water Distribution and Details for Water Service* and the *Town of North East Road Code*.).

f. The Town Engineer shall conduct technical reviews of the Plans and coordination with the applicant and the Town, until such time when Public Improvement Plans meet all required design criteria and are in compliance with all required regulations and standards and have been approved.

g. Subsequent to Final Plat approval, the applicant shall prepare and submit the following to the Town Engineer for signature: two mylar and five full sized paper original Public Improvement Plans and four sets of the Public Improvement Plans printed on 11" x 17" paper. After the Town Engineer verifies and signs the Public Improvement Plans, the Plans shall be sent to the North East Planning Office for signature and distribution to various agencies.

- (1) Any subsequent modifications to street or subdivision layout will require a new submission of the Public Improvement Plans.

h. After the Public Improvements have been completed, the applicant shall submit detailed "As-Built" Public Improvement Plans to the Town Engineer for review and approval. "As-Built" plans are to be prepared by a Licensed Professional Engineer or Land Surveyor and shall indicate field changes in red on the approved construction plans for the subdivision. Upon approval by the Town Engineer, five paper and two mylar original "As-Built" Public Improvement Plans and a pdf copy are to be submitted to the North East Planning Office for signature and distribution to the various agencies.

5. Required Information for Public Improvement Plans:

a. The subdivider shall submit the following information to the Planning Office for review:

- (1) Site Plan with a listing of all variances granted by the Planning Commission;
- (2) Clear and legible Public Improvement Plans submitted on paper 24" x 36" size. The scale and design data shall be in accordance with the *Town of North East Road Code*, *Standard Specifications for Water Distribution and Details for Water Service*, and other applicable design guidelines. When more than one (1) sheet is required for the entire subdivision plan, the Site Plan of the same

size shall be submitted showing the entire subdivision drawn to scale with standard Site Plan Notes included;

(3) The Public Improvement Plans shall contain the detailed design and specifications of all proposed improvements conforming to the approved Preliminary Plat, and including, but not limited to:

- i. Site grading,
- ii. Pavement areas, Temporary construction entrance, Roadways, sidewalks, curbs, gutters,
- iii. Storm drain system,
- iv. Stormwater management facilities,
- v. Water system,
- vi. Sewer system,
- vii. Street lighting,
- viii. Street signs, traffic signs and pavement marking,
- ix. Crosswalks,
- x. Bridges,
- xi. Landscaping,
- xii. Open space,
- xiii. Maintenance of traffic plan, if applicable.

b. Each sheet of Public Improvement Plans shall be signed and sealed by professionals licensed in the State of Maryland as designated herein or as authorized by Maryland Department of Labor, Licensing, and Regulation (DLLR):

(1) Professional Engineer – All engineering, grading, roadway, erosion and sediment control plans, maintenance of traffic, street lighting, stormwater management, as well as community sewer and water plans.

(2) Professional Land Surveyor – boundary surveys, record plats, easement drawings, roadway, grading, erosion and sediment control plans.

(3) Landscape Architect – Landscape plans, forest conservation plans, site plans, preliminary plans, and grading, erosion and sediment control plans.

c. The Public Improvement Plans shall contain a signature block for the Town Administrator and/or Town Engineer. The Planning Office will provide the proper format for the signature block.

Section 5-6. Final Plat

1. Cecil County Stormwater Management/Sediment and Erosion Control

a. Prior to Final Plat submission to the Town of North East, the applicant shall submit to the Cecil County Department of Public Works a Final Stormwater Management Plan and a Final Sediment and Erosion Control Plan. The applicant shall provide two copies of the submission to the Town of North East Planning Office, along with a transmittal copy. Subsequent to the County's approval and upon satisfaction of any conditions for approval, the Final Plat may be submitted to the Town of North East Planning Commission for consideration.

b. After Cecil County has approved the Final Stormwater Management Plan and the Final Erosion and Sediment Control Plan, and all conditions of the approvals have been satisfied, the applicant, the owner and developer shall submit two paper copies and one electronic copy of the approved, signed plans to the Town of North East Planning Office.

c. After the above has been completed, the applicant, owner and developer may submit the Final Plat to the North East Planning Commission in accordance with the North East Subdivision Regulations.

2. Purpose for Final Plat:

a. The Final Plat submission is the conclusion of the subdivision process and shall include all information necessary to secure the final approval of the Planning Commission. Once recorded, the Final Plat will become the official record of the division of land within a development and no lot therein may be legally sold, and the owner or agent of the owner shall not transfer or sell or agree to sell or negotiate to sell any lot by reference or to advertise any lot(s) until a Final Plat has been approved by the Planning Commission and recorded in the Land Records of Cecil County.

b. A Final Plat shall conform to the Preliminary Plat as approved with all required conditions being met. The Final Plat may constitute only that portion or phase of the approved preliminary plat which the subdivider proposes to record and develop at the time.

c. Agency approvals and plans shall be reviewed for conflicts.

d. Water and sewer: Prior to Final Plat submittal applicant shall provide evidence of sufficient water and sewer allocation approval.

3. Procedure for Final Plat:

a. Prior to submission of the Final Plat to the Planning Commission, the applicant shall obtain all agency approvals including, but not limited to;

- (1) Final technical design approval of the Public Improvement Plans,
- (2) Final approval from the State Highway Administration (SHA),
- (3) Final jurisdictional delineation approved by the Corp of Engineers,
- (4) Final approval from Forest Conservation,
- (5) Final approval from Cecil County Soil Conservation,

- (6) Final approval from Cecil County Public Works, Stormwater Management Plan,
- (7) Final approval from Cecil County Public Works, Sediment and Erosion Control Plans,
- (8) Maryland Department of the Environment (MDE),
- (9) Final approval from the Critical Area Commission,
- (10) Final approval of a Buffer Plan from the Critical Area Commission,
- (11) Final approval of a Best Management plan from the Critical Area Commission.

b. One paper copy and one electronic copy of all letters of agency approvals and/or plans shall be provided to the North East Planning Office. One electronic copy of all agency approvals and plans shall be provided to the Town's Engineer and cc'd to the Town of North East Planning Office.

c. Applicant prepares final plat and application conforming to the requirements set forth in these regulations, except where variation there from may be specified by the Planning Commission.

d. Applicant shall submit 15 copies of the Final Subdivision Plat with supporting documentation, noted above.

e. Subdivision Application and filing fees and Public Improvement Plans, supporting documentation, all required permits, shall be submitted to the Town Planning office within two (2) years from the date of receiving approval of the preliminary plat. Applicant shall submit one (1) paper copy and (1) electronic copy to the Town's Engineer and the Town's Landscape Architect, providing transmittal copies to the Town Planning Office.

f. Final Plats and Public Improvement Plans must be received 45 days prior to the Planning Commission meeting.

g. Each Town agency to which plans are distributed shall submit written comments to the Planning Office. The Planning Office shall direct all comments to the Town Engineer for coordination with the applicant. If such agency comments are not made prior to the review by the Planning Commission, the plat shall be considered acceptable to the respective agency, and the Planning Commission may proceed to take action upon the plat at a regularly scheduled subdivision review meeting, conditioned upon compliance with County, State, and Federal responses.

h. It shall be the responsibility of the Planning Office to notify the developer as to the time, date, and place of the Planning Commission meetings and hearings regarding the development. All such meetings shall be open to the public.

i. At the scheduled meeting the Planning Commission;

- (1) Receives and reviews the applicant's submission;

- (2) Receives and reviews reports from Town and other agencies;
- (3) Hears applicant's presentation; and
- (4) Discusses submission with the applicant.

j. The Planning Commission will be reviewing the Final Plat with regard to the following points:

- (1) Conformance with the approved Preliminary Plat;
- (2) Conformance with the Public Improvement Plans;
- (3) Conformance with agency approvals; and
- (4) Conformance with the requirements set forth in these regulations.

k. The Planning Commission, either the same evening or within one (1) month following the receipt of the applicant's submission by the Commission shall:

- (1) Evaluate applicant's submission, presentation, discussion with applicant, and the Town agencies' report;
- (2) Determine whether the final plat meets the objectives and requirements of the Subdivision Regulations and other applicable regulations and ordinances; and
- (3) The Planning Commission shall recommend proposed residential major subdivisions by resolution; and
- (4) Inform the applicant, in writing, the decision, approval, conditional approval, or disapproval, including required changes and the reasons for the decision. If approval is not given, then the reason therefore shall be provided to the applicant.

l. The Final Plat approval will be effective for one (1) year before signature/recordation is required. The Planning Commission may grant a one-time extension for up to one (1) year upon application of the subdivider, so long as applicant can show progress.

m. Upon receipt of the Final Plat approval, the applicant shall submit to the Town Engineer the Public Improvement Plans for signature as described in Section 5-5, 4.g.

n. The applicant shall submit one (1) mylar and four (4) paper prints of the Final Plat to the Planning Office for verification and signature. The Planning Office, or designee, shall then file the Final Plat as required for record in the Land Records of Cecil County.

o. Recordation – The applicant shall record the signed Final Plat with the Land Records of Cecil County.

p. Applicant provides back to Town two (2) mylar & five (5) paper copies of the recorded plat.

4. Required Information for Final Plat:

a. The subdivider shall submit the following information to the Planning Commission:

(1) The Final Plat submitted for recordation shall be clearly and legibly drawn in black waterproof ink on a reproducible mylars of good quality approved by the Planning and Zoning Department. When necessary, the Final Plat may be on several sheets accompanied by an index sheet of the same size showing the entire subdivision submitted. Each sheet shall be numbered and shall show its relationship to the total number of sheets.

i. Drafting standards:

A. The minimum size of the plat shall be eighteen (18) by twenty-four (24) inches, and maximum size shall be twenty-four (24) by thirty-six (36) inches, including a one (1) inch margin along the left hand edge and one-half ($\frac{1}{2}$) inch margin on all other sides;

B. All lettering shall be so drawn as to be legible if the plat should be reduced to half size;

C. The plat shall be drawn at a scale of 1" = 50' or 1" = 100' (1" = 200' where the average lot size is greater than five (5) acres as approved by the Planning Office);

D. Dimensions shall be in feet and decimals to the nearest hundredth of a foot, and the bearings in degrees, minutes, and seconds;

E. The boundary line of the subdivision shall be shown as a solid heavy line.

(2) Title – The title block shall appear in the lower right hand corner of the plat and shall include the following information:

i. Name of the subdivision. The name approved by the Planning Commission and recorded in the Land Records of Cecil County shall constitute the subdivision's official and only name. No other name may be used for advertising or sales purpose unless an approved and amended plat is recorded bearing the revised name.

ii. Section and/or Phase and Lot Numbers.

iii. Scale and date of completion. Scale shall be one (1) inch = fifty (50) feet or one (1) inch = one hundred (100) feet [one (1) inch = two hundred (200) feet where the average lot size is greater than 5 acres, as approved by the Planning Commission].

- iv. County, State and election district.
- v. Name, address and signature of the owner and/or corporation.
- vi. Name, address and signature of registered engineer or surveyor licensed in the State of Maryland responsible for the preparation of the plat.

(3) Approval blocks in the form required by the Planning Office shall be provided in the lower left hand corner of the plat for signatures by the Chairman and Secretary of the Planning Commission, the Zoning Administrator, as applicable; the Town Engineer and the Health Department approving authority. See appendix for signature box requirements.

i. The following signatures shall be placed directly on the plat in black ink:

- A. The signature of the chairman and secretary of the Planning Commission when, under these regulations, the Planning Commission is the approving body.
- B. The signature of the Zoning Administrator when, under these regulations, the Zoning Administrator is the approving authority.
- C. The signature of the Town Engineer, when applicable.
- D. The signature of the Deputy State Health Officer of Cecil County, when applicable.

ii. Tabulation on Final Plat (above approval block) showing the following:

- A. Total number of lots and/or parcels to be recorded.
- B. Total area of lots and/or parcels including widening strips.
- C. Total area of roadway right-of-ways to be recorded.
- D. Total area of subdivision to be recorded and where density restrictions apply, the acreage dedicated to the development.
- E. Total area of subdivision or parcels to be recorded in the Critical Area District.
- F. Total number of lots in the Critical Area District.
- G. Residential density in the Critical Area District.

- iii. The bearings and coordinates shall conform to the Maryland State Plane Coordinate System, NAD83 meters; or as approved by the Planning Commission.
- iv. 100-yr. floodplain, Critical Area and Buffer delineation, if applicable. Existing natural features such as wetlands and their buffers, forest conservation areas, ponds, water courses and their buffers, etc.
- v. Exact locations, widths, bearings and names of all existing streets and pedestrian ways within the subdivision or of adjoining subdivisions abutting on the outline of the proposed subdivision, as well as any common areas and community grounds.
- vi. The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.
- vii. All easements, reservations, or rights-of-way provided for public service or utilities in the subdivision, and any limitations of such easements. All existing recorded easements, if they are in excess of a five (5) foot drainage and utility easement, shall be indicated with recording references if known.
- viii. All lot lines with dimensions and bearings.
- ix. Minimum area of each lot in square feet if under one (1) acre or in acres if lot size is greater than one (1) acre.
- x. Coordinates shown for the outside boundary of the subdivision.
- xi. Lot numbers in numerical order throughout the entire subdivision. In case there is a resubdivision of lots in any block, such resubdivided lots shall have a number and letter to denote their origin and the original lot lines shown dashed and original lot number dotted.
- xii. Minimum rear and side building restriction lines, and minimum five (5) foot drainage and utility easements should be given by written note. The front building restriction line and the Critical Area Buffer restriction line should be drawn graphically with dimensions for each lot.
- xiii. The names, liber and folio of all adjoining unsubdivided property. In the event that a recorded subdivision adjoins the land to be developed, the subdivision name, and recording reference should be indicated. (To be indicated with dashed lines.)
- xiv. The plat shall contain a north arrow which represents and designates either true or magnetic meridian as of a date

specified on the plat or shall be referenced to a coordinate system approved by the Town.

xv. Accurate outlines of any areas to be reserved for common use by residents of the subdivision or general public use, with the purposes indicated thereon.

xvi. A vicinity map indicating the location of the property with reference to surrounding properties, streets, landmarks, streams, etc., within one thousand (1,000) feet of any part of the property (scale shall be no smaller than 1"= 800'), and conforming to Section 5-3.4 (3)A.

xvii. References of protective covenants governing the maintenance of undedicated public spaces or reservations.

xviii. Reservation of road rights-of-way.

xix. Accurate outlines (metes and bounds, where required) of any common or reserved areas or portions of lots to be maintained by covenant, easement, or similar approved instrument, in permanent forest cover, including existing forested areas, reforested areas and afforested areas to meet the requirements of the Critical Area Program and/or Forest Conservation Regulations, as applicable.

xx. Accurate outlines (metes and bounds, where required) of any areas to be maintained as resource protection use (e.g., agriculture, natural parks, forest, etc.) to meet the requirements of the Critical Area Program and/or Forest Conservation Regulations, as applicable.

xxi. Accurate outlines (metes and bounds, where required) of any areas to be maintained as permanent wildlife and plant habitat protection areas to meet the requirements of the Critical Area Program and/or Forest Conservation Regulations, as applicable.

xxii. Final Plat Notes, wording as specified by the Planning Department shall be utilized.

xxiii. Recording Stamp; to be filled in by the Clerk of the Circuit Court for Cecil County on the day of recordation of the approved Final Plat.

xxiv. Seals and Acknowledgements:

A. The impressed seal and signature of the licensed engineer or surveyor responsible for the plat.

B. The impressed corporation seal, if the applicant is a corporation. The signatures of the owner or owners of the land. If the owner of the land is a corporation,

the signature of the president and secretary of the corporation shall appear.

C. The impressed seal and signature of a notary public or other qualified officer acknowledging owner's statement of intent.

D. A statement to the effect that the applicant is the owner of the subdivision shown on the final plat, that the plat is made with his or their consent and that it is desired to record the same.

E. Acknowledgement of said statement before an officer authorized to take acknowledgements.

F. All signatures shall be placed directly on the plat in black ink.

5. Data to accompany the Final Plat:

- a. Approved Public Improvement Plans,
- b. All required permits,
- c. Evidence of approved water and sewer allocation,
- d. Approved Site grading plans,
- e. Approved Erosion and sediment control plans,
- f. Approved Stormwater management plans,
- g. Approved final forest conservation plans,
- h. Approved boundary survey,
- i. Approved jurisdictional delineation/determination,
- j. All applicable State Highway Administration approvals and plans,
- k. Public Works Agreement,
- l. Utility Easement Agreement with meets, bounds, and a plat,
- m. Approved Critical Area Buffer Management Plan,
- n. Application and submission fees.

Section 5-7. Effect of Recording

1. Streets, parks, and other public improvements shown on a subdivision plat to be recorded may be offered for dedication to the Town by formal notation thereof on the plat, or the owner may note on the plat that such improvements have not been offered for dedication to the Town.

2. Recording of the final plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public park or improvement shown on said plat, but

improvements so noted for dedication may be accepted by the public through any subsequent appropriate act.

Section 5-8. Modification of Requirements

1. The above requirements for preliminary and final plats and for the supporting data may be modified by the Planning Commission.
2. In subdivisions requiring no new streets, and in the case of re-subdivision, the requirements for the contours may be waived at the discretion of the Planning Commission.

ARTICLE VI. IMPROVEMENTS

Section 6-1. Required Improvements – General

Minimum improvements required for all subdivisions shall be as set forth in these regulations. Construction of all improvements shall be in accordance with the latest editions of the *Town of North East Road Code*, the *Town of North East Standard Specifications for Water Distribution and Details for Water Service*, any applicable State and County standards and specifications, and requirements of the Planning Commission.

Section 6-2. Gas, Electric and Telephone Utilities

Extensions of gas and electric distribution lines and telephone utilities necessary to furnish permanent services to any residential, commercial, or industrial subdivision, shall be made in accordance with the Public Service Commission Rules and existing tariffs.

Section 6-3. Water and Sewer Facilities

1. A final plat of proposed subdivision shall not be approved unless provisions are made for disposal of sewage and the provision of water:

a. Each building lot has been approved for individual and/or community sewage facilities by the Health Department Approving Authority.

b. Each building lot has been approved for community water facilities by the Town of North East.

c. Prior to Final Plat signing, a Public Works Agreement for community water facilities is to be executed with the Town of North East in accordance with its rules and regulations.

Section 6-4. Storm Water Management

1. Subdivisions may be exempted from these Stormwater Management Requirements if, in the opinion of the Cecil County Department of Public Works, such plans are not required by virtue that little or no storm water problems will be created on-site by the subdivision. However, subdivisions located in the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area shall not be exempted from the requirement that pollutant loadings leaving the site shall be reduced by at least ten (10) percent of predevelopment loadings.

2. In the event that storm water must be managed or contained on the site of the subdivision under review, improvements that must be constructed shall be constructed by the developer at the developer's expense.

3. Storm water management facilities shall be planned, designed, improved, and constructed as required by the Cecil County Department of Public Works.

Section 6-5. Monuments and Markers

1. The plat shall show the position by coordinates of not less than three (3) monuments set sequentially so that the position of one (1) monument is visible from the position of one (1) other monument. From these monuments, commonly

called "traverse points", every corner and line can be readily calculated and marked on the ground. These monuments shall be made of hard durable stone or concrete and shall be planted at least two and one-half (2 ½) feet into the ground. Existing corner stones and monuments can be used to satisfy this requirement.

2. If the subdivision lies in an area where a recognized coordinate system already is established or USGS bench marks are available, and traverse points of the system can be found and used, the coordinate values shall be marked in the same datum as those of the points found and identified by datum on the plat. In this case, no markers are required, but the owner of the land shall comply with all other requirements.

3. Markers shall be placed at all points of curvature along the street right-of way line or permanent utility and access easement binding on the said line, at all angle breaks and at all lot or block corners not already monumented. Markers shall be steel bars or iron pipes at least five-eighths inches (5/8") diameter, eighteen inches (18") long.

4. It shall be the responsibility of the developer to have these monuments and markers placed prior to the acceptance of the streets by the Town and shall be guaranteed in the Public Works Agreement.

5. The developer shall be responsible for and shall pay all costs necessary to replace any Cecil County or Town Grid Monuments or control points disturbed by his development activities. Replacement shall be done only by a registered surveyor to accurately place any disturbed monuments. Payment to restore any monuments is to be secured by a Public Works Agreement.

Section 6-6. Street Construction

The subdivider shall provide for the complete construction of street improvements, drainage facilities, and sidewalks, in accordance with the requirements of the *Town of North East Road Code*. The developer shall be required to repair damage to adjoining County and Town roads, drainage facilities, curbs, gutters and sidewalks as a result of grading or construction activities in his subdivision. If the proposed road involves an intersection with a highway under the jurisdiction of the State Highway Administration, it shall be the responsibility of the developer/owner to obtain all necessary permits from that agency.

Section 6-7. Final Grading Plan

The Town of North East Planning Commission shall require a final site grading plan approved by the Cecil County Department of Public Works for all subdivisions containing interior streets. This plan shall be submitted after the road plans have been approved by the Planning Commission and before the final plats are approved. The final grading plan shall show the new grades around roads, drainage ditches, sediment basins, berms, etc.

Section 6-8. Contracts

1. Before the Planning Commission shall cause its approval to be endorsed upon the final plat of any subdivision (except in the case of Minor Subdivisions wherein the Commission imposes no condition or conditions for the approval of the plat), and as a requisite for the approval thereof, the owner shall enter into a written Public Works Agreement or Subdivision Agreement with the Town.

2. Any Public Works Agreement shall be executed in the manner and form set forth by the Town Attorney wherein the owner shall agree:

a. To construct or cause to be constructed, at his own expense, all streets, curbs, sidewalks, fire hydrants, drainage facilities, street lights, open space, landscaping, street signs, monuments, water facilities, and all other improvements shown on the approved Public Improvements Plans accompanying said Final Plat;

b. To maintain at his own cost the said streets, curbs, sidewalks, fire hydrants, drainage facilities, street lights, open space, landscaping, street signs, monuments, water facilities, and other improvements, until the same are accepted by the Town; and

c. To obtain the easements and releases required when any street, drainage facility, or other improvement wherein a subdivision abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision, at his own cost, and to obtain from the owner of the lands so abutted or traversed full releases from all damages which may change in grade, construction, or otherwise, the street, drainage facility, or other improvement, and such releases shall insure to the benefit not only of the owner of the subdivision but to the Town as well.

3. Any Subdivision Agreement shall be executed in the manner and form set forth by the Town Attorney. A Subdivision Agreement shall require that the owner:

a. Obtain final approval from all applicable agencies. Said approval shall be verified by the Town's Engineer and a copy of the approvals shall be provided to the Town and the Town's Engineer.

b. Complete all required work and revisions, if necessary, in order to obtain the Town and the Town's Engineer approval and endorsed signatures on the public improvement drawings.

c. Obtain a subdivision plat endorsed with signatures of approval and file said subdivision plat in the Land Records of Cecil County.

d. Execute a deposit agreement between the owner of the real property and the Town of North East to provide for any inspections conducted by the Town's Engineer, and said owner shall provide a cash/check deposit to the Town of North East in accordance with the deposit agreement.

e. Acknowledge that a physical connection of the water utility into the Town's water infrastructure shall not occur until the owner of the property has

entered into a Public Works Agreement with the Town of North East and has provided the applicable surety.

f. Acknowledge that any application for Town Construction Authorization for the sale of dwelling units shall be denied until the execution of a Public Works Agreement.

3. Extension: In the sole discretion of the Town, Agreements may be extended beyond the termination date therein. Agreements may be extended for a period not to exceed one (1) year per request. Any request for an extension of an Agreement shall be filed with the Town no later than ninety (90) days prior to the termination date of the Agreement in order to ensure said Agreements can be timely reviewed and addressed by the Town. Untimely requests for extensions shall be denied. Town Construction Authorization shall be immediately revoked upon the termination of an Agreement.

Section 6-9. Guaranty

1. Upon execution of a Public Works Agreement and in order to assure the Town that:

a. The streets, curbs, sidewalks, fire hydrants, drainage facilities, street lights, open space plans, landscape plans, street signs, monuments, water and sewerage facilities, and other improvement shown on the approved Public Improvements Plans accompanying said final plats will be constructed and installed in strict accordance with the Plans, as finally approved, and with the standards, regulations, and specifications of the Town;

b. That said improvements will be maintained until accepted by the Town;
and

c. In accordance with the Public Works Agreement.

2. The owner shall furnish to the Town a surety in the form of cash, certified check, or a letter of credit. The surety shall be an amount sufficient to cover costs, as approved by the Town's Engineer, of the construction and maintenance of the aforesaid improvements, including a 20% contingency, until the same shall be accepted by the Town. The total amount shall be 120% of the estimated construction cost.

3. The improvement guarantee shall be conditioned upon:

a. The owner constructing and installing, or causing to be constructed or installed, in strict accordance with the final plat and accompanying Site Plan or Public Improvements Plans, as approved, and with the Town standards and specifications, the streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvement.

b. The owner maintaining at his own cost the said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvements, until the same are accepted by the Town for public use.

c. The faithful performance by the owner of the contract provided for in these Regulations.

Section 6-10. Temporary Improvement

The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission and shall maintain same for the period specified by the Planning Commission. Should the applicant be operating under a Public Works Agreement, prior to construction of any temporary facility or improvement, the applicant shall file with the Town a separate surety for temporary facilities. This surety shall insure that the temporary facilities will be properly constructed, maintained, and removed. No surety shall be required if the temporary improvement is constructed per a Subdivision Agreement.

Section 6-11. Failure to Complete Improvement Contracted for Under a Public Works Agreement

1. In the event Owner fails to complete construction of the required public improvements within twelve (12) months from the date of the executed Public Works Agreement (PWA), or as otherwise expressly provided in the PWA, any and all balance remaining pledged in the surety shall be forfeited to the Town to complete the public improvements and/or any amount in connection with a Performance Surety shall be deemed to be due and payable to the Town. The Town may agree to extend the PWA upon written request by the applicant. The request must be received thirty (30) days prior to the expiration of said PWA. Such request shall be acknowledged and a decision shall be rendered by the Mayor and Commissioners after their review of the progress of the development, to date.

2. In the event of any default and/or breach of the Public Works Agreement (PWA) by the Owner, the Owner shall be obligated, in addition to any other remedies available to the Town, to provide all engineering and inspection, permits, bonds, attorney fees, court and litigation costs, engineering and inspection fees, expert witness fees and costs, reports and investigations conducted by expert witness, insurance and expenses, whatsoever, incurred by the Town with regard to the completion of any and all public improvements.

Section 6-12. Inspection of Improvements

1. General Procedure and Fees

a. The Planning Commission shall provide for inspection by the Town Engineer of required improvements during the construction to insure their satisfactory completion.

b. In accordance with the executed Public Works Agreement (PWA), or Subdivision Agreement, the applicant shall pay to the Town the Town Engineer's estimated inspection fee. These fees shall be due and payable to the Town upon demand and no building permits or certificates of occupancy shall be issued until all fees are paid.

c. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the Town's Construction Standards and Specifications, the applicant shall be responsible for correcting the deficiencies and completing the improvements.

d. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

2. Surety reduction and release

a. Partial Reduction of Surety

i. A surety may be partially reduced in accordance with the provisions in the Public Works Agreement (PWA), only after a satisfactory inspection of the completed public improvements and approval of the "As-Built" Public Improvement Plans by the Town's Engineer.

3. Final Release of Performance Surety

a. The Performance Surety will be released upon satisfactory completion of all improvements identified on the Public Improvement Plans. Satisfactory completion of the improvements includes the following:

- (1) Final Inspection by the Town of public improvements;
- (2) "As-Built" Public Improvement Plans approved and signed by the Town Engineer;
- (3) Certificate of Satisfactory Completion - The Mayor will not accept dedication of required improvements, and will not release a surety, until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed;
- (4) Title Insurance - a title insurance policy shall be furnished to and approved by the Town Attorney indicating that the improvements have been completed, are ready for dedication to the Town and are free and clear of any and all liens and encumbrances;
- (5) Deed of Conveyance- A deed of conveyance for the public improvements shall be required in accordance with the provision outlined in the Public Works Agreement (PWA);

b. Upon such approval and recommendation, the Mayor shall thereafter accept the improvements for dedication in accordance with the established procedure.

Section 6-13. Escrow Deposits for Lot Improvements

1. Acceptance of Escrow Funds – When, due to weather or other extenuating circumstances, lot improvements required by the subdivision regulations cannot be performed, the Zoning Administrator may, issue a certificate of occupancy, provided there is no danger to health, safety, or general welfare of the purchaser or purchasers, upon accepting a cash escrow deposit in an amount to be

determined by the Town Engineer for the cost of said improvements. Furthermore, the applicant shall obtain and file with the Zoning Administrator a notarized statement from the purchaser or purchasers of the premises authorizing the Zoning Administrator to install the improvements at the end of the nine (9) month period in the event that the same have not been duly installed by the developer. The performance surety covering such lot improvements shall remain in full force and effect.

2. Procedures on Escrow Fund - All required improvements for which escrow monies have been accepted by the Town at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Zoning Administrator shall give two (2) weeks' written notice to the developer requiring him to install the improvements, and in the event that same are not installed properly in the discretion of the Zoning Administrator, the Zoning Administrator may request the Mayor and Commission to authorize the Town to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit.

Section 6-14. Deferral of Required Improvements

1. The Planning Commission may defer at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

2. Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the Town prior to signing of the final subdivision plat, or the applicant may post a bond insuring completion of said improvements upon demand of the local government.

Section 6-15. Issuance of Certificates of Occupancy

1. Where a Public Works Agreement has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the installation of street name signs, lights, and traffic control signs up to and including the unit requesting occupancy as required in the Planning Commission's final approval of the subdivision plat. Dedication of improvement shall occur at the completion of a one year maintenance period.

a. The extent of street improvement shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of an occupancy permit. The developer shall at the time of the dedication submit monies in escrow to the Town in a sum determined by the Town Engineer for the necessary final improvement of the street.

Section 6-16. Consumer Protection Legislation and Conflicts of Interest Statutes

1. No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

2. With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the Town until ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced in any such revocation.

ARTICLE VII. ACCEPTANCE OF STREETS AND IMPROVEMENTS BY THE TOWN

Section 7-1. Inspections During Construction

Town Engineer shall inspect on daily basis the construction of all public improvements to insure that the work is done in accordance with the approved construction drawings and specifications. The Applicant shall inform the Town Engineer in a timely manner of any proposed changes to layouts or approved public improvements. Redline drawings showing the proposed changes shall be submitted to the Town Engineer for review and approval. The Applicant shall proceed with the proposed changes only after securing the Town Engineer's approval.

Section 7-2. Preliminary Inspection upon Completion

1. Applicant completes all public improvements except the final roadway pavement (surface) course, in accordance with the approved construction drawings and specifications, and requests preliminary inspection. At that time pavement base course shall be in place a minimum of 1-year. Town and Town Engineer attend the preliminary inspection.
2. If construction deficiencies are found during preliminary inspection, the Town Engineer prepares a punch list of such items for the Town to be sent to the Applicant for correction. Applicant completes the repairs in accordance with the punch list and the Public Works Agreement.

Section 7-3. Final Inspection

1. After the Town Inspector verifies that all punch list items are completed, the Applicant requests the final inspection. Town and Town Engineer attend final inspection. If the punch list items have been satisfied, the Town Engineer shall direct the applicant to install the final roadway pavement (surface) course.
2. Final pavement (surface) course: Within one (1) month of a satisfactory final inspection the Applicant shall install the final roadway pavement (surface) course. After the Applicant has completed the installation of the final roadway pavement (surface) course, Town and Town Engineer inspect the final surface course of roadway pavement.

Section 7-4. Maintenance Period

If the inspection of the final surface course of roadway pavement is satisfactory, the Town Engineer shall issue a letter to the Applicant that the project has moved to the 1-year maintenance period.

Section 7-5. As-Built Drawings

Prior to final acceptance by the Town, the Applicant shall submit to the Town the complete Record/As-built Drawings, prepared by a professional engineer or professional land surveyor licensed in the State of Maryland, of all public improvements and underground utilities. The As-Built Drawings shall conform to Section 5-5, 4h.

Section 7-6. Acceptance and Dedication

1. Town and Town Engineer conduct the inspection at the end of 1-year maintenance period. If condition of the public improvements at that time is satisfactory to the Town, or the necessary minor repairs are completed to the Town's satisfaction, the Town Engineer issues a Certificate of Satisfactory Completion and the Town accepts the improvements for dedication.
2. The applicant's attorney shall prepare a title search to be submitted to the Town's Attorney for acceptance.
3. The Town's Attorney shall prepare a deed of conveyance for the public Improvements.

APPENDIX A: DESIGN STANDARDS

ARTICLE I. General

1. All portions of a tract being subdivided shall be taken up in lots, streets, public lands, or other proposed uses so that remnants and landlocked areas shall not be created.
2. Where tree, groves, waterways, scenic points, historic spots, or other Town assets and landmarks are located within a proposed subdivision, every possible means shall be provided to preserve these features.
3. Land within the 100-year floodplain or property and land located on steep slopes as defined in Section 13-1 of the *Town of North East Zoning Ordinance* shall not be developed for residential occupancy or for such other uses as may endanger health, life, or property, or aggravate erosion or flood hazards until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the Public Improvement Plans. Such land within a subdivision shall be set aside by Deed restrictions on the recorded Final plat for uses that will not be endangered by periodic or occasional inundation or will not produce unsatisfactory living conditions.

ARTICLE II. Conformity with Existing Plans

All proposed subdivisions shall conform to the adopted Comprehensive Plan for North East and shall bear proper relationship to the plans of the Planning Commission. Re-subdivision of a lot or parcel of land in a recorded subdivision may be approved only when it is shown that such re-subdivision will not be detrimental to its neighboring area or plan.

ARTICLE III. Streets

1. The arrangement, character, extent, and location of all streets within or bordering the subdivision shall conform to the Comprehensive Plan for North East and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Proposed streets shall be designed in accordance with the *Town of North East Road Code* and shall be subject to the approval of the Planning Commission and the Town Engineer, defined herein as the Engineer designated by the Mayor and Commissioners of the Town of North East as the person responsible for approving such design.
3. Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either:
 - a. be continuous and in alignment with existing, planned or platted streets with which they are to connect;
 - b. conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

4. Residential streets shall be laid out in a way that their use by through traffic will be discouraged.
5. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of existing streets.
6. If a portion of a tract is not subdivided, an adequate access easement abutting existing street right-of-way shall be provided for the eventual subdivision of the entire tract.
7. Where temporary dead end streets are proposed abutting unsubdivided acreage of a future subdivision phase, temporary easements for turn-arounds shall be provided at the boundary lines.
8. Private streets may be permitted in some instances (e.g. a gated community development), as determined by the Planning Commission. All private streets must meet Town specifications and shall be maintained by the owner(s) of the street.
9. Alleys may be permitted in new developments as determined by the Planning Commission.
10. Where a subdivision abuts or contains an existing or proposed arterial street or railroad right-of-way, the Planning Commission may require marginal access streets at a distance from such right-of way suitable to the appropriate use of the intervening land, as for park purposes in residential districts; reversed lot frontage with screen planting to be installed by the subdivider, contained in a no-access reservation along the rear property line, deep lots with rear service alleys; or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. To these ends the Planning Commission may require the subdivision to be designed so as to limit the number of street intersections at grade and to limit access from abutting properties to arterial streets and highways.
11. Street right-of way widths shall be as shown in the *Town of North East Road Code*:

Street Type	Right-of-Way Width
Minor (Townhouses)	30 feet
Minor Collector (Townhouses)	34 feet
Marginal Access (Service Roads)	40 feet

12. Permanent dead end streets shall be prohibited unless served by cul-de-sacs.
13. Cul-de-sacs shall not be longer than five hundred (500) feet unless designed with landscaped turn-around, in which case the length of each roadway segment

shall not exceed twelve hundred (1200) feet. No maximum length variations will be permitted. Cul-de-sac shall be designed with landscaped center island.

14. Street design in general shall conform to the following guidelines:

a. Street jogs at intersections with centerline offsets of less than one hundred and twenty-five (125) feet shall be prohibited.

b. Multiple intersections including junction of more than two (2) streets shall be avoided.

c. Whenever practicable, the number of intersections within "Arterial" and "Major Collector" roads shall be kept to a minimum, and shall be located at least one thousand (1,000) feet apart.

15. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off street loading, unloading, and parking consistent with and adequate for the uses proposed.

16. All temporary construction entrances shall be shown on the Public Improvement Plans and approved by the Planning Commission.

ARTICLE IV. Easements

1. Drainage and access easements binding on rear and side lot lines shall be provided for all lots and shall be at least five (5) feet wide.

2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage right-of-way conforming substantially with the lines of such water course, and such further width of construction, or both, as will be adequate for the purpose, as approved by the Town Engineer. Parallel streets or parkways may be required in connection therewith.

3. Where a subdivision borders on a water course in an area designated in the Comprehensive Plan for recreational use, the Planning Commission may require easements to be reserved for public access to the waterfront.

4. Where storm drain or utility main crosses a lot or public open space, twenty (20) feet wide minimum drainage or utility easement shall be provided centered on pipe or structure. All easements shall be deed restricted.

5. Permanent utility easements for water service shall be established in accordance with the *Town of North East Standard Specifications for Water Distribution and Details for Water Service*. All easements shall be deed restricted.

6. Landscape Easement: Add provision for a landscape easement as the County uses.

ARTICLE V. Blocks

1. The lengths, widths and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated, zoning requirements as to lot sizes and dimensions, needs for

convenient access, circulation, control and safety of street traffic, and limitations and opportunities of topography.

2. Block length shall not exceed sixteen hundred (1,600) feet, or be less than four hundred (400) feet, except that in unusual situations this provision may be waived by the Planning Commission.

3. Whenever practicable, blocks shall be of such width as to provide two (2) tiers of lots.

4. Pedestrian crosswalks not less than ten (10) feet wide may be required for blocks exceeding one thousand (1,000) feet in length, where deemed essential by the Planning Commission to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

ARTICLE VI. Lots

1. Lot dimensions shall conform to the requirements of the Zoning Ordinance, and:

a. depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated;

b. where practical, the depth of a lot shall not exceed three times the width, and shall not be too shallow for building according to zoning requirements;

c. corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

d. in no case shall lots be platted with an area of less than 6,500 square feet or a width of less than 50 feet; except where townhouse development is contemplated in which case minimum lot size will be 2,200 square feet with a minimum width of 20 feet, provided further that where either public water or sewer service is not available, the minimum lot area shall be 15,000 square feet and the minimum lot width shall be eighty (80) feet, and where neither public water or sewer service is available the minimum lot area shall be 20,000 square feet and the minimum lot width shall be one hundred (100) feet.

2. The lot size shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

3. Every lot or parcel of land shall abut on a public street.

4. Double frontage and reverse frontage lots should be avoided, except where essential to provide separation of residential development from arterial streets and highways or to overcome specific disadvantages of topography and orientations. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such an arterial street or highway or other disadvantageous use.

5. Side lot lines shall be substantially at right angles or radial to street lines.

ARTICLE VII. Public Sites and Open Spaces

1. Where a proposed park, playground, school or other public use shown in the Comprehensive Plan is located in whole or part in a subdivision, the Planning Commission may require the dedication or preservation of such area within the subdivision in those cases in which the Planning Commission deems such requirements to be reasonable.

2. Where deemed essential by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments not anticipated in the Comprehensive Plan, the Planning Commission may require the dedication for public use, or reservation by deed covenant for common use of all property owners in the subdivision, of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other neighborhood purposes.

ARTICLE VIII. Names

1. The name of the proposed subdivision shall not be so similar to other existing subdivision names that identification may be confused, and the Planning Commission may require the alteration of such name where in its judgment confusion may arise.

2. The name shall be subject to approval by the Planning Commission, which may require that proposed street names be changed to avoid confusion with existing streets.

3. Street names and subdivision names shall be coordinated by the Town Planning Office and the Department of Emergency Services.

ARTICLE IX. Signs and Pavement Markings

1. Street and roadway signs, and pavement markings shall be in accordance with the *Town of North East Road Code* and the current edition of the *Manual on Uniform Traffic Control Devices*;

2. Temporary street signs shall not be permitted.

3. Street signs shall be installed prior to issuance of the first occupancy permit.

4. Locations of "NO PARKING" signs proposed for new developments shall be approved by the Planning Commission.

5. Sign support shall be 4"x 4" treated wooden post unless as approved by the Planning Commission. Sign support shall be of breakaway construction in accordance with SHA Standard No. MD 812.01. Backfill material shall be stone dust;

6. Signs shall not be mounted on the street light poles.

7. Street signs shall be installed at every intersection having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) sets of such street signs and at the intersections where one (1) street

ends or joins with another street, there shall be at least one (1) set of such street sign.

8. All street and roadway signs shall be installed within Town right-of-way or permanent maintenance easement.

9. Pedestrian crosswalks not less than ten (10) feet wide may be required at intersections where deemed essential by the Planning Commission to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

ARTICLE X. Sidewalks and Driveways

1. Sidewalk design shall be in accordance with the *Town of North East Road Code*. Concrete surface shall be treated with curing compound immediately after finishing new concrete. Sidewalks shall be provided on both sides of the street, or as approved by the Planning Commission.

2. Where sidewalk crosses driveways it shall be six (6) inches thick minimum.

3. Where continuous width of sidewalk is less than 5-ft., passing zones 5-ft. by 5-ft. minimum in size shall be provided at two hundred (200) foot intervals.

4. Railing shall be provided along sidewalk near steep slopes.

5. Sidewalk ramps shall be ADA compatible, design shall be in accordance with the latest revisions of SHA Standards.

6. Adjoining sidewalk surfaces shall not have an elevation difference of more than ¼".

7. Driveway design shall be ADA compatible in accordance with the latest revisions SHA Standards. Modified combination curb and gutter may be used in lieu of SHA type 'C' depressed curb. Minimum driveway width shall be 10-ft.

8. Colored stamped concrete sidewalks or crosswalks proposed in residential developments shall be approved by the Mayor and Commissioners. New, not used templates shall be provided to Town Maintenance Department. Material specifications shall be in accordance with the Town standards and shall be approved by Town Engineer. Colored stamped concrete sidewalks shall be required along Route 272 southbound from Route 40 to corporate limits.

ARTICLE XI. Street Lighting

The Planning Commission and Town Engineer shall approve street-lighting. Street lighting standards such as pole style, fixture style, etc. shall be approved by the North East Planning Commission.

ARTICLE XII. Street Trees

Street trees shall be provided on both sides of public streets as required by the *Town of North East Zoning Ordinance*.

ARTICLE XIII. Cluster Mailboxes

1. Cluster mailboxes shall be provided by the Developer of any new subdivision within the Town of North East. Locations and details of cluster mailboxes shall be presented to the Town of North East Planning Commission during preliminary plat review stage.
2. The type and location of cluster mailboxes within the subdivision shall be approved by the Postmaster.
3. Location of mailboxes must be conveniently and safely accessed by customers.
 - a. The sidewalk in front of the mailboxes shall be widened to allow free access by customers and to minimize congestion.
 - b. A canopy shall be provided over the mailboxes, and it shall be designed to afford maximum protection from the weather, including driving rains.
 - c. The area shall be adequately lighted for good visibility.
4. Cluster mailboxes shall be grouped together not to exceed four (4) units in each group, and shall be located at or near crossroads, service turnarounds, open spaces or other suitable places.
5. All costs associated with the installation and maintenance of cluster mailboxes are the responsibility of the Developer.
6. The Homeowner's Association shall assume responsibility for maintenance of cluster mailboxes after installation by Developer.
7. The Town reserves the right to review this policy periodically, and make changes to it as deemed necessary by circumstances unforeseen at the time of its adoption.

APPENDIX B: REQUIRED IMPROVEMENTS

Monuments, utility and street improvements shall be provided by the Subdivider in each new subdivision in accordance with the standards and requirements as described below:

ARTICLE I. Standard A

1. For duplexes, apartments, townhouses, and similar multi-family residences and one-family detached dwellings with typical lot areas of under 15,000 square feet, the following improvements are required:

a. Monuments shall be placed at all block corners, angle points, points of curves in street right-of-ways, and at intermediate points as required by the Town Engineer, who shall also approve the material, size, and length of such monuments.

b. Connection to a public water distribution system as approved by the Cecil County Health Department and Town.

c. Connection to a public sewer system as approved by the Cecil County Health Department and Department of Public Works

d. Storm sewer system and storm water management as approved by the Cecil County Department of Public Works and Town Engineer.

e. Streets in accordance with the *Town of North East Subdivision Regulations* and the *Town of North East Road Code* as approved by the Planning Commission and Town Engineer.

f. Street trees, landscape, and open space areas as approved by Planning Commission.

g. Street name and traffic signs as approved by Planning Commission.

h. Street lighting as approved by Planning Commission and Town Engineer.

i. Mailboxes, bus stops and other applicable site improvements as approved by Planning Commission.

ARTICLE II. Standard B

1. For one-family detached dwelling with typical lot areas over 15,000 square feet, the following improvements and utilities are required:

a. Monuments shall be placed at all block corners, angle points, points of curves in street right-of-ways, and at intermediate points as required by the Town Engineer, who shall also approve the material, size, length of such monuments.

b. Connection to a public water distribution system as approved by the Cecil County Health Department and Town.

c. Connection to a public sewer system as approved by the Cecil County Health Department and Department of Public Works.

d. Storm sewer system and storm water management as approved by the Cecil County Department of Public Works and Town Engineer.

e. Streets in accordance with the North East Road Code as approved by the Planning Commission and Town Engineer.

f. Street trees, landscape, and open space areas as approved by Planning Commission.

g. Street name and traffic signs as approved by Planning Commission and Town Engineer.

h. Street lighting as approved by Planning Commission and Town Engineer.

i. Mailboxes, bus stops and other applicable site improvements as approved by Planning Commission.

APPENDIX C: SUBDIVISION PUBLIC NOTICE SIGNS

ARTICLE I. Developer's Responsibility

1. The developer shall erect and be responsible for the maintenance of a public notice sign on each of the property's road frontages. Each sign shall be provided by the developer and fabricated to the minimum standards listed herein.
2. It should be noted that if the signs are not properly installed or maintained, the proposed subdivision will be withdrawn from the Cecil County Technical Advisory Committee agenda and/or the Town of North East Planning Commission agenda.
3. The sign shall be maintained in place until final subdivision plat(s) and public improvement plans have been endorsed with signature of approvals.

ARTICLE II. Sign Specifications

1. Sign Size - The sign shall have a minimum dimension of 30 inches by 36 inches.
2. Setback - The sign shall be placed no closer than five (5) feet to the road right of way and no greater than ten (10) feet from the road right of way.
3. Location - A sign shall be erected in a clearly visible place on each of the property's road frontages.
4. Information - The sign shall contain a plat of the proposed subdivision, the name of the subdivision, the name of the developer and tax map and parcel number(s).
5. Appearance - The sign and posts shall have a yellow background with black lettering no less than two (2) inches in height. The subdivision plat shall be laminated.
6. Material - The sign shall be made of plywood with a minimum thickness of ½ inch minimum density overlay with a minimum thickness of ½ inch, metal with a minimum gauge of 0.80, or other weather resistant durable material.
7. Installation and Duration - Signage must be installed by the deadline for plan submittal. The Developer must maintain the sign(s) throughout and until the time of final plat approval.