

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, February 23, 2009**

Members present were Steven Reeves, Chairman; Brandon Hayden, Shelby Guazzo, Susan McNeill, Martin Siebert, Merl Evans, and Lawrence Chase. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Acting Director; Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Dave Chapman, Planner III; and Jada Stuckert, Recording Secretary. Deputy County Attorney David Weiskopf was also present.

The Chair called the meeting to order at 6:30 p.m.

APPROVAL OF THE MINUTES – The minutes of February 9, 2009 were approved as presented.

PUBLIC HEARINGS

CWSP #08-200-003 – Mill Cove Manor & CWSP #08-200-004 – Mill Cove Harbor

Mr. Reeves asked that both projects be heard at the same time. Mr. Chapman gave an overview of each project stating Mill Cove Manor has proposed to amend service area maps III-27 and IV-27 to change the service categories from W-6D and S-6D (service in 6 to 10 years, developer financed) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 12.88 acres described as Tax Map 27, Grid 24, Parcel 10 in the California area of the 8th election district in anticipation of providing community water and sewerage service to a proposed 33 lot residential subdivision located on Mill Cove road. Mr. Chapman stated Mill Cove Harbor has proposed to amend service area maps III-27 and IV-27 to change the service categories from W-6D and S-6D (service in 6 to 10 years, developer financed) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 10.4 acres described as Tax Map 27, Grid 23, Parcel 2, Outparcel A, & Parcel A, & Lot 5000-1A3 in the 8th election district in anticipation of providing community water and sewerage service to a proposed 21 lot residential subdivision located on Mill Cove Harbor Road in California, Maryland.

Mr. Reeves stated even if these projects are not approved they will be subject to water and sewer services in 6 to 10 years. Mr. Chapman stated this is just a planning status and should not be used as a fixed number of years. Ms. Guazzo asked about the 10.4 acres versus the 9.32 acres for Mill Cove Harbor. Mr. Chapman explained this site is all 4 parcels combined and stated lot 5000-1A1 and 5000-1A2 have already been platted.

With no agent presentation at this time Mr. Reeves opened the hearings to public comments. Mr. Reeves asked that each person give their name, address, and state which project they are testifying for.

Robert Willey (Both): Mr. Willey submitted comments marked as Exhibit #1 by the Recording Secretary and stated this proposal, if approved, will require homeowners to pay \$170 annually even if they do not hook up to the line. Mr. Willey stated homeowners within 200 feet of the line are required to hook into the line which could cost \$2,500 which does not include the costs of burying pipe, grinder pump, electrician, and plumbing costs. Mr. Willey stated if these projects are approved the developer should be required to pay the additional costs for homeowners to hook into the system. Mr. Willey stated this line will run through seasonal streams and he is concerned about the run-off because the two developments would double the density in the area and in turn double the impervious surface. Mr. Willey asked that the Planning Commission continue the case to allow property owners to further investigate the projects.

Mr. King of METCOM commented that the System Improvement Fee is \$8.75 per month per EDU for the sewer and \$5.27 per month per EDU for the water. Mr. King stated the Capital Connection Charge for sewer is \$1,744.78 and \$774.91 for water which are one time fees to be paid at the time of connection. Ms. Guazzo asked that Mr. King provide information regarding where and

how far the line will go. Mr. King stated he would gather this information however, the design has not been approved and METCOM may not have reviewed this in length. Mr. King explained this is just a water and sewer category change and if the Planning Commission and County Commissioners deny these projects there will be no review of the line.

John Tifford (both): Mr. Tifford stated his property is landlocked and he has an easement through the Phyllis property. Mr. Tifford stated because of his easement he is not eligible for water and sewer even if he wanted it and asked if the entire neighborhood could be changed. Mr. Chapman stated the Tifford property has an S-6 classification and is eligible for 1 EDU without going through the process.

John Petz (both): Mr. Petz submitted information marked as Exhibit #2 by the Recording Secretary and stated both developments proposed would more than double the density of the area overnight. Mr. Petz stated to date the average lot size is 1.91 but because of these developments the average lot size will decrease to 0.181 acre.

Carolyn Huff (both): Ms. Huff reminded the Commission of the Joy Point Marina case in 1991 which was denied by the Board of Appeals because the road was too narrow. Ms. Huff stated Mill Cove Road can not handle the extra trip generations and asked that the Commission deny the request.

Richard Huff (both): Mr. Huff submitted comments marked as Exhibit #3 by the Recording Secretary and stated the traffic is his main concern. Mr. Huff explained Mill Cove Road is only 18 feet wide and Mill Cove Harbor Road is only 13 feet wide. Mr. Huff stated if there was a major emergency in this area it would be impossible to get out of the neighborhood, much less the County.

Kellie Gofus (both): Ms. Gofus stated she is not within the direct line. Ms. Gofus asked if the Commission has really considered the impact on the environment. Ms. Gofus stated she is concerned with the potential impact on the water, soil disturbance etc. Ms. Gofus asked that the Commission consider continuing these cases for further investigation.

John Pugh (both): Mr. Pugh stated he lives across the creek. Mr. Pugh stated it is his understanding that there would be a pier on the property as well as a bath house. Mr. Pugh stated he would be viewing this pier from his property. Mr. Pugh stated he has environmental concerns to include run-off. Mr. Pugh stated these projects propose 55 new sites and stated they could be further developed in the future with condos. Mr. Pugh asked for denial of both projects.

John Tifford (both): Mr. Tifford reminded everyone that these are two separate proposals. Mr. Tifford stated a pier on this property would be impossible and even so a pier doesn't need water and sewer. Mr. Tifford stated these developments will have an adverse impact on neighborhood property values. Mr. Tifford stated the neighborhood currently has few children and if this is approved children moving in with their parents is inevitable. Ms. Guazzo pointed out that the proposed location of the bath house would be within the 200 foot Critical Area Buffer. Ms. Guazzo stated if these projects are ever reviewed again in the future additional information and comments would be needed from the Critical Area Commission allowing such development.

Paul Downs (both): Mr. Downs submitted photos marked as Exhibit #4 by the Recording Secretary and read a statement regarding the protection of waters and erosion control. Mr. Downs asked the Commission visit the sites and re-evaluate the proposals.

Bonnie Gateau (both): Ms. Gateau stated she is concerned with the run-off and sediment control is a big issue. Ms. Gateau stated the Woods at Myrtle Point erosion control measures did not work and she watched sediment wash into the water.

Trish Brow (both): Ms. Brow stated these projects will reduce the property values of everyone in the neighborhood. Ms. Brown stated we need to continue vigorous environmental protection.

Paul DiBenedetto (both): Mr. DiBenedetto stated his property would take the brunt of the construction. Mr. DiBenedetto stated there is already boat traffic on this very narrow road. Mr. DiBenedetto stated with the increased density cars will park on the sides of the road which is a hazard. Mr. DiBenedetto stated he is concerned about emergency vehicles accessing the sites. Mr. DiBenedetto recommended a buffer between projects. Mr. DiBenedetto stated he is opposed to the projects however if it is approved he would like to see compatibility with the surrounding area and buffers.

Bob Volland (both): Mr. Volland stated he is opposed due to the grading and stormwater management concerns. Mr. Volland asked that the applications be denied.

Hank Recla (both): Mr. Recla stated when he developed his property Land Use & Growth Management was very concerned about the tree canopy, impervious surface, run-off, etc. Mr. Recla stated he is not seeing the same concerns here. Mr. Recla stated these projects are out of character with the surrounding neighborhood and what was required of him.

Iris Willey (both): Ms. Willey submitted comments marked as Exhibit #5 by the Recording Secretary and stating with the 54 units comes additional need for schools and school busses to this service area. Ms. Willey stated at this time, school busses can not travel down Mill Cove Harbor Road. Ms. Willey asked that the Commission schedule additional open meetings for discussion of these projects, place a cap on the number of units, ensure that the developer makes improvements to Mill Cove Road and Mill Cove Harbor Road and ensure that increased taxes will not come as a result of these additional 54 units.

Brooks Jackson (both): Mr. Jackson submitted comments marked as Exhibit #6 by the Recording Secretary from John and Anne Bauer. Mr. Jackson stated this will be an unwarranted cost to the existing homeowners and there is no need for water and sewer. Mr. Jackson stated if the developer wants water and sewer he should be required to pay all costs for hook-ups to those who did not request water and sewer. Mr. Jackson stated the density will decrease existing property values. Mr. Jackson stated he is also concerned with the traffic, run-off, and other environmental concerns. Mr. Jackson requested more time to review and asked for a 60 day continuance.

Jane Sypher (both): Ms. Sypher stated this is the Lexington Park Development District and currently there are 7 rental houses, 6 that are not listed as primary residences, and 3 summer homes. Ms. Sypher stated the smallest home is 512 square feet and the largest is just shy of 4,000 square feet. Ms. Sypher stated everyone seems to be forgetting there are 196 acres of open land at the Woods at Myrtle Point where no development can take place. Ms. Sypher stated she personally knows Mr. Guy Curley and he is a good guy and developer. Ms. Sypher stated everyone should focus on the facts of the request and that she is in favor.

Fred Sypher (both): Mr. Sypher stated he is in favor.

Jane Riggs (both): Ms. Riggs stated she directly abuts the projects and is opposed as the projects would drastically change the characteristics of the neighborhood.

Rolf Hammer (both): Mr. Hammer stated he is neutral however agrees that there should be a cap on the number of units allowed.

Suzanne K. Henderson (both): Ms. Henderson submitted an email marked as Exhibit #7 by the Recording Secretary and requested the Commission delay the approval of the requested amendments. Ms. Henderson stated approval would allow the applicant to proceed with preliminary subdivision plans. Ms. Henderson stated concept plans are not the same as the ones

reviewed for impacts, availabilities, and variable-dependent computations. Ms. Henderson stated she is opposed to all “dumb growth” and this should all go back before the Critical Area Commission. Ms. Henderson recommended waiting until the third phase of the Woods at Myrtle Point are being constructed to see what the area will look like. Ms. Henderson stated she feels the Commission members are ill informed and stated if the applications are not denied please continue the case for more investigation.

Paul D. Schafer (both): Mr. Schafer stated he is representing Mary Schafer who could not be present tonight and who is opposed. Mr. Schafer stated these projects do not fit in with the current neighborhood and road issues need to be further investigated.

Joseph Collins (both): Mr. Collins asked that the Commission re-visit the property. Mr. Collins stated these are wetlands and marsh lands and with the density proposed and possible run-off he is opposed.

Allan Shick (both): Mr. Shick submitted comments marked as Exhibit #8 by the Recording Secretary and stated he is opposed due to the density and run-off.

Ken Berry (both): Mr. Berry stated he is opposed. Mr. Berry stated the projects are not consistent with the area and are just another monthly tax.

Wilfred Berry (both): Mr. Berry stated he is opposed and commented if approved this is a terrible mistake.

Kellie Gofus (both): Ms. Gofus pleaded that the Commission come and re-visit the property.

John Brow (both): Mr. Brow stated he is a new driver and is afraid of driving on the road as it is so narrow. Mr. Brow stated he is opposed.

Michael Fry (both): Mr. Fry stated he is opposed due to the density and environmental concerns.

Mr. Hayden made a motion in the matter of CWSP #08-200-003 Mill Cove Manor and CWSP #08-200-004 Mill Cove Harbor to continue the public hearings to March 23, 2009 at 6:30 p.m. in the Commissioners Conference Room and Ms. McNeill seconded. The motion passed by a 7-0 vote.

DISCUSSION

Presentation by METCOM on the 5th and 8th sewer districts, Marley Taylor Facility Plan

Mr. King of METCOM, Mr. Laurens Vandertak, Chris Peluso and Tom Higgins of C.H. 2 M. Hill gave an overview of the Marley Taylor Facility Plan.

Comprehensive Plan – Progress Report

Tabled to next meeting.

PC Annual Report Briefing

Tabled to next meeting.

Digital Sign Work Session Announcement

Mr. Shire stated the Digital Sign work session will be held Monday, March 2, 2009 at 3:00 p.m. in the Land Use and Growth Management conference room.

ADJOURNMENT

The meeting was adjourned at 10:45 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: March 9, 2009

Stephen T. Reeves
Chairman