

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, March 14, 2005**

Members present were Joseph St. Clair, Vice Chair; Brian Barthelme; Lawrence Chase; Julia King; Steve Reeves; and Howard Thompson. Larry Greenwell was excused. Department of Land Use and Growth Management (LUGM) staff present was Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Phil Shire, Planner IV; and Sharon Sharrer, Recording Secretary. Assistant County Attorney Heidi Dudderar was also present.

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

APPROVAL OF MINUTES – The minutes of February 28, 2005 were approved as recorded.

PRESENTATION

Commissioner President Thomas McKay, on behalf of the Board of County Commissioners, expressed thanks to the Planning Commission members for the important work they do for the County. He made a brief presentation on the Base Relocation and Closure (BRAC) process, and shared the “St. Mary’s County - Embracing Progress...” video with the Planning Commission. Commissioner McKay explained that 2005 is a critical year for St. Mary’s County because the BRAC process taking place this year has the potential to have a larger impact on St. Mary’s County than all of the prior BRAC’s combined.

PUBLIC HEARING

CWSP #04-132-006 – SOTTERLEY ROAD CENTER

The applicant is requesting amendment to service area maps III-26 and IV-26 to change the service area categories from W-6 and S-6 (water and sewer service in 6-10 years) to W-3D and S-3D (water and sewer service in 3-5 years, developer financed). The property contains 20.4 acres; is zoned Town Center Mixed Use District (TMX); and is located in Hollywood Town Center, north and east of the intersection of Sotterley Road (MD 245) and Three Notch Road (MD 235); Tax Map 26, Grid 11, Parcel 179.

Owner: Dean Partnership, LLP
Agent: William P. Higgs, for Little Silences Rest, Inc.

Notice of the hearing was published in the Enterprise on 2/23/05 and 3/2/05, the property was posted, and certified mailings were sent to adjoining property owners.

Mr. Jackman explained that water and sewer lines would be brought to the property from the nearby Broadcreek and Twin Ponds subdivisions, which have recently gone through the process of amending service area categories.

Mr. Reeves asked for information on the available capacity for central sewage. Chet Frederick, representing the Metropolitan Commission (MetCom), explained that capacity at Marlay Taylor is being used faster than anticipated. A study is beginning to find the exact excess capacity available at this point in time.

The Vice Chair opened the hearing to public comment.

John Delozier, a Hollywood resident, expressed concern that area residents would be required to hook up to the public water and sewer that will be brought into the area. Mr. Frederick explained that residents are only required to hook in to the system if their system is determined to be failing. Mr. Jackman added that there have been some areas which have been subject to a mandatory connection, after having undergone a sanitary survey and having been found to have an area-wide health hazard.

The Vice Chair closed the hearing to public comment.

The Planning Commission conducted and closed a public hearing, leaving the record open ten (10) days for written comments.

CWSP #04-120-039 – THE CROSSINGS AT RIVERSIDE FARM

The applicant is requesting amendment to service map III-58 to change the service area category from No Planned Service (NPS) to Rural Water (RW). The property contains 146.48 acres; is zoned Rural Preservation District (RPD); and is located at the southern terminus of Greens Crossing Court, near the intersection of North Greens Rest Drive and Flat Iron Road; Tax Map 58, Grid 20, Parcel 98.

Owner: Davis Family Trust
Agent: Dean Wilkinson, of R. A. Barrett Associates, Inc.

Notice of the hearing was published in the Enterprise on 2/23/05 and 3/2/05, the property was posted, and certified mailings were sent to adjoining property owners.

Mr. St. Clair asked if the property is in the St. Mary's River watershed area. Mr. Jackman explained that the property would drain into the St. Mary's River. Mr. Wilkinson explained that the bulk of development will be clustered in one area, and buffering would be provided on the St. Mary's River side of the development.

Board members questioned whether Transferable Development Rights (TDRS) were being used to increase the density in the proposed subdivision. Mr. Wilkinson explained that 114 acres of open space will be preserved off-site, with the retirement of the TDRS being used to increase density. Ms. King asked that further discussion on TDRS be arranged for the Planning Commission as soon as possible. Mr. Canavan explained that he expects there to be extensive discussion of the TDR issue in April.

The Vice Chair opened the hearing to public comment.

Brian Jones, a resident of the Usher Subdivision, explained that equipment used for perc tests have already been tearing up Usher Lane. He expressed concern that the development could cause water run-off onto Usher Lane. Mr. Canavan explained that these issues are really ones that should be raised during the preliminary plan subdivision review and were not the subject of this hearing, but that any stormwater management would have to be controlled so there should be no adverse impact on any surrounding properties.

Nate Combs, a resident of the Aberdeen Subdivision, expressed concern with the number of lots being planned for the subdivision and the required minimum acreage for each lot. Mr. Canavan explained that the rules require that 50% of the parent tract must be preserved in open space. He explained that the developer is also purchasing TDRS to achieve the desired density. Mr. Thompson stressed that area residents could express these concerns when the subdivision returns to the Planning Commission at the preliminary plan subdivision review stage.

The Vice Chair closed the hearing to public comment.

The Planning Commission conducted and closed a public hearing, leaving the record open ten (10) days for written comments.

FOR THE TOWN OF LEONARDTOWN,

Amend the Text of the CWSP at Section 4.5.3.3.A, "Leonardtwn Wastewater Treatment Plant", to specify that the Town has begun planning for a future capacity of 1.2 million gallons per day (mgd) and an upgrade to an Enhanced Nutrient Removal (ENR) process.

Notice of the hearing was published in the Enterprise on 2/23/05 and 3/2/05.

Chip Norris, mayor of Leonardtown, explained that Leonardtown is in one of the two Development Districts in St. Mary's County. Recognizing that this is the case, he said that there is a need to move forward and expand the wastewater treatment plant.

The Vice Chair opened the hearing to the public. The public hearing closed with no comments.

Mr. Thompson made a motion that a recommendation be conveyed to the Board of County Commissioners, and authorized the Chairman to sign a resolution, to:

1. Amend the text of the St. Mary's County Comprehensive Water and Sewerage Plan as requested by the Town of Leonardtown,
2. Explore opportunities to expand the plant further to accommodate projected growth throughout the Leonardtown Development District, and
3. Renew as needed the interjurisdictional agreement governing access to the plant for development within and beyond Town limits.

The motion was seconded by Mr. Reeves, and passed by a 6-0 vote.

FAMILY CONVEYANCE

MSUB #04-110-061 – LAND OF GEORGE SPRINGER

The applicant is requesting preliminary review of an additional lot on a private road in accordance with the St. Mary's County Subdivision Ordinance 02-02, Section 30.11.4, family conveyance provision. The property contains 8.41 acres, is zoned Rural Preservation District (RPD), and is located 300 feet east of the intersection of MD Route 244 and Deerfield Road; Tax Map 57, Grid 3, Parcel 347.

Owner: George Springer
Agent: Jerry Soderberg, of DH Steffens Company

Mr. Shire said that receipts from the certified mailings have been provided. He explained that approval of this request would bring the total number of users on this private road to 12, according to the records in the file.

George Springer, owner of the property, explained that he wants to be able to leave half of his property to each of his two sons. He said that trying to access the property from any road other than Deerfield Road would be almost twice as far. Mr. Soderberg explained that another access would require

removing mature trees and going through a low-lying area. Mr. Springer explained that he does own part of the property the road crosses, so he would like to be able to use part of the road that he owns. Mike Springer, one of George Springer's sons, explained that he does not want to impact any of the neighbors' current lifestyles. He just wants to build a house, and access the property with minimal impact.

Dale Rizzolo, a resident of Watson Minor Subdivision on Deerfield Road, explained that he was representing the rest of the community in Watson Minor Subdivision. He said that there are currently 14 lots using Deerfield Road, with the potential for 18 total lots. He expressed concerns that traffic is currently in excess of what the road will accommodate; that additional traffic will create more safety concerns for children playing near the road; and that the position of Deerfield Road to MD Route 244 is currently quite hazardous, with limited visibility. He said that Deerfield Road is a gravel road that requires constant maintenance with the current traffic flow, and currently has pot-holes.

Mr. Shire explained that at least an updated or amended Road Maintenance Agreement is required to be submitted along with the record plat when it is ready for recordation, stating new responsibilities for maintenance of the road.

James Bean, another Deerfield Road resident, explained that he has been living on Deerfield Road since 1978 and has never heard anything about either ownership of the road or a road maintenance agreement on the road. He said that the people who live on the road have always just gotten together to do whatever needed to be done to try to maintain the road.

The Planning Commission left the record open for ten (10) days for written comments.

MSUB #04-110-095 – BARNES SUBDIVISION

The applicant is requesting preliminary review of an additional lot on a private road in accordance with the St. Mary's County Subdivision Ordinance 02-02, Section 30.11.4, family conveyance provision. The property contains 16.0 acres, is zoned Rural Preservation District (RPD), and is located at 39545 Lindsey Way; Tax Map 9, Grid 11, Parcel 130.

Owner: Sharon Williams
Agent: Jerry Nokleby, of Nokleby Surveying, Inc.

Mr. Shire said that receipts of certified mailings have been provided by the applicant. He explained that the request is to create three lots out of two existing lots. Approval of this request would bring the total number of users on this private road to eight. He said that there is an existing Road Maintenance

Agreement, and a revised agreement to include the additional users will be part of the recording package.

Jim Garner, an area resident, wanted to make sure that he would be able to go through the same process of subdividing his property for his family. He also expressed concerns about the number of users allowed on a road before it was required to be paved and meet county road standards. Mr. Shire explained that the current regulations do not give a limit on the number of allowable lots as long as the terms and conditions for family conveyance can be met and the road is adequate to serve that additional use.

Frances Mangum, an area resident and right of way owner, explained that she doesn't oppose approval of the additional lot, as long as this approval would not prevent the possibility of subdividing her property for her family in the future. The condition of the road concerns her, as well as the ability of any road maintenance agreement to make certain that the road is maintained by all residents instead of just a few. Mr. Canavan explained that all property owners have the privilege of that private road; and can, under today's standards, seek a subdivision under the family conveyance. He said that he feels it is incumbent upon the property owners to collectively work at resolving the issues of the easement document and the maintenance agreement, since the County has no jurisdiction to step in and maintain this private road.

Sharon Williams, the property owner, explained they do plan to keep working on maintenance on the road, as they have in the past. Mr. Nokleby explained that road maintenance agreements are good tools, and liens can actually be placed on the property if one of the homeowners does not pay their portion of a bill for maintenance agreed upon by the majority of property owners on a road.

Raymond Mangum, an area resident, explained that when they purchased the land next to the Barnes Subdivision they widened the road. The neighbors all chipped in to pay for the drain pipes that were needed. He suggested that the homeowners might need to get together and see if they could agree about paving, or blue chip and tarring, the road. Mr. Canavan offered staff assistance to work with the property owners, or host a meeting, on the issue of the road maintenance agreement before the subdivision is recorded.

Mr. Reeves made a motion that having accepted the staff report, dated March 4, 2005, and having made findings pursuant to Section 30.11.4 of the Subdivision Ordinance (*Criteria for Approval of a Family Conveyance*), the Planning Commission approve the Family Conveyance subdivision plan, as requested. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

DEVELOPMENT REVIEW

CCSP #04-120-049 – RUSSELL SUBDIVISION

The applicant is requesting review of a concept site plan for 12 lots, in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 3.25 acres; is zoned Town Center Mixed Use District (TMX); and is located at 17345, 17355, and 17365 Piney Point Road in Piney Point; Tax Map 65, Grid 17, Parcels 13 & 14.

Owner: Jack Russell & Vicky Volk

Agent: Robin Guyther

Mr. Guyther explained that design enhancements have been used in the plans to increase the allowable density from the base density of the TMX zone.

Mr. Barthelme made a motion that having accepted the staff report, dated March 4, 2005, and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water amendment to change the water category from W-6D to W-3D, and noting that the subdivision plan must return to the Planning Commission for preliminary approval, the Planning Commission approve the concept plan, as requested. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.

CWSP #05-120-003 – GRANDVIEW HAVEN, Phase II

The applicant is requesting review and approval of a concept site plan for a 51-lot subdivision in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 151.988 acres, is zoned Rural Preservation District (RPD), and is located at 29282 Point Lookout Road; Tax Map 18, Grid 11, Parcel 13.

Owner: Arrowhead, LLC

Agent: Dean Wilkinson & Randy Barrett, of R. A. Barrett & Associates, Inc.

Mr. Shire explained that additional density must be available in Phase I to support the 51st lot of this proposed subdivision. Mr. Wilkinson explained that the total acreage between the two phases is being used for rounding of parcels between the phases. He explained that they are arranging the open spaces on the property to maintain the view of the existing farm from the scenic corridor.

Planning Commission members expressed concerns that the development is shown right up to the cemetery. Mr. Wilkinson explained that they do have large lots adjacent to the cemetery to prevent construction right up to the

cemetery. Mr. Barrett explained that the layout shown was based on a combination of terrain, preliminary percs, and the scenic corridor. He said that they could do some further work on the plans to try to keep from having individual lots directly bordering the cemetery.

Members also expressed concerns with the traffic on Morganza-Turner Road and the use of TDRS in the RPD. Mr. St. Clair reminded everyone that the issue on the table was strictly for the water and sewer part of the development, and that the subdivision would return to the Planning Commission at a later date to address the other issues.

Mr. Reeves made a motion that having accepted the staff report, dated March 7, 2005, and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water and Sewer Plan amendment to change the water category from NPS (No Planned Service) to RW (Rural Water), and noting that the subdivision plan must return to the Planning Commission for preliminary approval, the Planning Commission approve the concept plan with the condition that the combined acreage of Grandview Haven I & II will support the requested density in conformance with the St. Mary's County Comprehensive Zoning Ordinance. The motion was seconded by Mr. Barthelme and passed by a 4-2 vote, with Ms. King and Mr. St. Clair voting against the motion.

DISCUSSION

CIP PRESENTATION BY ELAINE KRAMER

Elaine Kramer provided the Planning Commission members with an overview of the recommended FY2006 budget, as well as the plan for the budget for FY2006 through FY2011. Planning Commission members asked members of the Capital Improvements Projects group questions concerning specific projects outlined in the plan. The Planning Commission agreed to wait to make a decision regarding their recommendation, in anticipation of possible new information from the Board of County Commissioners work session on March 15, 2005. Further discussion will take place at the Planning Commission meeting on March 28, 2005.

ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

Sharon J. Sharrer

Recording Secretary

Approved in open session:
March 28, 2005

Joseph A. St. Clair
Vice Chair