

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, June 11, 2007**

Members present were Stephen Reeves, Chair, Howard Thompson, Lawrence Chase, Bandon Hayden, Susan McNeil, and Shelby Guazzo. Members absent were Merl Evans. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Phil Shire, Deputy Director; Sabrina Hecht, Planner IV; Jeff Jackman, Senior Planner; Bob Bowles, Planner II; Sue Veith, Environmental Planner; Jeanine Harrington, Intern and Jada Stuckert, Recording Secretary. Deputy County Attorney, Colin Keohan was also present.

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

APPROVAL OF THE MINUTES - The minutes of May 29, 2007 were approved as presented.

PUBLIC HEARINGS

1. Minor Subdivision #05-110-056 – Perotta Property Growth Allocation

Ms. Veith read the staff report and attachments for a proposed plat boundary line adjustment which recommended the Chair be authorized to sign on behalf of the Planning Commission to convey to the Board of County Commissioners. Mr. Reeves asked if lot number three could be developed in the future. Ms. Veith stated it number three will be extinguished after this and will just go away.

Ms. Guazzo asked if the new parcel "B" would front on Ben Morgan Road or on New Towne Neck Road. Ms. Veith stated that the parcel fronts on both roads but the address would be New Towne Neck Road. Ms. Guazzo asked if the new parcel "A" would include almost 7 acres because of including former lot 503. Ms. Veith stated yes and both new parcels "A" and "B" will have plat restrictions so that no future development can occur. Ms. Guazzo asked if the Perotta's have any improvements on parcel 10. Ms. Veith stated yes, this is where their home is located. Ms. Guazzo asked about the access to the home. Ms. Veith stated Perotta Lane is the main access to the home. Mr. Guyther stated this looks strange but it is what it is, the Perotta's are giving up two lots and creating one lot. Mr. Guyther stated the lots are wooded.

Mr. Reeves opened the public hearing for public testimony.

Mr. Day Jr. stated he is concerned about St. Clements Shore Sewage Plant. Mr. Day Jr. stated if we continue to add these new connections how will everyone else get their connections because the system will be overloaded. Mr. Day Jr. stated that there are existing homes there that can not get their connections because they keep getting bumped down on the list when new construction occurs.

Ms. Graves stated she is opposed to the project because there are already 11 houses on a 1,000 ft. long road that is very narrow. Ms. Graves also stated she is concerned about the St. Clements Shore Sewer Plant and its capacity. Ms. Graves further stated that the proposed home to be built on the property does not match the existing character of the neighborhood. Ms. Graves stated that the proposed home is too large.

Mr. Oertly stated he is concerned about the animals living in the woods. Mr. Oertly stated he has pictures of woodpeckers and hawks that nest in those woods where the trees are proposed to be torn down. Mr. Oertly further stated he also concerned about the size of the structure to be built, the sewage plant, and the size of the road leading to the home. Mr. Oertly stated that he is concerned that not all property owners were notified of the public hearing. Ms. Veith stated that nine certified mail receipts were received and on file.

After further discussion, it was the consensus of the Commission to continue the case to the next meeting and leave the comment period open for 10 days.

DEVELOPMENT REVIEW

2. Concept Site Plan #06-132-041 – Flooring America

Mr. Bowles read the staff report which recommended approval for a 13,850 sq. ft. storage and office building. Ms. Guazzo requested that the security lights be placed at a lower height so not to shine into the residential properties in the rear of the proposed building. Ms. Grebb stated that the rear of the building is only proposed to be 20 feet in height and the security lights would be at a lower level.

Mr. Thompson made a motion in the matter of CCSP #06-132-041, Flooring America, having accepted the staff report and having made a finding that the objectives of Section 60.5.3 of the Zoning Ordinance have been met, and noting that the referenced project has met all requirements for concept approval, I move that the concept site plan be approved and Ms. Guazzo seconded. The motion passed by a 6-0 vote.

3. Concept Site Plan #06-132-037 – Navy Federal Credit Union, Patuxent

Ms. McNeil excused herself from voting on this project. Mr. Bowles read the amended staff report which recommended approval for a 5,000 sq. ft. Credit Union. Ms. Guazzo asked about the buffer between residential and commercial. Mr. Grimm stated that the buffer would be retained.

After further discussion, Mr. Chase made a motion in the matter of CCSP #06-132-037, Navy Federal Credit Union, Patuxent, having accepted the staff report and having made a finding that the objectives of Section 60.5.3 of the Zoning Ordinance have been met, and noting that the referenced project has met all requirements for concept approval, I move that the concept site plan be approved and Mr. Thompson seconded. The motion passed by a 5-0-1 vote with Ms. McNeil abstaining.

4. Major Subdivision #06-120-015 – Willows Run Subdivision, Phase 1, Lots 1-46

Mr. Bowles read the staff report which recommended approval for a preliminary plan for 46 lots in a major subdivision. Ms. Guazzo asked if they would be using the Pembroke Pumping Station. Mr. Wilkenson stated that they are in the process of retaining an easement over the Parlett land. Ms. Guazzo asked if there was adequate capacity in the pumping station to handle this subdivision. Ms. Armstrong of METCOM stated that there is adequate capacity.

After further discussion, Mr. Thompson made a motion in the matter of PSUB #06-120-015, Willows Run Subdivision, containing 46 lots, “having accepted the staff report and having made findings pursuant to Section 30.5.5 of the Subdivision Ordinance (Criteria or Approval of a Preliminary Plan), including adequate facilities as described in the attached Director’s Report, and including the letter dated 10-10-06 from DPW&T, I move that the preliminary subdivision plan be approved and Ms. Guazzo seconded. The motion passed by a 6-0 vote.

5. Concept Site Plan #05-132-008 – Smartronix Office Complex PH 1

Mr. Bowles read the staff report which recommended re-approval for two office buildings at 75,452 sq. ft. Mr. Reeves stated he has read all the information and would like to know if a final determination of the impact fees has been made. Mr. Groeger of DPW&T stated after extensive meetings we have come up with a couple of alternative fees for the site. Mr. Groeger stated one is the fee in lieu of a traffic signal of \$37,500.00, fee for a right-turn lane is \$50,000.00, and the

fee for a donation to the CIP would be \$239,000.00. Mr. Thompson stated living in the area he is not sure how a right-turn land would help he believes that it would actually elevate traffic. Mr. Thompson asked how far in the future until Lawrence Hayden Road is finished. Mr. Groeger stated it would be at least ten years. Mr. Thompson stated something is going to have to slow the traffic down.

Ms. McNeil stated that a payment bond is another way of doing the fee in lieu. Mr. Groeger stated the Board of County Commissioners have stated they would rather have the fee in lieu instead of the payment bond. Ms. McNeil asked if we could require the fee in lieu. Mr. Groeger stated yes in the amount of \$37,500.00.

Ms. Guazzo stated the previous board had some real concerns about the traffic issues. After further discussion Ms. Guazzo and Mr. Thompson stated they would like to see the traffic studies including dates and times. Mr. Nokelby stated this has been a real lengthy process for the applicant as well as a very expensive one. Mr. Nokelby stated the applicant has already shelled out cash for several issues including \$72,000.00 for a stormwater plan that was lost by someone other than the applicant.

Ms. Guazzo stated the site plan does not show any buffering between the proposed lot and the residences located behind the proposed lot. Mr. Nokelby stated the board is looking at one page of a 31 page plan. Mr. Nokelby stated there is a thirty foot buffer all the way around the property that will be built. Mr. Thompson stated the board should have gotten a copy of the buffering and the lighting. Mr. Shire stated all these findings have already been made by the Planning Commission in a previous meeting. Mr. Shire stated the traffic was the only issue not dealt with and this is why the applicant is here.

After further discussion, Ms. Guazzo made a motion in the matter of CCSP #05-132-008, Smartronix Office Complex, Phase-1, having accepted the staff report and having made a finding that the objectives of Section 60.5.3 of the Zoning Ordinance have been met, and noting that the referenced project has met all requirements for concept approval, noting the letter from DPW&T for the record, I move that the concept site plan be approved and Ms. McNeil seconded. The motion passed by a 5-1 vote with Mr. Thompson opposed.

ANNOUNCEMENTS – Ms. Guazzo commented at the last meeting Mr. Beck stated 80 ft. right-of-way was a sufficient easement according to DPW&T. Ms. Guazzo stated she asked DPW&T for information and Director Erichsen stated the State Highway Administration would only build four land divided highways in the future and the minimum easement width needed is 150 feet. Ms. Guazzo stated we need to make sure that this is upheld.

ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: June 25, 2007

Stephen T. Reeves
Chairman