

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, July 27, 2009**

Members present were Steven Reeves, Chairman; Brandon Hayden, Shelby Guazzo, Susan McNeill, Merl Evans, Martin Siebert, and Lawrence Chase. Department of Land Use & Growth Management (LUGM) staff present were Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Yvonne Chaillet, Zoning Administrator; Dave Berry, Planner II; and Amber Guy, 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 July 13, 2009 were tabled to the next meeting.

PUBLIC HEARINGS

Comprehensive Plan

Mr. Berlage gave a brief overview of the Comprehensive Plan outlining what is a Comprehensive Plan, why we are updating it now, major differences, and what the next steps will be. Mr. Jackman stated the draft plan has been prepared in accordance with Article 66B of the Annotated Code of Maryland. A media release was issued July 8, 2009 to generally describe the draft plan, to announce the July 27, 2009 hearing, and to invite public comment. The legal notice was published in the July 10, and July 15, 2009 issues of the Enterprise. Copies of the draft plan were placed in three public libraries in the County, and it was posted on the County's website.

Chairman Reeves opened the hearing for public comment as follows:

Suzanne Henderson

Ms. Henderson stated she is opposed to any Critical Area being inside the development districts. Ms. Henderson stated she is opposed to the Mill Cove and Myrtle Point areas being included in the development district and further development of these areas should be very limited.

Barbara Volland

Ms. Volland stated as a mother and grand-mother she is opposed to further development in the Mill Cove Area. Ms. Volland stated she fully supports the July 13, 2009 letter sent to Chairman Reeves asking for the Myrtle Point Peninsula to be removed from the Lexington Park Development District and focusing on preserving our land and water resources for future generations.

Hank Reckla

Mr. Reacla stated he also supports the July 13, 2009 letter to Chairman Reeves. Mr. Reacla stated yes, we would like to have water and sewer but not at the expense of high density development. Mr. Reacla stated he is in full support of Robert Willey's article in Southern Maryland News. Mr. Reacla stated if removing Myrtle Point Peninsula from the Lexington Park Development District will protect the area from high density development then, yes, remove it.

Trish Brow

Ms. Brow stated to keep the Mill cove area in the development district is insulting to the Smart Growth the state wants. Ms. Brow stated the infrastructure is not there and she believes it should be removed from the development district.

Gary Gateau

Mr. Gateau stated he supports the effort to have the Myrtle Point peninsula removed from the development district. Mr. Gateau reiterated how much run-off is coming from the Myrtle Point development which is contributing to the deterioration of the local waters.

Annie and Emily Lewis

Stated they whole heartedly agree with their neighbors regarding the Mill Cove issue.

Paul Downs

Mr. Downs stated he agrees with his neighbors to have Myrtle Point Peninsula removed from the Lexington Park Development District.

Robert Boswell

Mr. Boswell stated there is already drain fields that are draining into the creek in this area. Mr. Boswell asked that Mill Cove be removed from the development district.

Chip Dudderar

Mr. Dudderar stated he supports removing all critical areas from development districts. Mr. Dudderar stated if critical areas are not removed from development district he would like to have a written answer from staff and from the Planning Commission.

John Tifford

Mr. Tifford stated since he moved to the Mill Cove area in the 1980's he has noticed more and more cottages being removed and replaced with larger modern homes. Mr. Tifford stated there have been several subdivisions in this area as well. Mr. Tifford asked that the Myrtle Point Peninsula be removed from the Lexington Park Development District.

Jane Sypher

Ms. Sypher stated the Lexington Park Master Plan was reviewed in 2006. Ms. Sypher stated discussing removing mill Cove from the Development District confuses her a bit as the Master Plan won't be reviewed again until 2011. Ms. Sypher stated the Comprehensive Plan and Lexington Park Master Plan were both reviewed and approved by the Planning Commission and the Board of County Commissioners with no letters to the editor or opposing thoughts appearing from any of the Mill Cove residents. Ms. Sypher stated we seem to have lost sight of the 192 acre Myrtle Point Park which is in the Master Plan. Ms. Sypher stated if the Myrtle Point Peninsula is removed from the Development District, the County will have purchased 192 acres for a park that will never come to fruition.

Ms. Sypher stated we are just beginning to stabilize after the recession and now is not the time to be down sizing properties that are in the development zone. Ms. Sypher stated there are 42 houses in Mill Cove and of these 23 are on lots that are less than an acre but we seem to be saying "no", this is too small and lot sizes need to be larger. Ms. Sypher stated this area is in the Development District as it should be.

Brad Reeves

Mr. Reeves stated he wants to discuss reducing and changing boundaries in mainly the Chaptico area and part of his problem tonight is the presentation of intangibles and why they are important. Mr. Reeves recalled memories of childhood in Chaptico and living in a village type setting. Mr. Reeves stated urban and suburban areas have "community centers" and even here we have "residential communities" and "homeowners associations" and "regional parks" but no village planning. Mr. Reeves stated village communities are extremely important in grounding or anchoring even those who live outside the "village". Mr. Reeves stated he is an advocate for village planning with the residents and landowners before large areas are relegated "RPD" only. Mr. Reeves stated no development is coming to these "village centers" until water and sewer is available. Mr. Reeves stated limiting them beyond what was established by the community efforts when the original plan was developed seems wrong. Mr. Reeves stated village centers should be larger, if well planned by the communities involved for character, style, and convenience. Mr. Reeves submitted his full testimony for the record, hereby labeled as Exhibit 1 by the recording secretary.

Michael Bell on behalf of Guy Curley

Mr. Bell stated there is now a 2008 National Green Building Standard (NGBS) which is available builders, developers and local government. Mr. Bell stated the NGBS is a residential green building rating system. Mr. Bell stated the standard goes beyond the requirements of the International Residential code to set green baselines for all new residential construction, development, and remodeling projects. Mr. Bell stated the NGBS will be a useful tool in reviewing the Comprehensive Plan.

Ms. McNeill asked what the State of Maryland thinks about this standard and if it has been widely adopted. Mr. Bell stated this standard has only been available since January. Mr. Bell stated Montgomery County and the City of Rockville are in the process of adopting this standard so they do not have to write their own. Mr. Bell stated it is his understanding that the State has reviewed the standard and will be recommending that local governments adopt the standard however this has not occurred yet.

Guy Curley

Mr. Curley submitted the 2008 National Green Building Standard and a frequently asked questions sheet for the record, hereby labeled as Exhibit 2 by the recording secretary.

Patrick Welton representing a group of Hotels in St. Mary's County

Mr. Welton stated recently the new head of E-Bay for the State of Maryland visited St. Mary's County and before his tour he dined and toured Solomons Island. Mr. Welton stated we believe this is an example of the necessity to develop the waterfront in St. Mary's County. Mr. Welton stated looking at the leisure activities in Southern Maryland there is a strong tie between the proximity of the activity to how close it is to the waterfront. Mr. Welton stated with over 400 miles of shoreline we are far behind in our waterfront development. Mr. Welton stated without water and sewer along the shoreline we will be unable to create the types of venues to become a successful leisure destination. Mr. Welton asked if the Commission is aware of the 5% incremental tax goes to the general fund. Mr. Welton stated with a drop in tourism this tax can't go into the general fund. Mr. Welton asked that while reviewing the Comprehensive Plan please consider the benefits business waterfront development will have to the overall success of the County.

William H. Guy Jr.

Mr. Guy stated he owns Guy Automotive in Clements and asked that the Commission review the down zoning being proposed for the Clements area. Mr. Guy stated this down zoning will take away much of the Clements growth area.

Chris Longmore on behalf of the St. Mary's County Chamber of Commerce

Mr. Longmore submitted a letter dated July 27, 2009 for the record, hereby labeled as Exhibit 3 by the recording secretary. Ms. McNeill asked if the Chamber looked into templates for some of the items they are proposing in this letter. Mr. Longmore stated yes they have researched this however would like to do additional research prior to presenting something to the Commission.

Guy Curley on behalf of the St. Mary's County Community Workforce Housing Task Force

Mr. Curley stated the task force has identified four (4) key issues recommendation to help solve the workforce housing issues.

1. Preserve traditional neighborhoods
2. Create new supplies of workforce housing
3. Increase community awareness about workforce housing issues
4. Establish an ongoing source of funding to support workforce housing issues

Mr. Curley submitted the Spring 2007 Report, March 28, 2008 letter to the Board of county Commissioners, and the Fall 2008 Report for the record, hereby labeled as Exhibit 4 by the recording secretary.

George Heinze

Mr. Heinze stated he is concerned about his property in New Market where he and his brother have been working on a project. Mr. Heinze stated over \$500,000 has been put into this project as well as the purchase of additional properties and water and sewer amendments. Mr. Heinze stated the characteristics of this area are commercial and asked that the Commission leave the zoning TMX in this area.

Robin Guyther representing Walter Sawyer

Mr. Guyther stated this property is in Tall Timers and contains one acre of land. Mr. Guyther stated prior to the last Comprehensive Plan and subsequent Comprehensive rezoning, the property was zoned RTD and contained two buildings which each contained two dwelling units and had been allocated 4 EDUs to serve the four dwelling units. Mr. Guyther stated during the 2002 rezoning, the property was removed from the Piney Point Town Center and rezoned to RPD, rendering it a non-conforming use. Mr. Guyther stated since the two apartments in the smaller building have not been rented for over a year that building recently lost its non-conforming use status. Mr. Guyther submitted a letter and enclosures dated July 23, 2009 to the Planning Commission for the record, hereby labeled as Exhibit 5 by the recording secretary.

William Guy Sr.

Mr. Guy asked that the TMX zoning in Clements be reconsidered.

Buddy Thompson

Mr. Thompson stated he owns two businesses in Clements and asked that the Commission reconsider leaving the zoning TMX. Mr. Thompson submitted a map of Clements zoning for the record, hereby labeled as Exhibit 6 by the recording secretary.

Perry Guy

Mr. Guy stated he owns property in Clements that is currently zoned VMX and proposed to be down zoned to RCL. Mr. Guy stated he is unsure how the down zone would affect his property at this time and asked if the RCL would allow someone to remove and replace a structure for commercial purposes.

Chris Longmore on behalf of Michele Aloisio

Mr. Longmore requested that the existing zoning of RPD be considered for change to RSC as part of the comprehensive rezoning process in Morganza. Mr. Longmore stated this property has historically been a commercial use and is not best suited for residential use. Mr. Longmore cited the Ordinance for Rural Service Centers. Mr. Longmore submitted a letter dated September 17, 2008 to Jeffery Jackman for the record, hereby labeled as Exhibit 7 by the recording secretary.

Lauren Klatt representing the Young Professionals Initiative of Southern Maryland

Ms. Klatt stated the initiative is disappointed that the ages of 19 and below and 65 and above are represented in the comprehensive plan however our demographic is not. Ms. Klatt stated the initiative has found that this area is a pit-stop for professional between college and a career.

Daniel Grant representing the Young Professional Initiative of Southern Maryland

Mr. Grant stated the initiative has been working with the Chamber of Commerce, Economic and Community Development and others to figure out why young professional are not staying in the area. Ms. McNeill asked if there was additional information the initiative wanted to submit. Mr. Grant stated the initiative is still pulling together information to forward to the Commission.

Roberta Sola on behalf of 25 Park Hall Residents

Ms. Sola stated at the June 22nd meeting John Levay, owner of a 313 acre farm in Park Hall, asked for a relaxation of the zoning standards for this area for lodging and hotel purposes. Ms. Sola stated currently the comprehensive plan does not propose a change in zoning for Park Hall. Ms. Sola stated the vision we have for our Park Hall community is that it remain rural and

agricultural in nature. Ms. Sola stated this group of residents is strongly opposed to any change in zoning for the Park Hall area.

Robert Gibbs on behalf of the Historic Preservation Commission

Mr. Gibbs referenced Chapter 5 Section 5.14 of the Comprehensive Plan which pertains to the Historic Preservation Commission. Mr. Gibbs requested specific language changes to this section and submitted a letter with the changes dated July 27, 2009 for the record, hereby labeled as Exhibit 8 by the recording secretary.

John Hurry

Mr. Hurry stated he is opposed to the re-zoning of Clements from VMX to RSC. Mr. Hurry stated he does not understand the re-zoning.

Sue Lockhart

Ms. Lockhart stated she is concerned after hearing all the testimony regarding the Mill Cove area. Ms. Lockhart stated high density is located at the end of her road, the WaWa, the new hotel going in, etc. Ms. Lockhart stated even with the development she has not seen any degradation in the area, no lowering of property values. Ms. Lockhart stated maybe the Mill Cove owners need to embrace the development rather than stopping it.

Thomas Unkle

Mr. Unkle stated he owns property just outside Park Hall and has heard of a large subdivision which is in the works for the area. Mr. Unkle stated if this is in fact true he would like to see a large recreational park. Mr. Unkle stated this area is already congested with traffic around the post office and he believes there aren't any school seats available in this area. Mr. Unkle asked that the Commission review this project well and make neighbors informed and involved.

Ken Carkhuff

Mr. Carkhuff asked that full consideration be given to the Amish and Mennonite Communities in the comprehensive plan. Mr. Carkhuff stated bicyclers also utilize Jones Road and we need to make sure the infrastructure is available to them to continue to bicycle. Mr. Carkhuff asked that the traffic in the Dorsey Park Corridor also be examined for the comprehensive plan.

Chairman Reeves closed the public hearing and left the record open until August 7, 2009.

DEVELOPMENT REVIEW

CCSP #07-132-025 – Auto Zone Retail Auto Parts Store

Mr. Berry gave an overview of the request for a 6,768 square foot auto parts store stating final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval. Ms. McNeill asked if there will be services provided. Mr. Berry stated no, sales only. Ms. Guazzo stated it is nice to see a re-use of a property rather than a new building being constructed.

Mr. Chase made a motion in the matter of CCSP #07-132-025, Auto Zone (Great Mills), having accepted the staff report and having made a finding that the objectives of Section 60.5.4 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 MSiebert seconded. The motion passed by a 7-0 vote.

PSUB #04-120-045 – Elizabeth Hills

Mr. Berry gave an overview of the request for 40 lots in phase 1 stating an approved Forest Conservation Plan is required and there are no outstanding issues that would affect a decision at this time. Ms. Guazzo asked if staff is satisfied that all the environmental concerns regarding natural wildlife have been addressed. Mr. Berry stated yes.

Ms. Guazzo stated she would like know what the Maryland Department of Natural Resources owns on the northern end of this property. Mr. Berry stated he could obtain this information for Ms. Guazzo. Mr. Jackman stated part of the land is the St. Mary's River Watershed and some of it is designated as wild lands.

Ms. Guazzo asked if a buffer is needed. Mr. Shire stated the park is considered public or semi-public therefore the Ordinance does not require a buffer. Ms. Guazzo stated this development should be held to the Stormwater Management Act of 2007 insofar as the spirit and intent. Mr. Joe Patgeski stated the Stormwater Management Act of 2007 has not been adopted by most Counties in Maryland and he does feel that the development complies with the spirit and intent of the Act. Mr. Patgeski gave a brief overview of the stormwater management features that will be utilized.

Ms. Guazzo stated she is concerned that the State Highway Administration (SHA) has not approved the traffic impact study. Ms. Guazzo stated the highway hydraulics division notes in #3 that clarification of how the ponds will discharge and be dewatered is critical as well as comment #8.b which indicates an issue with the scaling of the storm drain profile. Mr. Patgeski stated we are working with the SHA to address their comments as well as all the other agencies.

Mr. Siebert made a motion in the matter of PSUB #04-120-045, Elizabeth Hills, containing 256 detached single family and townhouse lots, having accepted the staff report and having made findings pursuant to Section 30.5.5 of the Subdivision Ordinance (Criteria for Approval of a Preliminary Plan), including adequate public facilities, except for schools and compliance with the Annual Growth Policy and a finding of Adequate Public Facilities for schools and compliance with the Annual Growth Policy for Phase 1 (40) lots, as described in the Director's Report, I move that the preliminary subdivision and phasing plan be approved with the following condition:

- 1. The applicant must return to the Planning Commission for approval of each successive Phase with regard to APF for schools and compliance with the Annual Growth Policy.***

Mr. Chase seconded and the motion passed by a 7-0 vote.

PSUB #09-120-008 – Twin Ponds Section 2 Phase 4

Mr. Berry gave an overview of the request for a 5 lot major subdivision in phase 4 stating there are no outstanding issues that would affect a decision.

Ms. McNeill made a motion in the matter of PSUB #09-120-008, Twin Ponds, Section 2, Phase 4, containing 5 of 64 lots, having accepted the staff report and having made findings pursuant to Section 30.5.5 of the Subdivision Ordinance (Criteria for Approval of a Preliminary Plan), including adequate public facilities, and compliance with the Annual Growth Policy for Phase 4 (5 lots), as described in the Director's Report, I move that the Phase 4 preliminary subdivision plan be approved and Mr. Siebert seconded. The motion passed by a 7-0 vote.

PSUB #09-120-009 – Estates at Joy Chapel Lots 30-31

Mr. Berry gave an overview of the request of a 2 lot major subdivision stating there are no outstanding issues that would affect a decision at this time.

Ms. McNeill made a motion in the matter of PSUB #09-120-009, Estates at Joy Chapel, Phase 4, containing 2 lots, having accepted the staff report and having previously made findings pursuant to Section 30.5.5 of the Subdivision Ordinance (Criteria for Approval of a Preliminary Plan), including adequate public facilities, except for schools and compliance with the Annual Growth Policy and a new finding of Adequate Public Facilities for schools and compliance with the Annual Growth Policy for Phase 4 (2 lots), as described in the

Director's Report, I move that the preliminary subdivision plan for Phase 4 be approved and Mr. Chase seconded. The motion passed by a 7-0 vote.

ANNOUNCEMENTS

ADJOURNMENT

The meeting was adjourned at 9:11 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: August 10, 2009

Stephen T. Reeves
Chairman