

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, September 25, 2006**

Members present were Steve Reeves, Chair; Howard Thompson, Vice Chair; Lawrence Chase; Merl Evans; Shelby Guazzo; Brandon Hayden; and Susan McNeill. Department of Land Use and Growth Management (LUGM) staff present were Denis Canavan, Director; Phil Shire, Deputy Director; Jeff Jackman, Senior Planner; Bob Bowles, Planner II; Dave Berry, Planner I; Susie McCauley, Senior Planning Specialist; and Cindy Koestner, Recording Secretary. County Attorney, Christy Holt Chesser, and Deputy County Attorney, Colin Keohan were also present.

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

ANNOUNCEMENT

The October 10, 2006 Planning Commission meeting will be held in the Center Hall of the Southern Maryland Higher Education Center due to a scheduling conflict. This will be a Tuesday meeting because Monday is a holiday.

APPROVAL OF THE MINUTES – The minutes of September 11, 2006 were approved as recorded.

DEVELOPMENT REVIEW

CWSP #06-120-009 – LANDS OF OTTO GOTTLIED

The applicant is requesting review of a Concept Development Plan, in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 187 acres; is zoned Rural Preservation District (RPD); and is located at Laurel Grove Road, Mechanicsville, Maryland; Tax Map 19, Grid 1, Parcel 191.

Owner: Otto Gottlied (Osprey Property Co., David R. Lewis)
Present: Bill Higgs, Little Silences Rest, Inc.

Mr. Bowles explained there are no outstanding issues. The subdivision is proposed to contain 61 lots and is required to be served by a central water system. The current Comprehensive Water and Sewerage Plan (CWSP) category is No Planned Service (NPS) and the applicant is requesting an amendment to change the category to Rural Water (RW). Sewerage service for the lots will be provided by individual septic systems.

Mr. Reeves asked if an RW category will allow greater density in the development. Mr. Bowles explained any subdivision over 24 lots requires a connection to a central water system. Ms. Guazzo asked if the applicant is only allowed to develop half of the parcels. Mr. Bowles confirmed the applicant is required to keep a minimum of 50 percent open space on each of the parcels because the property is zoned RPD.

Ms. Guazzo expressed concern the applicant is developing the first five lots as a minor subdivision; however, she feels this development does not meet the definition of a minor subdivision as stated in the Ordinance. She explained the first five lots of what will eventually be a major subdivision should not be allowed to begin development as a minor subdivision. Mr. Bowles explained the Adequate Public Facilities (APF) rule in the Ordinance requires school space be available before a major subdivision can be approved. Because there is currently no area school space available, the applicant can only develop five lots on either side of the road. Mr. Bowles explained the applicant plans to develop the remainder of the lots when school space becomes available. He explained developing the first lots will allow the applicant to recoup some development costs until a major subdivision can be approved. Ms. Guazzo expressed further concern the applicant is creating separate lots of record to develop two minor subdivisions when the concept plan is for a major subdivision. Mr. Shire noted the applicant already has two lots of

record, one on either side of the road, which can be subdivided up to five lots apiece. Ms. McNeill asked if the Board of County Commissioners (BOCC) is aware staff is approving developments in these situations. Mr. Canavan replied the BOCC is aware because minor subdivisions are exempt from the APF rule. He noted there are two separate parcels and even without the CWSP category change, the applicant can still develop five lots per parcel. When they come back to develop any more lots, even if it is just the sixth lot, the development will be considered a major subdivision. Ms. McNeill asked how many times similar situations have occurred. Mr. Shire explained there have been a few other developments in a similar situation, but none have made it to recordation yet. Mr. Shire stressed this is only a first step and staff will not allow this development to go past five lots on each parcel until the development can meet the APF requirements for major subdivisions.

Ms. Guazzo asked if there will be a deed on each side of the road for five lots. Mr. Shire replied there will be a plat for each. Mr. Canavan explained the first five lots are considered a minor subdivision at this point and the next five lots are considered an outparcel.

Mr. Thompson inquired about the length of time until additional lots are developed. He expressed concern ten separate well holes will be dug as a temporary measure until other lots are developed and the subdivision is hooked to a central water system. Mr. Shire replied there is no way to know when the school capacity will become available. He explained staff can get input from the Health Department on the environmental impacts of filling and capping the ten wells when they are no longer needed. Mr. Thompson expressed concern if the major subdivision does not develop fast enough, then the developer could potentially have up to 24 lots, each with an individual well, before the subdivision is required to hook to central water. Mr. Shire noted if the CWSP category is changed from NPS to RW, the developer may not be able to drill any more individual wells after the first ten and will have to hook up to the central water system with any additional lots.

Mr. Reeves asked if this development will go before a public hearing. Mr. Shire and Mr. Canavan replied yes. Ms. Guazzo inquired about access to the development. Mr. Higgs replied the developer is still working on right-of-way issues. He explained the ultimate plan is to have one right-of-way joining a County road to serve all lots; however, the applicant wants to get the CWSP category changed before resolving these issues.

Mr. Higgs stressed the applicant is not trying to be dishonest; rather, the applicant wants to proceed with ten lots to recoup some of the development costs and get everything lined up for the major subdivision when the school capacity becomes available. Ms. Guazzo asked why the particular location for the first lots was chosen. Mr. Higgs explained the Ordinance requires 50 percent of the open space be clustered. Mr. Reeves inquired about the future impact on Laurel Grove Road. Mr. Bowles replied the Department of Public Works and Transportation (DPW&T) will address any road concerns at APF review time. Mr. Reeves asked where the main entrance will most likely be located. Mr. Higgs replied there are a few proposals and a traffic study is in the works, but most traffic will probably connect to MD 235 or MD 247.

Mr. Thompson asked for clarification the Planning Commission is not allowed to make a decision on a CWSP category change based on concerns outside of water and sewer, such as traffic concerns. Ms. Chesser replied this is correct, but it is helpful for the applicant to hear other concerns at this time.

Mr. Thompson moved that having accepted the staff report, dated September 15, 2006, and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water and Sewerage Plan amendment to change the water categories from NPS to RW, the Planning Commission grant approval of the concept plan. The motion was seconded by Mr. Hayden and passed by a 6-1 vote. Ms. Guazzo was opposed.

CWSP #06-120-008 – PEMBROOKE RUN

The applicant is requesting review of a Concept Development Plan, in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 19.92 acres; is zoned Residential Low-Density District (RL); and is located at 46800 Meadows Way, Great Mills, Maryland; Tax Map 51, Grid 22, Parcel 636.

Owner: D & E Construction Inc. (c/o Dennis Frischholz)

Mr. Bowles explained there are no outstanding issues. The subdivision is proposed to contain 22 lots, is located in the Lexington Park Development District, and is required to be served by a public community sewer and water system. The applicant is requesting the CWSP categories be changed from W-6 and S-6 to W-3D and S-3D.

Mr. Thompson stated he has a question for the applicant but neither the applicant nor the agent is present. The Planning Commission members discussed postponing a decision on the case until the applicant can be present to answer questions.

Mr. Thompson moved to table this case until the next meeting. The motion was seconded by Ms. McNeill and passed by a 7-0 vote.

CCSP #06-132-023 – ELIZABETH HILLS TOWNHOMES

The applicant is requesting review and approval of a Concept Site Plan for 123 townhouses. The property contains 101.5 acres; is zoned Residential Low-Density District (RL); and is located at 20976 Indian Bridge Road, Great Mills, Maryland; Tax Map 50, Grid 12, Parcel 36, 292.

Owner: Calvert LLC (C.R. Bailey, Jr.)
Present: Joe Kadjeski of Collinson, Oliff and Associates; Frank Jaklitsch, Planning Consultant

Mr. Shire stated the CWSP amendment has been passed and finalized for this property. He explained the townhouses will be accessible from Indian Bridge Road via Pegg Road, which will be extended by the County. Until the extension of Pegg Road occurs, the access will be directly off Indian Bridge Road. Mr. Shire noted the applicant will build half of the Pegg Road extension. He stated the area wetlands are not anticipated to be disturbed. Mr. Shire noted the applicant plans to include 135 single-family homes in this subdivision, which will come before the Planning Commission at a future meeting.

Ms. Guazzo inquired about the 20-foot widening strip on Indian Bridge Road shown on the site plan. Mr. Shire replied the applicant will be required to dedicate a 20-foot strip of land upon approval of the site plan for future widening of Indian Bridge Road. Ms. Guazzo asked if the strip will be owned by the State after it is dedicated. Mr. Kadjeski replied yes, the strip will be given to the State. Ms. Guazzo asked if the applicant will be reimbursed by the State for the dedicated strip of land. Mr. Kadjeski replied the applicant will receive no reimbursement and will pay for the widening of Indian Bridge Road along that strip.

Ms. Guazzo asked how the developer will achieve the density of 5.33 units per acre for the townhouses and 1.83 units per acre for the single-family homes. Mr. Kadjeski replied the density will be achieved through a combination of Transferable Development Rights (TDRs) and design enhancements. The design enhancements include bio-retention stormwater management devices, commitment of more than 50 percent open space and additional landscaping. Ms. Guazzo asked if there will be any affordable housing in the subdivision. Mr. Bailey explained no pricing structure has been established at this time but the developer plans to build both townhomes and single-family homes in order to offer a variety of housing options in the subdivision. Mr. Reeves inquired about the time frame for the extension of Pegg Road. Mr. Shire explained it is listed in the Transportation Plan as a short-term improvement. Mr. Reeves asked

for clarification Indian Bridge Road will be the main access point until Pegg Road is extended. Mr. Shire confirmed that is correct.

Mr. Thompson moved that having accepted the staff report, dated September 18, 2006, 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 as a prerequisite for final site plan approval, the Planning Commission grant approval of the concept site plan. The motion was seconded by Mr. Evans and passed by a 7-0 vote.

ADJOURNMENT

The meeting was adjourned at 7:20 p.m.

Cindy R. Koestner
Recording Secretary

Approved in open session: October 10, 2006

Stephen T. Reeves
Chairman