

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, December 8, 2008**

Members present were Steven Reeves, Chairman; Howard Thompson, Shelby Guazzo, Susan McNeill, Merl Evans, Brandon Hayden 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; Yvonne Chaillet, Zoning Administrator; Dave Berry, Planner II; Jeanine Harrington, Planner 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 November 24, 2008 were approved as amended.

PUBLIC HEARINGS

Text Amendment for Digital Signs, Continued from November 24, 2008

Ms. Chaillet gave a brief overview stating this is a continuance of the public hearing from November 24, 2008. Ms. Chaillet stated as a result of the last hearing staff has added definitions for animation, blinking, color, flashing, and scrolling. Ms. Guazzo stated she would like to see the regulations from surrounding counties for a possible work session. Mr. Reeves stated he did not want retail sales advertisements such as milk for \$2.99 a gallon. Mr. Evans stated he believed the Commission discussed having no animation such as cartoons or moving characters.

Ms. McNeill asked if a plan was submitted for Mr. Guyther's proposal. Ms. Chaillet explained this text amendment is for on-site advertising only and Mr. Guyther's off-site proposal would have to either wait or the text amendment would have to be re-introduced. Mr. Evans stated only the on-site advertising should be dealt with now.

Mr. Shire emphasized staff is not really changing the scope of the regulations but rather embracing this new technology. Ms. Guazzo recommended scheduling a work session at the January meeting. Mr. Evans disagreed asking if a work session is really necessary. After discussion ***Mr. Reeves closed the public hearing and recommended the text amendment be scheduled for a decision at the January 12, 2009 meeting.***

FAMILY CONVEYANCE

MSUB #08-110-047 – J.C. Dyson Estates

Ms. Harrington gave an overview of the two additional lots on a private road stating there are no outstanding issues pertaining to family conveyance approval. Ms. McNeill asked how many homeowners have signed the road maintenance agreement. Mr. Trautman stated the road maintenance agreement would be updated to include all homeowners.

Mr. Evans made a motion in the matter of MSUB #08-110-047, J.C. Dyson Estates Subdivision, having accepted the staff report and having made findings pursuant to Section 30.11.4 of the Subdivision Ordinance (Criteria for Approval of a Family Conveyance), I move that the Family Conveyance subdivision plan be approved, with the condition that agreements ensuring access to, and use and maintenance of, the road shall be recorded prior to recordation of the plat and Mr. Thompson seconded. The motion passed by a 7-0 vote.

DEVELOPMENT REVIEW

PSUB #05-120-023 – Lightfoot Manor Subdivision

Mr. Berry gave an overview of the 24 lot major subdivision stating Transferable Development Rights (TDRs) are required to reach the requested density. Mr. Reeves asked if the right of way is wide enough. Mr. Berry stated this road will be improved to County standards after this approval. Ms. Guazzo asked how this is possible when the site plan reads "variable width". Mr. Doug Ostazeski gave an overview stating there is a minimum of a 45 foot right of way throughout the development which is the County standard.

Ms. Guazzo asked about the 6 acres removed from the site. Mr. Ostazeski stated this is part of the open space requirement. Ms. Guazzo stated there is a lot of property not being developed and asked if this will eventually be developed. Mr. John Norris Jr. stated this is personal property which will eventually be developed but will be no more than 10 lots per site.

Ms. Guazzo asked if this project was in the queue for school seats. Mr. Bowles stated this project was included in the queue however was inadvertently removed during the restructuring. Ms. Guazzo asked how many TDRs would be needed for this project. Mr. Norris stated 24 TDRs would have to be purchased.

Mr. Thompson made a motion in the matter of PSUB #05-120-023, Lightfoot Manor Subdivision, containing 24 single family 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 24 lots, as described in the Director's Report, I move that the preliminary subdivision and phasing plan be approved with the following conditions:

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

CDSP #07-120-008 – Mill Cove Manor

Mr. Bowles gave an overview of the request to amend the Comprehensive Water and Sewer Plan for a 33 lot major subdivision stating there are no outstanding issues pertinent to the CWSP amendment. Ms. Guazzo asked if this entire project was in the Critical Area. Mr. Bowles stated yes however none of the project will occur within the buffer. Ms. Guazzo stated this project is not in character with the surrounding neighborhood as the lots are all very small. Mr. Guy Curley stated these will be cottage style homes.

Mr. Norris stated materials such as pervious pavers will be utilized to remain within the lot coverage amounts for the Critical Area.

Mr. Evans made a motion in the matter of CDSP #07-120-008, Mill Cove Manor, having accepted the staff report and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water and Sewer amendment to change the water and sewer categories from S-6D and W-6D to S-3D and W-3D, and noting that the plan must return to the Planning Commission for Preliminary Plan approval, I move that the concept development plan be approved and Mr. Hayden seconded. The motion passed by a 7-0 vote.

CDSP #07-120-015 – Mill Cove Harbor

Mr. Bowles gave an overview of the request to amend the Comprehensive Water and Sewer Plan for a 23 lot major subdivision stating there are no outstanding issues pertinent to the CWSP amendment. Ms. Guazzo again stated the lots are very small and are not in character with the neighborhood.

Mr. Thompson made a motion in the matter of CDSP #07-120-015, Mill Cove Harbor, having accepted the staff report and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water and Sewer amendment to change the water and sewer categories from S-6D and W-6D to S-3D and W-3D, and noting that the plan must return to the Planning Commission for Preliminary Plan approval, I move that the concept development plan be approved and Mr. Chase seconded. The motion passed by a 7-0 vote.

ANNOUNCEMENTS

Mr. Reeves announced this is Mr. Howard Thompson's last meeting as he would be joining the Board of Appeals in January.

ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Jada Stuckert
Recording Secretary

Approved in open session:

Stephen T. Reeves
Chairman