

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, May 12, 2014**

Members present were Howard Thompson, Chairman; Shelby Guazzo, Patricia Robrecht, Susan McNeill, Merl Evans, Martin Siebert, and Hal Willard. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Director; Bill Hunt, Deputy Director; Bob Bowles, Planner IV; Hannah Pinkerton, Planner II; Jeff Jackman, Senior Planner; and Jada Stuckert, Recording Secretary. County Attorney George Sparling was also present.

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

APPROVAL OF THE MINUTES – The minutes of April 28, 2014 were approved as amended.

PUBLIC HEARING

CWSP #13-200-003 – Estates at Joy Chapel Section Two – *Continued from 4/14/14*

The hearing was advertised in The Enterprise on March 28, 2014 and April 4, 2014. Chairman Thompson indicated this hearing is being continued from the April 14, 2014 meeting. Chairman Thompson stated this is not an approval for any type of development; it is strictly limited to a water and sewer category change. Chairman Thompson clarified that if approved by the Planning Commission it will still need to be approved by the Board of County Commissioners. Chairman Thompson indicated when the time comes for the applicant to build on the property all details will be released to the Planning Commission at which time we will review every detail of the proposed development.

Mr. Jackman indicated the proposed amendments would change the water service category for 6.84 acres at the northeast corner of Joy Chapel Road intersection with Mervell Dean Road (MD Route 944) described as Outparcel A of the Estates at Joy Chapel Subdivision from W-6D (service in 6 to 10 years, developer financed) to W-3D (service in 3 to 5 years, developer financed), and change the sewer service category for Outparcel A from S-6D (service in 6 to 10 years, developer financed) to S-3D (service in 3 to 5 years, developer financed) in anticipation of providing public water and sewerage service for proposed multifamily development.

Chairman Thompson opened the hearing to public comment.

Mr. Robert Russell

Mr. Russell indicated on a map the potential traffic movements that would occur if the proposed development was approved. Mr. Russell indicated the proposed development traffic would have a huge impact on the local residents.

Ms. Cecilia Murphy

Ms. Murphy stated her parents built a home on Joy Chapel Road many years ago when there were only 15 houses on the road and now there are over 200 which still use the same one way in and one way out road. Ms. Murphy indicated she has seen the quality of the water on the creek dissolve over the years and the wildlife has disappeared. Ms. Murphy stated she is opposed to the water and sewer lines as she feels they will adversely affect the water quality further.

Mr. Dan Davis

Mr. Davis indicated he has read the 2010 Land Use Study to better understand it. Mr. Davis stated the community has shown out in force tonight in opposition to this water and sewer category change. Mr. Davis stated if the Planning Commission approves this request they clearly do not have the community's best interest at heart. Mr. Davis urged the Planning Commission to oppose this request.

Ms. Amanda Hooper

Ms. Hooper stated she is concerned about the stormwater runoff into the pond. Mr. Wayne Hunt addressed this stating the State's requirements for stormwater runoff have changed over the years and are now stricter. Mr. Hunt stated at this point the only disturbance would be to the road which we will have to repair. Ms. Hopper asked about the name of the development inferring that Section 2 would be included with Section 1. Mr. Hunt stated the name is simply a name and in no way, shape, or form would Sections 1 and 2 be combined unless the homeowners wished to do so later.

Mr. Rick Gladwell

Mr. Gladwell stated the sewer manhole Mr. Hunt spoke about is in fact located on a property that is already developed. Mr. Hunt showed Mr. Gladwell on the proposed plan that this is not the case.

Mr. William Rishel

Mr. Rishel stated if you're going to try and divert water it needs to be done underground through pipes. Mr. Hunt stated for Section 1 there is only 1 stormwater management facility, Section 2 will be using the new stormwater management regulations which require several smaller facilities and will not tie into Section 1 at all.

Ms. Lisa Thannhouser

Ms. Tannhouser stated she is the fourth house on the plan and it looks like the lines run directly through it. Mr. Hunt stated this is just a label, there is no pipe going through this lot. Ms. Tannhouser indicated her water pressure is not very big and asked what this project is going to do to the water pressure. Mr. Hunt stated Metcom addressed this at the last meeting.

Ms. Guazzo asked which stormwater management regulations are being followed. Mr. Shire confirmed that the 2010 standards which are the newest and most stringent as they require that all stormwater management has to be done to the maximum extent possible. Ms. Guazzo asked about the open space parcel which has a higher elevation than the rest of the property and asked if they would be allowed to grade this knoll down. Mr. Shire stated they possibly could.

Mr. Mark Pinkel

Mr. Pinkel stated he is concerned with the water pressure. Mr. Pinkel stated when he moved in to his property the water pressure was at 80 psi and is now less than half of that now. Mr. Pinkel asked how this water sewer change will affect the water pressure. Mr. Pinkel also indicated the stormwater runoff is a concern.

Ms. Christy Hollander, Metcom, stated that the Hollywood area had a booster pump for the Bean building. Ms. Hollander stated the tower will not affect the water pressure. Ms. Hollander explained the process for approval of a water plan. Ms. Hollander stated Metcom guarantees 35 psi. Ms. Hollander stated she would inform her director of all the concerns she hears tonight. Ms. McNeill asked if the water study is done and doesn't meet the required 35 psi does the project get denied. Ms. Hollander stated yes.

Mr. Mike Hayden

Mr. Hayden asked if this has already been approved for service in 6 to 10 years. Mr. Thompson stated this property was designated W-6D and S-3D when the plan was written so yes.

Mr. Bruce Daniel

Mr. Daniel stated this community is a one way in and a one way out with a school on Joy Chapel Road and the community is also located in the radius of the Nuclear Power Plant. Mr. Daniel stated if the proposed development is constructed and there is a mass emergency the people within this area would be doomed. Mr. Daniel urged the Planning Commission to deny the request.

Ms. Lynn Kaniss

Ms. Kaniss stated it is difficult to see the environmental impacts that may occur a number of years down the road. Ms. Kaniss stated she would like to raise concern to the potential environmental impacts. Ms. Kaniss stated we are all concerned because we were all lied to when we purchased our homes and don't want that situation to happen again. Ms. Kaniss stated she is also concerned that the ponded water will create a mosquito breeding ground. Mr. Hunt indicated the new stormwater regulations require a constant down drain which will keep the pond water moving.

Mr. Bruce Newell

Mr. Newell stated there are proposed concrete parking areas and houses: Where is this water going to flow? Mr. Hunt stated with the site design we use a bunch of smaller ponds throughout the development which will help handle the runoff. Mr. Newell asked how the water gets from the ponds to the creek. Mr. Hunt stated there are many different avenues for the water to take however nothing has been designed yet because this is just a proposal for the water and sewer category change.

Mr. Allan Kaniss

Mr. Kaniss asked why the sewage is coming through Section 1. Ms. Hollander stated the maintenance trucks come in to make sure that the tanks are clean and there are no problems.

Mr. Bob Pearce

Mr. Pearce referenced a letter he sent in on May 6, 2014 stating he understands that this is simply a water sewer category change however questions why all the information being provided references the project that could possibly be there. Chairman Thompson explained this information is required in order to apply for the water sewer category change.

Ms. Perryman

Ms. Perryman stated she, as a home owner, has to do anything she can to reduce runoff and asked what the developer would be doing to reduce potential runoff. Mr. Hunt stated there are a number of different sight design measures that can be taken to ensure as little runoff as possible however at this point in time nothing has been designed yet. Ms. Perryman stated this proposed development will ultimately increase the stormwater runoff and asked the Planning Commission to consider this when making their decision.

Chairman Thompson closed the hearing to public comment.

Ms. Guazzo asked what the design factors are by the amount of rainfall. Mr. Hunt stated it's designed by the 1 year storm regulations however we use the 2 year requirements for erosion control.

Mr. Willard stated he would like to see all these questions answered the next time this comes before the Planning Commission. Mr. Siebert asked about the water pressure. Ms. Hollander stated all she can say at this point is that Metcom will continue to look in to this issue. Mr. Willard asked if no development is done within the 3-5 years would the category revert back to the 6-10 years. Mr. Shire stated no it would simply sit on the books as service in 3-5 years.

Ms. Guazzo made a motion in the matter of requested amendments to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP) for the Estates at Joy Chapel Subdivision, Section 2, Case No. 13-200-003: having accepted the staff report dated March 21, 2014, and having held a public hearing on the request to amend the CWSP, and having made findings of adequacy with respect to the objectives and policies of the CWSP as required by the Environment Article of the Maryland Annotated Code and of consistency with the St. Mary's County Comprehensive Plan, I move that the Planning Commission recommend to the Commissioners of St. Mary's County that service area maps III-27 and IV-27 be amended to change the service categories from W-6D and S-6D (service in 6 to 10

years, developer financed) to W-3D and S-3D (service in 3 to 5 years, developer financed) for property described as Tax Map 27, Grid 19, Parcel 431, Outparcel A of the Estates at Joy Chapel Subdivision in the 6th Election district and in the Hollywood Town Center and that the Chair be authorized to sign a resolution on behalf of the Planning Commission to transmit this recommendation to the Commissioners of St. Mary's County and Mr. Willard seconded.

Mr. Evans asked if the decision of the Board of County Commissioners can be appealed. Mr. Sparling stated not through the Board of Appeals but it could be appealed though the Circuit Court.

The motion failed by a 0-7 vote with Ms. Robrecht, Mr. Siebert, Ms. McNeill, Ms. Guazzo, Mr. Thompson, Mr. Evans and Mr. Willard opposed.

BREAK

Comprehensive Water Sewer Plan (CWSP) Text Amendment

The proposed amendments would add appropriate language to pages IV-14 and IV-15 within Section 4.5.10, "Indian Creek Sanitary District No. 10," Subpart A. "Charlotte Hall, New Market and Mechanicsville Town Centers" to include a description of the Charlotte Hall Square wastewater treatment facility. The proposed amendments would also add appropriate language on page IV-17 of the CWSP to include a description of the Charlotte Hall Square treatment facility to "Table 4-2A: Inventory of Community and Rural Shared Systems."

Chairman Thompson opened the hearing to public comment.

Mr. John Parlett

Mr. Parlett stated MDE has approved the sewer plant several times but has never required it to be listed quite like this. Mr. Parlett indicated this is more of a housekeeping item. Mr. Parlett gave a brief overview of the request and asked for a positive motion from the Planning Commission.

Mr. Dale Burch

Mr. Burch asked if this is all going to be commercial development and asked if the houses on Triangle Drive will be affected by this at all. Mr. Parlett stated it will all be commercial development and the houses on Triangle Drive will not be affected.

Chairman Thompson closed the hearing to public comment.

Ms. McNeill made a motion as written: Having held a public hearing on the request to amend the CWSP to add a description of the Charlotte Hall Square wastewater treatment facility, and having made findings of adequacy with respect to the objectives and policies of the CWSP as required by the Environment Article of the Maryland Annotated Code and of consistency with the St. Mary's County Comprehensive Plan, I move that the Planning Commission recommend to the Board of County Commissioners that Chapter IV of the St. Mary's County Comprehensive Water and Sewerage Plan be amended as described in Exhibits 1 and 2 of the April 23, 2014 Public Hearing Staff Report and that the Chair be authorized to sign a resolution on behalf of the Planning Commission to transmit this recommendation to the Commissioners of St. Mary's County and Mr. Siebert seconded. The motion passed by a 7-0 vote.

Ms. McNeill made a motion to correct all information to read Charlotte Hall LC rather than Charlotte Hall Square and Ms. Guazzo seconded. The motion passed by a 7-0 vote.

DISCUSSION

Annual Growth Policy (AGP) Report

Mr. Shire, LUGM Director, gave a brief overview of the Annual Growth Policy (AGP) Report. The Planning Commission discussed the AGP Report.

Ms. Robrecht made a motion that the Planning Commission accept the report of the Department of Land Use & Growth Management and recommend to the Board of County Commissioners that the terms and rates of the Annual Growth Policy as adopted on August 19, 2008 and continued in FY 2010, FY 2011, FY 2012, FY 2013, and FY 2014 be carried forward in FY 2015 and Mr. Siebert seconded. The motion passed by a 7-0 vote.

ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: June 9, 2014

Howard Thompson
Chairman