

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, November 8, 2010**

Members present were Brandon Hayden, Chairman; Shelby Guazzo, Joe Meinert, Susan McNeill, Merl Evans, Martin Siebert, and Lawrence Chase. Department of Land Use & Growth Management (LUGM) staff present were Derick Berlage, Director; Phil Shire, Deputy Director; Dave Berry, Planner II; 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 October 25, 2010 were approved as presented.

DECISION

CWSP #10-200-002 – Thompson Property

Mr. Chapman stated the public hearing was held on 10/25/10 at which time the Commission opted to leave the record open for an additional ten (10) days to receive written comment. Mr. Chapman reviewed and addressed the written comments.

Mr. Evans asked if staff would be addressing all the questions listed within the written comment received. Mr. Chapman stated staff has not answered these questions to date however would be doing so in a timely manner. Ms. Guazzo asked if the seven (7) lots will hook up to the Wildewood water and sewer system that currently exists nearby. Mr. Chapman stated yes, this is what is currently shown on the concept site plan. Mr. Chapman stated the water and sewer lines are to be continued down Tallwood Drive per the developers plan. Ms. Guazzo asked if this is approved will it go back through the Technical Evaluation Committee (TEC) for preliminary approval. Mr. Chapman stated if approved by the Board of County Commissioners the preliminary plan will go through the review process and come back to the Planning Commission for approval. Ms. Guazzo asked if stormwater management would come through at that time. Mr. Chapman stated yes.

Mr. Hayden stated he and Mr. Evans have viewed the audio visual from the October 25, 2010 meeting and adequately feel they are able to make a sound decision tonight.

Mr. Chase made a motion in the matter of the Thompson Property, Case CWSP #10-200-002: having accepted the staff report dated September 29, 2010, and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (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 Board of County Commissioners that service area maps III-34 and IV-34 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 34, Grid 13, Parcel 82 in the 3rd Election District; I further move that the Chair be authorized to sign a resolution on behalf of the Planning Commission to transmit this recommendation to the Board of County Commissioners and Mr. Meinert seconded. The motion passed by a 7-0 vote.

DISCUSSION

Capital Improvement Plan (CIP) Presentation FY 2011 approved budget and plan and Planning Commission input for Capital Improvement Plan (CIP) FY 2012

Ms. Kramer gave an overview of the FY 2011 approved budget and plan including to date amendments. Ms. Kramer gave a brief overview of the FY 2012 proposed budget including the timeline for approval.

FAMILY CONVEYANCE

MSUB #05-120-007 – Spalding Family Subdivision

Mr. Berry gave an overview of the request for 7 additional lots on a private road and explained amendments to the staff report. Mr. Berry stated there are no outstanding issues that would affect a decision tonight.

Mr. Meinert questioned the existing access for lots six (6) and seven (7) stating White Marsh Lane shows a proposed twenty (20) foot right-of-way and asked if this is existing or proposed. Mr. Berry stated White Marsh Lane is existing. Mr. Meinert asked if there is a road connecting to Rt. 235. Mr. Berry stated yes, this already exists and is currently being used. Mr. Vukmer stated this in fact exists and does connect to Rt. 235. Mr. Vukmer stated the right-of-way has all already been approved.

Ms. Guazzo asked what the future development possibilities are for the surrounding properties. Mr. Berry stated without purchasing TDRs there would be no more development on this property. Ms. Guazzo asked if the open space parcel with 28 acres will remain as open space. Mr. Berry yes, this must remain open space.

Mr. Siebert asked why staff is requiring another road maintenance agreement. Mr. Berry stated the Ordinance requires the road maintenance agreement be recorded prior to recordation of the plat. Mr. Vukmer stated we will add the new lots to the existing road maintenance agreement. Mr. Meinert asked if it is possible to obtain the road maintenance agreement prior to applicant coming to the Planning Commission. Mr. Shire explained that sometimes the plans change which would require the road maintenance agreement to be amended. Mr. Shire stated if the Planning Commission were to deny the request for final approval the road maintenance agreement wouldn't be necessary. Mr. Shire stated it would be possible to supply the Planning Commission with a draft road maintenance agreement.

Mr. Siebert asked if the Zoning Ordinance requires that another road maintenance agreement be recorded. Mr. Siebert argued that the original road maintenance agreement should be sufficient. Mr. Shire explained the original road maintenance agreement only covers the existing lot owners and by recording another road maintenance agreement it would incorporate the new lots and owners being created. Mr. Siebert disagreed. Mr. Berlage stated all the land is subject to the original agreement however when the land is divided it changes the agreement. Mr. Berlage stated the purpose of the new agreement is to divvy up responsibility to each owner on the road.

Mr. Evans made a motion in the matter of Major Subdivision #05-120-007, Spalding Family 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 Ms. McNeill seconded. The motion passed by a 7-0 vote.

DISCUSSION

Planning Commission, Technical Evaluation Committee (TEC), and Pre-Application schedule for 2011.

ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: November 22, 2010

Brandon Hayden
Chairman