

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Monday, November 10, 2014**

Members present were Howard Thompson, Chairman; Shelby Guazzo, Patricia Robrecht, Susan McNeill, Martin Siebert, Merl Evans and Hal Willard. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Director; Bill Hunt, Deputy Director, Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Hannah Pinkerton, Planner II; Dave Chapman, Capital Facilities 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 October 27, 2014 were approved as presented.

**PUBLIC HEARING**

**2014 Comprehensive Water and Sewerage Plan Amendments**

Mr. David Chapman and Phil Shire were sworn for the record. Mr. Chapman indicated the public hearing was advertised in The Enterprise on October 24, 2014 and October 31, 2014 and submitted the certification of publication for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Mr. Chapman noted for the record that all references to Exhibits in the staff report should be read as Attachments. Mr. Chapman gave an overview of the staff report as follows: Pursuant to §9-503 of the Environment Article of the Annotated Code of Maryland, the Commissioners of St. Mary's County are required to review the St. Mary's County Comprehensive Water and Sewerage Plan at least once every three (3) years and to submit to the Maryland Department of the Environment any revision or amendment of the Plan that the Commissioners of St. Mary's County consider necessary. The purpose of tonight's hearing is to review the following proposed amendments and forward a recommendation to the Commissioners of St. Mary's County.

1. Chapter 113 of the St. Mary's County Code requires the CWSP to be amended annually to incorporate the approved Capital Improvement Budget (CIB) of the St. Mary's County Metropolitan Commission. The FY 2015-2020 CIB is proposed to be incorporated into Tables 3-4 and 4-5 of the CWSP.
2. Current data reflecting usage and capacities of water and sewerage systems and resources is proposed to be incorporated into Tables 3-1, 3-2, 3-2A, and 4-2B. Table 4-4 is proposed to be updated with the current MetCom table of equivalent dwelling units (EDUs).
3. Text is proposed to be added to page I-1 within Section 1.1, "Goals and Policies of the Comprehensive Water and Sewerage Plan" to confirm that appropriate protections will be incorporated into the design and construction of new water and sewerage facilities to safeguard impaired streams and other environmentally sensitive resources.
4. The preface is proposed to be deleted.

Mr. Chapman submitted the staff report and nine (9) attachments for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*. Ms. McNeill asked about table 3-1 that contains water system names but no values? Mr. Chapman indicated Maryland Department of the Environment (MDE) has not provided the actual usage information to date however they requested that these systems be listed in the plan. Mr. Willard asked about the Piney Point aquifer. Mr. Chapman indicated this is a shallow aquifer that has been overused and is only available to the southern part of the county. Ms. Guazzo asked about the aquifer we share with Charles County. Mr. Chapman indicated the numbers listed are our allocations only. Mr. Evans asked about the service area revisions. Mr. Chapman indicated this document was submitted to the County Commissioners however it has yet to be acted upon. Mr. Chapman indicated it is his understanding that a draft document will be worked on and resubmitted to the Commissioners at some point in the future. Mr. Siebert questioned attachment 8. Mr. Shire stated the State requested these statements be included in the plan. Mr. Evans asked if the tier maps are prepared. Mr. Shire indicated the Commissioners have not submitted them to the State.

Chairman Thompson opened the hearing to public comment, hearing none, closed the hearing to public comment.

***Ms. McNeill made a motion in the matter of the 2014 Comprehensive Water and Sewerage Plan Review and Report: having accepted the public hearing staff report dated October 21, 2014, and having held a public hearing on proposed amendments to 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 the St. Mary's County Code, and of consistency with the St. Mary's County Comprehensive Plan, I move that the Planning Commission adopt a resolution to approve and recommend to the Commissioners of St. Mary's County that the CWSP 2014 Review and Report be adopted and that the CWSP be amended to incorporate the revised tables and text of attachments 1-8 of said public hearing staff report and that the Chair be authorized to sign the resolution on behalf of the Planning Commission and transmit it to the Commissioners of St. Mary's County and Ms. Robrecht seconded.***

Ms. Guazzo indicated she has watched this since 2008 and cannot vote in favor of something that hasn't even been written yet. Mr. Siebert agreed indicating he is also not in favor. Mr. Evans indicated he has issues placing language in any document where the actual language hasn't been written. Ms. McNeill asked if there was a way to play with the wording. Mr. Shire indicated the CWSP has to be approved to be sent to the state however the language changes can be removed.

***The motion failed by a 0-6-1 vote.***

***Mr. Siebert made a motion in the matter of the 2014 Comprehensive Waste and Sewerage Plan Review and Report: having accepted the public hearing staff report dated October 21, 2014, and having held a public hearing on proposed amendments to 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 the St. Mary's County Code, and of consistency with the St. Mary's County Comprehensive Plan, I move that the Planning Commission adopt a resolution to approve and recommend to the Commissioners of St. Mary's County that the CWSP 2014 Review and Report be adopted and that the CWSP be amended to incorporate the revised tables and text of attachments 1-7 of said public hearing staff report and that the Chair be authorized to sign the resolution on behalf of the Planning Commission and transmit it to the Commissioners of St. Mary's County and Mr. Willard seconded. The motion passed by a 7-0 vote.***

**BREAK**

**CCSP #14-132-013 – Woods at Myrtle Point, Section 4B**

***Sixteen (16) participants were sworn for the record as noted throughout these meeting minutes.***

Mr. Bob Bowles was sworn for the record. Mr. Bowles gave history on the Woods at Myrtle Point by section and number of lots per section, recreational area.

Ms. Hannah Pinkerton was sworn for the record. Ms. Pinkerton submitted the certification of publication for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. The applicant is requesting concept site plan approval for 57 single family townhomes. The property contains 36.92 acres; is zoned RL and AE; and is located on Patuxent Boulevard, California, Maryland; Tax Map 34, Grid 06, Parcel 752.

Owner: Myrtle Point Holdings, LLC  
Presenters: Joe Kadjiski, Dan Kelsh, Dan Ball

Notice of public hearing was advertised in The Enterprise on October 22, 2014 and October 29, 2014. Ms. Pinkerton gave an overview of the staff report dated October 31, 2014, the applicable regulations and the outstanding issues. Ms. Pinkerton submitted the staff report and attachments for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*. Ms. Pinkerton submitted four (4) boards for the record, *hereby labeled as Exhibits 3-6 by the Recording Secretary*.

Mr. Siebert asked if new open space could be added later. Mr. Joe Kadjeski was sworn for the record. Mr. Kadjeski indicated they have received preliminary plan approval from Department of Public Works and are following the newest requirements for stormwater management. Mr. Kadjeski indicated on the site plan where the additional stormwater management systems would be located.

Mr. Kadjeski gave a brief overview indicating the decrease in disturbance area, pervious area, etc. Ms. Guazzo asked about sidewalks. Mr. Kadjeski indicated there would be sidewalks throughout the development on both sides of the roads. Ms. Guazzo asked if two tot lots could be placed in the development both being about 2,000 square feet indicated they need to be fenced. Ms. Guazzo also asked that there be a paved path in between the two cul-de-sacs. Mr. Kadjeski indicated the owner would be willing to incorporate all this into the plan. Ms. Guazzo commented that the stone siding is a nice touch and asked if the stone is continued all the way around the houses. Mr. Dan Ball was sworn for the record. Mr. Ball indicated the stone is on three sides but the vinyl siding covers the rear.

Chairman Thompson opened the hearing to public comment.

Mr. Robert Willey was sworn for the record.

Mr. Willey indicated he would testify at the second hearing.

Mr. Chip Dudderar was sworn for the record.

Mr. Dudderar asked what pervious pavement means. Mr. Kadjeski indicated we are looking a permeable concrete which allows water to flow through it into the ground. Mr. Dudderar indicated he would like to see the unutilized property locked up and not used for future development. Mr. Dudderar indicated this is Sandy Loam soil and asked that the Planning Commission enforce strict stormwater management regulations so that no soil ends up in the creek. Mr. Kadjeski indicated the properties Mr. Dudderar is referring to will be platted as forest conservation areas. Mr. Kadjeski indicated sediments will be controlled per all applicable regulations. Mr. Kadjeski indicated every means possible would be utilized to ensure sediments stay on the property.

Mr. Larry Howard was sworn for the record.

Mr. Howard indicated he agrees with all Mr. Dudderar's comments. Mr. Howard applauded the developer for the redesign of the plans. Mr. Howard urged the developer to do more than just the best management practices for stormwater management.

Ms. Susanne Henderson was sworn for the record.

Ms. Henderson applauded the developer for the clustering techniques and echoed thoughts when it comes to protecting the head waters. Ms. Henderson asked that the owner/developer consider making the homes more affordable.

Ms. Nancy Hickman was sworn for the record.

Ms. Hickman disagreed with Ms. Guazzo's request to build a walkway between cul-de-sacs. Ms. Hickman stated she is still uncomfortable with the amount of homes going in. Ms. Hickman stated she is concerned with the amount of crime, vehicles, and people in general in what used to be a quiet neighborhood.

Mr. Greg Shields was sworn for the record.

Mr. Shields thanked the developer for attempting to address all questions and concerns. Mr. Shields asked about lighting, stormwater management, and buffers. Mr. Kadjeski responded to each inquiry stating lighting would be properly pointing towards the ground, stormwater management practices would be properly followed and all buffer requirements would be met.

Ms. Julie Delany was sworn for the record.

Ms. Delany asked if consideration was given to moving the recreational area closer to this section. Mr. Kadjeski indicated the current location was the best place to put it. Ms. Delany asked about the approval process. Mr. Shire indicated the recreation center hasn't even been through TEC yet. It will have to come

back to the Planning Commission for approval. Ms. Delaney asked that a road be provided from the recreation center.

Mr. Robert Willey submitted photos from 10 years ago and ones from August of 2013 for the record, *hereby labeled as Exhibit 7 by the Recording Secretary*. Mr. Willey asked that the stormwater management concerns be addressed as this is a big issue in this area. Mr. Willey submitted his testimony for the record, *hereby labeled as Exhibit 8 by the Recording Secretary*.

Chairman Thompson closed the hearing to public comment.

Mr. Siebert indicated we've heard complaints about stormwater management on this property for several years now and asked if staff could get a representative from MDE to come down and address issues in this area.

Mr. Ball indicated MDE has been to the site numerous times and has yet to find an issue further stating the new sites are contained; it's the older subdivisions that do not have any stormwater management control measures.

Chairman Thompson directed Mr. Shire to speak with Mr. Bruce Young and work together to get someone from MDE down here.

#### **BREAK**

***Mr. Willard made a motion in the matter of CCSP #14-132-013, Woods at Myrtle Point, Section 4B, having accepted the staff report 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, I move that the concept site plan be approved and Ms. Guazzo seconded. The motion passed by a 5-2 vote with Mr. Siebert and Ms. McNeill opposed.***

#### **PSUB #14-120-005 – Woods at Myrtle Point, Sections 4, 5 & 6**

Ms. Hannah Pinkerton was sworn for the record. Ms. Pinkerton submitted the certification of publication for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. The applicant is requesting preliminary plan re-approval for Sections 4, 5, & 6. The property contains 36.92 acres; is zoned RL and AE Overlay; and is located on Patuxent Boulevard and Myrtle Point Road, California, Maryland; Tax Map 34, Grid 06, Parcel 752 and 587.

Owner: Myrtle Point Holdings, LLC  
Presenters: Joe Kadjeski, Collinson, Oliff & Associates, Inc.

Notice of public hearing was advertised in The Enterprise on October 22, 2014 and October 29, 2014. Ms. Pinkerton gave an overview of the staff report dated October 31, 2014, the applicable regulations and the outstanding issues. Ms. Pinkerton submitted the staff report and attachments for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Kadjeski indicated he has no additional information to provide. Mr. Dan Kelsh provided a brief overview of the recreational facility indicating the new location is closer to the hub of housing. Ms. Guazzo asked if the recreational facility would come back before the Planning Commission. Mr. Shire indicated this is correct; the recreational facility will come in a separate application process. Ms. Guazzo summarized the request for a revised subdivision plan.

Chairman Thompson opened the hearing to public comment. All participants were sworn for the record.

Mr. Robert Willey was sworn for the record.

Mr. Willey indicated this is a better location for the recreational facility. Mr. Willey stated it was Greg Kolarik from MDE that he dealt with in June 2013 regarding stormwater management on the site.

Ms. Susanne Henderson was sworn for the record.

Ms. Henderson indicated it looks as if sections 4, 5 and 6 are going to be developed under the old standards rather than the new ones. Mr. Kadjeski indicated all new requirements will be met. Mr. Shire stated anything that is being built must be built under the current ordinances and regulations. Ms. Guazzo indicated the density is grandfathered however the stormwater management and building regulations must meet the new regulations. Mr. Shire agreed.

Ms. Julie Delaney was sworn for the record.

Ms. Delaney indicated she's concerned that kids will be walking through the neighborhood to the recreational facility and asked that the recreational center be moved closer to the housing. Mr. Kadjeski explained after condensing all the housing the recreational facility is being placed in the available appropriate space. Ms. Delaney requested that the recreational facility be moved to Patuxent Blvd. Mr. Kadjeski indicated the lots Ms. Delaney refers to are already approved and platted in other sections therefore the recreational facility cannot be placed on those lots.

Chairman Thompson closed the hearing to public comment.

***Ms. Guazzo made a motion in the matter of PSUB #14-120-005, Woods at Myrtle Point, Sections 4, 5 & 6, containing 57 lots plus the already recorded 22 lots, having accepted the staff report and having made findings pursuant to Section 30.5.4 of the Subdivision Ordinance, including Adequate Public Facilities as described in the staff report, noting that the referenced project has met all the requirements for preliminary plan approval, I move that the preliminary subdivision plan be re-approved and Mr. Willard seconded. The motion passed by a 5-2 vote with Mr. Siebert and Ms. Robrecht opposed.***

**DISCUSSION**

None

**ADJOURNMENT**

The meeting was adjourned at 10:30 pm

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Jada Stuckert  
Recording Secretary

Approved in open session:

January 12, 2015

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Howard Thompson  
Chairman