

**MINUTES OF ST. MARY'S BOARD OF COUNTY COMMISSIONERS MEETING
CARTER STATE OFFICE BUILDING * LEONARDTOWN, MARYLAND**

Wednesday, August 9, 1995

Commissioners present were Barbara Thompson, President; Paul Chesser; Frances Eagan; and Larry Jarboe. Commissioner Brugman was out of town. Also present was Aleck Loker, County Administrator. DPZ staff present were Jon Grimm, Director; and Peggy Childs, Recording Secretary.

Commissioner Thompson called the meeting to order at 7:05 p.m.

A list of attendees is on file in DPZ.

CONTINUATION OF PUBLIC HEARINGS

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These public hearing were continued from the County Commissioners' meeting of July 18, 1995 either for additional information or to allow additional public comment. The legal ad was published in The Enterprise on July 26, 1995 and August 2, 1995. Revised staff reports dated 8/1/95 were previously submitted to the Commissioners and were available to the public at the meeting.

CWSP #93-1057 - The Villages at Leonardtown

Service area category change from W-3/S-3 to W-3D/S-3D. The property contains 53.7 acres, is zoned RL, and is located within the Leonardtown development district on the west side of MD Route 5, east of Route 234; Tax Map 32, Block 7, Parcel 2.

Owner: Joseph Vallandingham & Associates
Agent: Larry O. Day Associates
Present: Attorney Phil Dorsey

This property was reposted by staff following the 7/18/95 public hearing. 107 single family dwellings are proposed with public sewer, if approved, at a density of 2 units per acre. If public water is to be provided, the property must be annexed to the Town of Leonardtown. At the July 18th hearing the applicant was asked to respond to the annexation issue and provide the market value of the proposed homes. Staff and the Planning Commission have recommended approval with the condition that, if the property is annexed to the Town, the Town incorporate and address the outstanding design issues identified in the TEC review.

Attorney Phil Dorsey, speaking on behalf of Joseph Vallandingham & Associates, stressed the property's location within the Leonardtown development district, which is recognized for growth in the Comprehensive Plan, and the fact that, even without the proposed amendment, it is scheduled for public water and sewer in 6-10 years. He stated that they looked at a variety of uses and could have applied for a PUD, but did not feel that type of development would be conducive to the growth of the Town. This property was divided into two portions by the Comprehensive Plan; one portion being RPD which was developed into the 15 single-family homes known as Valli View Estates, and the remaining portion being Low Density Residential (RL-2) and the subject of this application.

Having reviewed some of the design techniques of Planner Randal Arendt presented during the Community Character Meetings, Mr. Dorsey said they propose to incorporate them into this project; i.e., clustering, more open space, and better buffers for the neighborhood. He said he realizes that the community is very concerned and will be glad to address as many issues as he can, but the focus of this hearing is the water and sewer amendment. There is currently pending an application for annexation to the Town, but they have asked the Town to hold up on the application until they can develop a final plan that includes the input of the community and incorporates the clustering, buffers and open space techniques.

Commissioner Eagan asked about the conditions of the Planning Commission's recommendation. Mr. Grimm responded that the Commission asked that the design issues relating to techniques for clustering and the elimination of the "cut-through" road and the dual access to Routes 5 and 234 be addressed by the Town, if annexed, and Mr. Dorsey has committed to doing that.

Annexation is a big issue, Mr. Dorsey said. They are aware of and are concerned regarding the Town's water and sewer problems and there is no guarantee that the property will be annexed. In the event that it is not, they will enter into an agreement with the County to provide water and sewer. Water/sewer approval is required to establish the density before they can do the design work necessary for preliminary approval. The Town annexation process includes a public hearing and a decision by the Town Council.

Commissioner Thompson opened the hearing to public comment.

Tub Delahay, a member of the Leonardtown Council, asked how much subtraction of wetlands, streets and sidewalks, etc. will reduce the available acreage, questioning the ability of the developer to build \$150,000 to \$180,000 homes on 1/5 or 1/6 acre lots. David Abell also felt that the lots could only be 1/5 acre. Mr. Delahay asked specifically if this is anticipated to be a HUD-sponsored community? Mr. Dorsey replied, "Absolutely not."

Norman Norris, President of the Leonardtown Council, stated the Town is having particular problems with water and sewer capacity and said he feels we are putting the cart before the horse; that it should first be established whether or not the property will be annexed before a decision is made. He said he did not have authority to speak for the Council but he, personally, would not vote for it because of their problems with capacity. Mr. Grimm reiterated that the developer cannot go forward to design the project without the water/sewer amendment. Mr. Dorsey responded that they would like to work with the town but, even if the annexation is not approved, the applicant has the ability to put in a "stand-alone" water system, and he would hope the County would not hold them up in that regard.

John Mattingly, of Leonardtown, stressed the applicant's need for sewer, saying he will put the sewer in and force everyone in the community to allow the sewer line to come through their property and raise their taxes to pay for it. That will change their whole community and they don't want to be forced out because somebody else wants to make money on their property.

Ruth Abell, of Leonardtown, asked if sewer will be provided by MetComm in 6 years anyway, where will the sewer line be built, where will it drain to, will the current area residents be required to hook onto the sewer and will it be in their best interests to do so? She said the residents are concerned about all of these questions and probabilities and they are concerned also about the density. Every other house in the neighborhood is situated on at least a half acre, and for this to go in at basically 5 houses per acre and the neighbors will have a whole lot of problems up there. Mr. Abell submitted photographs of the area showing existing drainage problems in Valli View Estates.

Jim Miedzinski, who lives on Route 234, stated there are no buffers at all between the homes in Valli View and 234 - they back right up to the road. He commented on the way the developer trashed the woods at Valli View and asked how you can get a \$150,000+ house on so small a lot? He has lived there for 40 years and all the houses there are very well kept, he said, and he hates to see it change.

Gretchen Thompson also had concerns about the clearing done for Valli View, saying there is debris everywhere. She asked about further clearing and how it will affect wildlife, and asked how the developer can build on areas that have wetlands or are severely sloped and erodible? Ms. Thompson said a traffic impact study should be done and expressed concerns about traffic, will the utilities be underground, square footage of the homes, impact on the police and fire departments and other services, and other issues of concern.

Commissioner Thompson said this is not an approval of the subdivision and that the Planning Commission is required to make a finding that public facilities will be adequate to serve the development before subdivision approval can be granted, and the agenda for their meetings, which are public meetings, is advertised in The Enterprise. Commissioner Eagan noted that, even if the Commissioners approve the water/sewer amendment, the Planning Commission could still deny the project if public facilities are not adequate.

Tub Delahay, again speaking as a member of the Leonardtown Council, stressed the Town's problems not only with potable water but with their wastewater treatment plant; they have some lines that are inadequate and some dangerously high sewage levels are being discharged from time to time into Town Run, and it will cost the Town around \$3 Million dollars to upgrade their systems because charges to their customers have not been high enough in the past to support the maintenance and repair. Mr. Delahay said the problems may not be solved in the near future and annexing this property would add to the dilemma. The Town has already approved 162 homes on the Lindsey property and the Charles County Community College campus on the old Academy property, and there are other areas of concern that they need to deal with. At this time, he said he would not be comfortable adding a lot more services to their present systems without upgrades.

George Matisick, of Big Chestnut Road said, first of all, it looks to him that we are deviating from the Comprehensive Plan for growth because the area for planned expansion of the Leonardtown area goes out 245 toward Hollywood, not along Route 234. His second concerns were the density, and that with other approved homesites we will have more lots approved than we can sell in this price range; if sewer is not approved and the development goes back to 1-acre or 3-acre lots that will be a different target population. He concluded there are a lot of variables that need to be decided before a decision is made.

Mr. Dorsey promised that if they are allowed to proceed the project will have 75 ft. buffers and will be clustered so that 60% of the area will be open space. They will have more restrictive covenants than Valli View which will protect the value of the homes. He said he asked Mr. Day to work on this project because he has been involved with the Wildewood community for many years and Wildewood has many homes in this price range on 1/5 acre tracts or less. Not everybody wants an acre of ground, and this project will provide an option.

Jim Miedzinski offered a copy of the Calvert/Charles/St. Mary's County Historic Sites Survey, which shows the Edna Gunnill house located on this property to be a historic site. Mr. Abell asked who will assume this building and if the house will be removed? Mr. Dorsey responded that he has no problem entering into a dialogue with anyone regarding the Gunnill house and is willing to sit down with everybody in the neighborhood to discuss the property - he is not barring anything.

Darwin Engle, who lives on Route 234 across from Valli View Estates, asked whether the W-6/S-6 category means the property will be developed in 6 years whether they like it or not? Mr. Grimm responded if the market value is there, the property could be developed in 6-10 years. Commissioner Thompson pointed out the Comprehensive Plan is the overriding document here; it is currently under review and is getting ready to go under a more intensive review in the next two years. It is intended to bring some method to the development of the County, and that doesn't mean it can't be changed, but it was adopted in 1990 after many public meetings with as much public input as possible; that's when one house per acre became allowed on this property. Someone in the audience responded that one house per acre isn't the problem. Norman Norris asked what will happen if the Town of Leonardtown can't take care of the proposed development district? Commissioner Thompson responded if there is no sewer capacity, the Plan cannot proceed. In that event, Mr. Grimm added, no new building permits would be issued.

At this Commissioner Thompson closed the public hearing, stating that the record will remain open for 10 days. Staff was directed to write to the Town of Leonardtown to see if water

service will be available and to solicit their concerns in writing, and to research the historic site issue.

CWSP #95-0046 - Shannon Run Subdivision

Amend service area category from No Planned Service to Rural Water.
The property contains 230 acres and is located on the southeast side of Mechanicsville-Chaptico Road; Tax Map 12, Block 18, Parcel 67.

Owner: Clinton Properties, Ltd.
Agent/Present: Billy Higgs, of Little Silences Rest, Inc.

The proposed 74 lots in this subdivision will connect to the community water system in Country Lakes, if the amendment is approved, in response to direction from the Metropolitan Commission that it is feasible and is a better alternative to individual wells. MetComm will provide the water to the property and the developer will extend the lines within the subdivision to serve the lots. The property was reposted by staff in response to Commissioner Jarboe's comments on July 18th and the request was readvertised. Both staff and the Planning Commission recommend approval.

Commissioner Thompson opened the hearing to public comment.

Joseph Owens, of Mechanicsville-Chaptico Road, asked whether the lines will go through his property? Mr. Higgs said they are currently negotiating with MetComm and DPW regarding construction of the line but it will probably be within, or just outside of, the right-of-way of Mechanicsville-Chaptico Road. Lot sizes will vary from 1-3 acres, with an average lot size of 3.1 acres and a minimum lot size of 1 acre. No open space has been set aside but the forest conservation easement will be in continuous open space forming a wooded buffer around the property. The houses will not be visible from the road. Deceleration lanes and turning lanes will be added to Mechanicsville-Chaptico Road in that area.

Commissioner Thompson closed the public hearing for Shannon Run Subdivision.

CWSP #95-1723 - Chaney Enterprises

Hollywood Batch Plant; Tax Map 34, Block 15, Parcel 433.

CWSP #90-0444 - Oak Crest Center

Hollywood; Tax Map 34, Block 10, Parcel 292.

Requesting sewer category change for both properties from S-6 to S-3D.

At the July 18th public hearing, Mr. Norris submitted a request for change in category for Chaney Enterprises, which has now been joined by a similar request for Oak Crest Center PUD. MetComm comments in reviewing the site plan generated the request in order to upgrade the existing septic system for Chaney. Both the simplified site plan for Chaney Enterprises and an approved concept plan, square footage proposed and sewer flow calculations for Oak Crest Center PUD were submitted for the Commissioners' review. If approved, engineering/design drawings will be processed prior to implementation of the project. Because of the late entry of these projects, staff recommends the Commissioners remand these projects to the Planning Commission for its review and recommendation.

Regarding the Chaney request, Mr. Norris said they are simply relocating the batch plant and control room on the property; it is not an expansion.

Commissioner Eagan stated to both applicants that part of this property is in her commissioner district and part of it is in Commissioner Brugman's district. She said she has had complaints from her constituents and has herself noticed trucks turning from the existing Chaney entrance onto Route 235 and, because of their required turning radius, they cannot turn into the slow lane. There has already been one fatal accident at this site, which is directly across from Wildewood Boulevard, and Commissioner Eagan said, since something is being done with this property, she wants it on the record that she wants the entrance improved. She added she has spoken with Commissioner Brugman and he is concerned also.

Mr. Norris said it is his understanding that the Oak Crest PUD does propose to put in a new entrance.

Speaking for Mr. Dean, Attorney Jim Kenney stated that they understand the rate structure does not change until you move forward to do something with the project. Mr. Grimm replied it is his understanding that charges are not incurred until the allocations are made, which would be at site plan or subdivision approval.

Commissioner Eagan asked Mr. Kenney if he understood her comments that she wants the existing entrance improved? Mr. Kenney responded that he thought he did.

Commissioner Thompson opened the hearing to public comment. Hearing none, she closed the public hearing.

The applications for Chaney Enterprises and Oak Crest Center will be remanded to the Planning Commission for its recommendation and will be scheduled for its 8/28/95 meeting. The record will remain open on these two applications until August 29, 1995. The open record period for the two preceding requests is 10 calendar days. Following 8/29/95, the decisions will be scheduled by the County Commissioners.

The hearing was adjourned at 8:45 p.m.

ADJOURNMENT

The hearing adjourned at 8:45 p.m.

**Minutes Approved by Board of
County Commissioners on 8/15/95**

Judith A. Stalding
Recording Secretary