

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, January 28, 2008**

Members present were Howard Thompson, Vice-Chairman; Merl Evans, Lawrence Chase, Shelby Guazzo, Susan McNeill. Chairman Steven T. Reeves and Brandon Hayden were excused. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Phil Shire, Deputy Director; Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; and Jada Stuckert, Recording Secretary. Deputy County Attorney Colin Keohan was also present.

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

APPROVAL OF THE MINUTES – The minutes of January 14, 2008 were approved with amendments.

FAMILY CONVEYANCE

Minor Subdivision #07-110-047 – Land of Edna Thompson

Mr. Bowles gave an overview of the staff report which recommended approval of an additional lot on a private road. Ms. Guazzo asked if this would bring the total number of lots to eight and if they are improved or unimproved lots. Mr. Bowles stated yes, and the ordinance does not stipulate improved or unimproved. Mike Bailey gave a brief overview stating Bricsoe Thompson Way has two entrance and exit points to the subdivision and the road varies in width from 17 feet to 19 feet. Mr. Bailey stated there is a stream at the bottom of the lot with a 100 foot buffer. Mr. Bailey stated at this time there are no formal plans for the house.

Mr. Jerry Thompson stated this subdivision has been well maintained by family and he has no issues with this project. Mr. Eric Sweeny stated he has a concern with the road connecting to Vista Road and he believes there are 10 lots on file and recorded not just 8 in this subdivision. Ms. Karen Thompson asked if the conveyance is approved the family owner must retain ownership for 5 years. Mr. Bowles stated this is correct. Ms. Thompson asked if approved this would set a timeframe for another owner in the subdivision to come forward and do this same type of conveyance. Mr. Bowles stated as long as the property owner has 5 acres per lot and owned the property prior to 7/24/07 this would be allowed anytime.

Mr. Evans made a motion in the matter of MSUB #07-110-047, Land of Edna Thompson, 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, that road shall be recorded prior to recordation of the plat and Mr. Chase seconded. The motion passed by a 5-0 vote.

DEVELOPMENT REVIEW

Concept Site Plan #07-132-021 – Vogel Charlotte Hall

Mr. Bowles gave an overview of the staff report which recommended denial of a concept site plan for 73,350 square feet of commercial/retail space with outstanding issues. Mr. Bowles stated staff can not support clear cutting an entire lot for pad sites. Mr. Norris gave a brief overview of the project stating they are asking for concept approval to complete the rough grading, stormwater and update the septic system. Mr. Norris stated they want to prep the site for potential businesses that may come later. Mr. Norris stated the actual buildings will have to come back to the Planning Commission for approval. Mr. Norris stated they would develop the stormwater management to today's standards and upgrade later if necessary due to the proposed Stormwater Management Act of 2007. Ms. Guazzo stated this is relatively an ugly plan.

Mr. Thompson stated by clearing the lot you don't know where the water is going to run. Mr. Ed Keohan stated the site is falling towards the corner away from the residential area. Mr. Evans stated while he supports the development of villages and town centers, they must be done comprehensively and not in the way presented. Mr. Evans stated if the applicants request to table a decision is supported and he is able to return with a more comprehensive plan, in keeping with the village and town center concept I would be better able to support their request, if not I would have no choice but to support staffs recommendation to deny their request. Ms. Guazzo stated it seems like Mr. Norris is rushing the project just because he has a contract.

Mr. Evans made a motion to table the project to a future date to be determined and Mr. Chase seconded. The motion passed by a 4-1 vote with Ms. Guazzo opposed.

Concept Site Plan #06-132-009 – Lexington Knolls Condominiums

Mr. Bowles gave an overview of the staff report which recommended approval for 120 condominiums. Mr. Thompson stated this site has a very tight building envelope. Mr. Bob Massey stated he will be meeting the Maryland Department of the Environment and the Army Corp of Engineers regarding the stream behind the condos. Mr. Massey stated this building will have a green roof and utilizing greywater and will be the first in Maryland to have such. Mr. Thompson asked about the gates by the shopping center. Mr. Massey stated these would be utilized by emergency vehicles only.

Mr. Evans asked if there are any scientific studies regarding this type of building. Mr. Massey stated no, this will be an experimental building. Mr. Massey explained the site will be fully hooked up to METCOM for water supply. Mr. Massey stated if the greywater systems fails the METCOM water supply will already be in place however if the greywater system works it will lessen the burden on METCOM and provide the scientific information needed in this field. Mr. Evans stated acknowledging METCOM already has in place all necessary permits to handle both sewage and gray water, the applicant should work closely with METCOM and Mr. King in addressing the use of gray water in Mr. Massey's project. Mr. King noted a plan to build the necessary infrastructure to address the use of gray water in Lexington Park is currently being discussed. Ms. McNeill asked about the price range of the condos. Mr. Massey stated they would be upwards of \$400,000.

Mr. Chase made a motion in the matter of CCSP #06-132-009, Lexington Knolls Condominiums, 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. McNeill seconded. The motion passed by a 5-0 vote.

Major Subdivision #06-120-012 – Snow Hills Estates Lots 1-20

Mr. Bowles gave an overview of the staff report which recommended approval of a 24-lot major subdivision. Ms. Guazzo asked about the undeveloped parcel D with 46 acres in the Critical Area. Mr. Bowles stated there would be two lots created out of this 46 acres as the Critical Area requires 20 acre lots. Ms. McNeill asked about the historical value of the property. Mr. Bowles explained the property was one of the original manors in St. Mary's County. Ms. McNeill stressed the importance of having the site closely supervised while working on the property.

Mr. Jerry Nokelby gave an overview of the property stating the property contains a total of 210.92 acres. Mr. Nokelby stated 46 acres in the Critical Area will be developed with two lots; 190 acres in the RPD will be developed with 30 lots. Mr. Nokelby stated due to site constraints there will be 22 lots undeveloped. Mr. Nokelby stated there will also be a 100 foot scenic byway buffer and a 20 foot pedestrian easement off the end of Embay Way to Squirrel Court. Adam Werblow asked about the slopes on lot 5. Mr. Nokelby stated the slopes will remain unchanged and a 120 foot buffer is included which will remain in its natural state.

Ms. McNeill made a motion in the matter of PSUB #06-120-012, Snow Hill Estates, containing 24 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 facilities as described in the attached Director's Report, and require that all historic preservation measures be taken while constructing the site I move that the preliminary subdivision plan be approved and Mr. Chase seconded. The motion passed by a 5-0 vote.

Concept Site Plan #07-132-013 – Belle Arbor

Mr. Bowles gave an overview of the staff report which recommended approval for 152 townhouses. Mr. Nokelby gave a brief overview stating this project began as Pembroke Run subdivision. Mr. Nokelby explained due to the housing market and the need for affordable housing the owners have decided to build townhouses instead. Mr. Nokelby stated the plan was revised at the request of Mr. George Erichsen of DPW&T to have a joint entry and exit point with the single-family housing development called Willows Run 2.

Ms. Guazzo asked if Mr. Nokelby would be willing to dedicate a 20 foot wide strip of land for the future widening of MD Route 5. Mr. Nokelby stated he would be will to do so and is stating so for the record. Mr. Edward Gibbs stated he is not opposing the project however is concerned with the joint connection of the two projects. Mr. Gibbs stated the connection will cause a hardship on Willows Run 2 by letting an additional 220 cars utilize the road within Willows Run 2. Mr. Gibbs stated he doesn't feel DPW&T really looked at the two projects. Mr. Randy Barrett questioned the soil contents on the property stating one site plan states there are hydric soils on the property and the second site plan stated there are not.

Mr. Evans asked if DPW&T was responsible for locating the parcel connection at the location indicated? Mr. Nokelby answered yes. Mr. Evans asked if the applicants had been notified by DPW&T of the change? Both Mr. Nokelby and Mr. Barrett answered, "they had not been contacted by DPW&T." Mr. Evans asked if a representative of DPW&T could come before the Commission and address the change, why it was made, alternatives and, why the applicants had not been notified.

Ms. Guazzo made a motion to table Belle Arbor project and ask the applicant, staff and Department of Public Works and Transportation to try real hard to find a way that this project can have two exits onto Willows Road and Mr. Evans seconded. The motion passed by a 5-0 vote.

ANNOUNCEMENTS

Wildewood PUD Semi-annual update – No action was taken

ADJOURNMENT

The meeting was adjourned at 9:35 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: February 4, 2008

Stephen T. Reeves
Chairman

