

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, January 12, 2004**

Members present were John F. Taylor, Sr., Chairperson; Larry Greenwell, Vice Chair; Lawrence Chase, Julie King, Steve Reeves, and Joe St. Clair. Mr. Raley was excused due to illness. LUGM staff present were Denis Canavan, Director; Jeffrey Jackman, Senior Planner; Phil Shire, Planner IV; Trish Guy, Planner II; and Peggy Childs, Recording Secretary. Assistant County Attorney Heidi Dudderar and John Groeger, Deputy Director of DPWT. were also present.

A list of attendees is on file in LUGM. The Chair called the meeting to order at 6:30 p.m.

APPROVAL OF MINUTES

The minutes of December 8, 2003 were approved as recorded.

ANNUAL ELECTION OF OFFICERS

Although this item was not scheduled on the published Agenda, the Chair proceeded with the Commission's Election of Officers, which is held at the first meeting in January.

Mr. John Taylor was retained as Chairperson and Mr. Larry Greenwell was retained as Vice Chair.

GROWTH ALLOCATION PUBLIC HEARING

PSUB #03-120-023 – ST. JEROME'S BRANCH

This public hearing could not be held because the applicant failed to post the property. Mr. Shire said the applicants reapplied today and the hearing will be rescheduled, hopefully for the meeting of February 9, 2004.

DEVELOPMENT REVIEW

FSUB #03-120-015 - GREENBRIER SUBDIVISION, Section 5 (83 lots)

FSUB #03-120-020 – GREENBRIER SUBDIVISION, Section 6 (40 lots)

Requesting preliminary approval of 83 lots in Section 5 and 40 lots in Section 6.

The property contains approximately 79.19 acres in Section 5 and approximately

17.459 acres in Section 6, is zoned RL, and is located on the west side of Hermanville Road, approximately one mile south of its intersection with 235;

Tax Map 51, Block 18, Parcel 606.

Owner: Millison Development, Inc.

Present: John B. Norris, Jr., of NG&O Engineering, Inc.

Mr. Shire stated that this project is vested under Zoning Ordinance #90-11 and all phases must be completed prior to May 13, 2005. There are no issues with Adequate Public Facilities for preliminary approval and staff recommends approval, subject to the finalization of a formal agreement between the Developer and the County concerning a reserve strip of land for a road between Green Leaf Road and the adjoining Ridge Valley Construction Property, which will ultimately be dedicated to the County.

Mr. Norris stated that there is an agreement between the County and the developer as to what should be done but the difficulty has been getting it into agreement form, due to the Christmas holidays and the fact that the County Attorney may not represent the County in this matter due to a conflict of interest. He said he has discussed the agreement with the Director of LUGM and they don't see any issues, however the developer wants to see if there is some equity in the strip of land so that his road will not be torn up when the new road is constructed.

Mr. St. Clair moved that, having made a finding of adequate facilities, except for stormwater management, and noting that these projects must meet all TEC requirements and return to the Planning Commission for final approval, the preliminary subdivisions plans be approved for both Section 5 and Section 6, subject to the condition that the formal agreement between the developer and the County for dedication of the 10-foot reserve strip be finalized on or before February 16, 2004. The motion was seconded by Mr. Chase and passed by a vote of 6-0.

FSUB #98-1128 – THE WOODS AT MYRTLE POINT, Section 1,

Phase 1

This item was removed from the agenda and will be rescheduled for a subsequent meeting.

MJSB #03-120-024 – FORREST FARMS SUBDIVISION, Section 3,

Phase 5

Requesting final approval for a 32-lot major subdivision. The property contains approximately 50.0 acres, is zoned RPD (Airport Environs Overlay), and is located on the east side of Brown Road, approximately 1.5 miles north of MD Route 4; Tax Map 33,

Block 16, Parcel 24.

Owner: Qualshire Land Development

Present: John B. Norris, Jr., of NG&O Engineering, Inc

This project is vested under Zoning Ordinance #90-11 and all phases must be completed by May 13, 2005. The outstanding issue in this application is that the Department of Public Works & Transportation (DPWT) requires road improvements along the Brown Road frontage of this property, as a requirement of the prior road ordinance. The requirement does not negate findings for adequate roads made for preliminary subdivision approval, as it has been determined that Brown Road will

continue to operate at an acceptable level of service (Level C). However, the Road Ordinance requirements must be satisfied prior to record plat approval by DPWT.

Staff believes that the Commission could grant final approval because all zoning ordinance issues have been met. John Groeger, Deputy Director of DPWT, said Brown Road is 2.4 miles long with horizontal and vertical curves, and they would prefer that approval be withheld pending resolution of the road improvements issues. The project has a mile of frontage along Brown Road and the improvements were deferred twice at the applicant's request – first to be completed with Sections 3 and 4 and deferred again to be completed with Sections 5 and 6. He said DPWT asked for road improvements in their TEC comments but got nothing back from the developer. Mr. Groeger said traffic has increased from 400 cars in 2001 to 600 cars in 2002 and will eventually be twice that. He said it is a public safety issue to DPWT, as there have been 4 people injured and one fatality on Brown Road. In 1990, the Board of Appeals expressed concerns regarding Brown Road, which arose during hearings for a conditional use application on this road.

Mr. Norris said there are 800 acres total in this property and there was only place where they could get sight distance along Brown Road. He said the developer was asked to deed a 75-foot setback to the County and they did that, and it was only recently that they began to hear comments regarding road improvements. Mr. Norris said they realize the condition of the road, but there are more severe problems on this road than those associated with this subdivision, and they would prefer to tackle the improvements, with the County, in a more comprehensive manner than just for their development. He said they had a meeting scheduled with the Director of DPWT that had to be rescheduled due to a conflict in the Director's schedule, and a second meeting has been scheduled for Friday, January 23rd, at 9:00 a.m. at DPWT.

The Commission discussed the situation at some length. The Chair stated that all Planning Commission issues have been addressed and he believes the project could be approved. However, Ms. King stated that she thinks the improvements have broader implications from a planning standpoint. Mr. Chase said he is very aware of the one death that occurred and that the road is not in good condition. Ms. King suggested deferring a decision pending the results of the January 23rd meeting between the developer and DPWT. Mr. Greenwell disagreed, and a motion by him to approve the project was defeated by a vote of 3-3.

Mr. St. Clair moved that a decision on this project be deferred pending the results of the January 23rd meeting. The motion was seconded by Ms. King and passed by a vote of 5-1. Mr. Greenwell voted against the motion. Members of the Commission were invited to attend the meeting at DPWT.

DISCUSSION

Emergency Operations Plan

Phil Cooper, Emergency Management Director, provided a brief overview of the County's Emergency Operations / Fire and Rescue Services Master Plan. The Plan was adopted by the County in 1990 and amended in 1992; however, Mr. Cooper said an Emergency Services committee reviews sections of the Plan annually to ensure that the established criteria are followed, and recommends updates as necessary to comply with national standards. The Plan provides direction for fire and emergency medical services and gives detail to the point of how many fire and rescue stations are needed by the County as the population increases.

Mr. Cooper said many components of the study have been completed and they are in the process of meeting with the insurance service office to make sure they meet the criteria for the accreditation required as part of the study. They are also in the process for accreditation through COLEA, a nationally recognized standard for law enforcement.

ADJOURNMENT

The meeting was adjourned at 7:25 p.m.

Peggy Childs
Recording Secretary

Approved in open
session: February 9, 2004

John F. Taylor, Sr.
Chairperson