

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, February 9, 2004**

Members present were John F. Taylor, Sr., Chairperson; Larry Greenwell, Vice Chair; Lawrence Chase, Julie King, Jim Raley, Steve Reeves, and Joe St. Clair. LUGM staff present were Denis Canavan, Director; Jeffrey Jackman, Senior Planner; Phil Shire, Planner IV; Sue Veith, Environmental Planner; Trish Guy, Planner II; and Peggy Childs, Recording Secretary. County Attorney John B. Norris, III and John Groeger, Deputy Director of the Department of Public Works & Transportation, 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 January 12, 2004 were approved as recorded.

GROWTH ALLOCATION PUBLIC HEARING

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

RCA to LDA
73.21 acres
Fresh Pond
Route 5; Tax

Requesting Growth Allocation approval to convert 14.3074 acres from to create 10 single-family lots in the Critical Area. The property contains in total, is zoned RPD (RCA Overlay), and is located on the north side of Neck Road, approximately 2,000 feet east of its intersection with MD Map 71, Block 10, Parcel 247.

Owner: Millison Development, Inc.
Present: Sue Veith, Environmental Planner, LUGM
Gene Kopp, of Millison Development, Inc.
Dan Ichniowski, of NG&O Engineering, Inc., Agent

NOTE: **The County Attorney recused himself in this application in order to avoid any appearance of conflict-of-interest.**

Ms. Veith stated that this hearing was advertised in the 1/21/04 & 1/28/04 issues of The Enterprise, that Certified Receipts from the notification to contiguous property owners are contained in the LUGM file, and that the property was posted in accordance with Zoning Ordinance requirements. She said this request is to create 10 single-family lots with a single-road access that must cross the headwaters of a tidal wetland, and provided the following additional information: 1) the lots will be clustered within 14.3074 acres of the development envelope of 73.21 acres, 58.28 of which located within the Critical Area; 2) the proposal has been reviewed by the TEC and the applicant

has responded to all TEC comments pertinent to the preliminary review; 3) a 300-foot buffer will be provided except in the area of Fresh Pond Neck Road; and 4) all criteria for Growth Allocation approval have been met.

Mr. Ichniowski, representing Millison Development, said the boundaries of the property are wooded, the Critical Area portion of the property bordering the Southern Prong of St. Jerome's Creek. The interior of the property is currently in agricultural use and access to the property will be through a farm road. Wetlands abut the portions of the property along the creek, and a second wetland exists interior to the site, with almost that entire area being delineated as forested wetlands. A permit to cross the wetlands will be required by the State. The proposed crossing is at the narrowest part of the wetlands, where there is already an existing driveway and wetlands disturbance. A variance from the Board of Appeals will also be required to cross the wetlands. The staff report indicates a favorable recommendation for the variance, because the disturbance will be minimized. Adjacent properties are residential, with RPD zoning and some with an LDA overlay. The proposed lots will vary from a 1.5-acre maximum to a .7 acre minimum. Under the requested LDA zoning 14 lots are allowed and 12 perc tests have been approved by the Health Department; however, only 10 lots are proposed. Growth Allocation is requested only for the 14.3074 acres on which the 10 lots will be clustered; the balance of the Critical Area portion of the property will remain RCA. Mr. Ichniowski said the applicant has worked with county and state staff to meet the requirements of the Ordinance and the Growth Allocation criteria; i.e., the clustering of the lots, the provision of the 300-foot buffer, the minimization of wetlands impact, and the fact that no endangered species or habitat have been identified on the property, have all been met. Mitigation requirements will also be met.

Mr. Ichniowski responded to Mr. Greenwell that a 10-foot strip along Fresh Pond Neck Road will be provided as required by the County's Department of Public Works & Transportation. The Chair opened the hearing to public comment.

Doreen Bickel, of 50010 Fresh Pond Neck Road, who lives across the creek from the property, said it seems that the development of the property is going against the Critical Area 20-acre density requirement and she also has concerns regarding the placement of the pier and the parking and boat storage. Mr. Ichniowski replied that a recreational area is proposed for the use of the residents of the development only. Nine parking spaces will be provided, along with a small boat ramp and a small pier. The recreational area will be maintained by the residents' homeowners association. Ms. Bickel said that area is directly across from her property and she is wondering about the traffic; the water is only 3-feet deep at that location, so she is concerned about the impact of putting 10 boats there. She asked for additional information about the impact and an explanation of how this can be approved? Ms. Bickel was also concerned about impact to the wildlife, stating there are a lot of migratory birds in the area, as well as a large population of fiddler crabs, snails, and she thinks crabbing, eeling, and oystering will also be impacted.

Julian Bryan, of 49524 Fresh Pond Neck Road, said he grew up there and water has been a problem for all of his 53 years. He said there is a direct flow where he lives that he has had to battle for a long time and, if this is approved, which he feels it shouldn't be, consideration needs to be given to the configuration of the land and in which

direction the water flows. He said where is understands the road will be located at an already bad turn off of Fresh Pond Neck Road, but his main concern is the water.

A letter received in LUGM from Fresh Pond Neck Road residents Alonzo Gaskins, Nanny Barnes, Elvire Gaskins, and Lilly M. Smith stressed concerns that the development and the new road will cause more surface water in the area, and the land already saturates when it rains. He asked that rain gardens, a pond, or other suitable receptacles be constructed for the water created by the ground improvements associated with the 10 lots, and said the new road will require new ditches. The letter asks if the condition of Fresh Pond Neck Road in the area of the new road has been considered and whether Fresh Pond Neck Road will be upgraded to accommodate the increased traffic and the safety concerns that have existed on that road for years; road improvements are needed but only minimum maintenance is performed on this 2-lane road with no shoulders.

Mr. Ichniowski responded that a great deal of the existing wooded area and the south prong of St. Jerome's Creek will not be disturbed, and there will be plenty of area to dissipate any runoff that occurs from the homes. He said DPWT will not allow them to impact any road problems; the roads will be designed in accordance with the County's Road Ordinance and all drainage requirements will be met. Best management practices of the Sediment Control Ordinance will be employed to management sediment runoff during construction, and the project will also meet the new stormwater management requirements, which will help to enhance water quality as it flows from the site. All these requirements must be met before approval by the agencies.

There were no further questions. The Chair closed the public hearing, leaving the record open for 10 days for written comment, with a decision scheduled for the next meeting.

DEVELOPMENT REVIEW

CCSP #03-132-022 – HAMPTON SQUARE

Requesting concept site plan approval to replace a single-family residence with a 4,600 square foot Quadraplex. The property contains 0.92 acres, is zoned RMX, and is located at 22139 Pegg Road in Lexington Park; Tax Map 43, Block 15, Parcel 96.

Owner: Golden West Way Construction, Inc.

Present: Rich McGill, of Landmark Consulting Services, Inc., Agent

The outstanding issue in this application is that the proposed alignment of FDR Boulevard traverses this site. Mr. Shire stated staff has looked at various ways of routing FDR Boulevard around it and there doesn't seem to be any way to do that, because the alignment has not been approved by the County and no rights-of-way have been obtained. The proposal meets all requirements for concept approval and staff must recommend approval, since a denial would amount to an illegal "taking" of the property.

Mr. McGill stated that the applicant is aware that FDR may come to be in the distant future and wants to move forward with his plan. Deputy Director John Groeger said DPWT doesn't like to see this activity occurring, but there is no way to shift the FDR alignment because of the electrical substation and existing residences, and there is no way to deny the development without buying the property. If the FDR alignment is approved, he said the County will probably have to buy more expensive property for the road right-of-way.

Mr. Greenwell moved that, having made a finding that the objectives of Section 60.5.3 of the Zoning Ordinance have been met and noting that the project meets the requirements for concept approval, the concept site plan be approved; however, the applicant is cautioned that the alignment, design and acquisition process for FDR Boulevard may eventually impact this site. The motion was seconded by Mr. Reeves and amended by Mr. Raley to state that the FDR alignment "may" impact the site instead of "will" impact the site, and the amended motion was passed by a vote of 7-0.

CCSP #03-120-036 – DILLOW PROPERTY SUBDIVISION

Requesting review and approval of a concept site plan for a 184-lot subdivision
to allow the applicant to apply for a Comprehensive Water & Sewerage Amendment
to change the water/sewer categories from W-6/S-6 to W-3D/S-3D to allow public water and sewer to serve the property. The property contains 92.83 acres, is zoned RL, with an Airport Environs (AE) Overlay, and is located on the west side of St. John's Road at its intersection with MD 235; Tax Map 26, Block 24, Parcel 85.

Owner: Thomas & Patricia Dillow
Present: Randy Barrett, of RA Barrett & Associates, Inc.,
Agent

Ms. Guy said this application meets the requirements of Section 70.9.1.a of the Zoning Ordinance and there are no outstanding issues pertinent to the CWSP Amendment; however the requirement that subdivisions containing 75 lots or more provide a second access had not been addressed when the staff report was written. Since that time, a parcel located between this proposed subdivision and an existing subdivision has been submitted under a separate application, by a separate owner, to provide a road alignment that will offer an access to MD 245 for this subdivision and the existing subdivision. Staff recommends approval of the concept plan, as requested.

County Attorney John Norris advised that the Environmental Article requires that findings of fact be made for 7 points – compatibility with the Comprehensive Plan; planning and zoning issues; population estimates; engineering; economics; state and regional municipal plans; and comments received from other agencies. Mr. Barrett responded to the issues to the Commission's satisfaction; however

Mr. Jackman, LUGM's senior planner, stated that these findings must be addressed at the public hearing for the CWSP Amendment, and the findings are not required at this time. Mr. Jackman added that the proposed 2003 Update of the CWSP, which is still on the County Commissioners' table, will remove this requirement from the Plan, but the findings will continue to be addressed at CWSP hearings until the revised plan is adopted.

Ms. King moved that, having made a finding that the project meets concept plan requirements to allow the applicant to apply for an administrative CWSP Amendment, and noting that the subdivision plan must return to the Planning Commission for preliminary approval, the concept site plan be approved as requested. Seconded by Mr. Raley and passed by 7-0.

PSUB #03-120-017 – ST. JEROME'S CROSSROADS

Requesting preliminary approval of a 10-lot major subdivision. The property contains 233 acres, is zoned RPD (partial RCA Overlay), and is located on the northeast side of St. Jerome's Neck Road at its intersection with Camp Winslow Road; Tax Map 68, Block 2, Parcel 69.

Owners: Daniel & Ellyn Capper
Present: Jerry Soderberg, of DH Steffens Company, Inc.,

Agent

Staff finds that the requirements of Section 30.5.5 of the Subdivision Ordinance and the adequate facilities provisions of the Zoning Ordinance have been met as contained in the Staff Report, and recommends approval. Ms. King asked whether an historic house, known as Dameron House, is located on any part of this property? Mr. Soderberg replied they don't think it is and they have no plans to impact the farmhouse at this time.

Mr. St. Clair moved that, having made findings pursuant to Section 30.5.5 of the Subdivision Ordinance and the adequate facilities provisions or the Ordinance, the preliminary plan be approved. Seconded by Mr. Reeves and passed by 7-0.

STSP #03-132-021 – GREENVIEW WEST BUSINESS PARK

Requesting site plan review and a minor amendment to the Greenview West PUD to establish development standards for a 24,000 square foot business park. The property contains 2.94 acres, is zoned PUD 3.5, and is located on the west side of MD 237, approximately 6,000 feet south of intersection with MD 235; Tax Map 42, Block 12, Parcel 564.

Owner: Dr. Douglas Hallgren
Present: Jerry Nokleby, of Nokleby Surveying, Inc., Agent

There are no outstanding issues pertaining to the minor amendment, however Mr. Shire said the applicant is requesting 160 square foot of signage for the site. Staff has compared that with what would be allowed in a mixed use zone today and recommends 64 square feet of signage at a maximum height of 20 feet. Staff believes this plan for 24,000 square feet of floor space within six buildings is a good plan for the site and recommends approval.

Mr. Nokleby said the proposal includes a 30-foot strip of land previously reserved for the widening of MD 237 and they have also platted a new take line per SHA construction drawings. This site plan will relocate the six building approved under the 1987 plan from the center to the sidelines of the property, reducing the buildings from two stories to one-story and softening the entrance to Greenview West. In addition, only 24,000 square feet of office space will be provided instead of the 33,432 square feet originally approved. The landscaping plan will provide extensive landscaping to the interior and exterior of the site. Mr. Nokleby said he has worked very closely with Dr. Hallgren to design a functional plan to today's regulations that they feel will be an asset to the community.

Regarding the signage, Mr. Nokleby said they have no problem with the 20-foot maximum height and offer a compromise of 80 square feet of signage. Mr. Shire said staff accepts the 80 square feet and pointed out that final approval of the plan will be given administratively, once all comments have been addressed the plan has been approved by all TEC agencies.

Mr. Reeves moved that, having made a finding that the development standards shown on the proposed site plan are in keeping with the overall development plan for the PUD, the minor amendment be approved as presented, subject to the condition that the proposed signage plan be modified to 80 square feet as discussed at the meeting and agreed to by staff. Seconded by Mr. St. Clair and passed by 7-0.

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

Phase 1

Requesting final approval of a 55-lot major subdivision. The property contains 286.3 acres, is zoned RL (AE Overlay and partial RCA Overlay), and is located on the west side of Patuxent Boulevard, approximately 1,600 feet north of its intersection with MD Route 4; Tax Map 34, Block 6, Parcels 485, 585, 586 & 587.

Owner: Myrtle Point Partnership, LLP c/o P. F. Summers
Present: Jon Grimm, & Jim Gotsch of Loiederman Soltesz Associates, Inc.;
George Junkin, of American Land Concepts; and Paul Summers & Chuck Miller of P. F. Summers, Inc., representing the Owner, and Dennis Riggs, Consulting Engineer

Richard Klein, of Community & Environmental Defense Services,
representing the Potomac River Association and Friends of Myrtle Point
Area residents

Mr. Shire said the preliminary plan for Section 1, Phase 1 was approved by the Commission on September 27, 1999 and reapproved on March 25, 2002 with the condition that the developer revisit the issue of a second access into Phases 1 & 2. The plan is vested under ZO #90-11 and findings of adequate facilities under ZO #90-11 were made on 3/25/02 except for stormwater management. The applicant has been working with DPWT to upgrade the stormwater management plan to meet the new standards and a finding must be made by the Commission prior to final approval. Mr. Shire amended the approval motion contained in the staff report to include submission dates for the remaining phases of the development.

Mr. Grimm summarized the request and said the property is located within the Lexington Park Development District and is served by a major road constructed through the property from its original parent tract in the late 1980s; a major sewer line traverses the property. The preliminary plan was approved in 1999 and reapproved in March 2002 because the project was not brought forward within the required two years. He said the applicant has worked with all TEC agencies to address the issues raised by the neighbors and residents, including the Potomac River Association (“PRA”) and the Friends of Myrtle Point (“Friends”), and P. F. Summers has taken a pro-active role in this endeavor, meeting with the PRA, the Friends and with Mr. Klein to resolve the issues. He said they were encouraged by those groups’ positive responses, even though he knows there are still some concerns, and Mr. Klein has said that this stormwater management plan is “top-notch.”

Mr. Grimm said this project has met all the regulations and goes farther than the minimum requirements to address environmental concerns in Mill Run, address the erosive soils, has further enhanced sewage disposal, and has addressed design concerns expressed by the Commission in 2002. The sewer lines have been tested and repaired and additional capacity is available to assist with any septic system failures in the existing residential community. There are new pumps and a “pump-around” system contained in the design that is intended to avert a catastrophic failure of the system, and there are 10,000 gallon storage tanks incorporated into the design to capture the full flow of the system, not just from this project. These items have been done in conjunction with the Metropolitan Commission, and are above and beyond what would be required of any other developer.

Mr. Grimm said they will provide testimony regarding stormwater management, erosion and sediment control, and protection of endangered species and the Mill Creek wetland of special state concern that will show that they not only meet the letter of the law but protect the environment beyond the letter of the law. They accept that the endangered species may exist, and have designed controls that exceed normal standards and build upon the experience the Soil Conservation Service has had regarding these erosive soils. The applicant will proffer onsite monitoring and inspection

procedures during construction to ensure that the designs approved by County agencies are implemented fully on the ground.

Jim Gotch addressed stormwater management, stating they are developing an entrance off of Patuxent Boulevard, with one main interior road and some shared driveways. The lots will be located on either side of the road to contain the development within a small strip in middle of the property. The two ponds shown on the previous plans have been retrofitted to the new stormwater management ordinance; one has been converted to an infiltration pond and one to an extended detention pond. Bioretention facilities areas have been provided at the end of the shared driveways to provide extra infiltration areas, adding 7 more bioretention facilities to the two ponds. In addition, 52 of the 55 lots have their individual onsite stormwater management provided; the remaining three lots drain directly over the land into the infiltration pond. The stormwater management meets the requirements of the new stormwater management ordinance and all the development in Phase 1 is outside of the Critical Area, so it is not impacted. In addition to the 1,000-foot Critical Area buffer, a 300-foot buffer will be maintained as a wildlife corridor within the forested area.

Forest conservation will be provided all around the outside of the site and extending into each of the lots, which will include a recorded forest conservation easement. The only clearing of trees on the lots will be for the actual house site and grading from the outside of the house. The main road follows the ridge line and the lots drop off toward the creek. The drainage from the impervious surface at the top of the lots go into the stormwater management and drainage from the lots and private drives will go into the bioretention facilities. Mr. Gotch said the PRA was worried about the channel stabilization that is provided on the side of the driveways eroding out, but they have looked at the 100-year flow and the velocity will be 5.5' per second. Rip-rap is provided in the channel, which is good up to 12-14 feet per second before any erosion will occur. They have looked at the 1" storm that the bioretention is designed for, and the velocity at the bottom of the hill will be only 1.5' per second, flowing at a depth of 5/8", so it will not flow over the bioretention ponds. Breather tubes will be provided on one of the storm drains to provide for pressure release.

Mr. Gotch said the Soil Conservation District worked hand-in-hand with them to do the original design, and Al Stewart, of Soil Conservation, told them he has never worked on a project where he had more involvement. Mr. Gotch said the soil conservation measures are state-of-the-art, top-notch. The detention pond out by Patuxent Boulevard is an extended-detention pond which was retro-fitted for this plan, with a forebay and a micropool. The forebay is an extra measure required by the State to capture sediment before it gets into the main portion of the pond, so that what comes out of the pond will be cleaner than it ever was. Pollutant markers are required in each of the forebays so pollutants won't go into the forebay and be suspended in later storms. Pond #4, in the middle of the development, is an infiltration pond that has been upgraded in accordance with the new Ordinance to discharge over the land, to remove some of the pollutants into a settling basin before it even gets to the pond; from the settling basin the water will go into the forebay of that pond and then into the infiltration area to maintain the infiltration of the main pond, and there should be no pollutant runoff from the site. Something else they've done is a streams ability analysis downstream that shows them to

be well under the allowable stress of the channels, so when the water goes off the site it will still be okay.

George Junkin, of American Land Concepts, offered photos of the wetland of special state concern, saying they are over 1,000 feet from the wetland, which is man-made. He said their original intention to put a recreation area in the Critical Area was abandoned and impacts to the Critical Area have been avoided in total, so there was no reason to know where the endangered species were on the site; however, when notified by DNR that there were endangered species near the site, they went back and looked at it again. He said both of the endangered species; i.e., Short's Hedge-hyssop and Swollen Bladderwort, are more likely to occur above the pond rather than below it, where there are more stable water conditions. Both species should be looked for in June or July but, even if they do occur, nothing in this development will impact them; in fact, the development provides additional opportunity to protect them.

Paul Summers, of P.F. Summers, Inc., a general partner and purchaser of the paper lots, said they will be constructing the roads and the stormwater management devices. The lots will be sold to his building company, developing Hanover at Breton Bay in St. Mary's County and Walnut Creek and Whispering Woods, in Calvert County. He said they expect the homes will start in the upper \$200,000 to the mid-\$300,000. They will create separate neighborhoods, distinguishing them with special entrance markers and special landscape designs, and will respect the sensitivity of the area they are building in.

This concluded the applicant's presentation. Mr. Shire stated for the record that LUGM has received some e-mails concerning the project, and they have been forwarded to the Commission. Although not a public hearing, the Chair stated he would allow one or two public comments.

Richard Klein, of Community & Environmental Defense Services, representing the PRA and the Friends of Myrtle Point, said the applicant has come up with a plan that meets the requirements and has preserved the Critical Area, and if the project were on any other piece of land he would say they have done a good job, but he can't say that for this project. Mr. Klein said there are four characteristics of the site that prevent him from doing that: 1) Mature forests exist on the site which have created streams of exceptionally high quality; 2) There is an abundance of steep slopes; 3) The site has some of the most erodible soils in St. Mary's County; and 4) Because of the high quality aquatic and forest environment, there are two endangered plants that occur in the wetland of special state concern.

Mr. Klein presented his report containing the official map showing the wetland of special concern, which shows that the stream on the west side of Phase 1 flows into the wetland. He said if only it were true that the site being located 1,000 feet away from the wetland would protect it everything would be fine but, unfortunately, the precept that you can separate a sensitive area from an impact source by 1,000 feet of stream channel doesn't hold water these days. He said, if the agencies had the authority to require the applicant to pull the lots off of the steep slopes and highly erodible soils he thinks they would have done it, but the Planning Commission is the only decision-making body that can make them do that. He said at this point in time there is only one body of

law that says you can't have lots on steep slopes and highly erodible soils and that is the new land use ordinance, which this project is exempt from. If the project were to come in today, the lots on the Evesboro-Westphalia soils probably couldn't be approved.

Mr. Klein said there was a critical piece of information that should have been provided to the planning commission and planning staff but was not, and that is whether or not there were any rare, threatened, or endangered species or critical habitat on the site as defined by the County's forest conservation law. The applicant only requested that information on one portion of the site, and not the development site. Had the correct information been provided, Mr. Klein said we would have seen a forest stand delineation plan that showed all the critical habitats on the site, including the wetland of special state concern, and those species definitely occur below the pond. Had the applicant's forest stand delineation shown the critical habitat, Mr. Klein said he thinks the applicant would have been required to preserve the most sensitive and highest priority forest located on the steep slopes and highly erodible soils along the tributary that drains into the wetland of special state concern. Therefore, an error occurred which prevented an accurate assessment of the environmental impacts of the project. Had we had that information, Mr. Klein said he doesn't think the preliminary subdivision plan would have been approved. With this information now before the Commission, he asked that the Commission deny approval of this plan and ask for a revised plan that fully complies with County law and, hopefully, will remove the lots from the steep slopes above the tributary that drains to the wetland of special concern.

The Chair responded that the Commission must deal with the old Ordinance and the new one is not on the table. He said the Soil Conservation District was part of the process and approved the plan and the forest plan meets the current criteria, but he is concerned about the endangered species. Mr. Junkin responded that the Forest Conservation Act does not apply to the Critical Area and they avoided everything in the Critical Area; therefore, they did not need to do a Critical Area plan. He said most of the State people would be very happy with this plan because there is no development in the Critical Area. In addition, he said the State holds those endangered species locations close to the vest and does not like to say where they are for obvious reasons, and want to limit the search to where the development is. Mr. Junkin said the hyssop is likely to occur below the wetland and the inter-tidal line is below that. The other issue is that the wetland is man-made and is not a natural pond. In addition, the hyssop is an understory plant that needs the sunlight and the big pond provides the sunlight. He said he submits that there was no error of omission because no Critical Area plan was required and the Forest Conservation Act does not cover that area.

The Chair closed the public comment portion for this project and the Commission discussed the issues. Mr. Chase inquired about traffic. Mr. Gotch replied that the preliminary plan for Phase 1 was approved with no road improvements to Route 4. Under future phases an acceleration lane will be provided and the State may require improvements to the MD 4/235 intersection. Mr. Shire interjected that staff received a letter from the SHA in January that suggests the 124th lot may trigger some improvements to the intersection. Mr. Raley asked how much traffic Patuxent Boulevard could handle? Mr. Shire deferred to the traffic experts; however, the Chair pointed out that the TEC agencies have said that facilities for this phase is adequate.

Ms. King suggested deferring a decision on this project to give members of the community the opportunity to provide any *new information* they may have to contribute, and made a motion to that effect. However, the motion failed for lack of a second. The Chair stated that we had allowed Mr. Klein, the groups' spokesman, to comment and heard his arguments, and now he thinks we should move forward.

Mr. Greenwell moved that, having made a finding of adequate facilities, including stormwater management, and noting that the project has met all TEC requirements, the Commission approve the final subdivision plan and phasing plan as described in the Staff Report signed February 4, 2004; i.e., the remainder of Section 1, for 106 lots, shall be submitted by August 1, 2004; Section 4, for 76 lots, shall be submitted by January 2005; Sections 5 & 6, for 46 lots, shall be submitted by April 2005; and all phases shall receive final approval by May 13, 2005 to meet the phasing provisions of the Zoning Ordinance. The motion was seconded by Mr. Chase and passed by 6-1. Mr. Raley voted against the motion.

DISCUSSION - COUNTY-WIDE TRANSPORTATION PLAN

John Groeger provided an update on the County's Transportation Plan. Mr. Groeger said DPWT has received comments from SHA, LUGM, and the County's Department of Recreation of Parks, and are looking at completing the Plan by July 2004 unless other direction is given. He said they have asked the consultant to do a special study for MD 235 between Route 4 and Pegg Road to see how much more traffic it can without overburdening it. The County Commissioners have approved a 7-member Transportation Task Force and is now accepting applications from members of the community with knowledge of transportation to serve on the task force.

ADJOURNMENT – 8:50 p.m.

Peggy Childs
Recording Secretary

Approved in open
session: February 23, 2004

John F. Taylor
Chairperson