

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, February 25, 2008**

Members present were Stephen Reeves, Chairman; Howard Thompson, Merl Evans, Lawrence Chase, Brandon Hayden, Shelby Guazzo, and Susan McNeill. 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 February 11, 2008 were approved as presented.

Mr. Reeves announced the Capital Improvement Plan (CIP) would be discussed first this evening.

DISCUSSION

Capital Improvement Plan

Mr. Jackman explained this is essentially the same CIP and stated new projects are marked by double asterisks in the far left hand corner. Ms. Kramer gave an overview of the 13 new projects for this year as follows:

Ripple Center Environmental Improvements	\$300,000
Mattapany Farmers Market	\$100,000
Kingston Creek Waterway Improvement District #2	\$440,220
Mobile Entertainment Stage	\$130,000
St. George's Island Pier Replacement	\$99,000
Playground Equipment	\$1,175,000
Early childhood Center HVAC Systemic Renovation	\$1,014,000
Leonardtwn Middle School Limited Renovation	\$9,658,000
Early Childhood Center Roof Systemic Renovation	\$526,000
STEM Academy	\$525,000
Piney Point Elementary Roof Replacement	\$675,000
Leonardtwn & Spring Ridge Middle Bleacher Replacement	\$240,000
Bethune Educational Center HVAC Systemic Renovation	\$696,000

Ms. Kramer stated this is a total of \$15,578,220.00 in new projects. Mr. Erichsen gave an overview of the projects regarding the Department of Public Works & Transportation and Ms. Howe gave an overview of the projects regarding the school systems.

After discussion ***Ms. McNeill made a motion to accept the CIP staff report and to authorize the Chairman to sign a letter to be forwarded to the Board of County Commissioners and Mr. Thompson seconded. The motion passed by a 7-0 vote.***

PUBLIC HEARINGS

DRARA #07-146-001 & PUD #07-146-001 - St. Mary's Crossing

Mr. Bowles gave an overview of the previous hearings held August 27, 2007, November 26, 2007 and January 14, 2008. Mr. Bowles stated work sessions were held on February 4 and 19 of 2008 to discuss the various conditions that would be included if the Planning Commission recommends approval of the PUD & DRARA.

Mr. Stephen Foster of State Highway Administration (SHA) stated he and his staff have reviewed the project. Mr. Foster explained that traffic lights do not necessarily decrease traffic accidents

and stated they can actually increase the number of accidents. Mr. Foster explained the difference between traffic lights and a round about, stating traffic lights have to meet National Warrants prior to being installed and a round about is normally anywhere from 65 feet to 110 feet in width. Mr. Foster stated SHA has reviewed the project and requested a traffic light study and a round about study be completed and sent to SHA for review. Mr. Foster stated to date this has not been done by the developer. Mr. Thompson asked once SHA receives the new studies they be re-reviewed. Mr. Thompson stated residents feel safer using Bellwood Lane and asked if Bellwood could be included in these studies. Mr. Foster stated SHA would take into consideration Bellwood Lane.

Mr. Evans asked at what point we stop mitigating for a project, how this is determined and where the money is held. Mr. Evans stated Mr. Groeger has indicated we stop mitigating when we hit 70% of the total and asked who keeps track. Mr. Foster explained in most cases the money is held by the County and the 70% is something SHA is trying to implement. Mr. Foster stated most of the time it depends on how much development has occurred in a particular area. Mr. Canavan stated the County keeps the monies and at some point the County goes to SHA but the green light has to be given by SHA and the County. Mr. Foster stated even if the 70% is collected, the County or SHA still has to come up with the other 30% before anything is built.

Ms. Guazzo asked about SHA compromising on certain projects. Mr. Foster stated SHA is not compromising safety and stated every project is based on appraisals and written offers. Mr. Foster stated SHA takes and considers each project on a case by case basis without compromising safety. Ms. Guazzo asked when Route 4 would become a four land divided highway. Mr. Foster stated he would have his engineer team send a written response to the Planning Commission. Mr. Evans stated this is currently a medium priority which is defined as 10 to 20 year. Mr. Evans asked if this could be bumped up to a high priority which is defined as 0 to 10 years completion. Mr. Foster stated he is not privy to this information and would have his staff include this in their written letter to the Planning Commission.

Mr. Barnes stated the conditions do not require the second access to be a public road. Mr. Barnes asked who would be responsible for accidents on this second access if it is not improved and deeded to the County. Mr. Barnes stated this project will overburden him and the second access road if not upgraded. Mr. Barnes stated he has received 0% cooperation from the developer and the developer is unwilling to offer a decent amount for his land. Mr. Canavan stated the alternative suggestion is to take the private road and build it to public standards with an agreement. Mr. Canavan asked Mr. Barnes if he was opposed to this road being upgraded to a public road. Mr. Barnes stated he is opposed until there is an agreement between the developer, Mr. O'Yea and himself. Ms. Guazzo asked if Mr. Barnes reaches an agreement with the developer would he be opposed to the road being upgraded to public road standards and dedicated to DPW. Mr. Barnes stated, "No".

Ms. Horton stated she is not real happy about the round about, but is glad to see the Planning Commission is taking the citizens concerns to heart. Ms. Horton stated she would like to see the figures for Bellwood Lane. Mr. Reeves asked when SHA could respond to the Commissions inquiry. Mr. Foster stated SHA would respond within one month.

Mr. Norris III stated this plan is not a final plan it is just the first drafts and we are here for preliminary approval. Mr. Norris III stated the applicant will have to come back to the Planning Commission with the final plans. Mr. Norris III asked the Planning Commission to render a decision tonight. Ms. Guazzo stated, "No" the Commission would like to take it's time with this PUD.

Ms. Broadhurst stated she is confused by the last sentence in condition 14 regarding the workforce housing that reads "this will be determined at each phase of residential development." Mr. Canavan stated there are 150 workforce housing units which will be spread out through 7 phases by proportion. Ms. Broadhurst stated it's not fair that the sewer is not coming down the

road so that others could hook into it. Ms. Broadhurst asked that staff reports be written in a timely manner and distributed to the citizens involved prior to the meeting. Mr. Canavan stated we would attempt to get them out to the public. Ms. Broadhurst stated there is no reference to the environmental issues she raised during the meetings written into the conditions. Mr. Norris III stated the buffers were increased on a previous plan.

Mr. Reeves closed the public hearing for DRARA to public comment. Ms. Guazzo stated there is no condition requiring annual review or review for every 75 building permits. Mr. Bowles stated this is written into the PUD. Ms. Guazzo stated she would like to see it written in the agreement. Ms. Guazzo stated she wants phase A completed prior to the issuance of building permits for phase B. Ms. Guazzo stated there needs to be a condition stating if three years pass without a certificate of occupancy being issued the developer must come back to the Planning Commission as a Major Amendment .

The members discussed whether the DRARA is an adequate means of mitigating schools. After discussion ***Ms. Guazzo made a motion in the matter of DRARA #07-146-001, St. Mary's Crossing, having made a finding that the referenced project does not meet the requirements of Section 29 of the Comprehensive Zoning Ordinance, Development Rights and Responsibilities Agreement, that this agreement is not an acceptable means to mitigate school seats and will not be used for the express purpose of finding adequacy of schools. I move that the Planning Commission recommend denial to the Board of County Commissioners, I further move that the Chair be authorized to sign a resolution, on behalf of the Planning Commission, to transmit this denial to the Board of County Commissioners and Mr. Thompson seconded. The motion passed by a 5-1-1 vote with Mr. Chase opposed and Mr. Evans abstaining.***

Mr. Reeves re-opened the public hearing for #06-146-004, St. Mary's Crossing. ***Ms. Guazzo made a motion in the matter of PUD-R #06-146-004, St. Mary's Crossing, to continue the public hearing until March 24, 2008 and Ms. McNeill seconded. The motion passed by a 6-0-1 vote with Mr. Evans abstaining.***

ANNOUNCEMENTS

ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: March 10, 2008

Stephen T. Reeves
Chairman