

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Monday, March 24, 2008**

Members present were Steven Reeves, Chairman; Howard Thompson, Shelby Guazzo, Brandon Hayden, Susan McNeill, Merl Evans, and Lawrence Chase. 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 March 10, 2008 were tabled to the next meeting.

**PUBLIC HEARINGS**

**CWSP #08-200-001 – Nelson Property**

Mr. Jackman gave an overview stating the proposal is to amend the service area map IV-42 to change the service category from S-6 (service in 6 to 10 years) to S-3D (service in 3 to 5 years, developer financed) for 1.34 acres described as Tax Map 42, Grid 5, Parcel 115 in the 8<sup>th</sup> Election District in anticipation of providing community sewerage service to a single family dwelling located at 22669 Old Rolling Road, California, Maryland. Mr. Jackman stated a public hearing notice has been duly advertised in The Enterprise on March 7, 2008 and March 12, 2008.

Ms. McNeill asked about how much this is costing the developer. Mr. Chapman stated the applicant is still negotiating fees with METCOM however it would be upwards of \$20,000. Ms. Guazzo asked if there is currently septic and drain field on the property. Mr. Jackman stated, yes. Ms. Guazzo asked if there would be sufficient service for the possible six houses in the future. Mr. Masteller of METCOM stated potentially yes, however it would be addressed at the time of development.

Mr. Reeves opened the hearing for public comment, hearing none, closed the hearing to public comment.

***Ms. McNeill made a motion in the matter of Nelson Property, case CWSP #08-200-001: having accepted the staff report dated February 29, 2008, and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP), and having made findings of adequacy with respect to the objectives and policies of the CWSP as required by the Environment Article of the Maryland Annotated Code and of consistency with the St. Mary's County Comprehensive Plan, I move that the Planning Commission recommend to the Board of County Commissioners to amend service area map IV-42 to change the service category from S-6 (service in 6 to 10 years) to S-3D (service in 3 to 5 years, developer financed) for property described as Tax Map 42, Grid 5, Parcel 115 in the 8<sup>th</sup> Election District; I further move that the Chair be authorized to sign a resolution on behalf of the Planning Commission to transmit this recommendation to the Board of County Commissioners and Mr. Hayden seconded. The motion passed by a 6-0 vote.***

**PUD #06-145-004 – St. Mary's Crossing**

Mr. Bowles gave an overview of the project stating the Planning Commission conducted public hearings on August 27, 2007; October 22, 2007; January 14, 2008; February 25, 2008 and tonight. Mr. Bowles stated two work sessions were held on February 4, 2008 and February 19, 2008. Mr. Bowles read the twenty-two conditions of approval into the record as follows:

1. A signal light at the intersection of Hunt Club Road and MD Route 4, opposite St. Andrews Estates Lane, will be installed when warranted by State Highway Administration. In lieu of a traffic signal light the applicant will construct a roundabout, per State highway Administration standards.
2. Improvements to MD Route 4 at St. Andrews Estate Lane and Hunt Club Road to include access / decell lanes and a left turn storage lane.
3. Johnson Pond Lane, a 50' R.O.W., will be upgraded to public road standards and used as a second access point, prior to the 76<sup>th</sup> residential building permit being issued by Department of Land Use and Growth Management.
4. The private roadway connecting the eastern part of the property, approximately ½ mile in length, to Old St. Andrews Church Road, must be improved to public road standards, as determined by the Department of Public Works and Transportation and subsequently deeded and dedicated to the county.
5. The applicant will construct this road, per condition 4, and all bonds will be in place, prior to the first residential permit issued for Phase B.
6. The applicant must obtain all approvals from MDE and the Corps of Engineers, prior to the GP (Grading Permit) issued for Phase B.
7. The applicant will extend sewer and water infrastructure, to proposed residences, school site and stubbed at property lines with utility easements that will allow for future extension purposes.
8. The applicant will deed and dedicate, to State Highway Administration, a strip 75 foot in depth, measured along the entire frontage of MD Route 4, for future road widening.
9. Applicant will receive approval of access permits from SHA for Hunt Club Road and Johnson Pond Road.
10. Applicant will receive approval of intersection at Old St. Andrews Church Road and MD Route 4, as required by SHA.
11. The applicant is bound by architectural renderings, as depicted in Appendix A, page AR-7, illustrating the façade of the proposed residences. This amends Chapter 4 page 25, subsection d, of the applicant's submitted documents.
12. St. Mary's Crossing, LLC, its successors and assigns, shall disclose to all future residents within this development, either as tenants or purchasers that they are within proximity to the adjoining landfill.
13. The following Phasing Plan shall be considered as part of the Development Plan.
  - Phase 1, year 1, 250 dwelling units.
  - Phase 2, year 2, 118 dwelling units.
  - Phase 3, year 3, 100 dwelling units.
  - Phase 4, year 4, 100 dwelling units.
  - Phase 5, year 5, 100 dwelling units.
  - Phase 6, year 6, 100 dwelling units.
  - Phase 7, year 7, 100 dwelling units.
14. All phases of the development must meet all the requirements for adequate public facilities, including stormwater management, in effect at the time of site plan or subdivision review for any given phase.
15. The pond is to be retrofitted to function as a stormwater facility, not only for subject property, but also to accommodate run off from upland areas.
16. Applicant shall provide a schedule for the recreation amenities, in accordance with the PUD requirements.
17. The applicant will deed and dedicate the 26 acre, or larger, school site to the board of Education, in compliance with their agreement with the Board of Education. This includes site preparation, extension of water and sewer, stormwater management and compliance with forest conservation.
18. The developer will pay a traffic mitigation fee in the amount of \$3,535.00, per dwelling unit, prior to approval of the dwelling units shown on a submitted subdivision or site plan.
19. No less than 150 workforce housing units shall be available for county workforce initiatives. These units shall be available for rent or purchase to residents with income levels up to 110% of median household income. The number of units will be

- proportionate to the total number of units and will be determined at each phase of residential development.
20. Submit an annual report to the Planning Commission or after every 75 dwelling units, whichever ever occurs first.
  21. All residential development anticipated in Phase A will be completed prior to any residential building permit being issued for Phase B, by the Department of Land Use and Growth Management.
  22. If at the end of a 3 year period no development has occurred, then it must return to the Board of County Commissioners for a major amendment.

Ms. Guazzo stated #17 does not specify when it will be deeded and dedicated. Mr. Norris stated it would be deeded and dedicated subsequent to the approval by the Board of County Commissioners and the stormwater management would be done upon the request of the Board of Education. Ms. Guazzo asked if it would be deeded immediately after approval. Mr. Norris stated, yes. Ms. Guazzo stated #22 should read no above ground infrastructure because "development" is just too vague.

Mr. Stefan Koczerzuk read a statement requesting the Planning Commission make a decision regarding this project. The Commission discussed the letter from State Highway Administration dated March 20, 2008. Mr. Canavan asked that the State Highway Administration letter be included in the record. Ms. Reeves asked for any additional public comments or information, hearing none, closed the hearing for public comment.

***Ms. Guazzo made a motion in the matter of ZPUD #06-145-004, St. Mary's Crossing, having accepted the staff report as amended and including the State Highway Administration letter dated March 20, 2008 and concluding that required findings for a Planned Unit Development Plan, have not been made, pursuant to Chapter 44.0 of Zoning Ordinance #02-01, and noting that the proposed development plan and rezoning application, do not conform with requirements for a Planned Unit Development and do not conform with the Comprehensive Plan and is not compatible with the surrounding neighborhood, I move that the proposed Planned Unit Development, Residential (PUD-R) Floating Zone, be denied. I further move that the Chair be authorized to sign a resolution, on behalf of the Planning Commission, to transmit this recommendation to the Board of County Commissioners and Ms. McNeill seconded.***

Ms. Guazzo stated the Planning Commission and the Board of County Commissioners work, dependent upon how we view a project as effecting the public health, safety and general welfare of St. Mary's County. In the intent section of Chapter 44 of the PUD Floating Zone Ordinance I feel that public health includes the protection and health of our natural resources, in this case the St. Mary's River. It is not reasonable to put 868 housing units plus a school with at least 535 students and all the impervious surfaces associated with such a project pressed into 130 acres between the main branch of the St. Mary's River and another stream leading into the river. The requirement of the PUD "to maximize the conservation and efficient use of open space and natural resources" I feel has not been met.

Ms. Guazzo stated concerning the safety of the neighborhood I feel there will be problem due to the increase of traffic flow that is already at a failing level at many significant times during the day. St. Andrews Church Road also known as State Highway 4 carries significant traffic flow towards Calvert County and provides a major cross-county connection between Leonardtown and the Lexington Park area. It has been a long time and a tedious process with the State Highway recently providing us with a very interesting three page report based on the information provided by the traffic engineer hired by the developer.

I also hear the citizens of St. Andrews Estates and their very real concerns about the site distance and that most of them are forced to use Bellewood Lane to achieve a left turn from this subdivision and not the proposed main intersection where this subdivision (St. Mary's Crossing)

proposes to make a major four way intersection. In addition, the Chief of the Access Division of State Highway has testified that the shoulders are varied in this portion of Route 4 and many shoulders are not wide enough I feel to allow disabled vehicles to either be removed from the travel lanes or to allow emergency vehicles to use the shoulders. The incidents in December are an excellent illustration of this problem. The phasing plan of this proposed development proposes to build 368 homes within the first two years of their phasing plan and I feel that this will so compound the traffic problem and those problems will not have been met.

Ms. Guazzo stated section 44.9.1 of the PUD regulations state, “the PUD shall not create any adverse impact upon the primary road system”. The requirement of a PUD is to “efficiently utilize public facilities and courses”, and I feel that this provision has not been met with the discussion to date. Concerning the general welfare of the County, the general welfare of this County is very closely tied to the employees of the PAX River Navy Base and its supporting contractor companies. This is our main economic engine and we must provide commuting corridors that help, not hinder the flow of traffic. St. Andrews Church Road has been described as a commuter corridor in a letter from our Director of Public Works and Transportation.

Ms. Guazzo stated it’s been a very difficult decision to come to; the offer of a school is hard to turn down in this instance. I had to set the school aside and look at the general welfare of the entire neighborhood and this key section of the County. I thank the developer for the offer of the school and the variety of housing types.

***The motion passed by a 5-0-1 vote with Mr. Chase absent and Mr. Evans abstaining.***

## **DEVELOPMENT REVIEW**

### **Concept Site Plan #05-132-035 – Shady Knolls Section 1 & 2**

Mr. Bowles gave an overview of the project stating the only outstanding issue is the final findings for the adequate public facilities which will be made administratively by the Planning Director, as a prerequisite to final site plan approval.

***Mr. Hayden made a motion in the matter of CCSP #05-132-035, Shady 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 Mr. Thompson seconded. The motion passed by a 6-0 vote.***

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

Mr. Bowles gave an overview of the project stating the final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval and to mitigate traffic impact at the intersection at MD Route 5 and Willows Road intersection, fees will be collected are the only outstanding issues.

***Mr. Thompson made a motion in the matter of CCSP #07-132-013, Belle Arbor, 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 6-0 vote.***

### **Major Subdivision #07-120-007 – Willows Run, Section 2**

Mr. Bowles gave an overview of the project stating the only outstanding issue is to mitigate traffic impact at the intersection of MD Route 5 and Willows Road intersection, fees will be collected.

***Mr. Thompson made a motion in the matter of PSUB #07-120-007, Willows Run Subdivision, Phase 2, containing 44 lots, "having accepted the staff report and having made findings pursuant to Section 30.5.5 of the Subdivision Ordinance (Criteria or Approval of a Preliminary Plan), including adequate facilities as described in the Director's Report, I move that the preliminary subdivision plan be approved and Mr. Hayden seconded. The motion passed by a 6-0 vote.***

**ANNOUNCEMENTS**

**ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.

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Jada Stuckert  
Recording Secretary

Approved in open session:      April 14, 2008

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Stephen T. Reeves  
Chairman