

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, October 25, 2010**

Members present were Shelby Guazzo, Vice-Chair; Joe Meinert, Susan McNeill, Martin Siebert, and Lawrence Chase. Brandon Hayden and Merl Evans were excused. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Deputy Director; Bob Bowles, Planner IV; Dave Berry, Planner II; and Jada Stuckert, Recording Secretary. Deputy County Attorney David Weiskopf was also present.

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

APPROVAL OF THE MINUTES – The minutes of October 12, 2010 were approved as presented.

PUBLIC HEARING

CWSP #10-200-002 – Thompson Property

Mr. Chapman gave an overview of the request to amend service area maps III-34 and IV-34 to change the water and sewer service categories from W-6D and S-6D (service in 6 to 10 years, developer financed) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 7.9 acres described as Tax Map 34, Grid 13, Parcel 82 (also known as 23277 Huckleberry Way) in the 3rd Election District in anticipation of providing community water and sewerage to a proposed 7 lot residential subdivision. Mr. Chapman stated the Thompson property is not part of the Wildewood PUD however is located between Dahlia Park and Primrose Park.

Ms. Guazzo asked if the public hearing return receipts have been received. Mr. Gotsch stated they have been submitted to staff. Mr. Gotsch provided staff with additional copies of the receipts. Ms. Guazzo asked how many neighbors were notified. Mr. Gotsch stated 22 were notified.

Ms. McNeill stated the property to the west is set to be developed and asked if the property owners to the north would be affected by having to connect to the new line. Mr. Chapman stated the line will be run through Tall Wood Road therefore the property to the north would not be feasible to connect to this line.

Mr. Gotsch, representative of Wildewood, LLC, stated there are currently nine lots on Huckleberry Way which is a private way therefore this plan will eliminate the end lot. Mr. Gotsch stated we are currently proposing to extend Tall Wood Road into the site and provide a temporary T turn around, and then in the future when Primrose is incorporated with Section 3 the interconnection will be made. Ms. Guazzo asked if the interconnection would be completed during phase three. Mr. Gotsch stated yes, during Section 3. Ms. Guazzo asked if permission to use Huckleberry Way is being terminated. Mr. Gotsch stated yes, we will be placing a forest conservation easement here.

Ms. McNeill asked if each of the seven lots will be sold separately. Mr. Gotsch stated the same developer is developing these seven lots therefore they will all be sold separately. Ms. Guazzo stated it looks like there will be a culvert system to channel water from the northwest side and asked when in the process would this have to be approved. Mr. Gotsch stated there will be a culvert under the street crossing which would be approved during the approvals for Section 3.

Ms. Guazzo opened the hearing to public comment.

Todd Walter

Mr. Walter stated he is the most northern lot on Huckleberry Way where he owns approximately 1.5 acres. Mr. Walter stated his main concern was the right-of-way and how it would be handled however it seems this has been addressed. Mr. Walter asked how he can guarantee that

Huckleberry Way right-of-way will be terminated. Ms. Guazzo asked if Mr. Walter lives outside the Wildewood boundary on Huckleberry Way. Mr. Walter stated yes. Mr. Walter stated his only concern is to this road. Mr. Walter stated Lawrence Hayden Road actually got its name from the Woods property which is also owned by Wildewood LLC. Mr. Walter stated Lawrence Hayden Road is now being burdened because of the emergency access only that was placed on it when Section 3 was developed. Mr. Chapman stated the information provided by the applicant that is currently being reviewed indicates this access will be quarantined off and placed in a Forest Conservation easement. Mr. Walter stated he wants to ensure this right-of-way is going to be abandoned. Mr. Walter stated at this point he already knows by looking at the emergency access point that there is a need and again asked how he as a property owner can guarantee that the developer is conceding this right-of-way. Mr. Chapman stated at this stage in the review process it is nice to hear these comments however as this project becomes more clearly defined it will come back before the Planning Commission for further approvals. Ms. McNeill stated this could also be a condition of approval.

Mr. Walter stated his second concern is the drainage. Mr. Walter stated this land is very wet. Mr. Walter stated the county cleared the trees around this area which impeded the water running rapidly down the hill which washed out the road. Mr. Walter stated Public Works was called and they came and placed blue chip. Mr. Walter stated we can't place anything here because it's so wet. Mr. Walter stated the water runs north to south, especially with the recent rains, and this land does not hold water. Mr. Walter stated when they built Dahlia Park they only half buried the basements because the land is so wet. Mr. Walter stated the land was built up and blocks the water from running north to south and he is concerned that if the stream gets blocked it will flood his land. Ms. Guazzo stated when the applicant returns with his preliminary plan he will have more of the stormwater management information. Ms. Guazzo asked that Mr. Walter be notified when the preliminary plan comes before the Planning Commission. Mr. Gotsch stated he would take care of the notification.

Mr. Siebert stated Mr. Walter testified that the right-of-way was taken care of in a favorable way however it seemed unfavorable to Mr. Walter. Mr. Walter stated his concern is the developer coming in and the burden falling on him to pay to develop agricultural lands. Mr. Walter asked when this development became part of the Lexington Park Development District. Mr. Shire stated Wildewood became part of the development districts in the 1990s.

Mr. Walter stated he has heard that well systems are being expanded and asked if this is the case. Mr. Walter stated if this is the case, how these new wells affect his well. Mr. Siebert stated typically the wells they drill are in the second aquifer and you are probably in the first aquifer. Mr. Siebert stated you are better off in close proximity to a single well that feeds many houses as opposed to many houses that all have their own wells. Ms. Guazzo stated Wildewood utilizes the deeper aquifer. Mr. Walter asked how he would be able to tell which aquifer his well draws water from. Mr. Siebert stated there is a tag number on each well as well as a phone number. Mr. Siebert stated you can call this number and get all the information on your well.

Mike Sanford

Mr. Sanford stated two of his concerns have been addressed. Mr. Sanford asked if each of these lots will have a single-family home on them rather than multi-family or townhouses. Mr. Chapman stated these lots are designated as single-family lots. Mr. Sanford asked what the buffer is between the back of these lots and the private road at the rear of this property. Mr. Sanford stated he wants to ensure there won't be any clear cutting of the woods in this area.

Benjamin Tysch

Mr. Tysch stated the lot to the northeast has a 20 foot buffer section owned by Stanley Martin and not conveyed to Dahlia Park. Mr. Tysch explained that the section between the road that exists now and the gravel lot there is a 20 foot buffer section that was not conveyed to the Dahlia Park HOA by Stanley Martin.

Mr. Siebert stated each citizen has expressed concerns regarding standing water on the property and Mr. Walter made comments like the developer is going to fill in the land and back up the water onto someone else's property. Mr. Siebert asked if you can simply fill in wetlands. Mr. Shire stated it depends on the property. Mr. Shire stated if the drainage problem is related to a County Road, Public Works would take care of it. Mr. Shire stated just because there is standing water that has wetland vegetation growing in it at certain times of the year does not mean it is a State protected wetland. Mr. Sanford stated behind his house there is an 18 inch drainage pipe that goes through the berm and separates the back of his property from the private road and there's probably 18 to 24 inches of water coming from his neighbor's property into this drainage pipe. Mr. Siebert stated we have worked with Mr. Day for many years and he seriously doubts he would create more of an issue.

Mr. Sanford asked what the 3 to 5 years means. Ms. Guazzo stated this basically means the developer has to make this request for a water and sewer category change from 6 to 10 years down to 3 to 5 years in order to move forward with development plans. Ms. Guazzo asked if Mr. Sanford could also be notified in the future. Mr. Gotsch ensured the members he would notify Mr. Sanford.

Allister McIntire

Mr. McIntire stated this entire area of Dahlia Park has severe drainage issues. Mr. McIntire stated allowing Stanley Martin to continue building in this area is a mistake. Mr. McIntire stated currently his walk-up basement stays wet throughout the year. Mr. McIntire stated he loves living here however he feels the houses are being built too quickly. Mr. McIntire recommended having Stanley Martin fix the problems with the existing houses prior to building additional housing in the same area. Mr. Siebert asked if there are acres of standing water in this area. Mr. McIntire stated it depends on the time of the year. Mr. McIntire stated he would not even venture back there in spring and in summer there is probably an acre or two of standing water.

Mr. Walter

Mr. Walter invited the members to come out and visit the property simply to see the amount of water on the property. Mr. Walter stated the drainage and rolling of the water is a huge disaster in this area.

Ms. Guazzo closed the hearing to public comment. ***It was the consensus of the Commission to leave the record open for an additional 10 days to receive written comments.***

DEVELOPMENT REVIEW

CCSP #10-132-003 – Baywood Hotel

Mr. Berry gave an overview of the request for review and approval of a revised Concept Site Plan stating the buffer requirements along Three Notch Road requires a "B" type buffer, type "C" buffer materials are listed on the landscaping plan and the final findings of adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval.

Mr. Siebert asked if there is a requirement in the ordinance or if there is some other type of requirement for the developer to install a recreational amenity and/or picnic area. Mr. Berry stated no. Mr. Siebert asked why staff feels the need to make it a condition of approval if there are no existing requirements. Mr. Berry stated staff feels this is a worthwhile request.

Mr. Meinert asked is staff could explain why this plan is being processed under the old ordinance. Mr. Berry stated this is essentially an amendment to the original plan which was grandfathered under the 02 ordinance and comprehensive plan. Mr. Meinert stated the plan shows two existing access easements and asked if they are both recorded. Mr. Berry stated both easements are in fact recorded and functional. Mr. Meinert asked why the recordation numbers are not listed on the site plan. Mr. Berry stated this is a concept site plan. Mr. Meinert asked if there would be interconnection with the adjoining lot. Mr. Berry stated no, the adjoining lot is a Toyota Dealership

and there will not be an interparcel connection. Mr. Meinert questioned the parking numbers listed on the site plan. Mr. Berry stated this will all be shared parking.

Ms. Guazzo stated she is concerned about the buffer. Ms. Guazzo stated she does not feel we need to continue giving reductions in buffers. Mr. Berry stated the only portion of the buffer requesting a variance is the small section where the applicant will be maintaining the same amount of plantings required in the "B" buffer, it will simply be a little smaller in width. Ms. Guazzo asked if there is some sort of a fence towards the back of the buffer. Mr. Berry stated yes there will be a fence at the rear of this section.

Mr. Meinert asked if there were any other architectural drawings of what is provided. Mr. Gotsch provided Mr. Meinert with additional photo renderings. Mr. Meinert described an area on the site plan and asked what it is. Mr. Berry stated this is a garbage enclosure. Mr. Meinert asked if this is also the area staff has in mind for the recreational amenity. Mr. Berry stated yes, in the same vicinity or on the opposite side of the hotel.

Ms. McNeill asked who actually own this hotel. Mr. Gotsch stated Baywood Hotels builds many different hotels however this one will be a Spring Hill Suites. Mr. Gotsch stated there will be a swimming pool and an exercise room within the hotel and a small courtyard in the rear of the hotel. Mr. Berry stated if there is an outdoor courtyard there would be no need for an additional recreational amenity. Ms. Guazzo stated she would like to see a photo rendering of the rear of the building. Mr. Gotsch stated he does not have photo renderings of this. Mr. Gotsch pointed out the courtyard area on the site plan.

Mr. Meinert asked if there is any restaurant proposed here, how many employees would be hired, and if any innovative stormwater management practices are being used. Mr. Gotsch stated the plans for a restaurant were abandoned and the plans for the new hotel were established, he is unsure regarding the amount of employees and the APF and stormwater management plans have already been reviewed and approved for the entire site. Mr. Meinert asked what the building materials will be. Mr. Gotsch stated the first floor is brick and the other floors are stucco.

Mr. Meinert asked if there are any architectural drawings for the office building. Mr. Berry stated not at this time because the office building was approved in 2004. Mr. Gotsch stated there were never any building plans submitted for the office building. Mr. Meinert stated he would be more comfortable in seeing the office building architectural renderings prior to it being approved. Mr. Gotsch explained the applicant is not asking for approval of the office building tonight. Mr. Siebert stated if the office building has already been reviewed by a previous Planning Commission we should not have to re-review the office building. Ms. McNeill stated this is a revision to the entire site therefore we should re-review the office site. Mr. Gotsch stated the developer is not even close to having architectural renderings at this time.

Mr. Meinert asked if the Commission is satisfied with the outdoor courtyard is acceptable for staff's recommended recreational amenity. By consensus the Commission is satisfied with the courtyard.

Mr. Siebert made a motion in the matter of CCSP #10-132-003, Baywood Hotel, having accepted the staff report and having made a finding that the objectives of Section 60.5.4 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. Chase seconded.

Ms. McNeill recommended a friendly amendment to require the applicant return to the Planning Commission for review of the architectural renderings of the office building. Ms. McNeill stated the applicant has agreed to bring the office building back before the Planning Commission and asked if this could be included in the motion. Mr. Siebert stated it is already clearly indicated in the staff report. Ms. Guazzo disagreed stating it is not clear. After further discussion Mr. Siebert accepted

the friendly amendment to the original motion and Mr. Chase seconded. ***The motion passed by a 5-0 vote and the final motion is listed below.***

“Mr. Siebert made a motion in the matter of CCSP #10-132-003, Baywood Hotel, having accepted the staff report and having made a finding that the objectives of Section 60.5.4 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 with the condition that the applicant be required to return to the Planning Commission for review of the architectural renderings of the office building and Mr. Chase seconded. The motion passed by a 5-0 vote.”

ANNOUNCEMENTS

None

ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: November 8, 2010

Brandon Hayden
Chairman