



Commissioners of Leonardtown

41660 Courthouse Drive • P. O. Box 1, Leonardtown, Maryland 20650

301-475-9791 • FAX 301-475-5350

leonardtown.commissioners@verizon.net

leonardtown.somd.com

J. HARRY NORRIS III
Mayor

LASCHELLE E. MCKAY
Town Administrator

Commissioners of Leonardtown
Leonardtown Planning and Zoning Commission Meeting
July 18, 2011 ~ 4:00 p.m.

Attendees: Jean Moulds, Chairperson
Hayden Hammett, Member
Heather Earhart, Member
Tom Collier, Alternate

Absent: Jack Candela, Member
Glen Mattingly, Member

Also in attendance were Town staff members: Laschelle McKay, Town Administrator; Jackie Post, Fiscal Clerk; and DeAnn Adler, Plans Reviewer. In addition Billy Higgs from LSR and Brian Gass from Springhaven Homes attended the meeting. A complete list is available on file at the Leonardtown Town Office.

Chairman Moulds called the meeting to order at 4:00 p.m.

The minutes for the May 16, 2011 meeting were presented for approval.

Member Hammett moved to approve the May 16, 2011 minutes; seconded by Member Earhart, no further discussion; motion passed unanimously.

Town Administrator's Report – Laschelle McKay

At our July meeting we had some budget amendments to pass and we discussed case #83-10 – the two lots that will be built across from Tudor Hall. The discussion was regarding whether the homes should be all brick or partially brick with siding. The Historical Society was satisfied with partial brick and a consensus was reached that these two houses would have a brick front and foundation with siding over the rest. Mr. Beck will be bringing in drawings for approval before a building permit will be issued.

Also we discussed the partial expansion of the wastewater treatment plant to comply with MDE's ENR upgrade - a recommendation from a smaller sub-committee will be forthcoming in the next few months and some kind of expansion project will be moving forward.

New Business:

Case # 18-11 – 22490 Breton Bay Drive – Recommendation regarding a variance to construct a home within the 100' Critical Area Buffer.

Ms. Adler introduced the project, giving a brief history of the site, stating that this is a grandfathered lot located in the Limited Development Area (LDA) of Breton Bay. It was originally created in 1947 as part of the Tudor Hall subdivision and the Critical Area Ordinance was adopted in 1986. In September, 2004 a request was made by Benjamin Garner to the P & Z board to construct a new home on this lot within the 100' critical area buffer. This request was approved by the board at that meeting. The CAC did not oppose the variance request provided mitigation was done at 3:1 for any disturbance to the buffer. The Board of Appeals also approved this variance request in October of 2004.

Ms. Adler added that Mr. Brian Gass has an option to purchase this property. He would like to construct a 3,223 s.f two-story home as shown on the enclosed site plan and architectural. He has agreed to plant extensive mitigation plantings that are acceptable to the Critical Area Commission. Also fees-in-lieu will be paid to the Town in the amount of \$23,400 to satisfy the remaining mitigation required by the CAC. This figure is based on the \$1.50 per square foot requirement. A bond will be required (as per CAC) to ensure that the plantings survive for 5 years. This new plan was submitted to CAC, DPW and Soil Conservation. It has received approval from Soil Conservation and DPW.

Critical Areas sent a response letter, which was enclosed in your packets. In order to grant the variance, the Board must find that the applicant has met each of the Critical Area variance standards as listed on their letter dated June 2, 2011.

Ms. Adler introduced Mr. Billy Higgs, engineer for this project and Mr. Gass, applicant. Mr. Higgs summarized the standards that must be met in order for a variance to be granted. He stated that Mr. Gass is not asking for anything that other lots in the neighborhood were not granted at one time or another, which is the right to build on this lot, which as Ms. Adler stated, was created in 1947 and which because of CAC regulations is now almost entirely in the CAC buffer. It is a result of the after-the-fact CAC regulations that created this issue. The footprint of the house is 2,617 square feet for the house, porch, and 2 car garage. The rest of the square footage is on the second floor.

Mr. Higgs passed out floor plans and presented elevations of the proposed home. He stated that also there is 1,213 square feet of additional driveway, besides what already exists in the corner of the lot. This existing driveway serves the next-door neighbor's home and will be remaining. We've provided storm water management to improve the water quality of the runoff on this lot and DPW has given approval of this, as well as tentative approval from Soil Conservation. We

have a total of 23.3% of impervious surface on this lot. We are actually allowed 31.25%, so we are still well under the amount allowed by CAC.

Member Collier asked if the planting diagram was showing the actual canopy of the trees planted. Mr. Higgs stated, no, the drawing showed the planting locations only, but there would be much more overlap and there would actually be a contiguous canopy of trees in that area. Member Collier asked if they would be able to grow that close together. Mr. Higgs stated that yes, they would and with a mix of canopy trees, understory trees, and shrubs it would create a buffer, which is what CAC wants. They are all native species plants.

Member Collier asked how big the house was that the variance was granted for in 2004. Ms. Adler stated that it was for 4,100 s.f. of impervious area. This new variance request is for 3,830 s.f.

Member Moulds asked if this lot was waterfront. Mr. Higgs stated that it was not really waterfront, but the mouth of the Town Run abuts this lot and you might be able to get a canoe back right at the end of the street. Then it basically turns into stream and marshlands. The property is pretty flat.

Member Hammett stated that he was concerned about how low this lot is and asked if the property was in the flood plain. Mr. Higgs stated no, it was not. Member Earhart asked if there would be any disturbance in the wetlands. Mr. Higgs stated no, they would not be disturbed. Member Hammett asked about the super silt fence. Mr. Higgs stated that was required because of the relationship to the buffer.

Member Hammett stated that architecturally the house was attractive and in keeping with the rest of the neighborhood, since most of the houses down there were two-story and it seemed to be placed well on the lot. Member Hammett asked what would happen to the fees-in-lieu?

Ms. McKay answered that we really haven't ever approved fees-in-lieu before, except for the wharf project. The plan would be that eventually there would be a project in the critical area that would support or need extra plantings and the Town would use those fees-in-lieu to pay for that.

Member Collier stated that during Hurricane Isabel this lot was under water when we had a six foot storm surge. He asked how high the crawl space was. Mr. Higgs stated that it would be at least two or three feet. Member Collier recommended it be even higher.

Member Hammett made a motion to forward a recommendation of approval to the Board of Appeals, to grant a variance to build within the CAC buffer. Member Earhart seconded the motion. No further discussion, motion passed unanimously.

Review of Monthly In-House Permits – No comments

Review of Approved Town Council Meeting Minutes – No comments

Chairman Moulds entertained a motion to close the meeting at 4:30 p.m. Member Hammett made the motion, it was seconded by Member Earhart, no further discussion, motion passed unanimously.

Respectfully Submitted:

DeAnn Adler

Approved:

Jean Moulds, Chairperson

Hayden Hammett, Member

Thomas Collier, Alternate

Absent

Jack Candela, Member

Absent

Glen Mattingly, Member

Heather Earhart, Member