



# Commissioners of Leonardtown

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DANIEL W. BURRIS  
Mayor

LASCHELLE E. MCKAY  
Town Administrator

## Commissioners of Leonardtown Leonardtown Planning and Zoning Commission Meeting *July 23, 2012 ~ 4:00 p.m.*

Attendees: Jean Moulds, Chairperson  
Jack Candela, Member  
Glen Mattingly, Member  
Tom Collier, Alternate

Absent: Heather Earhart, Member and Laura Schultz, Member

Also in attendance were Town staff members: Teri Dimsey, Recording Secretary and DeAnn Adler, Plans Reviewer. A complete list of other attendees 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 June 18, 2012 meeting were presented for approval by Chairman Moulds.

**Member Mattingly moved to approve the June 18, 2012 minutes as submitted; seconded by Member Candela, no further discussion; motion passed unanimously.**

Town Administrator's Report – Laschelle McKay was on vacation this month. See the July 9, 2012 Town Council meeting minutes for the details on that meeting.

### New Business:

#### **Case #71-12 Boundary Line Adjustment Plat for Leonard's Grant Phase 5b – Lots 333 and 334 – Tax Map 121, Parcel 53**

Ms. Adler introduced the project, stating that the applicant, Quality Built Homes, is requesting a change to the side property lines of two lots in Phase 5b. Because of the forest conservation area requirement, there was not quite enough depth in the area between lots 333 and 334 to fit in an additional lot there, although property lines could have been shifted around enough to accommodate the width. It was decided recently that instead of leaving a gap between the lots, if they shifted the lot lines as shown, these two lots could accommodate a more desirable side load garage configuration, hence the request for a BLAP. She introduced Mr. Andy Bice, from Quality Built Homes, who was there to answer any questions the Commission may have.

There were no comments from the Commission.

**Member Candela made a motion on this case, #71-12, to approve the BLAP request as presented. Member Mattingly seconded the motion, no further discussion; motion passed unanimously.**

**Case # 65-12 –12 – 22380 Greenbrier Road – 3 Lot Subdivision Request – Tax Map 121, Parcel 20**

**Owner:** Michael Hutson  
**Applicant:** Jeffrey Nieman, L.S. – Linear Surveys, Inc.  
**Zoning:** R-SF

Ms. Adler introduced the project, stating that the applicants Mr. Jeff Nieman, surveyor for the property and Mr. Michael Hutson, owner of Parcel 20, Map 121, on Greenbrier Road, are requesting that the Planning and Zoning Commission consider allowing a three lot subdivision of this property.

This property was once part of the Leonard's Grant PUD. Some of these small leftover parcels, that were no longer part of that PUD, were rezoned in 2004 from PUD to R-SF. This parcel is also a residue of the Elizabeth Somerville Subdivision.

In 2008, the past owners of this property requested changing the zoning from R-SF to R-MF. The application was withdrawn at that time after we received a petition against the zoning change from the neighbors. This petition and two letters from 2008 were enclosed in your packets.

In 2010 a new request was made to the Town Council, requesting four EDU's so that four small 1,350 square foot homes could be built on this 1.94 acre property. This request was denied at that time. The minutes from that July 12, 2010 Town Council meeting are enclosed in your packets. The applicant decided at that time not to pursue the request further.

Also included in your packets are the residential single family (R-SF) zoning requirements. The parcels will meet the setback and minimum lot size requirements. The subdivision requirements are also included with a highlighted section spelling out the Planning and Zoning Commission's ability to require a public hearing during the process. Also included is a copy of an email from John Groeger from the St. Mary's County Dept. of Public Works. Greenbrier Road is a county road. We felt that the county would have an opinion regarding the needed improvements for this project, since the road is the major issue with the surrounding neighbors. John's response was pretty much to give control back to the Town regarding any requirements for upgrading Greenbrier Road. We will continue discussions directly with him.

A copy of the portion of the minutes from the Town Council meeting held on July 9, 2012, regarding this request are also included in your packets. The Town Council gave a unanimous recommendation of approval for the three EDU allocations that this project would require, which is the first step needed for subdivision. They also recommended to this board that a public



hearing be held before a decision is made, in light of the history of past opposition to subdivision of this lot and the roadway concerns of the surrounding neighbors.

Mr. Jeff Nieman gave a quick presentation of the project. He stated that the owner understands that this is a county road and it is not built to county specifications, which is an 18' travel lane with 4' shoulders. They would still like to go through the normal review process for subdivision, and in light of the fact that the road does not meet county standards; we would like to be treated like any other project on a county road, where as a minor subdivision we are not required to upgrade the entire road, but we understand we need to do what we can to the frontage along our property to bring it up to satisfactory roadway standards. This plan shows some of the concessions we are willing to make, for instance a 5' dedication to bring that road up to a 35' right-of-way, a 5' dedication would be needed from the other side of the road to make it a standard 40' R.O.W.. That would be a normal request from DPW. We would also provide a 'T' turnaround at the end of the road for school buses and commercial vehicles. DPW may also request that we widen the road in front of our property. This is shown on the plan also. We think this is a beautiful property to develop; it is close to so many employers in the town.

Mr. Hutson added that this was a chance to build workforce housing in the community. This is a chance to create jobs and we have a whole variety of people who would benefit from workforce housing that don't want to live in an apartment. The price point would be around \$259 thousand for these homes and they would be within walking distance to most of the town limits.

Member Mattingly spoke next, stating that he first wanted to apologize for missing the meeting last week and necessitating the need for this week's meeting. He also wanted to state that he is very familiar with Greenbrier and agrees with the residents along that road that Greenbrier is woefully inadequate. Safe streets are something we need to look at before approving a request like this. He thinks that a minor subdivision of this lot is counter-productive to providing a safe street for these existing residents.

Member Candela stated that he drove back to the end of Greenbrier for the first time after he got this packet and was surprised and appalled by how inadequate Greenbrier was. He totally concurs with Mr. Hutson's desire to provide workforce housing, but safety and the increased traffic is the primary issue, not only the safety of the existing residents, but also the safety of the new owners of these three houses. The entire length of Greenbrier Road needs to be addressed no matter who's responsibility it is, whether county, town or developer's, before he would ever agree to this request.

Mr. Hutson asked what Mr. Candela would consider 'safe' for that road? He also asked how many accidents had been reported on that road? Member Candela stated that he was not an engineer, but from common sense, he knew that what was out there now was not adequate and that if you increase the traffic with these new houses you would be potentially increasing the likelihood of an accident.

Member Mattingly stated that 'safe' would be whatever the Town's engineer's standards are now. There are no sidewalks on this road and he is not in favor of this subdivision.



Mr. Hutson stated that there are many roadways in the county that are not up to standards and that people drive on these roads all the time, usually with common sense and courtesy, and there are very few accidents that occur on these back roads.

Member Mattingly stated that this is not a back road, this is within the town limits.

Member Moulds asked if there was going to be any involvement with the wetland streams that are back there? Mr. Neiman stated that he shows a 50' buffer from the two intermittent wetland streams out there, but there are no wetland pockets nearby.

Member Moulds stated that she is not in favor of the parking lot configuration they have shown on this plan. To her it looks like a parking lot for an apartment building. She asked if they could possibly put a cul-de-sac at the end of the road instead, for buses, fire trucks and commercial vehicles to turn around in. Then they could have normal driveways off that cul-de-sac. Also, she agreed that the board needed to look at the width of the road all the way down.

Mr. Neiman stated that even if they wanted to widen the road all the way down, which they couldn't afford to do, there is not enough room to do it adequately without getting R.O.W. dedications all along Greenbrier, which they couldn't get either. He also stated that a cul-de-sac would probably work just as well and they could do that instead, if that's what the town wanted.

Mrs. Moulds stated that these are all things we need to think about and see if we can come up with some kind of compromise that would make it safer for everyone and address our concerns without requiring you to rebuild the whole road. She also asked if two vehicles can even pass safely on that road?

Mr. Neiman stated that it would be tight. But maybe they could design some pull offs for passing.

Mrs. Moulds stated that she would like to see this request tabled for a month to see if a compromise can be reached, before we hold a public hearing.

Mr. Collier stated that he would suggest that Mr. Hutson go out and talk to the community and see if he can find a compromise that would satisfy the residents on Greenbrier Road. Mr. Collier said that he felt right now there is an overwhelming opposition to this request.

Mrs. Moulds said that maybe a sidewalk or walkway could be designed that was away from the roadway for safety.

Mr. Candela stated that he liked the idea of pull-offs to let vehicles pass easier, that that might be a good compromise.

Mr. Neiman asked if it might be a good idea to table this request for a month, until we can look at the issues you've brought up today and come back before this board one more time before the public hearing?

The consensus was that this suggestion was a good one.

Mr. Hutson asked, if the roadway was brought up to county standards, would this project be approvable? The answer from Mr. Candela was probably yes.

Mrs. Moulds stated that she realized that the cost to fix the road problem would be passed on to the people buying these homes, but that it would be these same people who would come back before this board demanding that something be done to address the safety issues on this road.

**Member Mattingly made a motion on this case # 65-12, to table this request until next month, pending a new submission addressing these concerns. Seconded by Member Candela, no further discussion; motion passed unanimously.**

**Further Business:**

**Approval of the Annual Report to the Maryland Department of Planning for 2011-**

Ms. Adler stated that in your packets was her Annual Report to the Maryland Department of Planning for 2011. This is a document she is required to submit every year by July 1<sup>st</sup> that outlines briefly the Town's planning activities for the past year (from Jan. through Dec.). She has been submitting this report for several years now, but this year they required it to be approved by the local Planning Commission, which is why you have it before you today. It is pretty straight forward and she asked if anyone had any questions about it.

Mr. Mattingly stated that the included map was hard to read and may need to be made bigger and printed on landscape instead of portrait mode.

**Member Candela made a motion to approve the Annual Report to MDP, seconded by Member Mattingly, 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. Member Candela made the motion, it was seconded by Member Mattingly, no further discussion, motion passed unanimously. Meeting ended at 4:35 pm.**

Respectfully Submitted:

  
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DeAnn Adler

**Approved:**

  
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Jean Moulds, Chairperson

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Glen Mattingly, Member

  
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Thomas Collier, Alternate

  
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Jack Candela, Member

Absent  
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Laura Shultz, Member

Absent  
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Heather Earhart, Member