



STAFF REPORT

Planning Commission Meeting of
January 13, 2020

Agenda Item #III

- **Reviewed in accordance with the St. Mary's County Comprehensive Subdivision Ordinance #10-01**

ACTION REQUESTED: Review of a 7 lot minor subdivision.

I. DEVELOPMENT DATA:

MINOR SUBDIVISION # 13-11000032, CYPRESS PARK
(Zoning Ordinance 10-02) (Subdivision Ordinance 10-01)
OWNER: Wildewood Residential LLC
AGENT: Duball, LLC / Soltesz
LOCATION: 23277 Huckleberry Way, California, 20619
TM-034 GRID-13 PAR-0082 ED-03 TAX ID-019853
LAND USE: Residential Medium Density
ZONING: Residential Medium Density, RM/AE-4
ACREAGE: 7.92

II. NOTIFICATION

The property and hearing request were advertised in *The Enterprise* on December 27, 2019 and January 3, 2020. The property has been posted and certified mail receipts have been submitted for the required mailings.

III. APPLICABLE REGULATIONS

- a. St. Mary's County Comprehensive Plan
 1. Section 4.1.1 Objective: Encourage a variety of developments and housing types to meet the needs of citizens based on employment, demographic and economic characteristics of the population.
 2. Section 4.1.2.A.i Policy: Encourage infill development rather than new subdivision and development of large undeveloped parcels.
 3. Section 8.1. The proposed subdivision will promote and provide opportunities for home ownership.
- b. St. Mary's County Comprehensive Zoning Ordinance
 1. Schedule 32.1 Development Standards
 2. Section 70 Adequate Public Facilities

- (a). Section 70.7.2 Roads – Determining Adequacy
- (b). Section 70.8.2 Sewerage – Determining Adequacy
- (c). Section 70.9.2 Water- Determining Adequacy
- c. St. Mary's County Subdivision Ordinance
 - 1. Section 30.4 Authority
 - 2. Section 30.5 Preliminary Plan
 - (a). Section 30.5.4 Criteria for approval of a Preliminary Plan
 - (b). Section 30.6.4 Preliminary Plan Requirements
 - (c). Section 30.6.6 Planning Commission Action
 - 3. Section 30.16 Public Improvement and Infrastructure Requirements

IV. **BACKGROUND INFORMATION:**

1. This plan was reviewed during the November 2013 TEC cycle.
2. This project went before the Planning Commission for a CWSP category change on October 25, 2010. The Planning Commission left the record open for an additional 10 days to allow the submission of written comments. On November 8, 2010 this project returned to the Planning Commission to review written comments. During that hearing, staff stated that the project would return to the Planning Commission for major subdivision approval. Since that date, Zoning Ordinance regulations have changed and now being a minor subdivision would no longer be required to come before the Planning Commission for approval. Since the proposed subdivision is located between two sections of Wildewood (but is not part of the Planned Unit Development) and will be utilizing Wildewood's adequate public facilities, staff is honoring the request of the Planning Commission to have this project return for review.
3. During the June 8, 2015 Planning Commission meeting, the public hearing was opened and continued until August 10, 2015.
4. At the August 10, 2015 Planning Commission meeting, the public hearing was opened, testimony was heard the Planning Commission closed the public hearing and were to make their decision on August 25, 2015.
5. The applicant decided to withdraw their application from this public hearing in order to hear more from the Wildewood residents and to be able to answer more of the questions that were presented at the August 10, 2015 Planning Commission meeting. and requested us to schedule a new Public Hearing.
6. The new Public Hearing was held November 9, 2015 and the project was disapproved. The three major concerns discussed was the Tallwood Road connection not being removed from the site plan, stormwater management and Gilliflower Road being constructed as a private road, not a public road. Please see the attached Soltesz letter dated October 16, 2019 which addresses the Tallwood Road situation and speaks about the stormwater management concern.

V. **OUTSTANDING ISSUES:**

- a. Change Residential Low Density (RL) zoning to Residential Medium Density (RM) zoning in General Note 3.

VI. **ANALYSIS:**

- a. Pursuant to Section 30.5.5 of the Subdivision Ordinance, the Planning Commission must make the

following findings:

1. The proposed development is consistent with the Comprehensive Plan, applicable zoning standards, and is compatible with the existing and/or permissible future use of adjacent property.
2. Sufficient number of access points for ingress and egress are provided.
3. Public Facilities are adequate in accordance with the provisions of Chapter 70 of the Comprehensive Zoning Ordinance.
4. Is consistent with the Annual Growth Policy, including approval of a phasing plan, if proposed, or if required by said annual growth policy (BOCC Resolution 08-40). **Not Applicable**
5. Access to adjoining land is provided for and will allow development of those adjoining lands in accordance with this ordinance. Street system adequacy shall be based on the ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system.
6. The drainage, erosion control, and construction proposed comply with accepted engineering and construction practices and requirements of this ordinance.
7. The lot, block and street layout are consistent with the subdivision design standards of this ordinance.
8. Adequate developed recreational and other community amenities are provided in accordance with the Comprehensive Plan, Comprehensive Zoning Ordinance, and the Subdivision Ordinance. **Not Applicable.**

VII. **MOTION:**

Motion for Approval: “In the matter of minor subdivision 13-11000032, Cypress Park, having accepted the staff report and having made a finding that the objectives of Section 30.5.5 of the Subdivision Ordinance for the proposed 7 lots have been met, noting that the referenced project has met all requirements for minor subdivision approval, I move that this minor subdivision be APPROVED.”

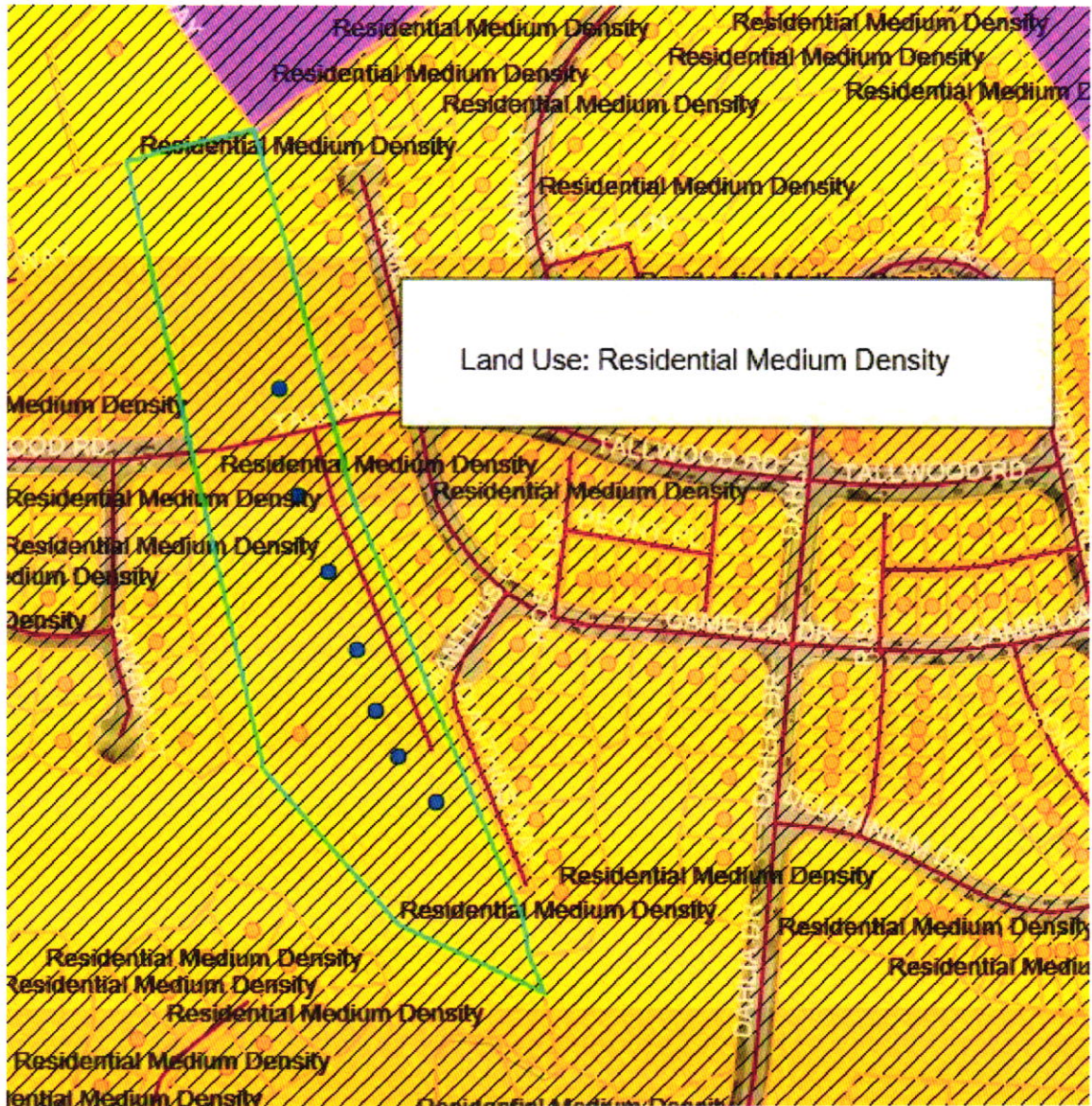
Signed: _____
Brandy Glenn, Planner III
December 16, 2019

ATTACHMENTS: Attachment 1- Location Map
Attachment 2- Land Use Map
Attachment 3- Zoning Map
Attachment 4- Minor Subdivision Plan
Attachment 5- Planning Commission Minutes from 10/25/10
Attachment 6- Planning Commission Minutes from 11/8/10
Attachment 7- Planning Commission Minutes from 6/8/15
Attachment 8- Planning Commission Minutes from 8/10/15

Attachment 9- Planning Commission Minutes from 11/9/15
Attachment 10- Health Department Approval Slip
Attachment 11- Metropolitan Commission Approval slip
Attachment 12- DPW&T Approval Slip
Attachment 13- Letter from Soltesz
Attachment 14- EDU Sewerage Allocation Letter
Attachment 15- EDU Water Allocation Letter
Attachment 16- Final Construction Plans

Cc: Wildewood Residential, LLC
9475 Lottsford Road, Suite 280
Upper Marlboro, MD 20774

Soltesz, Inc.
c/o Jim Gotsch
23140 Moakley Street, Suite 6
Leonardtown, MD 20650



**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

MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, November 8, 2010

Members present were Brandon Hayden, Chairman; Shelby Guazzo, Joe Meinert, Susan McNeill, Meri Evans, Martin Siebert, and Lawrence Chase. Department of Land Use & Growth Management (LUGM) staff present were Derick Berlage, Director; Phil Shire, Deputy Director; 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 25, 2010 were approved as presented.

DECISION

CWSP #10-200-002 – Thompson Property

Mr. Chapman stated the public hearing was held on 10/25/10 at which time the Commission opted to leave the record open for an additional ten (10) days to receive written comment. Mr. Chapman reviewed and addressed the written comments.

Mr. Evans asked if staff would be addressing all the questions listed within the written comment received. Mr. Chapman stated staff has not answered these questions to date however would be doing so in a timely manner. Ms. Guazzo asked if the seven (7) lots will hook up to the Wildewood water and sewer system that currently exists nearby. Mr. Chapman stated yes, this is what is currently shown on the concept site plan. Mr. Chapman stated the water and sewer lines are to be continued down Tallwood Drive per the developers plan. Ms. Guazzo asked if this is approved will it go back through the Technical Evaluation Committee (TEC) for preliminary approval. Mr. Chapman stated if approved by the Board of County Commissioners the preliminary plan will go through the review process and come back to the Planning Commission for approval. Ms. Guazzo asked if stormwater management would come through at that time. Mr. Chapman stated yes.

Mr. Hayden stated he and Mr. Evans have viewed the audio visual from the October 25, 2010 meeting and adequately feel they are able to make a sound decision tonight.

Mr. Chase made a motion in the matter of the Thompson Property, Case CWSP #10-200-002: having accepted the staff report dated September 29, 2010, 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 that service area maps III-34 and IV-34 be amended to change the 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 property described as Tax Map 34, Grid 13, Parcel 82 in the 3rd 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. Meinert seconded. The motion passed by a 7-0 vote.

DISCUSSION

Capital Improvement Plan (CIP) Presentation FY 2011 approved budget and plan and Planning Commission input for Capital Improvement Plan (CIP) FY 2012

Ms. Kramer gave an overview of the FY 2011 approved budget and plan including to date amendments. Ms. Kramer gave a brief overview of the FY 2012 proposed budget including the timeline for approval.

FAMILY CONVEYANCE

MSUB #05-120-007 – Spalding Family Subdivision

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, June 8, 2015**

Members present: Howard Thompson, Chairman; Shelby Guazzo, Susan McNeill, Martin Siebert, Hal Willard, and Merl Evans.

Members absent: Patricia Robrecht

The meeting was called to order by Chairman Howard Thompson at approximately 6:30 p.m.

APPROVAL OF THE MINUTES – *The minutes of May 11, 2015 were discussed and Shelby Guazzo made a motion to review and approve the minutes and new format at a later date, seconded by Susan McNeill. This motion passed by a 6-0 vote.*

CONCEPT SITE PLAN # 14-13200002, LEONARDTOWN DOLLAR GENERAL

(Zoning Ordinance 10-02) (Use # 76)

OWNER: Ronald N & Denise T Guy

AGENT: Crouse Engineering, Inc.

LOCATION: 21899 Budds Creek Rd. Leonardtown, Md. 20650

ZONING: RCL

ACREAGE: 1.56

ACTION REQUESTED: Approval of a concept site plan for a 9,100sq.ft. retail building.

A majority of the Planning Commission (the "Commission") members wished to put off consideration of this case until a member of the DPW staff could be present to respond to questions.

Martin Siebert made a motion in the matter of CCSP # 14-13200002, Leonardtown Dollar General, to continue the hearing until June 22, 2015, seconded by Susan McNeill. This motion passed by a 6-0 vote.

MINOR SUBDIVISION # 13-11000032, CYPRESS PARK

(Zoning Ordinance 10-02) (Subdivision Ordinance 10-01)

OWNER: Wildewood Residential LLC

AGENT: Duball, LLC / Soltesz

LOCATION: 23277 Huckleberry Way, California, 20619

ZONING: RL/AE

ACREAGE: 7.92

ACTION REQUESTED: Final plan review of a 7 lot minor subdivision.

The Chairman offered the owner's agent the opportunity to put off his case to a time when all seven Commission members would be present. The offer was accepted.

Hal Willard made a motion in the matter of Minor Subdivision 13-11000032, Cypress Park, to continue the hearing until August 10, 2015, seconded by Martin Siebert. This motion passed by a 6-0 vote.

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, August 10, 2015**

Members present: Howard Thompson, Chairman; Susan McNeill, Patricia Robrecht, Hal Willard and Merl Evans.

Members excused: Shelby Guazzo, Martin Seibert

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

APPROVAL OF THE MINUTES – The minutes of July 27, 2015 were approved as presented.

PUBLIC HEARING

CWSP #15-200-001, St. Anne's Anglican Catholic Church property, Charlotte Hall: amend service area map III-4 to change the water service category from W-6D (service in 6 to 10 years, developer financed) to W-3D (service in 3 to 5 years, developer financed) for 3.657 acres described in a deed recorded among the Land Records of St. Mary's County in Book No. 1117, Page 122 and located at 29530 Charlotte Hall Road, Charlotte Hall, Maryland, and designated as Tax Map 4, Grid 10, Parcel 316 in the 5th Election District in anticipation of providing public water service for a future church parish.

Chairman Thompson opened the hearing to public comment. No one spoke. Chairman Thompson closed the hearing to public comment.

Commissioner McNeill made a motion in the matter of a requested amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP) for the St. Anne's Anglican Catholic Church property in Charlotte Hall, Case No. 15-200-001: having accepted the staff report dated July 21, 2015, and having held a public hearing on the request to amend the 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 Commissioners of St. Mary's County that service area map III-4 be amended to change the water service category from W-6D (service in 6 to 10 years, developer financed) to W-3D (service in 3 to 5 years, developer financed) for property described as Tax Map 4, Grid 10, Parcel 316 in the 5th 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 Commissioners of St. Mary's County. Commissioner Robrecht seconded. Motion passed by a 5-0 vote.

MINOR SUBDIVISION #13-11000032, CYPRESS PARK (Continued from 6/8/15)

(Zoning Ordinance 10-02) (Subdivision Ordinance 10-01)

OWNER: Wildewood Residential LLC

AGENT: Duball, LLC / Soltesz

LOCATION: 23277 Huckleberry Way, California, 20619

TM-034 GRID-13 PAR-0082 ED-03 TAX ID-019853

ZONING: RL/AE

ACREAGE: 7.92

ACTION REQUESTED: **Final plan review of a 7 lot minor subdivision.**

Chairman Thompson opened the hearing to public comment.

Four (4) members of the public spoke.

PC 08/10/15

ATTACHMENT 8

Page 19

Chairman Thompson closed the hearing to public comment.

Commissioner McNeill made a motion in the matter of Minor Subdivision 13-11000032, Cypress Park, to continue the hearing on September 14, 2015 and leave the public hearing open for ten days to receive written public testimony. Commissioner Robrecht seconded. This motion passed by a 5-0 vote.

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, November 9, 2015**

Members present: Howard Thompson, Chairman; Shelby Guazzo, Patricia Robrecht, Susan McNeill, Martin Siebert, Hal Willard, and Merl Evans.

Members absent: None

The meeting was called to order by Chairman Howard Thompson at approximately 6:30 p.m.

APPROVAL OF THE MINUTES – The minutes of October 26, 2015 were not approved as presented.

DECISION

Minor Subdivision # 13-11000032, Cypress Park

Three major concerns were discussed:

1. The Tallwood Road Connection was not removed from the site plan
2. Stormwater Management
3. Gilliflower Road should be constructed as a county road not a private road

Two motions were made:

*Commissioner Evans made a motion in the matter of Minor Subdivision 13-11000032, Cypress Park, to continue the decision until the December 14, 2015 meeting, so that staff can reach out to the applicant and again share the Planning Commission's and the public's concerns. This would give the applicant the opportunity to come back, and the planning commission would vote at that time. Understanding that there would be a six member panel rather than seven. Or the applicant can withdraw and simply begin again. Commissioner McNeill seconded. The motion **did not** pass with a vote of 3-4.*

In Favor: 3 - Merl Evans, Susan McNeill, and Hal Willard

Opposed: 4 - Patricia Robrecht, Martin Siebert, Shelby Guazzo, and Howard Thompson

*Commissioner Siebert made a motion in the matter of Minor Subdivision 13-11000032, Cypress Park, having accepted the staff report and have made a finding that the objectives of Section 30.5.5, of the Subdivision Ordinance for the proposed 7 lots have been met, noting that the referenced project has met all requirements for minor subdivision approval, I move that this minor subdivision be APPROVED. Commissioner Willard seconded. The motion **did not** pass with a vote of 2-5.*

In Favor: 2 - Martin Siebert and Hal Willard

Opposed: 5 - Howard Thompson, Shelby Guazzo, Patricia Robrecht, Merl Evans, and Susan McNeill

The project was denied.

PUBLIC HEARING

Minor Subdivision # 15-11000023, Magnani Acres

(Zoning Ordinance 10-02) (Subdivision Ordinance 10-01)

OWNER: Donald P. & Delores M. Magnani

LOCATION: 46637 Flower of the Forest Drive, Lexington Park, MD 20653



ST. MARY'S COUNTY HEALTH DEPARTMENT

Meenakshi G. Brewster, MD, MPH - Health Officer

Administration, Records & Health Services: 301 - 475 - 4330
Environmental Health: 301 - 475 - 4321
Medical Assistance Transportation: 301 - 475 - 4296
Maryland Relay Service: 1 - 800 - 735 - 2258
Email: smchd.healthdept@maryland.gov

LUGM#: 13 - 110-032

Transmittal Form

Owner/Applicant: Wildewood Residential LLC

Surveyor: Solter

Property Location: 23277 Huckleberry Way

Tax Map: 34 Grid: 13 Parcel: 82

Section: Lot: District: 3

Subdivision:

Property ID: 3019853

SMHD File No:

Date Received: 10/18/19 No. of copies 1

RECEIVED

OCT 28 2019

St. Mary's County Land Use & Growth Management

OK for Sign - OK for Record Set - OK for Perc Preservation - No Objection

Needs Revisions - See Comments

Reviewed/Signed By: Alisha Archer Date: 10/23/19

O.K. for Planning Commission, Will need EDU allocation letter for final approval.



ST. MARY'S COUNTY
HEALTH DEPARTMENT

Meenakshi G. Brewster, MD, MPH - Health Officer

15-110-052

Administration, Records & Health Services: 301 - 475 - 4330
Environmental Health: 301 - 475 - 4321
Medical Assistance Transportation: 301 - 475 - 4296
Maryland Relay Service: 1 - 800 - 735 - 2258
Email: smchd.healthdept@maryland.gov

Property ID: 3019053

Property Address: 23277 Huckleberry Way

Public Water/Sewer Checklist

General Notes

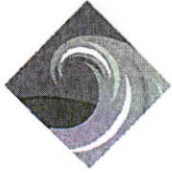
- 1. Property ID Block (Tax Map, Block, and Parcel)
- 2. Comprehensive Water and Sewer Plan
- 3. Type of water/sewer supply
- 4. Water/Sewer Categories Listed
- 5. Adequate EDUs/Allocation letter received
- 6. Existing well/septic system shown, labeled to be abandoned (if applicable)
- 7. Abandonment of well/septic system required prior to issuance of building permit
- 8. Well abandonment report received

Other Requirements

- 1. North Arrow
- 2. Proposed structures
- 3. Driveways/Right of Ways labeled
- 4. Grease trap shown (if food service proposed)
- 5. Vicinity Map
- 6. Scale
- 7. Surveyor's Stamp and Signature

** Need allocation letter
indicating Adequate # of EDUs
Required before approval **

aga 10/23/2019



St. Mary's County Metropolitan Commission

23121 Camden Way, California, MD 20619

Serving our customers since 1964

www.metcom.org

Potable Water Distribution - Wastewater Collection / Treatment

Phone: 301-737-7400
FAX: 301-737-7459

**APPROVAL TRANSMITTAL
FOR CONSTRUCTION PLANS**

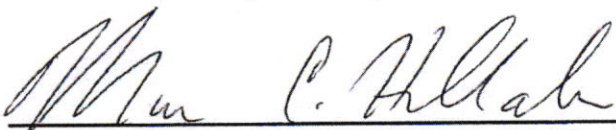
To: Jim Gotsch, P. E., Soltesz Inc.
From: St. Mary's County Metropolitan Commission
CC: Shawn Day, Wildewood Residential LLC; LUGM; File
Date: November 20, 2019
Re: Cypress Park Single Family Development (LUGM #:13-110-032)

The above reference project construction plans have been reviewed for general conformance with the St. Mary's County Metropolitan Commission's Standard Specification for Water and Sewer Construction. **The Engineer-of-Record is not relieved from the specific requirements of any applicable codes and standards.** A Pre-Construction Meeting must be scheduled prior to issuance of the Construction Permit and/or a "Notice to Start Work" order is issued.

All water and sewer construction shall be done in accordance with the St. Mary's County Metropolitan Commission Standards and Specifications for Water and Sewerage Construction. Contractor to contact the Engineering Department, St. Mary's County Metropolitan Commission, forty-eight (48) hours prior to start of construction. Phone number: 301-737-7400. Contractor to also contact the Engineering Department before restarting work after work has stopped for more than five days.

APPROVED **APPROVED AS NOTED**

- Seven (7) total sewer EDUs are required to be allocated for this project against the capacity at the Marlay Taylor Wastewater Reclamation Facility by the Department of Land Use and Growth Management.
- Seven (7) total water EDUs are required to be allocated for this project against the capacity of the water system by the Department of Land Use and Growth Management.
- A PWA, bonding, and easements will be required for this project for the off-site utility work. Please Contact Debbie Settle in our office to begin this paperwork.
- Please contact Chris Soussanin at our office to schedule a pre-construction meeting. A construction permit/notice to proceed will need to be signed by MetCom in order to proceed with construction.
- Review and approval of the individual shop drawing submittals required prior to construction. List of required submittal items will be presented at the pre-construction meeting or can be requested beforehand through our Construction and Inspection Department if desired.

SIGNATURE: 
M. Christy Hollander, P. E., MetCom Chief Engineer

RECEIVED

NOV 21 2019

St. Mary's County
Land Use & Growth Management

SCANNED

ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF
PUBLIC WORKS & TRANSPORTATION
John Deatrack, P.E., AICP, LEED BD+C
Director



COMMISSIONERS OF ST. MARY'S COUNTY
James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

MEMORANDUM

DATE: November 7, 2019
TO: Kathy Garcia, **Sr. Administrative Coordinator**, Department of Land Use & Growth Management
FROM: Daniel J. Fogel, **Engineer III**, Department of Public Works & Transportation
SUBJECT: **#13-110-032 Wildewood PUD Cypress Park**
Agent: Soltesz, Inc.
Owner: Wildewood Residential, LLC

This Department has reviewed the Minor Subdivision Plat and associated Final Construction Plans as resubmitted on November 6, 2019 for the above referenced Cypress Park project. We have determined that the plans as submitted meet the requirements of this Department for **APPROVAL**. If other agency reviews cause changes to these plan versions, then submit the latest version of the plan to this Department.

Please note the following regarding the subdivision plat.

1. It has been agreed upon that the necessary data will be provided on the Final Minor Subdivision Plat submittal to define all proposed easements (i.e. bearings, distances, areas and ties to established boundaries) to assure the accurate location of the piece of land that is being described for the use and benefit of others.

If you have any questions regarding these comments, please do not hesitate to contact this Department.


Daniel J. Fogel, Engineer III
Dan.Fogel@stmarysmd.com

cc: Jim Gotsch, Soltesz, Inc.
Jane Sanders, Soil Conservation District

S:\DFogel\Plat Review\13-110-032 Cypress Park Subdivision\13-110-032 Cypress Park Approval Memo 1.doc

ATTACHMENT 12

October 16, 2019

Ms. Brandy Glenn
St. Mary's County Government
Department of Land Use and Growth Management
21350 Leonard Hall Dr.
P.O. Box 653
Leonardtown, Maryland 20650

Re: Cypress Park Minor Subdivision
13-11000032

Dear Ms. Glenn,

We are in the process of obtaining new approvals to take the Preliminary Subdivision Plat to the Planning Commission for approval of the seven lots at Cypress Park. Based on plat comments and plat revisions, and what was done to address the Planning Commission concerns at the previous hearing, and subsequent negotiations with the Dahlia Park HOA, we are submitting both the Site Plans and Minor Subdivision Plat requesting a reapproval so that that we may submit for Planning Commission approval based on the current plans and plat. This process is not normal for a Minor Subdivision Plat; however, at the time of initial submittal, only 5 lots were permissible as a minor subdivision. At the 2015 Planning Commission Hearing, the Planning Commissioners requested that this plan come back to the Planning Commission for preliminary approval, prior to preparation of final plats. We need to get to the Planning Commission for preliminary approval before we can submit and receive final plat approval. Several minor changes occurred on since the previous site plan approvals were provided to you.

Following the November 9, 2015 Planning Commission meeting, DPW&T met with Land Use and Growth Management (LUGM) and agreed to make Tallwood Road a 60-foot wide public Right-of-Way for any future connection deemed necessary for the safety of the Wildewood community. However, DPW&T will allow the developer to construct an 18-foot wide local road within the 60-foot wide Right-of-Way to serve just these seven Cypress Park lots, knowing that a future connection is probably never going to occur. DPW&T will not require the developer to make this connection, but will own the Right-of-Way and grading easements should this connection ever become necessary. This compromise matched the revised engineering plans, which were previously reapproved by all County agencies in early to mid-2018.

Since that time, three additional changes have occurred, and for these, we are seeking new approval letters to take to the Planning Commission. First, the forest conservation was extended to the Tallwood Road Right-of-Way, knowing that an extension of his road will most likely never occur. The revertible grading and construction easements on either side of the Right-of-Way will remain for the benefit of the County, should an extension ever be made. This change to the site plan matches what was shown on the recently approved plats. Second, there was a change to the lot line on Lot 7, where it fronts Gilliflower Way. This also was done to update the site plan to match the plats. And third, after negotiations with the Dahlia Park HOA, a twenty foot dedication parcel was created along the Dahlia Park common property line. The Dahlia Park HOA wanted this to remain as a buffer, without any improvements shown within that buffer. The previously



approved site plan showed a buried "dry" storm drain within what is now the dedication parcel, for the possible future connection of the Dahlia Park lots sump pump drains. This dry utility was removed from the plans to clear the buffer of any development improvements. Also, during the time of the previous Planning Commission Hearing, it was discovered that the storm drain under Huckleberry Way was clogged which had caused the impediment to the drainage. Once the clog was removed from the storm drain, complaints of ponding in the Dahlia Park lots have ceased.

We also received LUGM plat comments dated January 9, 2019. We are at the Planning Commission preliminary approval. The plats were revised to remove the DPW&T signature block; however, Soltesz does not make comments in the revision block until plans have been approved.

If you have any questions or require additional information, please call 301-769-3500.

Sincerely,
Soltesz, Inc.

A handwritten signature in blue ink, appearing to read "Jim Gotsch".

Jim Gotsch, PE
Senior Associate



**Notice of Allocated
ACCESS TO PUBLIC SEWERAGE**

Capacity at the Marlay-Taylor Water Reclamation Facility has been allocated as follows:

Control Number: 13-110-032

Date of Issuance: 11/22/19

Property description (tax map, grid, parcel, etc.):

Map 34, Grid 13, Parcel 82; 23277 Huckleberry Way, Hollywood, MD 20636 Tax ID: 03-019853

Subdivision or project: Cypress Park (Thompson Property) Minor Subdivision

Responsible party: Wildewood Residential LLC, 11710 Plaza America Drive, Suite 1100, Reston, VA 20190

Number of dwelling units or equivalent dwelling units (EDUs) to be served: 7

Following this approval, the balance of allocations available at the Marlay-Taylor Water Reclamation Facility is **900**.

Note: This approval and allocation of EDUs shall expire with the expiration of the subdivision plan approval.

Approved by:

X Director of the St. Mary's County Department of Land Use and Growth Management per Code of St. Mary's County, Chapter 113, Sanitary Districts.



William Hunt, Director

CC: St. Mary's County Metropolitan Commission
St. Mary's County Health Department, Office of Environmental Health

ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT

William Hunt, AICP, Director



COMMISSIONERS OF ST. MARY'S COUNTY

James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**Notice of Allocated
ACCESS TO PUBLIC WATER SERVICE**

Capacity at the Lexington Park Water System has been allocated as follows:

Control Number: 13-110-032

Date of Issuance: 11/22/19

Property description (tax map, grid, parcel, etc.):

Map 34, Grid 13, Parcel 82; 23277 Huckleberry Way, Hollywood, MD 20636 Tax ID: 03-019853

Subdivision or project: Cypress Park (Thompson Property) Minor Subdivision

Responsible party: Wildewood Residential LLC, 11710 Plaza America Drive, Suite 1100, Reston, VA 20190

Number of dwelling units or equivalent dwelling units (EDUs) to be served: 7

Note: This approval and allocation of EDUs shall expire with the expiration of the of the subdivision plan approval.

Approved by: The Director of the St. Mary's County Department of Land Use and Growth Management per section 1.7 of the Comprehensive Water and Sewerage Plan.



William Hunt, Director

CC: St. Mary's County Metropolitan Commission
St. Mary's County Health Department, Office of Environmental Health