

**QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES**  
**October 11, 2007**

The Queen Anne's County Planning Commission met on Thursday, October 11, 2007, at 8:45 A.M. The following members were present: Frank Frohn; Eugene Thomas; David Clark; Robert McCormick; Eric Wargotz; Mary Kerr and Arnold Hafner.

Also present were J. Steven Cohoon, Chief of Land Use and Zoning; Katrina Tucker, Senior Community Planner; Helen Spinelli, Community Planner; Holly Tompkins, Senior Land Use Planner; Jean Fabi, Senior Land Use Planner; Jennifer Rhodes, Land Use Planner; Barbara Norrington, Clerk; Christopher F. Drummond, Esquire; and Sharon H. Brinster, Esquire.

**1. Public Comment**

(A) Mr. James R. Boyle, Guardian of Marjorie Emerson, spoke regarding the proposed Sand and Gravel Operation. He stated that Judge Sause gave his approval to moving forward with the operation to provide a steady flow of income.

Mr. Boyle expressed disappointment with the Planning Commission's failure to approve a plan that is consistent with the law and approved by all agencies.

(B) Mr. Fred Kirsch, Quarter Creek Road, expressed concern regarding the proposal by the Aspen Institute, specifically the inadequacy of the roads for additional traffic created by adding 75,000 square feet of floor space.

(C) Mr. Joseph Stevens, Esq., on behalf of the Aspen Institute, stated that the presentation today would be for informational, not decision making, purposes, in order to obtain comments from the Planning Commission and neighbors. He stated that the project would be brought before the Planning Commission next month for decision-making review. He added that the property is in excess of 1000 acres with the majority being deed restricted.

(D) Mr. Matt Thomason, 900 Stagwell Road, expressed concern regarding safety of the roads with respect to the proposal by the Aspen Institute and suggested a road study be required.

(E) Mr. Richard Altman, Queen Anne Conservation Association, questioned whether all required information is provided in the proposal by the Aspen Institute. He questioned whether the zoning permits the proposed use, sufficiency of notice to adjacent property owners, whether Growth Allocation is required, identification of buffers, and concern regarding a yet to be described water and sewer system. He suggested Board of Appeals review first, and community outreach by the applicant.

(F) Mr. Richard Smith, 208 Quail Run Drive, spoke regarding the Chesapeake College Area Plan and urged moving the plan forward for the health and safety of the community. He opined that medical facilities are needed, will provide jobs and decrease commuting out of the County.

**2. Minutes** – Upon motion made by Dr. Wargotz, seconded by Mr. Clark and passed by voice vote, the August 28, 2007 Special Planning Commission

Minutes were approved as presented. Upon motion made by Mr. Thomas, seconded by Mr. Clark and passed by voice vote, the September 13, 2007 Planning Commission Minutes were approved with minor corrections. The September 26, 2007 Special Planning Commission Minutes were Tabled to allow review by the Town of Centreville Planning Commission.

### **3. Extension Requests**

**(A) Claiborne Fields** – Mr. Jack Kirby, Kirby & Associates, stated that the applicant is waiting for signature by the Department of Public Works and should be completed in the next month.

Upon review, the following motion was made by Dr. Hafner, seconded by Mr. McCormick and passed by voice vote:

**RESOLVED**, that at the request of Claiborne Farms, Inc. the conditionally approved Final Major Subdivision (**Subd. #06-02-12-0004**) known as Claiborne Fields Phase 10, shall be and is hereby extended through and including the date of the regularly scheduled Planning Commission meeting on December 11, 2007.

**(B) Donald Leager** – Mr. Jack Kirby, Kirby & Associates, stated that the plats are being circulated for signature.

Upon review, the following motion was made by Dr. Hafner, seconded by Mr. McCormick and passed by voice vote:

**RESOLVED**, that at the request of Donald Leager, the conditionally approved Final Major Subdivision (**Subd. #06-07-03-0003**) shall be and is hereby extended through and including the date of the regularly scheduled Planning Commission meeting on December 11, 2007.

**4. Legislative and Legal Updates** – Mr. Christopher Drummond, Planning Commission Attorney, stated that there were no updates since last month's meeting.

**5. Final Major Subdivision – Franklin H. Dean, Jr. (Meadow Brook Estates – Phase II) (Subd. #06-07-04-0004)** – Ms. Helen Spinelli, Community Planner, provided the history and highlights of the request by the applicant for Final Major Subdivision approval for the creation of 23 agricultural residential lots using the noncontiguous development technique, and reconfiguration of the open space on 235.535 acres of land on Fogwell Road, north of Ruthsburg.

Mr. Jeffrey Thompson, Esq., stated that it is not practical to require connectivity in this case due to the environmental constraints to the north and existing subdivision to the south of the property. He suggested the creation of a 75 foot wide easement granted to the County in the event that development occurred on the adjacent farm to prevent construction of a road that leads to nowhere.

Chairman Frohn asked if there were members of the public who wished to be heard regarding the request, at which time the following comments were received;

(A) Mr. Richard Altman, Bennett Point Road, expressed concern regarding the lack of connectivity and urged the Planning Commission to consider an overall plan for roads. Additionally, he stated that the proposal does not have a grid road system as required by the County Code.

(B) Mr. Jeffrey Thompson, Esq., stated that an additional road for connectivity would require additional crossing of the intermittent stream and require issuance of a new permit. Additionally, he stated that only one road goes to the existing neighborhood.

Upon review and further consideration, the following motion was made by Dr. Hafner, seconded by Mr. McCormick and passed by voice vote:

**RESOLVED**, that the request by Franklin H. Dean, Jr., for Final Major Subdivision approval for the subdivision to be known as Meadow Brook Estates – Phase II, for the creation of 23 agricultural residential lots using the noncontiguous development technique, and reconfiguration of the open space on 235.535 acres of land on Fogwell Road, north of Ruthsburg, and as more particularly described in file **#06-07-04-0004**, is found by the Planning Commission as a matter of fact, that upon satisfaction of the listed conditions, complies with all applicable provisions of Chapter 18 of the Queen Anne’s County Code, be and is hereby granted with the following conditions; (1) the applicant enters into a Public Works Agreement for improvements to Fogwell Road, (2) a Stormwater Management maintenance agreement be executed, (3) all required bonds and fees are paid to appropriate agencies, (4) any remaining engineering edits are subject to Department of Public Works approval and signature, (5) all required documents be signed and recorded, (6) all required signatures be obtained, and (7) the easement proposed during this meeting for a future road connection to the adjacent property to the north be executed.

**6. Preliminary Major Subdivision – Ralph C. Whaley and Ralph C. Whaley, Jr., (Hayden Estates – Phase II) (#02-07-05-0011)** – Ms. Helen Spinelli,

Community Planner, provided the history and highlights of the request by the applicant for Preliminary Major Subdivision approval for the creation of 4 agricultural residential lots using the noncontiguous development technique and the reconfiguration of the agricultural open space and one new public road, on 142.017 acres of land on Hayden Clark Corner Road, South of Price. Upon question by Dr. Hafner, Ms. Spinelli stated that the proposal was sent to the local fire department and no comments were received.

Mr. Jeffrey Thompson, Esq., described the buffer, tree planting and bonds. Mr. Jack Kirby stated that the proposed lots were “ghosted” in the initial phase, but the applicant was not prepared to move forward until now.

Chairman Frohn asked if there were members of the public who wished to be heard regarding the request, at which time Ms. Terry Babb, Stevensville, expressed concern regarding areas that are marked as open space and then later reconfigured.

Upon review and further consideration the following motion was made by Mr. Thomas and failed for lack of a second:

**RESOLVED**, that the request by Ralph C. Whaley and Ralph C. Whaley, Jr., for Preliminary Major Subdivision for the subdivision to be known as Hayden Estates – Phase II (**#02-07-05-0011**) be and is hereby denied as the proposal is an afterthought.

Upon further review, the following motion was made by Dr. Wargotz, seconded by Mr. McCormick and passed by voice vote with Mr. Thomas in opposition:

**RESOLVED**, that the request by Ralph C. Whaley and Ralph C. Whaley, Jr., for Preliminary Major Subdivision for the subdivision to be known as Hayden Estates – Phase II, for the creation of 4 noncontiguous agricultural residential lots, one open space lot and one public road on 142.017 acres of land on Hayden Clark Corner Road, south of Price, and as more particularly described in file **#02-07-05-0011**, is found by the Planning Commission as a matter of fact, that upon satisfaction of the listed conditions, complies with all applicable provisions of Chapter 18 of the Queen Anne’s County Code, be

and is hereby granted with the condition that the mature trees are planted along the western property line and buffers are completed as promised and outlined in Phase I prior to Final Subdivision approval for Phase II.

**7. Concept Plan – Aspen Institute / Wye River Conference Center (05-07-07-0012(C))** – Ms. Holly Tompkins, Senior Land Use Planner, informed the Planning Commission that the presentation is for informational purposes only and the applicant is not seeking any approvals today. She reviewed the highlights of the 75,300 square foot expansion to the existing conference center and of the additions and improvements to the Houghton House and River House, as well as a new guest house, environmental pavilion, library guest house and nature trails on 999.47 acres of land on Carmichael Road, outside of Queenstown.

Mr. Joseph Stevens, Esq., reiterated that the proposed plan was for informational purposes to allow the applicant to receive comments from the Planning Commission. He provided the Planning Commission with a history of the property, current use of the property and the need for expansion.

Ms. Amy Marjorin, Executive Vice President of Operations for the Aspen Institute, stated that there was currently no time frame for beginning the construction as fund raising would be required. She said that the property was gifted to the Aspen Institute, but there is no endowment and they are looking for ways to maintain the operation. She said the vision is for the property to remain environmentally friendly and added that 98.8% of the 1000+ acres are currently undeveloped, and after this expansion it would be 98.4% undeveloped.

Mr. Burl Burnheart, Trustee of the Aspen Institute, stated that they try to be good citizens and stewards of the environment. He stated that the proposed Merrill Pavilion is in honor of a man who felt the property was inadequately used and should focus on getting people out to see it.

Ms. Nina Houghton, Chairman of the Wye Institute, stated that they were happy about the proposed trail and pavilion, and thanked the Aspen Institute for the jobs created.

Mr. Barry Griffith, Lane Engineering, stated that the proposal is a series of small structure improvements within the envelope of existing development on the property. He said that the future improvements would be phased in over years and are designed to be the least detrimental to the environment. Mr. Griffith said that the trail would be partially impervious surface to allow for handicap and bicycle access, but the majority would be pervious surface. He said that the path from the existing structures to the Merrill Pavilion would be similar to a golf cart path and be used for transporting supplies, and would not be used for patron vehicles. Mr. Griffith described the request for a reduction of the 300 foot shore

buffer adding that the current structures would be non-conforming if the 300 foot shore buffer were placed on the property. He added that no parking would be provided at the pavilion. Mr. Griffith stated that they will work around environmentally sensitive areas, will comply with transportation issues, emergency services, and stormwater requirements.

Mr. Cliff Stein, Earth Data, described the proposed subsurface trench and subsurface drip irrigation systems.

Mr. Jamie Pett, architect, stated that his firm specializes in designing conference centers in nature areas. He described the plans for the non-motorized trail, the pervious and impervious areas of the trail, and the plans for kayak trails, pier and landings.

The Planning Commission suggested reduction of the shore buffer the least amount necessary, rather than a reduction across the entire parcel. No action was taken by the Planning Commission.

The Planning Commission recessed for a break at 12:49 P.M. and reconvened at 12:56 P.M.

#### **8. Information Session – Maryland Agricultural Land Preservation**

**Foundation** – Ms. Donna Landis-Smith, Agricultural Specialist, provided the Planning Commission with cumulative data for current MALPF applications that have been submitted to the State for possible preservation. She stated that MALPF applications no longer require Planning Commission review, but are required to have approval from the Local Agricultural Advisory Board and the County Commissioners prior to final approval by the MALPF Board of Trustees. She stated that there are 29 District applications totaling 3,890.917 acres, and 17 Easement Only applications totaling 2,569.82 acres.

**9. Centreville Community Plan Update** – Ms. Helen Spinelli, Community Planner, provided the Planning Commission with comments received regarding the Centreville Community Plan Update. She stated that the comments would be presented in a matrix format for Planning Commission review in a Work Session. She informed the Planning Commission that after their Work Session, a Joint Public Meeting with the Centreville Planning Commission would be scheduled.

**10. Chesapeake College Area Community Plan** – Mr. Steven Cohoon, Chief, and Ms. Katrina Tucker, Senior Community Planner, stated that the County Commissioners have heard the presentation, and support the Planning Commission's resolution. Mr. Cohoon stated that he Planning Commission must now move forward with the community involvement component.

The following motion was made by Dr. Wargotz, seconded by Ms. Kerr and passed by voice vote:

**RESOLVED**, that the Planning Commission hereby directs staff to develop the process for the formation of a Citizen's Advisory Committee for the Chesapeake College Area Community Plan.

**11. Miscellaneous**

(A) Sectional Zoning Maps – Ms. Katrina Tucker, Senior Community Planner, informed the Planning Commission of a miss-statement of the acreage in the Butler-Sattlemeier property that was corrected in the memorandum that forwarded the Planning Commission recommendation to County Commissioners.

(B) Dr. Wargotz informed the Planning Commission that the report on the Route 8 Corridor Traffic Study is scheduled for presentation at the County Commissioner's meeting on Tuesday, November 6, 2007, at 9:30 A.M.

(C) Design Standards – Ms. Katrina Tucker, Senior Community Planner, updated the Planning Commission on the progress of the subcommittee's work on the Design Standards.

(D) Queenstown Community Plan – Ms. Holly Tompkins, Senior Land Use Planner, stated that the process is moving slowly and they are still dealing with the contract for the consultant. She stated that meetings are held every Wednesday for stakeholders and property owners to come in and share their views. She said they have met with the State Highway Administration, and have discussed water and sewer issues. She outlined a request by the Queenstown Planning Commission for the County Planning Commission to co-sign a letter to the State Highway Administration asking them to hold off on any plans for the area for a few months.

**12. Public Comment** – Ms. Carol Bilik expressed gratitude for creating a CAC for the Chesapeake College Area Community Plan. She suggested the Planning Commission utilize a new consultant, and suggested the Wye Mills Plan coincide with the Comprehensive Plan Update.

There being no further business to come before the Planning Commission, the meeting was adjourned at 1:51 P.M.

RESPECTFULLY SUBMITTED,

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Robert McCormick, Secretary