

SUDLERSVILLE PLANNING COMMISSION
MONTHLY MEETING
February 20, 2007
7:30 P.M.

The Planning Commission of Sudlersville (PC) held its monthly meeting on Tuesday, February 20, 2007, rather than February 19th because Monday was a state holiday, Presidents' Day. Five planning commission members were in attendance: Ms. Karen Craft-Walls, Ms. Susan Elter, Mr. Ronald Ford, Ms. Rachel Weedman, and Ms. Faye Williams. During the morning of this day, Mr. W. Thomsen Brown informed Ms. Laura Stahl, Town Clerk/Treasurer, he could not attend this meeting. Mr. Daniel Garrett was absent without notice.

Ms. Elter called the meeting to order and the Pledge of Allegiance was made.

The December 18, 2006; January 3, 2007; January 16, 2007; and February 5, 2007, minutes were considered first. In the January 16th minutes, Ms. Craft-Walls asked that her name be corrected in the last paragraph on page 5 of 5. In the February 5th minutes, Ms. Elter asked that the words "to a particular spot" on Page 2 of 4, be changed to "to the front of Norwood Estates." Ms. Williams asked what was meant by "front of Norwood Estates." Ms. Elter and Mr. David Teel, Circuit Rider/Town Manager, proceeded to show Ms. Williams the land owned by Mr. Cal Gray, Sr. (Mr. Gray) on the map. Discussion ensued about this for a short time. This discussion lead to the background of the deed-restricted open space issue Mr. Gray is dealing with.

Mr. Gray provided a brief history. He explained that when the Coleman family built Norwood Estates, they deed-restricted the rest of the land in 1991 because there is a 1 lot allowance per 8 acres. In 1999, Mr. Gray continued, the Queen Anne's County Commissioners (QACC) said they needed to purchase land to expand the school and build a senior center. Mr. Gray said Mr. Joe Stevens, the Coleman's attorney, negotiated the sale with Mr. Pat Thompson, who was the QACC's attorney. The QACC purchased 10 acres, of which 6 or 8 acres was part of the deed-restricted open space. This same 10 acres is currently having Foxxtown built onto it. Mr. Gray said the QACC agreed that if that land was annexed or the QAC zoning regulations changed to allow higher density, then the open space area could be reduced. Mr. Gray continued that when the land was in QAC zoning, using 100 acres as a sample basis, 50 acres would have to be open space and 50 acres could be developed into lots by bringing in non-contiguous development rights. Mr. Gray said that when those deed-restrictions were placed on that land in 1991, people thought that meant no other houses could ever be built on that land. Mr. Gray said that is incorrect; that another 20, 30 or 40 houses. When the land was annexed, QACC agreed that the open space covenants would be removed. When the town annexed the land in, the Commissioners of Sudlersville (Commissioners) petitioned the QACC to waive the 5-year rule. To clarify the open space covenants, there is a possibility that some environmental group or activists will file a lawsuit against Mr. Gray, which he says they are prepared for. Mr. Gray explained that the open space covenants favor the QACC. He said that the QACC have the right to waive the open space covenants, which they did for Foxxtown, which they are building.

Returning to the minutes, Ms. Williams made a motion to approve the minutes. Mr. Ford seconded the motion. The minutes were unanimously approved.

The final site plan review for People's Bank (People's) was next on the agenda. Mr. Peter Bourne was in attendance, representing People's. Mr. Bourne showed a picture of the Millington branch of People's to the PC, and a color-rendering of the plan. Ms. Elter asked what the sign would look like. Mr. Bourne showed the sign options that People's uses, which do not

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include a sign with the time and temperature. Mr. Bourne did say that he was not asking for sign approval at this time. Ms. Elter said she was asking because the plan showed the height of the sign, but not the pole's height. Mr. Bourne said copies of the plans have been sent: to Maryland State Highway for approval of the entrance; to QAC Department of Public Works for approval of the storm water management report plan; to QAC Soil Conservation Service for approval of the sediment control and erosion plan; and, he said, he would be dropping off a copy to the QAC Health Department because they will need to sign off on any change like this. Ms. Elter explained that while the plan shows a fence, People's has no intention of putting up a fence. Mr. Bourne confirmed this, saying it was a detail that was left on the plan, but People's does not intend to put a fence up. Lighting was also discussed. Mr. Bourne said that wall-mount security lighting would be in use. If more lighting is needed, Mr. Bourne said People's would come before the PC and ask for permission for more lighting. Mr. Ford made a motion to approve Peoples final site plan. Ms. Williams seconded the motion. People's final site plan was unanimously approved, including Mr. Brown's vote by proxy.

Ms. Elter moved to the next agenda item, the PC letters to the developers. These are the two letters (one to all 3 developers in the town; one to Mr. Friel only) that the PC asked the Commissioners to approve for mailing. Mr. Teel informed the PC that the letter to the QAC Planning Commission (QACPC) and QACC asking them to read the Sudlersville Comprehensive Plan (SCP) had been mailed to them. Ms. Elter asked if a copy of the SCP had been sent to the QAC Circuit Court by Ms. Stahl. Mr. Teel said he understood a copy had been sent when it was originally approved. Ms. Elter said the PC would have to ask Ms. Stahl to see that it gets done now. Mr. Teel then noted that the agenda says it was filed with the QAC Circuit Court on February 6, 2007. Ms. Elter asked where and Mr. Teel showed her the final draft agenda. Ms. Elter said they had not received it before this evening and Mr. Teel said that was why there was one laid out at each member's seat.

Before moving on to Mr. Gray's subdivision, Ms. Elter said she wanted to share a proposal received from Rettew for the official town map project. Ms. Elter explained that Rettew's proposal is for \$3,000, plus expenses estimated at \$300. Ms. Elter passed the proposal around, asking each to look at it and then the PC could decide what they wanted to do with it. Mr. Teel said he thought it was already decided that Mr. Gradecak was going to be doing the work. Ms. Elter wondered if the PC still had to take action on the proposal. Mr. Teel said no; simply inform Mr. Chris Frawley, who was in attendance, that his services would not be used. Ms. Elter told Mr. Frawley that since Mr. Gradecak's services are free, Rettew's proposal would not be accepted. Ms. Elter said that she wants the proposal filed in the town office in case Mr. Gradecak could not produce what the PC wanted.

Mr. Gray's subdivision was discussed next. Mr. Gray explained that he was only seeking sketch plan approval at this time, saying that the PC would have 2 or 3 more times to review and amend the plans. Mr. Gray said he would like to get much of the engineering work started, particularly which related to storm water management. Ms. Virginia Dadds said she wanted to discuss the 2003 plan a little because they are concerned the PC will not get what they want because of the long unusable open space to preserve an agricultural ditch. Ms. Dadds said it was not a natural ditch; it was put there by the farmer to help the field's drainage. Ms. Elter responded that it also drains the farm across the road. Ms. Dadds said they provided accommodation for that. Ms. Dadds said that maintaining the ditch creates an open space that is long, skinny and does not have much amenity value. And, Ms. Dadds said, she did not believe the resident's whose homes back up to the ditch would like to live with open space centered on a ditch. Mr. Gray said he looked at the ditch and it is completely clogged with

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vegetation. Ms. Elter said that did not mean it has to remain clogged. Mr. Gray, Jr. said the ditch is an agricultural, not environmental, feature. Mr. Jason Burdette said they have provided an active environmental feature so that Sudlersville's citizens can have usable open space. Ms. Dadds said the plans have provided for drainage. Mr. Gray said this is not something that is normally dealt with at this stage.

Mr. Ford said that if the ditch is a man-made one, then maybe, by law, Mr. Gray will be required to fill in the ditch. Ms. Dadds said the Corps of Engineers (Corps) has already acknowledged that and they have asked them to look at the ditch and determine if it is wetlands. Ms. Dadds said they determined it is not a wetlands or a stream. Ms. Dadds said the issue of whether they can cover it up or not is governed by the Corps. Mr. Teel said that is governed, in part, by the PC. Ms. Dadds said that is true. Mr. Teel said the Corps has said they do not have jurisdiction. Ms. Dadds said they found there was a little bit of water coming down the sides of the road and then into the ditch; more water than is what is coming from across the street. Ms. Dadds said it is mostly what is coming down the shoulders of the road. Mr. Burdette said that these questions will be addressed in much more detail in the future; they seek only preliminary sketch approval at this time.

Ms. Elter asked if Mr. Gray wanted to speak with the PC about the land for the wastewater treatment plant (WWTP) because he had another option. Mr. Gray said he spoke with Mr. Charles MacLeod, the town's attorney, and Mr. MacLeod was going to attempt contacting Ms. Merrick, who is now Ms. Turner in North Carolina. Mr. MacLeod would be calling her to see if any land could be acquired from Ms. Merrick for the WWTP. Mr. Teel explained that the little triangle that is cut-off by the drainage ditch would be sufficient. Mr. Gray said that if he had to provide additional land, then he would. Ms. Williams asked if this had any importance to the present. Mr. Gray said it did not. Ms. Williams made a motion that the PC approves the sketch plan. Mr. Ford seconded the motion. The sketch plan was approved by majority vote; 1 nay vote by Ms. Elter and 5 yea votes by Mr. Brown (by proxy), Ms. Craft-Walls, Mr. Ford, Ms. Rachel Weedman and Ms. Williams.

After the vote, there were a lot of simultaneous discussions occurring. Eventually, Ms. Elter asked if there were any other items that anyone wished to discuss. Ms. Craft-Walls asked that the meeting minutes include the names of the PC list the names of those who are present and those who are absent. Ms. Elter added that she would also like to see the names shown next to their votes when the resulting vote is not unanimous.

Mr. Ford asked why Ms. Elter was opposed to approving Mr. Gray's sketch plan. Ms. Elter said she has grave concerns about piping the ditch. Mr. Frawley said that has nothing to do with the sketch. Mr. Frawley said the PC could still force them to do a hydro-geologic survey, which will determine if that is really a drainage ditch or not. Ms. Craft-Walls said that, after 5 years, the PC cannot continue to deny sketch approval for "nit-picky" things when many other agencies play into this, from whom they have to get approvals. Mr. Ford responded that because QAC has had them tied up with the open space issue, neither the PC nor Mr. Gray knew what they would be able to do, so the PC has been able to use this time to review Mr. Gray's plans in-depth. Ms. Craft-Walls said that the PC could have, at any time along the way, approved the site sketch. Now, she said, they can finally start the process of getting approvals from the QAC agencies. Mr. Ford responded they had not brought a sketch plan worth voting on until the last meeting. Ms. Elter added that one of the reasons prior sketch plans were not voted on is because they did not make the changes the PC had requested. Mr. Ford said they presented 5 sets of plans before the cul-de-sacs were finally removed. Ms. Elter pointed out

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that they understand this is a long, drawn out process. Ms. Williams said that it did not have to be as long as it has been. Ms. Elter responded that the PC wants to get the best developments for the town. Ms. Williams said that will never happen. Mr. Ford concurred, saying that nothing is 100%. Ms. Elter agreed, saying that while that is true, the PC still wants to get the best plans possible for the town. Ms. Williams said that one reason the town is not getting the best plans possible is because the PC is prolonging the approval of a lot of things. Ms. Williams pointed out that the town is paying for the water tower now. Ms. Craft-Walls said this sort of goes back a few years to a time when some on the PC were anti-growth; so, it would not matter what was presented to the PC to look at, they were not going to vote for it. Ms. Craft-Walls said she is not for "going crazy" with anti-growth because the town needs to grow a little bit or nothing will survive here. Ms. Williams pointed out that the citizens of Sudlersville will not be able to pay for some of the things the state will tell the town it needs to do. Mr. Ford estimated that 95% of the town's residents are just keeping "ends together". Ms. Elter said a good portion of the town will not be able to afford the water connection fees. Mr. Teel said he believes the developers will pay for part of those connections.

Ms. Craft-Walls made a motion to adjourn. Mr. Ford seconded the motion. The meeting was unanimously adjourned.

Respectfully submitted

David Teel, Circuit Rider/Town Manager