

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) CORRESPONDENCE

The County Administrator presented the following items of correspondence for the Commissioners' review and signatures:

a.) To State Highway Administration in support of the Leonardtown Bypass;

b.) To State Highway Administration requesting the placement of "911" signs as each entrance to the County.

The Commissioners agreed to sign and forward said letters.

2.) PERSONNEL  
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

The County Administrator presented a memorandum dated November 30, 1983 requesting authorization to advertise for two positions under the the Community Development Block Grant--Loan Analyst (Grade 12) and Permanent Part-time Fiscal Clerk (Grade 6), both of which will be contract positions.

The Commissioners gave their concurrence to authorize the advertisement of these positions, subject to receipt of the Grant.

4.) SCHEDULING OF PUBLIC HEARING  
RESOLUTION  
SANITARY FACILITIES AT CONSTRUCTION SITES

The Commissioners agreed to schedule the public hearing on the adoption of the referenced Resolution for Tuesday, November 29.

5.) SUPPLEMENTAL APPROPRIATION ORDINANCE

The County Administrator presented a memorandum dated November 2, 1983 from the Director of Budget & Data Services requesting authority to advertise for a public hearing on the adoption of the Supplemental Appropriation Ordinance on November 29.

6.) MECHANICSVILLE POND

The County Administrator advised that the County Engineer is requesting authorization for funding in the amount of \$10,000 for the installation of water storage tanks at the Mechanicsville Pond for use by Mechanicsville Fire Department. The Commissioners had previously approved the clearing and filling of the pond, and if concurrence is given, Mr. Norris can proceed and it will be submitted to the Commissioners in the Supplemental Ordinance.

Commissioner Sayre moved, seconded by Commissioner Aud to authorize the expenditure of \$10,000 for the installation of a water storage tank for a water supply for the Mechanicsville Fire Department. Motion unanimously carried.

COUNTY ADMINISTRATOR ITEMS (Continued)

7.) 1984 LEGISLATIVE PACKAGE REVIEW

Having conducted a public meeting on November 3, 1983, the County Administrator reviewed the items in the 1984 Legislative Package in order to get the Commissioners' position for submission to the Legislators. Action by the Board is as follows:

Items Supported By the Commissioners

- No. 1. - Additional Serving Counters  
(Alcoholic Beverage Board)
- No. 2 - Issuance of Class A-3 License  
(Alcoholic Beverage Board)
- No. 6 - Funding Source - Mandated Programs
- No. 7 - Public Schools - Election Days
- No. 9 - County Roadway Weight Restrictions
- No.10 - "Quick Take" Condemnation
- No.11 - Salaries - Orphan Court Judges
- No.13 - Sheriff's Department Pension Plan
- No.14 - Removal of Commissioners' Term Limitations

Items Supported by the Commissioners (with Amendments)

- No. 4 - School Bus Stopping Distance  
(The Board agrees with the concept of the proposal but leaves to the legislators the choosing of the appropriate distance in accord with the results of a study of surrounding jurisdictions' requirements.)
- No. 5 - Prosecution - Safe Distance Stopping Violators  
The Board Endorses the concept of the proposal but realize that there may be difficulties connected with the identification of the violator. Accordingly, the working and specific details of this proposal are left to the legislators in concert with representatives from the public schools system.)
- No. 12- Marina Sewage Dumping Facility for Boats  
(The Board agrees with the position forwarded by the legislators that this items will be thoroughly studied during the tri-state attempts to clean up the Chesapeake Bay and, therefore, recommend tabling this proposal for the time being.
- No. 8 - Inducement/Employment of Unlawfully Absent Students  
The Board at this time wishes to review this item further, and, therefore, takes no position.

The County Administrator will prepare correspondence to the Legislators setting forth above.

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, November 8, 1983

Present: Commissioner George R. Aud, President  
Commissioner Richard D. Arnold  
Commissioner Ford L. Dean  
Commissioner David F. Sayre  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

(Commissioner Millison was not present.)

The meeting was called to order at 9:15 a.m.

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Aud to approve the minutes of the Commissioners' meeting of Tuesday, November 1, 1983 as presented. Motion unanimously carried.

APPROVAL OF BILLS

Commissioner Aud moved, seconded by Commissioner Arnold, to approve payment of the bills as submitted. Motion unanimously carried.

BIDS ON AUTOMOBILES

SHERIFF'S DEPARTMENT AUTOMOBILES (5)  
ADVANCED LIFE SUPPORT VEHICLE

Present: Paul Raley, Director, Purchasing & Logistics  
Lt. Gene Pellillo

Mr. Raley presented the bids for the purchase of five Sheriff's Department automobiles and an Advanced Life Support Unit, and advised that the lowest bidder was Ourismann in the total amount of \$64,670.97.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold to accept the lowest bidder. Motion unanimously carried.

DEPARTMENT OF STATE PLANNING

PATUXENT RIVER POLICY PLAN BRIEFING

Present: Constance Leider, Secretary, Dept. of State Planning  
Ed Thomas  
Ray Puzio  
Senator Bernie Fowler  
Delegate Joseph E. Bell, II  
Frank Gerred, Director, Office of Planning & Zoning  
Representatives of community organizations

Representatives of the Department of State Planning appeared before the Commissioners to make a presentation of the draft Patuxent River Policy Plan - A Land Management Strategy. A Patuxent River Commission was established in the Department of State Planning to develop a policy plan for management of the Patuxent River Watershed. Seven counties, the Department of State Planning, Department of Natural Resources and the Department of Health & Mental Hygiene make up this Commission.

By way of a slide presentation, Ms. Leider described the watershed area, its assets and the causes of pollution. She stated that there are two solutions for the improvement of the water quality of the Patuxent River: The 208 Water Quality Management Plan (approved by the Governor and EPA approval is pending); and the Patuxent River Policy Plan. The Plan must receive approval of five of the seven counties. A series of

DEPARTMENT OF STATE PLANNING (Continued)  
PATUXENT RIVER POLICY PLAN BRIEFING

public hearings in the watershed area will be conducted. For the Southern Maryland Region, the hearing will be conducted on November 28, 1983 at the Prince Frederick Courthouse at 7:30 p.m. Once the counties approve the Plan, it will be submitted to the Maryland General Assembly for approval.

In concluding the presentation, Ms. Leider pointed out that the Patuxent River Quality Plan contains ten recommendations for improvement of the water quality of the Patuxent River. Commissioner Dean indicated that this Plan can serve as a model for the improvement of the Chesapeake Bay region.

Secretary Leider requested that as soon as possible the Commissioners forward their comments concerning the draft proposal so that at the completion of the public hearing process, there will be a understanding of the various jurisdictions' positions.

RECREATION AND PARKS DEPARTMENT

Present: John V. Baggett, Director

1) FIVE-ROW PORTABLE BLEACHERS

Mr. Baggett presented the bid tally sheet for the purchase of five-row portable bleachers and advised that the lowest bidder was from Sturdicteel Company in the amount of \$2,533.

Commissioner Aud moved, seconded by Commissioner Arnold, to accept the lowest bidder as recommended by the Director of Recreation and Parks. Motion unanimously carried.

2) SECOND DISTRICT PARK

Mr. Baggett advised the Commissioners that the Deed for the Second District Park is being reviewed by the Attorney for the grantor of the property for the park and when it is returned it will go the settlement. He stated that he solicited bids for the topographic surveys and the lowest bidder was D.H. Steffens Co. in the amount of \$2400.

Commissioner Aud moved, seconded by Commissioner Dean, to accept the recommendation of the Director of Recreation and Parks and award the contract to the lowest bidder, D.H. Steffens Co. Motion unanimously carried.

3) OPTION CONTRACT WITH SHA  
LAUREL GROVE PARK - PERPETUAL EASEMENT

Mr. Baggett advised the Commissioners that the State Highway Administration is using a small portion of land .029 of an acre at the Laurel Grove Park for drainage for the dualization of Route 235. SHA has had an appraisal done on the property and therefore, Mr. Baggett presented the referenced Option Contract for a perpetual easement in the amount of \$500.

After discussion, the Commissioners agreed to accept the \$500 from SHA for the referenced land for drainage purposes.

COUNTY ADMINISTRATOR ITEMS (Continued)

8.) REZONING RESOLUTION NO. 83-16  
EDWARD COOK - ZONE #83-0509

(Requesting rezoning of land known as Forest Run Subdivision, consisting of 9.8 acres, Parcel 154, Block 3, on Tax Map 51, Eighth Election District, located on MD Rt. 246, from R-2, Residential, to MH, Mobile Home Park.)

The County Administrator presented the referenced Zoning Amendment Resolution approving the rezoning application as requested.

Commissioner Aud moved, seconded by Commissioner Sayre to approve and sign said Resolution. Motion unanimously carried.

9.) PUBLIC OFFICIAL BOND - COUNTY TREASURER

The County Administrator presented the Public Official Bond for the County Treasurer, Katherine D'Esposito, in the amount of \$150,000. The Commissioners gave their concurrence to approve and sign said bond.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Sayre to meet in Executive Session in order to discuss a matter of Personnel. The Session was held from 10:45 a.m. to 11:10 a.m.

PROCLAMATION NO. 83-84  
AMERICAN EDUCATION WEEK

Present: Karl Pence, President, Teachers' Association

The Commissioners presented the referenced Proclamation designating the week of November 13-19, 1983, as American Education Week in St. Mary's County.

PRESENTATION OF COMMENDATION

Present: Mrs. Hope Adams

The Commissioners presented a Commendation to Mrs. Hope Adams for outstanding service to the citizens of St. Mary's County through her activities with Catholic Charities.

OFFICE OF COUNTY ENGINEER

Present: John Norris, County Engineer.

1) LETTER OF CREDIT  
PRB ASSOCIATES, INC.

Mr. Norris presented correspondence dated November 7, 1983 from Maryland National Bank advising of the establishment of an Irrevocable Letter of Credit in the amount of \$4,000 for the release of the Certificate of Occupance for PRB Associates, Inc. located at the Industrial Park. Mr. Norris stated that this requires the County Attorney's approval and acceptance by the Board.

The Commissioners gave their concurrence.

OFFICE OF COUNTY ENGINEER (Continued)

2) ROAD RESOLUTION NO. 83-25  
CLARK'S LANDING ROAD

The County Engineer presented the referenced Road Resolution posting Clark's Landing Road, 6th Election District, at 40 miles per hour, from its intersection with MD Route 235 for 2.4 miles.

3) ST. CLEMENTS ISLAND INTERPRETIVE CENTER-POTOMAC MUSEUM

a) "Sun Drive" System

Mr. Norris presented correspondence for Commissioner President Aud's signature addressed to Dr. Marek, St. Mary's County Health Department, advising that the County is desirous of installing a "sun-drive" sewage system at the Museum. Funds are available in the Museum project.

Commissioner Arnold moved, seconded by Commissioner Dean, to authorize Commissioner President Aud to sign said letter. Motion unanimously carried.

b) Letter of Intent

Mr. Norris presented the Letter of Intent with the Board of County Commissioners and John L. Mattingly Construction Co., Inc. for the construction of the St. Clements Island Interpretive Center Potomac Museum. The Commissioners gave their concurrence for Commissioner President Aud to sign same.

c) Museum Construction Project Inspector

Mr. Norris advised that Mr. Thomas Elmer Bailey has agreed to be the Inspector for the referenced project. The Commissioners gave their concurrence and authorized Commissioner President Aud to sign the letter to Mr. Bailey.

4) AUTHORIZATION FOR EXTRA WORK  
PROJECT NO. SM 83-4-3  
ST. MARY'S COUNTY AIRPORT

Mr. Norris presented the Extra Work Order No. 2 for the removal and replacing of material encountered during the excavation and restoration of secondary borrow areas at the County Airport in the amount of \$4,798.05.

The Commissioners gave their concurrence in approving the Extra Work Order.

5) GRANT AGREEMENT - ST. MARY'S COUNTY AIRPORT  
STATE AVIATION ADMINISTRATION

Mr. Norris presented correspondence dated November 4, 1983 from the State Aviation Administration enclosing the Grant Agreement between St. Mary's County and State Aviation Administration whereby the State of Maryland will pay an amount not to exceed \$6,000 towards the construction of an extension to the parallel taxiway and removal of airfield obstructions at the County Airport.

Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Agreement. Motion unanimously carried.

6) PRIVATE DRIVEWAY - PERSONAL BOND  
(HELEN FARMETTES)

Mr. Norris advised that the County has a personal bond for a private driveway in the amount of \$500 for an individual who no longer lives in the County. An installment payment of \$200 had been received from this individual; and the contractor, John Copenhaver has advised that the total cost will be \$325 if he could do the work immediately. Mr. Norris stated that he gave this authorization and needs concurrence from the Board of the action he took. The Commissioners gave their concurrence.

OFFICE OF COUNTY ENGINEER (Continued)

7.) DISCOVERY SUBDIVISION

Mr. Norris advised that his office has received inquiries from residents of Discovery Subdivision regarding traffic control devices. He stated that the County Attorney had advised that since this subdivision in a matter of pending litigation, that the County should not have traffic control signs installed at this time. The Commissioners concurred.

8) RICHNECK ROAD

Mr. Norris presented correspondence from Mrs. Joseph P. Jones of Richneck Road setting forth justification for changing the name of the road to Jones Road.

After discussion, Commissioner Aud moved, seconded by Commissioner Sayre, to rename Richneck Road to Jones Road as requested. Motion unanimously carried.

9) PROPOSED AMENDMENTS TO SEDIMENTATION CONTROL ORDINANCE  
PROPOSED AMENDMENTS TO ROAD ORDINANCE

Mr. Norris presented the draft Resolution for Amendments to the two referenced Ordinances and suggested that the Public Hearing to be scheduled for November 29. Mr. Gerred (who was present) stated that he was in the process of placing an advertisement for the public hearing for the Resolution Requiring Sanitary Facilities at Construction Sites and would add hearing to the Notice.

10) HIGHWAY MAINTENANCE BUILDING

Mr. Norris advised the Commissioners that he will be appearing before the Zoning Board of Appeals for approval of the construction of the Highway Maintenance building at the Governmental Center. The Commissioners requested Mr. Gerred to prepare correspondence for the Commissioners' signatures to the Board of Appeals indicating the Board's support of this project.

11) INSTALLATION OF SIGNS ON COUNTY ROADS

Mr. Norris stated that he was advised by SHA officials that it is anticipated that approximately 15 SHA employees will be on leave during the holidays. Assistance is needed for the installation of signs on county road and Mr. Norris suggested that the County use the current rental contract for that period of time. The Commissioners gave their concurrence.

12) ROSECROFT ROAD

Mr. Norris advised the Commissioners that in addition to the surfacing of Rosecroft Road, there have been several requests by Dan Reed of the St. Mary's City Commission for other improvements. He stated that it will be weather-dependent as to the amount of work that can be accomplished in anticipation of the 350th Anniversary of the Founding of Maryland, and that the most that can be accomplished by March 25, Maryland Day, is an overlay of the existing surface.

Commissioner Dean suggested that Mr. Norris discuss this matter with the St. Mary's City Review Board and advise them of what can be done.

PATUXENT RIVER FARMS  
DISCUSSION/DECISION

ZPUD #83-0130: PATUXENT RIVER FARMS

Requesting rezoning from R-1, Rural Residential, to PDR 2.83, Planned Development Residential, with Commercial Marine. The property contains approximately 211 acres and is located on Mill Creek, Town Point Farm, Eighth Election District, Tax Map 27, Block 24, Parcel 18.

County Commissioner member Ford Dean led the discussion, noting that it was not his intent to offer any motion for approval of the rezoning application, but rather to propose various matters to the Board for their consideration and discussion. Hopefully, the results of the Board's deliberated discussion would result in a consensus of the Board through a drafted resolution which would set forth the Board's determination of this case.

Considering the three apparent options available to the Board, i.e., Disapproval of the application, approval of the application as submitted; approval of the application with modifications, Mr. Dean went on record as stating that he personally favored number three.

Commissioner Dean noted that Councilwoman Ruth Keaton, Howard County's representative on the Patuxent River Commission, Mr. William C. Baker, Executive Director of the Chesapeake Bay Foundation, and Jack Witten, President of the Potomac River Association, had each made a similar observation shared by himself, i.e., that development in the watershed of the Chesapeake Bay and its tributaries was inevitable and that with care, aforethought, planning and the property safeguards, this subject application presented the opportunity to demonstrate the manner in which waterfront development could be accomplished with minimum detriment to water quality. In concert with this belief, Commissioner Dean stressed that the high quality economic development that broadened the County's tax base and which complimented our Department of Defense and other industry meant increased job opportunities and provided the potential for an improved quality of life for all citizenry of St. Mary's County.

In summation, Commissioner Dean felt that the Board of Commissioners should approve the rezoning application with restricting conditions which would assure three over-all goals:

1. That the development would serve as an environmental model for development in the entire Chesapeake Bay Region.
2. Adjacent property owners would not experience a diminishment to their property values nor personal enjoyment of their property.
3. The development of the property to proceed exactly in such manner as presented in this application and approved, or safeguards to insure that it not proceed at all.

To accomplish these three outlined overall goals, Commissioner Dean proposed the following conditions/stipulations, some of which he noted were modifications to the application, as submitted: (Many of the following were outlined as recommendations suggested by various individuals, agencies, e.g. Planning Commission, Department of State Planning and the Chesapeake Bay Foundation, etc.)

1. The Conceptual Master Plan be changed in such a manner that only single family detached houses shall be permitted to front on the creeks. Should the applicant feel that the requested dwelling unit density was necessary to the economic feasibility of the project, then those townhouse be removed from the creek side and placed elsewhere on the site. Following a visual indication by Commissioner Dean of those subject clustered areas, it was the consensus of the Board to allow that clustered section (Marked by staff on the Site Plan as Section B) located directly across from the Placid Harbour property, to



REZONING HEARING (Continued)  
PATUXENT RIVER FARMS

to remain and to relocate that clustered townhouse development area (Marked Section A) to another area. Commissioner Dean explained that his purpose for suggestion of these relocations was "to keep this development in concert with the type of development on the other side of the creek."

NOTE: The applicant was advised, via legal representative Mr. James A. Kenney, present this date, that a revised site plan, indicating the relocation of the townhouse clustering be submitted, prior to any action taken by the Board.

2. Proposal that the marina facility be allowed within the creek, at its present designated location, but limited to a MAXIMUM of 80 slips and they be installed, as recommended under points 8 and 9 of the July 26th letter from the Chesapeake Bay Foundation. Those points outlined the suggestions that prior to the marina being installed, there be a baseline environmental study conducted, to establish the existing conditions. Subsequently, forty (40) slips would be allowed under the first phase. Following a two year (2) occupancy, the developer would fund the study, undertaken by an independent consultant, selected by the County Commissioners, paid for by the developer, to determine if there were any adverse impact from those first 40 slips. If none were discerned, then the second forty would be allowed. All Commissioners concurred with Condition/Stipulation No. 2 as herein outlined.

Commissioner Sayre advised that the Commissioners accompanied by a Mr. Eberle, had taken a boat trip and had inspected the subject property and the entire Myrtle Point area. He noted that a close inspection of the property has ascertained that the proposed marina area was the best suited area for the marina, having about eleven foot of water along the shoreline, no undertow, not much wake, yet distant enough away from the other residents and from Clarke's Landing and Mill Cove, that there should not be any adverse wake action. Commissioner Sayre stressed that he had taken all those aspects into consideration. He emphasized, "it's not over a three minute run, by the time you take off, you're in the Patuxent." Commissioner Sayre felt after considering all aspects of the proposal that an approval of this application "would not do any damage." Speaking at some length to his reasons for a positive recommendation regarding this project, Commissioner Sayre emphasized that he had been a waterman and protector of the water and environment for many years and he saw this proposal as being in the best interest of the County, rather than waiting and perhaps heavy industry settling on the property which "would do great damage."

Commissioner Arnold asked how many homes would be accommodated by the first forty slips. Mr. Gerred projected that it would serve between 150 to 200 homes (normally 25%). Commissioner Aud noted that the location of the marina was proposed "right on the mouth of the creek and really would not have any adverse effect that the boats in the other marinas have in the creek at the present." Commissioner Arnold stated, "That is one of the best flushing areas that I have seen in the mouth of any creek... it has alot of action, it's not still water by any means."

Commissioner Arnold agreed with the proposal/conditions offered thus far and stressed that the County should start with the 40 slips, then evaluate the effect upon the environment and proceed accordingly. Commissioner Arnold felt that this proposal came at a time when the entire country was

PATUXENT RIVER FARMS (Continued)  
REZONING HEARING

placing great emphasis on saving the Chesapeake Bay and living in harmony with the environment. He felt that now was certainly the time to ascertain whether or not St. Mary's County had the ability to police and monitor this proposal. He stressed that if the county lacked the expertise to accommodate such development, "Then we're out of business permanently here...we've got to try to accommodate something nice and at the same time protect what we've got without ruining it."

Commissioner Sayre asked whether there was any possibility that should the application be approved, and the corporation later fold (go bankrupt) the the property could be used for something other than what was proposed which "could be of damage and we couldn't do anything about." Mr. Gerred responded that in order for the application to include anything other than what was not included under the present proposal, would require reapplication before the Planning Commission and the Board of County Commissioners with a specific amendment to their existing proposal, at which time the Board could specifically deny anything they felt was not in the best interest of the County. Mr. Gerred emphasized that before the project could proceed, considerable bonding and other agreements with various County agencies were mandated with respect to the roads, sewer, and water facilities.

Commissioner Arnold referenced Section 70.01 paragraph 2 of the St. Mary's County Zoning Ordinance regarding the disclosure statements and asked whether the applicant had complied with this section of the Ordinance. Mr. Gerred responded affirmatively.

In conjunction with the marina, Commissioner Dean offered the following additional points: That the marina should be limited to a boat docking and fueling facility only, with no boat hauling or repair capabilities present. Also, that the boat docks should not project into the creek beyond a specific distance (to be determined). Also, no marina facilities shall be constructed until a minimum of 30 dwelling units are constructed. The Board concurred with those additional points.

3. If the conference/resort center should not prove feasible, then only single family detached houses should be considered at that location in any amendment to the development plan. Commissioner Aud felt that the conference center was a very important aspect of this proposal and was very important to the County in term of the revenues and employment opportunities that it would derive. Following discussion relative to the point No. 3, Commissioner Dean noted that this concern was unnecessary due to the fact that should the conference/resort center prove not to be feasible and should the applicant wish to make an alteration to his plan, he was mandated to reapply and go through the process in order to make any change in the plan.

4. Commissioner Dean proposed that at such time as site development plans were prepared and submitted to the County for review and approval, the County shall reserve the option to retain the services of a consultant engineer (to be paid for by the developer) to review the plans. Likewise, the County shall retain a similar option to retain a consultant to oversee actual construction, particularly in matters pertaining to sediment, erosion, and storm water controls. The developer shall abide by the County imposed site plan requirements. The members of the Board concurred with these points.

PATUXENT RIVER FARMS (Continued)  
REZONING HEARING

5. In the site plan and construction phases, the County shall utilize the services to the extent that they are made available of the U.S. Soils Conservation Service, the Maryland Departments of State Planning, Natural Resources, and Health & Mental Hygiene. All Commissioners concurred with this point.

6. The banks on the river side are currently severely eroding. Prior to the construction of any dwelling units, those banks should be stabilized. All Commissioners agreed to adopt this condition.

7. Unless the Maryland Department of Water Resources shall show this it is not feasible, the potable water source for the development shall be drawn from the Potomac Sands formation. Mr. Gerred advised that this formation had been lately renamed the Mattapany. All Commissioners agreed with this stipulation.

8. Except as might be modified by conditions that the Board imposes, the project, amenities and scheduling as submitted by the applicant, shall be followed. All members concurred.

9. In addition to the normal bonding requirements for the completion of utilities and roads, bonding in sufficient amounts shall be required for storm water control devices to assure their periodic maintenance and also for the protection of the wetlands and ponds. All Commissioners concurred.

10. No site plans for the project shall be processed by the County until the plans and location of the access road from Route 4, have been approved by the Board of County Commissioners. The members concurred.

11. That condition numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, and 19 in the Planning Commission's recommendations dated June 28, 1983 would also be imposed. Mr. Dean noted that those few which had been left out (numbers 12, 18, 20, and 21) had been addressed and included in his enumerated points. The Commissioners concurred to include and incorporate those points outlined by the Planning Commission as suggested.

Commissioner Dean noted that several of the Commissioners had suggested inclusion of a stipulation of a 100 foot buffer. He noted that this concern had been addressed under Item 14 of the Planning Commission's recommendation. It also provided that the Planning Commission may modify this setback on an individual cluster basis if the Commission was convinced by the site plan that the effect of the 100 ft. buffer could be achieved by other management practices. Mr. Dean felt that in certain individual cases, the 100 ft. might not be necessary, while in other cases, more than a 100 ft. buffer should be imposed, and that the Planning Commission's recommendations made more sense.

12. Commissioner Dean also recommended that the County Commissioners impose conditions numbered 1 and 14b in the Department of State Planning recommendation, dated April 29, 1983. Mr. Dean stressed that the majority of the DSP recommendations had been incorporated in either the Planning Commission or his proffered recommendations. Speaking to DSP recommendation No. 1, Commissioner Dean explained that this stipulation provided that there would be no development or construction permitted in areas having slopes in excess of 15%. Staff injected that it might be appropriate to modify No. 1 somewhat to reflect the Commissioners previous discussion on stabilization of the riverfront slopes as it might be necessary to modify those slopes in order to stabilize. Following brief discussion, the Commissioners concurred to modify this stipulation to read: "With the exception of erosion control there shall be no construction on slopes in excess of 15%."

PATUXENT RIVER FARMS (Continued)  
REZONING HEARING

Recommendation 14b of the Department of State Planning recommends that the County be a party to the covenants to provide an enforcement mechanism to insure that those covenants and deed restrictions are, in fact, enforced. All Commissioners concurred.

13. If no approved on-site construction had commenced within five (5) years, the PUD designation shall revert to the R-1 classification. Mr. Gerred explained that this concern was covered in the Ordinance, in conjunction with the development phasing, as shown on the back page of the Planning Commission's recommendation. Staff stressed that should the applicant fall one (1) year behind in their phasing, then the Commissioners may, after notification, cancel the plan. Mr. Gerred felt that the language of the Ordinance could be incorporated, using this stipulation as an addition to the Ordinance language. All Commissioners concurred.

Commission Dean reflected that since the Board had indicated a general approval of these recommendations, he suggested that the Board work with the staff and the County Attorney to prepare the formal resolution which would basically adopt the development plan, subject to the conditions, as set forth and agreed to by the Board thus APPROVING the rezoning.

Commissioner Aud noted for the record that he would not be present next week for the formal vote on this matter (will be out of the country), however, he wished the record to reflect that he agreed with the conditions outlined and if he were to be present, he would cast his ballot for the approval of this rezoning application. Commissioner Aud spoke at length to the history of the County's concern and involvement with the protection of the environment and the Board's continued effort. He felt that while there would always be some objection to a proposal such as this, he felt that a controlled development of this property would be a model for the entire state and would be in the best interest for the entire county. Commissioner Aud felt that with the concerted effort of everyone, that pollution of the Bay could be corrected. He stressed that the Board was trying to protect the environment, yet provide for development and growth within the County. He felt that this proposal held the potential for a model development for the entire state.

Providing that the applicant provides the amended site plan, showing relocation of the townhouse clusters, the resolution will be drafted, including those recommendations included herein, and the matter will appear before the Board in one (1) week for further review.

PLANNING AND ZONING ITEMS

Mr. Gerred advised that staff was moving forward with the homeowners electrical permit and that a suggested resolution was currently being reviewed by staff and would be presented to the Board within the next several weeks.

Additionally, the Office of Planning and Zoning has been informed by the Maryland Department of Economic and Community Development that Federal and State regulations were going to require the County to inspect every newly constructed mobile home foundation (effective January 1, 1984). In reviewing this regulation, Mr. Gerred advised that it had been ascertained that Middle Department had collected over forty thousand dollars (\$40,000) last year for energy and electrical inspections in the County. He therefore suggested that the County consider using those monies by pulling that inspections process back into the County Offices and hiring their own inspection personnel. All Commissioners concurred. Mr. Gerred added that he would get a formal proposal to the Board for their review. This position would require a licensed Master Electrician.

ADJOURNMENT

The meeting adjourned at 1:15 p.m.

APPROVED:

  
George R. Aud, President