

**POOLESVILLE PLANNING COMMISSION
MEETING OF FEBRUARY 16, 2011**

PRESENT: CHUCK STUMP, BOB BACHMAN, HARALD EHRENTAUT AND GEORGE COAKLEY. ALSO PRESENT WAS TOWN MANAGER, WADE YOST, AND TOWN ENGINEER, JOHN STRONG.

Call To Order

Mr. Coakley: The Poolesville Planning Commission Meeting for February 16, 2011 is called to order. Present are all committee members with the exception of Cal Sneed along with the Town Manager and the Town Engineer.

Announcements

Mr. Coakley: Announcements, well first of all I would like to personally and officially welcome Harald to the Planning Commission and I would also like to thank the members of the Planning Commission along with the Town Engineer and Town Manager for all their hard work this past month when I was off vacationing, for working on the Master Plan so thank you all very much. Any other announcements Wade?

Mr. Yost: Nope.

Mr. Coakley: Anyone else have any announcements?

Citizen's Comments on Agenda Items

Mr. Coakley: Ok tonight on the agenda we have approval of minutes of January 18, 2011, Jamison request for an extension on the lots on Budd Road, Winchester Homes Stoney Springs driveways, and under old business, Wootton Woods Site Plan, and Westerly. Are there any citizen comments on any of the agenda items before we get started? All right hearing none then we will go to approval of the minutes of January 18, 2011.

Approval of Minutes

Mr. Bachman: I move we approve of the January 18, 2011 meeting of the Planning Commission.

Mr. Stump: Second.

Mr. Coakley: All in favor?

All: Aye.

Mr. Coakley: Ok minutes are approved.

New Business

Mr. Coakley: All right Jamison request for an extension, lots on Budd Road.

Mr. Rice: Rob Rice hopefully the some day beneficiary of one of these lots at least. So my understanding is that we have had a little bit of trouble with working everything out for stormwater management, there has been a lot of proposals and ideas going back and forth, going back out to the lot and I can promise you that my wife and I are certainly eagerly pushing to make it happen as soon as possible but I don't think, I just found out (inaudible) today but had no time to get that issue resolved. So I don't know a lot of the details so if there are questions I can probably get a hold of Bobby too.

Mr. Coakley: Well we have been fairly systematic and perfunctory I guess on granting other requests so I guess unless anyone has any specific questions or concerns or anything.

Mr. Yost: On this particular one here they had to submit a Site Plan prior to December of 2012 and they have submitted a Site Plan to us and are going through the process. What do you see as far as an extension or that you actually need one if you are going through the process?

Mr. Strong: They had to put 2012 to get their stuff together.

Mr. Yost: To submit a Site Plan, not have it completed according to the Allocation Plan.

Mr. Strong: I don't see at this point I mean your stormwater management issue that would be within the year, and then as soon as you have that you can submit your Preliminary Plan back to us so we can go ahead and review the Preliminary Plan. So I don't see the need for an extension at this point.

Mr. Yost: Same thing unless you just want to make you aware of it by going through the process, now if you stop going through the process and it just sat there and they weren't moving forward that is a different story, but you know they are going through the process because we are working with the county all the time also on stormwater issues. So I am not sure how you want to proceed with it, maybe an informal extension.

Mr. Coakley: Well if we don't need one then why do it.

Mr. Yost: Right.

Speaker: What is the deadline that you are reflecting for 2012?

Mr. Yost: No I am sorry December, 2011, just to submit a Site Plan, he has already got a Site plan submitted here and has conditional approval but he is waiting for the stormwater management plan.

Mr. Strong: Well the stormwater, I am assuming he is working on the stormwater concept.

Mr. Rice: We are getting Ash Services involved, we can't get the water to go anywhere and we can't get --- to grant us a new variance from the standard detail, its too flat, I don't have enough change in elevation to get the water onto the road and into the Poolesville system across the street, so he is working with Ash Services, JD Warfield does that and will make a vegetative swale and will be reinforced with (inaudible) to take the water down across the farm.

Mr. Strong: And an easement will be granted there.

Mr. Rice: Yes. Without knowing more about it, they requested an extension I am not sure what the motivation was but if there is a downside to having an extension, I mean if we get it done by the end of 2011 then having an extension is no big deal, if something else comes up...

Mr. Yost: Really your deadline for the expiration of the conditional approval is 18 months after it was approved, so we could extend that if you get close to that timeframe and you still haven't worked out this stormwater issue, there is a lot of typical restraints on...

Mr. Coakley: Yeah I would just say let it ride and when you get closer if you still need time.

Mr. Rice: So repeat this process if we get closer.

Mr. Strong: I would think it a November timeframe comes around and you still are battling stormwater management then just come in.

Mr. Yost: It's even past that because conditional approval was just in November.

Mr. Bachman: So what would be the month and year that this 18 month period would expire?

Mr. Yost: Off the top of my head I don't remember exactly when they were in here but it was probably this time or March, April of next year.

Mr. Strong: I would also think that by November you will know where you stand.

Mr. Yost: And I don't think this body has a problem with extending the approval.

Mr. Coakley: We are an amenable bunch.

Mr. Rice: I love it, I will report back.

Mr. Coakley: Ok Winchester Homes, Stoney Springs driveways.

Mr. Lemon: For the record my name is Mike Lemon with Winchester Homes. I want to thank the Planning Commission for including us on this month's agenda. We are here tonight to seek your consideration of a Site Plan revision to separate some of the combined driveways into individual driveways along West Willard Road. The builders and ultimately homebuyers do prefer an individual driveway, we have had shared driveways where they go for a long length of distance but in this situation the driveways are not really long in length and that we were asking the Planning Commission to seek consideration of our request to separate the three individual, the three shared driveways into individual driveways. I am sorry, with us this evening is Ed Wallington with the Engineering Firm of --- & Saltez.

Mr. Coakley: Good evening.

Mr. Wallington: You have a copy of the first Site Plan, this goes back to the year 2007 and its several sheets. The areas that are of interest tonight are on a (inaudible) and the site plan the first two --- show a combined driveway and --- five of those garages (inaudible), and they meet together in a combined driveway that runs right down the lot line. The first two share a driveway, the second two share a driveway and then the next couple are individual, so there is a driveway as well (inaudible) and then continuing down the road get passed Spurrier there is three single family homes facing the road (inaudible). So that is the request we had and the thought was --- in the first area instead of these two sharing a driveway (inaudible).

Mr. Lemon: The thought is if they are very flat, I don't believe there will be any sight distance issues, of course we are going to need county approval in order to do this, but first we wanted to come before the Planning Commission to seek your approval of the Site Plan revision.

Mr. Coakley: Like most things I see good and bad, the bad is the more access you do have to a major road going in and out of town, the more potential for accidents and that sort of thing I think. But we have also had trouble with shared driveways so I can see where not having them could be beneficial also. So any other...

Mr. Bachman: If I could just look at where they are situated on the full plan as opposed to (inaudible) visual.

Mr. Coakley: The Baptist Church, between the church and the well house.

Mr. Wallington: (Inaudible).

Mr. Coakley: The entrance hasn't been changed.

Mr. Bachman: So where would the driveway be?

Mr. Wallington: (Inaudible).

Mr. Coakley: Anyone else have any questions or comments?

Mr. Stump: Pretty much the same thing you had to say, the less shared driveways in general I'm in favor of.

Mr. Coakley: You have any more questions Bob?

Mr. Bachman: The only question I have is I don't know how the process works, does the school have any concern about changing this because it affects school bus access to the property?

Mr. Strong: This will have to go before MCDOT for approval and they will have to look at it.

Mr. Bachman: And they would be the ones who would look at it through the prism of the school system and other issues.

Mr. Strong: They should yes.

Mr. Bachman: Ok and we haven't asked? We don't normally ask for any comments from the schools?

Mr. Yost: Not for something of traffic concern or anything like that, Montgomery County roads.

Mr. Wallington: (Inaudible).

Mr. Coakley: I would probably lean more toward less shared driveways than the concerns about somebody leaving at the time the buses are doing, plus they shouldn't be backing out they should probably be coming out head first. They should have enough room in front of their garage to turn around.

Mr. Stump: Those are nice big driveways, they are pretty much all the same throughout that development right.

Mr. Lemon: Yes.

Mr. Coakley: So we will wait and see what the County says so I don't think we have any problems.

Mr. Lemon: Ok thank you very much.

Mr. Wallington: (Inaudible) approved Site Plan?

Mr. Yost: Well approved condition upon the County's traffic review.

Mr. Coakley: Thank you.

Mr. Bachman: Just a general question. How many homes have been completely built in your subdivision now?

Mr. Lemon: Approximately 18 I believe.

Mr. Bachman: And how many are under construction?

Mr. Lemon: I think there is approximately 3 or 4. I can get that information.

Mr. Bachman: No I was just curious how it is coming along, whether you were seeing a shift in the...

Mr. Lemon: It's slowed down recently but Poolesville is a great place to live and the Magnet Program seems to be a great draw and the tranquility of Poolesville.

Mr. Bachman: Do your buyers bring up the value of the Magnet High School?

Mr. Lemon: That is a comment that we hear yes.

Mr. Bachman: Ok thanks.

Mr. Lemon: Thank you very much Sir.

Mr. Coakley: Good luck to you.

Mr. Bachman: It's been a tough climb.

Mr. Lemon: It sure is.

Mr. Bachman: We are all sounding like our fathers or grandfathers these days who went through the Depression when we talk about being glad to be employed, that is a real different experience for the post World War II generation.

Old Business

Mr. Coakley: Ok Wootton Woods Site Plan.

Mr. Jamison: Good evening I am Frank Jamison owner of this Wootton Woods property.

Mr. Maizel: Josh Maizel with Benning & Associates, the head Planning Consultant.

Mr. Jamison: I believe you have a copy of the draft of the public improvement agreement on the Wootton Woods. I don't know, Wade and I talked today about a couple minor changes, I don't know if you had a chance...

Mr. Yost: I haven't yet.

Mr. Jamison: There was a numerical change that had to be made, we listed item 3 twice so the 2nd --- should be four.

Mr. Yost: You guys have a copy in front of you now.

Mr. Jamison: And then on old number four which should be number five, we have already paid for the forest conservation fee in lieu, the Town is in receipt of that, so we ask for that to be changed to "the developer has paid the forest conservation fee in lieu as required by the Poolsville Code".

Mr. Yost: And what I did there was just --- fulfilled.

Mr. Jamison: And that is fine. Josh and I went over this today and matched it up to the Site Plan to make sure that it comported to what the Site Plan calls for and I didn't see anything except for those things that I called Wade about earlier unless Josh sees anything.

Mr. Maizel: I don't see anything either, looks fine to me.

Mr. Yost: No and John has been over it also and the Attorney reviewed it also.

Mr. Strong: The only comment we had was at the time of recordation of the plat we do need to record the sanitary water easement.

Mr. Yost: Right and there is a, in here it does list that all water and sewer lines shall be enclosed.

Mr. Coakley: I have a couple things. On page 2 paragraph H...

Mr. Jamison: Yeah we've got a double H.

Mr. Coakley: Oh yeah double H also. The 2nd H.

Mr. Jamison: the other H.

Mr. Coakley: I told Frank he repeats himself, he said I know, I know. But I just want to make sure that we have enough room that if and when maybe even my late time, if a roundabout is put in there that we have enough dedicated land on the corner to fit a roundabout in.

Mr. Strong: Yeah because the actual problem...

Mr. Stump: I'm with you George, that topic has come up a lot through the month you have been gone.

Mr. Strong: The actual problem with the roundabout is this corner here.

Mr. Stump: That is the existing townhouses that you are pointing to.

Mr. Bachman: And what is the problem?

Mr. Strong: When you configure the, using the existing center line of the road the...

Mr. Coakley: Which can be changed.

Mr. Strong: Yeah I mean the whole road would be kind of shifted this way if you wanted to but it then presents problems over here with that road because you have, it presents problems but this area is ok, that corner is fine, that corner is fine and where this is right now, it would have to be because of a traffic circle, it would have to be this corner would disappear but it would bump up against this property line here.

Mr. Coakley: Well can we avoid that?

Mr. Bachman: Not at the time.

Mr. Strong: You mean move this way?

Mr. Coakley: Yeah.

Mr. Strong: Well but the traffic circle would bump up against, it wouldn't go into the property, it would go up against the property, the easement area, but not without taking this out and changing this stormwater concept or stormwater management plan if you want to move it this way.

Mr. Bachman: But that is the only way you can move it if you think you might be putting in a roundabout.

Mr. Strong: Well no the option is to shift this up and around, if this is the corner that is the problem you can take...

Mr. Coakley: Well we know that but I don't want two problem corners, I only want one problem corner as a maximum.

Mr. Strong: Right and that is what we have, we have one problem, but this goes away this existing corner area goes away, the sidewalk is supposed to be up here so this sidewalk would stay in place...

Mr. Yost: John if we super imposed a regular size roundabout in there that was to scale with this project would it fit in there with the exception of that one corner?

Mr. Strong: Yes and that is what we did.

Mr. Yost: I know we did.

Mr. Bachman: Which corner.

Mr. Strong: This one.

Mr. Bachman: But we can't do anything about that corner.

Mr. Yost: Well we can in the future.

Mr. Strong: So you have got the center of the circle about right here.

Mr. Yost: Well we shifted it towards the property too if I remember right.

Mr. Strong: Correct, we brought it up.

Mr. Yost: Tried to pull it away from the problem corner.

Mr. Strong: Right.

Mr. Yost: Up to where the stormwater.

Mr. Coakley: I hear what you are saying, but the way you are saying it doesn't reassure me for some reason, why is that.

Mr. Strong: I don't know what to say. It will fit because we did it the takeoff form and when we put in the easement area that is necessary for a traffic circle to be in compliance with the Federal Highway Administration it fit, but if you shift it this way in, if you move it up this way then he loses his stormwater management basin, it means he has to start his plans all over again, if we hold it and bring it up against

here like we had projected originally then it creates a problem down in that corner, these corners are fine.

Mr. Yost: Either way you can only shift it so much.

Mr. Strong: That is correct.

Mr. Yost: So either way that corner is always going to be a problem down here, because it has to line up with the width also.

Mr. Bachman: So you are saying that any shift towards the Wootton Woods development, any shift at all would totally dismantle their stormwater management plan, any, a foot, a yard, three yards, I would like to get specific about understanding what it takes.

Mr. Yost: It is important to know also because you want your centerlines to be properly intersecting the Wootton Avenue coming this way, so you can't have it shift up so you have an oblong going, you know what I am saying, it has to be squared into the cross sections of the street.

Mr. Strong: His dam or embankment for his stormwater management area runs all the way down to this point, see this little round circle...

Mr. Coakley: No not from here.

Mr. Strong: His embankment for his stormwater management runs all the way down to here. If we come further this way this sidewalk is split this way, which would mean that he'd have to dedicate more property, no problem there, but now his embankment starts to be impacted, you see it changes the grading here which he has got a cascading effect.

Mr. Bachman: Well I guess to step back from the specifics to questions asked generally is whether any adjustments being made to Wootton Woods to provide for the potential accommodation of a traffic circle at Wootton and Fisher Avenue in the future.

Mr. Strong: Well right now there is none that is necessary.

Mr. Maisel: I think that is the better question, its not is there any that can't be made, is there any that need to be made.

Mr. Bachman: Well that is not the way you presented to us. I mean it is important (inaudible) any effort to try to have access to land in this development as currently outlined would immediately disrupt their stormwater management.

Mr. Strong: My point is, is that we did the takeoff and based on that the, and its just the edge of the easement before the circle, or right of way for the circle comes right up against this corner here, it is still in the right of way, if you decided to shift this in order to try to avoid this property here then it would impact this property here, right now that traffic circle comes out to right about in this area right here.

Mr. Yost: But John you said you can shift it, but can you really shift it to come off the axis of when you come across to Wootton?

Mr. Strong: Not unless you realign the roadbed.

Mr. Yost: Well yeah and that is not going to happen.

Mr. Strong: And that leaves a 40 foot circle area.

Mr. Yost: Well John is there a way to request another 10 foot of easement or right of way along there.

Mr. Strong: This is the embankment, the stormwater management embankment ends here, could they request another 10 feet well then you going to have a problem with the sidewalk for the streetscape.

Mr. Yost: For an easement? Just request the additional widening of the easement right there.

Mr. Strong: You could ask them for an easement but then well yeah you could ask for an easement.

Mr. Stump: Is your thought that if we had to tear a piece of sidewalk at some point in the future that is not a huge deal as long as we have the easement.

Mr. Yost: Oh yeah the roundabout is not going to happen next year and this project is going to happen either way.

Mr. Stump: We have the option.

Mr. Yost: Right.

Mr. Coakley: I am sure the sidewalks on all four corners would have to be redone.

Mr. Strong: That is correct but assuming that you are going to bring this sidewalk up further this way, if we are going to take another 10 feet that is 5 feet there, another 5 feet is about the width of --- now you are in the embankment, now you have the sidewalk.

Mr. Yost: The sidewalk nothing changes just give us more easement. Nothing changes on that plan except for the easement line.

Mr. Bachman: This can't move in totality back?

Mr. Yost: This ---?

Mr. Bachman: Yeah you are talking about taking space here as though this is already built and you can't move it, but it could move back in order to accommodate the space you are taking.

Mr. Maisel: It was really hard to get the stormwater...

Mr. Bachman: Is that a 6 foot embankment there?

Mr. Strong: Yes 6 foot embankment so now you are going to lose that 6 foot back here, which will diminish the amount of storage in that pond, which is kind of a fussy easement.

Mr. Coakley: Lets say you had to cut 22 square feet or something off the corner here, how many less gallons would that hold.

Mr. Strong: Doesn't matter, that pond I am sure there is a specific problem for stormwater quantity and quality. So you would need to pick it up as is, which then presents problems in this parking area. I mean an easement is the easiest way to do it, just take an easement and put it in there and then suffer the engineering issues.

Mr. Jamison: Well I have heard the discussion and what I did hear from Mr. Strong is that the design does fit and is currently in the roundabout, it does --- to fit in here. You are saying you have an issue there.

Mr. Strong: No over here.

Mr. Jamison: I am sorry, on this property, now correct me if I am wrong but is that a dedicated area and what do you have to do to make it fit, before you compromise on my side, two things that I would look at being a businessman is what's the probability of ever having a roundabout in here, and secondly what would you have to do to make these align and how difficult would it be and how much area do you have to take there before you compromise your stormwater on this side.

Mr. Coakley: I don't know.

Mr. Jamison: Well you do know because they have already said that they have overlaid the roundabout in here and it does fit the way that they have done it with this area being the only area of concern, so you already know you can put a roundabout in here the way that it is designed right now, the issue if I heard it correctly is not so much whether it fits in here and you can move it around but how it aligns to the centerline of Wootton. So even if you move it either way here you still have to figure out what are we going to do with the centerline and how it matches up, so if you already have a plan that you have that shows that that matches correctly you stick with that, you don't start taking and moving it around because you think it might look better or something, if it already matches the way it is and it lays in there and the probability is down the road you are ever going to get a roundabout, the state doesn't want a roundabout there and it may very well cause a traffic problem in the Town to have a roundabout.

Mr. Bachman: But that is not the issue that we are addressing. Whether we would build or not build a roundabout is not on the table for discussion. The question is very pointed and how it needs to be focused and basically my understanding through comments being made is what accommodation could Wootton Woods make on that corner to contribute to the potential of building, putting a roundabout in there, you need to just give us your answer, whatever answer you want, we are not forcing you to come up with an answer, we are just asking a question.

Mr. Maisel: If I understand John correctly if we push the center point of the turnabout further to Wootton Woods that increases the development problems to Wootton Avenue and Fisher Avenue because we physically have to pick up that road bed and move it down for proper alignment for the intersections.

Mr. Coakley: Well I am not saying move anything, my concern is that when we first overlaid a 100 foot roundabout there that it was like bare bones and it was just touching which certainly would affect here and all four corners, but if Donogan came back in and was trying to do something on his property I would be saying the same thing that I would want an easement here and the same thing if they wanted to do something on this corner I would say...

Mr. Jamison: But I would say the easement --- here I have already given that to you.

Mr. Coakley: I know.

Mr. Jamison: So I don't know what, I have comported to the subdivision regulations of the Town I have given you an easement.

Mr. Coakley: I know but the last time this came up and the local farmers came in and everything and they had some concern about their equipment that were coming through and their horse trailers and everything else and they were implying that well maybe a 100 foot roundabout wouldn't be sufficient for some of the equipment that we bring through and stuff and everything, so if it is not going to change your plans any and if any future development or anything would be paid for by the Town or the State or anything else, why would an easement of another 5 feet adversely affect your plan right now?

Mr. Jamison: I am not saying it would, I am not saying it wouldn't. What I have been saying is that I did comport to what was required for the roundabout.

Mr. Coakley: For a bare bones roundabout that may or may not under closer scrutiny be deemed sized appropriately for agricultural equipment and anything else that comes through.

Mr. Jamison: Or anything. So even if I give you the extra 5 feet, which I will do but I want to make sure that I am comporting to what the zoning regulations in the Town are, and further expressions of generosity at the time that I come in here with this, unfortunately I feel is a little late to ---, now I will give you the 5 feet, I do it reluctantly because I have gone through this process, we have gone through this roundabout, they have laid it out and shown that a roundabout would fit in and now you are asking me for something that may or may not happen and a design criteria that we have no control over from the State, because they are the ones who are going to say what will fit in there and they are also going to say whether you can put a roundabout in here or not. Now I will give you the 5 feet but the 5 feet that you are asking me for I kind of wish you would have asked me for it before, not when I am coming in here with my PIA agreement that we have already negotiated and worked out. You have to understand where at least I see it, he has a design and he says it will fit in here and now you are asking for well maybe that design might change, hell everything changes, so I will give you the 5 feet, is there anything else that you want?

Mr. Bachman: Well I will keep on looking at what we are talking about.

Mr. Jamison: Ok. But I want everybody to know what we have comports to your zoning, understand that, there is nothing on here that is anything different than what your Zoning Code requests and requires.

Mr. Coakley: That was never an issue.

Mr. Jamison: Ok than approve what we got.

Mr. Coakley: And my concern was that there be adequate room even if we had to enlarge the roundabout a little bit and like I said I admire your generosity but I am not really sure that I see how much you would be giving up if in the future it were to take place and the extra 5 feet were to come off of there at the expense of the State or the County or Town to make the change.

Mr. Jamison: I will give you the 5 feet, I don't have a problem with it, just this 11th hour change when I have your Town Engineer say well we overlaid a roundabout in there and it will fit. The only area that they have an issue with is here, not me, you have got to see my point here is that well hell your own engineer says he's got one that would fit and the issue is not me, its on the other side.

Mr. Bachman: Well thank you for the 5 feet.

Mr. Coakley: All right on new number 7, on page 3, developer shall furnish and install street signs and traffic control signs and street lights, it says as required by the Town and the Town Engineer, should that be as required by the Town's Streetscape Plan or whatever, where it says traffic lights...

Mr. Yost: No because none of that is in the streetscape plan as far as what is the interior of the development, it is a separate issue really.

Mr. Coakley: Ok and in the new number 8, the second sentence I think it should be "all costs associated with engineering" instead of singular. And those were the only comments, requests, pleas that I have.

Mr. Yost: And really that was the only outstanding issue we had with this Site Plan in general, we had homeowners documents and covenants that were turned over to the Town Attorney, he reviewed them made a couple suggested changes that were made and not really approval we just review them and make sure there is no discrimination, different things like that, within the documents themselves. John has reviewed the plan also and Staff recommendation is to go ahead with approval.

Mr. Ehrentraut: I just have one question. Aside from the sidewalk on number 8, there is an existing sidewalk there so that will be demolished...

Mr. Maisel: It will be pushed farther away from the road Sir closer to the property line.

Mr. Ehrentraut: Ok.

Mr. Strong: And that will be in compliance with the new Streetscape Plan.

Mr. Stump: So it is going to move from public land onto your property.

Mr. Maisel: It will still be on the public right of way Sir.

Mr. Yost: What they will be granted is the right of way, is it 70 foot?

Mr. Strong: 42.

Mr. Maisel: 42 from the centerline.

Mr. Bachman: Number 9 about the Homeowner's Association...

Mr. Jamison: Which number 9 are you on the...

Mr. Bachman: I think I have the current one.

Mr. Jamison: What was 8 is now 9?

Mr. Stump: Homeowner's Association Covenants.

Mr. Bachman: So you have developed a plan, an agreement of Covenants for your...

Mr. Jamison: No Sir.

Mr. Yost: We are going to give you that up front.

Mr. Coakley: I apologize I got him all upset.

Mr. Maisel: Yeah your Staff reviewed it, had a couple changes, we made those changes and resubmitted to you all.

Mr. Bachman: Well I would like to put that into some context is I have not been involved in a subdivision as a member of the Planning Commission in which at the point at which they submitted Covenants to the Town of Poolesville, agreements, or homeowners agreements or anything, I have never seen those documents.

Mr. Yost: Typically the Planning Commission doesn't, it is just a review by the Attorney.

Mr. Bachman: Typically the...

Mr. Yost: It is a review by the Attorney.

Mr. Stump: I made the mistake of reviewing them in detail once and found out that I wasted the 4 or 5 hours I put into it so...

Mr. Bachman: We have got X number of subdivisions in Poolesville, 2 recent ones under construction, did the Planning Commission see those Covenants?

Mr. Yost: No. Well we saw...

Mr. Coakley: Yes we did. Brightwell Crossing we did.

Mr. Stump: We saw Stoney Springs for example and then we rubber stamped it. No we were able to stamp it because I remember Stoney Springs, reviewing that one because we all said that it was just a courtesy for us there is nothing we do or care about with them because we don't enforce them. So we pretty much stopped looking

at them since then unless it is to lawyers to make sure there is no legal issues like for example discrimination issues.

Mr. Bachman: Why do we have them then?

Mr. Yost: It is required by Code.

Mr. Bachman: What Code?

Mr. Yost: Town Code.

Mr. Bachman: You have to have Covenants?

Mr. Yost: If you have Covenants they must be reviewed by the Town.

Mr. Bachman: But the Town doesn't enforce them so why do we ask a developer to submit a plan or proper agreements or covenants for a subdivision.

Mr. Yost: I can't answer that.

Mr. Coakley: Well number one to make sure there is nothing in there that's a counter to anything existing in the Code.

Mr. Bachman: What I am saying is why do they have to do it at all, since they are not going to be enforced.

Mr. Jamison: The Town, if you don't mind, historically the covenants are reviewed by legal counsel to make sure that they comport to the laws of the land, specifically in discrimination and other types of covenants that used to be in Homeowner's Association Covenants that are now illegal. And the Town, I don't want to speak for the Town, but a jurisdiction does not want to have that liability of having covenants in place in their community that don't comport to federal, state, or local law, and that is why your Town attorney would review those to make sure that there is nothing that would compromise the Town or the State or the County or whoever.

Mr. Bachman: So he will tell us whether those are legal?

Mr. Yost: He already has, yes.

Mr. Bachman: And then we get a chance to look at them.

Mr. Yost: I can get you copies if you would like.

Mr. Bachman: I mean I am not trying to go along with something I haven't seen where new residents in Town are going to be either they are going to be expecting that they are going to receive courtesy's or not, or if we go to Covenants, I just don't get the Covenant thing in Town, so if we are going to approve them as part of a...

Mr. Coakley: We don't approve them. We can review them but we can't approve them.

Mr. Bachman: If we are going to approve a public improvement agreement for a subdivision that has covenants, speaking only for myself, would like to have the opportunity to review those so I know what it is that is being approved. Because we have already had and continue have and probably will have in the future, issues related to the difference between the Town's --- to covenants and the individual purchaser of the properties in Poolesville.

Mr. Stump: Didn't we just change that last year to make that explicit about the, that the Town does not...

Mr. Yost: Enforce or take those into consideration upon special exceptions or variances.

Mr. Stump: It is purely a contract between the individuals, it has nothing to do with the Town, the Town will not respect or consider.

Mr. Bachman: Is that stated in the covenants for the Wootton Woods subdivision, that the covenants you are being presented with here is the position of the Town with regards to covenants?

Mr. Yost: Even if it did there is nothing you can do about it.

Mr. Stump: Covenants are a contract between the individuals, it has nothing to do with the Town.

Mr. Bachman: Well I think people have an assumption that if they purchase in a subdivision in a community, that that is an enforceable covenant.

Mr. Stump: It is enforceable within the organization.

Mr. Bachman: This is --- of discussion but the Town discourages homeowner's association be accurate enough to enforce their own covenants. And they have also made a ruling that they will not enforce covenants.

Mr. Stump: That is correct.

Mr. Bachman: So we need to either acknowledge what we have done and it is reflected in what we tell future residents or we need to change our procedure with regards to covenants.

Mr. Stump: I thought we already took care of this last year. We had this exact same discussion last year in depth, we had this exact same debate with these exact same words.

Mr. Bachman: With who?

Mr. Stump: Here with most of this Body right here.

Mr. Bachman: As I understand it there were no covenants at issue, it was sort of a general discussion on what had happened.

Mr. Stump: No I am talking about when we reviewed and gave our input on the new Zoning Code that the Commissioners then they made a few other minor changes to and then approved last year sometime, last fall I think.

Mr. Bachman: So there was a discussion with the Planning Commission about advising...

Mr. Stump: We spent quite a bit of time going back and forth on it and we finally crafted it.

Mr. Bachman: When was that?

Mr. Yost: It was 2 years ago I think.

Mr. Stump: Was it two.

Mr. Bachman: I am not sure I was here.

Mr. Stump: It was multiple meetings.

Mr. Yost: We did an Ordinance change. You guys went through and reviewed it and we put recommendations forward to the Commissioners and they adopted the changes. But it pertained to the covenants and variances and special exceptions.

Mr. Stump: Did we end up putting a recommendation in there that any of the future covenants have a basic disclaimer to remind people that the Town pretty much ignores these?

Mr. Yost: I think we talked about that and you cannot really say what goes into private agreements, they are just that, private agreements, except if it discriminates or a federal or state statute was violated.

Mr. Stump: I think a matter of fact and I would have to go back and look at the minutes, I think that was actually the recommendation that there be some kind of, I

think it came mostly from Cal, but there be some kind of disclaimer that recommend be in there, I think the Attorney said we can't do it so it got pulled out of the final Zoning Code change. I am almost certain that was the case.

Mr. Coakley: And I've owned some properties in Frederick City, Frederick County and Walkersville and it never crossed my mind that unless it had to do with like health or safety or something like that that if someone who had property nearby broke the covenants that number one you would go through the Homeowners Association, and then if they weren't able to enforce it that you would have to sue the individuals personally, it never crossed my mind that the city, county would get involved in any way.

Mr. Maisel: I am shocked when I go back and read some of this stuff.

Mr. Stump: The old stuff?

Mr. Maisel: Yeah.

Mr. Stump: Yeah we researched some of that.

Mr. Maisel: I am amazed, the blatancy of the language is just disturbing.

Mr. Bachman: Well I will just make myself clear that if we are approving a public improvement agreement that involves a plan and proper agreements and covenants as set forth in an appropriate federal housing association or --- administration, --- the Planning Commission I would like to see it and when we approve this agreement, we approve it knowing what those covenants, knowing that we were approving those covenants.

Mr. Coakley: Well we can't approve the covenants. We can review the covenants but we cannot approve the covenants.

Mr. Yost: You are just approving that they have been presented.

Mr. Bachman: Ok well I would rather be able to make a decision being able to say that they have been presented and we have had the opportunity to make comments upon them as opposed to just saying fine. We've already had a lawsuit, the Town has already had a lawsuit that stemmed out of the fact that the resident in the Town thought that they had certain protection as a result of the covenants that their subdivision was built ---. We have already had that.

Mr. Stump: And we resolved that.

Mr. Bachman: No, you think you've resolved it. You hope the change you made would be legally defensible in court and I am not sure, you are willing to roll the dice.

Mr. Stump: But my point is we have done this, we are reopening the exact same discussion that we had agreed to here and then sent up to the Commissioners and they approved months ago.

Mr. Bachman: I disagree with you. I don't recall unless I was not here in which case I couldn't recall, any discussion in which I agreed or we discussed the fact that we were sort of waiving review of covenants.

Mr. Coakley: The way I see it if we ask for the covenants to review them, make comments on them, request changes on them, that would give more credence to somebody trying to say the Town has more input into the covenants than we want to claim.

Mr. Bachman: I understand that I am not saying I don't understand what the Town has wanted to accomplish, which is they are between a rock and a hard place right

now, you want to avoid any obligations to residents in the covenants they sign with the builder when they purchase the home because it could present a burden, an ongoing burden to the Town, I understand that but if you want to avoid those then there has got to be some statement to the potential residents that these covenants are meaningless, and they are. The Town not only doesn't want to be involved in having to enforce them, the Town actively in my opinion discourages active Homeowner's Associations in terms of aggregating on behalf of their existing covenants and I have been here for 15 years and that is certainly the atmosphere. And I don't have an argument with that if that is the way you feel, but you have to accept responsibility for it and the idea we keep on inviting new developments to come up with covenants makes no sense to me, I mean at least tell the resident these are not worth, but it that way you just state the Town is not going to enforce these, don't you think that ought to be on paper just to be fair to the purchasers.

Mr. Coakley: Well I don't recall the wording, the Code doesn't require covenants do they?

Mr. Yost: No.

Mr. Coakley: But if the developer has covenants then we are supposed to review them or the Town Attorney is supposed to review them to make sure that they don't have in there that you can have a 22 foot fence in your front yard or something like that.

Mr. Yost: Not even that part.

Mr. Coakley: But I am saying other things also.

Mr. Maisel: Sometimes in the older ones I have seen where they made the --- more restrictive and in cases like that we have gone to Park and Planning and Park and Planning said essentially what you guys are saying that they just can't enforce them, they are a private agreement, it goes to buyer beware at the settlement table when you are signing all that paperwork, but I understand what Mr. Bachman is saying I do but...

Mr. Bachman: All I am saying is I would like to have the covenants presented to the Planning Commission for review as part of this public improvement agreement.

Mr. Maisel: If they have the opportunity to review them are they able to make any comments?

Mr. Yost: They can make all the comments they want.

Mr. Maisel: Do we have to make any changes?

Mr. Yost: No.

Mr. Maisel: So it would just be a moot point.

Mr. Coakley: Well personally I am willing to take what the Town Attorney says and Bob if you want a copy can you provide a copy.

Mr. Yost: Yes.

Mr. Bachman: No I am not going to do it that way. I'm not acting as an individual citizen in my request, I am acting as a member of the Planning Commission and I am not going to do it on an offline review that is taking it out of the Planning Commission. You can reject my request you can do whatever you want but I am not doing it offline because that makes me an individual citizen now and I don't want to do it that way.

Mr. Coakley: Well as I say I am hesitant to review it as a Body because that gives more credence to the fact that the Town I guess gives a certain tacit approval and maybe even anticipated enforcement of covenants that we have already last year tried to eliminate legislatively in the Town Code.

Mr. Stump: It also places an interesting burden on these guys, so they have all these comments now what do I do with them, and most likely it would be ignore them, which probably not going to want to say publically because it's a little insulting but we have had that before.

Mr. Maisel: I just don't know what we could do differently because I don't know how we could operate differently, that is the unfortunate part, but I do understand what he is saying and obviously I respect the Board.

Mr. Bachman: It is not a question about what you as a developer could do, you are not part of the equation, you develop covenants, you've done what most developers do, my question comes to the, is related to the purpose and the overview and oversight role of the Planning Commission in terms of approving a new development, in my opinion as we should see at least see...

Mr. Jamison: What does Appendix B of the Zoning Code, Section 5-I say? Because we know that the covenants have been reviewed by your Attorney and that may...

Mr. Yost: Well the exact language that is in the PIA, "the developer shall present a public land easement as set forth in appropriate (inaudible)". And we do require a Homeowner's Association for each particular development only for Town --- we do not allow them anywhere else.

Mr. Bachman: What page are you on?

Mr. Yost: Page 21 in my book. Appendix B, Section 5-I, Homeowners Association.

Mr. Jamison: So does that Wade in that section spell out that there will be maintenance of --- expenses and common areas in a Homeowner's Association?

Mr. Yost: Well it doesn't say, it just says that if that is in there if that is going to be happening then yes it has to be part of the covenant or part of the Homeowner's Association documents.

Mr. Jamison: And the Town does not take care of the walls, fences...

Mr. Yost: Common areas, stuff like that correct, that is why we require a Homeowner's Association.

Mr. Jamison: So the Homeowner's Association documents that have been presented to the Town and reviewed by the Town Attorney would incorporate that kind of language, would it not, because he would have (inaudible).

Mr. Yost: That is correct.

Mr. Jamison: And he has reviewed that and (inaudible) supplied documentation that he has reviewed it.

Mr. Yost: Oh yes he sent back comments and then the comments were changed and then he was fine with it.

Mr. Coakley: Ok so we need to make a motion to approve the PIA before it goes to Town Commissioners?

Mr. Yost: Yes and they will look at it before he can finalize the plan, that should be the right procedure.

Mr. Coakley: Do I hear a motion then to approve the Wootton Woods Public Improvement Agreement?

Mr. Stump: So you had one...

Mr. Yost: As amended and there is a couple things.

Mr. Stump: A typographical change, two the one lettering change.

Mr. Jamison: Yes Sir.

Mr. Stump: I wasn't asking, I was just clarifying.

Mr. Coakley: And it has paid under forest conservation.

Mr. Stump: But that is already in the --- we have. So no discussion you are looking for a motion? All right I move that we approve the Public Improvement Agreement for Wootton Woods as amended including the letter H renumbering, the, I lost your typographical error George...

Mr. Yost: Page 3 – costs.

Mr. Coakley: Paragraph 8, I don't know if we need that in the motion.

Mr. Stump: Ok and the 5 foot easement for the property. That was a terrible motion sorry.

Mr. Coakley: Do I hear a second?

Mr. Ehrentraut: I second.

Mr. Coakley: All in favor?

Mr. Bachman: Mr. Chairman what is the procedure for a member of the Planning Commission to offer an amendment to a motion?

Mr. Coakley: You can, well lets see do we table this motion.

Mr. Yost: You offer the amendment and then you vote on the amendment before you vote on the motion.

Mr. Coakley: Ok what is your amendment?

Mr. Bachman: I would like to amend the motion to include that this approval is contingent upon the Planning Commission reviewing the covenants, the plan, the proper agreements, and the covenants that are prepared for Wootton Woods as presented to the Town's Attorney prior to approving this agreement.

Mr. Coakley: Ok. Discussion?

Mr. Stump: The Town Attorney has already done the legal review necessary and approval and finalized based on the Zoning Code changes we made last year and that the Commissioners passed and the previous discussion we have had on this topic I really don't want to review or look at or even give the hint of approving the covenants, especially after having done that once in the passed on another development and it was a complete waste of time and I also don't want to put the developer in the position of having to take comments that he doesn't know what they mean and have the burden of having to figure that out, so I don't think we should be in the business of reviewing and approving covenants except for the legal issues ensuring that there are no discriminatory or other federal, state, county, problems with them.

Mr. Coakley: Ok any further discussion?

Mr. Ehrentraut: I believe that whatever the Town Attorney has done is probably sufficient and even if we review it, it is not like we are going to have any impact and can make any changes so I don't see a need for reviewing this further either.

Mr. Coakley: Ok so we will call the amended motion, all in favor?

Mr. Bachman: Aye.

Mr. Coakley: All opposed?

Mr. Stump, Mr. Coakley, Mr. Ehrentraut: Nay.

Mr. Coakley: And now back to the original motion. Was that approved and seconded already?

Mr. Yost: It was.

Mr. Coakley: Ok all in favor.

Mr. Coakley, Mr. Ehrentraut, Mr. Stump: Aye.

Mr. Coakley: Opposed?

Mr. Bachman: Opposed.

Mr. Coakley: Ok so it passes three to one. However, having done that let me just say that I think the way the Code reads it says that covenants are supposed to be submitted to the Planning Commission for review, so...

Mr. Bachman: It says that now?

Mr. Coakley: I believe so.

Mr. Bachman: Then why aren't we reviewing them?

Mr. Yost: It says present to the Planning Commission, it doesn't say what for.

Mr. Coakley: Yeah ok.

Mr. Bachman: What's that?

Mr. Yost: It says present to the Planning Commission but it doesn't say what for.

Mr. Bachman: Where does it say that?

Mr. Yost: In the PIA, it is the same language as in the Code Book.

Mr. Coakley: So just as a common courtesy it probably wouldn't hurt and we did this with Stoney Springs and with Brightwell Crossing, that we were given a copy simultaneously with a copy going to the Attorney for review so it's...

Mr. Yost: We certainly will from here on out.

Mr. Bachman: What do you mean from here on out? I can't believe this that we are having this conversation after we took the vote.

Mr. Yost: And Chuck I don't recall giving the documents out to the Planning Commission but maybe we did, I mean there are so many of them.

Mr. Bachman: My understanding is what we have agreed to is the developers agreed to present a plan, proffer agreements and covenants as set forth in blah, blah, blah to the Planning Commission and we just voted to approve them without having them presented to us.

Mr. Yost: We didn't vote to approve them.

Mr. Bachman: Well you voted to approve the plan therefore you voted (inaudible) the --- would be from the attorney that these were presented to us and they haven't been.

Mr. Coakley: Well the Attorney is acting in our behalf.

Mr. Bachman: No he is not. The Attorney is acting on the Town's behalf, he is not acting on the Planning Commission's behalf unless there was a directive to him to act on our behalf, which I am not aware of, that is not in the Code.

Mr. Stump: It is part of the process.

Mr. Bachman: (Inaudible) the Town Attorney is presented the plan and approves them, he may be asked to review them as part of the presenting of the plans to the Planning Commission but he doesn't act for the Planning Commission. I am a pain in the ass I'll admit it, you guys have set yourself up and I don't want to see the Town embarrassed on what is really a technicality but an important one, this has got a

hole that you could drive a truck through. It amazes me after we have already been with a lawsuit, had that lawsuit from one resident, so I am proud of my amendment and I am also proud of voting no to approving this because what we did I think could be challenged, well I am not going to put an adjective on it but I am very concerned.

Mr. Coakley: Well I see it the other way that the more involved we are the more liability it potentially carries with that. Ok next issue, Westerly.

Mr. Jamison: The issue when I went to the Town you may recall we have the last section of the Westerly subdivision that we are taking through the process of getting approved and there was a question that we were presented by former Commissioner Johnson and Mr. Kuhlman about would we be interested in a land swap on part of the land that the town owns for land that we own that runs directly through the lacrosse field or practice field on West Willard Road and so Josh and I sat down and we went over it and said ok we could do this and it would come out on the south side of the well house out on the West Willard Road and it would then allow for that practice field to remain intact, now historically we went in front of the Parks Board years ago with this plan and actually with both plans, showed them that these are 2 ideas that we are contemplating to solicit their comment. Their comment was positive for us to do a land swap with the town so that the practice field could remain in place and that it could be then another parking lot put in that is larger than the parking lot that is currently there, seemingly is not capable of handling the automobiles that most people have there for their children when they are out playing. And as time has gone on we have started to work on our stormwater management concept plan and in our calculations the land swap does not have any real impact either way thank God...

Mr. Coakley: You aren't going to need your 5 feet back are you?

Mr. Jamison: So it did not have an adverse impact on our stormwater management concept in our calculations, now we are doing actually our area towards down where Mr. Dillingham lives over off of Bodmer is where our more problematic issues are with stormwater and up by Willard Road and when I went, I think this was maybe back in December, maybe it was November, we had a meeting with John and Wade and myself and Josh and at that time Mr. Kuhlman and Commissioner Brown came in really just to hear our conversation about what would be the mechanics of trying to work this out because a land swap it sounds great and easy but its really not, it is sometimes a lot more complicated than what it sounds like. And what we came out of that meeting with the acknowledgement and the agreement that we would of course come to the Planning Commission and have a conversation with you about if this was something that you would look at in a more favorable light, because its not a land swap with John Doe and Jamison, it is a land swap with the Town of Poolesville and Jamison and we agreed to facilitate the work necessary to do that, we are in the real estate business that is what we do, we have the engineers and the civil engineers and the land planners who can do this and we have our own legal staff that can draw these types of agreements up. So I know I am being a little disjointed here about my conversation because I normally was of the impression that I would submit a plan showing this type of configuration that Wade just put up on the board but it was more of an acknowledgement after our, I want to say the meeting was in December but it might have November, more of an

acknowledgement at first to run this by you gentlemen and make you aware of what is going on first of all and solicit your comment to that. We haven't, because of other things we have been working on, we are just now coming in here to make this presentation, I am not asking for approval, I am not asking for anything other than what, above and beyond what people already knew, but I want to make you aware of what we are contemplating doing and I want to see if this thing might have some legs because quite frankly I don't want to go through a great deal of work, heartache and really not get any traction out of it, again I am not asking for a decision it would be great if I could get one but I want to make you aware of what we are going to be submitting, and I've had that opportunity to make this presentation for information purposes to Winchester and Kettler because they are here doing business in Town and we've had other builders, Ryan and NV that we do business with, not asking them to buy the project but what do you guys think, give us some ideas about some things and to that end I have asked Josh to go ahead and draw up a entrance design coming off of West Willard Road so that just because you see it here on paper doesn't, we wanted to see what would that thing kind of look like with the normal entrance in it, more of a three dimensional kind of show, what it would look like and I guess the biggest thing that we were looking at on here, the biggest issue that we had and I remember being at the Parks Board and talking about that, was they wanted to keep this area intact and if there was anything that really came out of it was they wanted to keep this area, this whole area intact and...

Mr. Stump: That is the current practice fields you are pointing at?

Mr. Jamison: Yes Sir.

Mr. Stump: Ok. Can you just point out where is the well house?

Mr. Jamison: The existing well house is right here.

Mr. Stump: Thank you.

Mr. Jamison: And the design plan that we had been working on I don't know what the future of that well house is, he is going to have to address that, I am not sure, but we had a fairly good size parking lot coming in there and a stormwater area in here and then this area could be graded out, I don't know if you guys, you can see the topography is pretty flat, however, this is pretty rough here, it has never been graded out or leveled out, so it is pretty rough. That is not what we are talking about. The bottom line is before I go jumping real high I thought well I am going to take the advice of Wade and the others and come to you and tell you what I'm up to and ask if you have any positives or negatives or any insight, I don't want to draw up something and then have to redraw and redraw and redraw. Because I am working with the town to make this happen and I am willing to work with the Town to make it happen but I think it would mean a better looking subdivision if you want to know the truth and everybody else and I am curious to see what you think, but it makes a hell of a lot more sense than coming straight out and dividing the property in two.

Mr. Maisel: I am able to squeeze the smallest regulation soccer field into that area, but it is honestly the smallest regulation.

Mr. Jamison: But it is a practice field.

Mr. Stump: Right those fields can be smaller.

Mr. Jamison: Somebody in the Parks Board said they wanted to make it a lacrosse field and I don't know what the hell to design or the size of a lacrosse field.

Mr. Yost: It's a little bit bigger but we do want a fine graded field there that will be for games because the fields are way booked up right now so we are looking for improvement on that field for games and not just practice.

Mr. Stump: But the physical size is what it is basically.

Mr. Coakley: My concern is that where you have Westerly Road, Westerly Avenue fairly close together there, you are going to have more traffic coming along, so if someone wants to make a right and then a left and then you have people coming straight through, you have problems, to throw in a third road out there within 100 or so feet of those two to me presents a problem, but I am also aware of the fact that the people who live on Oxley Farm Road don't want that to be the main way out of the development, to use that and tie it in to Westerly, so you only have the one road out there and I know as a developer you might if you use that configuration it would require possibly losing a lot or two or something and then you also wouldn't have an entrance where you could put a feature while you are trying to sell homes. But my gut reaction is that it would be better just to extend Bodmer over to Oxley Farm and then connect into Westerly and have that as your western access to West Willard.

Mr. Jamison: First of all I don't have any approval from --- on the Montgomery County DOT first and foremost, secondly we've always been very concerned about Fire and Rescue Service coming up Westerly Avenue and coming down Oxley Farm and coming over to Bodmer what they would do because that design criteria would make it very difficult for the emergency equipment. I am saying that based on other subdivisions that I have worked on where they are sticklers, Clarksburg is the best damn example I can give you where they really they --- traffic pattern mistakes to soften the traffic, what they would softening the traffic to where its...

Mr. Maisel: They can't physically get fire apparatus on some of those roads.

Mr. Jamison: You go over there on a Sunday and you drive through some of those sections in Clarksburg you will drop your jaw going how in the hell did they approve this, because everybody is home and all the cars are there and its very difficult. I hear what you are saying though I do, where Westerly Road and Westerly Avenue it is pretty close together and then this comes out. But this is being pushed further away of those two intersections and it does give a better flow to that, I think a much better flow where it may even decrease the amount of traffic going down Westerly Avenue of this subdivision. I doubt if anybody on except for the house maybe the one next to Rudy and the one next to the Rizutto's might go out Oxley Farm, everybody else will be coming out that new Bodmer Avenue. So I hear what you are saying and possibly what we should do before we maybe even submit this to you all is maybe if they will Montgomery County DOT, now I did do sight distance work on this before, I did have Tommy Maddox our Civil Engineer do the sight distances and he said man you are golden here you don't have a problem at all with meeting MCDOT requirements.

Mr. Stump: The scale of what I am working with is right that is at least 1000 feet from...

Mr. Coakley: Ok.

Mr. Jamison: Well is there any feel that you all have about this I mean it is going to take some logistical work with the Town to get this worked out but is there any positives, negatives, any I appreciate your comment, I will take it under advisement.

Mr. Stump: I have some curiosity maybe offline about some of the house placement and how many you are going to lose but in general I like the entrance on Westerly, especially down by the well house and not splitting up the field, especially given the pretty good piece of distance out there, 1000 feet plus and if you were to bring it down and dump it into Westerly I am really not in favor of that ever since the curb and gutter went in on Westerly that road is too narrow, there is no way you are getting a fire truck down Westerly a lot of the time with the current parking on both sides, that is my concern so anything that puts less pressure on that road in my opinion is better, especially if you develop a decent entrance feature out on Westerly down there, it would be very nice for that development as well, especially right there by the soccer fields and the parking area. Where is your in general, and I don't know if you know the answer to this yet, up at that end what kind of a stormwater, looking roughly ballpark how big would it take.

Mr. Maisel: It is a really old one (inaudible), I have got a delineated wetland in here, I have got a flood plain in here that I need to deal with so I am probably going to lose a couple lots in here to accommodate the stormwater management facility on both sides of the wetland in the middle here and they will probably lose 2 or 3 in here.

Mr. Stump: I was curious about over there.

Mr. Maisel: We are breaking it into two drainage --- and treat it here and here.

Mr. Coakley: Was there a well site in there also?

Mr. Maisel: Yeah this is the existing well right here.

Mr. Coakley: Ok.

Mr. Maisel: We were hoping that we would be able to use for the stormwater management regulation but unfortunately we are not, we perked the property and it didn't perk to well so we will be going back to the older (inaudible), for quality we won't be able to use any dry wells and all that stuff.

Mr. Coakley: Just to instill some knowledge in me, what exactly land are we swapping?

Mr. Maisel: The dark black outline here is the existing property line, you guys have three parcels of land through here, parcel 5 intersects, I can't remember what this parcel number is but we would be swapping the land from here to there.

Mr. Coakley: And that is going to allow you to put a lot, a buildable...

Mr. Jamison: We don't pick up anything.

Mr. Maisel: It is just making it more aesthetic.

Mr. Coakley: But be honest with me, he's getting more than 5 feet isn't he.

Mr. Jamison: Am I getting more, or they getting more? They are getting more. ?

Mr. Coakley: I don't think so. Oh no that is right.

Mr. Maisel: I think we are getting more but that is one of the reasons that we are here tonight is to, to go to the expense of having the --- survey everything and get everything together and come back to the work table, we are just trying to avoid throwing money out the window and make sure that you guys are on board with the design we are trying to go forward with.

Mr. Jamison: You are losing honestly you are losing more, I am losing less land but you pick up more usable land.

Mr. Coakley: Anybody have any comments?

Mr. Maisel: Should we proceed forward with it, are you guys supportive of it or should we just keep...

Mr. Coakley: I don't have any problem.

Mr. Jamison: I don't want you to say that you are in support of it until you see the whole thing and I understand how it works, this is more of a meet and greet to let you know what we are up to. I would rather not have you say you are giving us a thumbs up and then that disturbs your ---, but I do want to let you know what I'm up to and then when I come in here and after we explain everything you don't go why the hell didn't you come to us before. And admittedly these have been floating around for a while but now we are going to get serious on it and we are going to try to get our entitlements in place.

Mr. Maisel: For a couple years I've (inaudible) determination about 2 years we made no progress at all because we couldn't get the ---.

Speaker: (Inaudible).

Mr. Coakley: Would you be kind enough to give your full name Rudy, your address.

Mr. Gole: Rudy Gole, Oxley Farm Road, Poolesville. All this property here is owned by K&S Developers, I thought they were going to develop --- and in 1976 that is when they made this swap to the Town, they deeded 4.4 acres to the Town and they retained this property for access and egress from their developers. Now ever since the first Master Plan in 1990 and every Master Plan since and the 1995 transportation study have said this will extend Bodmer to go out to Willard Road, every Planning Commission, every Town Commission sits there before you has gone along with sending them out to Westerly Road, now in 05 when Mr. Jamison came in with a concept plan he was feeling you all out about this property and he had some discussion and I believe, I know you were the Chairman at that time and I believe you kind of talked him into having access going out to Oxley Farm Road and you confirmed that tonight when you said you think that is the way it ought to go.

Mr. Coakley: I plead guilty.

Mr. Gole: But every other Town Commission and Planning Commission the Town Master Plan they have all agreed (inaudible) and I agree with that, I support that plan and that is about it for what I have to say. This is a narrow road, Oxley Farm is very narrow.

Mr. Coakley: Rudy if I lived on Oxley Farm Road I would not want that to be made a major egress or ingress for that development.

Mr. Gole: And also all the neighbors, you probably have a copy of the petition that we started, gave you back in 05.

Mr. Coakley: If you did I don't recall.

Mr. Gole: Yeah November of 09 I came before you all and gave you a petition signed with the reasons why this original concept plan was not the right way to go and it is very narrow.

Mr. Coakley: I am weakening Rudy.

Mr. Gole: Over here on the south side of the well, well number 4 you have a nice area for your soccer and your lacrosse.

Mr. Coakley: Thank you any other comments or questions on Westerly 7 or whatever it is going to be called?

Mr. Maisel: Thank you Sir.

Mr. Coakley: Thank you. Ok any comments from members of the audience? Hearing none do I hear a motion to adjourn?

Adjournment

Mr. Stump: I move we adjourn.

Mr. Ehrentraut: Second.

Mr. Coakley: All in favor?

All: Aye.