



204 Washington Avenue
Suite 200
La Plata, MD 20646
PHONE (301) 870-5355
(301) 934-1922
FAX (301) 870-6471

Stephen H. Scott
ATTORNEY AT LAW

SScott@ScottLawLLC.com

June 23, 2023

VIA EMAIL

c/o Carol Desoto, Clerk to the Commissioners
County Commissioners of Charles County, Maryland
200 Baltimore Street
La Plata, MD 20646

Re: PDZA# 22-90 (22); St. Charles Community, LLC, Application for Amendment to Docket 90 and for Amendment to the Master Plan for St. Charles Villages of Wooded Glen and Piney Reach

Dear County Commissioners:

This office represents St. Charles Community, LLC, a Delaware limited liability company (the "**Developer**") in connection with the above-referenced matter. We are writing this letter in response to public comments, both at the public hearing on April 25, 2023, and during the open record period, which ends on June 25, 2023. We note that much of the public comment has no actual relevance to the planning issues at hand, much of the public comment is generated from one form letter that seems to have been circulated among residents of the Fieldside Neighborhood and much of the public comment indicates a lack of understanding of the land use and planning processes set forth in the Charles County Comprehensive Plan, the Charles County Zoning Ordinance, St. Charles Zoning Docket 90, and the Master Plans for St. Charles. Nonetheless, we felt it important to respond to some of the more major comments:

1. Turnover of Stonehaven Neighborhood Association. At the public hearing, it was indicated by one speaker that the Stonehaven Neighborhood Association had not been transitioned from Developer control to member control. At that time, the turnover meeting had already been scheduled and notified to the members to occur on May 18, 2023. The membership meeting to elect a board of directors from among the members, and therefore turnover control of Stonehaven Neighborhood Association to the members, did in fact occur on May 18, 2023,

and the Stonehaven Neighborhood Association board of directors is now comprised of members of the HOA.

2. Middle School Site. At the public hearing, it was indicated that residents may have relied on the original proposed location of the next middle school in St. Charles. As you are aware, the middle school is shown on the current Master Plan to be located in Highlands Neighborhood adjacent to the new elementary school site. However, because of land area constraints, and road and infrastructure design, the middle school is proposed to be relocated to the area where it is now shown on the application in this case. We note that the middle school location on the current Master Plan (proposed to be revised in these proceedings) is in fact only a conceptual layout, and we also note that we know of no instance where any marketing, advertising, or promotional material included a commitment to the location of the middle school as shown on the current Master Plan. We also note that the Master Plan is in fact a "planning" tool. It is intended, by its very nature, to be amended and revised as final project design and layout are determined in accordance with the development of various areas on the Master Plan, including areas that contain public amenities and facilities such as the middle school. In this regard, the Master Plan does not "promise" development in accordance with its terms, it merely "envisions" that development, in the same way that the County's Comprehensive Plan does not "promise" a certain type of development in certain locations within the County. The St. Charles Master Plans for various villages have been amended and reamended over the years as a very routine and normal course of development of the project, including the relocation of public facilities and infrastructure. Once again, by its very nature, the Master Plan is a general development planning tool, and is not, and was never intended to be, an indication of final design of any area of any village or neighborhood. This particular Docket 90 and Master Plan Amendment Application is no different, and is, in fact, a very routine and ordinary course revision to design and layout of the project as development proceeds from area to area. As a final matter regarding the middle school, Charles County Public Schools has indicated to the Developer that they recently applied for funding for the middle school and were denied by the State Planning Office because they could not demonstrate a current need for the school. The anticipated opening of a new Charter School, the Phoenix International School of the Arts, on Catalpa Drive in La Plata, has also created middle school capacity that will further delay State approval of the construction of a new middle school. In short, there is no way of knowing when the middle school will be funded for construction because the State Planning Office also changes direction as and when necessary...the very nature of Planning.

3. Fieldside Neighborhood Development. The president of Fieldside Neighborhood Association appeared at the public hearing and alleged that the Developer is deficient in completing certain storm water management, drainage, and site improvements within the Fieldside Neighborhood. The Developer denies these allegations. Moreover, the facts do not bear out these allegations, and the actual facts of the development of Fieldside indicate that these allegations are incorrect. That is, the Developer timely completed all of its storm water management, drainage, and site requirements in accordance with the approved plans and specifications for Fieldside Neighborhood. The Developer's work was inspected by County inspectors, including an inspection conducted with the Fieldside Neighborhood Association upon turnover of control of the Fieldside Neighborhood Association to the members of Fieldside. The County inspectors found full compliance with the plans and specifications and agreed to the full release of the Developer's bonds for the Fieldside Neighborhood development. In short, there is simply no record of any deficiencies by the Developer in the development of the Fieldside Neighborhood. In this respect, we would note that no evidence of development deficiencies were presented by the president of Fieldside, nor has any such evidence been submitted to the record during the open-record time period in these proceedings.

4. 85% Rule. It has been suggested that the County deny the Developer's application to waive the 85% rule, as requested in these proceedings. The primary argument of those opposed to the waiver of the 85% rule is that the Developer has not completed its development obligations within Fieldside. This allegation is addressed above, and is false and wholly inappropriate in these proceedings. There is no objective evidence that the Developer has failed to undertake any development obligation within the Fieldside Neighborhood. Moreover, the waiver of the 85% rule as requested by the Developer is entirely consistent with the St. Charles Master Plans, Docket 90, the Charles County Zoning Ordinance, and the Charles County Comprehensive Land Use Plan. Further, infrastructure has been completed to Piney Reach Neighborhood 3, and thus, the waiver of the 85% rule as to Piney Reach Neighborhood 3 is consistent with the concept of smart growth (development should occur where infrastructure exists) and with the sequence of development within the St. Charles Community. The 85% rule is included in Zoning Docket 90, but Docket 90 did not anticipate the construction of the CPV Power Plant, which advanced the construction of water, sewer and gas infrastructure through the Village of Piney Reach Neighborhood 3 years before it was anticipated, just as the construction of the Blue Crabs Stadium advanced roads, water and sewer to the newly proposed school site location within the Village of Piney Reach Neighborhood 1, years before it was anticipated. The

requested waiver of the 85% rule does not allow for the additional units within St. Charles, it merely provides an opportunity to pursue the units allowed under Docket 90 in both Horizon Neighborhood on Route 488 and Village of Piney Reach 3 on Billingsley Road simultaneously. Accordingly, from a planning perspective, no reason exists to deny the waiver of the 85% rule as to Piney Reach Neighborhood 3.

5. Vegetative Buffer Along Maryland Route 488. As has been established by evidence provided by the Developer, the buffer area along Maryland Route 488 has regenerated naturally. The natural regeneration of this buffer area is far preferable to a planted, man-made, regeneration effort.
6. Fairway Village Planning Design Review Board (PDRB). One speaker indicated that the Developer is unwilling to turn over the Fairway Village PDRB to members that are appointed by the Board of Fairway Village Association. This is not accurate. The Fairway Village PDRB, like other PDRB's in St. Charles (with the exception only of West Lake Village and Smallwood Village) is currently made up of members appointed by the Developer. The architectural covenants of Fairway Village set forth criteria for membership in the Fairway Village PDRB. In 2017, there was an attempt by the Developer and the then property manager, Meredith Management, to constitute the Fairway Village PDRB with members appointed by the Board of Fairway Village Association. This effort failed because the Board of Fairway Village Association was unable to identify proposed members of the Fairway Village PDRB that would meet the criteria set forth in the architectural covenants. Therefore, to date, the Developer has continued to select the members of the Fairway Village PDRB and has compensated those members. More specifically, the Fairway Village PDRB is made up of a licensed architect, a land planner and licensed landscape architect, a professional engineer, a Developer representative, a resident representative, and three (3) representatives from the Charles County Department of Planning and Growth Management. The Developer is happy to turnover management of the Fairway PDRB to the Fairway Village Association Board assuming they are able to properly constitute the PDRB membership.

We hope that the foregoing serves to clarify some of the public comment made in this case. Again, we reiterate that most of the commentary is not relevant to the proceeding at hand, demonstrates a misunderstanding of the planning process, and, whether intentional or accidental, contains significant falsehoods. In this regard, it is our hope that accurate information and good planning processes will prevail in these proceedings.

Of course, if you have any questions or comments regarding the foregoing, please do not hesitate to contact the undersigned.

Very truly yours,



Stephen H. Scott

cc: Rick Barnas (via email)
Heather Kelly (via email)
Andrew Vail (via email)
Steve Proctor (via email)
Michelle Goodwin (via email)
Mark Anderson (via email)

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