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VIA EMAIL

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

Re: Charles County Legislative Proposal #31, regarding "Amendment to Docket 90 – Planning Design Review Board," submitted by "HOA and Civic Association Alliance"

Dear County Commissioners:

This office represents St. Charles Community, LLC, a Delaware limited liability company ("**SCC**"), the developer of the St. Charles PUD. We are writing in regard to the above-referenced "legislative proposal."

Please be advised that this proposal is not appropriate for consideration or action by the Charles County Commissioners for the following reasons:

1. Docket 90 is not embedded within the Charles County Code and is not traditional "legislation" as would be subject to this type of legislative proposal. Rather, Docket 90 is a zoning indenture, contractual in nature, with obligations and rights vested in both the County and SCC. Neither the County nor SCC have the unilateral right to amend or modify Docket 90.
2. Docket 90 requires a Planning Design Review Board (PDRB), as an architectural review board, established by restrictive covenants prepared and recorded in the Land Records, to govern each village within the St. Charles PUD. In accordance with these provisions of Docket 90, SCC has incorporated the terms regarding each PDRB for each village within the village association declaration, recorded among the land records of Charles County, Maryland. Accordingly, Docket 90 does not contain any detailed terms regarding the PDRB operation or management. Rather, those terms are set forth in the various declarations for the villages within St. Charles. The association structure within St. Charles also calls for homeowners' association declarations for each neighborhood within the project. Within each

neighborhood, and each village, the PDRB acts as the architectural review board. This is a similar structure to most every residential neighborhood and/or project that contains a homeowners' association.

3. The proposed legislation indicates that it is "to remove the authority of St. Charles, LLC, and planning design review board (PDRB) led by Meredith Management to review architectural requests and enforcement of the St. Charles Guideline." The County does not have the authority to remove any rights of SCC, as developer, with respect to its own private property and/or privately recorded covenants. Moreover, the County does not have the right to amend or modify the private declarations that govern the community. As stated above, the structure of the declarations and architectural review within the St. Charles PUD is similar to other residential neighborhoods within and outside of Charles County. Further, the PDRB is not "led by Meredith Management." Rather, Meredith Management is a private property management firm, not related to, or affiliated with, SCC, retained to assist SCC with the management of the PDRB. Finally, the undersigned, having been counsel for the St. Charles PUD for over thirty years is unclear as to what is referred to as the "St. Charles Guideline."
4. It is indicated in the proposal that the "County staff claim to have little knowledge about" the workings of the PDRB. This is certainly not accurate as the provisions of Docket 90 give the County the right to appoint two voting members to the Fairway, Wooded Glen, and Piney Reach Village PDRBs. Currently, Kirby Blass and Cyndi Bilbra are members in good standing of the PDRB.
5. The "legislative proposal" indicates that "this board lacks representation for members who reside within the communities it oversees." This is simply not accurate. The recorded declarations for each village contain specific transition provisions as to when the PDRB membership is transitioned from SCC to the homeowners.
6. The "legislative proposal" states that "finally, this board is led by Meredith Management." Of course, this is not accurate. The proposal goes on to indicate that "homeowners not only have to secure approvals from their HOA board in their respective communities but also from an additional company that has little experience overseeing their specific HOA community, thereby confirming they have no pulse as it constitutes a conflict of interest in their oversight." The undersigned is unclear as to what all of that means, other than that the author of the proposal has strung together a number of words with no coherent meaning. Once again, Meredith Management does not "lead" or make decisions for any PDRB. Rather, the PDRB is made up of several design professionals that have

extensive experience in working in St. Charles. Also, as indicated, there are two of the County's own PGM staff that are members of the PDRB. We also note that PDRB meetings are certainly open to interested parties.

7. The "legislative proposal" calls for "additional transparency by the appointment of community members." Again, it is unclear as to exactly what this means or intends. In fact, there is not a coherent or actual problem, real or perceived, that is discernable from this proposal. The St. Charles PUD has a history dating back to 1973. In that time period, the same concepts, policies, and procedures have been used for architectural review, and have been functioning with no issues or problems. It is suggested that this so-called "legislative proposal" has no basis, at law or in fact.

For the reasons stated above, we urge the Charles County Commissioners to decline to pursue the above-referenced legislative proposal.

Thank you for your attention to the foregoing. Please let us know if you have any questions.

Very truly yours,



Stephen H. Scott

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