

Text of e-mail sent on May 20, 2004:

This e-mail is intended for Commissioner Al Smith.

Commissioner Smith,

I am writing to you today seeking your assistance in stopping the connection of the Constitution Hills neighborhood (140 homes, minimum lot size of 14,777 square feet) to the planned Autumn Hills neighborhood (384 homes, minimum lot size of 7,000 square feet). As you can see from the brief description of each neighborhood, these developments are fundamentally different.

Both of these developments are located on Constitution Hills Drive which is off of Stavors Road. Stavors Road connects to Route 228 in Waldorf.

In January of 2003, the Charles County Planning Commission approved the preliminary subdivision plan of Autumn Hills. These plans indicated that Constitution Hills Drive will connect to Autumn Hills. However, no resident of Constitution Hills was notified of the planned connection.

In May of 2003, after learning of the plans to build Autumn Hills for the first time from an article in the Maryland Independent, I wrote to the Charles County Commissioners seeking confirmation that construction traffic for Autumn Hills would be prohibited from using Constitution Hills Drive. The article described Mr. Meeker's attempt to alter the agreement with the Planning Commission which indicated that no construction traffic was to use Constitution Hills Drive.

Commissioner Levy responded that no construction traffic would use Constitution Hills Drive. This assertion led many Constitution Hills residents to believe that the two neighborhoods would not be connected. He also indicated that a working session would be planned to discuss Mr. Meeker's amendments to the approved plans. In subsequent e-mail communications I asked to be notified of the date for such a working session which had not been planned as of that time.

Despite numerous follow-up phone calls and e-mail communications, I was never notified of the working session. I also requested copies of the approved plans. The plans were never provided to me.

In March of 2004, Mr. Meeker notified me by registered mail that Autumn Hills, L.C. had applied for a permit to construct a sewer outfall connection, a utility crossing, 2 road crossings, and other sewer related facilities. I immediately contacted Mr. Meeker and requested a copy of the Autumn Hills plans. On March 23, 2004 I received the plans and saw for the first time the scale of the new neighborhood and the connection to Constitution Hills.

On April 1, 2004, the Constitution Hills Homeowners Association (HOA) contacted Zak Krebeck, the Acting Director of Planning with questions regarding the connection of the two neighborhoods. On April 8, 2004, Mr. Krebeck responded to the HOA. We then replied to Mr. Krebeck on April 14, 2004 with arguments against any connection of the neighborhoods citing several reasons including inadequate roadway capacity on Stavors Road to handle any increased traffic burden.

After this letter had gone unanswered and following several follow-up telephone calls attempting to reach Mr. Krebeck, he notified me on April 28, 2004 that the Planning Commission was meeting with Mr. Meeker regarding amendments to the Autumn Hills preliminary subdivision plans on May 3, 2004. He invited Constitution Hills residents to attend and voice our concerns to the Planning Commission.

Several Constitution Hills residents attended the meeting on May 3, 2004. During the meeting, the Planning Commission indicated that the connection of the neighborhoods was sought in order to comply with the Subdivision Regulations which became effective in 1996 or 1997. When pressed, the Planning Commission and Mr. Krebeck acknowledged that these regulations were guidelines, and in fact on at least one other occasion, the guidelines were not followed. The Planning Commission then heard Mr. Meekers amendments, but elected to defer approval for two weeks, until the next meeting on May 17, 2004.

On his letter dated May 11, 2004, Mr. Krebeck finally answered our letter of April 14, 2004.

The Constitution Hills HOA, and 30-40 neighborhood residents attended the May 17, 2004 Planning Commission meeting along with Mark Mudd, our attorney. We were informed at the meeting that the preliminary plans had been approved in January of 2003, and the County's legal position is that no amendments requested by Constitution Hills residents can be made to those plans until such time as Mr. Meeker files for an Adequate Public Facilities (APF) approval. Mr. Mudd was then given two minutes to speak to the Planning Commission.

After listening to Mr. Mudd's comments for 2 minutes, the Planning Commission indicated that at such time that Mr. Meeker files for the APF Constitution Hills can request to revisit the connection of the neighborhoods.

However, once construction begins, Mr. Meeker is likely to pave the connection to Constitution Hills Drive. It is unlikely, that once pavement is laid, even if that pavement is preliminary and for construction uses only, that the connection will be stopped.

Given this background information, I am seeking your assistance in stopping the connection of these neighborhoods. Please consider the following reasons for keeping the neighborhoods separate.

1. Autumn Hills has three exits onto McDaniel Road, which connects to Route 228 to the north and Smallwood Drive to the south. An additional connection to Route 228 is unnecessary and will unduly burden Constitution Hills residents by increased vehicle traffic.
2. Constitution Hills has 140 homes. Autumn Hills has 384 homes. Any additional traffic on Constitution Hills Drive and ultimately Stavors Road, will overwhelm both. Stavors Road, a minor collector, does not meet the standards described in the Charles County Road Ordinance. The pavement width of Stavors Road is slightly less than 22 feet, with no shoulder. However, Table 2.01 in the Road Ordinance indicates that minor collectors are to have a travel way width of at least 24 feet with an additional shoulder width of 8 feet. Furthermore, Jenifer Elementary School is just off of Stavors Road. The school children living within walking distance of that school (i.e., on Stavors Road) are prohibited by the County from walking to school and instead must ride school buses. The reason for riding buses is that Stavors Road is inadequate and unsafe for pedestrian traffic.
3. The Constitution Hills HOA documents, filed in 1992 with the Charles County depository indicate that Constitution Hills is not and will not be part of another neighborhood. Connecting Constitution Hills to Autumn Hills clearly violates this covenant. Also, these documents pre-date the subdivision regulations by at least four years. Finally, Constitution Hills borders two other neighborhoods (Lancaster to the south and Sun Valley to the north) and is not connected to either. Clearly, the Planning Commission has demonstrated an ability to work around the subdivision regulations in the past.
4. The Planning Commission will hear amendments made to the preliminary subdivision plans by Mr. Meeker, but will not do the same for residents affected by those very plans. The Planning Commission indicated to Constitution Hills that the time to discuss the planned connection was in January of 2003. However, the earliest that any resident became aware of the possibility of any connection to a new neighborhood was in May of 2003, five months later. Why will the Planning Commission entertain amendments made by Mr. Meeker, but not honor legitimate requests from contiguous landowners? This is unfair.
5. Mr. Meeker has indicated that he connected the two neighborhoods only because the Planning Commission told him to do so. He further indicated that he would remove any connection should the Planning Commission provide that instruction.

The information described above are factual and I possess the documentation to prove every detail that I have communicated to you. I am desperately seeking your help to block this connection. Constitution Hills is a quiet neighborhood with one way in and one way out. The HOA documents I was given when I purchased my home confirmed that it would stay that way forever.

I would like to have the opportunity to meet with you to discuss this issue and if possible, invite you out to view Constitution Hills and to meet our residents.

I would appreciate an acknowledgment of your receipt of this letter. Please contact me at your earliest convenience to discuss this matter.

Thank you for your time.

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