

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, June 28, 1983

Present: Commissioner George R. Aud, President
Commissioner Larry Millison, Vice-President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David F. Sayre
Judith A. Spalding, Recording Secretary

The meeting was called to order at 10:05 a.m.

APPROVAL OF VOUCHERS

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

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of June 21, 1983 as submitted. Motion unanimously carried.

REQUEST FOR CORRESPONDENCE
POINT LOOKOUT SEWAGE TREATMENT PLANT

Commissioner Millison requested that the County Administrator prepare correspondence for the Commissioners' review and signatures to the Board of Public Works regarding comments made by Reed McDonagh at last week's meeting relative to residents in the area not being allowed to hook up to the Point Lookout Sewage Treatment Plant. Commissioner Millison requested that the letter indicate that the County is 100% supportive of the two boys camps being hooked up to the plant; however, the Commissioners feel that if the sewage line goes through certain properties those property owners should be allowed to hook into the system.

COUNTY ADMINISTRATOR ITEMS

Present: Joseph P. O'Dell, Director Budget & Data Services
(on behalf of County Administrator)

- 1) Addendum No. 1
Resolution No. 83-12
Hospital Bond Refunding

Mr. O'Dell presented an Addendum to the previously approved referenced Resolution which was submitted by David Funk of Piper & Marbury, bonding counsel, for the Commissioners' approval. Said Addendum modifies certain provisions relating to the disbursement of the proceeds of the hospital bond sale.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign Addendum No. 1 to be attached to and made a part of the Resolution No. 83-12, which had been adopted June 7, 1983. Motion unanimously carried.

- 2) Budget Amendment No. 83-73
Sheriff's Office

Mr. O'Dell presented the referenced Budget Amendment for the Commissioners' review and approval, the purpose of which is to acquire 45 individual lockers for jail inmates. Commissioner Aud moved, seconded by Commissioner Arnold, to approve Budget Amendment No. 83-73 as presented. Motion unanimously carried.

3) County Treasurer Escrow Account

Mr. O'Dell submitted a memorandum dated June 22, 1983 to the Commissioners wherein he addresses the matter of overpayment of real and personal property taxes. He stated that after meeting with the County Treasurer and the Director of Finance, it is recommended that a County Treasurer Escrow Account be established. This would give quicker response to citizens who inadvertently have overpaid their real and personal property taxes and would eliminate the manual checks being issued by the County and corresponding journal entries. Accounting will verify account transactions at the end of each month.

Commissioner Aud moved, seconded by Commissioner Sayre, to establish the County Treasurer Escrow Account as recommended above. Motion unanimously carried.

4) Correspondence to Board of Education
Budget Categories

In compliance with State law, Mr. O'Dell presented correspondence for the Commissioners' review and signatures addressed to the Board of Education notifying them of the approved budget categories.

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

5) Clearinghouse Projects

- a) Project No. 83-6-702
Excess state-owned property
Proposal to raze frame structure at
St. Clements Island in order to construct
new visitors' center.

Mr. O'Dell presented the referenced Clearinghouse project and advised that it was the County Administrator's recommendation that it be forwarded to the State with the comment that it is not inconsistent with this agency's plans, programs, or objectives. The Commissioners gave their concurrence.

- b) Project No. 83-6-690
Piney Point Sewage Project

Mr. O'Dell presented the referenced Clearinghouse project and advised that it was the County Administrator's recommendation that it be forwarded to the State with the comment that it is not inconsistent with this agency's plans, programs or objectives. The Commissioners gave their concurrence.

6) Eradication of Johnsongrass Agreement

Mr. O'Dell presented an Agreement by and between the Maryland Department of Agriculture and St. Mary's County which provides funding for the control and eradication of Johnsongrass, thistles and mutli-flora rose for FY '84.

Commissioner Sayre moved, seconded by Commissioner Millison, to approve and sign said Agreement. Motion unanimously carried.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

- 1) Addendum to Public Works Agreement
Esperanza Farms Subdivision

Mr. Norris presented an Addendum to the Public Works Agreement by and between Robert G. Dean, Margaret C. Dean, Franklin W. Dean, and Mary G. Dean extending the deadline for the completion of roads in Esperanza Farms Subdivision, Section 2F, 3B, 5B, to July 1, 1984. The Commissioners gave their concurrence to accept said Addendum. (Commissioner Dean abstained.)

OFFICE OF COUNTY ENGINEER ITEMS (continued)

2) Addendum to Public Works Agreement
Pinemore Subdivision, Section I

Mr. Norris presented an Addendum to the Public Works Agreement by and between Benjamin H. Burroughs, Jr., F. Elliott Burch, Jr. and Edward S. Burroughs extending the deadline for completion of the roads in Pinemore Subdivision, Section I to July 1, 1984.

The Commissioners gave their concurrence to accept said Addendum.

3) Status of Road Bonds

Mr. Norris brought the Commissioners up to date with regard to certain outstanding bonds:

- a) Helen Estates/Helen Farmettes - Project is moving slowly and will be completed.
- b) Paw Paw Hollow - Dispute between contractor and developer has been settled by Court. Project is now underway.
- c) Big Oak and a Portion of Country Lakes - These are the only outstanding personal bonds.
- d) Laurel Hill Section of Wildewood - Mr. Norris advised that the Public Works Agreement for this subdivision expires Friday, July 1 and there will be a need for a revised Irrevocable Letter of Credit and an extension of the Public Works Agreement. Mr. Norris requested authorization for Commissioner President Aud to sign these documents upon receipt of same. The Commissioners gave their concurrence. (Commissioner Dean abstained.)

4) Project Status Report

Mr. Norris review with the Commissioners the status of the various projects of his office: Highway, Engineering, Marine, Solid Waste and General. A copy of the report is on file in the Commissioners' Office.

5) Highway Maintenance Division

Mr. Norris advised the Commissioners that after analyzing the proposed establishment of the Highway Maintenance Division, it appeared to be more feasible to locate the Department at the Governmental Center property. Mr. Norris advised that he would present more detailed plans relative to this for the Commissioners' consideration. After discussion the Commissioners agreed to giving consideration to the request and would review the plans.

6) St. Andrews Landfill

Mr. Norris advised the Commissioners that operations at the 12-acre site at the St. Andrews Landfill will be finishing up this month which will leave that section free possibly for a couple of ball diamonds.

COMMUNITY DEVELOPMENT BLOCK GRANT

Present: Joseph Mitchell, Director, Economic & Community Development

As a follow up to last week's discussion, Mr. Mitchell requested authority for Commissioner President Aud to sign the Grant Application for a Community Development Block Grant in the amount of \$491,500 for three activities: (1) Low interest loans for wells, septic systems and sewer connections; (2) for funds to be put into the Southern Maryland Credit Union for low interest mobile home loans; and (3) Loans to landlords for the establishment of additional units below fair market value.

Commissioner Sayre moved, seconded by Commissioner Millison, to approve and authorize Commissioner President Aud to sign the grant application. Motion unanimously carried.

APPOINTMENTS
BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Aud moved, seconded by Commissioner Arnold, and unanimously carried, to make the following appointments to Boards, Committees and Commissioners with terms as indicated:

<u>Nursing Home Board</u>	<u>Term to Expire</u>
John Cheseldine	June 30, 1986
<u>Social Services Board</u>	
Philip H. Dorsey, III	June 30, 1986
<u>Coastal Resource Advisory Commission</u>	
Mark Milburn	June 30, 1986
<u>Human Relations Commission</u>	
Virginia Newkirk	June 30, 1986
Marie Duff	June 30, 1986
Lois Chesser	June 30, 1986

COMMENDATION
AMERICAN WIND SYMPHONY ORCHESTRA COMMITTEE

Present: Betty Wilson, Chairman
Kay Daugherty
Janet Pilkerton
Bill Friarson

The Commissioners presented a Commendation to the American Wind Symphony Orchestra Committee for their efforts in bringing the Orchestra into the County.

BIDS ON PURCHASE OF BUSES
OFFICE ON AGING

Present: Billy McGaharn, Senior Services Coordinator
Paul Raley, Director, Purchasing & Logistics

Mr. Raley presented the bid tally sheet for for the purchase of two 20-passenger buses for the Office on Aging and advised that two bids did not meet the specifications and three bid on the chasis only. Mr. Raley recommended that the bids be rejected. After discussion with Mr. Raley and Mrs. McGaharn, Commissioner Dean moved, seconded by Commissioner Arnold, to reject all bids as presented and to authorize the revision of the specifications as needed and rebid the project. It was further moved and seconded to authorize a supplemental appropriation in the amount of \$41,189 from FY '83 to FY '84 in the Office on Aging for the purchase of the two buses. Motion unanimously carried.

ANIMAL WARDEN VEHICLE BIDS

Present: Paul Raley, Director, Purchasing and Logistics

Mr. Raley presented the bid tally sheet for the purchase of a van truck for the St. Mary's County Animal Warden and recommended awarding the bid to the lowest bidder, Bell Motor Company, in the amount of \$10,500 (which includes \$3,062.90 for trade-in).

Commissioner Dean moved, seconded by Commissioner Arnold, to accept Mr. Raley's recommendation. Motion unanimously carried.

REZONING HEARINGS

(Full complement of the Board of County Commissioners was present.)

Present: Frank Gerred, Director, Office of Planning & Zoning
Robin Guyther, Planner, " " " " "
Anita Meridith, Recording Secretary, Office of P&Z

Those persons formally noting their attendance, via the official "Sign-In Sheet" are noted; said documentation incorporated within the case file.

ZONE #83-0161 - HOWARD P. LEELAND

Request rezoning from R-1, Rural-Residential, to C-2, Commercial. The property contains 1.0 acres and is located on Md. Rt. 235, Oraville, in the Fifth Election District, Tax Map 13, Block 12, Parcel 132.

Mr. Guyther read the advertised public hearing notice aloud, as it was consecutively published in the June 8 and June 15 issues of the Enterprise Newspaper, a publication of County-wide circulation, providing due legal notification of the aforementioned hearing.

Mr. Guyther advised that the Planning Commission had issued a positive recommendation on this application; said record of the Planning Commission formally entered into this public hearing.

Mr. Fanning, the applicant's representative, came forward and presented for the record, marked Applicant's Exhibit #1, the postal receipts from the certified letters of notification sent to all contiguous property owners. Mr. Fanning acknowledged that the property had been legally posted.

Staff offered the history of the property as follows: The building was constructed prior to the adoption of the Zoning Ordinance in 1974 and had been used as a commercial enterprise. The business operated as a non-conforming use for some time until losing its nonconforming status (was used for over one year for a church, which is a permitted use in the R-1 District). The applicant now wishes to reinstitute the former commercial operation, and is therefore required to acquire a commercial zoning of the property in order to do so.

Staff reflected that the Planning Commission had based their recommendation on the finding that there had been a mistake in the original zoning of the property, as it had been an existing commercial use at the time of adoption of the Zoning Ordinance.

Mr. Guyther noted that while the applicant had originally requested a C-2 zoning, discussions had resulted in his acceptance of a C-1 zoning classification, as that zoning designation would meet his needs and purposes for the property, i.e., antique, watch and jewelry repair.

The Chair inquired whether anyone present wished to speak either in favor or opposed to this request.

Mr. Claude Jarboe, speaking on behalf of the St. Mary's County Taxpayers' Association, stated, "We endorse the project."

Hearing no further testimony, Commissioner Aud advised that the Board would take the matter under consideration and would render a decision within the next several weeks.

Hearing closed.

ZPUD #83 -0130 - PATUXENT RIVER FARMS

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

Commissioner Millison excused himself from participation in this hearing, explaining that inasmuch as he owned a motel and part of this proposal was for a large conference center/motel, this could possibly pose a conflict of interest.

Mr. James A. Kenney, II, Esq., of the firm of Briscoe, Kenney and Kaminetz, P. A, counsel for the applicant, noted for the record that while the applicant understood Commissioner Millison's abstention, he would like the record to reflect that they would not object to Commissioner Millison sitting in on this application.

Commissioners present and participating: George Aud, Ford Dean, Richard Arnold and David Sayre.

Ms. Karen Abrams, co-counsel, distributed to each of the Commissioners a booklet which she explained was a synopsis of all personnel involved in the project, and offered the history of the application and other pertinent statistical and geographic information relative to the site and to the proposal.

Mr. Guyther, Planner, Office of Planning and Zoning, read the notice of public hearing aloud, as it was published in the June 8 and June 15 issues of the Enterprise Newspaper, a publication of County-wide circulation, which provided due legal notification of this public hearing.

Accordingly, the Planning Commission record was entered into this hearing and Mr. Guyther referenced other materials which had been included in the file, i.e., Development Plan, resume of professional personnel involved in the project and separate file(s) containing: letters of support, letters of opposition, Planning Commission's recommendations and an Erosion and Stabilization Study conducted by the applicant.

Ms. Abrams verified that the property had been legally posted and provided a photograph, Marked Applicant's Exhibit #1, which provided visual verification of said posting. Correspondingly entered into the record, marked Applicant's Exhibit #2, were the postal receipts from the certified letters of notification sent to all contiguous property owners within 200 feet of the subject property.

Ms. Abrams offered background comments relative to the zoning issue. She advised that this request was for a PUD, Planned Unit Development for PDR 2.83. She referenced Section 38.06 of the Zoning Ordinance which described the intent of the PUD in the context of zoning for the County.

A large model of the proposed development was displayed and Mr. Kenney advised of the location and history of the application to date. Mr. Kenney introduced Mr. Bob Manniello, designer and principal of the project.

Mr. Bob Manniello came forward and introduced himself as a partner in the firm of Land Design Associates, Landscape Architects and Land Planners, located in Huntington, Long Island; said firm having been involved in large-scale master planning, similar to his proposal, primarily for residentially oriented communities along the entire eastern seaboard.

Mr. Manniello commented that a major consideration of this proposal related to the total analysis of the property in determining various factors. The first concern pertained to the topography of the property. A large display panel was posted and Mr. Manniello referenced the various color codings indicative of the various sloping categories. Yellow was given as flat 0% to 5% slope condition (37% of the site falling into this category).

The second considered aspect related to the existing soil conditions. The second panel was posted, with Mr. Manniello explaining the color coding: "The lighter the shade, the more developable the soil types are." The tidal marsh areas were indicated as the darker areas, as well as the existence of some sassafras soils, which in and of themselves were not limiting; however, because of their location (on steeper slope conditions), they would be limiting to development. Information relative to the soil types was gained through the Department of Agriculture and Soil Conservation Service and were indications of the existing layers of the first two and a half feet of the soil condition. Mr. Manniello stressed, "This is not representative of the types of soils that exist below the surface, other than those two or three feet." No actual on-site boring of the sub-surface layers of the soils have been accomplished by the developers; however, Mr. Manniello again emphasized that these factors had been represented to them by engineers working within St. Mary's County. Said soils, for the most part, are sand and gravel and are very permeable.

The third panel, defined as a Site Analysis, indicated the open field conditions, heavily wooded areas and those areas of high and low points on the site, site access, existing structures and dynamic views. The property was given as a peninsula enjoying 13,000 lineal feet of shoreline. Drainage channels and swales running through the property were also indicated on the third display. Included on this chart were a series of photographs which Mr. Manniello explained were "panoramas" taken from the water looking in at the property at the approximate locations, as stated on the panel."

The final display was entitled "Master Plan" and was explained as a proposal for approximately 500 residential units, 398 to be clustered townhouses and 98 single family lots. A road pattern, coming in off the existing Myrtle Point Road would enter the property and would wind through the development in a parkway-type of effect (with no frontage), terminating at the proposed resort/conference center, to be located on the northern-most portion of the peninsula. Amenities proposed are those of a nine-hole golf course, equestrian center to be located at the entrance of the complex, creation of two recreation complexes, each to incorporate swimming pool, tennis courts, club house for use of the residents of the community. A holding pond would be located as part of the golf course and would contribute to the drainage and run-off of the property and a number of nature preserves would be incorporated throughout the site. An existing beach area would be maintained along the eastern portion of the site (looks toward the bridge) and the resort/conference center would provide recreation in the form of tennis courts, indoor-outdoor pool facilities and indoor and outdoor tennis courts and a marina.

Speaking specifically to the marina aspect of the plan, Mr. Manniello reflected that there had been many concerns voiced over this latter proposal. He advised that initially a 400 boat slip marina had been proposed; however, due to the concerns voiced by the community and following analysis and recommendations by the staff and the Planning Commission, the final recommendation to the Board of Commissioners had been a granting of the rezoning, with the stipulation that 200 boat slips be initially allowed, with the future possibility, based upon review of the County Commissioners and/or the Planning Commission for more expansion, based on the impact, which remains to be determined. Mr. Manniello advised, "We are willing to go along with the recommendations of the Planning staff in regard to monitoring of this thing, so that we can develop a first phase kind of marina and we can all learn from the impacts of that particular development, as to what's going to occur later." Mr.

Maniello stressed, "We would like the opportunity of receiving an approval from this Commission that allows us to go ahead with the development of a marina, be whatever that number is, in order to determine what the next logical phase of the project is. The marina is a very important aspect of our proposal and is critical to the resort/conference center, critical to the housing and marketing of this project and we would like to submit that there are other bodies, the Army Corps of Engineers, Environmental Protection Agency and other groups that are obviously going to have an interest in what is developed at this location and we are willing to covenant or do whatever is necessary, obviously, to meet the requirements of those various stringent organizations."

The resort/conference center was explained as a facility that would contain 300 rooms or units, in the first phase of development with an expansion capability of an additional 150 units.

Mr. Manniello offered various statistical data (included on page 20 of the plan) which provided density per acre, paved and building coverages per acre, etc. Speaking to the pavement issue, Mr. Manniello stated that every effort would be made to utilize porous materials in the parking lots, etc. to develop the project to its most attractive and environmentally sound potential.

It was also stressed that all drainage aspects of the project would be internal, i.e., all roofs to be attached to drywells, all pavements to be internal so that water would run off the roads and pavement onto the golf course to be collected in swales and specific drainage areas. Absolutely no drainage would be directed toward the shoreline or to those sensitive bluff areas.

Mr. Vince Peritore, real estate agent and marketing expert, came forward and addressed the numerous marketing aspects of this proposal. In summation, he felt that this project held "enormous potential" and was perhaps "one of the prettiest and nicest pieces of property" he had ever seen, and "lends itself very nicely to this type of development." Mr. Peritore reflected on the many former proposals made relative to this property and stated that he felt that the highest investment for this property, keeping in mind the interest of the town and community, would be such a planned community, such as provided under this application, which would limit the expenditure to the community. Mr. Peritore advised that he had personally investigated the marketing area and found that there definitely was "a very desperate need for second home buyers or a buyer who would like to live in a quiet community, who works in Washington and commutes from somewhere in between so there is a definite market for that type of person." Mr. Peritore advised that following several discussions with the military, it had been revealed that this project would provide housing to some of the "higher military echelon." This proposal would also provide yet another possibility to those many retirees now living within the County who might want to rid themselves of large properties which required much of their time and maintenance in lieu of this alternative.

Mr. Peritore stressed that the resort/conference center tied this entire proposal together in the sense that it would provide an environment where people living in the community would have a place to meet, to hold seminars, etc., would draw people from other areas to the County, would result in 350 to 400 full-time jobs, 50 to 75 part-time jobs and would generate 1.5 million dollars in taxes to the County.

Mr. Kenney referenced the recommendations proffered by the Planning Commission, noting that all of the "twenty-some" points were acceptable with the exception of the total restriction as to the marina itself.

Mr. Kenney advised that Dr. D'Elia (qualifications on record) had not been part of the original professional team working on this project, but had been retained by the applicant, to address some of the environmental concerns regarding the development plan. He asked that Dr. D'Elia come forward and "express to you his findings, generally, of the environmental impact of this particular development, this type of development on this particular land and give you his thoughts regarding the development of a marina on this particular site."

Dr. D'Elia advised that the approach that the developer was taking in terms of clustering, etc. seemed to be very much in concert with what one would want from an environmental standpoint. Dr. D'Elia advised that his main concern had been with respect to development too close to the water and he felt that an adequate buffer zone should be specified with respect to setbacks. Another concern had been the amount of impervious pavement and he subsequently recommended that all attempts be made to prevent run-off of surface waters into the Patuxent River. Dr. D'Elia noted that a favorable aspect of this proposal had been the applicant's provision of a number of nature preserves included in the plan. Subsequent to this concern, he had recommended that attempts be made to prevent individuals from walking through these areas. Dr. D'Elia stated, "In general, I think the plan has been quite nice with regard to the nature preserves." Dr. D'Elia advised that he had not specifically addressed the marina issue in his evaluation of the plan as he realized that ultimately many other approvals would be necessary prior to the development of a marina, specifically, the Army Corps of Engineers, Fish and Wildlife Administration, Environmental Protection Agency, etc. Dr. D'Elia suggested that "the idea of doing a limited development of a marina of 50 to 100 slips, seeing how it works out, and then any future development being predicated on appropriate engineering or traffic studies of the area, to see whether there is any kind of substantial environmental impact, would be the way to go."

Mr. Kenney asked Dr. D'Elia to comment on the proposal as opposed to an R-1, non-planned community. Dr. D'Elia responded that the problem with R-1 development was that "it is not really too planned" and did not have the advantages of being clustered, of having very careful landscaping to deal with the problems of surface run-off, etc. and did not "have the integrity in terms of a master plan for placement of roads, etc., and I tend to favor this kind of development a lot more...than helter-skelter R-1 development." Dr. D'Elia stated that a carefully controlled marina was "not necessarily a bad idea." He felt that this proposal would tend to create a better handle on what would be going on as opposed to individual docks being developed through R-1 development.

Commissioner Sayre questioned whether any other docks would be permitted on this property, other than those proposed in the marina area. Mr. Mannillo responded negatively. Commissioner Sayre asked whether the beach area would be restricted to the residents. The beaches would be restricted to the residents of this development and covenants would be attached which would prohibit any modification of that beach area.

Mr. Guyther advised that a sewer system was proposed to serve the marina and each slip would have a device to empty boat sewage into the sewage system. Staff noted that the Planning Commission had recommended that any boat docked would be required to use this sewage evacuation system and if not, the boat would have to be modified.

Mr. Manniello felt that the term "marina" under the Ordinance, allowed specific uses. However, this proposal was proposed to "simply serve the residents of this community, as well as visitors and some prescribed number for the resort/conference center." He stressed that it would not provide or include any storage of boats, no mechanical equipment, no haulage or any of the normally associated types of marina activities.

Mrs. Abrams noted that there had been no discussion relative to change in the neighborhood or mistake in the original zoning of this property, due to the fact that this proposal was for a PUD, and a PUD was considered a "floating zone" and could go anywhere it might fit within the parent zone, as long as it would not prove to be a detriment to the community.

Mr. Guyther also noted that the applicant had submitted an Erosion and Stabilization Study which addressed the manner in which the banks would be stabilized. Staff routed this documentation through the Soil Conservation Service and it had ultimately received a glowing approval.

The Chair inquired whether anyone present wished to speak IN FAVOR of the proposal.

Mr. Claude Jarboe, speaking on behalf of the St. Mary's County Taxpayers' Association, noted that he had been erroneous in having previously issued a favorable endorsement (spoke at the Leeland hearing) and had been under the impression that this consideration was to be discussed first. Having been made aware of this mistake, he now spoke in favor of the Patuxent River Farms application and noted that this favorable endorsement was included in the record, via written submittal.

Mr. Ralph Magnus stated that he felt that his proposal addressed "the right kind of economic development" being sought by the County. He felt that this project should provide hundreds of job opportunities to the residents of the County, both full-time and temporary, and would increase the tax base both in terms of property taxes and sales taxes and state income taxes. Mr. Magnus stated, "All in all, I think this project is just what the County has been looking for, economic development that fits into our life style in St. Mary's County." Mr. Magnus stressed that it would be a crime to approve this project and not approve the marina, as one of the greatest attractions to living in St. Mary's County was the access to the water. In closing, Mr. Magnus urged the County Commissioners to approve this project with the caveats that the Planning Commission had laid upon the project, but to include the marina.

Mr. J. R. Sypher stated that he wished to endorse this project.

Ms. Jane Sypher noted that she had testified previously at the Planning Commission meeting in favor of the project and wished to reiterate her former statements regarding the need for this type of development.

Mr. George P. Havens, representing the St. Mary's County Chamber of Commerce, noted that the Chamber had given considerable thought to this project and consequently would "come out in favor." Mr. Havens felt that the demands for both long-term and short-term housing would be fulfilled under this proposal as would be needs for a conference center. He urged that in terms of the business community, this proposal would have many positive benefits both economic and community-wise for local business and would offer tremendous employment opportunities. Mr. Havens stated, "On that basis, our Board of Directors would urge a favorable consideration of this project."

The Chair then asked whether anyone present wished to ask questions or speak opposed.

Mr. Rob Perrygo spoke in opposition. He felt that even should this project still be constructed with public sewer, it would still contaminate the bay with partially treated sewage. He felt that were to property to be developed as R-1, with private septic systems, this would prove to be "far less contamination than it would be in the sewer plant." Mr. Perrygo felt that even with the controls at the marina for pump out sewage facilities, the bidge pumps soaps, waxes, detergents and other oils and gases would add to the contamination which would ultimately destroy all the aquatic life in the creek and bay. Mr. Perrygo stated that while this project might look like a good deal, in the long run it would pollute.

Mr. Norris Jay Hanks felt that the positive aspects of this consideration were based solely on the projected revenues to the County. Mr. Hanks stressed that there had been "no real proof, including today, that these revenues will ever be realized." He stressed that no cost studies had been conducted, to date, nor any type of market analysis. He felt that many "nice things" had been discussed, but none of the adverse impacts, which he stressed should be adequately addressed prior to any final decision of the County. Another concern which had not been addressed, which he felt was absolutely mandated prior to any approval, was that relative to the impact of additional boat traffic and of the marina to the environment. Also, the impact of a new sewer line in terms of costs to the users, and access had not been addressed. Mr. Hanks felt that this proposal was "completely out of line with the State's plan, where you don't leap-frog development." He also stressed that the impact from the road and traffic and impact upon the water table and possibility of condemnation of certain land for acquisition of the right-of-way had not been adequately addressed. He felt that the impact upon the environment, loss of aesthetic values, value of land, depreciation, were all items which needed address. In conclusion, Mr. Hanks stated, "I think these negative features ought to be looked at and then compared with this possible increase in revenue to the County...."

Mr. Ray Scott stated that he wished to go on record as being opposed to this proposal and would agree with the statements made by the past two gentlemen.

Jim O'Donnell stated that while he did not object to a marina, inclusive of this proposal, he did object to the positioning of the location of this marina. He felt that while most references were made to the marina on Cuckhold Creek, the location of this marina was slated for Mill Creek, which was a very delicate area, having very little tidal movement. Mr. O'Donnell agreed that there was little information relative to the impact of the roads, sewer and the marina on the environment and he stressed that these questions should be answered. Mr. O'Donnell stated that he did not object to development in this area; however, he would like to see development continue as R-1.

Mr. Henry Dodson asked whether this development fell within the AICUZ zone, as he was under the impression that it would directly impact Flight Path of Runway #17. He urged that the Commissioners maintain the R-1 development in this area. (Mr. Dodson was later advised by the staff that correspondence had been received from the Navy noting that the AICUZ lines would not be affected.)

Mr. Andy Gallia felt that an R-1 development was in the best interest of the County "over the long haul."

Mrs. Gertude Berry spoke in opposition for reason of the impact that this development would render upon the secluded nature of the cove. She felt that at present the cove presented a "sanctuary" for boats in times of inclement weather and she felt that the development of the proposed marina would prove detrimental to the nature of this area and would endanger the environment. She also spoke to concerns regarding possible "land taking" for acquisition of property to develop a new access road.

Claudia Gondolf spoke in opposition, noting that there were too many unanswered questions, especially regarding the irreversible devastation on the environment.

Mr. Wilfred Berry offered that he had lived in this area for forty years and had witnessed the slow deterioration of the water quality in this area. He stressed that there had been no positive assurances regarding the affect that this marina would have on the area and he urged the Commissioners to consider this sensitive area.

Mr. L. Wayne Smith voiced concern with three specific areas, i.e., impact of the extension of the sewer line into this area and the precedence that would be set and the domino effect that would be set in motion in terms of effect upon the roads, schools, etc; secondly, effect that this marina would render upon the residents in terms of restrictions, e.g. water skiing; and lastly, that of concern for the marketability of this proposal.

Mr. Louis P. Eberle commented that while he was neither in favor or opposed, he wished to address several concerns regarding this proposal. Mr. Eberle read a prepared written statement which acknowledged the fact that the County needed to consider widening of the tax base and should consider new proposals which would generate new revenue for the County. However, he urged that any proposal taken under advisement by the County should be scrutinized and should meet the test for all County and State regulations and laws. In conclusion, after considering all documentation and evidence presented, Mr. Eberle felt that a decision of this proposed rezoning was not justified at this time, as there were many areas which remained to be addressed. He concluded and recommended that this project, therefore, be taken under advisement by the Board of Commissioners and decision withheld until such time as the members of the Board were completely satisfied that all of the conditions specified by the Planning Commission and staff had been met and until such time as the members of the Board had given careful consideration to all of the comments and suggestions set forth in the record. Mr. Eberle stressed that he did not feel that the applicant had presented "any substantial information" which provided concrete information that would in any way substitute for a comprehensive market study to show that there was a need for the condominiums and conference center.

Mr. Perry Milton stated that following a busy weekend on Mill Creek, all one had to do was to go down and witness the film of oil left on the water. He felt that if 200 to 400 additional boats were added to this area, it would deplete the crabs and fish in the area.

Mr. LeRoy Rudasill, resident of St. Mary's City, noted that several weeks ago, he had the opportunity to pull into Mill Creek Cove, an estuary off Cuckhold Creek. he advised that on that date, there were 37 other sailboats and a number of power boats in this area. He advised that the area was most unique and the development of the proposed "finger piers" would ultimately destroy the character of this beautiful area. He felt that the proposal was not for a "true marina" as it did not propose any of the normal facilities of a true marina, other than dock space. He urged the Commissioners that the developer should "not be allowed to have any more privileges than you and I that's on the waterfront property...and I make a strong urgent appeal that you limit the finger piers to a depth into the river harbour of 100 feet, like you and I are limited today by the Federal Resources." Mr. Rudasill felt that the inclusion of 400 boats in this sheltered area would destroy the cove.

Mr. Ray Fowkes felt that the Commissioners' first responsibility was to safeguard the interest of the existing residents of this area. He felt that this proposal held the potential of another "Placid Harbour."

Mr. Larry Dukett of State Planning asked that the record be held open in order that State Planning be provided the opportunity to respond to the Planning Commission's recommendations from the previous night and also to the recommendations provided by the Patuxent River Association.

Mr. Guyther submitted several letters into the record, noting that the letter from State Planning did request that the record be allowed to remain open for several days. Correspondence from the Patuxent River Commission requested that the hearing remain open until July 26, which would allow them the opportunity to study the proposed conditions and formulate a position at their July 21 meeting.

Mr. Guyther advised the Commissioners of several concerns which the Planning Commission members had voiced: Resolution of the location of the access road; in-depth cost analysis of the tax revenues vs. costs to the County; possibility of retention of an environmental consultant during the initial phases of the project of the project to review specific site plans, erosion control, etc; that decision on the marina only be delayed until an environmental assessment is performed by an agency or consulting firm approved by the County.

Commissioner Dean stated that he would like to proposed that the Commission honor the Patuxent Commission's request to continue the hearing until July 26. All Commissioner members concurred.

Commissioner Dean asked the applicant at what point in time did he project that he would be able to definitely state what the access to the property would be. Mr. Manniello responded that at present, there were two options open, i.e., one being the improvement of Myrtle Point Road from Rt. 4 (present access) and the other alternative, which the applicant provided, "we much prefer" the acquiring of a parcel of land which would provide direct access to Rt. 4 and then ultimately connect with Myrtle Point Road,, approximately 1/2 to 3/4 of a mile into the property. Mr. Manniello stressed that he was currently in negotiation with the owner of that particular property and while he could not specify a time, he advised, "we have agreed on the price of the land, we essentially agree on the terms of the contract and it is simply a matter of getting the paperwork together and having some money pass some hands, I would hope we're talking about 60 days."

Commissioner Dean asked both the applicant and County staff if an evaluation could be made of the feasibility, should this PUD be approved, as to the location of the docking facilities or marina on the riverside at the location (noted on the plat) which is indicated as "beach area." Mr. Manniello responded that discussion had been held with several experts regarding the marina location. Commissioner Dean requested that the Board be provided "the benefit of that expert analysis" which would indicate those items which would render the location unsuitable or suitable. Mr. Dean also asked staff to independently review this alternative.

Commissioner Arnold questioned how many local jobs would be provided through this development. Mr. Manniello advised that initially, the types of employment opportunities would be essentially contractors for construction. All subcontractors would be local people. In terms of permanent employment, Mr. Manniello projected that the key personnel to be hired for the conference center would be local. Mr. Manniello projected between 350 to 400 permanent employees. Mr. Gerred added that staff had projected that less than 10% would be hired from outside the County.

Commissioner Arnold asked whether any thought had been given to how many launching ramps would be available. Mr. Manniello responded that one launching ramp was included in the plan, which would be restricted to the parking area.

Mr. Perrygo asked Mr. Manniello to name several of those other similar developments in which he had been involved. Mr. Manniello provided:

Coal Spring Harbour - Long Island, New York
Harman Cove - Martz Mountain - Sea Caucus, N. J.
Sag Harbor Village - Sag Harbor, Long Island, New York

The Chair opened this segment of the hearing to questioning. Mr. Manniello provided that no individual piers would be built, as a covenant, running with the land to prohibit any impact to the shoreline (other than the marina facility) would be included in the plan. No plans for bulkheading of this property are planned; however, erosion stabilization controls along the shoreline and bluff areas will be implemented. There will be a security gate placed at the entrance to the property, for the internal security of the residents. The parkway, however, will be an open public access road.

Following brief commentary by several citizens, the Chair advised that all testimony would be concluded and the hearing continued for thirty (30) days.

Hearing continued.

ADJOURNMENT

The meeting adjourned at 3:20 p.m.

Approved,



George R. Aud
President