

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 1, 1986

Present: Commissioner George R. Aud, President  
Commissioner Larry Millison, Vice President  
Commissioner Ford L. Dean  
Commissioner David F. Sayre  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

(Commissioner Arnold was not present due to illness.)

CALL TO ORDER

The meeting was called to order at 9:15 A.M.

APPROVAL OF BILLS

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

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Millison, to approve the minutes of the Commissioners' meetings of March 11, 1986, March 18, 1986 and March 26, 1986. Motion carried.

SELF-INSURANCE FUND

Present: Harris Sterling, Director of Finance

The County Administrator and Director of Finance recommended the proposed expenditure schedule as developed by the Insurance Buyer's Council for County's self-insurance fund. For FY '85-'86 the proposed expenditure schedule is a total of \$97,520 proportionate between the County at \$73,596 and the Metropolitan Commission at \$23,924 pro rated over the remaining months of the fiscal year. For FY '86-87 the contributions to the fund will be \$91,995 proportionate between the County at \$68,996 and the Metropolitan Commission at \$22,999.

The Commissioners reviewed the projected contributions and expenditure schedules for the next five years and the general liability and automobile liability loss statements for the last three fiscal years and concluded that the proposed contribution and expenditure statements were in order. Therefore, Commissioner Dean moved, seconded by Commissioner Millison, to accept the schedules as presented. Motion carried.

OFFICE OF PLANNING AND ZONING

Present: Frank Gerred, Director

1) PROPOSALS TO UPDATE COMPREHENSIVE DEVELOPMENT PLAN

Mr. Gerred advised that ten proposals were received for the update of the referenced plan, and that a committee will be reviewing them over the next two weeks. A recommendation will be presented to the Board at a future meeting.

2) REQUEST FOR PLANNER POSITION  
COMPREHENSIVE DEVELOPMENT PLAN

As previously indicated at an earlier meeting, Mr. Gerred requested the Board's consideration for an additional planner in his office to assist with the Update of the Comprehensive Development Plan particularly in light of the State's proposed critical area regulations. Mr. Gerred requested authorization at this point to get the job description classified and start the procedure to hire a planner. Mr. Gerred pointed out that his staff could not possibly handle the workload in his office with the work that will be coming before them over the next one and half years without an additional professional.

Commissioner Dean requested Mr. Gerred to develop justifications for the request including what must be done relative to the Comprehensive Plan update review and implementation of the critical areas regulations and return to the Board for a decision.

EXECUTIVE SESSIONS

Commissioner Dean moved, seconded by Commissioner Sayre, and unanimously carried, to meet in Executive Session to discuss the following:

1. Personnel

Present: Walter Dorsey, States Attorney  
Ann Emery, Law Intern  
Edward V. Cox, County Administrator

2. Litigation

Present: John Baggett, Director Recreation and Parks  
John Norris, Director, Department of Public Works  
Joe Densford, Asst. County Attorney  
Jamie Boyd

The Sessions were held from 10:00 a.m. to 11:50 a.m.

PROCLAMATION  
AMERICAN HOME WEEK

The Commissioners presented the referenced Proclamation designating the week of April 13-19, 1986 as American Home Week in St. Mary's County.

EXECUTIVE SESSION

Present: Billye McGaharn, Director, Area Agency on Aging  
Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss a matter of personnel. Motion carried. The Session was held from 11:55 a.m. to 12:20 p.m.

IMPACT OF FY '87 RECOMMENDED BUDGET ON FY '88

Present: Joseph P. O'Dell, Director, Budget & Data Services

In response to a request by Commissioner Dean, Mr. O'Dell presented a memorandum outlining the impact of the proposed Recommended FY '87 Budget on FY '88. By way of charts Mr. O'Dell explained that the FY '87 Recommended Budget would have to be reduced in order not to have an increase in the tax rate in FY '88.

Discussion ensued among the Commissioners relative to the data, and Mr. O'Dell indicated that various department heads will be appearing before the Board to discuss their department's budgets.

(COMMISSIONER MILLISON LEFT MEETING - 1:20 P.M.)

OFFICE OF PLANNING & ZONING  
PUBLIC HEARINGS  
DESIGN STANDARDS & MINISUBDIVISION REGULATIONS

Commissioners present: George Aud, Ford Dean, and David Sayre. Commissioner Richard Arnold was absent, due to illness. Staff present included: Robin Guyther, Planner, and Anita M. Meridith, Recording Secretary, Office of Planning and Zoning.

NOTE: Commissioner Larry Millison advised that he would abstain from participation in these two public hearings, due to possible conflict of interest, as he and his son were involved in subdivision development.

Members of the audience included: Richard Russell, Richard Marks, Regina James, Garner Hayden, A. A. Beauverd, J. Wilmer Bowles, James R. Smith, Francis K. Abell, William S. Hebb, Ingrid R. Hebb, Herbert N. Redmond, Jr., Floyd Williams, Lois Watson, Robert E. Herndon, Jr., Judy Landau, Barbara MacLeod, Mike Gray, Jack Witten.

Mr. Guyther read the Notice of Public Hearing aloud, as advertised in "The Enterprise" Newspaper, on Wednesday, March 26, 1986, a publication of county-wide circulation, providing legal notice for the following public hearing(s):

SPEC # 85-1095: DESIGN STANDARDS FOR NEW DEVELOPMENT

The proposed changes to the St. Mary's County Zoning Ordinance will prohibit building within 25 feet of any water course and will establish a buffer area around all water courses in which impervious areas will be limited to ten percent (10%).

Mr. Guyther provided background, recalling that when the County sued the State over the Patuxent River Water Quality Plan, the State set up the Patuxent River Commission which was encumbered with the task of developing standards to help improve the water quality of the Patuxent River and set up management policies for land along the river. This plan was approved and the counties were then obligated to formulate some standards to address the improved water quality aspects of the Patuxent River Policy Plan. County staff subsequently undertook the task and through working relationship with the Planning Commission, the theory arose that "if this is good for the Patuxent River, there is no reason not to make them County wide." Thus, though the plan is entitled "Design Standards for the Patuxent River, Primary Management Area", both the Planning Commission and staff have recommended that they be applied County-wide. Mr. Guyther emphasized that there had been some concern voiced that these suggested standards would eliminate/preclude someone from building on an existing lot, and he wished to clarify that these proposals were not designed for that purpose. He noted that the upcoming presentation, by Mr. Charles Brenton, Plans Reviewer, Office of Planning and Zoning, would provide graphics that would illustrate that the average lot would not be significantly affected. Said standards were designed primarily to be applied to large lot PUD's.

Mr. Brenton offered a slide presentation and provided the following information/data with regards to the manner in which the design standards had been developed, said policy having grown out of an initiative to define a primary management area for the Patuxent River, furthered by the County's commitment to environmental quality as expressed by endorsement of the Patuxent River Policy Plan. The goals of the plan include restoration of water quality in the Patuxent, promotion of a continuous buffer and restoration of the catch of desired species of fin and shellfish in the rivers. The policy plan recommends that a primary management area be established to identify and manage land from which pollution is most likely to be transported into the river. The purpose of this project has been to define that management area and develop management strategy. The principal means of research used to define this management area was a streamwalk.

The streams that were studied were Town Creek and St. Thomas Creek. The participating team included OPZ staff, Soil Conservation Service, State Department of Planning, State Department of Health and Mental Hygiene. Three portions of the streams were identified: estuary, tidal marsh and upstream area surrounded by hardwood forest. The major impacts/factors observed were: bank erosion, siltation in channels and benthic invertebrates (insect larva). Mr. Brenton emphasized that the most important conclusion derived from the streamwalk was that major impacts upon streams were occurring in the headwater area where the interface between the stream system and human uses was most intense. Examples (slides) of various types of impacts were illustrated. Mr. Brenton reiterated that this streamwalk basically served as the basis of the research for the recommendations and that from that point, staff analyze subdivision proposals, as the latter was the level at which these criteria would be applied, i.e. subdivision design.

Mr. Guyther concluded that the main thrust of the proposal was to protect water quality and reduce sedimentation. He noted that while other more complicated procedures had been considered, in the end, staff had strived to keep the regulations somewhat simple and had derived a proposal which would limit construction in that no building would be allowed within 25 ft. of a stream channel (would include river or other water channel) and within 150 ft. of the stream channel, a buffer area would be required where no more than 10% of the land area could be made impervious. Staff advised that several developers had voluntarily agreed to apply these standards to their projects and had subsequently modified their plans accordingly. The purpose of these "test cases" was to ascertain whether or not the developed standards were so stringent as to "kill the project." Mr. Guyther complimented the developers of the Shannon Farms, Esperanza Farms, Section 9, and Laurel Ridge who had participated in this experiment, with all developers concluding that the amendments to their plans had resulted in better proposals. As noted previously, Mr. Guyther referenced that several individuals had voiced concern with the impact that these standards would levy against an individual who owned a single lot located on the water. In response to that uncertainty, staff displayed a chart which provided typical example. Mr. Guyther emphasized that if an acre lot was totally encompassed within the 150 ft. zone, that landowner could build an approximate 4,300 sq. ft. house (one floor). Thus, the average size house would not be impacted by these regulations.

Commissioner Sayre asked at what point the "critical area" would stop on a small stream. Mr. Guyther responded that any "tidal action" would fall into this category. He referenced the fact that standards had been developed insofar as defining "stream" (primarily concerned the grades and drainage areas). Mr. Guyther noted that once past the tidal area, most streams would be evaluated on a case-by-case basis in order to determine whether it would qualify as a stream body/tidal area.

Commissioner Aud opened the hearing to public input.

Mr. Jack Witten asked whether these standards were restricted to new residential development. Staff advised that they applied to all new development. Mr. Witten suggested that while the developed criteria was very good, it was lacking somewhat in that it should include text which would clarify that the standards must be applied to disturbance of soils whether it be through construction of roads, public utilities, etc. Mr. Witten emphasized, "I strongly suggest that the application paragraph be broadened to make it clear that you're really talking about earth moving operations in this zone, for whatever reason." Mr. Witten also suggested that another section be added which would address evaluation and review inspection of the sites under construction and enforcement requirements which would spell out that prior to issuance of an Occupancy Permit, that the site must comply with all of the regulations.

Mr. William Hebb commented that in recognizing the 420+ miles of shoreline in the County and numerous small creeks and rivers, this was not a design study that should be taken lightly. Mr. Hebb stated that one of the few viable natural resources of the County was its waterfront property. Considering the high cost of waterfront land, he reflected that the average purchaser would, in all likelihood, opt to construct a larger home with all of the nicer amenities. Mr. Hebb urged the Commissioners to review this proposal in its entirety and consider its impact on future growth in the County. Mr. Hebb emphasized that he felt certain that no one would argue but that the waterfront should be protected, however, he felt that if growth did not occur, as predicted in St. Mary's County, then the County could possibly be in some financial difficulty. Mr. Hebb stated, "The most viable growth areas are the waterfront....but is this ten percent figure a viable area."

Mr. Richard Russell stated that since the State was currently involved in developing a plan, that the County's plan should be held in abeyance until such time as the State adopts standards, that "this plan here should relate to what they come up with, that perhaps we're a little premature."

In response to question posed by Mr. Smith concerning his waterfront property, Mr. Guyther noted that the purpose of these regulations was not to restrict development on an existing lot, provided that the landowner could meet these proposed standards. He continued that if the landowner could not meet the standards, then the Planning Commission would deal with it in other ways, such as requiring stormwater management device on the site or some other type of pond or retention device in lieu of the proposed standards.

Discussion ensued and staff emphasized that impervious area pertained only to paved area (e.g. driveways, roof). Mr. Guyther noted that if an individual owned a 2,000 sq. ft. lot and same was totally within the 150 ft. area, said individual could build a house with 2,000 sq. ft. on the first floor. He stressed that the square footage of the house could be doubled if a basement was included, tripled, if there were basement and two floors. He emphasized that one must keep in mind that the 2,000 sq. ft. (in this instance) only applied to the "footprint." Mr. Guyther stressed that the average house was 3,500 sq. ft. and that unless an individual was going to build a gigantic structure, these regulations would not affect the average lot. Mr. Brenton also added that one must keep in mind that these regulations pertained to only 10% of the lot, and that if the lot was over an acre, then the regulations became even less restrictive. He reflected that a large house would be crowded on a small lot and that the more expensive houses were usually situated on larger acreages/lots.

Mr. Redmond asked whether the 10% figure had been based on any definitive research. Mr. Guyther advised that there was no basis for the 10% figure and he again reiterated that this was another reason why that specific figure had been tested, so to speak, on several large developments and several smaller lots. Mr. Redmond asked whether slopes and types of soils had been taken into consideration. Mr. Guyther responded negatively but added that the plan did contain a provision that if an individual could present a proposal that would accomplish the goal of the plan, they would not be subject to these standards, e.g. installation of dry well or some other water management device. Mr. Redmond advised that while he did have some concern with the 10% figure, he felt certain that the plan could be adjusted and fine tuned through time.

Mr. Bob Herndon asked whether there was any interpretation of the impervious definition and whether oyster shells or crushed stone would be considered impervious. Mr. Guyther advised that it would not apply to crushed stone, but could possibly pertain to a driveway of clay, however, primarily, impervious surfaces were asphalt, concrete and roofs. He furthered that it would not apply to a wood boardwalk, swimming pool or drainfield.

Commissioner Dean reflected on the history of the Patuxent River Plan and agreed that it was most difficult to develop a set of standards/rules that would fit every situation. Thus, he suggested, that they should incorporate some mechanism that would address problem areas that in all likelihood would be identified through administration. Mr. Guyther referenced a key phrase incorporated in the plan: "In any case where the land development proposals appears to conflict with these criteria, the applicant must provide evidence which convinces the County that alternative methods for meeting the performance criteria are adequate." Thus, he noted that the County (Planning Commission) was provided the means in unusual situations to address those individual concerns.

Commissioner Sayre wished to convey for the record and those present, his continued concern with the fact that neighboring states did not have any critical areas legislation and that this was particularly unfair, given that their rivers and critical areas (such as James River, Rappahannock River) ran into the Chesapeake Bay. Commissioner Sayre stated, "Here we are in the State of Maryland, trying to do everything we can to stop as much pollution of any kind, whether it be erosion, chemicals, sewerage, anything going into the rivers. Our sister state right across the river here is not doing anything as far as the critical area and I don't think that's very fair to us...if we're gonna protect our Chesapeake Bay and our rivers, why can't they help somewhat too...they sure are in this program with us but they're sure not doing as I think they should do, they should be joining in the critical areas also."

The Chair advised that the Board would hold the record open for ten days in order to accept any written comment.

Commissioner Dean addressed the staff and recognized that formulation and adoption of design standards and performance criteria for new development was one thing, however, trying to "retrofit" existing lots was a totally separate issue. He noted that in particular cases, it was oftentimes most difficult to impose stormwater management on an existing lot and he asked how those specific cases would be addressed. Mr. Guyther advised that the latter would be a separate regulation and would be totally independent; that quite possibly the stormwater management requirement on a lot by lot basis might be proposed for elimination. Commissioner Dean concurred that elimination should be considered as it was very difficult to develop stormwater management on a single lot basis.

Mr. Smith stated that one of the biggest offenders of illegal drainage into the river was by the State, as evidenced by drainage from the new Calvert-St. Mary's Bridge which dumped onto his property and then into the river. Mr. Guyther noted that the State could exempt itself from local regulation and the County did not have any power, other than negotiating in trying to get the problem resolved. The Chair advised Mr. Smith that if he wished to provide his written comments to the Commission on this problem, the Board would be glad to forward those remarks to the State, hopefully to rectify the problem.

Mr. Floyd Williams voiced concern with his understanding that the proposal, as presented, contained flexibility which would allow the Planning Commission the option of providing other avenues of recourse. Mr. Williams stated, "If something goes along, you can handle somebody that you don't want to build, you can tell him that he can't build. So, you either got a regulation or you don't have. When you put a regulation on the book, don't put it on there so it's so confusing that nobody knows what they're doing...either make the regulation or don't make it, so that you know what you can do."

Hearing closed, however, the record will remain open for written comment for ten, (10) days.

SPEC # 85-1551: REGULATIONS FOR MINOR SUBDIVISIONS

Changes are proposed to the St. Mary's County Zoning Ordinance and Subdivision Regulations regarding the definitions and/or regulations of: "Farmsteads", "Access" Points, "Parcels of Record", "Minor Subdivisions" and "Roadway Standards".

Mr. Guyther recalled that last May, after reviewing a number of problems involving the minor subdivision regulations, the Planning Commission decided that a new updated review and analysis of the existing Minor Subdivision Regulations was in order, particularly with respect to the interpretation of the existing regulations. Staff advised that the Zoning Ordinance and Subdivision Regulations currently defined a minor subdivision as a subdivision which did not include the construction of new public roads and further, that when any subdivision that does not require the construction of new public roads, up to eight lots were permitted. Mr. Guyther advised that this regulation was initially being interpreted such that if there was a public road, an individual could develop lots on the public road and in addition, could put up to eight lots in the rear as a minor subdivision. During the course of consideration of one particular case, where an individual had developed lots on the road and then came back to resubdivide, the Planning Commission asked for the County Attorney's interpretation of that request, as guided by the existing Minor Subdivision Regulations. At that point, the County Attorney indicated that the regulation had been incorrectly interpreted and that a minor subdivision granted a total of eight lots; if one wished to develop nine or more lots, a public road would be required. Having been issued with that legal interpretation, the Planning Commission then decided to review the regulations as a whole and a committee was formed, consisting of County Commissioner Ford Dean, Planning Commission members Alfred Mattingly and Billy Guy, Joseph Densford, Assistant County Attorney, Donnie Ocker of the Office of Public Works, Herb Redmond of the D. H. Steffens Co., Francis Abell of J. R. McCrone, Inc., and Robin Guyther, Planner, Office of Planning and Zoning. Mr. Guyther emphasized that the purpose behind the adoption of the Minor Subdivision Regulations was to allow subdivision privilege to farmers and individuals who wished to give lots to their children, who did not want to go through the expense of constructing public roads. Staff now estimates that 85% of all applications received for minor subdivision are for development purposes. The Planning Commission has thus projected, that given the pace of development in the County and the types of "uncontrolled minor subdivision development" that there is an urgent need to develop and adopt some additional standards for the minor subdivision procedures. The second item of contention pertains to the farmstead. Mr. Guyther identified a farmstead as a piece of property containing over 15 acres, which can be sold off, provided there is an existing right-of-way. Mr. Guyther elaborated on the problem, noting that currently, these properties are sold, by deed, are not recorded in the Planning Department's records and are not reviewed by the Planning Commission. Frequently, the Planning Commission reviews plans for minor subdivisions and finds that several farmsteads have been "tacked on" without any prior knowledge. Mr. Guyther emphasized that the proposed text would not eliminate the farmstead, but rather would eliminate the farmstead loophole. Under this proposal, a farmstead could be sold, however, it would be counted as a lot and would be subject to the subdivision process, just the same as a smaller one acre lot.

Given this background, Mr. Guyther elaborated on the following recommendations/regulations formulated by the Minor Subdivision Review Committee:

1. The farmstead exemption should be eliminated. Any conveyance should count as a lot for minor subdivision lot counting purposes.

2. There shall be as few access points as possible from a public road to any parcel being subdivided.

3. For purposes of DEFINING PARCELS of Record, only County and State Road Rights-Of-Way which existed on March 15, 1978, shall be considered parcel dividers.

4. Unless the landowner constructs a new public road, parcels of record, as of March 15, 1978, are permitted a total of 7 lots plus a residue parcel. The lots and the residue may be located on a private right-of-way or on existing public roads, but in no case shall the number of lots created exceed 7, plus the residue. Any additional lots will require the construction of public roads to serve any lots which are not already served by a public road.

Mr. Guyther emphasized that these regulations had been deliberately designed to make the minor subdivisions a little more difficult to construct.

5. Roadway Standards

1. 4 - Lot minor subdivision (4 lots, total).  
No change to existing procedures.
2. Minor Subdivision (5 to 8 lots, total).  
Major change.

A road serving 5 lots or more, must be engineered to the R-1 Standard (lowest road standard contained in the County's Road Ordinance), however, it does not have to be built to that standard. The Office of Public Works must approve the engineering for the drainage, slopes, erosion control, ditches and stormwater management. Thus, all the grading, etc. must be installed the same as if a public road were to be built, however, the road would not have to be paved or blacktopped. Mr. Guyther advised that the purpose for this requirement was based upon the projection that most of these types of development would eventually develop into major subdivisions and at that point, it would be economically feasible for the developer to bring the preengineered roadway up to public standard.

Staff also noted that Mr. Alfred Mattingly had proposed a modification to the standards presented. Mr. Mattingly proposed that up to ten (10) farmsteads/15 acre lots, be permitted on a private road and, if an individual had an eight lot subdivision of regular lots and he wished to add farmsteads, two such lots/farmsteads would be permitted. The Planning Commission did not opt to accept Mr. Mattingly's recommendation, and felt that the "juggling" of numbers under Mr. Mattingly's proposal, could become a real problem.

The Chair open the public hearing for public comment.

Mr. Oliver Guyther, Esq. led the discussion and stated that he had several proposals which he felt were better than those proposed by the "Mattingly Committee" which could be addressed more appropriately as a policy decision. Counsel was of the opinion that the proposals as set forth by the Minor Subdivision Committee, appeared to be heading towards gradual eradication of the minor subdivision.

Mr. Guyther commented that in listening to the presentation relative to the necessity for stormwater management run-off control which was totally necessary in order to comply with the Patuxent River Plan and in conjunction with same, considering the impervious area permitted on a lot, the plan "really makes sense." Mr. Guyther emphasized that clustering in rural areas, which minor subdivisions create, would save the over-all cost of each lot owner considerably.



Mr. Guyther felt that it was even more important to encourage minor subdivisions as they would eliminate maintenance problems for St. Mary's County in terms of taking over the roads, that this could be accomplished through provision of covenant. Mr. Oliver Guyther provided each of the Commissioners with a copy of what he referenced as a "model deed" regarding minor subdivision roads. He felt that the consideration of covenants could address the following: Would put the buyer on notice as to his rights relative to a minor subdivision road and would require the buyer to pay a road maintenance fee every year; the developer would be required to set up a trust road trust fund and thereby designate two property owners within the subdivision to handle those funds. Recognizing that the road costs could not be "set forever", counsel proffered that his suggested covenant would provide that the cost for a road in a seven lot minor subdivision be set at \$150.00 per person, per year for eight years. At the end of that period, the owners of the lots would meet and agree to a projected maintenance cost for the next ten years and continue accordingly. By such plan/covenant, Mr. Guyther urged that the County "saves itself a lot of maintenance money" provided that each buyer entered into such agreement thereby insuring that all property owners within said development participated in the maintenance of the road. Counsel referenced the fact that the Comprehensive Plan contained a full section on the advantages of clustering in terms of fire protection, police protection, etc. and while his suggestion was not "perfect, it was decidedly a step in the right direction." Mr. Guyther urged, "Let this be the little mans way of clustering. I say not to put our young people and our poor people in a position of having to move into what they call the golden triangle and keep building up that density and population....I see the present tendency is to really force our people into apartments and trailers. I really sincerely believe the minor subdivision is a good way to help those people to have their own homes. Clustering makes it possible to do and keeps the cost down."

Mr. Oliver Guyther stated that he had another suggestion relative to the developer of a minor subdivision turning over the road plans to the Office of Public Works for approval. In lieu of that procedure, counsel felt that the County adopt the regulation that all engineering firms would be required to design the road to the same County standard, thus eliminating that extra job/review by the Office of Public Works. Mr. Guyther felt that Recommendation A of the Committee's Report (regarding farmstead exemption) was unfair, particularly with regard to the wording: Any conveyance should count as a lot for minor subdivision lot counting purposes. Counsel elaborated on his disapproval and noted that he had discussed his concern at length with the Director of the Planning Department, specifically, "Counting of the sale of any lot that took place since 1978 off of that parcel against the number of minor subdivision lots, I don't think it's good planning, I think it's unfair."

In conclusion, Mr. Guyther urged the Commissioners to consider appointing a five man committee, limited to a period not to exceed 45 days evaluation, to "rehash" these proposals. He suggested that the committee be comprised of a real estate broker, two registered land surveyors, a member of the Land Use Office, and an attorney familiar with land transactions. Mr. Guyther felt that he would not want to prolong this issue, however, he felt that further analysis by separate committee would "add to it and maybe improve what is basically a good plan....this isn't to knock what has happened but to commend what is good and ask for a little time to add something to it...."

Mr. Floyd Williams asked staff to elaborate on the types of problems incurred by the minor subdivision and farmsteads and where some of these concerns have been located. Mr. Robin Guyther responded that the problems were numerous, that it was basically a problem of poor planning, that the roads were becoming congested because of numerous private accesses and a more general problem of the buyers not being made aware of the status concerning their street, e.g. property owners being under the impression that they were entitled to snow removal. Mr. Guyther added that another problem and major concern involved the issue of "sprawl development" which posed problems in terms of providing services to those rural developments. Staff emphasized that the proposed regulations were being presented in an attempt to help lessen or alleviate some of these existing problems. Mr. Guyther pointed out that St. Mary's County was rather unique in that it was the only county in the State that allowed eight lots on a private road, that there were no other counties that allowed more than three.

Mr. J. Wilmer Bowles asked staff to elaborate on eight lots per parcel of land. Mr. Guyther stated that each parcel was entitled to development of up to eight lots without building a new public road, either by using the existing public road or putting in a private road. A parcel is defined as a parcel of record, as of March 15, 1978 (date of the adoption of the original Minor Subdivision Regulations). Mr. Bowles referenced a particular subdivision that he had been involved with and through discussion noted that while he had met with the OPZ staff on this proposal, took the matter before the Planning Commission, staff recommended approval, the decision of the Planning Commission had resulted in a denial of the application. Mr. Bowles brought this to the attention of the Commissioners only to emphasize that "while we're sitting here talking about what we can do, we've got another agency denying us the right to do what all of us are sitting here saying we can do, that's a problem...that somehow the Commissioners need to deal with."

Mr. Bowles felt that all minor subdivisions should be required to include covenants with regard to the road, as previously outlined by Mr. Oliver Guyther. Additionally, Mr. Bowles suggested that if the Commissioners opted to entertain the suggestion to appoint a committee, as formerly suggested, he urged that the committee membership be increased to a minimum of seven, and a maximum of nine and to include individuals other than those previously identified, preferably "small property owners."

Mr. Francis Abell of McCrone, Inc. voiced concern with the farmstead provision, as suggested. He felt that there was a need for "quick transfer of land" for numerous reasons and that if the farmstead were to be made part of the one lot minor subdivision, the turn-around time would be increased and this would place a hardship on many individuals. He stressed the need for some type of "tool" which would provide for a "quick transfer of land" without it having to come before the Planning staff. Mr. Guyther commented that he had no problem with Mr. Abell's suggestion, however, he pointed out that in trying to accommodate that need, a large loophole would again prevail. He welcomed suggestions which would address this need, without creating some of the problems which now existed. Mr. Abell felt that quite possibly the "estate provision" could be considered, as this was not currently part of the Zoning Ordinance. Commissioner Aud urged Mr. Abell to put his suggestions in writing.

In response to question by Mr. Garner Hayden, Mr. Guyther elaborated on the effect that such regulations would have on the heirs of existing farmsteads where the deceased parents had given their children lots and those heirs were now faced with inheritance of the property (would basically depend of the number of lots conveyed and date of conveyance).

Mr. William Hebb stated that it appeared from discussion this date, that the effect of the proposed regulations, in essence, inhibited minor subdivision and pushed toward major subdivision, forcing the major growth of the county into the "golden triangle." Speaking at length to the proposal, Mr. Hebb opposed the proposal and felt that adoption of same would result in decreased property values and would inhibit property sales. Mr. Hebb urged the Commissioners to seriously consider the economic ramifications involved. In conclusion he felt that the only people who would benefit from these proposals were the local engineers and politicians.

Mr. Herbert N. Redmond, Jr., of the D. H. Steffens Co., spoke to Item No. 2 with regard to access points from public roads. He felt that the Planning Commission was "getting to the point where they won't allow any development along the road" which in essence, was penalizing those individuals who happened to own property along the road. Mr. Redmond advised that while he had participated on the committee, there were still several issues which he was not completely satisfied with. Mr. Redmond noted, "There must be some way that a parent can give land to their children without great expense and going through the entire subdivision parameters." He noted that he would provide his comments in writing for the record and Commissioners' review.

Commissioner Dean provided that he was the author of the minor subdivision provisions which were currently contained in the Zoning Ordinance, adopted in 1978. He advised that he had originally proposed that a minor subdivision be designated and defined as containing no more than 3 lots, however, the then Board of County Commissioners changed the number of lots from 3 to 8. Mr. Dean urged that having participated on the Minor Subdivision Review Committee, he wanted to make it perfectly clear that it had not been that body's intent to eventually eliminate minor subdivisions. In response to Mr. William's former inquiry, asking for examples of problems encountered with the existing minor subdivision regulations, Commissioner Dean offered several existing situations. First, he noted that the "bottom line" issue was to try to formulate and adopt provisions that would be for the best interest of the total citizenry of St. Mary's County, i.e. both the seller and more importantly, the purchaser of the lot. Mr. Dean emphasized that currently, many "unsuspecting buyers" bought property in the back of a subdivision and only too late learned that they were responsible to pay for the cost of installing utility trunk lines to their property. Commissioner Dean emphasized that such property owner was "relying on County Government to in its approval process, look after certain things, like this." One of the recommendations contained in the proposal is that of requirement of a road maintenance agreement. He felt that it was most important that the prospective purchasers be made aware of the realities involving their properties, particularly prior to making application to secure a loan to build on the property, as many lenders would not consider any application/property that did not have a recorded road maintenance agreement, if it was a private road, not publicly maintained. Commissioner Dean stressed, "What the Mattingly Committee recommended was to make some changes to something that the Board of County Commissioners did in 1978 where there is every indication some changes need to be made, not to eliminate the minor subdivision, to create two classes of minor subdivision so that individual who lives back on the farm and he wants to give a lot to his child and doesn't want to have to bother about building a road to any standard, doesn't have to do that. You can build up to four lots and you don't have to have any design standards or anything. But, if you're gonna develop more than that, there is the requirement of engineering the road and there is the requirement of putting back the utilities." While the latter is not included in the proposal, Commissioner Dean suggested that same be specifically addressed and included in the proposed text.

Mr. Jack Witten felt that this proposal was a step in the right direction. He suggested that the County could mandate that signs be placed at the entrance to all new development which specifically addressed whether or not public water and sewer would serve the site, whether utilities were included, roads built to public standards, etc. He also suggested that conspicuous signs be posted on properties where rezoning was being sought which would remain on that site until such time as the construction action was taken to consummate the agreement applied for.

Mr. Hebb questioned whether a disclosure statement could be included which would identify those minor subdivision properties not served with public utilities, roads, etc. Commissioner Dean acknowledged that a disclosure was now required on the plats of all minor subdivisions, however, he urged that it in an of itself, simply was not enough.

Mr. Redmond noted that under the proposal, gravel was not required on the road and he felt that this was a mistake and consideration should be given to some modification of that point.

In response to inquiry by Mr. Richard Russell, the Chairman advised those present of the public hearing process/procedure. Following discussion among the Commissioner members, the Chair advised that this matter would be placed on the April 29th agenda. Commissioner Aud noted that the Board's agenda was currently published in the Friday issue of the Enterprise Newspaper.

The public hearing was closed, however, the Chair noted that the record would remain open for ten days in order that written comments might be accepted.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) SEWER LINE TO SERVE  
PROPOSED FACILITIES AT GOVERNMENTAL CENTER

As a follow up to previous discussion held on March 11, Mr. Norris stated that the Town of Leonardtown is awaiting a response from the County regarding the cost sharing of the additional \$100,000 for the gravity sewer line to serve the proposed state office building and correctional facility to be located at the Governmental Center. He stated that this will require an addition to the capital budget for the next fiscal year.

The Commissioners indicated their concurrence and suggested that Mr. Norris request the Town to concur.

2) FAA GRANT  
ENVIRONMENTAL ASSESSMENT

Mr. Norris advised that the FAA Grant will be awarded to the County for the Environmental Assessment of the County Airport. He stated that this will require additional appropriations from next year's capital budget.

3) PUBLIC WORKS AGREEMENT  
HERITAGE MANOR HOMES

Mr. Norris advised that he will be receiving a Public Works Agreement by and between County Commissioners and Heritage Manor Homes of Lexington Park, Sans Souci Estates, Section II, guaranteeing the completion of roads by March 1, 1987. The Agreement will be backed by a Letter of Credit in the amount of \$189,000 by Maryland Bank and Trust. Authorization is needed for Commissioner President Aud to sign the Agreement.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign the Public Works Agreement. Motion carried.

4) ADDENDUMS TO PUBLIC WORKS AGREEMENTS

Mr. Norris advised that he was anticipating receiving Addendums to Public Works Agreements for Scotch Pine Court (Station 0+00 to 6+86) and for Wildewood Parkway (Station 62+00 to 77+51) in the respective amounts of \$15,000 and \$10,125. The Public Works Agreements were due April 1, 1986.

5) TALL TIMBERS EROSION DISTRICT

Mr. Norris advised that he needed to make the Board aware of the April 20 deadline for obtaining easements for the Tall Timbers Taxing District project, and that he has only obtained two of the 38 easements. If we do not receive these easements by April 20 there will be a \$180,000 liability to the County.

6) REQUEST FOR ADDITION OF JETTY  
ISLAND CREEK TO ST. GEORGE ISLAND

Mr. Norris advised that a petition has been received from the businessmen of St. George Island requesting the County to contact the Corps of Engineers to request a feasibility study for a rock jetty at the mouth of Island Creek to St. George Island.

After discussion, Commissioner Sayre moved, seconded by Commissioner Dean, to authorize Commissioner President Aud to sign appropriate correspondence to the Corps relative to this request. Motion carried.

7) COUNTRY LAKES SUBDIVISION  
ROAD RESOLUTION NO. R86-11

Mr. Norris displayed a plat of Country Lakes and advised that the citizens association has asked the County to address speed limits within the subdivision.

After discussion, Mr. Norris presented Road Resolution No. R86-11 setting the speed limit on Yowaiski Mill Road at 30 miles per hour. Commissioner Sayre moved, seconded by Commissioner Dean, to authorize Commissioner President Aud to sign the Resolution. Motion carried.

8) BRIDGE AT HORSE LANDING

As a follow up to previous discussion, Mr. Norris stated that the bridge has been rated with no structural deterioration. It was rated at its full capacity based on the design. He stated that the solution to the problem would be an improvement to be included in the capital projects. Mr. Norris stated that he would bring to the Board on April 15 a proposal to design the two bridges (Horse Landing and Cornfield Harbor) that have weight restrictions, and follow up the design with a construction program for one or both.

OFFICE OF COUNTY ADMINISTRATOR

Present: Edward V. Cox, County Administrator

1) PERSONNEL

The County Administrator presented the following personnel items for the Board's consideration:

a) Building Maintenance Mechanic II  
Department of Public Works

Memorandum dated March 31, 1986 from Personnel Officer recommending the appointment of Phillip Ridgell to the Building Maintenance Mechanic II position, Grade 7.

b) Construction Inspector Positions  
Department of Public Works

Memorandum dated April 1, 1986 from Personnel Officer advising that authorization had been given to fill the Construction II and III positions vacated by John Meidunas and John Dwyer. None of the applicants had the required experience and, therefore, the Director of Public Works has requested that the positions be reclassified to Trainee-Construction Inspectors I with promotion potential. Authorization is requested to advertise these positions.

Commissioner Sayre moved, seconded by Commissioner Dean to approve the above requests. Motion carried.

2) MINOR LEAGUE BASEBALL STADIUM FOR SOUTHERN MARYLAND

The County Administrator presented correspondence dated February 5, 1986 from Tri-County Council requesting endorsement of a project for a stadium for minor league baseball in Southern Maryland. Therefore, Mr. Cox presented correspondence to Secretary Brown of the Department of Natural Resources and Secretary Maddux of Maryland Department of Economic & Community Development endorsing the project and requesting additional funds of \$250,000 from Program Open Space (DNR) and from Maryland Industrial and Commercial Redevelopment Fund (Md. DECD).

The Commissioners agreed to sign and forward the referenced letters.

COUNTY'S PURCHASING SYSTEM

Commissioner Dean stated that in 1976 the Commissioners adopted Resolution No. 76-32, which sets forth the guidelines by which the County purchases goods and services, and which is still in effect. Commissioner Dean advised that he has gone through a process of revising the Resolution and put together a proposed Ordinance which would delineate and clarify the County's purchasing procedures.

Therefore, Commissioner Dean moved, seconded by Commissioner Sayre, that the County adopt Resolution No. 86-09 adopting the proposed Ordinance as the interim policy of the County and at the same time start the public review process required for the adoption of the Ordinance. Motion carried.

ADJOURNMENT

The meeting adjourned at 4:10 p.m.

Approved,



George R. Aud  
President