

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, October 21, 1986

Present: Commissioner J. Patrick Jarboe, M.D., President
 Commissioner Ford L. Dean
 Commissioner David F. Sayre
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:50 a.m.

APPROVAL OF MINUTES

Commissioner Sayre moved, seconded by Commissioner Dean, to approve the minutes of the Commissioners meeting of Tuesday, October 14, 1986 as submitted. Motion carried.

APPROVAL OF BILLS

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

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) PUBLIC HEARING
RENAMING ELM LANE TO GUNSTON DRIVE

The Commissioners conducted a public hearing on the proposal to rename Elm Lane to Gunston Drive in the Town Creek Subdivision, Eighth Election District. Mr. Norris displayed a plat of the property and indicated that Elm Lane is a continuation of Gunston Drive. Residents of the area have requested that it be changed to Gunston Drive.

Commissioner President Jarboe inquired whether anyone present wished to make comments on the proposal. Hearing none, the public hearing was closed. A decision will be made after ten days of the hearing.

2) QUATMAN ROAD

Mr. Norris advised the Commissioners that in October 1949 Quatman Road, Eighth Election District, was accepted into the County Highway Maintenance System. The records indicated the length of the road to be 2.6 miles; however, the Deed dated October 25, 1986 indicated the distance at .45 miles.

Mr. Norris stated that the gravel road goes back to a pond and there are only a couple of homes on the road, and inquired whether the Commissioners were desirous of abandoning it or reaffirming the County's ownership.

The Commissioners directed Mr. Norris to get more information relative to the property adjacent to the road prior to making a decision.

3) ROAD RESOLUTION NO. R87-13
SHANGRI LA DRIVE

Mr. Norris presented the referenced Road Resolution posting Shangri La Drive as a No Parking Zone from its intersection with Maryland Route 235 and Maryland Route 246 for its entire length in the westerly direction.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Jarboe to sign the Road Resolution as presented. Motion carried.

4) ADULT DETENTION CENTER

Mr. Norris advised that the bid opening for the referenced project is scheduled for November 21. Therefore, Mr. Norris requested authorization from the Board for Commissioner President Jarboe to sign the title page of the construction drawings once they are prepared.

Commissioner Sayre moved, seconded by Commissioner Dean. Motion carried.

5) TOWN RUN SEWER PROJECT
GRAVITY SEWER LINE
PROPOSED PLAN

Mr. Norris displayed the proposed plan for the Town Run Sewer project and stated that he had various Agreements associated with the project that requires the Board's concurrence. Two of the documents are alternative Easement Agreements with the Nazareth Literary and Benevolent Institution. One of the Easement Agreements specifies an \$1100 per equivalent dwelling unit repayment for connector fees payable upon development of certain properties. The other Agreement does not specify an amount to be paid for the sewer line connection. Mr. Norris stated that the Nazareth Literary and Benevolent Institution will review the documents and he will advise the Board as to which Easement Agreement they will accept.

Therefore, Mr. Norris requested the Board's concurrence with the documents and to authorize Commissioner President Jarboe to sign the Agreements as presented.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Jarboe to sign the two alternative Easement Agreements by and between Nazareth Literary and Benevolent Institution and the Board of St. Mary's County Commissioners, pending approval by the County Attorney. Motion carried.

Further, Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Jarboe to sign an Agreement by and between the Board of St. Mary's County Commissioners and the Commissioners of Leonardtown. Motion carried.

6) PUBLIC WORKS AGREEMENT ADDENDA
PATUXENT PARK WEST

Mr. Norris presented the following Addenda to Public Works Agreements by and between Patuxent Park West Villas Limited Partnership and The David Corporation and the St. Mary's County Commissioners:

- a) Extending the deadline for completion of Pacific Drive to June 1, 1987; backed by a U.S.F. & G bond in the amount of \$37,500;
- b) Extending the deadline for completion of Liberty Street to June 1, 1987; backed by a U.S.F. & G bond in the amount of \$31,400;
- c) Extending the deadline for completion of Pacific Drive and Liberty Street to June 1, 1987; backed by a U.S.F. & G bond in the amount of \$1715,300.

Commissioner Sayre moved, seconded by Commissioner Dean, to authorize Commissioner President Jarboe to sign the Addenda as presented. Motion carried.

BUSHWOOD WHARF PROPERTY

Present: Joseph Densford, Assistant County Attorney

Mr. Densford advised the Commissioners of the title problem with the Deed regarding the Bushwood Wharf property. He stated that many years ago the County acquired 1/3 of an acre at Bushwood Wharf and 1/3 of an acre surrounding it. The property has been subject to continued vandalism. An adjoining property owner has claimed adverse ownership. The County employed a surveyor to do a survey of the property. The conclusion of the surveyor is that he is not clear as to the ownership.

This issue has been discussed with the adjoining property owner and an Agreement has been prepared. The Agreement is summarized as follows:

The County will execute a quitclaim deed to the property at Bushwood Wharf to the adjoining property owner. In exchange for that conveyance of whatever interest the County may have, if the County would lease for the sum of \$1.00 per year for five years at Bushwood Wharf property (ramp, parking lot, wharf), the adjoining property will agree to construct a bulkhead to prevent further erosion.

At the end of five years the lease would be terminated and the property would revert to the adjoining property owner. During the time the County is leasing it for \$1.00 Mr. Baggett, Director of Recreation and Parks, will try to find a suitable location in the area for a facility for the public.

The Commissioners agreed to discuss the matter in a public hearing format.

BIDS ON PURCHASE OF SHERIFF'S DEPARTMENT VEHICLES

Present: Paul Raley, Director, Purchasing & Logistics
Lt. Gene Pellillo, Sheriff's Department

Mr. Raley presented the bid tally sheet for the purchase of 13 vehicles for the Sheriff's Department (ten police vehicles and three regular production vehicles).

Mr. Raley recommended awarding the bids as follows:

Fenwick Ford in the amount of \$12,567 each - \$125,670;

McKay Implement & Truck Co. in the amount of \$11,545 each - \$34,635.

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) NOTIFICATIONS OF GRANT AWARD
OFFICE ON AGING

The County Administrator presented the following Notifications of Grant Award for the grant period July 1, 1986 ending June 30, 1987:

Grant #ST 87-83 - Gateway I - \$18,709

Grant #3-24-AAA-013 - Title IIIB - \$23,002
Title IIIC - \$29,138
Title IIIC2 - \$5,250
Total - \$57,390

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Jarboe to sign the NGA's as presented. Motion carried.

2) AGRICULTURAL COMMISSION

Commissioner Sayre moved, seconded by Commissioner Dean, and motion carried, to appoint the following individuals to the Agricultural Commission:

<u>Name</u>	<u>Representation</u>
James B. Beavan, Sr.	Soil Conservation Dist.
James B. Beavan, Jr.	So. Md. Farm Credit
Douglas Cornelius	Watermen's Association
R. Johns Dixon	Farm Bureau
Karen J. Gailey	Forestry Service
Alfred L. Hasel	Farmers Home Adm.
David W. Morgan	County Economic & Community Dev.
James R. Owens	Nursery/Horticulture
Walter E. Raum	Livestock
George B. Reeves	Tobacco
Joseph A. St. Clair	Field Crops
Edward Swecker	Cooperative Extension Service

3) APPOINTMENT
JOB TRAINING PARTNERSHIP ACT PRIVATE INDUSTRY COUNCIL

Commissioner Dean moved, seconded by Commissioner Sayre, to appoint John D. Lawrence to the JTPA Private Industry Council. Motion carried.

4) APPOINTMENT
METROPOLITAN COMMISSION

Commissioner Dean moved, seconded by Commissioner Sayre, to appoint Gerard Lowe as a member of the Metropolitan Commission from the Third Election District. Motion carried.

5) TRICK OR TREAT NIGHT

Commissioner Sayre moved, seconded by Commissioner Dean to officially set Friday, October 31, 1986 as "Trick or Treat" Night in St. Mary's County. Motion carried.

6) AMENDMENTS TO ETHICS ORDINANCE

The County Administrator advised that the proposed amendments to the County's Ethics Ordinance has been forwarded to the State Ethics Commission for acceptance. He stated that the staff of the State Ethics Commission had no problem with the amendments; however, the Commission would not be meeting until mid-November. Mr. Cox stated that he suggested to the State that the County proceed with the public hearing on withhold a decision until official word is received from the State Ethics Commission.

The Commissioners gave their concurrence to schedule the public hearing on Wednesday, November 12.

7) MECHANICSVILLE RESCUE SQUAD
REQUEST FOR ADVANCE LOAN

The County Administrator presented a memorandum dated October 21, 1986 from the Budget Director stating that the Mechanicsville Rescue Squad has requested the County Commissioners to advance \$49,5000 in order to pay a demand note due to Maryland National Bank on October 22. The funds have been approved as part of the organization's request under the Capital Revolving Fund. The Rescue Squad will pay the interest that the County would have normally made.

Commissioner Dean moved, seconded by Commissioner Sayre, to advance the funds as requested and authorize the President of the Board to sign the Agreement as soon as it is prepared. Motion carried.

8) CHESAPEAKE BAY CRITICAL AREAS COMMISSION

The County Administrator advised of the Notification of Grant Award in the amount of \$100,000 from the Chesapeake Bay Critical Areas Commission for Fiscal Year 1987 to assist the County in carrying out responsibilities under the Chesapeake Bay Critical Area Protection Program.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Jarboe to sign the NGA as presented. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Sayre moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss a matter of Personnel. Motion carried. The Session was held from 11:20 a.m. to 11:40 a.m.

PROCLAMATION

"TRICK OR TREAT" FOR ANIMALS

The Commissioners presented the referenced Proclamation designating Friday, October 31, 1986 as "Trick or Treat" for Animals Night.

COMMENDATION

H. EDWIN COLE

Present: H. Edwin Cole

The Commissioners presented a Commendation to Mr. Cole for his outstanding service to the citizens of the County by his efforts in the establishment of the Community College program.

SHORTAGE OF NURSES

Commissioner Jarboe stated that the County has been having a problem at the hospital with staff, particularly with nurses. He stated that the local nursing program is being discontinued after this year, and after discussions with the Director of Nursing at the hospital and with the County Administrator, it was felt that the County should do something to bring the LPN Program back.

Commissioner Jarboe suggested that there be a meeting of all interested parties to look at the problem and determine what needs to be done to solve it, including the possibility of resurrecting the nursing scholarship program. He suggested that the meeting be scheduled after a regular Commissioner meeting and should include representatives of the hospital, nursing home, Community College, and Board of Education.

The Commissioners gave their concurrence.

PUBLIC HEARINGS

1:00 P.M.

Commissioners present: Patrick J. Jarboe, President, Commissioners Ford L. Dean and David Sayre. Commissioner Millison was absent. Staff present included: Frank J. Gerred, Director, Robin Guyther, Planner, and Anita M. Meridith, Recording Secretary, Office of Planning and Zoning.

Members of the audience included:

Ingrid Hebb, Drayden, Maryland
Richard Marks, WKIK Radio Station
Frances Eagan, Lexington Park, Maryland
B. A. Loftis, California, Maryland
Fred Kless, California, Maryland

(Continued)

George Davis, Bel Air, Maryland
Edgar D. Bareford, Gaithersburg, Maryland
David M. Jenkins, D. H. Steffens Company
William Hebb, Porto Bello
Gary Graham, California, Maryland
John Pleisse, Esq., California, Maryland
Andrew V. Colevas (Tidewater Development Corp.)
Philip H. Dorsey, Esq., Leonardtown, Maryland
Keith Allston, Leonardtown, Maryland
Judy Landau, Tide Newspaper,
Dick Myers, Hollywood, Maryland (WPTX/WMDM Radio Station)
B. George Lauterbach, P.O. Box 417, California, Maryland
Oliver Guyther, Leonardtown, Maryland
Ken Sumner, Annandale, Virginia
Vicki Volk, Enterprise Newspaper
Elizabeth Reeves, Maddox, Maryland

ZPUD # 86-1058: FIRST TIDEWATER PROJECT

Requesting rezoning of 79.9 acres from R-2 to PD-CP, Planned Development - Commercial Park (27.6 acres) and PDR 5.0, Planned Development Residential (52.3) acres. The property is the southeast corner of the intersection of Maryland Route 235 and Old Rolling Road; shown on Tax Map 34, Block 23 as Parcel 99.

The Planning Commission record was entered into the formal record, including public notice which was published in the "Enterprise" Newspaper, a publication of general county-wide circulation on October 1, 1986. Staff noted that this mixed use PUD was proposed for the property located on the corner of Old Rolling Road and Route 235 (southwest corner).

Representing counsel, John Pleisse, Esq. came forward and presented the returned postal receipts from the certified mailings sent to all contiguous property owners, marked Applicant's Exhibit No. 1. Correspondingly marked Applicant's Exhibits Nos. 2A and 2B were photographs offering visual evidence of the posting of the placard on the subject site.

Addressing the Board, counsel provided a large plat of the proposed development for the Commissioners and oriented them as to the location of the site, contiguous properties and landmarks. The plan includes proposed commercial development towards the front, higher density residential in the middle and single family in the rear. Mr. Pleisse urged that one very important aspect which had been included in the plan, in anticipation of the Lexington Park Transportation Plan for the Lexington Park area was that Barefoot Drive be extended through the property, resulting in a major thoroughfare and connector road at some point in the future.

Mr. David M. Jenkins of the D. H. Steffens Company provided detailed information relative to the requested PUD. The parcel, inclusive of 79.9 acres, will be developed as follows: The front portion (25 acres of commercial park) will be developed with professional offices; the hotel/conference center activity would cover 6.4 acres and remaining 4.5 acres would be developed with the home supply outlet (this site also contains provision for a 3 acre stormwater management facility). Access is to be provided from Route 235 into the site and also off Old Rolling Road. The remaining 50 acres are proposed for a planned development residential at a density of 5 units per acre. The central portion will be developed with 206 townhouse units and would be accessed by a major collector road intersecting at Barefoot Drive extended and access point on Old Rolling Road. On site facilities will include a clubhouse with a swimming pool, two tennis courts and additional recreational areas will be scattered throughout the site (noted on the displayed site plan).

100 ft. planted/landscaped buffer set-back will be provided between the residential and commercial sections. A 50 ft. buffer will be provided around the southeastern and northern sides of the property. The remaining 22 acres from Barefoot Drive extended southward is proposed to be developed with 22 single family lots (these lots range from 13,000 to 18,000 sq. ft.). The property will be served by public water and sewer. Mr. Jenkins urged that the original proposal was somewhat different, as the plan had been changed in concert with the TEC comments primarily dealing with the road network within this planned community.

Mr. Pleisse spoke at length to former concerns expressed relative to the access road network, impact that this development would pose on the existing highways and changes which had been incorporated in this latest submittal - Barefoot Drive extension and widening of the main feeder road (Old Rolling Road to be improved to THREE (3) lanes from Route 235 to the first road into the project off Old Rolling Road) so as to offer some relief to the existing traffic situation on Old Rolling Road.

Mr. Guyther noted that the Planning Commission had also recommended that a bypass lane be constructed at the intersection of Old Rolling Road and Barefoot Drive when Barefoot Drive was constructed. Mr. Pleisse stated that the applicants were amenable with the recommendations levied by the Planning Commission and supported by staff.

The Chair opened testimony for public comment.

Mr. Bernie Loftis, Box 24, Old Rolling Road, emphasized that currently, Old Rolling Road was a 30 ft. right-of-way with a 20 ft. road and that this proposal to add 200+ units to the existing traffic on this substandard road would "really be creating a problem." Mr. Loftis emphasized that there was a dangerous curve on this road and that thought should be given to the fact that the proposed trailer park (Amber Meadows) would eventually be accessing this road as well. He suggested that the applicant retain ingress/egress from Route 235. Staff responded that the problem with that suggestion was that there was no cross-over at that point which would necessitate making U-turns.

Mr. Jenkins interjected that the plan had been developed in concert with the County's over-all transportation plan and had attempted to "try to distribute traffic rather than having it funneled through one or two roads."

Judy Landau of the Tide Newspaper, asked whether the total cost for this project was known. Mr. Pleisse advised that it was not and depended on many variable factors. The applicants/corporate developers were given as: Andrew V. Colevas, President, Keith Allston, Vice-President, and Philip H. Dorsey, Secretary and Treasurer.

Mr. Fred Kless of California, Maryland, spoke in favor of the project, noting simply, "I like the idea, myself."

Hearing no further testimony, the public hearing was closed with the matter being taken under advisement.

1:30 P.M.

JOINT HEARING HELD BY THE ST. MARY'S BOARD OF COUNTY COMMISSIONERS AND ST. MARY'S COUNTY PLANNING COMMISSION

Commissioners present: J. Patrick Jarboe, President, Commissioners Ford L. Dean and David Sayre. Planning Commission members present: Alfred Gough, Jr., John Bohanan, James Spence, William A. Guy, Hope Swann. Staff present included: Frank J. Gerred, Director, Robin Guyther, Planner, Jeffrey Jackman, Land Use Planner, and Anita M. Meridith, Recording Secretary, Office of Planning and Zoning.

SPEC # 86-1543: INTERIM CRITICAL AREAS CRITERIA

This proposal establishes temporary Development Standards within the Initial Planning Areas established by the Chesapeake Bay Critical Areas Act. The Initial Planning Area is 1,000 ft. landward from any tidal waters or wetlands.

The proposed temporary standards would treat all land in the Initial Planning Area as a Resource Conservation Area, as defined in the Critical Areas regulations. Generally, the standards would allow land within the 1,000 ft. planning area to be developed at a density of 1 house per 20 acres. However, there are provisions to allow land transfers to family members at a greater density and existing vacant parcels of land are not to be prohibited from building a house, regardless of the size of the parcel.

These interim standards are expected to be in effect for one year or less. Copies of the proposal are available from the Office of Planning and Zoning, 2nd Floor, Governmental Center in Leonardtown, prior to the hearing.

Mr. Gerred explained that the considered proposal was born of the Critical Area Criteria developed by the Chesapeake Bay Critical Area Commission, which in part provides that any development allowed within the Critical Area, the first 1,000 ft. above tide, along the County's water edge, would be counted against the 5% development allowed for redesignation for NEW development in the upcoming planning process, which does not insofar as possible by the County, meet the Critical Criteria. Mr. Gerred advised that he had interpreted "insofar as possible" to mean that the County rely on the existing laws and attempt to coerce and persuade individual development with regard to protection of the bay. As several sistering counties have recently developed moratoriums, staff felt that the issue should be brought to the Planning Commission and Board of County Commissioners because the Critical Area Commission might in fact decide that St. Mary's County has not gone insofar as possible by not imposing a moratorium. Mr. Gerred urged that staff was not opposing a moratorium, but rather was suggesting that the County impose that the most restrictive criteria area be applied within that first 1,000 ft. for the next ten months (approximately) until such time that the plan was adopted and the regulations on the books. Essentially, staff was suggesting that the County adopt policy that the Resource Conservation Area be designated around the County, as provided on the displayed map (1,000 ft. from all tidal waters). Mr. Gerred explained that essentially, such an adoption would mean that anyone trying to subdivide or any zoning proposal within this area, would not be allowed if it exceeded a density of greater than 1 unit per 20 acres or did not meet those special provisions for family subdivision.

President Jarboe asked staff to elaborate on what would be allowed and the proposed restrictions within the RCA. Mr. Gerred explained the proposed interim RCA designation as follows:

PROHIBIT - NEW Industrial or Commercial facilities.

NEW RESIDENTIAL DEVELOPMENT

- May not exceed density of 1 dwelling unit per 20 acres except under certain circumstances (those exceptions outlined in prepared resolution, distributed to each of the Commissioners present);

- May not decrease the total acreage in forest cover;
- May not adversely affect water quality and habitats;
- Must comply with State regulations governing sediment control and stormwater management;
- May not occur on slopes greater than 15%;
- May not create a man-made impervious surface in excess of 15% of the site proposed for development.

Mr. Gerred reiterated that these proposed interim measures would apply to the first 1,000 ft. from tidal waters and anticipated that said rules would remain in effect only until such time that the final regulations were promulgated. This would then reserve to the County Commissioners the designation of the new limited development area without restriction. Additionally, he noted that there were several other pertinent issues which the Planning Commission and Board of County Commissioner must consider, i.e. consideration of the effective date of these regulations (consider retroactive date).

Staff explained that several "significant" proposals had been submitted to the Planning Office - applications made, but no approvals granted (approximately 750 acres of waterfront property involved).

Mr. Guyther explained that after neighboring counties had imposed moratoriums, numerous calls were received from developers, who realized that there were no restrictions regarding waterfront development in St. Mary's County. At that point, it became quite apparent, that St. Mary's County needed to consider some sort of interim measures.

President Jarboe entertained round table discussion. Hearing none, he invited public commentary.

Mr. William Hebb of Drayden, Maryland, objected to the proposal based on the fact that he felt that the populace had not been adequately informed as to the process being considered this date. He urged that simple advertisement in the local paper on this impacting proposal "certainly does not imply to the average waterfront property owner the moratorium on the development of his property." Mr. Hebb suggested that the Commissioners consider readvertisement and extensive publicity of this proposal, prior to the Board making any decision on the matter.

Vicky Volk, reporter with the Enterprise Newspaper, asked staff to identify those two previously referenced waterfront proposals/applications. Mr. Guyther noted that one was located in the Medley's Neck area, the second the proposed Harry Lundeberg Retirement Village in Piney Point, Maryland.

At this point, Mr. Fred Lauterbach identified himself as President of the corporation currently making the aforereferenced application in the Medley's Neck area, a tract of land comprised of 586 acres. Mr. Lauterbach advised that this subdivision submission was based on an overall density of 1 unit per 5 acres. Mr. Lauterbach requested that his plan be exempted from the proposed regulations.

Mr. Oliver Guyther spoke at length, offering what he himself identified as legal and common sense aspects of the proposal. He noted that while the legislative language itself was very difficult to interpret, one of his major concerns and one which he simply could not understand, was how the State could restrict the use of an owners land without due compensation. To further emphasize this point, he cited the fact that he had just recently placed some of his property into an Agricultural Land Preservation District, in essence, selling his development rights to the State.

Mr. Guyther felt that certain aspects of this proposal directly infringed upon an individuals constitutional rights and would prohibit the average income property owner from ever being able to own or develop waterfront property, "because no one of them will ever be able to buy a twenty acre waterfront lot." Mr. Guyther urged that he anticipated that this acreage delineation would be readdressed and hopefully reduced to a sensible figure "that wouldn't just allow the rich people to own waterfront homes."

Mr. Guyther distributed copies of a recent article which he felt dealt with a "serious point that had been played down as to the major cause of pollution", namely, sediment and stormwater management and improper sewage disposal by the thousands of boaters using the Chesapeake Bay and its tributaries.

Mr. Guyther recognized the urgent need for the County to impose interim regulations, however, he agreed that further public advertisement was indicated and suggested that the proposed Resolution be published prior to any action being taken. He suggested that the Commissioners might want to consider in the process of developing this plan by June '87, that several small subcommittees be formed to assist in this endeavor, also providing for constructive criticism.

Ms. Elizabeth Reeves of Maddox, Maryland, stated that she would oppose the moratorium being imposed at this time, citing that she felt that there were serious due process problems and that the average homeowner was simply not aware of the impacts of this moratorium. Ms. Reeves advised that she was currently in the process of putting together a proposal for waterfront property which she would soon be inheriting and should these measures be adopted, the effect would be a devaluation of her land, in which case she would consider a class action suit against the County. She urged that further announcement of this proposal was in order, as such interim regulations would affect the property owners of St. Mary's County as opposed to outside developers. In summation, Ms. Reeves stated, "The public has a right to be fully informed....a notice in the paper is not sufficient...."

Mr. Ken Sumner of Annandale, Virginia, opposed the adoption of the interim regulations, offering opinion that adoption of the resolution would in fact, "confiscate" a major portion of his 100 acre property which he explained was completely surrounded by water. He agreed with Mr. Guyther's earlier reflection that a stipulation requiring 20 acres for development of 1 dwelling unit, would be placing undue hardship on many citizens owning small waterfront properties in St. Mary's County. He agreed that such regulation would also depreciate property values and was an infringement on his personal/property rights. Mr. Sumner emphasized that the proposal was "socially unacceptable and fundamentally disturbs me." Mr. Sumner spoke at length to the issue of pollution and the need to protect the environment, however, he felt that the existing regulations on the books were adequate to police the environs, if properly enforced. He urged that this proposal was a "political kind of way to impose something that does not look at the technical or environmental concerns." He suggested that if there were performance criteria developed in relation to how pollution was getting into the bay and its tributaries, the mechanics, hydraulics, etc., then criteria could be developed that would specifically address those issues.

Mr. Bob Couch, identified himself as one of the owners of the Medley's Neck property. He felt that most of the concerns registered by the various citizens appeared to stem from the "unknown" factor, i.e. the effect that the "finalized" regulations would place upon their waterfront properties. He asked how the minimum of 20 acres was derived and/or its purpose.

Mr. Gerred advised that having attended the meeting wherein the criteria for the Critical Area was being discussed, the 20 acres was based primarily on the fact that there were three counties in the State required that Agricultural Preservation Districts be required to be a minimum of 20 acres. That 20 acre figure was never discussed in terms of detention, pollution, etc.

Mr. Gerred strongly emphasized that the issue of the size of the acreage was not a factor before this Board but rather was one of whether or not the County was going to protect its ability of being able to pronounce where limited development on the waterfront would occur or whether the marketplace would dictate same.

Mr. Gerred explained that the 5% figure was derived following a major series of debates in the Critical Areas Commission in trying to determine how much new development to allow throughout all Maryland counties. It was ultimately decided that 5% of the area that was originally designated as being Resource Conservation would be allowed for new development, for all time. Staff again noted that at this juncture, none of that percentage had been used, that this interim measure was a method being suggested to protect that unused designation. Mr. Gerred projected that the 5% figure constituted approximately 3,000 acres.

Various citizenry spoke, all reinforcing previously voiced concerns regarding improper notification, infringement of property rights, depreciation of property values, impact on previously submitted waterfront properties (pending decision), etc.

Commissioner Sayre took this opportunity to champion his on-going battle against pollution of the waters and reiterated his concern that neighboring states, specifically, the State of Virginia, be required to participate in the preservation of these critical areas.

Mr. Gerred wished to emphasize the point that these proposed measures were not a complete moratorium, but rather were more restrictive regulations, which were less than a complete moratorium.

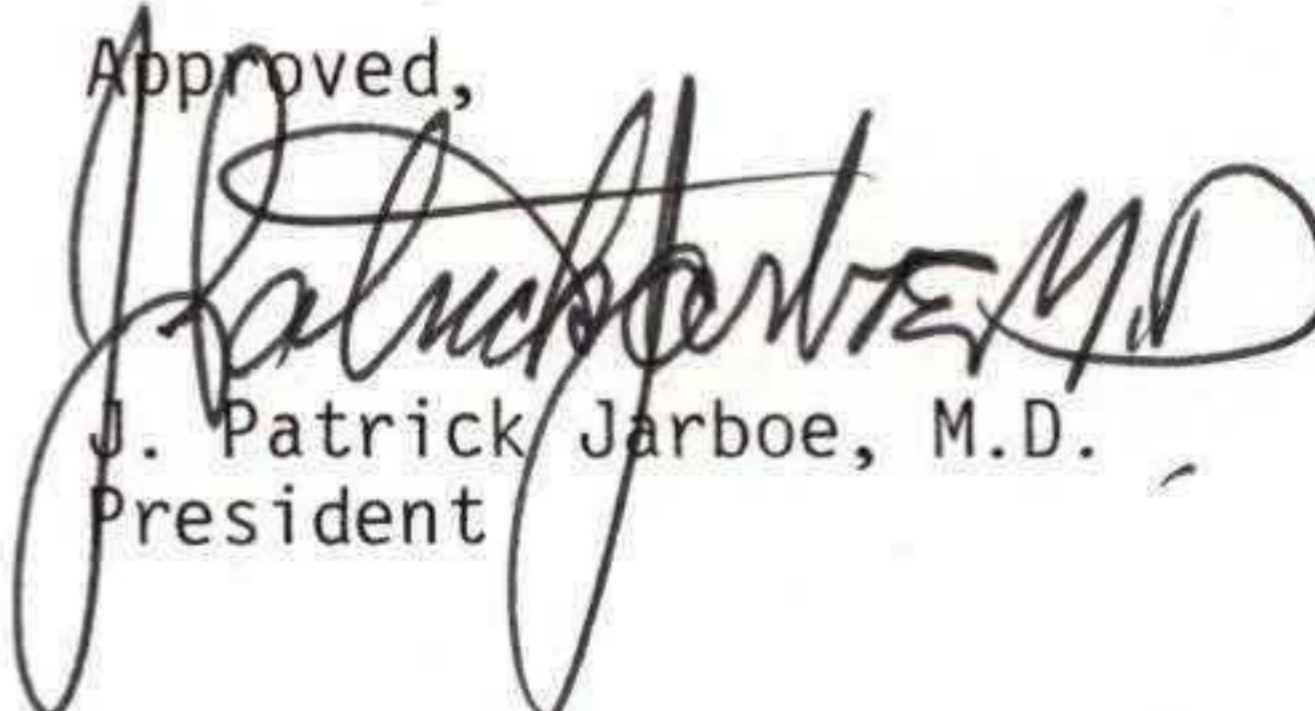
Testimony was closed and the Commissioners went into deliberation. Following brief discussion, the Board of County Commissioners and the Planning Commission members agreed to continue the public hearing, readvertise this matter, and in the interim publish the draft resolution in a local paper of county-wide circulation. It was also agreed that the Planning Commission would not approve or grant concept approval to any applicable properties falling within the RCA boundaries until such time that a resolution addressing this issue had been adopted.

Accordingly, Commissioner Dean moved, seconded by Commissioner Sayre, and unanimously passed, that the public hearing be continued for two weeks (continued to November 5, 1986), the proposed Resolution be published in the interim and that the Planning Commission not approve or grant concept approval to pertinent applications until this issue is resolved.

ADJOURNMENT

The meeting adjourned at 2:45 p.m.

Approved,



J. Patrick Jarboe, M.D.
President