

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING**

Tuesday, July 16, 1991

Present: Carl M. Loffler, Jr., President
W. Edward Bailey, Commissioner
Robert T. Jarboe, Commissioner
John G. Lancaster, Commissioner
Barbara R. Thompson, Commissioner
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

ST. MARY'S HOSPITAL BREAKFAST MEETING

The Commissioners attended a breakfast meeting with the St. Mary's Hospital Board.

CALL TO ORDER

The meeting was called to order at 9:45 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, July 9, 1991. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

1) WATER/SEWER AMENDMENT RESOLUTION

The County Administrator presented the following Water/Sewer Amendment Resolutions for the Commissioners' review and consideration:

Resolution No. W/S91-08
Hanover Run, Section 3 (SPEC #83-0130)

Application by 347 Realty Group Company to amend Water/Sewer Plan for property in the Eighth Election District containing 292.74 acres, zoned RL (RCA and partial LDA Overlay), located north side of Md. Rt. 4, east of Myrtle Point Road, known as Hanover Run, Section Three from W-5D and S-5D to W-4 and S-4. (Tax Map 34, Parcels 484, 494, 497, 585, 586, and 587)

The Commissioners having conducted a public hearing on June 11, 1991 and held subsequent discussion on July 2, 1991, the County Administrator presented the referenced Resolution approving the amendment to the Water and Sewer Plan by reclassifying the subject property from W-5D and S-5D to W-4 and S-4.

Resolution No. W/S91-09
Calvert Estates/Chesapeake Industrial Park (SPEC #1551)

Application by Philip H. Dorsey, III and Maryland Capital Corporation to amend the Water and Sewer Plan for property located in the Third Election District, containing 4.34 acres, zoned I-1 (LDA Overlay), RL (LDA Overlay) and RL, located south of Maryland Route 5 between Cedar Lane and Gregory Road, known as Calvert Estates/Chesapeake Industrial Park. from W-6 and S-6 to W-3D and S-3D. (Tax Map 40, Parcels 52, 57, 113)

The Commissioners having conducted a public hearing on June 25, 1991 and held subsequent discussion on July 9, 1991, the County Administrator presented the referenced Resolution approving the amendment to the Water and Sewer Plan by reclassifying the subject property from W-6 and S-6 to W-3D and S-3D.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolutions No. W/S91-08 and No. W/S 91-09 as presented. Motion carried.

2) APPOINTMENTS
BOARDS, COMMITTEES, COMMISSIONS

Commissioner Bailey moved, seconded by Commissioner Lancaster, and unanimously carried, to make the following appointments with terms as indicated:

Agriculture Commission Rudolph J. Baliko	Terms to Expire 12/31/91/94
Commission for Women Peggy L. Howard (Reappt.)	6/30/95
Council on Children and Youth Jean Dean	12/31/94
Hollywood Wood Treatment Plant Task Force Raphael H. Guenther, Jr. James Pittman - Dept. of Environment Rep. Thomas Russell	No Term " "

3) GOVERNORS ADVISORY COMMITTEE - CHILDREN AND YOUTH

The County Administrator presented correspondence to the Governor's Office of Children, Youth and Families recommending the appointment of Jean Dean to serve on the Governor's Advisory Committee as St. Mary's County's representative.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to sign and forward the letter as presented. Motion carried.

4) BUILDING PERMIT FEE WAIVER
SAYSF BIBLE CHURCH

The County Administrator presented correspondence approving the requested waiver of the building permit fee as requested in July 1 correspondence from SAYSF Bible School for relocation and expansion of the church. The request is in compliance with Resolution 75-53.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign the letter as presented. Motion carried.

5) **BUILDING PERMIT FEE WAIVER
CALVERY BAPTIST CHURCH**

The County Administrator presented correspondence approving the requested waiver of the building permit fee as requested in June 25 correspondence from Calvery Baptist Church for relocation and expansion of the church. The letter further indicates that the Commissioners do not have authority to waive the Health Department fee.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign the letter as presented. Motion carried.

6) **CABLE ADVISORY COMMITTEE - BY LAWS**

The County Administrator presented correspondence addressed to the Chairperson of the Cable Advisory Committee indicating that the Commissioners have reviewed and approved the by-laws of the Committee as submitted in that they are in compliance with Resolution No. 88-03.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the by-laws for the Cable Advisory Committee as presented and to sign and forward the letter to the Committee indicating approval. Motion carried.

7) **CORRESPONDENCE TO AIRPARK SALES AND SERVICE**

The County Administrator presented correspondence addressed to Arthur Bildman, Airpark Sales and Service, responding to his request for reimbursement for an outlay for paving work to replace the martston mats reclaimed by the Navy. The letter indicates the Commissioners' denial of the request for reimbursement in that it is the responsibility of the FBO and that prior county approval had not been obtained.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign the letter as presented. Motion carried.

8) **CORRESPONDENCE
SOUTHERN MARYLAND WOOD TREATMENT PLANT**

The County Administrator presented correspondence responding to citizens' concerns regarding the Southern Maryland Wood Treatment Plant.

The Commissioners agreed to sign and forward the correspondence.

9) **BUDGET AMENDMENTS**

The County Administrator presented the following budget amendments recommended for approval by the Director of Finance with justifications as indicated:

**No. 92-06
Substance Abuse Screening**

Justification: Funding to set up substance abuse screening program for FY '92

**No. 92-07
County Commissioners**

Justification: Audit for Board of Education - \$20,000

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Budget Amendments as presented. Motion carried.

10) NOTIFICATION OF GRANT AWARDS

On behalf of the Director of Office on Aging, the County Administrator presented Notification of Grant Awards for programs funded by the State as follows:

Senior Nutrition	\$56,668
Senior Center	9,425
Senior Visitation	5,165
Guardianship	6,600
Senior Information and Assistance	21,553
Senior Health Insurance Counseling	3,000

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the NGA's as presented. Motion carried.

11) ZONING AMENDMENT RESOLUTION NO. Z91-06
ST. MARY'S COUNTY OFFICE OF PLANNING AND ZONING (C. FENWICK)

(Application to rezone one acre from Commercial General (C) with RCA Overlay to Residential (RL), located in the Third Election District, on the south side of Md. Rt. 5, approximately 700 feet east of Md. Rt. 4, behind the former Willows Restaurant. (Tax Map 41, Block 7, Parcel 288)

The County Administrator presented the referenced Zoning Amendment Resolution amending the zoning map as requested from Commercial General to Residential.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Zoning Amendment Resolution No. Z91-06 as presented. Motion carried.

WATER POLICY TASK FORCE

Present: Tom Russell, Chairman
Larry Petty
Hope Swann
Rick Raley
Gary Setzer
Oran Wilkerson

The referenced individuals appeared before the Commissioners to present the Final Report of the Water Policy Task Force. Mr. Russell distributed the report which listed problem areas, recommendations, water resources (aquifers and surface water), water usage, well construction, water conservation, monitoring, planning for growth and development, and a recommendation for an annual review.

Recommendations included:

- A. Proceed with the development of a test well into the Magothy Formation in cooperation with the Water Resources Administration. (In process)
- B. Fund the development of a detailed investigation into the properties of the Potomac Group in the northern end of the county in cooperation with the Maryland Geological Survey. (For future consideration)

- C. Request that MGS well monitoring data and WRA pumpage reports be routinely supplied to the Metropolitan Commission and the St. Mary's County Health Department and expand the monitoring program to include Metropolitan Commission owned wells. (To be done starting this date)
- D. Institute a St. Mary's County Health Department policy to condition all well permits requiring the four-inch casing to be installed 200 feet below the static water level and the pump to be installed 50 feet below the status water level. (To be done tomorrow (7/17))
- E. Develop a county water conservation program. (More research into documents needed by Task Force).
- F. Take an active role in the WRA permit process through routine coordination and participation in the evaluation of the critical appropriations applications. (Currently in process)
- G. Utilize the Comprehensive Water and Sewerage Plan as a tool to implement the St. Mary's County Comprehensive Plan in a manner that ensures an adequate water supply for the citizens of the county at a reasonable cost. (Currently in process)
- H. Conduct an evaluation of surface water impoundment sites. (St. Mary's County Health Department to take leadership role in this effort)
- I. Metropolitan Commission water systems shall, whenever practical utilize aquifers not in use for individual domestic wells.

The Commissioners indicated that the Commissioners will review the recommendations and make a decision on those items requiring action.

GROUNDWATER PENETRATION REPORT

Present: Tom Russell, Director, Environmental Health

Mr. Russell appeared before the Commissioners as a follow up to his presentation at last week's meeting regarding a proposal for the conduct of a groundwater penetration report for failing on-site sewage disposal systems.

Mr. Russell indicated that the Report, which would provide evaluation data required to satisfy the requirements for groundwater penetration, would probably be completed by July 1, 1992. He stated that the Report would determine whether groundwater penetration would be feasible in certain areas, and the Commissioners would then make decision whether they wished to allow groundwater penetration under their authority.

During discussion regarding expansion of existing structures, Mr. Russell stated that this would be an item evaluated during the research process of the report.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Mr. Russell to proceed with the Groundwater Protection Report. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

**1) APPLICATION FOR FEDERAL ASSISTANCE
ST. MARY'S COUNTY AIRPORT
OBSTRUCTION REMOVAL**

In order to affirm action taken by Commissioners Bailey, Jarboe, and Thompson, the Commissioners unanimously gave their concurrence from Commissioner Loffler to sign the Application for Federal Assistance for the Airport Improvement Program. in the amount of \$367,015.

Further, Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the actual grant upon its completion. Motion carried.

**2) INFORMATION RELEASE
SOLID WASTE ACCEPTANCE FACILITIES**

Mr. Ichniowski distributed an Information Release regarding the adopted changes to the Rules and Regulations for the use of Solid Waste Acceptance Facilities in St. Mary's County.

3) ADDENDUMS TO PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented the following Addendums to Public Works Agreements as follows:

Pilgrim Manor

Between St. Mary's Properties, Inc. and St. Mary's County Commissioners extending the deadline for completion of improvements in Pilgrim Manor, First Election District, to July 1, 1992. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$75,500.

Miller Subdivision

Between Ray Miller and St. Mary's County Commissioners extending the deadline for completion of improvements in Miller Subdivision, Fourth Election District, to July 1, 1992. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$51,230.

Cook Hill Run

Between Henry Fowler, Jr., and St. Mary's County Commissioners extending the deadline for completion of improvements in Cook Hill Run Subdivision, Fifth Election District, to June 15, 1992. The Addendum is backed by a Letter of Credit with Maryland National Bank in the amount of \$35,300.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Addendums as presented. Motion carried.

4) **CORRESPONDENCE CALLING LETTERS OF CREDIT**

Mr. Ichniowski presented correspondence calling the following Letters of Credit:

Knott Surface Mine
Construction Permit #CP 08/91 ROW-01
Bond No. 853713 with
International Fidelity Insurance Company
in the amount of \$3,700.

Laurel Glen Shopping Center
Construction Permit #CP 08/89 ROW-21
Bond No. 18284689 with
Seaboard Surety Company
in the amount of \$223,500

Laurel Glen Shopping Center
Grading Permit #89-64
Bond No. 18384589 with
Seaboard Surety Company
in the amount of \$269,300

Heard's Estates
Public Works Agreement
Letter of Credit #260 with
Washington Savings Bank
in the amount of \$223,700

Clover Hill West, Section 3
Public Works Agreement
Savings Account #350-102-855-5 with
First National Bank of St. Mary's
in the amount of \$69,934.

Pine Ridge Subdivision
Public Works Agreement
Letter of Credit #A1-8-27-1990 with
First National Bank of St. Mary's
in the amount of \$35,000

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the correspondence as presented, to be forwarded if necessary. Motion carried.

5) **ACCEPTANCE OF DEED**
PEGGS ROAD RECONSTRUCTION

Mr. Ichniowski presented a Deed dated July 1, 1991 between Ralph Bailey, Jr. and the Board of County Commissioners of St. Mary's County for a right-of-way for the Peggs Road construction project.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Deed as presented. Motion carried.

6) **ROAD ORDINANCE**

Mr. Ichniowski presented four proposed amendments to the Road Ordinance as follows:

- Typical Driveway Standard and Entrance Permit Requirements
- Subdivision Road Bonding and Fees
- Multiple Driveway Entrances
- Grading Permits for Stormwater Management Facilities

The Department of Public Works will circulate the proposals will be submitted to the development community after which a public hearing will be scheduled.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director
Joe Meinert, Deputy Director
Peggy Childs, Recording Secretary.
Larry Petty, Director, Metropolitan Commission
John Castle, Chief Engineer, "

Also Present: John Norris, Jr., of Norris, Gass & Ocker; Martell and
Martell Ricketts; Kevin L. Barnes, Jack Witten.

A list of other attendees is on file in OPZ.

PUBLIC HEARINGS - WATER/SEWER PLAN AMENDMENTS

CWSP #90-0466 - DOCK O' THE BAY

Requesting change of sewer classification from S-6 to S-3D to permit construction of low pressure sewer system to accommodate marine pumpout facilities and marginal septic system. The property contains 1.5937 acres, is zoned CM (LDA Overlay), and is located at the southern end of Joe Hazel Road, approximately 0.3 miles south of Tippet Road; Tax Map 47/Block 6, Parcel 69.

Owner: J. Guy Hardesty
Agent: Norris, Gass & Ocker Engineering

Legal Ad published in The Enterprise on 6/26/91 and 7/3/91.

This request was reviewed by the Planning Commission on June 10, 1991. The Commission recommended approval of the request and that a sanitary survey of the St. Clement's Shores service area be conducted to determine future sewerage needs. Both the Health Department and MetComm recommend approval and will sign the application, which will then be forwarded to the State. The application is consistent with the County's comprehensive Plan, which encourages pumpout facilities for existing marinas. 25 EDUs are requested.

Staff also recommends approval, but points out that this project, along with the Harbor View and Combs Creek applications also being considered today, all of which have marginal or failing systems, will use up the remaining capacity available at the St. Clement's Shores WWTP and create a moratorium unless and until the plant is upgraded.

Discussion evolved regarding the St. Clement's Shores WWTP. Mr. Petty pointed out the State had approved some additional EDUs by reducing the flow rate from 280 gpd to 250 gpd, which generated 40-50 EDUs. Failing systems along the line receive first priority, and 5-10 homes were allowed to connect even though they were beyond the capacity of the Plant; they have already been subtracted. But he added they may go in the hole anyway, because there may be more people who need service than the 40-50 EDUs they have available; that is why the sanitary survey needs to be done.

Mr. Petty said he also considers boat off-loading at the marinas to be failing systems and not expansions, as it is not included in their calculations for restaurants and taverns. He said MetComm has talking with the State for some time regarding upgrading the Plant, but, while it is possible, he does not have a good direction or timetable right now.

The Chair opened the hearing to public comment.

Mackall and Martel Ricketts, of Rosebank Road, both of whom have owned property there for up to 23 years, stated they have been trying to get a building permit for 5 years and they are desperate to hook up to the sewer line as it seems the only way they will be able to build; they have been maintaining their property for years with the intention of building retirement homes. In 1987 they were granted the category change to allow them to connect to the sewer line, but there is no capacity available. The Ricketts have offered to build their own line and have also offered to participate in the cost of constructing a public line up to \$33,600; however there were not enough participants to build the line at that price. They have also tried to get alternative systems, but the Health Department will not allow them.

Commissioner Loffler asked why we are considering three pumpouts so close together, when State regulations require only one pumpout within three miles of another. Mr. Norris replied the Critical Area Program encourages pumpout facilities for and expansion of existing marinas rather than creating new ones, and to start the program they are providing "seed monies". Dock O' The Bay, Harbor View, and Combs Creek Marinas have all been allocated State funds for this purpose; however, the proposal is not for expansion, but to handle the existing problem.

Commissioner Bailey questioned the way EDUs are calculated, saying his business has more empty seats than full ones, and he really believes the flow rate is too high, and asked how long it has been since the figures have been redone. Mr. Petty replied not since he has been at MetComm, and in 1987 OPZ had been requested to look at the whole Compton area, to look at the total needs, and to look at what the County's intention is, and then they would look at expanding the plant, but there are some limiting factors.

Mr. Ricketts stated he did not think it was equitable to allow EDUs for vacant lots in St. Clement's Shores and for marinas which may never be used when he is waiting for an allocation right now and he thought the whole system of allocating EDUs should be looked at to make it fair and equitable. Commissioner Loffler explained that the Plant was funded by grant monies, and the State defines the service area and; if you are not in that area, you are not included. Also, Mr. Petty added, the property owners are also paying debt service on those allocations.

Jack Witten asked if there are any plans to expand the Plant and what the major barriers are. Mr. Petty replied there is (1) the physical barrier of no suitable land available to expand the spray irrigation fields, and (2) we don't really know what the needs are. He said MetComm has been doing some testing on the Samadi property, but the problem is the land is not very good for disposal purposes.

At this point Commissioner Loffler closed the public comment portion and closed the public hearing, directing staff to bring the request back in two weeks for a decision.

CWSP #90-0289 - HARBOR VIEW MARINA

Requesting sewer classification change from S-6 to S-3D to permit construction of low pressure sewer system/marine pumpout facilities for marginal septic system. The property contains 1.0 acres, is zoned CL (LDA Overlay) and is located on the east side of Joe Hazel Road approximately 1,200 ft. south of Tippett Road; Tax Map 39, Parcel 16.

Owner: Harbor View Partnership
Agent: Norris, Gass & Ocker Engineering, Inc.

Legal Ad published in The Enterprise on 6/26/91 and 7/3/91.

This request is identical to the Dock O' The Bay request. The Health Department and MetComm recommend approval as does staff, based on

the fact that the septic system is marginal or failing. On June 10, 1991 the Planning Commission recommended approval of the request along with the recommendation that a sanitary survey of the St. Clement's Shores service area to determine future sewerage needs. 24 EDUs are requested.

The Chair opened the hearing to public comment. The Messrs. Ricketts stated their previous comments also apply also to this application and the Combs Creek Marina request.

Commissioner Loffler closed the public comment portion and the public hearing, directing staff to bring it back in two weeks for decision.

CWSP #91-0726 - COMBS CREEK MARINA

Requesting change of sewer classification from S-6 to S-3D to permit construction of low pressure sewer system to accommodate marine pumpout facilities and marginal septic system. The property contains 1.17 acres, is zoned RPD (LDA Overlay), and is located on the east side of Joe Hazel Road approximately 600 ft. south of Tippet Road; Tax Map 39, Parcel 34.

Owners: Kevin & Linda K. Barnes
Agent: Norris, Gass & Ocker Engineering, Inc.

Legal Ad published in The Enterprise on 6/26/91 and 7/3/91.

This application is similar to the first two. MetComm recommends approval and the Health Department has no objections to the request; however Mr. Russell indicated he could not certify this was a failing system. Staff also recommends approval and the Planning Commission recommended approval on 6/10/91, hand-in-hand with their recommendation for a sanitary study of the St. Clement's Shores area to determine future sewerage needs.

Commissioner Loffler stated that is an important point, and there should be some certification of failure. Mr. Norris replied that on this case the Health Department had not specifically run their tests to make a conclusive determination as to the failing system, but if you talk to them they will say they feel the pumpout is warranted, and the category change to allow the pumpout facility is the basis for coming forward with the request.

Mr. Petty responded that the act of changing the category, in and of itself, makes no assurance that there will be available capacity. He said MetComm's approval said they would like to see public sewer out there, but when it comes down to allocating the available capacity failing categories will have first priority, and if the system is not so certified, it will fall behind on the priority list. The priorities are: (1) Failing systems; (2) Developed lots with acceptable systems that want to hook up; and (3) vacant lots, as they develop. Another point to consider is that St. Clement's Shores may not continue to be a small, retirement community with no children forever, and there has to be a growth factor included in the flow rate.

The Chair opened the hearing to public comment.

Kevin Barnes, owner of the Marina, said no one has come out from the Health Department to inspect his property, but he has to have his septic tank pumped out every three months. He said there are 45 boats at his marina, 1/2 of them are used six months of the year, more than just in the summertime, but in the summertime his septic tank is pumped out three times - Memorial Day, Fourth of July, and Labor Day, and that, in his opinion, is a very marginal system. Four EDUs are being requested for this marina.

Mr. Barnes said most of his property is drain fields, the ground is terraced and the lower terrace was all drain fields, and that was no inadequate the previous owner had added another 1,300 gallon tank, and those drain fields take up the upper portion of his property. Commissioner Loffler replied official verification of a failing system by the Health Department will still be necessary.

There being no further comments, Commissioner Loffler closed the public comment portion and the public hearing. Decision scheduled in two weeks.

CWSP #88-0814 - MATTAPONI VILLAGE

Requesting change in water category from W-4D to W-3D. The property contains 16.068 acres, is zoned RH, and is located on the west side of Mattapani Blvd., approximately 1,000 ft. south of MD Route 246; Tax Map 51, Block 8, Parcel 76.

Owner: Mattaponi Joint Venture
Agent: Norris, Gass & Ocker Engineering, Inc.

Legal Ad published in The Enterprise on 6/26/91 and 7/3/91.

Vested under #78-43. Mr. Meinert stated this project is for 170 one-bedroom and 36 two-bedroom apartments. Health Department and MetComm recommend approval. The Planning Commission approved the Concept Development Site plan on 4/23/90 and the final site plan on 6/10/91 as well as recommending approval of the category change. Staff recommends approval as proposed by applicant.

The Chair opened the hearing to public comment. Hearing none, he closed the public hearing and scheduled decision in two weeks.

CWSP #82-1471 - FLOWER OF THE FOREST, SECTIONS 3 & 4

Requesting W/S classification change from W-4D/S-4D to W-3D and S-3D. The property contains 354.3 acres, is zoned RH and RL, and is located on the east side of Willows Road, approximately 600 ft. south of Bradley Blvd., Tax Map 51, Block 17, Parcel 54.

Owner: Thomas Watts, Trustee u/a J. T. Daugherty
Agent: Norris, Gas & Ocker Engineering

Legal Ad published in The Enterprise on 6/26/91 and 7/3/91.

Vested under #78-43. Mr. Meinert advised the clarification of acreage noted in the staff report was provided by applicant just yesterday, so this request is for both Sections 3 and 4. 206 single-family lots and 160 townhouse are proposed. Health Department and MetComm recommend approval. The Planning Commission recommended approval on 6/10/91. Staff also recommends approval based on the clarified information.

The Chair opened the hearing to public comment; hearing none, the public comment portion and the public hearing was closed. Decision in two weeks.

CWSP #90-0360 - FOREST HALL APARTMENTS

Requesting water/sewer category change from W-5D and S-5D to W-3D and 3-3D. The property contains 28 acres, is zoned PD-IP (partial APZ-2 Overlay), and is located on the east side of Willows Road, approximately 0.75 miles east of MD Route 246; Tax Map 51, Block 11, Parcel 177.

Owner: Irene B. Graves
Agent: Norris, Gass & Ocker Engineering

Legal Ad published in The Enterprise on 6/26/91 and 7/3/91.

Vested under #78-43. This proposal is for 150 garden apartments in the Lexington Park Development District. Health Department and MetComm recommend approval. The Planning Commission recommended approval on 6/10/91 and final site plan was also approved, subject to the condition that all outstanding issues be addressed prior to signature approval of record plats. There are no outstanding issues and staff also recommends approval.

The Chair opened the hearing to public comment. Hearing none, the public comment portion and the public hearing were closed, with decision scheduled in two weeks.

CWSP #90-0794 - MCKAY'S PLAZA AT GREAT MILLS

Requesting change in water category from W-4D to W-3D. The property contains 11.05 acres, is zoned C, Commercial, and is located at the southeast corner of MD Route 246 and Lexwoods Drive; Tax Map 51, Block 2, Parcels 400 & 401.

Owner: James M. McKay
Agent: Norris, Gass & Ocker Engineering

Legal Ad published in The Enterprise on 6/26/91 and 7/3/91.

Vested under #78-43. Mr. Meinert advised both MetComm and Health Department recommend approval and written documentation has been provided to support the request. The site plan for 96,636 sq. ft. shopping center was approved by the Planning Commission in December 1990 and the Commission recommended approval of this category change on 6/10/91. Staff also recommends approval.

The Chair opened the hearing to public comment; hearing none, he closed the public hearing and scheduled decision in two weeks.

DISCUSSION

Mr. Grimm distributed his memorandum dated July 16, 1991 regarding Comprehensive Water and Sewerage Plan (CWSP) Amendments providing clarifications regarding the impact of House Bill 601 and staff's proposal for processing projects still caught up with MDE approval of construction plans because of new interpretations of the State law regarding Comprehensive Water and Sewer Plans.

Mr. Grimm stated it was his impression when Mr. Anderson met with the Commissioners on April 30 that St. Mary's was alone in our problems with the State and our water/sewer plan process. However, he found last week there are other Counties in the State in the same situation and, in fact, all of the problems are not related to our Water and Sewer Plan being out of date; there is a new approach at the State level in terms of approval of construction plan requests and review of water/sewer plan amendments.

The Commissioners stated they would like more time to review staff's proposal and Commissioner Loffler directed the proposal be put on the Commissioners' Agenda next week.

WICOMICO SHORES WATERFRONT OPERATION

Present: John Baggett, Acting Director, Recreation and Parks

Mr. Baggett appeared before the Commissioners to presented a status report regarding the waterfront area of Wicomico Shores. He stated that the area was given to the County as a part of the golf course and indicated that the area (pier, parking lot, boat ramp, catwalk) was in poor condition. \$150,000 (waterway improvement grant and golf course revenues) was expended to make improvements.

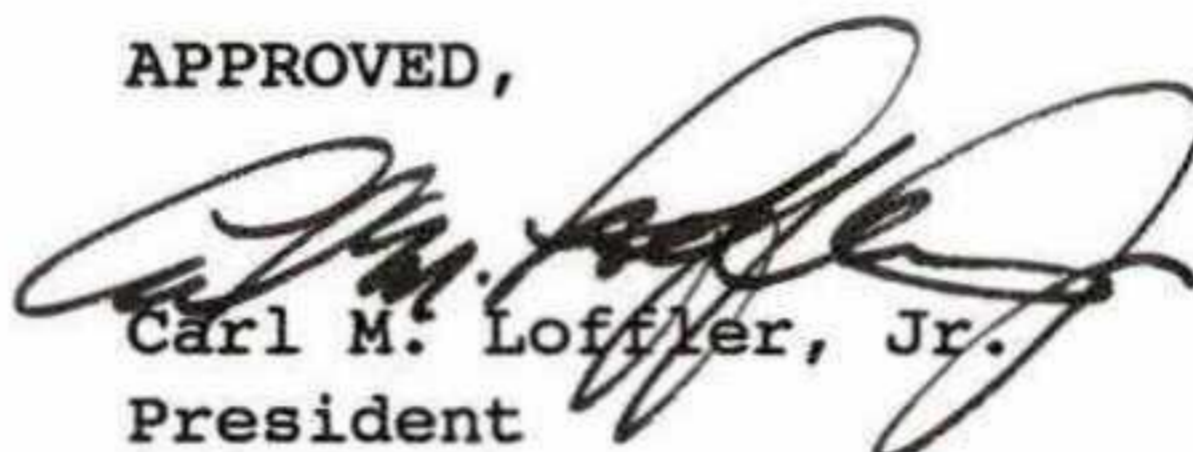
Mr. Baggett explained that in order to maintain control over the area, a caretaker and trailer were placed on the property, dumpsters placed at the site for trash, and gates installed across the property. He stated that fees are charged boat slips, boat ramp and for use of the waterfront property.

Discussion ensued regarding the charging of a fee for entry into the park. Mr. Baggett responded that the purpose of the fee was to maintain a level of control to prevent vandalism and rowdy parties.

ADJOURNMENT

The meeting adjourned at 3:05 p.m.

APPROVED,



Carl M. Loffler, Jr.
President