

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS' MEETING**  
**MAY 13, 1997**

Present: Commissioner Barbara R. Thompson, President  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
John J. Kachmar Jr., County Administrator  
Judith A. Spalding, Recorder

(Commissioner D. Christian Brugman was not present due to illness.)

**CALL TO ORDER**

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

**FISCAL YEAR 1998 BUDGET REVIEW**  
**OUTSTANDING ISSUES**

Present: Steve Welkos Director of Finance  
Roy Hicks, Deputy Director of Finance  
Martha Jones, Budget Analyst

As a follow up to the Fiscal Year 1998 Budget Hearings, the referenced representatives of the Department of Finance appeared before the Board to discuss and get direction of various outstanding issues.

1. **Personnel**

- \* Establishment of a Department of Personnel Office;

Commissioner Thompson requested justification and an organizational chart for the proposed department.

2. **County Administrator's Office**

- \* Establishment of a Risk Manager Department (to be cost shared with the Board of Education and Metropolitan Commission)

3. **Office of Construction Management**

- \* Establishment of Department

Commissioner Thompson requested a job description for the position and whether there were other counties with a similar position (with salaries and location in the organization.)

4. **Elected School Board**

- \* Transfer of costs of the elected school board to the Board of Education is effective October 1, 1997 (\$6,200 will be included in County's FY 98 budget; \$18,400 included in Board of Education's FY '98 budget).

5. **Department of Health**

- \* \$10,000 Supplemental salary supplement not included in request or recommendation.

6. **Nursing Center Consultants**

- \* \$20,000 recommended in the Office of the County Administrator

7. **Southern Maryland Higher Education Center**

Also Present: Robert Randall, Chair  
Mel Powell, Executive Director

- \* Submitted written request for \$50,000 from the county for continuation of temporary finance assistance.

Dr. Powell advised that the Center is now offering classes from five universities with three additional universities offering classes in the fall (Johns Hopkins and George Washington and the University of Maryland). Revenues are received from classroom rental fees which currently are not sufficient to meet expenses.

8. **Board of Education**

- \* Revised Request - \$40,836,419
- \* Reduction of Revised Request - \$349,909

Commissioner Eagan referred to previous discussions regarding the school bus contractors and whether funding should be provided for this request. County Administrator Kachmar responded it was his understanding that the Board of Education has requested additional funding for the school bus contractors. Commissioner Thompson suggested that the request be put in writing.

9. **Women's Center**

- \* Pass through grant from Department of Social Services to facilitate post-employment assistance to clients referred by DSS - \$27,000.

10. **Recreation Activity Fund**

- \* To appropriate \$73,000 in grant funds from DSS to the Teen Center Account (\$22,551 - summer team camp; \$50,449 - after-school programs)

**Capital Budget**

**Board of Education**

- \* Leonardtown High School Addition/Renovation Project

Project not approved by State Interagency Committee; school system is requesting County to include \$200,000 in FY '98 budget to evaluate the Leonardtown School Complex. (Recommended budget had included \$500,000 for a/e costs for high school project.)

- \* Banneker Elementary School Addition/Renovation Project

Project not approved by State Interagency Committee; because of State's deferral of project, school system is requesting the County to fund replacement of existing roof and include \$389,000 in the FY '89 budget. (Recommended budget had included \$275,000 for planning the addition/renovation project.)

- \* Aging School Repair Program

St. Mary's County has been allocated \$35,000 of the \$4,350,000 state aid distribution.

**Agricultural Preservation**

- \* Operating budget includes \$100,000 appropriation for easement purchase or property tax credit, which would negatively impact property tax revenues.
- \* FY '98 budget requires adjustment to include purchase of agricultural land easements with agricultural transfer tax revenues (\$100,000).

Areas of discussion during the Capital Budget included; whether the impact fee should be revisited to look at comparisons of other taxes and fees among the tri-county or the state, and whether other counties have a code coordinator or similar position.

**Actions on Budget Issues**

**Higher Education Center**

Commissioner Chesser moved, seconded by Commissioner Eagan, to fund the \$50,000 to the Higher Education Center. Motion carried.

**Health Officer**

Commissioner Eagan moved, seconded by Commissioner Jarboe, to fund the \$10,000 supplemental salary to the Health Officer. Motion carried.

**Nursing Center Consultants**

Commissioner Jarboe moved, seconded by Commissioner Eagan, to fund the \$20,000 for the Nursing Center Consultants. Motion carried, 3-1 with Commissioner Chesser voting against.

**Women's Center  
Recreation Activity Fund**

Commissioner Jarboe moved, seconded by Commissioner Chesser, to include the \$27,000 pass through grant for the Women's Center and the \$73,000 grant funds for the Recreation Activity Fund. Motion carried.

**Capital Budget**

Commissioner Eagan moved, seconded by Commissioner Jarboe, to accept the amended Capital Budget (a reduction of \$186,000 in bond funds) (revised request for Leonardtown High School Complex and Banneker Elementary School).

**Aging School Repair Program**

Commissioner Jarboe moved, seconded by Commissioner Chesser, to include the \$35,000 grant for the Aging School Repair Program. Motion carried.

**Agricultural Preservation**

Commissioner Jarboe moved, seconded by Commissioner Eagan, to include the \$100,000 (subject to modification pending discussion with the Agricultural Preservation Board regarding tax credits). Motion carried.

The Commissioners agreed to defer decisions on the following until next week's meeting: Personnel Office position, Risk Manager, Construction Manager, Code Coordinator position, and funding for the Board of Education.

## **APPROVAL OF MINUTES**

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, May 6, 1997, as presented. Motion carried.**

## **APPROVAL OF BILLS**

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize payment of the bills with the exception of payment of the bill to Tom Wisner for "Songs and Stories of the Chesapeake" until additional information is received, as requested by Commissioner Jarboe. Motion carried.**

## **ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the Agenda as amended (to delete Annual Report for Council on Children and Youth and to delete Executive Session for Reclassificatoin). Motion carried.**

## **CONSENT AGENDA**

The Consent Agenda included the following:

### **1. Correspondence**

- a. to DC Metro Facilities Service Office concerning new post offices to be constructed in Leonardtown, Lexington Park and Clements, MD.
- b. to Patricia Poffenbarger responding to concerns regarding increased usage of Charlotte Hall Road.
- c. to Walter Cooper concerning Colton Endowment and the expansion of Cedar Lane Apartments.
- d. to Maryland Office of Planning forwarding county's comments on State Clearinghouse Application MD970424-0368 -- U.S. Dept. of Housing and Urban Development -- Mayfair Apartments, Lexington Park, MD.
- e. to Chair of BOCA Code Appeals Board expressing appreciation for submittal of the Board's Annual Report.
- f. to Chair of the Library Board of Trustees expressing appreciation for presentation of the Board's Annual Report.
- g. to St. Mary's Planning Commission concerning the development of a master plan for the development of an active park at Myrtle Point.

### **2. Resolution**

- \* Revisions to By-laws of the Emergency Services Committee (approved last week but Resolution was not signed.)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to accept the Consent Agenda as presented. Motion failed two to two with Commissioners Thompson and Chesser voting against stating they wished to pull Letter g (to the Planning Commission).

During discussion of the motion Commissioner Chesser requested that the letter be pulled because he felt that it was too wordy and repetitious, and that it was opening up a controversy that was not necessary. Commissioner Thompson suggested that the Commissioners go with the first revised letter which incorporated what the Board had agreed to by motion at a previous meeting. Commissioner Eagan indicated that she believed the letter was a "wish list" and not the final document.

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve the Consent Agenda with the exception of Letter g. Motion carried three to one with Commissioner Eagan voting against.**

#### **COUNTY ADMINISTRATOR ITEMS**

Present: John J. Kachmar Jr., County Administrator

#### **1. Budget Amendment**

- \* No. 97-53 -- County Administrator -- \$60,000  
(Estimated additional appropriation authority required to fund various consultant services for the balance of fiscal year 1997; including county's health insurance consultant and legal and management consulting services for the Nursing Center.)

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Budget Amendment as presented. Motion carried.**

#### **2. Grant Documents**

- a. Walden Sierra - Community Based Primary Prevention Program to Prevent Intimate Partner/Violence for a Safe America (Federal: \$164,988; State: \$8,310)

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.**

- b. Department of Social Services - Emergency and Transitional Housing and Services Program and Homeless Prevention Program (State: \$75,000)

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.**

- c. Department of Social Services - Decrease in Funding for Service Linked Housing Program by \$5,000

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the grant document as presented. Motion carried.**

#### **3. Irrevocable Letter of Credit Woods Subdivision**

Correspondence to Maryland Bank & Trust Company calling Irrevocable Letter of Credit for Public Works Agreement/ Road Construction-**Woods Subdivision, Sections 1 and 2.**

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the correspondence calling the Letter of Credit as presented. Motion carried.**

#### **4. Information Releases**

- a. Regarding parcel of land omitted from Myrtle Point deeds which should have been included in original land offerings, which has now been conveyed by the Trust for Public Lands to Eagle Top Partnership and resulted in \$114,395 of escrow funds being returned to the County.
- b. Election of Director of Recreation and Parks Phil Rollins as President Elect of the Maryland Recreation and Parks Association.

**The Commissioners gave their concurrence to issue the Information Releases as presented.**

**5. Emergency Radio Communications**

As a follow up to last week's presentation, County Administrator Kachmar requested authorization from the Commissioners to issue an RFP for emergency radio communications.

The Commissioners gave their concurrence.

**6. Solid Waste RFP Update**

County Administrator Kachmar brought the Commissioners up to date stating that a selection committee had been established; that two bids were received; and that the committee had decided to rebid the project. Two proposals were submitted with a third being submitted late. After evaluation of the bids, it was determined that not all of the items in the RFP had been addressed by the two bidders (convenience centers, host fees, etc.). The RFP will be redrafted to require each item to be addressed separately.

**PROCLAMATIONS**

The Commissioners issued the following Proclamations:

- \* Older Americans Month
- \* Emergency Medical Services Week

**DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director  
Amy von Gohren, Recycling Coordinator

**Scrap Tire Recycling/Amnesty Day**

Ms. von Gohren advised that Maryland Environmental Service proposes a "Scrap Tire Amnesty Day" for Saturday, April 25, 1998 whereby citizens will be allowed to drop off up to ten tires. MES will prepare the bid documents to hire a contract to perform the disposal service and will fund the total cost of disposal. After review of program requirements and MES' and the County's responsibilities, Mr. Ichniowski presented the Scrap Tire Recycling Amnesty Day Project Intergovernmental Agreement between Maryland Department of Environmental Service and St. Mary's County for the Commissioners' consideration.

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Agreement as presented. Motion carried.**

**Household Hazardous Waste Collection Day**

Ms. von Gohren reviewed the Scope of Work for the proposed Household Hazardous Waste Collection Day stating that NAS has offered to co-sponsor the event by directing HazTrain, Inc. to set up a collection site at the Frank Knox School parking lot. HazTrain, Inc. is under contract to NAS and also performs the monthly Household Hazardous Waste collections in Charles County. She advised that St. Mary's can use HazTrain's services by "piggybacking" onto Charles County's contract. The cost of the project is undefined at this time but would range from \$18,000 to \$50,000. There is \$18,000 in Special Events and \$96,315 in Operations which is unencumbered. June 14, 1997 has been set as the date for the event.

After discussion of local sponsor/project requirements (NAS, St. Mary's County, and Charles County), Ms. von Gohren requested the Commissioners' concurrence to allow DPW to purchase services through Charles County's purchase order with HazTrain, Inc. and to agree to share expenses with NAS to host a one-day Household Hazardous Waste Collection day at Frank Knox School on June 14, 1997.

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to direct the Director of Finance to develop a funding sources for the Collection Day. Motion carried.**

## COUNTY COMMISSIONERS' TIME

### Mitigation of Deteriorated Areas

Commissioner Chesser referred to a visit by a representative of State Highway Administration, who is assigned to looking at mitigating areas in the critical area and wetlands. He accompanied Commissioner Chesser on a tour of the St. George Island area to look at areas that have been subjected to extreme shoreline deterioration. A response from the State is anticipated within two to three weeks.

### Welfare Reform

Commissioner Thompson advised that she attended a meeting held by Charles County at which there was a speaker on welfare reform and its impact on local governments. She stated that she had taken notes and will type them up for the Commissioners' information.

## CONTINUATION of PUBLIC HEARING

### **CWSP #96-2300 - BAY FOREST, SECTION 1**

Requesting change in sewer category from NPS to RS(e) for 312 acres, zoned RPD, Located in the Dameron area; TM 64, Blocks ½, Parcels 5 and 37.

Present: Jon Grimm, Director DPZ  
 Jeffrey Jackman, Senior Planner, DPZ  
 Peggy Childs, Recording Secretary  
 Steve Norman, Assistant County Attorney  
 Norris Pyles, Owner  
 Karen Abrams, Attorney representing Mr. Pyles  
 Tom Russell, Director, Environmental Health  
 Larry Petty, Director, MetComm

This hearing was continued from April 29, 1997 for information/testimony from Mr. Russell and Mr. Petty. Staff has responded to issues raised on 4/29 in the May 7th Staff Report, which Mr. Grimm said was read and agreed with by Mr. Russell and Mr. Petty. Likewise, the three agreed on the recommendation to the Planning Commission that further study should be done on the threshold for shared facilities and that that is a bigger issue, with bigger implications County-wide, than this application.

Mr. Petty gave some background on the Bay Interceptor Sewer Line, stating it was sized to handle the zoning in place at that time (one unit per acre) from the South Gate at NAS and Pine Hill Run all the way down the beach until it turns and goes over to Mattapan Road at St. Mary's City; now the zoning is one unit per 3 acres in the RPD and one in 20 in the Critical Area. The capacity is far beyond what was ever used and the sewer line has the capability of reaching this site.

The issue in this case is that the Comprehensive Plan and the CWSP do not allow private shared facilities for more than 6 lots, and it is not possible to approve this application without changing our Comprehensive Water & Sewer Plan and the way the County deals with sewerage disposal in the RPD. For this reason, it is more significant than this one request.

Tom Russell stated he believes the 6 lot threshold came from a shared water system requirement on the books several years ago which was that more than 2 users constituted a small system but it didn't meet the threshold of 7 for public systems. He said he did not know the 6 lot threshold was in the CWSP, because the Health Department has been working on at least 5 good-sized projects which would like to use this methodology. They would have to be classified as public systems even though they are not public utilities in the true sense that we know them - one project would have about 75 users, another one with 50 users. This really is a new issue which, in his opinion, allows for the best use of the land, and we need to address the 6-lot threshold. He added Mr. Pyles has gone the extra mile to develop this system and he would not have had him proceed in this direction if he had known about the 6 lot provision.

Assistant County Attorney Steve Norman stated the Comprehensive Plan says that no sewer service should be extended into the RPD, where high density growth is not desired, unless it is for a health hazard or an environmental threat. Maryland Courts have recognized the Comprehensive Plan and CWSP as tools for controlling growth and they were enacted to direct growth into our development districts, and we have to follow them until they are changed by the Commissioners.

Mr. Jarboe pointed that this subdivision preceded the Comprehensive Plan. Mr. Norman replied that when the property was purchased the developer knew which parcels would be developed and that it was "No Planned Service." Furthermore, the developer has not begun to build, so there are no vested rights, and the property must be governed by the laws that are on the books. Mr. Jarboe asked what was wrong with investing in a large sewerage system to serve the property and noted the *Chesapeake Bay Box system* which was developed here and is used in other areas. Mr. Norman responded this could be addressed in the new Comprehensive Plan but asked, if we allow these new technologies to come in hook up to larger user systems, are we really controlling growth? Commissioner Eagan stated she thinks it is unfair not to allow a person to develop this lot if an alternative system is developed, and there are people paying taxes on property they can't do anything with and the County will never allow them to do anything with.

Mr. Grimm noted the Planning Commission is not recommending denial for the project, but for further study of the technology and the appropriate threshold to address property rights issues and environmental concerns **as well as** growth management issues.

Planning Commission member Shelby Guazzo stated the Commission feels that Mr. Pyles is entitled to his development rights, but the shared facilities will allow many other people to develop their property who can't develop it now, and the other side of the issue is how many systems will Mr. Petty have to take over should they meet the specifications? She stated we have to consider that when we consider this for the whole RPD.

Attorney Karen Abrams stated that Mr. Pyles will stop erosion on the property and has offered to donate the interior land to the County. She said Mr. Norman's argument does not apply because these are already subdivided lots. Mr. Pyles does not have vested rights in a legal sense but he has relied on what Mr. Russell said and has spent \$30,000 designing a shared septic system to utilize this property. She argued that the term "should" in the Comprehensive Plan is not mandatory and she thinks the Commissioners do have the authority to approve Mr. Pyles' 16 lots. Mr. Norman replied that the Comprehensive Plan has been mandatory since 1992; we must follow it and, while he does agree with the interpretation of "shall" and "should," Section 1.2.8 of the CWSP defines a community water system as a system of 7 or more lots and Section 1.3.5 says a community sewage system outside the development district shall only be used to alleviate health hazards.

MetComm Director Larry Petty stated that basically what the Commissioners are being asked to do is approve a public sewer system in the RPD and currently the Plan does not allow that. But if the Commissioners are going to create a public system, consideration should be given to allow existing homes there, some of which are in a state of failure, to tie into the system. Secondly, if it is going to be a public sewer system, he would rather build a pipe line and pump the sewerage over to the Bay Interceptor Sewer Line, and not utilize this technique, because maybe it



will work and maybe it won't. There's only space to replace it once and what will MetComm do if it has to be replaced twice and there isn't enough room to replace it?

Mr. Petty said, if we're going to entertain a public system, let's play all our cards out and decide what is the best option, but first we have to broach the problem of a public system in the RPD, and the CWSP doesn't envision that. That's not to say it isn't a good idea, but it will require more thought than just what we have here. Responding to Commissioner Eagan's question, Mr. Petty said he would not have Mr. Pyles fund the whole system; there should be a public hearing process and the community given a problem to join in, but they would have to pay their fair share.

Ms. Abrams objected to the term "public system," stating she sees this as a private, shared septic facility. Mr. Petty stated once it broached the number of 6, then, by definition, it is a public system.

Commissioner Thompson opened the hearing to public comment.

Judith Osbourne, representing the Bay Forest Homeowners Association, stated that her septic system had failed and she had to spend \$12,000 last year for an alternative system and doesn't want to spend additional money to hook into any system; her neighbors may feel differently because they are in a different situation. Ms. Osbourne said if these lots all are developed there will be additional traffic on the road, which will be disturbed because of the pipe line to the Bay Interceptor or the Mr. Pyles' system. A lot of variances will have to be given because of the size of the lots, the erosion, and because of other disturbances. Frankly, Ms. Osbourne said she doesn't think there will be 16 lots to develop and she stated her objection to the Commissioners giving the variance at this point.

This concluded the public hearing. The application will be brought back in two weeks for a decision.

**ALPD DECISIONS**

**ALPD #97-0363 - Joseph Vallandingham**

**ALPD #97-0665 - James C. Bailey**

**ALPD #97-9747 - Lyon**

Also continued from the public hearing of April 29, 1997.

**Commissioner Jarboe moved to approve all three Agricultural Land Preservation District requests on the basis that all State and local criteria have been met. Seconded by Commissioner Eagan; passed by a vote of 4-0.**

**ST. MARY'S COUNTY HEALTH DEPARTMENT  
MEDICAID WAIVER**

Present: Ebenezer Israel, County Health Officer  
Barbara Shipnuck, Deputy Secretary DHMH  
Lawrence Triplett, Director, Medical Care Finance and Compliance, DHMH

The referenced individuals appeared before the Commissioners to discuss the new changes to Medicaid and its effect on the population, providers, and recipients and to explain the new Medicaid Program, HealthChoice. The goal of this program will be to continue to improve health status of recipients' health status by providing preventative and acute care. Areas of discussion included: current Medicaid enrollment; HealthChoice Eligibles; current Medicaid HMO's; MCO's that will be serving St. Mary's County through HealthChoice; enrollment procedures through a contract with DHMH; reselection process; reimbursement procedures; and the role of the St. Mary's County Health Department (which will serve as ombudsman). Included in the presentation was a HealthChoice Fact Sheet that gave information regarding statewide and county statistics of those individuals moving into managed care and the monitoring of MCO's.

**EXECUTIVE SESSIONS**

**Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss matters of Personnel (Response Letter to County Employee; Waiver of Leave Policy), as provided for in Article 24, Section 4-210(a)1. Motion carried.**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss matters of Litigation ( FERST; St. Mary's County Airport), as provided for in Article 24, Section 4-210(a)8. Motion carried.**

**Personnel (Response Letter to County Employee)**

Present: Commissioner Barbara R. Thompson, President  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
John J. Kachmar Jr., County Administrator  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1  
Time Held: 4:28 p.m. - 4:37 p.m.

Action Taken: The Commissioners reviewed a draft response letter and agreed to take action in open session.

**Personnel (Leave Policy Waiver)**

Present: Commissioner Barbara R. Thompson, President  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
John J. Kachmar Jr., County Administrator  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1  
Time Held: 4:37 p.m. - 4:46 p.m.

Action Taken: The Commissioners discussed the waiver and agreed to take action in open session.

**Litigation (St. Mary's Airport)**

Present: Commissioner Barbara R. Thompson, President  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
John J. Kachmar Jr., County Administrator  
Douglas Durkin, County Attorney  
William Chen, Attorney from LGIT  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8  
Time Held: 4:46 p.m. - 5:25 p.m.

Action Taken: The Attorneys updated the Commissioners relative to issues related to the St. Mary's County Airport.

**Litigation (FERST)**

Present: Commissioner Barbara R. Thompson, President  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
John J. Kachmar Jr., County Administrator  
Douglas Durkin, County Attorney  
William Chen, Attorney from LGIT  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 5:25 p.m. - 5:55 p.m.

Action Taken: Attorney Chen discussed legal issues relative to the referenced litigation.

**FOLLOW UP TO EXECUTIVE SESSIONS**

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to direct the Personnel Officer to redraft the letter, as amended, to the County employee for the County Administrator's signature. Motion carried.**

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve waiver of the leave policy as discussed in executive session. Motion carried.**

**PUBLIC HEARING**

**ZPUD #92-0506 STEWART'S GRANT**

Requesting rezoning from RL to PUD-CP and PUD-R. The property contains 426 acres and is located on the south side of MD Route 246 (Great Mills Road), approximately 0.5 miles east of MD Route 247 (Chancellors Run Road); Tax Map 51, Block 8, Parcels 40, 243 & 384.

Present: Jon Grimm, Director, DPZ  
Peggy Childs, Recording Secretary  
Steve Norman, Assistant County Attorney  
Barton Mitchell, Owner  
Herb Redmond & James Erdman, of DH Steffens Co., Agent  
Jim Kenney, Attorney representing Mr. Mitchell  
Sam Crozier, DMW Planning Consultants, Towson  
Jim Walker, Marketing Analyst

Mr. Grimm noted this request is for rezoning to PUD Commercial Park/Residential and entered the following exhibits:

**Staff Exhibits:**

- #S-1 Staff Report dtd 5/5/97 PC Resolution/Recommendation
- #S-2 Certificate of Publication - 4/23/97 & 4/30/97
- #S-3 Posting of property - 4/28/97
- #S-4 DPZ application file, including Planning Commission record

**Applicant's Exhibits:**

- #A-1 Certified Receipts of Notification
- #A-2 PUD Development Plan

Attorney Jim Kenney introduced Herb Redmond, of the D. H. Steffens Company, who provided property orientation and site specifics. The 426 site is located off of Great Mills Road approximately 1.8 miles west of NAS Gate #2, formerly the Main Gate. It is accessed by the existing Mattapanay Boulevard and is bounded by many properties, from McKay's off of Route 246 to the Sanner property to the east and properties along Hilton Run to the South and Route 5

to the west, back along Route 246 behind the ABC Traylor Park and Great Mills High School. The "neighborhood" designated by the applicant extends from Route 235 to Willows Road, to Route 5, to Great Mills Road, to Chancellors Run Road, to Hewitt Road and back to 235. Major roads serving the development will be Mattapan Boulevard, which will become Stewart's Grant Boulevard interior to this property and Bay Ridge Boulevard, to which it eventually will connect. Proposed density is 4 units per acre.

The commercial area along Route 246 will comprise approximately 250,000 sq. ft. total. Through negotiations with the Planning Commission, the applicant has extended the buffer from 50 ft. Along Coventry Manor and expands back to 75 ft. from the Magnani, Hewitt, Knott and Langley Properties. Including the steep slopes and wetlands areas adjacent, the buffer from Hilton Run is 500-600 ft. The applicant has agreed to donate 12 acres adjacent to Great Mills High School to the school board, as requested by the Planning Commission. The County's Lexington Park Traffic Model was used to do the traffic analysis, which shows that Route 246 will require improvements as the project develops. The applicant has agreed to do another traffic study at the completion of 150 units to see what improvements are required at that time.

Seven (7) stormwater management ponds are proposed and best management practices will be employed for sediment and erosion control. The Planning Commission recommends that an analysis and determination relative to transportation, water/sewer, stormwater management, school facilities, and fire suppression be required prior to any future subdivision or site plan approvals to maintain the continued provision of adequate facilities. Schools expected to serve the development at this time are Lexington Park, Greenview Knolls and Carver Elementary Schools, Esperanza or Spring Ridge Middle Schools, and Great Mills High School.

Sam Crozier, a Landscape Architect and Land Planner with Daft, Macune and Walker Civil Engineers, stated the project will be neo-traditional in design, with villages and town squares surrounding them; as much of the forest will be preserved as possible. Land uses have been married to existing land uses as far as possible. The commercial area will be located along Route 246 but the stores will face the interior roads, so shoppers don't have to walk through parking areas. Commercial traffic will be castrated off of Great Mills Road, but the gateway to the development will be through the commercial area via Mattapan Boulevard. The village center/town square theme will have a multi-family and senior housing component, within walking distance of the village square and for easy access to the commercial area.

Stewart's Grant and Bay Ridge Boulevards will be lined with trees on either side and/or will have tree-lined medians, with greenway buffers on either side. Single-family attached or detached residential lots will be located interior to the project, closer to Hilton Run, so the lots can adjust to the topography and preserve more of the vegetation. Public green spaces, the street hierarchy, sidewalks and the trail system will link the project together. Some of the stormwater management ponds will be designed and enhanced as environmental areas and will be used as public open space. All roads in the multi-family or attached single-family areas end in the town square and provide adequate turn-around; the streets will narrow from the boulevards to a middle width and then to narrower roads or streets in the single-family lot areas.

In addition to exhibits #A-1 and #A-2 noted above, Mr. Kenney entered the remaining applicant's exhibits into the record:

- #A-3 1993-94 Aerial Photograph
- #A-4 Boundary Plat of property
- #A-5 Lexington Park Land Use Concept Plan
- #A-6 Lexington Park Transportation Context
- #A-7 General Development Plan
- #A-8 Overlay showing 12 acres donated to Board of Education
- #A-9 Illustrative Master Plan
- #A-10 Open Space, General Landscaping & Screening Plan
- #A-11 Road Detail Sections
- #A-12 Development Concept - Stewart's Grant

Commissioner Thompson asked about the revenue projection, commenting that county taxes are not based on the market value but on the assessed value, which is 40% of that, which drastically reduces the projection. Mr. Erdman replied there is some flexibility built into the projections, based on what type of houses they have; they tried to pick a median on which to base their projection.

Mr. Kenney advised there is only one Planning Commission issue that they have taken some exception to, and that is with the recommendation that the transfer of land to the Board of Education take place within 90 days of the County Commissioners' approval. He requested the conveyance take place 90 days from approval of the second stage of the project, the architectural/design standards stage. He said, if it is an issue, the developer will convey the land as the planning Commission recommended; they just felt it would be more appropriate to do it after the second phase of the project has been approved.

Commissioner Thompson opened the hearing to public comment.

Dan Raley, Great Mills

(1) Concern that sufficient infrastructure be in place to support the project, particularly Great Mills Road. (2) Requests more than 75 ft. Buffer between this project and the residential RL property to the south. Mr. Raley commented that the "50% increase" referenced by Mr. Redmond is really only a 25 ft. expansion.

Don Magnani, Willows Rd

(1) Property dispute over acreage bordering these two properties. Mr. Magnani states he has written proof that the property is his and will provide the information for the record. (2) Requests more than 75 ft. buffer. (3) Magnani property is an Agricultural Land Preservation District.

Dennis Nicholson

Concerns about Route 246 to handle traffic from this development when combined with other developments proposed on Great Mills Road.

Viki Volk, The Enterprise

(1) One reason for a mixed-use PUD is for the commercial to meet its daily service needs. Will this commercial development satisfy the needs of 1600 homes? (2) At what stage of this development is the County prepared to complete Bay Ridge Boulevard - currently stops short of the Stewart's Grant property line and homeowners are being told there is no connecting road. (3) At what point, then, will the County complete Bay Ridge Boulevard to Willows Road? Will that ever be realized as part of the County's CIP? (4) Will the Commercial taxes compensate for the residential drain on services?

Regarding Bay Ridge Boulevard, Mr. Grimm replied that the issue discussed with the Planning Commission is that, because Bay Ridge has not proceeded to its property line the right-of-way does not exist and the road construction has not continued to the property line. It is the intention of the Planning Commission, DPW, and DPZ staff to ensure that connection in accordance with County transportation plans. The Planning Commission's concern is what will happen if Bay Ridge does not come forward with that phase of development and the connection does not get made. If the Bay Ridge development does not proceed and the property owner is not willing to dedicate, sell or contribute the right-of-way for the road, the County would have to pursue some kind of condemnation acquisition. Commissioner Thompson stated it is conceivable that the County could withhold any further approvals until the issue is resolved because of the adequate facilities provision.

Doug Ritchie

(1) Will amenities be provided? Yes; page 51 of the PUD Document. (2) Economic Impact Fees for this development will be about 1/4 of services generated; the issue of EFIs should be revisited and they should be amortized over 10-15 years, similar to a lien.

Following a response by Mr. Redmond to several of the questions asked, the unresolved issues of the evening remained as follows:

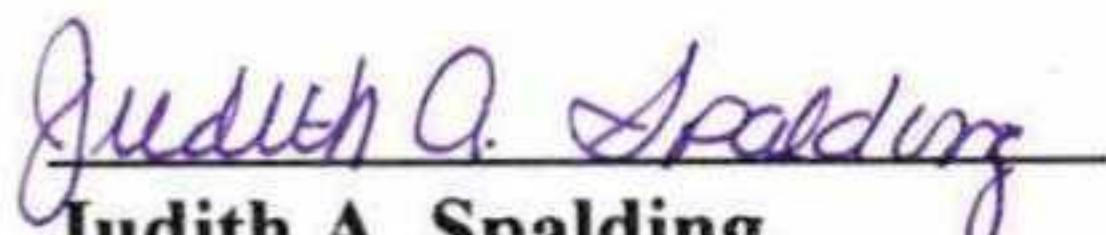
- (1) Timing of 12 acre donation to Board of Education.
- (2) Raley request for increased buffer from residential properties to the South.
- (3) Magnani - (a) boundary dispute; (b) ALPD issues.
- (4) Bay Ridge Boulevard connection.

Commissioner Thompson closed the public hearing, announcing that the record would remain open for 10 days for written comments, following which the request would be brought back before the Commissioners for a decision or for further discussion.

#### **ADJOURNMENT**

The meeting adjourned at 9:16 p.m.

**Minutes Approved by Board of  
County Commissioners on 5/20/97**

  
**Judith A. Spalding**  
**Recording Secretary**