

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, March 8, 2004**

Members present were John Taylor, Sr., Chairman; Larry Greenwell, Vice Chair; Lawrence Chase, Julie King, Stephen Reeves and Joseph St. Clair. LUGM staff present were Denis Canavan, Director; Jeff Jackman, Senior Planner; Phil Shire, Planner IV; Sue Veith, Environmental Planner; Bob Bowles, Planner I and Janice C. Blackistone, Fiscal Specialist (backup for Recording Secretary). County Attorney John Norris, III and Donna Sasscer, DECD were also present.

A list of attendees is on file in LUGM. The Chair called the meeting to order at 6:32 p.m.

APPROVAL OF MINUTES – The minutes of February 23, 2004 were approved as recorded.

DEVELOPMENT REVIEW

PSUB #03-120-027 – ST. GEORGE PENINSULAS, PHASE II

Requesting preliminary approval of a 6-lot major subdivision. The property contains 463.25 acres, is zoned RPD, RCA, and is located on the west side of Maryland Route 249, Drayden Road; Tax Map 61, Block 23, Parcels 70 & 80.

Owner:	WLM, LLC
Present:	Larry Day, Day Tech Engineering, LLC

Mr. Shire said the initial subdivision plan for five lots for St. George's Peninsulas were approved administratively and recorded on December 30, 2003. This plan was reviewed by TEC in September 2003. Mr. Shire said he has seen a plan for the remaining build out of the lots, lots 12 through 65. Most of those lots are proposed outside of the Critical Area and the Commission will see that concept plan in a future meeting for Comprehensive Water and Sewerage Plan issues.

Mr. Shire stated there are no outstanding issues.

Mr. Reeves moved that, having made findings pursuant to Section 30.5.5 of the Subdivision Ordinance; i.e., Criteria for Approval of a Preliminary Plan, as described in Section V.A. of the February 24, 2004 Staff Report, including adequate public facilities as described in the Director's Report, the Commission granted preliminary subdivision plan

approved. The motion was seconded by Mr. Greenwell, passed by a vote 6-0.

CCSP #03-132-019 – CECIL'S MILL SELF STORAGE

Requesting concept site plan approval for a 61,550 square foot self storage, 960 square feet for personal or business service, 960 square feet of retail sales general and 960 square feet accessory dwelling unit. The property contains 2.258 acres, is zoned CMX, and is located on the west side of Old Great Mills Road at the intersection with Maryland Route 5; Tax Map 51, Block 19, Parcels 122 & P/O 36.

Owner: Beck & Beck, LLC

Present: Billy Mehaffey, Mehaffey & Associates, PC

Mr. Shire said there are no outstanding issues. Mr. Shire stated there are some intrusions into the 100 foot stream buffer that will require an administratively decision pursuant to Section 22.5 of the St. Mary's County Comprehensive Zoning Ordinance. This plan was reviewed by TEC in September 2003.

The Commission asked Mr. Shire if the 960 square foot for personal or business service could be combined with the 960 square foot accessory dwelling unit. Mr. Shire responded yes they could be combined.

Mr. Mehaffey representing Beck & Beck, LLC showed the Commission a sketch showing the elevation of the building from different angles. Mr. Mehaffey said the sketch shows the building before it was moved further back from Maryland Route 5 and in the final location. The Commission asked how far back the building was moved. Mr. Mehaffey said the existing building is about 13 feet and this building will go back about 37 feet.

The Commission asked Mr. Mehaffey if this is in flood zone area. Mr. Mehaffey replied the flood zone area exists on part of the site and that they have worked with the flood plain boundary requirements in this plan. He stated that the existing building will be raised out of the flood plain.

Ms. King stated she would like to have the Historic Preservation Planner to go out and look at the buildings to document those buildings.

The Chair said this is a concept site plan and asked if there were any public comments, there were no comments.

Mr. St. Clair moved that, having made finding that the objectives of Section 60.5.3 of the Zoning Ordinance have been met, as

described in Section V.A. of the March 1, 2004 Staff Report, and noting that the project has met all requirements for concept approval, the Commission granted concept site plan approval. The motion was seconded by Mr. Greenwell, passed by a vote 6-0.

FSUB #96-2476 – ADDITION TO GREENBRIER

Requesting final approval of a 21-lot major subdivision. The property contains 10.57 acres, is zoned RL, and is located on the north side of Green Leaf Road, approximately 1,000 feet north of the intersection with Hermanville Road; Tax Map 51, Block, 18, Parcels 14 & 174.

Owner: Ridge Valley Construction Company
Present: Scott Hickman, Collinson, Oliff & Associates, Inc.

Mr. Shire said this project has been seen by the Commission several times. This standard subdivision plan for 21 lots was reviewed by TEC in July 1997. The Commission granted preliminary subdivision approval on July 27, 1998. The project was in litigation over this site's right to access Green Leaf Road. The Circuit Court Declaration issued on November 29, 2001 found the property has the right to access Green Leaf Road. The Commission granted preliminary subdivision plan re-approval on April 22, 2002. Mr. Shire stated all agencies have issued final approvals with no outstanding issues.

Mr. Greenwell moved that, having made a finding of adequate public facilities for 21 lots, including stormwater management, and noting that the project has met all TEC requirements, the final subdivision plan was approved, as requested. The motion was seconded by Mr. St. Clair, passed by a vote 6-0.

PSUB #03-120-022 – LEONARDTOWN FARM SUBDIVISION

Requesting preliminary approval of a 71-lot major subdivision. The property contains 226.45 acres, is zoned RPD, and is located on the west side of Maryland Route 5, approximately 100 feet south of the intersection with Whirlwind Road; Tax Map 49, Block 10, Parcel 45.

Owner: John B. & Margaret S. McNeal
Present: Randy Barrett, R. A. Barrett & Associates, Inc.

Mr. Shire said the concept plan was reviewed by TEC in August 2003 and the preliminary subdivision plan was reviewed by TEC in September 2003. The Commission granted concept plan approval in September 8, 2003 to

allow applicant to proceed with the administrative Comprehensive Water and Sewerage Plan (CWSP) amendment to change the water category to allow connection to the existing central water system serving Wilderness Subdivision and Kingston Estates. Mr. Shire stated that the Maryland Department of the Environment approved the amendment to the CWSP on January 12, 2004 to allow a central water system.

As a follow up to the Planning Commission meeting of September 8, 2003, Ms. King asked if the Historic Preservation Planner, Teri Wilson, had any comments regarding this property? Mr. Shire apologized for leaving out the Historic Preservation Planners comments and to the best of his knowledge the comments were not done. Mr. Shire stated if the Commission would like to proceed and place conditions upon having Ms. Wilson's comments, he could bring the comments back at a future meeting. Ms. King replied she does not want to hold up the applicant but she would like for Ms. Wilson to record the buildings as she believes the buildings are 20th Century farm buildings.

Mr. Barrett said he does not think there are anything historic buildings located on the property and they have no problem with Ms. Wilson going out taking pictures and making recommendations to the Commission. He said there is one abandoned house on the property that might be in the 1940's.

Ms. King moved that, having made findings pursuant to Section 30.5.5 of the Subdivision Ordinance; i.e., Criteria for Approval of a Preliminary Plan, as described in Section V.A. of the Staff Report February 24, 2004, including adequate public facilities as described in the Director's Report, conditioned upon proof of TDR ownership and documentation of existing structures by the Historic Preservation Planner, as a prerequisite to final subdivision approval, the Commission granted preliminary subdivision plan approval. The motion was seconded by Mr. Reeves, passed by a vote 6-0.

ALPD APPLICATIONS

Present: Donna Sasscer, Agricultural/Seafood Specialist, DECD

Having reviewed Ms. Sasscer's memoranda and finding that the applications meet the Maryland Agricultural Land Preservation Foundation criteria, the Commission voted unanimously to recommend approval to the County Commissioners for the following ALPD applications:

**#04-150-001 – Harvey I. Bailey – 199 acres
#04-150-002 – James Herriman – 23.34 acres
#04-150-003 – Philip B. Hayden – 27 acres**

SPECIAL REQUEST

ZPUD #04-245-001 – STEWARTS GRANT

Mr. Shire said this is a preliminary discussion prior to scheduling a public hearing before the Planning Commission and the Board of County Commissioners regarding an amendment to the Planned Unit Development (PUD) Plan which would allow the school use. Mr. Shire said the site plan has been reviewed and the applicant would like to go forward to the Commission to receive concept approval but the school use needs to be amended into the PUD. Mr. Shire stated that 33.17 acres were donated to the County by the developer for school site with the condition and understanding that the owner of the PUD will be able to retain his development rights and open space benefits on the balance of the property.

Mr. Shire said in order to expedite the approval on construction of the school, which is badly needed, they are breaking the PUD's major change into two stages. The first stage is simply to amend the school use into the list of uses that run with the PUD and the second stage will come at a later date when developer develops a plan to show how he will retain these development rights and open space benefits on the remainder of this property.

DISCUSSION

SUB-PLAN SERIES

March - Rural Legacy Program

Present: Jeff Jackman, Senior Planner
Sue Veith, Environmental Planner
Donna Sasscer, DECD

Mr. Jackman stated the Rural Legacy Program is incorporated in the Comprehensive Plan. Mr. Jackman said the Rural Legacy is the preservation counterpart to Priority Funding Areas. The State of Maryland targets funding for land preservation to Rural Legacy Areas and other preservation areas. The Priority Funding Areas and Rural Legacy Areas work together to ensure that Maryland's communities and natural resource lands continue to function as healthy places and contribute to the vitality of Maryland's economy.

Ms. Veith said the Huntersville Rural Legacy project is already proposed at the State of Maryland and they are making progress on easement acquisition in that area. She said the St. Mary's River Rural Legacy project has been submitted to the State of Maryland for a couple of years for their consideration for approval for a Rural Legacy Program.

Ms. Veith stated the Rural Legacy Program was put together as a means to protect land high agricultural, environmental and cultural resources. The Department of Land Use & Growth Management has tended to focus efforts on protecting agricultural lands and environmentally sensitive lands but it could include cultural resources and small towns could be part of Rural Legacy Program. The criteria allows for placement of easement on land owners who are willing to participate and own 25 or more acres. The County is required to

designate a boundary in which we would focus our easement efforts and then target those areas with outreach.

Ms. Veith asked Ms. Sasscer if she knew how many acres was protected. Ms. Sasscer replied about 3000 acres are protected.

LETTER FROM ATTORNEY G. MACY NELSON – THE WOODS AT MYRTLE POINT, SECTION 1, PHASE 1

The Commission discussed the letter of February 18, 2004 from Attorney G. Macy Nelson regarding The Woods at Myrtle Point, Section 1, Phase 1 requesting reconsideration of the decision made on February 9, 2004 and the Commission had no comments.

ADJOURNMENT – 7:21 p.m.

Janice C. Blackistone
Fiscal Specialist

Approved in open
session: March 22, 2004

John F. Taylor
Chairperson