

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION  
MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Monday, November 28, 2005**

Members present were Larry Greenwell, Chairman; Joseph St. Clair, Vice Chair; Lawrence Chase; Julia King; Steve Reeves; and Howard Thompson. Department of Land Use and Growth Management (LUGM) staff present was Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Phil Shire, Planner IV; Bob Bowles, Planner II; Teri Wilson, Historic Preservation Planner; and Keona Courtney, Recording Secretary. Deputy County Attorney, Heidi Dudderar, was also present.

The Vice Chair called the meeting to order at 6:30 p.m.

**APPROVAL OF MINUTES** – The minutes of November 14, 2005 were approved as recorded.

**FAMILY CONVEYANCE DECISION**

**MSUB # 05-1100017 – BASHFORD MANOR RESUBDIVISION**

The applicant is requesting preliminary review and approval of an additional lot on a private road. The property contains 11.8908 acres; is zoned Rural Preservation District (RPD), Resource Conservation Area (RCA) Overlay; and is located at 36240 Bashford Lane in Chaptico, Maryland; Tax Map 22, Grid 11, Parcel 63.

Owner: Charles & Marjorie Boyers  
Agent: Ben Dyer Associates, Inc.

Certified mail receipts are on file for all cases.

Mr. Shire explained that the request was originally presented to the Planning Commission on October 24, 2005. The Planning Commission voted to table further discussion of the request due to the confusion among the homeowners about Bashford Lane, the old 25 foot right-of-way, and the recently constructed 50 foot right-of-way. Mr. Shire explained that on November 8, 2005 he, Mr. St. Clair and Mr. Reeves met with the Boyers and their neighbors about this issue. A new road maintenance agreement was signed by the homeowners and it was determined that the 50 foot right-of-way is a safer road for ingress and egress than Bashford Lane. Mr. Shire stated that the applicant should be required to use the 50 foot right-of-way.

**Mr. Reeves moved that having accepted the staff report, dated November 18, 2005; and having made findings pursuant to Section 30.11.4**

**of the St. Mary's County Subdivision Ordinance (Criteria for Approval of a Family Conveyance), the Planning Commission approve the Family Conveyance subdivision plan, with the condition that agreements ensuring access to, and use and maintenance of, the recently constructed 50 foot right of way, be recorded prior to recordation of the plat. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.**

Mr. Reeves proposed a resolution to the Planning Commission that will close Bashford Lane to involuntary users. He explained that the resolution is intended as a statement of policy to the homeowners who own the 25 foot right-of-way and should be used by the Planning Commission in future proceedings. Mr. Reeves read the proposed resolution to the Planning Commission and Mr. Greenwell asked if the homeowners had a problem with the resolution. One homeowner stated that she does not have a problem with giving up her right-of-way to Bashford Lane. Another homeowner stated that she would like to have a document to attach to her deed stating that she does not have access to the road. Mr. Canavan stated that a corrective plat is needed to terminate the road. Ms. Dudderar explained that an easement can only be created or terminated with a recorded document. She clarified that Mr. Reeves' proposed resolution is to restrict the Planning Commission from granting access to the Bashford Lane right-of-way in the future. She explained that it is the responsibility of the right-of-way owners to grant or deny access to the road.

**Mr. Reeves moved that the involuntary easements held by the lot holders of Bashford Manor Resubdivision over that 25 foot portion of Bashford Lane (which is beyond the western terminus of that newly constructed 50 foot right-of-way, which is shown on a plat entitled "Bashford Manor – Resubdivision of parcels A and B) which runs east to MD Route 238 be considered terminated in regard to any future Planning Commission proceedings. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.**

### **FAMILY CONVEYANCE**

#### **POR #05-14000003 – LAND OF JAMES LORENZO HOLT, PARCEL 2**

The applicant is requesting preliminary review and approval of an additional lot on a private road. The property contains 5.13 acres; is zoned Rural Preservation District (RPD); and is located on the northeast side of Holt Road, north of Laurel Grove Road; Tax Map 13, Grid 24, Parcel 386.

Owner: James L. Holt  
Agent: DH Steffens Co.

Mr. Shire explained that the request is to deed a six acre lot into one parcel. He stated that the lot percs and that the private road leading to the lot is

sound. Mr. Shire explained that the approval of this request will bring the number of lots on the private road to 12 lots.

**Mr. Thompson moved that having accepted the staff report, dated November 7, 2005; and having made findings pursuant to Section 30.11.4 of the St. Mary's County Subdivision Ordinance (Criteria for Approval of a Family Conveyance), the Planning Commission approve the Family Conveyance subdivision plan with the condition that agreements ensuring access to, and use and maintenance of, the road be recorded prior to recordation of the plat. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.**

**MSUB #05-11000083 – REYNOLDS ESTATES**

The applicant is requesting preliminary review of an additional lot on a private road. The property contains 5.99 acres; is zoned Rural Preservation District (RPD); and is located at 27071 Faunkirk Drive, south of MD Route 235; Tax Map 13, Grid 12, Parcel 74.

Owner: Herbert E. Reynolds, Jr.  
Agent: Robert Trautman, Professional Land Surveyor

Mr. Shire explained that the request is to subdivide a six acre parcel. He explained that there is only one road used for ingress and egress and that it is well maintained. There are no outstanding issues pertaining to the property.

**Mr. Thompson moved that having accepted the staff report, dated November 8, 2005; and having made findings pursuant to Section 30.11.4 of the St. Mary's County Subdivision Ordinance (Criteria for Approval of a Family Conveyance), the Planning Commission approve the Family Conveyance subdivision plan with the condition that agreements ensuring access to, and use and maintenance of, the road be recorded prior to recordation of the plat. The motion was seconded by Mr. Chase and passed by a 6-0 vote.**

**MSUB #05-11000085 – JOHNNYS REST**

The applicant is requesting preliminary review of an additional lot on a private road. The property contains 4.025 acres; is zoned Residential Low-Density District (RL); and is located at 45780 Calla Lane; Tax Map 51, Grid 13, Parcel 220.

Owner: Benjamin P. Johnson, Sr.  
Agent: Robert Trautman, Professional Land Surveyor

Mr. Shire explained that there are two existing homes on one parcel and that this request is to subdivide around the existing property. He stated that

there will not be an adverse impact to the private road and that Calla Lane is in good condition.

**Mr. Reeves moved that having accepted the staff report, dated November 8, 2005; and having made findings pursuant to Section 30.11.4 of the St. Mary's County Subdivision Ordinance (Criteria for Approval of a Family Conveyance), the Planning Commission approve the Family Conveyance subdivision plan with the condition that agreements ensuring access to, and use and maintenance of, the road be recorded prior to recordation of the plat. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.**

## **DEVELOPMENT REVIEW**

### **CCSP #05-13200038 – HERMANVILLE SELF STORAGE**

The applicant is requesting review and approval of a concept site plan for a 53,370 square foot self storage building. The property contains 3.25 acres; is zoned Corridor Mixed Use District (CMX), Accident Potential Zone-2 (APZ-2); and is located at 21179 Three Notch Road in Lexington Park, Maryland; Tax Map 52, Grid 8, Parcels 144.

Owner: Beck & Beck LLC  
Agent: R.A. Barrett & Associates, Inc.

Mr. Shire explained that the proposed facility will be located across the street from the Patuxent Naval Air Station and is in the APZ-2 area of the naval base. He explained that buffers are needed along the side of the property that adjoins Route 235 and along the backside of the property that adjoins the residential properties. Mr. Shire explained that the site will not generate much traffic since there will only be a few employees working at the facility.

Mr. Greenwell asked Mr. Shire about the facility being located in the APZ-2. Mr. Shire explained that APZ-1 is the most restrictive accident potential zone and that APZ-2 is the less restrictive accident potential zone, so more uses are allowed under the APZ-2. Mr. Greenwell asked what the manpower requirements are for APZ-2. Mr. Shire explained that more than one person is permitted at the facility, and that a self storage facility is permitted under APZ-2.

Mr. Greenwell asked about the appearance of the facility. Mr. Beck explained that the facility will be visible from Route 235 and there will be a 50 foot buffer between the building and the road. He stated that the facility will have tan siding and a green roof. Mr. Thompson asked what kind of buffer will be along the back side of the property. Mr. Beck explained that there will be a 25 foot wooded buffer. Mr. Shire added that a wood fence is required, as well as dense plantings. Mr. Beck explained that he intends to use white pines as a buffer. Mr. Shire

suggested to Mr. Beck that he use hemlocks for the buffer instead of white pines since white pines have a tendency to thin out at the bottom. Mr. Beck stated that he will work with Mr. Shire on the buffer.

**Mr. St. Clair moved that having accepted the staff report, dated November 18, 2005; and having made a finding that the objectives of Section 60.5.3 of the St. Mary's County Zoning Ordinance have been met; and noting that the referenced project has met all requirements for concept approval; the Planning Commission grant concept site plan approval, as requested. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.**

**CCSP #02-130-038 – PATUXENT RIVER NAVAL AIR MUSEUM, VISITOR CENTER**

The applicant is requesting review and approval of a concept site plan for a 22,000 square foot visitor center building. The property contains 3.83 acres; is zoned Corridor Mixed Use District (CMX); and is located on the northeast side of MD 235, north of the intersection of Pegg and Buse Roads; Tax Map 43, Grid 16, Parcel 51.

Owner: St. Mary's County Board of County Commissioners  
Agent: Mehaffey & Associates, PC

Mr. Shire explained that the request for conditional use to construct the museum and visitor's center was approved in March 2002 by the Board of Appeals, but later expired due to a lack of funding. He explained that the request is now considered a permitted use under the Comprehensive Zoning Ordinance which was adopted in May 2002. Mr. Shire explained that a request was recently submitted to the Board of Appeals for a variance to allow part of the roof to overhang the building restriction line by approximately 25 feet. He stated that this is a County project.

Mr. Greenwell asked if there are any traffic issues. Mr. Shire explained that there have been traffic studies, but he doesn't know if they have been updated. Mr. Shire explained that final findings for adequate public facilities will be made administratively before final site plan approval. Mr. Greenwell stressed that traffic needs to be investigated further. Mr. Whipple explained that the State Highway Administration (SHA) approved an entrance permit based on the site plan. He stated that he will report back to Mr. Shire about the traffic study.

**Mr. St. Clair moved that having accepted the staff report, dated November 18, 2005; and having made a finding that the objectives of Section 60.5.3 of the St. Mary's County Zoning Ordinance have been met; and noting that the referenced project has met all requirements for concept**

**approval and as a prerequisite for final site plan approval an updated traffic study will be submitted to the Planning Commission; the Planning Commission grant concept site plan approval, as requested. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.**

## **DISCUSSION**

### **Certification of the Lexington Park Development District Master Plan**

Mr. Jackman explained that on February 28, 2005 the Planning Commission signed a resolution making a recommendation to the Board of County Commissioners (BOCC) to adopt a new master plan for the Lexington Park Development District. The BOCC held a public hearing in May 2005, and on November 1, 2005 the BOCC adopted the Lexington Park Development District Master Plan.

Mr. Jackman explained that the BOCC made changes to the Planning Commission's recommendation. He provided a memo to the Planning Commission which outlined the changes. He stated that the Planning Commission must certify the Comprehensive Plan, and any amendments to the Plan. The certification page was provided to the Planning Commission and signed by the Chair.

Mr. Canavan explained that the certification page will be added to the text of the Master Plan, along with the changes made to the plan by the BOCC. He explained that the text amendments will be provided at a later date.

### **Properties with Historic Resources**

Ms. King explained that during the Planning Commission meeting on November 14, 2005, a request for a major subdivision was presented and neither the applicant nor staff mentioned that there was a 225 year old historic resource on the property. She explained that the historic resource was only discussed because she asked about it. Ms. King stressed that historic resources, such as this one, are very important to the history of the County. She stated that the Planning Commission should know about any historic resources located on properties that are presented to the Commission.

Ms. King explained that she spoke with Mr. Canavan about this issue and he stated that, in the future, historic resources will be included in staff reports. Mr. Canavan suggested that the Planning Commission consider the historic value of the resource and the size of the property that will be retained around the historic resource.

### **Text Amendments**

Mr. Canavan explained that there will be a special meeting of the Planning Commission on December 5, 2005 at the Higher Education Center regarding water and sewer amendments. He also provided the Planning Commission with copies of the Transferable Development Rights (TDRS) amendment recommended by the Chamber of Commerce. Mr. Canavan explained that the recommendations will be brought back to the Planning Commission at a later date. He stated that copies will be provided to the BOCC.

**ADJOURNMENT**

The meeting was adjourned at 7:45 p.m.

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Keona L. Courtney  
Recording Secretary

Approved in open session:  
December 12, 2005

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Larry Greenwell  
Chairman