

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

CUAP NUMBER 25-0066

SLOAN LOVEVILLE MINE ENTRANCE MODIFICATION

THIRD ELECTION DISTRICT

DATE HEARD: OCTOBER 23, 2025

ORDERED BY:

**Mr. Hayden, Mr. Brown, Mr. LaRocco,
Mr. Payne, Ms. Weaver**

PLANNER: SIANLI BLASCO

DATE SIGNED: November 19, 2025

Pleadings

Multiflora, LLC (the “Applicant”) seeks modification of a previously authorized conditional use for a gravel mine to allow a modified entrance.

Public Notification

The hearing notice was advertised in *Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, on October 3 and October 10, 2025. The hearing notice was also physically posted on the subject property and required mailings were sent to neighboring landowners within 200’ of the subject property by October 8, 2025. The agenda was also posted on the County’s website on October 17, 2025. Therefore, the St. Mary’s County Board of Appeals (“Board”) finds and concludes that the Applicants have complied with the notice requirements.

Public Hearing

A public hearing was conducted at 6:30 p.m. on October 23, 2025 at the St. Mary’s County Governmental Center, 41770 Baldrige Street, Leonardtown, Maryland. All persons desiring to be heard were heard after being duly sworn, the proceedings were recorded electronically, and the following was presented about the proposed conditional use requested by the Applicants.

The Property and the Site

The Applicant owns a property of approximately 62.895 acres, more or less, (the “Property”) on Route 5 in Loveville, Maryland, and may be found at Tax Map 19, Grid 19, Parcel 133. The Property is zoned Rural Preservation District (“RPD”).

The Conditional Use Requested

The Applicant seeks to modify previously approved conditional uses (CUAP 15-131-050 and CUAP 20-131-0001) granted for Use # 82, Extractive Industry to modify the existing entrance to the Property.

The St. Mary's County Comprehensive Zoning Ordinance

Pursuant to Schedule 50.4 of the CZO, Use Type 82, "Extractive Industry" is defined as:

Removal of natural materials from the surface or subsurface of the earth for sale or further processing. This classification includes sand and gravel mining and mineral extraction.

Per the Limited Standards found in CZO 51.3.82.b.1.a, Use Type 82 requires approval from the Board of Appeals if the total affected area will exceed 5 acres.

The Evidence Submitted at the Hearing by LUGM

Sianli Blasco, a Planner at the St. Mary's County Department of Land Use and Growth Management ("LUGM"), testified and presented a staff report summarizing the request. Including in Ms. Blasco's testimony was the following evidence:

- The Property is an existing 64.66-acres gravel mine, approved under Minor Site Plan 13-131-021 (4.96-acre) and CUAP # 15-131-050 (48.50-acres addition), along with a wash plant approved under CUAP # 20-131-0001 (12.2-acres addition). The current approved mining operation is 64.66 acres. In addition, the Property contains a single-family dwelling and several agricultural outbuildings according to the site plan submitted in support of this conditional use request.
- The Applicant is requesting a modification to the existing conditional use approvals consisting of an additional entrance to the existing mining operation.
- The mining operation is regulated by the State of Maryland's Department of Environment, per Title 26, Subtitle 21, Chapter 01 of the Code of Maryland Regulations (COMAR), to have an approved Mining and Reclamation Plan, permit, and license to operate a surface mine. COMAR Title 26, Subtitle 21, Chapter 01

also regulates setback and haul road requirements.

- Currently, the mine is operational Monday through Friday from 7:00 a.m. to 5:00 p.m. and Saturday from 7:00 a.m. to 12:00 p.m. for site maintenance only (Attachment 4). Eighty trips per day were previously approved with CUAP 20-131-0001 and 230047 (correcting a clerical error in the staff report). With this application, the project proposes no increase in hours or trips generated. Upon completion of the mining the Property will be reclaimed and returned to its agricultural use. (Attachment 2)
- Department of Public Works and Transportation and the Soil Conservation District have approved the site plan. Approvals are still pending for LUGM (Conditional Use approval required). Access Permit is required by State Highway Administration. St. Mary's County Health Department approval is pending.
- The following Attachments to the Staff Report were introduced:
 - #1: Standards Letter;
 - #2: Conditional Use Order 15-131-050;
 - #3: Conditional Use Order 20-131-001;
 - #4: Conditional Use Order 23-0047;
 - #5: Location Map;
 - #6: Land Use Map;
 - #7: Zoning Map; and
 - #8: Minor Site Plan.

Applicants' Testimony and Exhibits

The Applicant was represented before the Board by Christopher Longmore, Esq., of Dugan McKissick & Longmore, LLC. Joining Mr. Longmore were Randy Sloan (representing Multiflora, LLC), Jay Hopson of Hopson Engineering, Barry Vukmer of Chesapeake Trails Surveying, and, by Zoom, Jackie Plott of Traffic Concepts. Applicants presented a slideshow and answered questions posed by the Board and the public. Material testimony adduced by the Applicants included the following:

- Applicant proposes a new entrance to the property on a parcel which Applicant has acquired ownership and control over.
- The new entrance “will allow for better access to the site,” and, “additionally, prior entrance is over an easement on a neighboring property owner’s property, so this would allow for direct access to the mining operations through Applicant’s property.” Applicant asserted that, if anything, adding the additional entrance will “decrease congestion and allow for a new and improved flow of traffic.”
- There will be no modification of the mining area or intensification of existing operations if this modification is granted. There will be no increase in the number of trips generated.
- Per Mr. Sloan, the State Highway Administration has granted the requested access permit.
- The only other modification will be relocating a scale closer to the proposed entrance.
- In response to concerns raised by the public, Mrs. Plott reiterated that 80 “trips” equates to 40 “trucks,” and that there would be 8 trips during peak hours. She noted

traffic will not be increased by this proposal but will stay at current levels. She stated the proposed site entrance is “better” and stated site distance is better, that it will allow left turns out from the mine not permitted today, and that aligning the entrance with an existing commercial entrance is “typical practice” and an encouraged practice, stating further that offsetting the commercial entrances would create conflicts and additional collisions.

Public Testimony

The following members of the public appeared to offer testimony related to this matter:

- Joseph Lacey, Leonardtown
 - Mr. Lacey lives slightly north of the Property. Mr. Lacey questioned why the Applicant would need a second entrance to the Property. He said there are piles of blue stone or blue chip, in addition to the gravel, at the site. He said the noise associated with the Property is not necessary and that the white aluminum siding on his house has dust on it generated by the mine. He testified to his impression that there would be 70-80 “vehicles” at the Property.
- Corey White, Leonardtown
 - Mr. White lives nearby the Property. He asked what impact increased traffic would have on Route 5. He noted that Hancock Refrigeration already sees commercial traffic, and requested the Board ask the Applicant to submit a traffic impact study. Mr. White also questioned how the number of trips would be tracked, and how maintenance standards with respect to controlling dust from the property. Mr. White’s third and final concern

related to a previous conditional use approval hearing in which the Applicant promised to post “no engine braking” signs. These signs were posted, but were required to be taken down because the applicant “had not gone through the proper channels.” Mr. White also stated that the owner of Hancock Refrigeration is his father-in-law.

- Delaney White, Leonardtown
 - Delaney White spoke on behalf of her father, Mark Hancock, the owner of Hancock Refrigeration. She said he asked Mr. Hancock if he “was in favor of the new entrance” and replied that he told her that he is not.

In addition to the in-person testimony, one letter was received:

- Mark Hancock, Leonardtown
 - Mr. Hancock is the owner of Hancock Refrigeration, which is located across Route 5 from the proposed new entrance site. Mr. Hancock said his primary concern is “the impact of increased traffic on the operations of Hancock Refrigeration.” He stated the proposed modification will “significantly disrupt traffic flow and create inconveniences for both employees and customers entering and exiting our property.” He further stated that posing two commercial entrances directly across from one another would create a safety hazard and believed that 70-80 trips per day would create congestion and risks to customers visiting his business. He requested Applicants be directed to prepare a traffic study. Finally, he asked the Board to clarify the responsibilities the Applicant will

have for maintenance and dust control.

Decision

County Requirements for Granting Conditional Uses

The St. Mary's County Comprehensive Zoning Ordinance § 25.6 sets forth eight separate standards that must be met for a conditional use to be granted:

1. The conditional use complies with the standards of the district in which it is to be located and standards applicable to that use;
2. The establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, convenience, morals, order, or general welfare;
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood;
4. The proposed use at the proposed location will not have adverse effects above and beyond those inherently associated with the proposed use irrespective of its location within the zoning district;
5. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
6. Adequate measures have been or will be taken to provide ingress and egress following a design that minimizes traffic congestion in the public streets;
7. The proposed conditional use is not contrary to the goals, objectives, and policies of the St. Mary's County, Maryland Comprehensive Plan ("Comprehensive Plan"); and
8. The conditional use, in all other respects, conforms to the applicable regulations of the

district in which it is located or to the special requirements established for the specific conditional use in the Ordinance.

Conclusions

Upon review of the facts and circumstances, the Board concludes that the Applicants have met the general standards for granting the modification to their conditional use under CZO § 25.6.

First, existing use appears to comply with the standards governing its use in the RPD. The proposed modification does not appear to bring the use into conflict with any development regulations set forth in the CZO. Moreover, pursuant to CZO §31.1, “The regulations of Rural Preservation Districts are intended to foster agricultural, forestry, *mineral resource extraction*, and aquacultural uses and protect the land base necessary to support these activities.” (Emphasis added).

Second, the gravel mine is, and will continue to be, subject to numerous county, state, and federal regulations intended to assure the public’s health, safety, and welfare. The Maryland State Highway Administration must approve the entrance, and Applicant claimed this approval has already been attained. Applicant produced sufficient evidence that traffic conditions would not be materially altered from what they are now, and made sound claims that operations would be improved. Ms. Plott’s testimony was that the new entrance will be safer and is better located, and rebuffed suggestions that locating it opposite a commercial entrance will create a safety hazard.

Third, the new entrance will appear to have no deleterious impact on adjacent property owners. As summarized above, Applicant and Applicant’s agents testified to various ways the new entrance will improve traffic flow. This includes eliminating the need for trucks to make U-turns, which they presently do.

Fourth, modifying the entrance does not appear to generate any additional adverse impacts from the mine. Particular concerns were voiced about the entrance's location across from an existing commercial entrance. Ms. Plott testified that this is a standard and typical practice for traffic engineers, and testified why that is so: aligning commercial entrances decreases confusion, which leads to decreased collisions, and that offsetting the entrances would create a safety hazard. She said that offsetting would require, at a minimum, several hundred feet of separation. She summarized it by saying that the proposed location is "absolutely" the ideal placement.

Fifth, the site plan review process, administered by LUGM, will ensure that adequate utilities, road access and erosion controls will be provided. In addition, MDE administers the surface mining program within the state, through its licensing and permitting process, subjecting the Site to MDE inspections.

Sixth, the Board is convinced, for the reasons stated above, that modifying the entrance will improve ingress and egress patterns. The modification will not increase the number of trips or traffic visiting the site, and the site will remain capped at 80 trips per day. This will be further reinforced by the Board's condition requiring use of the existing entrance cease upon completion of the new entrance.

Seventh, the proposed Site comports with the Comprehensive Plan, Section 4.4 of which seeks to "[a]llow supplemental income productive activities at a scale or intensity that will not unduly change the character of the area[,] establish performance standards that will prevent negative impacts on surrounding properties," and "[p]romote use of best management practices in resource-based activities to minimize contamination of surface and groundwater and adverse effects on plants, fish and wildlife resources, and other environmentally sensitive areas." The requested modification will improve the operations of an existing site that furthers these objectives,

without posing additional impacts upon the neighboring community and commuters on Route 5. On the whole, it appears the new entrance will be a net benefit to the mine, community, and County.

For these reasons, we find the requested modification to the previous conditional use approval should be granted.

ORDER

PURSUANT to the application of Multiflora, LLC, requesting conditional use approval pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance for Use Type 82, Extractive Industry, (CUAP 25-0066) to modify an existing gravel mine entrance; and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is

ORDERED, by the St. Mary's County Board of Appeals, that the Applicants are granted the requested conditional use approval modification to construct and use a new entrance as shown on the Gravel Pit Modification Plan, Applicant's Exhibit D;

UPON CONDITION THAT, upon completion of the entrance, use of the original entrance shall cease and that the original entrance shall not be used later than December 31, 2027.

Additionally, the foregoing conditional use is also subject to the following condition that the Applicants shall comply with any instructions and necessary approvals from the Department of Land Use and Growth Management.

This Order does not constitute a building permit. In order for Applicant to construct the structures permitted in this decision, they must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Date: November 19, 2025

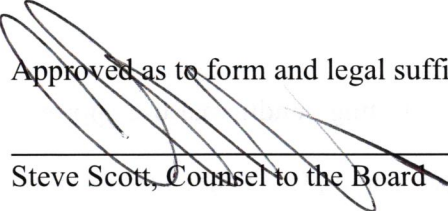

George Allan Hayden, Chairman

Those voting to grant the conditional use:

Mr. Hayden, Mr. Brown, Mr. LaRocco,
Mr. Payne, and Ms. Weaver

Those voting to deny the conditional use:

Approved as to form and legal sufficiency


Steve Scott, Counsel to the Board

NOTICE TO APPLICANTS

Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further, St. Mary's County Comprehensive Zoning Ordinance § 25.9 provides, "Subject to an extension of time granted by the Board of Appeals for cause, no conditional use permit shall be valid for a period longer than one year unless a site plan is approved, a building permit is issued, construction is actually begun within that period and is thereafter diligently pursued to completion, or a certificate of occupancy is issued and use commenced within that period."

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order; otherwise, they will be discarded.