Board of Appeals Teleconference (Thursday, May 13, 2021)

Drafted by Sherrie Young, Recording Secretary on Friday, May 14, 2021

1.CALL TO ORDER: Meeting called to order at 6:30 pm.

2. ROLL CALL: Attendance of Members, Presenters and Staff Support **Board for the Board of Appeals:**

<u>CSMC Meeting Room</u> Dan Ichniowski, Chair John E. Brown, Co-Chair Lynn Delahay, Member Wayne Miedzinski, Member Rich Richardson, Member Guy Bradley, Alternate Member Steve Scott, Board Attorney

SMCG Supporting Staff to be in Attendance Via:

<u>CSMC Meeting Room</u> Harry Knight, Deputy Director- LUGM Stacy Clements, Planner III- LUGM Neil Murphy, Deputy County Attorney

Remote Teleconference Courtney Jenkins, LUGM Staff

<u>Media Control Room</u> Amy Carter, Video / Media Producer

Savich Conference Room Phone Sherrie Young, BOA Recording Secretary

Appellants, Applicants, Interveners & Representatives:

<u>CSMC Meeting Room</u> Christopher Herod, Applicant Payam Bakhaje, Applicants Steve Vaughan, LSR Chris Longmore, Esq. Gregory Hosendorf, Soltesz

Remote Teleconference Hugh Voehl III –SMECO Tommy Short -SMECO Louis Jenkins -SMECO Kevin Anderson –SMECO Patrick Stephenson, Cannabis Processor Consultants Jaime Stephenson, Cannabis Processor Consultants Deborah Price, Applicant -Contract Purchaser Judith Cassel, Cannabis Attorney

3. AGENDA: May 13, 2021 Board of Appeals Meeting

4. PUBLIC HEARING: Herod Property VAAP 21-0149

"In the matter of VAAP # 21-0149 having made a finding that the standards for granting a variance and the objectives of Section 51.3.122.a(2) of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to reduce the 10-foot setback to 7-feet for an inground pool (measured from edge of water) to the rear property line."

Motion: Rich Richardson Second: John Brown Final Resolution: Motion Carried 5-0

5. PUBLIC HEARING: BAKHAJE VAAP 20-1247

"In the matter of VAAP # 20-1247 having made a finding that the standards for granting a variance and the objectives of Sections 24.3 and 24.4 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance requests from Section 71.8.3 to disturb the Critical Area Buffer and from Section 71.5.2 to disturb the non-tidal wetland buffer to construct a single-family dwelling unit."

Motion: Lynn Delahay Second: Wayne Miedzinski Final Resolution: Motion Carried 5-0

6. PUBLIC HEARING: CHAPTICO SUBSTATION CUAP 20-132-016

"In the matter of CUAP #20-132-016, Chaptico Substation, having made a finding that the standards for granting a conditional use and the objectives of Section 51.3.97 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request for a Utility, Major within the Rural Preservation District."

Subject to the following Conditions:

Should the EMF readings be a higher level than during or following construction, SMECO will take action to lower the effect back to pre-construction levels and they will advise all neighboring property owners.

Motion: John Brown Second: Rich Richardson Final Resolution: Motion Carried 5-0

7. PUBLIC HEARING: THE GREENERY CUAP 21-131-006

"In the matter of CUAP #21-131-006, The Greenery, having made a finding that the standards for granting a conditional use and the objectives of Section 51.3.1 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request for an Agricultural Industry, Major within the Town Center Mixed zoning district."

Subject to the following Conditions:

1.) The Applicant will not grow any agricultural products including medical cannabis.

2.) Applicant will not dispense any medical cannabis materials to any patients or consumers at the property.

3.) There shall not be any distribution of medical cannabis sales on the property.

4.) All storage and security will be in accordance with State regulations.

5.) The "A" Buffer will continue around on the west side of the property and Mervell Dean Road front side of property.

Motion: John Brown Second: Wayne Miedzinski Final Resolution: Motion Carried 5-0

8. REVIEW AND APPROVAL OF MINUTES: Board of Appeals April 8, 2021 Meeting

"I move to accept the April 8, 2021 Board of Appeals Meeting Minutes."

Motion: Wayne Miedzinski Second: Rich Richardson Final Resolution: Motion Carried 5-0

9. REVIEW AND APPROVAL OF ORDERS: VAAP 20-2477 Bryner Property Order

"I move to authorize Chairman Ichniowski to sign the VAAP 20-2477 Bryner Property Order."

Motion: Wayne Miedzinski Second: Rich Richardson Final Resolution: Motion Carried 5-0

10. REVIEW AND APPROVAL OF ORDERS: VAAP 20-2089 Hodskins Property Order

"I move to authorize Chairman Ichniowski to sign the VAAP 20-2089 Hodskins Property Order."

Motion: John Brown Second: Wayne Miedzinski Final Resolution: Motion Carried 4-1

11. REVIEW AND APPROVAL OF ORDERS:

CUAP 21-131-00001 Sloan Gravel Wash Plant Order

"I move to authorize Chairman Ichniowski to sign the CUAP 21-131-00001 Sloan Gravel Wash Plant (updated) Order."

Motion: Wayne Miedzinski Second: Rich Richardson Final Resolution: Motion Carried 5-0

12. BOARD REQUEST: "Critical Area Variance Standards" Presented by **Emily Vainieri, Assistant Attorney General** assigned to the CAC

"I move that a special Board Work Session be held on Thursday, May 20, 2021 at 6:30 pm in the Chesapeake Building, CSMC Room."

Motion: Wayne Miedzinski Second: Rich Richardson Final Resolution: Motion Carried 5-0

13. ADJOURN: Meeting Adjourned at 10:09 p.m.

"I move to adjourn the May 13, 2021, Board of Appeals meeting."

Motion: Wayne Miedzinski Second: Lynn Delahay Final Resolution: Motion Carried 5-0