

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
GOVERNMENTAL CENTER  
Tuesday, March 6, 2007**

**Present:** Commissioner President Francis Jack Russell  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
John Savich, County Administrator  
Betty Jean Pasko, Senior Admin. Coordinator (Recorder)

**CALL TO ORDER**

The meeting was called to order at 9:00 am.

**ADDITION TO THE AGENDA**

**Commissioner Raley moved, seconded by Commissioner Dement, to add the Finance Department's Budget Amendment request to the main agenda. Motion carried 5-0.**

**APPROVAL OF CHECK REGISTER**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated March 6, 2007. Motion carried 5-0.**

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of February 27, 2007, as presented. Motion carried 5-0.**

**DEPT. OF FINANCE: BUDGET AMENDMENT**

**Commissioner Raley moved, seconded by Commissioner Mattingly, that the Board approve the submitted Budget Amendment moving \$54,035 from the BOCC Emergency Appropriation Reserve to the appropriate County Administrators Account. Motion carried 5-0.**

**COUNTY ADMINISTRATOR EMPLOYMENT CONTRACT**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the Employment Contract as presented by staff and as agreed to and signed by Mr. John Savich, to serve as the County Administrator for St. Mary's County. Motion carried 5-0.**

**PROCLAMATION: WOMEN'S HISTORY MONTH**

*(Commission for Women and Dept. of Recreation, Parks, and Community Services[RP&CS])*

Present: Cynthia Brown, Community Services Division Mgr., RP&CS  
Marta Kelsey, Chairperson, Commission for Women

The Board proclaimed March 2007 as Women's History Month and called upon St. Mary's County citizens to observe this month through appropriate ceremonies and activities in celebration and remembrance of the many contributions made by women in St. Mary's County, the state of Maryland, and throughout the United States. The theme, "Generations of Women Moving History Forward," underscores the power and inspiration of generations of women working together to move history forward.

**DEPARTMENT OF HUMAN RESOURCES AND BOLTON PARTNERS: JOINT PRESENTATION TO ST. MARY'S COUNTY GOVERNMENT AND ST. MARY'S COUNTY PUBLIC SCHOOLS (SMCPS)- RECOMMENDATION ON THE AWARD OF HEALTH PLAN CONTRACT**

Present: Sue Sabo, Director, Human Resources  
Mark Lynne, Consultant, Bolton Partners  
Dr. Sal Raspa, Chair, Board of Education  
Dr. Michael Martirano, Superintendent, SMCPS  
Dan Carney, CFO, SMCPS

Ms. Sabo stated that the evaluation process was a joint collaboration with Board of Education and various County Government employees. In November 2006, Solicitation #07-HR-35637 was issued requesting proposals for the St. Mary's County Government and St. Mary's Public Schools Health Benefit Plan. Proposals were reviewed, including "Best and Final Offers" from the top two rated vendors.

Mr. Lynne provided a summary of bid provisions and information on the selection process and criteria. It was recommended that the Health Care Contract be awarded to CareFirst, BlueCross BlueShield, effective July 1, 2007, for a period not to exceed six years and renewable on an annual basis.

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Contracting Officer to award the St. Mary's County Government and Public Schools Health Plan contract to CareFirst BlueCross BlueShield. Motion carried 5-0.**

As there was not a quorum present for the Board of Education, Mr. Carney advised that they will vote on this matter at the next Board of Ed meeting.

## **COUNTY ADMINISTRATOR**

1. Draft Agendas for March 13, and 20, 2007
2. **Maryland Department of Agriculture** (*Mark Smith, Agronomist*)

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Budget Amendment in the amount of \$10,000 to increase the Noxious Weeds/Johnson Grass Collections revenue and expenditure accounts. Motion carried 5-0.**

3. **Information Technology** (*Bob Kelly, Director, IT; Kathleen Reif, Director of So. MD Library*)

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the 2<sup>nd</sup> Amendment to the Tower License with Crown Atlantic Company, LLC. Motion carried 5-0.**

4. **Dept. of Recreation, Parks and Community Service** (*Cynthia Brown, Community Services Div. Mgr.; Walter Biscoe, Prevention Coord.; Susan Bergmann, Addiction Coord., St. Mary's County Health Dept.*)

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Budget Amendment in the amount of \$2,797 to increase the FY07 Alcohol, Tobacco and Other Drugs Prevention Grant and align the project budget with the grant amount. Motion carried 5-0.**

5. **Sheriff's Office** (*Sheriff Tim Cameron; Erin Shoemaker, Fiscal Manager.*)

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the St. Mary's County Police Protection Report, Actual FY06 and Projected FY07 Expenditure Forms, in the amount of \$812,597. Motion carried 5-0.**

6. **County Administrator** (*John Savich, County Administrator*)

**Commissioner Raley moved, seconded by Commissioner, Mattingly, to direct staff to bring forth recommendations at the next Commissioners' meeting for different types of citizen categories that need to be represented on the Governmental Structure Task Force; that in two weeks the Commissioners will**

**provide names for the Task Force; and that the Task Force will consist of at least five, but not to exceed 15 members. Motion carried 5-0.**

7. **Dept. of Economic and Community Development** (*Donna Sasscer, Agriculture Manager, DECD; Phil Shire, Deputy Director, LU&GM; Liz Passarelli, Real Property Manager, Co. Attorney's Office*)

**Commissioner Jarboe moved, seconded by Commissioner Raley, to sign the Agreement to Transfer Development Rights (TDRs) and authorize staff to proceed with the process of lifting TDRs from the Fenwick Rural Legacy Property and selling any TDRs which are not used for Habitat for Humanity and the Farmer's Market and to utilize such funds for continuing agricultural land, and those TDRs will only be transferred to districts outside of the RPD. Motion carried 5-0.**

8. **Board, Committee, and Commission Appointments**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to appoint Elfreda Mathis to the Development Review Forum. Motion carried 5-0.**

## **APPOINTMENTS TO RURAL PRESERVATION DISTRICT TASK FORCE**

The Chamber of Commerce's Adequate Public Facilities (APF) Task Force Report to the Board dated September 19, 2006, recommended that a Rural Preservation District Task Force comprised of staff from LU&GM and citizens be by the Board. It was proposed that the Task Force be tasked with preparing recommendations to address the designation of specific agriculture and environmental preservation zones and the agricultural and environmental value of TDRs in the RPD.

There was discussion regarding the proposed Task Force's scope and specific tasks. Commissioner Raley questioned if overlay zones will be developed, specifically for agricultural and environmental areas. Commissioner Russell stated that the general scope would be to make recommendations to protect land in the RPD with agricultural /environmental value.

Commissioner Dement voiced concern regarding membership appointments; specifically individuals that have served on the Chambers' Committee (APF Task Force). Need to ensure a broad perspective (of citizen's views) is gained; could be a conflict of interest.

Commissioner Jarboe envisioned the long term goal as "where do we want to be as a County?" able to grow in the development districts, while at the same time preserving those areas in

St. Mary's (specifically preserving and protecting environmental sensitive areas and farm land), not just for ourselves, but for the next generations. Commissioner Jarboe proposed that the task force be comprised of both original members of the APF Task Force and new members.

Responding to comments from the state regarding program inadequacy and funding, Commissioner Mattingly commented that, regarding those comments and statements, need to look at the state as a whole; the state is in the same situation. Need to consider the entire effort that the County has put forth, all of the programs. The County matched (maximum matched) the appropriation for program open space and easement investments; the state was not forthcoming with money. It's a little unfair the way the County is being portrayed.

Commissioner Mattingly further stated that, in light of the TDR program, it's not going to show an immediate result, will need time. It's going to be a working document that will be continually addressed.

**Commissioner Raley moved, seconded by Commissioner Dement, to table the proposal, for no more than one week, to be brought back next Tuesday in order to afford the Board more time to firm up their suggestions for the committee. Motion carried 5-0.**

**DEPT. OF LAND USE AND GROWTH MANAGEMENT: REQUEST FOR DIRECTION RE COMPREHENSIVE ZONING ORDINANCE TEXT REGARDING OFFICE BUSINESS PARK (OBP), RESIDENTIAL USES**

Present: Denis Canavan, Director, LU&GM

Mr. Canavan clarified the purpose of this discussion is to discuss the viability of putting residential uses in the OBP and to obtain direction in terms of the Text Amendment. Mr. Canavan provided an overview of background information. When preparing the OBP consideration for the Lexington Park Development District Plan (LPDDP), consideration then was to allow residential use in the OBP zone. Ambiguities exist with the existing Ordinance, which allows residential use in the OBP, but it does not provide density or housing type requirements; and under planned development regulations, the achievable density should be in accordance with the underlying density of the zone.

A Text Amendment was prepared, which went through a public hearing process but was not legislatively acted on. LU&GM prepared the LPDDP that was adopted in Nov. 2005. Comprehensive Zoning done last year, diminished some of the OBP zone from the LPDDP: i.e., acreage behind the Immaculate Heart of Mary Church property. A large amount of OBP was reaffirmed, and subsequent to that, then moved forward concerns about noise contours operations at the Patuxent River Naval Air Station (Re: February 13, 2007 BOCC discussion on the Encroachment Study Committee Report). Three of the Commissioners (two were absent) recommended moving forward to prepare a Zoning Text Amendment that will prohibit residential uses in the APZ-2 Zone (currently, two

units per acre). The Encroachment Study Committee Report suggests that we should not move forward and increase residential in close proximity to APZ-2 and to authorize LU&GM to prepare Text Amendments to create a buffer zone, basically a third zone, further removed from the runway operation at the NAS. Regarding the noise buffer zone, have not received noise contour maps from the naval officials.

There are five OBP zoned areas in St. Mary's County, two are in the LPDDP.

Mr. Canavan clarified that at the February 13, 2007 BOCC meeting, the Board directed LU&GM to prepare zoning amendments that will prohibit residential uses in the APZ-2 Zone, and create a buffer zone that would require additional noise mitigation at the time of new construction and that residential density will not be increased above currently allowed levels. The currently allowed level in the OBP is zero.

**Commissioner Raley moved, seconded for discussion by Commissioner Dement, to direct staff (LU&GM) to prepare a Text Amendment to be brought before the Board as a first reader, and to go through the Planning Commission, then back to the Board of County Commissioners for final decision regarding the prohibition of residential uses in the OBP Zone.**

Commissioner Raley clarified that the motion was made realizing it has significant implications; regarding the importance of NAS, the County has gone through two BRACs, and encroachment. But, property owners have rights. The motion was made to start the process, knowing it's going to take 125 days, two public hearings, and will afford everyone the time to speak at those public hearings. Commissioner Mattingly commented that the motion specifically identified the eliminated of residential uses in the OBP; not sure that that determination has been made yet.

Discussion ensued regarding the process and text amendment verbiage. If as a result of Planning Commission recommendation, public input, etc., a change is proposed; e.g., restricted use versus prohibition, then the process will need to start over again.

To get testimony from both sides, Mr. Canavan proposed the advertisement and the scope as to prepare a Text Amendment relative to residential uses in the OBP zone, for the purpose of clarification to the zoning ordinance. The advertisement can be general, but because the Text Amendment needs to be specific. There was discussion about preparing two or three text amendments in parallel; i.e., no residential development, two units per acre, five units per acre.

Ms. Christy Chesser, County Attorney, stated that Legal can review the advertisement to ensure it is clear so that citizens responding to the public hearing will understand it can be considered for some residential density to none.

Commissioner Jarboe advocated Smart growth 'live where you work programs'; but at the same time, don't want development right up to the AICUZ -- need to find balance.

A brief recess was requested by Commissioner Mattingly.

When the Board resumed, Commissioner Mattingly clarified there should be one Public Hearing advertisement (no density – up to five units per acre) and one Public Hearing to evaluate zero - five units; everybody would be testifying at one public hearing – not three. Mr. Canavan concurred.

**Commissioner Raley withdrew his previous motion and Commissioner Dement withdrew his second.**

Mr. Canavan clarified direction is to prepare two Text Amendments, parallel track; one to allow up to five units per acre (Schedule 32.1, variable can be modified during the process) and one prohibiting residential use in the OBP. Commissioner Mattingly requested that this be included in the advertisement.

It was further clarified that this is specific to the OBP in Lexington Park.

**Commissioner Mattingly moved, seconded by Commissioner Dement, to direct staff to prepare and advertise for a Public Hearing on a proposed Text Amendment that would evaluate the residential density in the Office Business Park in the Lexington Park Development District to establish as maximum density of up to five units per acre, with the opportunity that if at such time zero density is applied to the OBP in the Lexington Park Development District, that conflicts within the Ordinance will be corrected to remove residential density within the OBP in the Comprehensive Land Use Plan and Zoning Ordinance. Motion carried 5 – 0.**

**COUNTY ATTORNEY’S OFFICE: UPDATE ON 2007 LEGISLATIVE PROPOSALS**

Present: Colin Keohan, Deputy County Attorney

Mr. Keohan provided the current status of the 2007 St. Mary’s County legislative proposals as listed below:

**BILLS DRAFTED**

<b>Bill No.</b>	<b>Bill Title</b>	<b>Committee</b>	<b>Hearing Date/Time</b>	<b>Status</b>
<b>HB 217</b>	St. Mary’s County – Alcoholic Beverages - Maximum Fine for Sales Violations	Economic Matters	Heard February 19	Favorable Report Adopted Second Reading
<b>HB 221 SB919 Bond Bill</b>	St. Mary’s County – Creation of a State Debt - St. Mary's County - Hospice House	Appropriations	No hearing scheduled	First reading

<b>HB 231</b>	St. Mary's County – Recordation Tax - Exemption for Transfers from a Government or a Public Agency	Ways and Means	Heard February 15	First reading
<b>HB 232 SB 899 Bond Bill</b>	St. Mary's County – Creation of a State Debt - St. Mary's County - Tudor Hall	Appropriations	No hearing scheduled	First reading
<b>HB 233</b>	St. Mary's County – Metropolitan Commission – Terms of Voting Members	Environmental Matters	<b>March 8, 2007 1:00 p.m.</b>	First reading
<b>HB 234 SB 917 Bond Bill</b>	St. Mary's County – Creation of a State Debt- St. Clement's Lighthouse	Appropriations	No hearing scheduled	First reading
<b>HB 394</b>	St. Mary's County – Review of the County plans-Water Supply Systems and Designees	Environmental Matters	<b>March 7, 2007 at 1:00pm</b>	First reading
<b>HB 447</b>	St. Mary's County – Distribution of Tobacco Products to Minors – Prohibition and Penalties	Judiciary	<b>March 1, 2007 at 1:00 pm</b>	First reading
<b>HB 602</b>	St. Mary's County – St. Mary's County - Real Property - Transfer	Environmental Matters	<b>March 1, 2007 at 1:00pm</b>	First reading
<b>HB 603</b>	St. Mary's County – Subdivision Regulations - Exemptions	Environmental Matters	<b>March 1, 2007 at 1:00pm</b>	First reading
<b>HB 969</b>	St. Mary's County – Metropolitan Commission - Fee Schedule	Environmental Matters	<b>March 8, 2007 at 1:00pm</b>	First reading

#### **OTHER BILLS BEING TRACKED**

<b>SB710</b>	Affordable Housing – Enabling Authority for Counties and Municipalities	Education Health & Environmental Affairs	March 6, 2007 at 1:00pm	First Reading
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<b>HB 1220</b>	Chesapeake Bay Green Fund	Environmental Affairs	March 7, 2007 at 1:00pm	First Reading
<b>HB 185</b>	Environment – Grading or Building Permit – Patuxent River Watershed	Environmental Affairs	February 7, 2007 at 1:00pm	WITHDRAWN

### **ATTENDANCE AT BILL HEARINGS**

The following individuals are expected to attend the hearings listed below:

**March 1, at 1pm, HB 447:** Karen Russell, Health Department  
**March 1, at 1pm, HB 602:** Christy Holt Chesser, County Attorney  
**March 1, at 1pm, HB 603:** Denis Canavan, LUGM  
**March 7, at 1pm, HB 394:** Denis Canavan, LUGM  
**March 8, at 1pm, HB 233 & HB 969:** Steve King, METCOM

### **OTHER BOARD PROPOSALS**

**Remanufactured Automotive Parts:** Although the proposal was not supported by the delegation because it was a statewide initiative, Delegates Bohanan, O'Donnell and Wood are currently sponsoring HB 229, entitled "Sales and Use Tax-Taxable Price-Remanufactured Auto Parts." As drafted the bill would alter the definition of "taxable price" under the sales and use tax law to exclude the value of a used component or part (core value) received from a purchaser of any remanufactured automotive part. The bill was considered by the Ways and Means on February 15.

**Sedimentation & Erosion Control Standards:** In response to a proposal to establish metric standards for erosion and sedimentation control the delegation is contacting the Department of the Environment and the Department of the Agriculture, as these agencies were involved during the last session when this same proposal was offered. Currently, no legislation regarding metric standards has been proposed or drafted.

In a related bill, Delegate Costa (Anne Arundel) is sponsoring HB 476. The bill would alter the purpose of a specified erosion and sediment control fund (state) to allow for the award of grants to upgrade existing erosion and sediment control projects, by increasing the amount of civil, criminal, and administrative penalties that may be imposed for specified violations relating to stormwater, flood control, and watershed management and establish the Stormwater Restoration Fund. Our office will continue to monitor the bill and any local impact.

**Sexual Offender Laws:** Mr. Harless' proposals were state wide initiatives and not eligible to be sponsored by the delegation. However, there are currently 19 bills before the Assembly which concern strengthening the laws against sex offenders.

**Southern Maryland Mental Health Coalition:** The delegation has contacted and referred this issue to the Department of Veterans Affairs as they considered this to be a statewide initiative, and no legislation has been drafted or proposed. The sponsor of the proposal, Constance Walker continues to pursue this issue and has been in contact with various members of the General Assembly.

Delegates Bohanan, O'Donnell and Wood are co-sponsors of HB 1181, "Task Force to Study State Assistance to Veterans", which has been referred to Health and Government Operations and strong support is expected from the Veteran's Caucus. Specifically, the bill would extend the date by which the members of the Task Force to Study State Assistance to Veterans must be appointed to July 1, 2007 and extend the dates by which the Task Force must report its interim and final findings and recommendations to specified officials to December 1, 2007, and December 1, 2008, respectively and extend the termination date of the Task Force to May 31, 2009.

## **COMMISSIONER'S TIME**

### Commissioner Raley

Attended birthday celebrations: Randy Guy, who turned 60; and Benedict Jarboe, who turned 70.

Presented a Commendation to Kevin Smouse, in celebration of Eagle Scout achievement.

Presented a Proclamation to Barefoot Graphics in celebration of their 10<sup>th</sup> Anniversary.

The Department of Aging is holding seminars/discussion on each Thursday beginning May 10<sup>th</sup>, through June 14<sup>th</sup>. Topics will include long-term care planning, social security update, estate planning, retirement funding. PIO will broadcast on channel 95.

Tonight at 6:30 PM, there will be an informational meeting at Great Mills High School concerning Chancellors Run. Would be there, but we have Public Hearings scheduled for the same time.

### Commissioner Mattingly

With Commissioner Jarboe, attended the first meeting of the Volunteer Task Force for ALS/EMS.

Attended and made remarks at the Critical Areas Commission zoning change meeting for Ryken High School. Full Commission meeting coming up to make a decision on the recommendation.

Tomorrow will be at MACo (Annapolis).

### Commissioner Dement

Along with Commissioner Raley, attended the Chambers open house for a new Law Office on Friday; Dugan, McKissick, Wood, and Longmore.

Commissioner Russell

Attended the birthday celebration for Sam Jarboe.

Attended the Knights of St. Jerome dinner.

Tomorrow, going to Crownsville to set as a temporary member for the Critical Areas Commission. Will check on the status of Ryken.

The Board recessed at 12:15 AM; to reconvene at 1:30 PM for a Budget Work Session.

The Board reconvened at 6:30 PM.

**PUBLIC HEARING (DEPT. OF LAND USE AND GROWTH MANAGEMENT):  
PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER AND  
SEWERAGE PLAN**

Present: Jeff Jackman, Sr. Planner

Public Hearing notices were published in the St. Mary's Today on February 18 and 25, 2007, posted on the affected properties, and mailed to adjoining property owners. Mr. Jackman reviewed the staff report and exhibit maps for each case.

1. **Cornerstone Presbyterian Church**, Case#06-132-014, to amend service area Map III-35 to change service category from W-6 to W-3D for 5 acres described as Tax Map 35, Grid 13, Parcel 19, in the 8<sup>th</sup> Election District (community water service to existing church).

The project proposes changing from well to community water service for an existing Church and for its expansion. Upon completion of the expansion, the floor area of the Church will be approximately 30,000 square feet. Total seating capacity will be 527 seats. The daily water demand will be equivalent to six dwelling units (6 EDUs). The Lexington Park water distribution system is well able to provide service in this amount.

In general, the Technical Evaluation Committee from the Health Department and Metropolitan Commission support the provision of community sewer service to the subject properties.

Following a Public Hearing on January 22, 2007, and by a unanimous vote, the Planning Commission authorized the Chair to sign Planning Commission Resolution 07-04 to convey to the County Commissioners its recommendation that the CWSP be amended as requested.

Public Comments:

Billy Mehaffey, P.O. Box 2450, Leonardtown, MD

Clarified for Commissioner Raley, there are currently two buildings on the property, connected by a breezeway. The older building will eventually be removed and replaced.

The buildings are currently served by a private well. The Church is supportive of connecting to the public water system (completed the application), but did request a waiver, which was denied (negative recommendation received by LU&GM from Metropolitan Commission).

Mr. Frederick, Metropolitan Commission, stated the negative recommendation was based on fire suppression (private well cannot accommodate).

The existing structures are not served by a sprinkler system. Commissioner Mattingly advocated sprinkle system installation versus installing firewalls or designing the building to get around the Ordinance.

Referencing the Concept Site Plan Map, Commissioner Raley called attention to Note #8, stating that TDRs will need to be purchased.

Suzanne Donnaltee, 45640 Roper Road, Lexington Park, MD

Roper Road is at the end of the street where the Church is located. Questioned entrances into the parking lot along Roper Road. It was clarified that currently the parking lot and the road just 'blend together'. The plan shows a separation by green strip from the right-of-way into the parking lot. An original planned entrance/exit onto Roper has been removed (from the concept plan); needs to be removed from the drawing.

The Public Hearing was closed and it was announced by Commissioner Russell that the public record period will open for 10 days. Written comments regarding this case may be forwarded to Land Use & Growth Management (LU&GM) or to the Board of County Commissioners (BOCC).

2. **Laurel Preserve Subdivision (Gottlieb)**, Case #06-120-009, to amend service area Map 111-19 to change service category from No Planned Service to Rural Water for 186 acres described as Tax Map 19, Grid 1, Parcel 191, in the 6<sup>th</sup> Election District (service to 61 dwelling units)

Mr. Jackman clarified the property is located near the intersection of Morganza-Turner Road and Laurel Grove Road. The maximum number of dwelling units to be served is 61 single-family lots. The proposed water system will be designed to be adequate to serve this population. Water will be supplied by the Patapsco aquifer. Build-out is projected at three years. All wastewater flow will be disposed of by the use of individual septic systems.

In general, the Technical Evaluation Committee from the Health Department and Metropolitan Commission support the provision of community sewer service to the subject properties.

Following a Public Hearing on January 22, 2007, and by a unanimous vote, the Planning Commission authorized the Chair to sign Planning Commission Resolution 07-3 to

convey to the County Commissioners its recommendation that the CWSP be amended as requested.

Public Comments:

Bill McKissick, represented the applicant. Relative to APF, stated that if water was the sole issue, would be a non-issue. Reiterated the agency and Planning Commission approvals. The Comprehensive Plan states that we need to protect and manage ground water, and maintain safe and adequate water supply. Stated that “when you do the public water system, that’s what you do”. Mr. McKissick continued by providing technical testimony and rationale in support of public water system.

The site is unique because it is because it is bisected by County roads; it’s really two different projects (under the Ordinance). Stated that it’s important for the Commissioners to understand that you don’t approve the water category change for a project like this, really you approve 48 lots with wells. Stated that these types of projects better support protecting rural preservation; versus (APF) driving development in the RPD towards five lot subdivisions; encourages more sprawl and development in the RPD versus approving cluster development, leaving large open spaces. Also stated that these projects provide better infrastructure improvements; road improvements. Historical sites are better maintained.

William Higgs, Professional Land Surveyor, Little Silences Rest, Inc. Clarified that it is two separate parcels, bisected by a County road. Plan to merge into one central water system. Commissioner Raley questioned Phase 1 (for the two parcels) regarding a five lot minor sub-division, to get started. The plan indicates both of the five lot sub-divisions are going to be served by private wells. Mr. Higgs clarified the five lot sub-divisions (two minor sub-divisions) have already been submitted to TEC for preliminary plan approval. Have been working with the Health Dept. and the Metropolitan Commission in developing a private, small water system (one (or two) private well, in the Aquia aquifer, to serve the 10 lots now; assuming the water category is changed – otherwise, back to 10 wells). The plan is to put infrastructure in to support public water system hook-up. The private well will then become a back-up well.

Commissioner Jarboe questioned Mr. Jackman regarding the difference of opinion (RW rural water) by the Maryland Department of Planning. Mr. Jackman, stated for the record, a letter (signed by the Director of Infrastructure for the Maryland Dept. of Planning) was submitted in response to this case being proposed. The letter, relative to the Laurel Preserve property, indicates that the property amendment does not meet the various requirements of the law and regulations that govern the preparation of County water and sewerage plans.

Commissioner Raley clarified: 186 acres, 93 will be open space (clustered). If this goes forward, the purchase of 48 TDRs will be required (which will equate to 144 acres somewhere in St. Mary’s County that are going to be permanently preserved) – for a total of 247 acres that are going to be permanently preserved.

Daphne McGuire, 26070 Laurel Grove Road, Mechanicsville, MD

Voiced interest in preserving the site, relative to historical significance. Has discovered that (the ruins of) a Chapel built back in the 1700's is on this site. The Chapel was owned by All Faith Church. Mr. Lewis, property owner, is coming on the 18<sup>th</sup> to walk down the property site. Ms. McGuire questioned if a burial site is also there, which they believe is, would that have to be preserved – it couldn't be disturbed. It was responded that if the site is not contained within the open area, additional area will be incorporated. However, cluster development – it could be incorporated into someone's lot. There's nothing requiring setting a parcel aside (for the Chapel). They do believe it's isolated within the open area. Ms. McGuire stated, that at this point, they don't know how large the historic site is and it needs to be investigated before any building begins. Ms. McGuire also made a statement about the soil, relative to having a new well drilled, which had to be drilled twice because of sinkholes.

James Woldmetther, 26533 Laurel Grove Road, Mechanicsville, MD

Commented that he, and a number of his neighbors, objects to any additional development in this area (narrow county roads, lot of speeding and traffic, is dangerous crossing the road to get the mail). Improving the roads only makes for a greater volume of traffic and speeding.

Sarah Holt, 40066 Holt Road, Loveville MD

Lives at the Holt property behind the proposed development site. Questioned what effect would the public water system have on her (property outside of the development). The response was no effect – would go to a sealed water aquifer below her water source; (individual wells would more likely impact her than the central public water system).

Judy Shetler, 26564 Laurel Grove Ct., Mechanicsville, MD

Question, the first 10, the well will be through the Aquia aquifer (yes), and the remaining will be through the Patapsco (was clarified, would be a back-up). Could the first ten go to the Patapsco? (wouldn't be feasible to drill that well for 10 lots). Why not, drill for all 61 and have it done. The issue is the cost, deeper well and size; APF issues need to be resolved. The others will be capped and used as a back-up. Roads are not up to standard, is this considered a major sub-division? (yes) Only doing a preliminary plan, just water tonight.

Commissioner Raley asked Mr. Canavan if the Board has the authority to approve a water and sewer amendment with a condition (to make sure the well (both) be drilled to the Patapsco). Mr. Canavan responded that he thinks the Board can, but recommends that instead, it go back to the Planning Commission (rather than the Board placing a condition on the water & sewer category).

The Public Hearing was closed and it was announced by Commissioner Russell that the public record period will open for 10 days. Written comments regarding this case may be forwarded to Land Use & Growth Management (LU&GM) or to the Board of County Commissioners (BOCC).

3. **Charlotte Hall Center, Inc.**, Case #05-120-022, to amend Map III-04 to change service category from W-6 to W-3D for 20 acres described as Tax Map 4, Grid 10, Parcel 453, in the 5<sup>th</sup> Election District (community water service to development within an industrial zoning district)

Commissioner Jarboe abstained from this Public Hearing.

Parcel 453 is located in the Charlotte Hall Town Center and is comprised of two segments, totaling 31.2 acres. The applicant proposes dividing the 20 acres (southern portion) into six lots. Service to six industrial units would be equivalent to approximately 20 dwelling units (or 20 EDUs). Build-out is expected within five years of the recording of a subdivision plat for this property. The Charlotte Hall water distribution system operated by the Metropolitan Commission is adequate to serve this demand within this timeframe.

The Technical Evaluation Committee from the Health Department and Metropolitan Commission have not objected to the provision of community water service to the subject properties.

Following a Public Hearing on January 22, 2007, and by a unanimous vote, the Planning Commission authorized the Chair to sign Planning Commission Resolution 07-1 to convey to the County Commissioners its recommendation that the CWSP be amended as requested.

Public Comments:

There were no public comments for this case.

The Public Hearing was closed and it was announced by Commissioner Russell that the public record period will open for 10 days. Written comments regarding this case may be forwarded to Land Use & Growth Management (LU&GM) or to the Board of County Commissioners (BOCC).

**ADJOURNMENT**

The meeting adjourned at 7:45 PM.

Minutes Approved by the Board of County Commissioners on \_\_\_\_\_

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Betty Jean Pasko, Senior Administrative Coordinator

