

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION  
MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Monday, August 8, 2005**

Members present were Joseph St. Clair, Vice Chair; Bryan Barthelme; Lawrence Chase; Julia King; Steve Reeves; and Howard Thompson. Larry Greenwell was excused. Department of Land Use and Growth Management (LUGM) staff present were Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Phil Shire, Planner IV; Bob Bowles, Planner II; Mark Kalmus, Planning Technician; and Janice C. Blackistone, Fiscal Specialist IV backup for the Recording Secretary. 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 July 25, 2005 were approved as recorded.

**FAMILY CONVEYANCE**

**MSUB #04-110-112 – ESTATES OF HOLT**

The applicant is requesting review of an additional lot on a private road in accordance with the St. Mary's County Subdivision Ordinance 02-02, Section 30.11.4, family conveyance provision. The property contains 6.34 acres; is zoned Rural Preservation District (RPD); and is located at the end of Holt Road, on the northwest side of Laurel Grove Road, Mechanicsville, Maryland; Tax Map 13, Grid 24, Parcel 8.

Owner: George & Sarah Holt  
Agent: Nokleby Surveying, Inc.

Mr. Shire explained that the Estates of Holt is a small subdivision comprised of three lots with a cumulative total of 6.34 acres and the Holt's wish to convert this acreage to a buildable lot. He said the staff recommends approval. He stated the required notifications have been sent to the adjacent property owners.

Tonia Holt, of Lexington Park, stated they have been working on the family conveyance for 2 ½ to 3 years and it looks good.

**Mr. Chase moved that having accepted the staff report, dated August 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 approved Family Conveyance**

**subdivision plan, as requested. The motion was seconded by Mr. Barthelme and passed by a 6-0 vote.**

**CCSP #03-132-025 – CECIL’S MILL TOWNHOMES**

The applicant is requesting review and approval of a concept site plan for 123 townhouses. The property contains 24.61 acres; Residential Low Density District (RL) and Corridor Mixed Use District (CMX); and is located at the intersection of Great Mills Road and Pleasant Mill Drive, at the end of Holt Road; Tax Map 50, Grid 6, Parcels 278, 213 and 36.

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

Mr. Shire stated this project has been through all the necessary pre-application meetings and Technical Evaluation Committee (TEC) review cycle. He further stated this project has been before the Planning Commission for concept plan approval for the Comprehensive Water & Sewerage Plan (CWSP) amendment and back to the Planning Commission for public hearing and on to the Board of County Commissioners. He said the approval for the CWSP amendment is forthcoming from the Maryland Department of the Environment.

**Mr. Thompson moved that having accepted the staff report, dated August 8, 2005; and having made finding that the objectives of Section 60.5.3 of the St. Mary’s County Comprehensive Zoning Ordinance have been met; and noting that the referenced project has met all requirements for concept approval; the Planning Commission granted concept site plan approval, as requested. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.**

**CCSP #05-110-035 – LANDS OF JOHN S. WEINER**

The applicant is requesting review of a concept site plan for a 5 lot subdivision, in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 6.26 acres; is zoned Residential Low Density District (RL); and is located on Point Lookout Road (MD Route 5) south to Hermanville Road; east onto Hermanville Road 1200 feet on the north side; Tax Map 51, Grid 23, Parcel 428.

Owner: John S. Weiner  
Agent: Bill Higgs, of Little Silences Rest, Inc.

Mr. Shire explained that this 5 lot subdivision is located near the southwest end of Hermanville road and anticipates water and sewer hook-up and

connection through the Pembroke subdivision which is immediately adjacent to the north and west.

Mr. Higgs explained this 5 lot subdivision is in the development district and wish to connect to water and sewer.

**Mr. Reeves moved that having accepted the staff report, dated August 8, 2005; and having made finding that the referenced project met concept site plan requirements to proceed with a Comprehensive Water and Sewerage Plan amendment to change the water and sewer category from W-6 and S-6 (water and sewerage service in six to ten years), to W-3D and S-3D (water and sewerage service in three to five years, developer financed); the Planning Commission granted concept site plan approval, as requested. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.**

## **DISCUSSION**

### **LUGM DIRECTORS REPORT: TEXT AMENDMENT**

Mr. Canavan directed the Planning Commission members attention back to the discussion on July 11, 2005 Planning Commission meeting regarding a number of subdivisions and the limited capacity in the Leonardtown school area. He said the discussion was about a number of subdivisions and the limited amount of school capacity. He stated due to that discussion he invokes a need for a text amendment to reduce minor subdivisions from five lots to three lots and to limit the three lots to family members only. He further said there are a number of minor subdivisions that are in the range of one to three lots.

Mr. Reeves stated being a farmer and going through the recent drought, he was not comfortable with dropping to the three lots and limiting to family members only. He said when some farmers get behind, their insurance or Plan B, is to cut out of piece of their lot and sell it. He further said it would restrict the farmers to selling to family members only.

The Vice Chair stressed his concern for the small developer who would then be caught up in the situation of selling one to three lots to family members only, which would hurt the small developer in the long run.

Ms. King asked Mr. Canavan what the school capacity was in the Leonardtown school district and if we were in the negative for lots approved. Mr. Canavan replied it is .46 students per lot, less than half a student and we are in the positive for lots that could be approved.

Mr. Chase asked if this would have any effect on the Town of Leonardtown and should we be more interested in the Leonardtown school

district because the rest of the County would have to fall under this covenant and absorb these school seats. Mr. Canavan replied that was correct, the Town of Leonardtown could continue to approve residential development and the seats would be allocated because the Town of Leonardtown is under a different Planning & Zoning function. Mr. Chase expressed his concern of how restrictive the limited growth in that area would be. He stated this would drive the growth into the rest of the County.

Mr. Canavan said this law would apply County-wide with the exception of Leonardtown and we could get a better handle on the growth. He stated that is why we have fully supported the Board of Education and the Board of County Commissioners in their efforts to find school sites.

Mr. Barthelme stated this text amendment would hurt the smaller developer and the small developer would fall by the way side.

Mr. Thompson asked how many developers build more than three lot subdivisions and how many lots are they doing at one time. Mr. Shire replied the bulk of the minor subdivisions are from the small property owners and one to three lots produce the vast amount of lots than the four to five lot subdivisions. Mr. Canavan said he would research the matter and get back to the Planning Commission regarding how many small developers and home builders are out there.

Mr. Canavan said since the Planning Commission has concerns about limiting three lots for family conveyance, he will remove (a) in the text amendment and keep (b) and (c) which states: (b) all the provisions of adequate public facilities will remain in effect for subdivisions containing four lots or more; and (c) recognition that we have to have grand fathering provisions.

Ms. King asked Mr. Canavan if the Town of Leonardtown would become part of the solution. Mr. Canavan replied positively yes, and he would like to craft an overall policy which would include the Town of Leonardtown so we can reserve the capacity anticipated by the Town of Leonardtown through their approval of residential development. He said the Town of Leonardtown and Board of Education are in agreement with the direction he is taking in crafting a policy.

## **MARLAY-TAYLOR TREATMENT PLANT ALLOCATIONS**

Steve King, Director of Metropolitan Commission (METCOM) presented the Marlay-Taylor Water Reclamation Facility that was upgraded in 2000 to a state of the art facility and will be upgraded again to enhance nutrient removal. He said the facility is averaging 5 milligrams per liter range but the new State standards will require us to upgrade the facility again to a standard that is designed for 3 and operated at 4 milligrams. He stated the State will require zero

nutrient loads from that facility with no net increase per the State policy, which means they will need to find some other way to reduce the nitrogen removal. He said you can lower to 3 milligrams a liter maybe 2 milligrams but technology is being developed. He stated METCOM is not sure whether it can go to 2 milligrams.

Mr. King said the facility was first built in 1969 to replace the old primary treatment plant the United States Navy (Navy) own and operated. He said the facility in 1969 was designed for 3 million gallons a day discharged directly into a stream next to the plant called Pine Hill Run and this was a secondary treatment plant. He further said as the County grew the facility has expanded that plant to 4.5 million gallons a day in 1985 using the same technology but they did build an outfall 3 miles out into the Chesapeake Bay. He stated the facility was expanded in 2000 to 6 million gallons a day. He further stated Maryland is far ahead of almost every state in the United States.

Mr. King said of the 6 million gallons a day, the County only has 4.8 million gallons a day available for use and 1.2 million gallons a day have been reserved for the Navy. He further said he discovered there is a potential for an additional 1,158 dwelling units because METCOM began allocating a capacity of 350 gallons per day and everywhere else METCOM used 250 gallons per day.

The Vice Chair asked Mr. King if there was an advantage to METCOM to include the Navy base as part of the Development District. Mr. King replied yes because when the plant is upgraded the State will pay for 100 percent of the cost for the 6 million gallons.

Mr. King suggested allocations for capacity at the time of record plat. Mr. Canavan said that might be an adequate approach but we need to do our utmost most to be assured that there is adequate capacity as part of the preliminary plan for adequate public facilities.

Mr. Canavan said Mr. King and staff will be meeting to get a better fix of when that allocation is granted and come back before the Planning Commission for a fuller discussion. He stated that adequate public facilities are very important and they will try to mesh infrastructure with future residential development. He said no one in the County wants infrastructure so far behind the demand.

## **ADJOURNMENT**

The meeting was adjourned at 8:15 p.m.

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Janice C. Blackistone  
Fiscal Specialist IV

Approved in open session:  
August 22, 2005

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Joseph St. Clair  
Vice Chair