

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION  
MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Monday, December 12, 2005**

Members present were Larry Greenwell, Chairman; Lawrence Chase; Julia King; Steve Reeves; and Howard Thompson. Joseph St. Clair was excused. 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; and Keona Courtney, Recording Secretary. Deputy County Attorney, Heidi Dudderar, was also present.

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

**APPROVAL OF MINUTES** – The minutes of November 28, 2005 and December 5, 2005 were approved as recorded.

**PUBLIC HEARING**

**CWSP #05-110-035 – WEINER SUBDIVISION**

The applicant is requesting amendment to service maps III-51 and IV-51 to change the service area category from W-6D and S-6D (service in six to ten years, developer financed) to W-3D and S-3D (service in three to five years, developer financed) in anticipation of a 5 lot subdivision for residential development. The property contains 6.26 acres; is zoned Residential Low Density (RL); and is located at Tax Map 51, Grid 23, Parcel 428.

Owner: John S. Weiner  
Agent: Billy Higgs, Little Silences Rest (LSR)

The public hearings were advertised in St. Mary's Today on November 27, 2005 and December 4, 2005.

Mr. Jackman explained that water and sewer service for the proposed five lots will come from Pembroke Subdivision, and that the facility is adequate to serve the additional lots. He explained that the applicant has addressed the standards of the *Environment Article* of the Maryland Annotated Code.

The Chair opened the hearing to public comment.

Gary Barnes, an adjacent property owner, explained that he was informed that the water and sewer lines are proposed to be constructed over a flood plain, and that they would have to be elevated. He asked the Planning Commission if anyone has taken into consideration the stream

near the proposed site, which is a tributary to the St. Mary's River. He wanted to know who will maintain the water and sewer lines and if Maryland Department of the Environment (MDE) has been contacted regarding the request. Mr. Barnes also expressed concern about the access road to the subdivision. He explained that there is a steep slope in the road, and that the access road is right before the slope.

Mr. Higgs explained that the water and sewer lines will be constructed under the stream. He explained that the applicant will obtain a permit to install the water and sewer lines after the service area category is amended. Mr. Higgs acknowledged that there are issues with the access road and stated that road work is anticipated to improve the sight distance.

John Odd, an adjacent property owner, agreed with Mr. Barnes' comments about the road. He explained that he has used a tractor to tow people who have gotten stuck in snow on the slope of the road. He mentioned that he used to be a school bus driver for the County, and that the road is dangerous for school buses. He recalled vehicles driving around the school bus because they could not see it. Mr. Odd also explained that the land is highly erodible and that he is concerned about run-off flowing to the stream.

Joel Haines, a resident of Hermanville Road, explained that he is concerned about the flood plain area, the water level, and the road. He agreed that the road is dangerous for school buses. He explained that he is very concerned about the environmental issues associated with the site. He stressed that the stream is a tributary to the St. Mary's River and that the wildlife and aquatic life should be considered. Mr. Haines stated that he has a Forestry Management Plan on his property. He wanted to know if an environmental impact study is required for wetlands. Mr. Shire replied that the State has environmental requirements.

Cheryl Dart, a resident of Hermanville Road, explained that her driveway is used as a radar site by the local police. She explained that there is a lot of speeding on the road, and that the road is terrible during snow and ice. Ms. King asked Mr. Higgs what kind of access road the subdivision will have. He replied that it will be a paved road.

Due to the many concerns about the request, Mr. Canavan stated that Mr. Shire will conduct a meeting with all interested parties to work through the various concerns. He reiterated that the request is for a water and sewer category change only, and that all other issues will not be addressed until a later date. He explained that, as the request moves through the review process, there will be other public hearings to address other issues when citizens will be invited to give their comments.

Charles Long, a local resident, explained that he has property on Tippet Road and is concerned about the capacity of the water and sewer system. He explained that he is not permitted to connect to the current system because it does not have the capacity to serve all of the properties. Mr. Long asked how the system will be able to support the houses in the proposed subdivision. He also expressed concern about the land and tributary.

Mr. Greenwell asked Mr. Jackman if the sewer system for the subdivision has been approved by MetCom. Mr. Jackman explained that MetCom found that the sewer system has adequate capacity to support the five additional dwelling units. He explained that the dwellings will have to be built according to the standard specifications for water and sewer construction. Mr. Greenwell asked Mr. Long if sewer is extended to Tippet Road. Mr. Tippet and other citizens from the audience replied that the sewer line does not reach Tippet Road. Mr. Shire explained that Mr. Long's property may not be in the development district, and that his property would have to be placed in a Comprehensive Zoning District before sewer could be extended to the property.

Ms. King explained that she feels the request should be compatible with the St. Mary's County Comprehensive Plan's standard to encourage resource conservation. She explained that there are steep slopes on the proposed site and the subdivision plan does not seem to take this or other issues into consideration.

The Chair closed the hearing to public comment.

Mr. Greenwell reiterated that the request is for a water and sewer category change only. He explained that if the resolution is passed, then the request will be submitted to the Board of County Commissioners and another public hearing will be held. He stated that he would like members of the Planning Commission present at Mr. Shire's upcoming meeting. Mr. Thompson asked if LUGM has ever hosted a special meeting regarding a request. Mr. Shire explained that LUGM has hosted informal meetings similar to the proposed meeting. Mr. Thompson asked if LUGM has ever turned down a request for a subdivision that has issues similar to those for this request. Mr. Shire explained that if the request does not meet the standards, then it will not be approved.

Mr. Chase expressed a concern about the proposed resolution for the Weiner Subdivision. He explained that the request is not meeting the standards of the *Environment Article* of the Maryland Annotated Code due to the various issues that were discussed. Mr. Jackman explained that the request will continue to be evaluated as it moves through the review

process. Ms. King stressed that she feels that the request is not compatible with the Comprehensive Plan, and that more information is still needed. Mr. Greenwell stressed that the Planning Commission acknowledge that the request is for a water and sewer category change only, even though there are many other issues to be addressed with the request. Ms. Dudderar explained that the Planning Commission could add a condition to their final decision, requesting that a report be given back to them regarding the status of the request. Mr. Greenwell asked Mr. Canavan if a Planning Commission member can start having involvement in the meetings at LUGM regarding a request before the approval process is complete to give feedback. Mr. Canavan agreed to Mr. Greenwell's request and stated that the Planning Commission will receive notification when a meeting is going to be held at LUGM regarding a request.

**Mr. Reeves moved that having accepted the staff report, dated October 21, 2005; and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP); and having made findings of adequacy with respect to the objectives and policies of the CWSP as required by the *Environment Article* of the Maryland Annotated Code and of consistency with the St. Mary's County Comprehensive Plan, the Planning Commission forward a recommend to the Board of County Commissioners to amend service area maps III-51 and IV-51 to change the service area category from W-6 and S-6 (service in six to ten years) to W-3D and S-3D (service in three to five years, developer financed) for property described as Tax Map 51, Grid 23, Parcel 428 in the Eighth Election District in anticipation of a 5-lot subdivision for residential development, and authorize the Chairman to sign a resolution to transmit this recommendation to the Board of County Commissioners with the condition that the Planning Commission be notified and involved in meetings with Staff prior to final approval of the request. The motion was seconded by Mr. Thompson and passed by a 4-1 vote, with Ms. King opposing.**

Mr. Greenwell reminded all interested parties to leave their name and contact information on the sign-in sheet so that they can be contacted regarding the upcoming meeting at LUGM.

#### **CWSP #05-131-015 – SMITHFIELD PLACE**

The applicant is requesting amendment to service maps III-51 and IV-51 to change the service area category from W-6D and S-6D (service in six to ten years, developer financed) to W-3D and S-3D (service in three to five years, developer financed) in anticipation of servicing 13 dwellings. The property contains 4.7 acres; is zoned Residential Low Density (RL); and is located at Tax Map 51, Grid 23, Parcel 163.

Owner: Bertha C. Fields  
Agent: Billy Mehaffey, Mehaffey & Associates

Mr. Jackman explained that the property is currently used for a mobile home park. He stated that the property is licensed for approximately 13 dwellings. He explained that TDRs could allow additional units to be added to the property. Mr. Jackman explained that the request is compatible with the Comprehensive Plan and will help to improve water and sewer service to the existing dwellings. He mentioned that the proposed dwellings will be connected to an eight inch diameter water main and an eight inch diameter sewer main. He stated that there are no outstanding issues with the request.

Mr. Chase asked the Chair to be excused due to a possible conflict of interest, and left the room.

The Chair opened the hearing to public comment.

Vicki Harlow, a resident of Hermanville Road, explained that there are two entrances/exits to the mobile home park which makes it easier for the residents to ingress and egress the site. She explained that Hermanville Road can not withstand much traffic, and has become unsafe due to speeding motorists. Ms. Harlow stated that she approves of the request and feels that it will make the wildlife and stream safer.

Theodore Newkirk, a resident of Hermanville Road, explained that he owns three parcels on Hermanville Road. He explained that he feels that the proposed sewer plan does not meet the requirements. He explained that there is a stormwater management issue with the property, and that the plat that was submitted by Mr. Mehaffey for approval is inaccurate. He stated that there is a steep, downward slope on the property and that water runs down the slope and collects on the property. He also stated that the plat submitted by Mr. Mehaffey does not show his property. He mentioned that, during a meeting with Mr. Dorsey, the contract purchaser of the property, he received a survey of the property from him which is different than the survey submitted to the Planning Commission. He explained that he feels Mr. Dorsey's survey is correct. Mr. Thompson reviewed both surveys and explained to Mr. Newkirk that Mr. Mehaffey's survey is accurate. Mr. Newkirk disagreed and stressed that he wants the Planning Commission to consider accurate information before the request is approved. Mr. Shire explained that Mr. Newkirk's property is in the development district and informed Mr. Newkirk that he can submit an application for water and sewer as well. Mr. Newkirk stated that he has requested a survey of his property and intends to submit an application with accurate information.

Mr. Mehaffey explained that his firm used the County's topographical survey as a source for this request, and that the survey was produced by a 1993 fly over of the property. He explained that surveys are done at different times,

and that the property may not be the same each time a survey is performed. Mr. Mehaffey explained that if property is located outside of the boundaries of the survey it has no impact on the request. He explained that the property is located in the Lexington Park Development District and is entitled to public water and sewer. He stated that the applicant does not have the authority to request a water and sewer change for another person's property. Mr. Mehaffey stressed that the request was submitted properly and accurately. He stated that neither he nor the applicant intend to begin construction until the review process is complete and the permits are issued.

Bertha Fields, the property owner, explained that Mr. Newkirk's trailers are not on her property. She explained that she is only requesting water and sewer service to help make living better for her tenants.

Phil Dorsey, the contract purchaser of Smithfield Place, explained that he met with Mr. Newkirk one month ago and informed him of his plans to extend a sewer line to the property. He stated that he asked Mr. Newkirk if he would like to connect to the sewer line. He explained that Mr. Newkirk was not interested and that he wanted to own the trailer park. He stated that Mr. Newkirk told him that if he did not sign the contract, then he would oppose any application that was made. Mr. Dorsey explained that Ms. Fields intends to remain on the property. He explained that there are many tenants who live on the property and that they deserve better sanitary conditions. Mr. Dorsey explained that he supports the request. Mr. Newkirk stated that he does not intend to buy the trailer park and reiterated his concern about having accurate information.

The Chair closed the hearing to public comment.

Mr. Greenwell requested that Mr. Shire host a meeting with Mr. Newkirk, Mr. Mehaffey, and staff after Mr. Newkirk's survey is complete, to address the boundary line issue. He stated that if staff finds that the boundary line of the property is not correct, the request be submitted back to the Planning Commission. Mr. Shire explained that boundary line disputes are normally settled by surveyors and that staff does not have the expertise to settle this issue. Mr. Greenwell stressed that he would like a staff member to at least be present for the meeting.

Ms. King stressed that the location of the trailers on this property is not an issue. She explained that the property is zoned RL, and that the property can reach a certain density regardless of where the trailers are located. Mr. Greenwell agreed with Ms. King.

**Mr. Thompson moved that having accepted the staff report, dated October 21, 2005; and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP); and having made findings of adequacy with respect to the**

objectives and policies of the CWSP as required by the *Environment Article* of the Maryland Annotated Code and of consistency with the St. Mary's County Comprehensive Plan, the Planning Commission recommend to the Board of County Commissioners to amend service area maps III-51 and IV-51 to change the service area category from W-6 and S-6 (service in six to ten years) to W-3D and S-3D (service in three to five years, developer financed) for property described as Tax Map 51, Grid 18, Parcel 163 in the Eighth Election District in anticipation of providing community water and sewerage service to subject property, and authorize the Chairman to sign a resolution to transmit this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Reeves and passed by a 4 – 0 vote.

### **DEVELOPMENT REVIEW**

#### **SSUB #04-120-037 – FORREST FARM SUBDIVISION, SECTION 3, PHASE 8**

The applicant is requesting final review and approval for 9 of the 21 lots in a major subdivision. The property contains 25.60 acres; is zoned Rural Preservation District (RPD), Airport Environ (AE) Overlay; and is located at the east side of Brown Road, approximately 1.5 miles north of MD Route 4; Tax Map 33, Grid 16, Parcel 273.

Owner: Qualshire Land Development, LLC  
Agent: John B. Norris Jr., NG&O Engineering Inc.

Mr. Shire's Exhibit 1: Letter from Rodney Gertz, dated  
12/8/05, providing the details on community meeting

Mr. Shire explained that the Planning Commission granted preliminary approval of the request on October 11, 2005, with the condition that the applicant met with residents in the subdivision regarding the recreational amenities. The meeting was held on December 6, 2005, and they concluded that the pool and other amenities will be constructed between 2006 and 2007. Mr. Shire submitted a letter from the applicant explaining the outcome of the meeting to the Planning Commission. He also explained that this request will make the 167<sup>th</sup> lot in the subdivision. Ms. King asked how many homeowners attended the meeting. Mr. Norris explained that 70 to 80 homeowners attended the meeting.

**Mr. Chase moved that having accepted the staff report, dated November 29, 2005; and having made a finding of adequate facilities, including Stormwater Management, and noting that the project meets all TEC agency requirements, the Planning Commission approve the final**

**subdivision plan for lots 217 through 225. The motion was seconded by Mr. Thompson and passed by a 5-0 vote.**

**CCSP #04-132-011 – ST. ANDREWS CORPORATE CENTER**

The applicant is requesting review and approval of a Concept Site Plan for a 13,045 square foot office complex. The property contains 4.99 acres; is zoned Residential Mixed Use (RMX) District, Airport Environs (AE) Overlay; and is located at 44731 St. Andrew's Church Road in California, Maryland; Tax Map 34, Grid 22, Parcel 610.

Owner: St. Andrew's, LLC  
Agent: John B. Norris Jr., NG&O Engineering Inc.

Mr. Shire explained that the concept site plan was reviewed during the May 2004 Technical Evaluation Committee (TEC) cycle, following a November 26, 2003 pre-application meeting. He stated that staff finds that the request meets the criteria of the St. Mary's County Comprehensive Zoning Ordinance for concept site plan approval.

**Mr. Thompson moved that having accepted the staff report, dated December 6, 2005; and having made a 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 approve the Concept Site Plan. The motion was seconded by Mr. Chase and passed by a 5-0 vote.**

**PSUB #04-12000018 – ELDORADO FARM SUBDIVISION**

The applicant is requesting preliminary review and approval of a 24 lot major subdivision. The property contains 114.65 acres; is zoned Rural Preservation District (RPD); and is located at 29844 Eldorado Farm Lane in Mechanicsville, Maryland; Tax Map 4, Grid 15, Parcels 247.

Owner: Eldorado Farms LLC  
Agent: Randy Barrett, R.A. Barrett & Associates, Inc.

The request requires four Transferable Development Rights (TDRs) for density. Mr. Shire explained that the request was submitted in August 2004 for a 37 lot subdivision. The subdivision required a Comprehensive Water and Sewerage Plan (CWSP) amendment and the request was denied by the Board of County Commissioners (BOCC). Mr. Shire mentioned that the applicant appealed the BOCC's denial to the Circuit Court. In the meantime, the applicant submitted this request for a 24 lot subdivision. Mr. Shire explained that the applicant does not have to seek approval of a CWSP amendment for this request, and that there are findings for adequate public facilities. He explained that the Department of Public

Works and Transportation (DPW&T) is requiring the applicant to extend the public road from Eldorado Farm Subdivision to the Laurel Ridge Subdivision property line. He stated that there will still be a gap between the two subdivisions because Laurel Ridge Road does not meet the property line. The County may extend Laurel Ridge Road at a later date.

Mr. Norris explained that the Circuit Court found that approval of the 24 lot subdivision would preserve the rural character of the development and additional payments for school seats would be an acceptable compromise. He stated that this request is not precedent setting.

Mr. Greenwell expressed concern about the outstanding issue of the request needing four TDRs. He asked that a condition be added to the motion.

**Mr. Reeves moved that having accepted the staff report, dated December 2, 2005; and having made findings pursuant to Section 30.5.5 of the St. Mary's County Subdivision Ordinance (Criteria for Approval of a Preliminary Plan), including adequate facilities as described in the Director's report and upon proof of ownership of the TDRs and of deed restriction on the sending parcel being presented to the County as a prerequisite to final subdivision approval, the Planning Commission approve the preliminary subdivision plan. The motion was seconded by Mr. Thompson and passed by a 5-0 vote.**

## **DISCUSSION**

### **UPDATE ON THE LEXINGTON PARK COMPREHENSIVE RE-ZONING**

Mr. Jackman provided the Planning Commission with a draft media release announcing the Planning Commission's request for citizen input for Lexington Park Zoning. He asked the Planning Commission for any recommendations to the media release before submitting the request to the Public Information Office for release on December 13, 2005. The Planning Commission did not have any recommendations.

Ms. King asked Mr. Jackman if the media release is intended for all citizens of St. Mary's County. Mr. Jackman explained that Staff primarily wants input from citizens within the Lexington Park Development District.

### **COMMENTS FROM MR. GREENWELL**

Mr. Greenwell announced that this will be Ms. King's last meeting with the Planning Commission. He and Mr. Canavan thanked her for her time and efforts as a member.

Mr. Greenwell explained that he has also reached the end of his first term as a member. He thanked the previous BOCC for appointing him to the Planning Commission, and the current BOCC and Staff for their support during his term. He addressed his concerns about adequate public facilities in the County. He stated that the County's transportation plan is more like a report. He expressed his discontent with the County's decision to grant the Maryland Transit Administration (MTA) a 500 car park and ride lot when they can not afford to expand the parking lot at the Charlotte Hall library. Mr. Greenwell stated that the County needs to forward fund now for new schools. He explained that he feels the BOCC needs to consider the Chamber of Commerce's presentation on impact fees. He explained that the DPW&T needs more funding in order to complete road projects. He stated that the CWSP and the St. Mary's County Comprehensive Zoning Ordinance need to be modified.

### **ADJOURNMENT**

The meeting was adjourned at 9:00 p.m.

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Keona L. Courtney  
Recording Secretary

Approved in open session:  
January 9, 2006

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Larry Greenwell  
Chairman