

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, August 11, 2014**

Members present were Howard Thompson, Chairman; Patricia Robrecht, Susan McNeill, Merl Evans, Martin Siebert, and Hal Willard. Shelby Guazzo was excused. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Director, William Hunt, Deputy Director, Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Sue Veith, Environmental Planner, Hannah Pinkerton Planner II; and Shelia Smith, Recording Secretary. County Attorney George Sparling was also present.

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

APPROVAL OF THE MINUTES – The minutes of July 28, 2014 were approved as presented.

PUBLIC HEARING

Zoning Map Change Request #12-245-001

The applicant Jason Mills growth allocation is requesting a public hearing on a request for growth allocation and zoning map amendment to change the Critical Area overlay from Resource Conservation Area (RCA) to Limited Development Area (LDA) for 7.178 acres within Parcel 9 of Grid 18 of Tax Map 58. The hearing was advertised in the newspaper on July 25, 2014 and July 30, 2014 and sixty-six (66) adjacent property owners were notified by certified mail. Of the 66, four (4) were returned as undeliverable and fifty-nine (59) receipts were returned. Ms. Veith also provided the members letters from Linda L. Shaklee and Martin D. Haskell that were received via email.

Owner: Snow Hill Manor Farm, LLC
Presenters: Glenn Gass for Jason Mills

Sue Veith, Land Use and Growth Management: We are requesting a Planning Commission recommendation regarding growth allocation for a change to the Critical Area overlay from Resources Conservation Area (RCA) overlay to the Limited Development Area Overlay in the Chesapeake Bay Critical Area for a 7.178 acre development envelope encompassing 1.078 acres of the Snow Hill Manor Road right of way and 6.1 acres of the parent parcel owned by Snow Hill Manor Farm LLC, which contains 193.15 acres of which 46.73 acres was in the Chesapeake Bay Critical Area on December 1, 1985. The request is necessary to approve sewage reserve area (SRA) to provide septic disposal for a vacant grandfathered LDA lot (TM 58, Block 24, Par 66) owned by Jason Mills and to account for three (3) existing sewage reserve area (SRA's) created by boundary line adjustment plats (EWA 54/87, MRB 36/125, EWA 38/34) within the parent parcel after December 1, 1985 to serve grandfathered LDA lots without use of growth allocation.

The owner of the farm in the 80's created a will that gave lots across Snow Hill Manor Road adjacent to the water, to members of the family and allowed them to put Sewage Reserve Easements on the farm on the other side of the road. The water side of the road is LDA (limited development area) which uses base zoned density for zoning intensity. The side of the road with the farm is RCA (resource conservation area) which has one for twenty zoning and everything associated with the house under critical area regulations, so the sewage reserve area, the house and all the pertinacity count as density used, if you put them in the RCA, which means the sewage reserve areas that were placed on the farm, the three that exist and the fourth one that is being requested will use twenty acres of density each, against the farm, and the farm only has 46 acres in the critical area. So in order for us to legitimately approve the critical area regulations the sewage reserve area on the farm we have to zone a critical area overlay or (LDA) on that area that has that sewage reserve easements. The critical area regulations say that we have to have a continuous envelope. You can't just pick each of those easements and only deduct the area for each of the individual easements; they have to all be contained in a single

development envelope. So what staff did, was draw the smallest possible development envelope, which includes road right of way, so it's adjacent immediately to the (LDA) across the road which that is also a requirement of the critical area law. We captured as little land as we could and still get all of those easements which worked out to be about 6.1 acres on the apparent parcel farm and the remained of land 1.078 acres in the road right of way. So that's the background for the case.

Under Critical Area Regulations there are a whole new set of guidelines that have to be submitted. In the package that was submitted to the Planning Commission there is an analysis that was required for adherence to all of the criteria and staff has found all criteria was met for growth allocation request. Single development envelope is compact and in size so that there is not any land clearing limits which are prohibited under the Critical Area Regulations and not impacting habitat protection areas. The development envelope meets all the criteria for being adjacent to existing (LDA). They meet all the criteria under the standards and our recommendation is for approval of the request to allow this sewage reserve area to be platted for Mr. Mills as well as to fix the other areas. The upshot is that because of the amount of acreage in the critical area on the apparent parcel there will still be more than forty (40) acres in the apparent parcel so that they are not losing either of the existing development rights that they have on the remaining land outside the growth allocation area. There will be a planting requirement for the clearing associated with this and that is discussed in the Environmental Report that will be handled at the time of the permit for the Mills lot which is across the street.

Susan McNeill Question: When the Critical Area Law went into effect we were frozen; what was the amount of growth allocation? Sue Veith: Yes, 5% of the total amount of RCA that was granted. This would use 7.178 acres. To date we have use 182.89 acres and we have 1,506.86 remaining, We are allowed to do non- adjacent growth allocation but this is not a non-adjacent case so we not coming up against that regulation and the amount we used is less than 11% . This case is rare not only because it's grandfathered but because this has tapped our growth allocation. The total number for the county is nineteen (19) and (3) three for Leonardtown.

Howard Thompson Question: Will there be any impact to rest of the farm?

Sue Veith: LUGM and The Critical Area Commission staffs feel there would be no impact.

Patricia Robrecht Question: Would this be the last sewage reserve easement developed? Sue Veith : In this area, yes after my discuss with the critical area staff, because this was part of the original deed or will the description of getting sewage reserve easements for those existing lots that there is no intention of getting more sewage easements per my discussion with the owner this morning.

Glenn Gass, Professional Engineer in Maryland, for the applicant

This project was started in 2005 for a Building Permit. The Health Department honored the original basic easement when Mr. Mills successful perked for a mound and a permit site plan was prepared. If necessary, client agrees to the fee in lieu associated with the planting agreement.

Chairman Thompson opened the hearing to public comment.

Elizabeth Haskill Czarra

Owner of lot 67 would like to see this approved, it's been a long process.

John Paradis

Our house is set up the same as what the applicant is requesting. I am in support.

The state came thru a month ago and did their septic tank inspection, no issues, and no problems. I am here, plain and simple in support. Martin Siebert Question: When the state came to do your test on your site, were you notified they were coming or did they just knock on the door and ask permission to do the test? John Paradis: We had a letter the state was coming, doing inspections on all the septic system in the county, so we were prepared.

Chairman Thompson closed the hearing to public comment.

Sue Veith: There will be no impact to the growth allocation in association with the farm. Martin Siebert Question: Would the two letters receive part of the four certified mail individuals who did not response? Sue Veith: The letters are from two of the joint owners of the farm.

Susan McNeill made a motion in the matter of Case #12-245-001 Jason Mills Growth Allocation, request for a map amendment to change toe Critical Area overlay from Resource Conservation Area (RCA) overlay to the Limited Development Area overlay in the Chesapeake Bay Critical Area for a 7.178 acre development envelope encompassing 1.078 acres of the Snow Hill Manor Farm LLC, I move that the Planning Commission, accept the finding of this staff report and all attachments on August 5, 2014 , approve a resolution recommending that the Commissioners of St. Mary's County approve the requested award of growth allocation for the 7.178 acres of the subject property by amending the Zoning Maps to change the Critical Area Overlay from Resource Conservation Area (RCA) Critical Area Overlay to Limited Development Area (LDA) Critical Area Overlay and authorize the chairman to sign the attached resolution and forward to the Commissioners and seconded by Howard Willard. The motion passed by a 6-0 vote.

DISCUSSION

Wildewood Planned Unit Development Update

Shawn Day and Tom Thomas gave a brief update of the Wildewood PUD.

ADJOURNMENT

The meeting was adjourned at 7:15 p.m.

Shelia Smith
Recording Secretary

Approved in open session: August 25, 2014

Howard Thompson
Chairman