

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Thursday, January 11, 2007**

Members present were George Allan Hayden, Chair; Ronald Delahay; Wayne Miedzinski; and Gertrude Scriber. Greg Callaway, Vice Chair, was excused. Department of Land Use and Growth Management (LUGM) staff present were Denis Canavan, Director; Yvonne Chaillet, Zoning Administrator; Leslie Goldsborough, Senior Office Specialist; and Cindy Koestner, Recording Secretary. George Edmonds, Board of Appeals First Alternate; and Christy Holt Chesser, County Attorney, were also present.

A sign-in sheet is on file at LUGM. All participants in all cases were sworn in. The Chair called the meeting to order at 6:30 p.m.

PUBLIC HEARINGS

VAAP #06-2592 – GARRIGAN

The Applicant is requesting an after-the-fact variance from Section 32.1 of the St. Mary's Comprehensive Zoning Ordinance to reduce the required side-yard setback to construct a carport. The property contains 7,629 square feet; is zoned Residential Neighborhood Conservation District (RNC); and is located at 21712 St. Lo Place, Lexington Park, Maryland; Tax Map 43A, Block 22, Parcel 575.

Owner: Shawn and Alicia Garrigan

This case was advertised in the *St. Mary's Today* on 12/24/06 and 12/31/06 and in the *Enterprise* on 12/27/06 and 1/3/07. This property was posted and certified mail receipts were submitted to staff for the files.

Public Submission Exhibit 1: Photo of the carport taken from the neighboring property, owned by Mary Kreul (not present at the hearing)

Mr. Garrigan explained he moved to the County from North Carolina, where building permits were only required for indoor living spaces; thus, he was not aware he needed a permit to build the carport. He added the carport is to keep debris off of a new car. Mr. Hayden noted the Board received a letter from Mr. Garrigan's neighbor, Mary Kreul, regarding the potential for rain and snow to run off the top of the carport and directly onto her property. Mr. Garrigan responded he plans to install a gutter and a downspout to move water off the top of the carport and into the backyard. Mr. Hayden asked how big the backyard of the Property is. Mr. Garrigan responded the back yard runs approximately 60 feet from the carport to the rear end of the yard. Ms. Scriber asked if the water runoff will affect the neighbor at the rear of the Property. Mr. Garrigan responded no, because his backyard slopes slightly downhill and the neighbor's yard slopes uphill to the house.

Mr. Miedzinski moved that having accepted the staff report, the Board adopt the findings of fact contained therein as their findings in this matter. The motion was seconded by Ms. Scriber and passed by a 5-0 vote.

The Chair opened the hearing to public comment. The hearing closed with no comments.

Ms. Chaillet explained the existing single-family dwelling on the Property was built in 1947, before the adoption of the current Zoning and Subdivision Ordinances, and is located 15.4 feet from the property line on the southwest side of the Property. The 14-foot by 21-foot carport

is less than two feet from the shared property line. The property is small, at only 7,629 square feet, and the carport cannot meet the side yard setback on either side of the house.

Mr. Miedzinski moved that having accepted the staff report, dated December 28, 2006, and having made a finding that the standards for variance in the Critical Area and the objectives of Section 32.1 of the St. Mary's Comprehensive Zoning Ordinance have been met, the Board grant approval of the variance to reduce the required 10-foot side-yard setback to two (2) feet on the southwest side of the Property, with the condition that a gutter and downspout be installed and maintained to manage stormwater runoff from the roof of the carport. The motion was seconded by Ms. Scriber and passed by a 5-0 vote.

VAAP #04-2537 – CRAIG

The Applicant is requesting a variance from Section 72.3 of the St. Mary's Comprehensive Zoning Ordinance to clear in excess of 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances. The property contains 15,656 square feet; is zoned Residential Neighborhood Conservation District (RNC), Limited Development Area Overlay (LDA); and is located at 40426 Bay Drive, Mechanicsville, Maryland; Tax Map 5A, Block 2, Parcel 56.

Owner: James and Heath Craig
Present: Bill Higgs, Little Silences Rest, Inc., Agent

This case was advertised in the *St. Mary's Today* on 12/24/06 and 12/31/06. This property was posted and certified mail receipts were submitted to staff for the files.

Mr. Higgs explained the Applicant plans to build a single-family, two-bedroom dwelling with a mound system in the Golden Beach Subdivision. He added the lot was recorded prior to the adoption of the Maryland Critical Area regulations; thus, it is grandfathered. The lot is mostly wooded and more than 30 percent of the property needs to be cleared in order to make room for the house and mound system. Mr. Miedzinski asked if any of the large pine trees at the back of the lot will be left in place. Mr. Higgs responded they will all have to be cleared to make room for the mound system.

Ms. Chaillet explained the Applicant will have to clear 7,257 square feet, or 72.4 percent, of the Property. The amount of impervious surface will be 2,087 square feet, or 13.3 percent of the Property. The Property is located in a flood zone with a flood elevation of six feet; thus, all living space is required to be elevated one foot above the flood elevation.

Ms. Scriber moved that having accepted the staff report, the Board adopt the findings of fact contained therein as their findings in this matter. The motion was seconded by Mr. Miedzinski and passed by a 5-0 vote.

The Chair opened the hearing to public comment. The hearing closed with no comments.

Ms. Scriber moved that having accepted the staff report, dated December 28, 2006, and having made a finding that the standards for variance in the Critical Area and the objectives of Section 72.3 of the St. Mary's Comprehensive Zoning Ordinance have been met, the Board grant approval of the variance to clear in excess of 30 percent of the existing woodland, with the condition that the Applicant shall adhere to the Critical Area Planting Agreement. The motion was seconded by Mr. Miedzinski and passed by a 5-0 vote.

VAAP #06-2501 – PARADIS

The Applicant is requesting a variance from Section 71.8.3 of the St. Mary's Comprehensive Zoning Ordinance to add new impervious surface with an after-the-fact

deck in the Stream Buffer. The property contains one acre; is zoned Rural Preservation District (RPD), Limited Development Area Overlay (LDA); and is located at 47571 Snow Hill Manor Road, Lexington Park, Maryland; Tax Map 59, Block 19, Parcel 269.

Owner: John Paradis, Helen Paradis, and Richard Paradis

All remaining cases heard tonight were advertised in the *St. Mary's Today* on 12/24/06 and 12/31/06 and in the *Enterprise* on 12/27/06 and 1/3/07. This property was posted and certified mail receipts were submitted to staff for the files.

Ms. Chaillet explained the original staff report was modified and the request for the replacement garage removed. It was discovered that the replacement garage will be entirely outside of the 100-foot Stream Buffer.

John Paradis explained he expanded the existing deck without approval and later found out that a permit was required. Mr. Hayden asked if all of the deck is located in the Stream Buffer. Ms. Chaillet replied it is. Mr. Miedzinski asked if the existing deck had been damaged prior to the expansion. Mr. Paradis responded there was no storm damage to the deck, but the deck was old and had collapsed. Mr. Hayden inquired about how the Applicants discovered the permit and variance approval were needed for the new deck. Richard Paradis responded a neighbor informed staff of the deck.

Ms. Chaillet explained the lot is grandfathered and the existing dwelling was constructed in 1946. The deck will add 687 square feet of new impervious surface, for a total of 4,727 square feet of impervious surface, or 10.9 percent of the Property. No clearing is proposed on the property. Mr. Hayden asked why the Applicant will be required to sign a planting agreement if no clearing is proposed. Ms. Chaillet responded a planting agreement is required because new impervious surface is being added in the Buffer.

Mr. Miedzinski moved that having accepted the staff report, the Board adopt the findings of fact contained therein as their findings in this matter. The motion was seconded by Ms. Scriber and passed by a 5-0 vote.

The Chair opened the hearing to public comment. The hearing closed with no comments.

Mr. Miedzinski moved that having accepted the staff report, dated January 2, 2007, and having made a finding that the standards for variance in the Critical Area and the objectives of Section 71.8.3 of the St. Mary's Comprehensive Zoning Ordinance have been met, the Board grant approval of the variance to redevelop in the Stream Buffer to construct a deck, with the condition that the Applicant shall adhere to the Critical Area Planting Agreement. The motion was seconded by Ms. Scriber and passed by a 5-0 vote.

CUAP #06-0224 – LEONARDTOWN ELEMENTARY SCHOOL ANNEX AT BANNEKER ELEMENTARY SCHOOL

The Applicant is requesting modification of a Conditional Use Approval pursuant to Chapter 25 of the St. Mary's Comprehensive Zoning Ordinance to add modular classroom units. The property contains 66 acres; is zoned Rural Preservation District (RPD); and is located at 27110 Point Lookout Road, Leonardtown, Maryland; Tax Map 25, Block 20, Parcel 85.

Owner: St. Mary's County Board of Education
Present: Jackie Raley Meiser, legal counsel for the Board of Education; Brad Clements, Chief Operating Officer for St. Mary's County Public Schools (SMCPS); Dr. Michael Martirano and Cathy Allen, Board of Education members; Kim Howe, Supervisor of Capital Planning, SMCPS; Darrell

Barricklow, Supervisor of Design and Construction, SMCPSS; and Mary Hayden, Program Assistant, SMCPSS

This property was posted and certified mail receipts were submitted to staff for the files.

Ms. Raley Meiser explained the Board of Education received conditional use approval in April 2006 to place 13 relocatable classroom units at Banneker Elementary School, 11 of which are for Leonardtown Elementary School students while that school is being renovated and two of which are to relieve overcrowding of Banneker Elementary School. She stated the Applicant is now requesting a modification of the conditional use to allow two additional relocatable classroom units. Ms. Raley Meiser stressed the two new units are needed to create more space for existing staff and students and will not bring new staff or students to the Property; therefore, no additional traffic will result.

Ms. Raley Meiser noted the Board was concerned about fire safety issues at the April 2006 hearing; thus, representatives from SMCPSS met with Leonardtown Volunteer Fire Department (LVFD) members to address safety concerns. The LVFD sent a letter to SMCPSS outlining four safety concerns with the Property, which Mr. Barricklow summarized for the Board. The Property needs an additional gravel road and an additional personnel gate to allow for better access by emergency responders, the trailers need to be numbered for quick identification in the event of an emergency, and finally, some of the unit exits need to be reconfigured to prevent bottlenecks of students exiting in an emergency. Mr. Barricklow explained SMCPSS plans to comply with all of LVFD's requests; however, the trailers with ramped exits must be left as is in order to meet requirements of the Americans with Disabilities Act. He added SMCPSS is willing to meet with LVFD members to address the concern over the unit exits.

Ms. Chaillet explained the two additional relocatable units will be used for a computer lab, teachers' work area, teachers' lounge and basic storage.

Ms. Scriber moved that having accepted the staff report, the Board adopt the findings of fact contained therein as their findings in this matter. The motion was seconded by Mr. Miedzinski and passed by a 5-0 vote.

The Chair opened the hearing to public comment.

Mr. John Trossbach, current Chief of the LVFD, clarified there is no concern over the relocatable units that have ramp exits; rather, there is a concern over three units that need to have the stairwells reconfigured so that they drop straight off and do not turn. Mr. Hayden asked if SMCPSS is okay with reconfiguring the steps. Mr. Barricklow replied yes. Mr. Hayden asked for confirmation over which sets of steps need to be changed. Mr. Trossbach responded the steps between the following trailers need to be changed: number 6 and number 21, number 3 and number 4, number 2 and number 3; for a total of three sets of steps.

The Chair closed the hearing to public comment.

Mr. Miedzinski moved that having accepted the staff report, dated January 3, 2007, and having made a finding that the Conditional Use Standards of Section 25.6 of the St. Mary's Comprehensive Zoning Ordinance have been met, the Board grant approval of the request to modify the approved conditional use with the addition of two modular classroom units, with the condition that the four requests of the Leonardtown Volunteer Fire Department be met as described in the letter, dated September 22, 2006, from Chief Gerald Gardiner, Jr. of the Leonardtown Volunteer Fire Department to the St. Mary's County Public Schools. The conditions are as follows:

- 1. Install a road (gravel base), left-hand side, around the first group of trailers and running approximately ½ the length of the trailers, between the sets of trailers, in**

- order to allow emergency responders an additional access point for apparatus (fire or medical);
2. Install an additional double gate by the block wall and play area in order to allow emergency responders an additional access point for apparatus on the right side of the complex;
 3. Identify all trailers with four (4) inch scotch light numbers in order to help emergency responders identify their location in dark or smoky conditions, which is a critical time-saving tool in trying to locate students and/or staff;
 4. Reconfigure the steps between the following trailers: number 6 and number 21, number 3 and number 4, number 2 and number 3; so that they lead straight down and do not turn at the end, in order to avoid a bottleneck of students exiting these areas in an emergency.

The motion was seconded by Ms. Scriber and passed by a 5-0 vote.

The Chair called a recess at 7:35 p.m.

The Chair called the meeting back to order at 7:40 p.m.

CUAP #05-132-049 – SMCPs 0606 ELEMENTARY SCHOOL

The Applicant is requesting modification of an approved Conditional Use pursuant to Chapter 25 of the St. Mary's Comprehensive Zoning Ordinance to construct an elementary school. The property contains 55.99 acres; is zoned Rural Preservation District (RPD), Airport Environs Overlay (AE); and is located at the end of Wildewood Parkway, California, Maryland; Tax Map 33, Block 24, Parcel 245.

Owner: St. Mary's County Board of Education
Present: Jackie Raley Meiser, legal counsel for the Board of Education; Brad Clements, Chief Operating Officer for St. Mary's County Public Schools (SMCPS); Dr. Michael Martirano and Cathy Allen, Board of Education members; Kim Howe, Supervisor of Capital Planning, SMCPS; Darrell Barricklow, Supervisor of Design and Construction, SMCPS; Mary Hayden, Program Assistant, SMCPS; Mike Lahoan, TCA Architects; and Tony Olson of Whitman, Requardt and Associates

This property was posted and certified mail receipts were submitted to staff for the files. Signed affidavits from the owners of six properties, who did not receive the mailing but who were notified in person by Ms. Raley Meiser on Saturday, January 6, 2007, were also submitted to staff for the files.

Ms. Raley Meiser explained certified mailings were sent to all adjoining properties except for six properties on Tax Map 34. She noted her staff did not realize these properties should be included until late in the day on January 5th, so she personally visited each of the six properties on January 6th and met with the property owners. Ms. Raley Meiser explained she showed the property owners a set of the plans for the new school and answered any questions they had. She noted each of the property owners signed affidavits indicating they felt they received enough notice of tonight's hearing. Mr. Hayden stated the rules and regulations require a minimum of 15 days notification prior to the hearing. He noted the Board must decide if the signed affidavits are sufficient notice to the six properties in order to continue the hearing tonight. Ms. Raley Meiser pointed out the personal visits to the property owners of the six missed properties meet the intent of the Ordinance to notify adjoining property owners.

Mr. Hayden questioned the property owners of the six missed adjoining properties to determine if they felt they received enough notice to attend tonight's meeting.

Rufus Boswell testified he does not feel he received enough information regarding tonight's hearing. Ms. Raley Meiser pointed out the owners of the six missed properties received

more information than those adjoining property owners who only received the required mailing. Mr. Hayden noted information about the proposed school project will be brought forward at tonight's hearing. Mr. Edmonds asked Mr. Boswell if he would have done anything other than attend tonight's meeting if he had been sent the required notice of the hearing 15 days prior. Mr. Boswell responded yes, he would have had more time to get a copy of the plat. Janet Boswell, Mr. Boswell's spouse, also attended.

Ruth Schreiner testified she received enough notice to attend tonight's hearing. Mr. Hayden inquired about her spouse. Ms. Schreiner replied her spouse is not in attendance.

Mark Fondren testified he received enough notice to attend tonight's hearing. Mr. Hayden inquired about his spouse. Mr. Fondren replied his spouse is not in attendance.

Steve Minnich testified he received enough notice to attend tonight's hearing. Mr. Hayden inquired about his spouse. Mr. Minnich replied his spouse is not in attendance.

John French testified he received enough notice to attend tonight's hearing. Mr. Hayden inquired about his spouse. Mr. French replied his spouse is not in attendance. He asked why his copy of the certified letter, delivered to him by Ms. Raley Meiser, is dated December 19th if the mistake was not discovered until January 5th. Ms. Raley Meiser responded her staff remerged the additional six properties into the form letter and did not change the original date.

Mr. Hayden inquired about the final two property owners, Leslie and William Standish. Ms. Chaillet responded Mr. Standish met with staff earlier in the week and told staff he didn't think he would make it to the meeting.

Mr. Miedzinski explained the owners of the six missed properties appear to have received special attention when they were personally notified by Ms. Raley Meiser; thus, the notice was sufficient. Mr. Edmonds noted the people who are present clearly received enough notice to attend the meeting. Mr. Delahay expressed concern the Board will set a precedent to not notify adjoining property owners in the required time frame if tonight's hearing proceeds. Mr. Hayden pointed out five of the six missed properties are represented at tonight's hearing and all twelve property owners signed affidavits stating they received sufficient notice. Ms. Scriber agreed the property owners received sufficient notice.

Mr. Hayden moved that the Board find the notice given to adjoining property owners through the certified mailings and visits to the six neighboring property owners on December 6, 2007, who were missed during the certified mailing and who all signed affidavits stating that they received enough notice to attend the meeting, to be adequate notification in this case. The motion was seconded by Mr. Miedzinski and passed by a 5-0 vote.

Applicant's Exhibit 1:	Three-page, color copy of the proposed site plan, environmental design features and exterior elevations of the school
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Ms. Raley Meiser explained the Applicant is requesting a modification of the conditional use approved in November 2005 to construct a new elementary school. She noted the Board of Education requested the original conditional use approval prior to purchasing the Property and they received that approval on the condition that they appear before the Board again when the concept plan was completed. She added SMCPs does not plan to construct a middle school at this site, but an early education center may be added in the future. Ms. Raley Meiser explained nothing about the Property has changed since the first conditional use approval and the Applicant will appear before the Planning Commission on January 22nd to request an amendment to the Comprehensive Water and Sewerage Plan to allow the extension of public water and sewer to

the Property. She noted the Property is located in the AE Overlay and the Ordinance allows a school to be constructed in the AE Overlay.

Ms. Raley Meiser explained the new elementary school, designed to accommodate 646 students, will relieve overcrowding at Leonardtown Elementary, Hollywood Elementary, Greenview Knolls Elementary, Piney Point Elementary and Oakville Elementary Schools. The new school will also serve children from the surrounding rural areas as well as meet the need for Adequate Public Facilities (APF) in the RPD. There will be no significant increase in the traffic and the increase in noise will be minimal and only during daytime hours. Access to the school will be via an extension of Wildewood Parkway.

Ms. Howe explained the location of the school on the Property will allow preservation of wetland areas and room for a future cross-county connector road planned by the Department of Public Works and Transportation (DPW&T). She added the building should be ready for occupancy by August 2009. Ms. Howe explained the school design is energy efficient and environmentally sound.

Mr. Lahoan, project architect, described the specifications of the site plan and building design. The Property is fully wooded, is bordered on the south by a Southern Maryland Electric Cooperative, Inc. (SMECO) right-of-way, and is bordered on the other three sides by undeveloped land and existing residential development. Only about 21 acres in the center of the Property are suitable for development due to the location of three wetland areas. The bus loop, designed to accommodate 18 buses, will be separated from the 105-car parking area. In addition, the playground areas, soccer field, and softball field will all be separated from the transportation areas. Mr. Lahoan noted the school will be a "Green Building," which means it is designed to conserve energy, water and materials and thus reduce negative impacts on the environment. The green design features of the school include: large tanks used to harvest rainwater for flushing toilets and low-flow plumbing fixtures to reduce water consumption; daylight sensors that automatically dim the lights and the use of natural daylight in 90 percent of the occupied spaces to save energy; and the use of recycled materials. The school will be used as an environmental education tool and will include an outdoor environmental learning lab.

Mr. Clements extended thanks to the Board for considering the school project and to the neighbors for their interest and comments.

Ms. Chaillet explained the first conditional use approval in November 2005 contained three conditions, as follows: the school will be served by public water and sewer, which SMCPSS is in the process of meeting; construction will commence within five years, which SMCPSS should meet; and the limits of disturbance will be the minimum necessary, which is being met through the design of the school and its location on the Property. She added the Property is located in Area 4 of the AE Overlay; however, the Ordinance does not prohibit schools in the AE Overlay.

Mr. Hayden noted the Board received a letter from the Aircraft Owners and Pilots Association (AOPA), which expresses concern over the location of the school in the AE Overlay. Ms. Raley Meiser responded the location of the school in the AE Overlay is allowed and has been determined to be acceptably safe. Mr. Hayden noted the Board also received a letter from the Pepper Ridge of Wildewood Association, Inc., which gives support to the construction of the new school but expresses concern over the location of the cross-country connector road over the Property. Ms. Raley Meiser responded the location of the connector is irrelevant to the approval of the school and she noted the connector will be required to undergo its own approval process.

Mr. Miedzinski moved that having accepted the staff report, the Board adopt the findings of fact contained therein as their findings in this matter. The motion was seconded by Ms. Scriber and passed by a 5-0 vote.

The Chair opened the hearing to public comment.

Steve Minnich, adjoining property owner, explained he supports the school project but expressed concern over the possibility of SMCPs clearing land and destroying the existing tree-buffer between the Property and the neighboring houses to allow for additional uses of the land. He asked the Board to consider requiring a 100-foot buffer between the Property and the existing neighboring homes to the east of the Property.

John French, adjoining property owner, stated he represents the Pepper Ridge of Wildewood Association, Inc. He explained the members all support the school, but they share Mr. Minnich's concern over the buffer between the Property and the residential neighborhood to the northeast side of the Property.

Mark Fondren, adjoining property owner, explained he supports the school project but he expressed concern over future use of the Property. He noted the proposed location of the cross-county connector will be between the existing residential neighborhood and the school, which will be dangerous for students who walk from the neighborhood to the school and have to cross the road. He added the road will also run through an existing wetland area, which conflicts with the message SMCPs is trying to convey through the construction of a green school.

Terry Adair, local resident, stated he is opposed to the school project due to the fact that the Property is located in the AE Overlay. He explained he has attended meetings for the expansion of the St. Mary's County Regional Airport (Airport) where the overflight of three existing schools was raised as a concern; therefore, a new school should not be located in the AE Overlay.

Ken Studt, local pilot, agreed the construction of the school in the approach path of an Airport runway is ironic given the fact that proposed Airport runway changes were opposed due to the flight of planes over existing schools. He noted planes will be flying 800 to 1,200 feet above the school, which will create a lot of noise that will disrupt classrooms. He added there are plans to expand the Airport, which will increase the number of aircraft flying over the school. Mr. Hayden asked Mr. Studt how high pilots fly over other schools in the path of the Airport, such as Leonardtown High School. Mr. Studt responded the same 800 to 1,200 feet.

The Chair closed the hearing to public comment.

Ms. Raley Meiser responded a 100-foot buffer is already anticipated on the east side of the Property. She stressed the Board has already approved the location of a school on this Property and noted schools are a permitted use in the AE Overlay. Mr. Hayden asked for background from SMCPs on the concerns raised. Ms. Howe responded the safety of the students is most important. She explained there is no access point from the neighboring lots and students would have to trespass over someone else's property, as well as traverse densely wooded areas, in order to walk to the school and cross the planned County road. She stressed finding a school site is always a challenge and in 2.5 years, the Board of Education looked at over 100 possible sites, all of which have different sets of issues. She added an easement for the cross-county connector has been preserved.

Ms. Howe asked that the Board consider a 100-foot buffer only between the Property and the existing six adjoining properties to the east in order to ensure future use of the Property by SMCPs is not constrained. Ms. Raley Meiser noted any future development on the site can be given consideration for an additional 100-foot buffer when it comes before the Board for approval.

Mr. Hayden asked for input on the AE Overlay concerns. Mr. Clements responded no specific studies have been performed by SMCPs. He added the school is required to be located in or adjacent to the development district and there are no other sites available for schools in this area that are outside of the AE Overlay. Mr. Canavan pointed out the Southern Maryland Higher Education Center is located adjacent to the Airport and there are safety concerns anywhere a

school is located in the County. He stressed the Board already made a decision to allow this use on the Property and tonight's hearing is only for the Board's review and approval of the concept site plan.

John Groeger, Deputy Director of DPW&T, explained the cross-county connector road will primarily serve development in Wildewood, which is approved for almost 3,800 homes. He noted the road must cross one of the wetland areas on the Property because moving it to the west brings it too close to the location of the future early education center. In addition, if the road is moved to the western side of the proposed school, it will cross a wetland area that has been deemed more critical by the State. He added it will be a 60-foot right-of-way and probably serve around 3,000 cars by the year 2025. Mr. Groeger stressed measures will be incorporated to minimize any impact on neighboring properties if the road is built. He explained the location for this road is not definite. Mr. Hayden asked if a 100-foot buffer can be maintained for the six neighboring properties if the road is constructed. Mr. Groeger replied it can.

Mr. Hayden inquired about the four-foot fencing proposed around the play areas. Mr. Clements responded the fences are to stop children from drifting out of the play areas and are mainly for younger students. Mr. Hayden expressed concern a higher fence is needed around the play areas to keep individuals from kidnapping a child by reaching over the fence. Mr. Clements noted the students are always supervised by adults when they are in the play areas.

Ms. Scriber moved that having accepted the staff report, dated January 4, 2007, and having made a finding that the standards for a Conditional Use pursuant to Section 25.6 of the St. Mary's Comprehensive Zoning Ordinance have been met, the Board grant approval of the modification of the approved conditional use to construct an elementary school, subject to the following conditions stated in the Order dated November 10, 2005:

1. The proposed school will be served by public water and sewer;
 2. Construction will commence within five years;
 3. The limits of disturbance will be limited to the minimum necessary to provide adequate facilities for the school;
- and subject to the additional following conditions:**
1. A 100-foot buffer will be maintained along the eastern portion of the Property where there are six adjoining properties already developed with residences as of the date of this decision;
 2. No less than five (5)-foot fencing will be installed around the play areas and athletic fields.

The motion was seconded by Mr. Miedzinski and passed by a 5-0 vote.

ACTIONS TAKEN BY PLANNING DIRECTOR ON VARIANCE APPLICATIONS RECEIVED FOR ADMINISTRATIVE REVIEW

VAAP #06-2498 – Capone – 0.59 acres – The applicant is requesting a variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance to encroach into the Stream Buffer with additions to a single-family dwelling. **Variance approved with a signed planting agreement.**

VAAP #06-1643 – Sherman – 0.98 acres – The applicant is requesting a variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance to add impervious surface in the 100-foot Critical Area Buffer to construct additions to a single-family dwelling. **Variance approved with a signed planting agreement.**

MINUTES AND ORDERS APPROVED

The minutes of December 14, 2006 were approved as recorded.

The Board authorized the Chair to review and sign the following orders:

VAAP #06-0606 – Meszaros (renamed JRW Properties)
VAAP #06-2346 – Leedom, Inc.

ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

Cindy R. Koestner, Recording Secretary

Approved in open session: January 25, 2007

George Allan Hayden
Chairman