

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Thursday, March 27, 2008**

Members present were George Hayden, Chairman; Wayne Miedzinski, and Veronica Neale, George T. Edmonds and 1<sup>st</sup> Alternate Ronald Payne. Ronald Delahay was absent. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Yvonne Chaillet, Zoning Administrator; Kelly Seebold, Environmental Planner 1; and Jada Stuckert, Recording Secretary. George Sparling, Attorney was 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 6:40 p.m.

**PUBLIC HEARINGS**

**VAAP #07-3063 – CRG Capital LLC**

Ms. Chaillet gave an overview of the staff report which recommended approval to clear more than 30 percent of woodland on the property. Ms. Chaillet stated this case was continued from February 28, 2008 where the board asked for information from the Health Department regarding the wells in the area. Ms. Chaillet stated she spoke with Daryl Calvano and received a memorandum from Sheryl Skrabacz of the Health Department. Ms. Chaillet stated if a property meets the requirements for a well, a permit to drill a well may be granted.

Ms. Deborah Fitzwater stated she spoke with Dan Sauder from the U.S. Geological Survey about the well. Ms. Fitzwater stated Mr. Sauder stated her well is fine but if others are allowed to drill it could affect her well and make it run dry. Ms. Fitzwater state she does not believe the board has enough information about this case to make a decision.

Mr. Randall Fitzwater stated Mr. Sauder explained that Southern Maryland has a water table issue now and if we continue drilling wells at this rate the water tables could drop even further causing County wide issues. Mr. Hayden explained that the issue before the board tonight is regarding the 30% clearing, not the well system. Mr. Edmonds stated the board has no jurisdiction over the well system at this point and recommended the Fitzwater's contact the Health Department for more information regarding their well. Mr. Hayden closed the hearing to public comment.

***Mr. Miedzinski made a motion to accept the staff report and adopt the finds of fact contained therein as their findings in this matter and Ms. Neale seconded. The motion passed by a 5-0 vote.***

***Mr. Miedzinski made a motion in the matter of VAAP #07-3063 having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 72.3.1 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance to clear more than 30% of woodland on the property, subject to the following conditions:***

- 1. The Applicant shall reduce the limits of disturbance on the south side of the Property to further reduce the amount of clearing by 450 square feet and indicate this on the revised site plan; and***
- 2. The Applicant shall provide a Planting Plan for review and approval by the Environmental Planner prior to building permit approval; and***
- 3. The Applicant shall adhere to the Critical Area Planting Agreement, which requires mitigation at a ratio of three to one (3:1) per square foot of the variance granted pursuant to Section 24.4.2.b of the Ordinance.***

***Mr. Edmonds seconded and the motion passed by a 5-0 vote.***

#### **VAAP #07-3064 – CRG Capital LLC**

The applicant is requesting variance to clear more than 30 percent of the existing vegetation to construct a replacement single-family dwelling and appurtenances. The property contains 0.34 acres; is zoned Residential Neighborhood Conservation (RNC), Limited Development Area (LDA) Overlay; and is located at 29867 Grant Road, Mechanicsville, Maryland; Tax Map 5A, Block 02, Parcel 56.

Owner: CRG Capital LLC  
Present: Barry Vuckmer

The property was advertised in The Enterprise on February 13, 2008 and February 20, 2008.

Ms. Chaillet read the staff report which recommended approval to clear 34.3% of the existing vegetation on the site. Ms. Chaillet explained this application was scheduled to come before the board on February 28, 2008 and was rescheduled. Ms. Chaillet stated some clearing has already taken place on the property but it has not exceeded the 34.3%.

Mr. Hayden opened the hearing for public comment, hearing none, closed the hearing to public comment. ***Ms. Neale made a motion to accept the staff report and adopt the finds of fact contained therein as their findings in this matter and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.***

***Mr. Miedzinski made a motion in the matter of VAAP #07-3064 having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 72.3.1.c of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to clear 34.3% of the existing vegetation on site and subject to the adherence to the Critical Area planting agreement and the planting plan and Mr. Edmonds seconded. The motion passed by a 5-0 vote.***

#### **CUAP #08-131-011 – Chopticon High School Wastewater Treatment Plant Upgrade**

The applicant is requesting a modification of the conditional use approval for a wastewater treatment plant. The property contains 65.87 acres; is zoned Rural Preservation District; and is located at 25390 Colton Point Road, Morganza, Maryland; Tax Map 18, Block 24, Parcel 112.

Owner: St. Mary's County Public Schools  
Present: Jackie Meiser

The property was advertised in The Enterprise on March 12, 2008 and March 19, 2008.

Ms. Jackie Meiser gave an overview of the project and reviewed each one of the eight standards for the Conditional Use Approval. Mr. Hayden opened the hearing for public comment, hearing none, closed the hearing to public comment.

Ms. Chaillet read the staff report which recommended approval of a modification to the approved conditional use to construct a new wastewater treatment plant.

***Mr. Miedzinski made a motion to accept the staff report and adopt the finds of fact contained therein as their findings in this matter and Ms. Neale seconded. The motion passed by a 5-0 vote.***

***Ms. Neale made a motion in the matter of CUAP #08-131-011, having made a finding that the Standards for a Conditional Use pursuant to Section 25.6 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve a modification to the approved conditional use to construct a new wastewater treatment plant and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.***

## **MINUTES AND ORDERS APPROVED**

The minutes of February 28, 2008 were approved as recorded.  
The minutes of February 14, 2008 were amended as presented.

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

## **ADJOURNMENT**

The meeting was adjourned at 7:30 p.m.

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Jada Stuckert, Recording Secretary

Approved in open session: April 24, 2008

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George Allan Hayden  
Chairman