

MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING

ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND

Thursday, August 12, 2004

Present: Marie Underwood, Chairperson

George Allan Hayden, Vice Chair

Greg Callaway, Member

Ronald C. Delahay, Sr., Member

Michael Hewitt, Member

John B. Norris, III, County Attorney

Denis Canavan, Director, LUGM

Yvonne Chaillet, Planner III, LUGM

Sharon Sharrer, LUGM Recording Secretary

Janice Blackistone, LUGM Fiscal Specialist

April Bahner, LUGM Critical Area Plans Reviewer

Present as an observer was the Board's Second Alternate, David Wayne Miedzinski. A sign-in sheet is on file in the Department of Land Use & Growth Management (LUGM). All participants in all cases were sworn in. The Chair called the meeting to order at 6:30 p.m.

PUBLIC HEARING

CUAP #04-132-009 – NEW MARKET PARK AND RIDE LOT

Requesting Conditional Use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance (Z02-01) to construct a Park & Ride lot. The property contains 7 acres, is zoned Rural Preservation District (RPD), and is located on the northeast corner of the intersection of MD Route 5 and MD Route 6 in New Market, Maryland; Tax Map 4, Block 16, Parcel 56.

Owner: County Commissioners of St. Mary's County

Present: MaryAnne Polkiewicz, Maryland Transit Administration (MTA)

Ernie Baisden, MTA, Manager of Project Development

David Feske, Jacobs Civil, Inc., Consultant on project

Serese Scott, Jacobs Civil, Inc.

Legal Ad published in The Enterprise on July 28, 2004 and August 4, 2004

Property posted by July 28, 2004

Certified receipts of notification to adjoining property owners

Ms. Chaillet stated that the applicant is requesting Conditional Use approval to construct a Park & Ride lot.

Ms. Polkiewicz, who works in the Office of Planning, Project Development, at MTA, explained that the current Park & Ride lot in Charlotte Hall is operated under a lease agreement with the property owner at the Charlotte Hall Shopping Center. According to the lease agreement, the property owner can terminate the lease at any time. The daily parking at this location exceeds the capacity of the paved areas.

Ms. Polkiewicz stated that a site selection report was completed by MTA and nine (9) sites were initially evaluated. A public open house was held for one of these sites, located at Golden Beach Road and Triangle Drive. After the public open house, many comments and concerns were heard from citizens. The MTA then met with the Board of County Commissioners. Ms. Polkiewicz said that the County Commissioners asked MTA to give priority to the New Market site, which was the second choice in their site selection report.

The Board expressed concerns with the proposed site: this site is in the Rural Preservation District (RPD), with nearby wetlands, and there is a great deal of Amish traffic in this area.

Mr. Feske said that after the site selection process was completed, they moved on to do site evaluations and develop environmental criteria on the site. Development of the traffic report was the next step taken by MTA. Mr. Feske stated that MTA, State Highway Administration (SHA), and the County Planning Staff worked together to develop this traffic analysis for the proposed site. With the Park & Ride lot, two mitigation measures were recommended for the local street operations: (1) a protected westbound left turn phase in the signal cycle was proposed for the traffic signal at southbound Maryland Route 5 and westbound Maryland Route 6, and (2) a left turn lane into the entrance to the lot from Maryland Route 6 and a bypass lane should be added.

In response to questioning from the Board, Ms. Polkiewicz explained that the morning buses start arriving as early as 4:30, with the last trip out of the Park & Ride in the morning usually before 8:00. Afternoon buses would start getting into the Park & Ride after 4:00, with the last trip out around 8:00 in the evening. Mr. Feske added that the peak times are from 5:30 until 6:30 in the morning and from 4:30 until 5:30 in the afternoon.

The Board asked if MTA had already purchased the property. Ms. Polkiewicz responded that their intention is to have the property remain as County owned and County maintained. She stated that MTA would be using their state and federal funds to do the planning of this design and construction of this Park & Ride. MTA would require an agreement with the County that the site has to remain a Park & Ride.

The Chair questioned the planned size of the proposed Park & Ride. Given the growth that MTA is experiencing, she asked if the Park & Ride lot might be over capacity soon and if the proposed lot is expandable. Ms. Polkiewicz responded that they believe the lot will be big enough for a

while, but that they would consider a second lot at that point rather than expanding beyond the planned 500 spaces in this lot.

Ms. Chaillet explained that the submission of a stormwater management plan and an erosion and sediment control plan for this site is pending the outcome of the Conditional Use request. If the request is granted, the stormwater management plan will be submitted for review by the Maryland Department of the Environment (MDE) and the sediment control plan will be submitted for review by the Soil Conservation District (SCD) at that time.

The Board asked Ms. Chaillet if the County looked at all nine of the sites being considered and if any conditions were put into the staff report. Ms. Chaillet responded that the County had looked at all of the sites, but that LUGM had not. Ms. Chaillet added that she had not put in any conditions, but that the Board of Appeals could impose conditions if they chose to do so.

Mr. Hayden moved to accept the August 3, 2004 Staff Report; seconded by Mr. Callaway and passed by a 5-0 vote.

The Board asked about the type of lighting that would be used at the Park & Ride. Mr. Baisden responded that MTA could use any type of lighting requested.

Joyce Malone, Real Property Manager for St. Mary's County government, explained that the County Commissioners do approve of this project and would like to see it go forward. She said overflow parking from Fifth District Park would be allowed to park at this Park & Ride on weekends, when the lot is not being used for commuter parking. A footbridge would be built across the creek to Lettie Marshall Dent Elementary School.

The Board asked why the County had decided to put the proposed site at Golden Beach Road and Triangle Drive on hold. Ms. Malone responded that there had been a lot of opposition from the citizens to that site. The Board expressed concern that there could be the same level of opposition to this site if the citizens were given the same opportunity that the open house at the other site had provided. The Board questioned why there had not been an open house for this site. Ms. Polkiewicz explained that since this site required the Board of Appeals approval for Conditional Use, and another Park & Ride site in a similar area had been denied, MTA did not want to put that type of investment into the project until they were sure that this site could work for a Park & Ride lot. Ms. Chaillet explained that tonight's hearing was advertised in the newspaper and the adjoining property owners were notified.

The Chair opened the hearing to public comment.

Randy Guy, a Mechanicsville resident, said that we do need a Park & Ride lot. His concerns are the traffic in the area, the size of the proposed lot, and the stoppage of traffic that one bus in the intersection could cause.

Paul Colonna, who lives on Maryland Route 6, said that he has no problem with a Park & Ride if the intersection could be further north on Maryland Route 5. He said that the intersection at Maryland Route 6 is bad enough as it is. He thinks that the idea of using the Park & Ride for overflow from Lettie Marshall Dent Elementary School and the Fifth District Park would be great on the weekends, but feels that the entrance would have to be further north on Maryland Route 5.

Norman Haller, a resident of Mechanicsville, expressed his concerns about the problems of adding buses to the intersection and about the water flowing from Cool Springs toward Killpeck Creek.

Ken Hastings, a resident of Mechanicsville, said that he had no problem with having a Park & Ride in this location. He was concerned that the environmental and traffic issues were not being addressed.

Mr. Feske said that the traffic concerns at that intersection were examined extensively. The mitigation measures worked out with SHA were in response to movement out of the site, westbound on Maryland Route 6, and then southbound on Maryland Route 5. This movement is believed to be the impact that would result from the Park & Ride lot.

The Chair asked if anything was done about people going southbound on Maryland Route 5 and turning left to go eastbound on Maryland Route 6. Mr. Feske responded that MTA's impact is in the opposite direction. They would have to look at the southbound to eastbound movement in conjunction with the SHA to see what SHA would approve in that matter.

Ms. Chaillet explained that this site was selected following a site survey and a site analysis and this site is the subject of the Conditional Use hearing, not any other site. The erosion and sediment control plan and the stormwater management plan are priorities and they will be addressed. This project is unusual because it has to have Conditional Use approval, due to the zoning.

Mr. Canavan explained that there is a unique set of circumstances in this application. He suggested that perhaps the Board would feel more comfortable about their traffic concerns if they solicited additional information from the applicant before making a decision.

The Board closed the hearing to public comment.

The Board expressed further concerns about traffic issues. Questions regarding the traffic analysis still remain. They understand that the County does need a Park & Ride lot, but do not feel that all of their traffic concerns have been fully addressed.

Ms. Polkiewicz, as a representative of the MTA, formally requested a continuance of this case until October 14, 2004 to address the Board's concerns about traffic and the intersections mentioned.

Mr. Hewitt moved that the Board grant a continuance until October 14, 2004 for the Applicant to address the traffic concerns of the Board members. The motion was seconded by Mr. Hayden and passed by a 5-0 vote.

VAAP #04-0408 – ABELL

Requesting a Variance from Section 72.3 of the Comprehensive Zoning Ordinance to clear in excess of 30 percent of the existing vegetation. The property contains 13,847 square feet, is zoned Rural Preservation District (RPD), Limited Development Area (LDA) overlay district, and is lots 176 & 177 of the Breton Beach Subdivision on Waterside Drive in Leonardtown, Maryland; Tax Map 48, Block 13, Parcel 189.

Owner: Mike Abell

Withdrawn from agenda.

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

VAAP #04-0134 – Ascensio – 1.43 acres – Variance to construct a septic system in the Critical Area Buffer. Variance approved.

MINUTES AND ORDERS APPROVED

The minutes of July 8, 2004 were approved as recorded.

Mr. Delahay moved to authorize the Chair to review and sign the orders. The motion was seconded by Mr. Hayden and passed by a 5-0 vote.

The chair reviewed and approved as submitted the following Orders:

VAAP #04-0494 – Short Acres Subdivision

VAAP #03-0607 – Eagle Crest at Sotterley Manor

ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Sharon Sharrer

Recording Secretary

Approved in open

session: September 9, 2004

Marie E. Underwood

Chairperson