

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Thursday, November 10, 2005**

Present:                   George Allan Hayden, Chairman  
                              Greg Callaway, Vice Chair  
                              Ronald C. Delahay, Member  
                              Michael Hewitt, Member  
                              Wayne Miedzinski, Member  
                              John B. Norris, III, County Attorney  
                              Denis Canavan, Director, Department of Land Use &  
                              Growth Management  
                              Susan Mahoney, Planning Specialist, Zoning  
                              Administration, LUGM  
                              Keona Courtney, LUGM Recording Secretary  
                              Sharon Sharrer, LUGM Office Manager

The Board of Appeal's 1<sup>st</sup> Alternate, Gertrude V. Scriber, was present in the audience. 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 #05-132-019 – PINEY POINT ELEMENTARY SCHOOL**

The applicant is requesting a modification to an approved Conditional Use pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance to construct a single classroom addition. The property contains 17.73 acres; is zoned Rural Preservation District (RPD), Limited Development Area (LDA) Overlay; and is located at 44550 Tall Timbers Road in Tall Timbers, Maryland; Tax Map 61, Block 21, Parcels 200 & 73.

Owner:                   St. Mary's County Public Schools  
Present:                 Jonathan Blasco, Professional Engineer,  
                              Mehaffey & Associates

Certified mail receipts were submitted to staff.

Mr. Blasco explained that the proposed classroom addition is for a 2,500 square foot kindergarten classroom which will be located at the front of the school building. Mr. Blasco explained the issues encountered with the school site, including that the school site is located in the critical area and the impervious surfaces will need to be expanded. In order to mitigate these issues, Mehaffey & Associates designed the classroom addition with quality control for run-off. Mr. Miedzinski asked Mr. Blasco what quality control for run-off means.

Mr. Blasco explained that the state of Maryland enacted a new Stormwater Management Design Manual in 2000 and that it focused on the quantity and quality of water. He stated that the quantity of water that will exit the site is not a concern because it will not cause additional erosion. The run-off will be captured at all impervious surfaces, collected in a filter, and any pollutants, grits, and oils will be filtered before the water is discharged into the receiving channels.

Mr. Hayden asked why the school site is being expanded. Brad Clements, Chief Administrative Officer for the school system, explained that the expansion is due to a mandate by the state of Maryland. In September of 2008 all elementary schools must offer full day kindergarten. He added that, because of this mandate, the school system will need twice the number of kindergarten classrooms to meet their program needs.

Mr. Canavan reviewed the staff report, explaining that the state mandate created the need for the classroom addition. He stated that the proposed site meets all of the requirements for a conditional use. After the request is reviewed by the Board of Appeals, the site plan will have to be reviewed by the Planning Commission and LUGM staff. Staff will address adequate utilities, access roads, and drainage for the proposed site. Mr. Canavan explained that the proposed site will be located in the Limited Development Area (LDA) Overlay and will exceed the impervious surface limit. He mentioned that the existing school building and parking lot already exceeds this limit. Mr. Canavan explained that the classroom addition will increase the impervious surface limit by less than one percent.

Mr. Hayden asked Mr. Canavan if the applicant would need to appear before the Board of Appeals for a variance if the request is approved. Mr. Canavan explained that the applicant would not have to request a variance through the Board of Appeals. The applicant would have to request the variance with the Chesapeake Bay Critical Area Commission.

John Norris, County Attorney, explained that there are three methods of notification for public hearings. He stated the following notification methods: 1) send mailings to the adjacent property owners, 2) post the property so that passersby can see the posting, and 3) place a notice in a local newspaper. He added that the publication for the proposed site was made in accordance with Article 2 of the St. Mary's County Comprehensive Zoning Ordinance.

**Mr. Callaway made a motion that the staff report be accepted. The motion was seconded by Mr. Miedzinski and passed by a 5-0 vote.**

The Chair opened the hearing to public comment. There were no comments from the general public. The Chair closed the public hearing.

**Mr. Hewitt moved that having accepted the staff report, dated November 4, 2005, and having made a finding that the Conditional Use Standards of Section 25.6 of the St. Mary's County Comprehensive Zoning Ordinance have been met, the Board approve the request for a single classroom addition to the Piney Point Elementary School, subject to approval from the Chesapeake Bay Critical Area Commission for a variance to exceed the impervious surface limit. The motion was seconded by Mr. Callaway and passed by a 5-0 vote.**

**CUAP #05-132-048 – BUCHANAN SCHOOL SITE**

The applicant is requesting Conditional Use approval pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance to construct an elementary school. The property contains 45 acres; is zoned Rural Preservation District (RPD); and is located at 42593 St. Andrews Church Road in Leonardtown, Maryland; Tax Map 41, Block 2, Parcel 10.

Owner: Oscar G. and Alice Buchanan  
Applicant: St. Mary's County Public Schools

Withdrawn from the agenda.

**CUAP #05-132-049 – WILDEWOOD SCHOOL SITE**

The applicant is requesting Conditional Use approval pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance to construct an elementary school. The property contains 55 acres; is zoned Rural Preservation District (RPD), Airport Environs (AE) Overlay; and is located at the end of Wildewood Parkway in California, Maryland; Tax Map 33, Block 17, Parcels 244 & 245 and p/o 179.

Owner: Wildewood Residential, LLC  
Applicant: St. Mary's County Public Schools  
Present: Brad Clements, Kimberly Howe, and Jacquelyn Raley Meiser, St. Mary's County Public Schools

Applicant's Exhibit A-1: Handout – Planned Capital Improvement Project to Meet Elementary School Capacity Needs  
Applicant's Exhibit A-2: Letters (152) from parents in favor of the Wildewood School Site  
Mr. Coleman's Exhibit 1: Letter reference the Wildewood School Site dated 11/9/05  
Mr. Minnich's Exhibit 1: Letter to the Board of Appeals addressing concerns dated 11/10/05

Mr. Scriber's Exhibit 1: Letter to the Board of Appeals in favor of the new school dated 11/4/05

The property was posted and the certified mail receipts were submitted to staff for the file. The property was also placed in the local newspaper.

Mr. Canavan explained that the proposed school site will be located at the end of Wildewood Parkway. He explained that the use is for an educational facility.

Ms. Meiser explained that the project is in the preliminary site plan phase and that they are under contract to purchase the property. She stated that the site could accommodate a middle school, however, the applicant is only pursuing conditional use approval of a new elementary school at this time.

Ms. Meiser reviewed the preliminary site plan. She explained that there will be two extensions to Wildewood Parkway. Wildewood Residential, LLC will be responsible for the first extension and St. Mary's County Public Schools will be responsible for the second extension. The two extensions will lead up to the proposed school site. She explained that the elementary school will be two stories and contain approximately 70,830 square feet. The projected enrollment for the proposed school is 645 students. Access to the school would be by way of Wildewood Parkway.

Ms. Meiser explained that the contract for purchase of the property between Wildewood Residential, LLC and St. Mary's County Schools provided for a 90 day feasibility study period. During the study period, several tests were done at the site and they discovered that the property does not perc. She stated that public water and sewer will have to be extended to the property. A text amendment to the Comprehensive Water and Sewer Plan has been prepared by LUGM for review by the Board of County Commissioners (BOCC).

Ms. Meiser stated that the proposed school is needed to alleviate overcrowding at the following elementary schools: Greenview Knolls, Hollywood, Leonardtown, Oakville, and Piney Point. She explained that the proposed school would not be the first school to be located in the RPD. She explained that 41 percent of the enrollment would be children from the Wildewood community. She stated that the final site plan would be submitted after all outstanding issues are resolved.

Brad Clements explained the process for selecting the proposed school site and the need for the proposed school site. He explained that the enrollment numbers for each school are compared to their state and local rated capacity to determine the need for a school. He mentioned that there are normally 1,000 new kindergarten students enrolled each year. Mr. Clements explained that they

study the density of an area to determine where the new school is needed in the community.

Mr. Clements explained that they visited the elementary schools located in the County and surveyed parents to find out if they would be in favor of a new school in Wildewood. He stated that they received 152 letters from parents who are in favor of the proposed school. He mentioned that only one person objected to the proposal.

Mr. Hewitt asked Mr. Clements where the development district is relative to the proposed site. Mr. Clements explained that the property boundary lines are located on the development district boundary. Mr. Hewitt wanted to know why the school site could not be located within the development district. Mr. Clements explained that a lot of the property within the development district already has contracts and that the property is very expensive.

Mr. Hewitt asked Mr. Clements about the diversity of the proposed school, explaining that he thinks that it will be primarily made up of white students. Mr. Clements stated that he is not sure of the diversity but expects that it will be similar to the other schools in the County. Mr. Hewitt asked if there will be affordable housing in the Wildewood community. Mr. Clements explained that there will be more base housing.

Mr. Hewitt expressed concerns about the school being difficult to find and with traffic near the school, since there are many pedestrians within the Wildewood community. Mr. Clements explained that there will be signage on Route 235 to identify the school's location. He stated that there is a traffic plan for this area and that they intend to have students that will walk to school. Kimberly Howe explained that at the completion of the proposed site there will be 12 buses transporting students in the Wildewood school district, and that they estimate 50 parents will drop off their children at the school.

Mr. Hayden asked when new schools would be proposed after reviewing the projected enrollment for the Wildewood school site and the number of seats that would still be needed after the school is opened. Ms. Howe stated that there are three new elementary schools proposed under the St. Mary's County Public School's Capital Improvement Project that would help alleviate the seat shortage. Mr. Clements and Ms. Howe explained that program changes can also influence when a new school is proposed.

Mr. Hewitt asked why it takes up to four years before a new school is opened even though the request has been approved. Mr. Clements explained that they have to wait for state funding before proceeding with construction unless the state forwards funds for the school.

Mr. Canavan explained that the Board of Education addressed all of the standards for conditional use in their letter of intent. He stated that there are open ball fields that separate the school from the nearest neighboring property and that the ball fields will not have lights. He reiterated that access to the school site would be by way of Wildewood Parkway. Mr. Canavan explained that the school will be harmonious with the residential development. He stressed that several schools are already located in the RPD and the RPD is adequately suited for educational facilities. He explained that public sewer must be extended to the proposed school site because the property does not perc. He stated that the application will not be able to progress unless public water and sewer is extended to the site. Mr. Canavan recommended that construction of the school commence within five years if the conditional use is approved.

**Mr. Hewitt made a motion that the staff report be accepted. The motion was seconded by Mr. Callaway and passed by a 5-0 vote.**

The Chair opened the hearing to public comment.

John Parlett explained that the school system is subjected to intense criticism regarding the school site selection process, and how difficult it is for the school system to find new school sites. He explained that he feels the Zoning Ordinance should be revised to allow new schools as a permitted use within the RPD because the current conditional use process is very burdensome. Mr. Parlett stated that he encourages granting approval of the new school and feels that it will be advantageous for the students and the citizens of the County.

Pam Coerber, an area resident, explained that the proposed school site is in her backyard. She stated that she is neutral regarding the request and that she realizes the need for adequate schools. Ms. Coerber explained that she is in favor of having a school located in the community which would allow children to walk to school instead of being bused to school.

Branch Coleman, resident of Lawrence Hayden Road, explained that the proposed school site is adjacent to his property. He stated that he is not opposed to the new school but that he is concerned about the environmental issues, as well as how the school will be evacuated in the event of an emergency since there is only one entrance. Mr. Coleman also expressed concern about the expansion of the nearby airport and its affect on Lawrence Hayden Road and the school. He felt that the road will have to be upgraded to uphold the traffic.

Mr. Hayden explained that the nearby airport meets the standards. He also expressed concern about the safety of the students due to the fact that there will be only one entrance to the school. He stated that the expansion of Wildewood Parkway will help this matter when it is complete.

Steven Minnich, an adjoining neighbor, explained that he is neutral regarding the proposed school. He explained that he is concerned about the impact the school will have on the privacy of surrounding neighbors. He stated that he wants a 100 foot buffer between the school site and neighboring property. He stated that he does not want sewer extended by his property. He also stated that the stormwater management site is located behind his house and he wants an offset from the stormwater management site because he is concerned that it will overflow. Mr. Minnich closed by stating that he does not want flood lights shining onto his property from the school's recreational fields.

Marilyn Barrett explained that her property is one lot over from the proposed school site. She wanted to know why this location was selected and the cost to taxpayers. Ms. Barrett also expressed concern about the extension of the sewer and the traffic on Three Notch Road and St. Andrews Church Road. She explained that she doesn't know the accuracy of the traffic study and is concerned about the safety of the road. Ms. Barrett explained that she is also concerned about buffers, lights, fencing, and wetlands. She stated that she wants a buffer and fencing with gates.

Ruth Houser expressed concern about the utility cost for the proposed school site. She stated that the school should be built at the Fairgrounds. She also expressed concern about traffic.

Donna Falcaske explained that she is not opposed to the proposed school site. She expressed concern about the master plan for a road that was previously approved that will cross the proposed school site. Mr. Canavan explained that the plan was a draft of the Lexington Park Development District Plan and the master plan will not be changed. He explained that the road will not interfere with the proposed school site.

Ed Barrett explained that he is a runner and a biker who is concerned about the increase in traffic in the neighborhood and safety of the children. He explained that there should be a 100 foot buffer between the school and the adjoining properties. He stated that he is concerned about the property values. He explained that he is opposed to the school and is concerned about the sewer arrangements. He stated that the cost to extend the sewer lines should be deducted from the cost of the property.

The Chair closed the hearing to public comment.

Ms. Meiser addressed the concerns about traffic. She explained that buses need to pick up students in the Wildewood area even if the new school is not built. Next she addressed the concerns about the water and sewer extension. She explained that the text amendment for the water and sewer extension was drafted for the properties adjoining the development district. Ms.

Meiser reiterated that the request is for a new elementary school only, and not for a middle school.

Mr. Clements explained that they had a difficult time locating a school site. He stated that they spent two years looking at school sites, and that the property has been appraised and the cost of the site is appropriate for the size of the land. He explained that there will be buffers to the school site. He reiterated that Lawrence Hayden Road will not be used by the school for ingress and egress. Mr. Clements stated that a high school will not be built at this site.

Mr. Hayden expressed concern about the security of the school. He asked if there will be a fence to restrict access to the school. Mr. Clements replied that there will be a lower fence with gates to control access to the property. Mr. Hayden explained that a 100 foot wooded buffer would give an intruder a place to hide and that it would be easy for an intruder to take a child from the school property. Mr. Clements explained that the position of the fence will help to maintain the separation of the property from the buffer and keep people out. He stated that the students are always accompanied and watched closely.

Mr. Hayden asked if a commercial septic system would cost as much as extending a sewer line to the school site. Mr. Clements explained that it would be very costly to put in a commercial septic system because there would be a maintenance cost as well as an operating cost for the system.

Mr. Canavan asked Mr. Clements if clearing of the property for athletic fields is necessary before approval of the middle school. Mr. Clements explained that the elementary school will only use one athletic field for baseball and a playground. He stated that the other two fields will be used for basketball and tennis. Mr. Canavan verified that the clearing of these two fields is not needed for the elementary school.

Mr. Hayden asked Mr. Clements to submit the 152 letters from the survey as exhibits. Ms. Meiser submitted the 152 letters to the Board as exhibits. She also asked that the handout for planned capital improvement projects be accepted as an exhibit. The Board requested the letters from Mr. Coleman, Mr. Minnich, and Mr. Scriber be submitted as exhibits.

**Mr. Hewitt made a motion that the request be left open for 10 days for additional written comments from the general public. The motion was seconded by Mr. Miedzinski and passed by a 5-0 vote.**

Mr. Norris explained to the Board that if the request is left open then a motion could not be made until the next meeting. Mr. Hayden asked Mr. Clements if the motion will hinder them from going forward in the application process. Mr. Clements explained that they are trying to move toward settlement

of the property and the state approval for planning is pending on the Board's approval of the site.

Mr. Hewitt asked Mr. Hayden if 10 days was needed for additional comments from the public since the applicant had already submitted 152 letters expressing approval of the new school. Mr. Hayden explained that he wants more people in Wildewood to be able to respond to the request and have an opportunity to support the request. Mr. Hewitt explained that the Board should be sensitive to time and money constraints associated with the request. Mr. Miedzinski and Mr. Delahay stated that they do not feel the 10 day extension is necessary.

**Mr. Delahay made a motion that the previous motion be retracted. The motion was seconded by Mr. Miedzinski and passed by a 5-0 vote.**

Mr. Hayden explained that the school meets eight out of eight requirements. He explained that the concerns about safety and traffic are understood and that there will be no way to escape these concerns. He stressed that buffers are needed to protect the community because he is very concerned about the safety of the children. Mr. Miedzinski also expressed concern about the buffers. Mr. Hayden explained that the applicant needs to move forward with the request because there are still many seat shortages in schools throughout the County.

Mr. Hewitt agreed that schools are very limited. He stated that there is no incentive for homeowners to sell their property.

**Mr. Hewitt moved that having accepted the staff report, dated November 10, 2005, and having made a finding that the Conditional Use Standards of Section 25.6 of the St. Mary's County Comprehensive Zoning Ordinance have been met, the Board approve the request to construct an elementary school subject to the following conditions: 1) the public school be served by public water and sewer, and 2) that the limits of disturbance be only that necessary to provide facilities for the elementary school. The motion was seconded by Mr. Callaway and passed by a 5-0 vote.**

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

**VAAP #05-0386 – Lewie Aldridge, Jr. – 1.22 acres –** The applicant is requesting variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance to disturb the expanded Critical Area Buffer to clear vegetation, remove existing structures, and to construct a single-family dwelling and appurtenances. **Variance approved with signed planting agreement.**

**VAAP #05-2357 – Shawn & Susan Klecz** – 2.974 acres – The applicant is requesting variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance to add impervious surface in the expanded Critical Area Buffer to construct a single-family dwelling and appurtenances. **Variance approved with signed planting agreement.**

## **MINUTES AND ORDERS APPROVED**

The minutes of October 13, 2005 were approved as recorded.

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

**CUAP #04-132-009 – New Market Park and Ride Lot**  
**VAAP #03-1071 – Ruthenberg**  
**VAAP #05-0961 – Southern Maryland Homes**  
**VAAP #05-0781 – Lanedon Subdivision, Lot 8**

## **ADJOURNMENT**

The meeting was adjourned at 9:30 p.m.

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Keona L. Courtney  
Recording Secretary

Approved in open session:  
December 8, 2005

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George Allen Hayden  
Chairman