

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, November 19, 2009**

Members present were Howard Thompson, Chairman; Wayne Miedzinski, Randy Guy, Veronica Neale, and George T. Edmonds. Alternate Ronald Payne was also present. Department of Land Use & Growth Management (LUGM) staff present were Yvonne Chaillet, Zoning Administrator; and Jada Stuckert, Recording Secretary. Attorney George Sparling 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 6:32 p.m.

**PUBLIC HEARINGS**

**CUAP #09-131-037 – Benjamin Stoltzfus Surface Mine**

The Certification of Property Posting and Mailing Receipts were submitted for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. The applicant is requesting conditional use approval for an extractive industry involving mining more than five acres. The property contains 172.64 acres; is zoned Rural Preservation District; and is located at 27463 James Road, Mechanicsville, Maryland; Tax Map 12, Grid 1, Parcel 25.

Owner: Benjamin L. Stoltzfus  
Present: John Norris II.

The property and conditional use request were advertised in The Enterprise on November 4, 2009 and November 11, 2009.

Ms. Chaillet read the staff report which recommended approval of the request to mine 54.55 acres of sand and gravel. The Staff Report dated November 13, 2009 was submitted for the record, *hereby labeled as Exhibit 2 by the Recording Secretary and including Attachments 1-4*.

Mr. Miedzinski clarified condition eight (8) stating a restriction from bring materials from other sites should be included. Mr. Edmonds asked for clarification of the maximum number of truckloads per day. Ms. Chaillet explained 100 truckloads per day would be allowed on this site, but no more than 200 truckloads per day can take place on all the sites on Route 236. Mr. Thompson asked if Land Use and Growth Management (LUGM) have ever received any complaints from any of the pits on Route 236. Ms. Chaillet stated none have been received to date.

Ms. Crissman gave an overview of the 172 acre site and identified the property features including roads, woodlands, mining area by utilizing a set of six maps which were submitted for the record as six separate Exhibits, *hereby labeled as Exhibits 3 through 8 by the Recording Secretary*.

Exhibit 3 – Title Sheet Map  
Exhibit 4 – Overall Site Plan Map  
Exhibit 5 – Overall Site Plan Map with Google Map Overlay  
Exhibit 6 – Soil Boring Test Results  
Exhibit 7 – Google Map 6930 ft.  
Exhibit 8 – Google Map 4957 ft.

Mr. Thompson referenced Attachment 2 page 2 stating significant work will have to be done to James Road to make it 18 feet all the way down. Mr. Thompson stated he would have liked to have had representatives from State Highway and County Public Works to answer questions. Mr. Edmonds asked who is responsible for maintaining James Road. Mr. Norris stated the County is responsible for maintaining James Road however the maintenance bond is the responsibility of the applicant. Ms. Crissman stated a \$25,000 maintenance bond will be paid for James Road. Mr.

Thompson stated he wants to hear from the Public Works before voting on this application to ensure the County will fix this road. Mr. Derick Taylor gave specific measurements of James Road at various locations. Mr. Norris stated the road maintenance bond seems to be an issue however the \$25,000 is the amount requested by the Department of Public Works. Mr. Thompson stated he would like to have a traffic impact study done.

Mr. Thompson opened the hearing to public comment.

Barbara Sawyer

Ms. Sawyer stated the idea of 100 trucks going up and down this road daily is a major concern especially considering the widths of the road. Ms. Sawyer encouraged the Board to investigate this application to its fullest.

Pat Ramey

Ms. Ramey stated the condition of the road is already a concern and adding trucks to the road will only make things worse. Ms. Ramey asked the Board to consider all the public comments.

Carl Ramey

Mr. Ramey stated he is concerned with the condition of the road, traffic, noise, etc. Mr. Ramey stated the wooded area the applicant described will not help diminish the noise of the trucks traveling the road. Mr. Ramey stated the road width is not adequate to safely accommodate a truck and a car passing each other. Mr. Ramey stated he does not believe James Road can be widened enough to accommodate this kind of traffic.

Carol Ramey

Ms. Ramey agreed with all the previous speakers and stated it is hard enough now with school buses traveling the road. Ms. Ramey explained the conditions traveling the road on a day to day basis. Ms. Ramey stated he fear is that one of these trucks may very well end up in one of the houses.

David Cheving

Mr. Cheving stated his biggest concern is the width of James Road and he agrees with all the concerns of the other speakers.

Joe St. Clair

Mr. St. Clair stated his main concern is the traffic study. Mr. St. Clair stated this is a historic road and should not have 100 trucks per day traveling on it. Jake Brakes

Don Moore

Mr. Moore agreed with the comments of the other speakers stating there is not enough room on the road for two vehicles to safely pass between each other. Mr. Moore stated the conditions of the road cannot support dump trucks. Mr. Moore stated if this is allowed it could potentially diminish the property values on James Road.

Mary Ann St. Clair

Ms. St. Clair agreed with the comments of the other speakers and explained her traveling experience on James Road.

Mr. Joe Penn of Howlin Concrete agreed the road is narrow and stated Howlin Concrete has an outstanding safety record.

Mr. Miedzinski asked what we can do about the jake brakes. Mr. Penn stated a stipulation can be placed in the order that restricts jake brakes. Mr. Miedzinski asked about the speed limit. Mr. Penn stated we can impose a 25 mph speed limit internally for the trucks. Mr. Penn stated on the right hand side of the road we could work with the other property owners to construct pull offs for the trucks.

Mr. Thompson in agreement with the rest of the Board asked that the Department of Public Works attend the next meeting and that a traffic study be provided. Mr. Thompson clarified that a traffic study should consist of specific comments from the State Highway Administration.

***Mr. Guy made a motion to continue the case to January 28, 2010 at 6:30 p.m. here at the Chesapeake building and Mr. Edmonds seconded. The motion passed by a 5-0 vote.***

**MINUTES AND ORDERS APPROVED**

The minutes of October 8, 2009 were approved as recorded.

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

ZAAP #08-2220 - Verghese

**ADJOURNMENT**

The meeting was adjourned at 8:20 p.m.

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Jada Stuckert, Recording Secretary

Approved in open session: December 10, 2009

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Howard Thompson  
Chairman