CALL TO ORDER

The meeting was called to order by Chairperson Billy Higgs at 3:10 p.m. Members and alternates present were Daryl Calvano, Denis Canavan, John Groeeger, Robin Guyther, Star Mahaffey, Tom Russell and Bruce Young. Jim Bacot, Dan Burris, Phil Dorsey and Dan Ichniowski were excused. Sabrina Hecht, Planner IV; and Phil Shire, Deputy Director; of LUGM were also present. Cindy Koestner was the Recording Secretary.

APPROVAL OF THE MINUTES

The minutes of October 18, 2006 were approved as recorded.

OLD BUSINESS

Update on site plan and subdivision plan data submission to LUGM for mapping purposes

Mr. Canavan explained Mr. Higgs met with staff and determined the electronic submission requirements are too strict for most surveyors or engineers. He noted the issue will be revisited and brought before the Forum at a later date.

Update on pre-construction meetings progress from Bruce Young

Mr. Young explained the Soil Conservation District (SCD) has held four pre-construction meetings since October 1st. The meetings, which require a fee, are held on site and SCD invites other reviewing agencies to attend. Mr. Young added single-lot engineered plans that are less than one acre can be handled over the phone and do not require a meeting or a fee. Mr. Russell asked how often single-lot plans require over an acre of clearance. Mr. Young replied not very often. He noted everyone has been receptive of the meetings so far.

Mr. Young explained the Code of Maryland Regulations (COMAR) require a person with Green Card Authority to be present at the pre-construction meetings. He stated the Greed Card training on how to properly install sediment perimeter controls is given by the Maryland Department of the Environment (MDE). He added a developer is still required to contact MDE once installation of the perimeter controls is complete prior to clearing any additional property. Mr. Canavan asked if the Green Card holder who attends the meeting is the same
person who inspects the site. Mr. Young responded the person is not always the same.

Further discussion of the Board of Appeals decision on the Woods at Myrtle Point grading permit appeal case

Mr. Canavan announced the recent decision by the Board of Appeals to affirm the decision of the director of the Department of Public Works and Transportation (DPW&T) to issue a grading permit for Section 1, Phase 1 of the Woods at Myrtle Point Subdivision has been appealed to the Circuit Court. He added other sections of the same subdivision have since been approved by the Planning Commission. Mr. Canavan explained the Board of Appeals case was based on individual lots that had already been recorded. The recent Planning Commission approvals were for entire parcels and not recorded lots.

Mr. Higgs asked if Article 4.4.3(h)(1) of the Stormwater Management, Grading, Erosion and Sediment Control Ordinance needs to be clarified for new developments. Mr. Groeger explained the steep slope provision of Article 4.4.3(h)(1) was removed from the draft of the new Stormwater Management Ordinance, which will go before the Board of County Commissioners (BOCC) for approval. Mr. Canavan noted there are advantages to grading a large piece of property as a whole. Mr. Young agreed sediment control structures designed for larger pieces of land better manage sedimentation. Mr. Young noted the SCD is required to approve a site as long as it meets the minimum standards set forth by the State.

Mr. Young pointed out the existence of hydric soils, discussed in Section 71.5 of the Zoning Ordinance, do not necessarily equate to the existence of wetlands. He explained staff should allow developers to determine the presence of wetlands on their property, rather than ban development from all properties that contain hydric soils. He noted some farmlands consist entirely of hydric soils but not wetlands. Mr. Young added hydric soils are not highly erodible. Mr. Groeger suggested changing the setbacks from hydric soils regulations listed in the Ordinance to only include the term “wetlands”.

Soil Service Updates

Mr. Young announced SCD just received a revised Memorandum of Understanding (MOU) from the National Resource Conservation Service (NRCS) to update the soil survey for St. Mary’s County. NRCS is currently working in Calvert County and will move to St. Mary’s County when they are finished. Mr. Young explained he forwarded the MOU to Donna Sasser so the soil survey update can be included in the budget for next year’s Capital Improvement Program (CIP). He estimated the County’s share of the update cost to be $184,000. Mr. Calvano inquired about the scope of the update. Mr. Young replied NRCS will digitize the survey and format it in GIS and perform additional
field testing. He explained he asked for more information to be included about the highly erodible soils and steep slopes issue on the Patuxent side of the County. NCRS will refine the survey and make it more user-friendly.

Mr. Canavan inquired about the time frame for this project. Mr. Young replied the update will take three to five years. Mr. Russell asked when the survey was last updated. Mr. Young replied in 1973. Mr. Young added NCRS will make the survey available in CD format, online and they will also provide a certain amount of paper copies. Mr. Shire asked if the survey is mainly for the agricultural community, but the update will include more information from a development standpoint.

NEW BUSINESS

Lexington Park Development District (LPDD) rezoning update

Mr. Canavan explained the LPDD comprehensive rezoning was adopted by the BOCC on November 14th. The front page of the LPDD maps will still show the original zoning date of 2002, the various amendment dates and the November 14th comprehensive rezoning date. Mr. Canavan noted the maps now include the LPDD boundary line.

Legislative Proposals for CWSP delegation of authority and deeded parcels

Mr. Canavan explained he presented two legislative proposals to the BOCC on November 14th. The first proposal seeks authority for the BOCC to appoint a designee to consider CWSP amendments within growth areas (Development Districts, Village Centers and Town Centers). He noted if this is approved by the State, he will still have to work out the details with the BOCC. The second proposal seeks legislation to recognize deeded parcels of land that are already improved with a residence to allow those property owners to proceed with obtaining a zoning permit or building permit to further improve their property. The goal is to keep owners of properties created without a recorded subdivision plat before August 1994 from having to undergo the subdivision platting requirement prior to receiving the permit. Mr. Canavan noted a property owner will still be required to undergo the subdivision platting process if their land is vacant.

Private road plans

Mr. Groeger explained DPW&T reviews private road design plans for subdivisions, but no one ever checks the road to make sure the necessary sediment control devices are installed. He noted DPW&T will now issue a token grading permit and number and then give the information to LUGM so they can
inspect the road. He noted this is for cases where a subdivision will create a new road or improve an existing road to access a lot. The goal is to ensure private roads are improved or built as required.

MDE delegation of authority to the County for soil erosion and sediment control inspections

Mr. Young asked Mr. Canavan if the County decided to pursue partial delegation of inspection authority from MDE. Mr. Canavan replied yes. This will give the County the authority to inspect soil erosion and sediment control devices but not the authority to enforce violations. Mr. Canavan explained personnel issues, training issues and budget implications still need to be worked out. Mr. Young offered to have SCD train any inspectors.

ADJOURNMENT

The meeting was adjourned at 4:15 p.m.
The next meeting is scheduled for December 20, 2006.

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Cindy R. Koestner          Billy Higgs
Recording Secretary        Chairperson

Approved: December 20, 2006