

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, January 9, 2006**

Members present were Joseph St. Clair, Chairman; Steve Reeves, Vice Chair; Lawrence Chase; Merl Evans; Brandon Hayden; Susan McNeill; and Howard Thompson. Department of Land Use and Growth Management (LUGM) staff present was Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Phil Shire, Planner IV; Sue Veith, Planner IV; Bob Bowles, Planner II; and Keona Courtney, Recording Secretary. Deputy County Attorney, Heidi Dudderar, was also present.

The Chair called the meeting to order at 6:30 p.m.

APPROVAL OF MINUTES – The minutes of December 12, 2005 were approved as recorded.

ANNUAL ELECTION OF OFFICERS

The annual election of officers took place, with Mr. St Clair being elected as Chairman and Mr. Reeves being elected as Vice Chair.

PUBLIC HEARING

PSUB #04-12000033 – RIVENDELL FARM

The applicant is requesting award of the St. Mary's County Critical Area Growth Allocation and mapping of Limited Development Area (LDA) in accordance with the St. Mary's County Comprehensive Zoning Ordinance, Section 41.9.1, to correct the prior approval of one lot in excess of that allowed under the 1987 Ordinance in the Resource Conservation Area (RCA) and to accommodate development of 4 additional lots. The property contains 45.13 acres; is zoned Rural Preservation District (RPD), RCA Overlay; and is located at 36880 Rivendell Way in Chaptico, Maryland; Tax Map 23, Grid 7, Parcel 61, Lot 50.

Owner: Thomas Harrison Reeves
Agent: Herb Redmond, DH Steffens Co.

Mr. Redmond's Exhibit 1: Letters (3) from adjacent property owners in favor of Mr. Reeves' application for Growth Allocation

Mr. Redmond's Exhibit 2: Pictures (7) of Mr. Reeves' property

Legal advertisements were published in the St. Mary's Today on December 25, 2005 and January 1, 2006. The property was posted and notices were mailed to adjoining property owners.

The Vice Chair explained that he is related to the applicant and excused himself in order to prevent a possible conflict of interest.

Ms. Veith explained that the request is to add four additional lots to the farmstead that remained after the subdivision of the parent tract. The parent tract was owned by Mr. Thomas G. Reeves, and was later subdivided to Elizabeth Reeves and Thomas H. Reeves by deed after the Critical Area Law went into effect. Ms. Veith explained that it was not until this request was made that staff found an error in the original subdivision of the parent tract. The parent tract had more lots than the density requirements permit in the Critical Area. She stated that staff amended this request to correct the error and to accommodate Mr. Reeves' request for four additional lots.

Ms. Veith explained that the fourth lot created in the Critical Area by the subdivision required a density parcel of nine acres to be platted on Mr. Reeves' property in order to meet the Critical Area density requirement. The nine acres was not added to Mr. Reeves' plat and was not considered with the subsequent subdivisions of the property. The subsequent subdivisions used all of the density in the Critical Area. Ms. Veith explained that this is the reason why a growth allocation is needed for any remaining parcels of the original parent tract, located in the Critical Area, that are not at least 20 acres in size. The proposed four additional lots do not have more than 1.5 acres in the Critical Area and are clustered together; therefore, they meet the requirements for the Critical Area. The applicant will also provide a 300 foot buffer to the property. Ms. Veith mentioned that the applicant is proposing to build a pier, and will allow community access. Mr. St. Clair asked how wide the easement to the pier will be. Ms. Veith explained that the easement will be 25 feet wide, and will widen to 60 feet along the waterfront.

Mr. St. Clair asked if an increase in forestation is needed. Ms. Veith explained that staff is requesting that 15 percent of the land in the Critical Area be forested. Mr. Thompson asked what kind of forestation will be used. Mr. Redmond explained that the applicant has agreed to plant 6,300 trees on 18 acres of the land. He explained that the land is made up of several soil types. The land has MTA, MUA, and MSB soils. MTA and MUA soils are classified as not highly erodible and MSB soils are classified as moderately erodible. Mr. Redmond stated that runoff will be managed with silt fences. The buffer along Ms. Reeves' property will also act as a filter for runoff.

Mr. Redmond submitted three letters from adjacent property owners to staff. Ms. McNeill asked if there are other contiguous property owners. Mr. Redmond replied that there are other property owners but that the letters are from the immediately adjacent property owners.

The Chair opened the hearing to public comment.

Mr. Robert Boyd, a neighbor, expressed concern about the proposed location of the pier and potential traffic on the road. Ms. Veith explained that the pier was proposed at the designated location by the applicant. Mr. Boyd explained that he would like the pier to be located on the Reeves' end of the property so that it will not interfere with his privacy and infringe on his property. Mr. St. Clair asked if the location of the pier is under the Planning Commission's jurisdiction. Ms. Veith replied that the location is under the Planning Commission's jurisdiction. Ms. McNeill asked what the considerations were for the location of the pier. Mr. Soderberg of DH Steffens Company explained that the proposed location of the pier was determined as the best place to serve the community. He explained that the selected location is one of the flattest areas along the shoreline. Mr. Thompson asked if the pier could be built near the Follin's property. Ms. Veith replied that it could be built there, but that notification would be required.

Mr. Follin, an adjacent property owner, explained that Mr. Reeves has already agreed to sign a variance for him to have a pier. He stated that he has a commercial crab license and has full intentions of having a pier and using it for a commercial crab business. Mr. Follin explained that the 50 foot of his property that leads to the Chesapeake Bay is his serenity and that he will miss it. He stated that he understands that there is not much that he can do about it given the fact that more people will be coming to the area.

Mr. Boyd reiterated that he is only concerned about the size of the pier and traffic on the road leading to the pier. Mr. Redmond explained that the road will be a gravel road and that they do not anticipate much traffic on the road. He reiterated that the road is for the community to use. Mr. Evans addressed Mr. Boyd's concerns. He explained that he feels that the community can arrive at a mutual agreement regarding the location of the pier and access. Several audience members stated that it was their understanding that there will be at least 15 lots with access to the pier. Ms. Veith clarified that only the four additional lots will have access to the pier because the other lots do not have Critical Area rights. Mr. Follin asked who governs access to the pier. Ms. Veith replied that the Critical Area Law governs the access to the pier.

Mr. St. Clair requested that members of the Planning Commission convene with staff and the adjacent property owners to get a better

understanding of Mr. Boyd's concerns. Mr. Redmond said that the applicant agreed to the meeting. Mr. St. Clair asked Ms. Dudderar if the record could be left open for ten days with the possibility of an extension. Ms. Dudderar replied that the record can be left open as long as needed.

The Chair closed the hearing to public comment.

Mr. Thompson moved that the Planning Commission leave the record open for ten days with the possibility of an extension. The motion was seconded by Mr. Hayden and passed by a 6-0 vote.

FAMILY CONVEYANCE

MSUB #05-11000065 – MARK FREDERICK SUBDIVISION, LOT 2

The applicant is requesting preliminary review of an additional lot on a private road in accordance with the St. Mary's County Subdivision Ordinance 02-02, Section 30.11.4, Family Conveyance Provision. The property contains 11.6 acres; is zoned Rural Preservation District (RPD); and is located at 40423 Frederick Lane in Leonardtown, Maryland; Tax Map 25, Grid 13, Parcel 128.

Owner: Mark Frederick, Sr.
Agent: Billy Higgs, Little Silences Rest Inc.

Mr. Bowles stated that on December 21, 2005, certified mailings were sent to the adjacent property owners to inform them of the request. He explained that the applicant must have a recorded road maintenance agreement on file. He said that the road maintenance agreement has been submitted to the legal staff. There were no questions for the applicant or for staff.

Mr. Thompson moved that having accepted the staff report, dated December 15, 2005, and having made findings pursuant to Section 30.11.4 of the St. Mary's County Subdivision Ordinance (Criteria for Approval of a Family Conveyance), the Planning Commission approve the Family Conveyance subdivision plan approval, with the condition that agreements ensuring access to, and use and maintenance of, the road be recorded prior to recordation of the plat. The motion was seconded by Mr. Chase and passed by a 7-0 vote.

DEVELOPMENT REVIEW

CCSP #04-1320006 – SOTTERLEY ROAD CENTER

The applicant is requesting review and approval of a concept site plan for a 160,775 square foot Commercial Center. The property contains 22.493 acres; is zoned Town Center Mixed Use (TMX) District; and is located at the northeast corner of the intersection of

MD Route 245 and MD Route 235; Tax Map 26, Grid 11, Parcel 179.

Owner: Dean Partnership, LLP
Agent: Billy Mehaffey, Mehaffey & Associates PC

Mr. Shire explained that the commercial center will be located at Hollywood Towne Center and that there will be three major points of access to the center. He explained that the intersection at the proposed site will operate at Level of Service (LOS) C. Route 235, near the Burchmart in Hollywood, will be widened and there will be traffic remarkings and additional turn lanes added to the highway.

Mr. Shire explained that the proposed location is in the Town Center Mixed Use (TMX) District and that 10 Transferable Development Rights (TDRs) are required for this zone. He explained that there will be buffers along Route 235 to help control the noise.

Mr. Thompson expressed concern about the noise that will be generated by the vacuums at the carwash, as it may be a nuisance to nearby residents. He asked if there will be enough buffers to help control the noise. Mr. Mehaffey explained that Old Three Notch Road, which will run in front of the commercial center, will be expanded and that there will be a natural buffer. Mr. Thompson stressed that there needs to be more of a buffer to minimize the noise from the carwash and carwash patrons. Ms. McNeill expressed concern about the possible hours of operation.

Mr. Mehaffey explained that the applicant needs water and sewer for the proposed property and that additional consideration will need to be given to the request as it is developed. He reiterated that the Planning Commission only needs to consider the approval of the concept site plan so that the applicant can move forward with water and sewer arrangements.

Mr. Chase moved that having accepted the staff report, dated December 21, 2005, and having made a finding that the objectives of Section 60.5.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, and noting that the project has met all requirements for concept approval, the Planning Commission approve the concept site plan. The motion was seconded by Mr. Thompson and passed by a 7-0 vote.

CCSP #05-13100023 – ST. CLAIR OFFICE BUILDING

The applicant is requesting review of a concept development plan for a 5,000 square foot office building, in order to proceed with an amendment to the St. Mary's County Comprehensive Water and Sewerage Plan. The property contains .60 acres; is zoned Town Center Mixed Use (TMX) District; and is located at 23905 Mervell

Dean Road in California, Maryland; Tax Map 34, Grid 2, Parcel 333.

Owner: Joseph A. St. Clair
Agent: Billy Mehaffey, Mehaffey & Associates PC

The Chairman excused himself in order to prevent a possible conflict of interest. The Vice Chair proceeded with the application.

Mr. Shire explained that there is an existing building on the property that is approximately 2,000 square feet in size and will be developed into a 5,000 square foot office building. He mentioned that the request will be brought back to the Planning Commission for a public hearing as it moves through the process. He mentioned that if the building is kept at 4,999.9 square foot in size then it will be exempt from adequate public facilities.

Mr. Thompson moved that having accepted the staff report, dated December 27, 2005, and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water and Sewerage Plan amendment to change the water and sewer categories from W-6 and S-6 to W-3D and S-3D, and noting that the site plan must return to the Planning Commission for concept review and approval in accordance with the St. Mary's County Comprehensive Zoning Ordinance Section 60.5, the Planning Commission approve the concept plan. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

Keona L. Courtney
Recording Secretary

Approved in open session:
February 13, 2006

Joseph St. Clair
Chairman