

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Monday, June 14, 2004**

Members present were John Taylor, Sr., Chairman; Lawrence Chase, Steve Reeves, Joe St. Clair and Howard Thompson. LUGM staff present was Denis Canavan, Director, Phil Shire, Planner IV; Jeff Jackman, Senior Planner IV, Chad Holdsworth, Planner II, Bob Bowles, Planner I; Mark Kalmus, Planning Technician and Janice C. Blackistone, Fiscal Specialist (backup for Recording Secretary). County Attorney Heidi Dudderar was also present.

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

**DEVELOPMENT REVIEW**

**CCSP #04-120-001 – ST. GEORGE PENINSULAS,  
LOTS 12-65**

Requesting review of a Concept Site Plan of a 54-lot subdivision in order to proceed with the amendment to the Comprehensive Water and Sewerage Plan. The property contains 467.97 acres, is zoned RPD, RCA and is located on the west side of Maryland Route 249, approximately 6,000 feet south of its intersection with Drayden Road; Tax Map 61, Block 23, Parcels 77, 80 & 82.

Owner: WLM, LLC  
Agent: Pat Mudd, of Day Tech Engineering

Mr. Shire said the concept site plan was reviewed by TEC in February 2004. He said there were no outstanding issues with the concept layout except for one provision, that it may require Growth Allocation by the Critical Area Commission.

**Mr. St. Clair moved that, having accepted the staff report dated June 8, 2004 and having made a finding that the referenced project met concept plan requirements to proceed with the Comprehensive Water and Sewerage Plan amendment to change the water and sewerage categories from NPS (No Planned Service) to RW (Rural Water) and RSS (Rural Shared System), and noting that all the Chesapeake and Coastal Bays Critical Area Commission requirements must be met, and noting that the subdivision plan must return to the Planning Commission for preliminary approval, the Commission granted concept site plan approval, as requested. The motion was seconded by Mr. Reeves, passed by a vote 5-0.**

**PUBLIC HEARING**

**CWSP #04-120-003 – TWIN PONDS – SECTION 2**

Requesting amendment to service map III-26 to change service category from S-6D (Sewerage Service in 6 to 10 years, Developer Financed) and W-6D (Service in 6 to 10 years, Developer Financed) to S-3D (Sewerage Service in 3 to 5 years, Developer Financed) and W-3D (Water Service in 3 to 6 years, Developer Financed). The property contains 67.281 acres, is zoned RL, and is located on the south side of Three Notch Road, Maryland 235, approximately 2,600 feet east of Hollywood Road, Maryland 245; Tax Map 26, Grid 18, Parcel 95.

Owner: The Dean Partnership, LLP  
Agent: Williams Higgs, of Little Silences Rest, Inc.

Legal Ad published in The Enterprise on 5/26/04 and 6/2/04  
Property posted by 5/26/04

Mr. Holdsworth stated the concept site plan was reviewed by TEC on March 11, 2004 and the Planning Commission granted concept approval on April 26, 2004. He said there were no outstanding issues pertinent to the Comprehensive Water and Sewerage Plan (CWSP). He further said the developer is in discussions about connecting the sewer and water service to the Broad Creek Subdivision. He said the service would originate at the Philip Bean Medical Center, run through the right-of-way of Maryland Route 235, then cutting through into St. John's Church Road going through the Broad Creek Subdivision and then inter connect into the Twin Pond Subdivision.

Mr. Higgs said Twin Pond Subdivision does connect to Broad Creek Subdivision and he said the Commission approved the amended sewer and water. The Commission asked if the system would be switched over to Metropolitan Commission (METCOM). Mr. Holdsworth replied yes.

The Commission asked Mr. Higgs if he would be drilling a well. Mr. Higgs replied yes.

The Commission opened the public hearing for public comment.

Barbara Snyder, lives on 24569 FWD Drive, asked if this would affect her well. Mr. Holdsworth replied more than likely you are on the aqua aquifer and this well system will be going to a different aquifer. Ms. Snyder with sewer and water, are we forced to use their system. Mr. Holdsworth replied no.

Sheldon Reese, lives on 43400 Karen Court, said once the sewer and water comes down St. John's Church Road unto the Dillow Property then to

Frank Dean's, will the development simultaneously be hooked up or will it go lot by lot. Mr. Shire replied we have not received the phasing plan so he does not know at this time.

Jon Harkness, lives on 24524 FWD Drive, asked if they were planning on bringing sewer and water in the original Twin Pond Subdivision. He said if the roads are not widened, how the area would be access. Mr. Shire said looking at the plans the original Twin Pond Subdivision will tie into FWD. Mr. Holdsworth replied at this time the sewer and water will not be coming through the first part of Twin Pond Subdivision it will be coming from the south side of Twin Pond, Section 2, which will be coming from the Dillow Property.

Cathy Allen, lives on 43386 Karen Court, said she lives in the original section of Twin Pond and with the sewer stopping at this project at the end of Twin Pond II. She said she was upset after speaking with Steve King about the failing sewer system at Holly Gaff and the desire was to move the sewer up from Holly Gaff to help relieve the failing septic systems, and the only way to do that was through Twin Pond II and into Twin Pond I up through 245 and onto Holly Gaff. She stated these are two huge developments being plopped down in the Hollywood area and she is concern especially with the over crowded school systems. Mr. Holdsworth replied regarding your question about Holly Gaff, that area does have a history of failing septic systems and that area is under a different project and a different hearing would be held.

Wanda Norris, lives on 24581 FWD Drive, said she agrees fully with Ms. Allen and she would like to keep her nice neighborhood from being messed up.

Louis Parks, lives on 34567 FWD, said he is concerned with the aquifers elevation levels since we are unfortunately at the higher level of the aquifer. He stated his concern if the draw down is lower the aquifer we would be contributing to it. He asked does he have anything to worry about if there is a drought, he does not want to in up with a dry well. Mr. Holdsworth replied most of the water in the aquifers has been there for about 10,000 years old so the recharged areas are farther up.

The Commission closed the public hearing.

**The Commission conducted and closed a public hearing with no comments and leaving the record open for 10 days for written comment.**

**CWSP #00-120-032 – WOOD & STREAM HOMES**

Requesting amendment to service map III-51 to change service category from W-6D (Service in 6 to 10 years, Developer Financed) to W-3D (Water

Service in 3 to 6 years, Developer Financed) and amend service map IV-51 to change service category from S-6D (Sewerage Service in 6 to 10 years, Developer Financed) to S-3D (Sewerage Service in 3 to 5 years, Developer Financed). The property contains 41.823 acres, is zoned RL, and is located on the east side of Maryland Route 237, approximately 4,000 feet north of Maryland Route 246, Tax Map 51, Grid 1, Parcel 1.

Owner: H.W. Miller & Sons, Inc.  
Agent: John B. Norris, Jr., of NG&O Engineering, Inc.

Legal Ad published in The Enterprise on 5/26/04 and 6/2/04  
Property posted by 5/26/04

Mr. Holdsworth said the concept site plan was reviewed by TEC on March 11, 2004 and the Planning Commission granted concept approval on April 26, 2004. He said there are no outstanding issues pertinent to the CWSP amendment. He further said the subdivision proposes 46 single-family dwellings and 31 multi family units, 77 units.

The Commission asked what aquifer was this connected unto. Mr. Holdsworth replied it is connected into the Lexington Park public system and he does not believe it has wells on site.

The Commission opened the public hearing for public comment.

Danny Kollieperlos, lives on 45861 Nancy Lane, said the proposed site has marshland there with river dam that over floods when we have heavy rains. He said in 1975 he received a certified letter stating there is a watershed in the area, is the watershed still there or not? He asked what is the buffering on his lots. Mr. Shire replied the buffers are generally 25 foot around non-tidal wetland either 50 foot to 200 foot from the centerline of the stream.

Arthur Dych, lives on 45740 Robinson Court, asked if they were going to bring sewer and water back to Chancellors Run Road, he said there is a stream that runs back there. He further said the stream is where it usually floods, and that is also what floods Chancellors Run Road and Great Mills. Mr. Holdsworth replied the water would run down Chancellors Run Road but the sewer would start at the proposed subdivision and go back to Westberry into a pump station.

The Commission closed the public hearing.

**Mr. Thompson moved that, having accepted the staff report dated June 1, 2004 and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan in anticipation of sewerage and water service being provided to the proposed Woods and Stream Subdivision per case 00-120-032; and having made a finding that the subdivision concept complies with the spirit and intent of the both the St. Mary's County Comprehensive Plan and the St. Mary's County Comprehensive Zoning Ordinance, the Commission voted**

**recommendation to the Board of County Commissioners for adoption as proposed. The motion was seconded by Mr. Chase, passed by a vote 5-0.**

**CWSP #03-120-032 – STALLMAN SUBDIVISION - SECTION 6**

Requesting amendment to a service map IV-43 to change from S-6 (Sewerage Service in 6 to 10 years) to S-3D (Sewerage Service in 3 to 5 years, Developer Financed). The property contains 49.16 acres, is zoned RL, and is located on the west side of Chancellors Run Road, approximately 800 feet south of its intersection with Rutherford Drive, Tax Map 43, Block 19, Parcel 120.

Owner: David Lindsey  
Agent: Pat Mudd, of Little Silences Rest, Inc.

Legal Ad published in The Enterprise on 5/26/04 and 6/2/04  
Property posted by 5/26/04

Mr. Holdsworth said the concept site plan was reviewed by TEC on January 2004 and the Planning Commission granted concept approval on April 12, 2004. He said there are no outstanding issues pertinent to the CWSP amendment.

Mr. Mudd said the gravity system that will service all the lots within the subdivision and that gravity system will travel down hill to a central collection area where a waste water pumping station.

The Commission asked about the traffic issues, will Chancellor's Run be able to handle more traffic. Mr. Mudd replied a traffic study has been done and there are some improvements being proposed for Chancellor's Road.

The Commission opened the public hearing for public comment.

David Miskolczi, lives on 43018 St. Andrew's Church Road, asked if the current sewerage system would be able to hold all the proposed development. Mr. Holdsworth replied yes the lines are adequate to serve the development.

The Commission closed the public hearing.

**Ms. Reeves moved that, having accepted the staff report dated June 7, 2004 and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan in anticipation of sewer service being provided to the proposed Stallman Subdivision per case 03-120-032; and having made a finding that the subdivision concept complies with the spirit and intent of the both the St. Mary's County Comprehensive Plan and the St. Mary's County Comprehensive Zoning Ordinance, the Commission voted recommendation to the Board of County Commissioners for adoption as proposed. The motion was seconded by Mr. St. Clair, passed by a vote 5-0.**

**CWSP #03-120-031 – LIGHTHOUSE COMMONS – SECTION 2**

Requesting amendment to service map III-65 to change service category from W-6D (Service in 6 to 10 years, Developer Financed) to W-3D (Water Service in 3 to 5 years, Developer Financed). The property contains 23.89 acres, is zoned RL, and is located on the north side of Lighthouse Road,

approximately 550 feet west of intersection with Maryland 249,  
Tax Map 65, Grid 11, Parcel 278.

Owner: Lighthouse Road Associates, LLC  
Agent: Pat Mudd, of Day Tech Engineering

Legal Ad published in The Enterprise on 5/26/04 and 6/2/04  
Property posted by 5/26/04

Mr. Holdsworth said the concept site plan was reviewed by TEC on November 13, 2003 and the Planning Commission granted concept approval on May 10, 2004.

Mr. Mudd said he will tie the water line into the existing water line on Lighthouse Road and loop it in through Section 1 and Section 2. He said he would tie the sewer into the existing sewer line on Lighthouse Road with low pressure grinder pump system.

The Commission opened the public hearing for public comment.

Pam Hicks, lives on Lighthouse Road, representing the Lighthouse Road Community Association (Association), said the neighborhood has been around since 1910. She said the Association has many concerns and will follow this project very closely. She asked where the sewer lines would be tied into and where would the flush station be located. Mr. Holdsworth replied the line would connect to the Piney Point Pump Over. Ms. Hicks said she is concern with the sewer that might be flushed down. Mr. Holdsworth replied everything will be engineered to the METCOM standards and before this project gets final subdivision approval, they will make sure that this line to the Piney Point Pump Over does not need anymore modifications.

Ms. Hicks asked if an environmental study has been done to the back creek. Mr. Shire replied this is just conception product layout and when the project goes through the final layout those issues will be addressed.

The Commission closed the public hearing.

**The Commission conducted and closed a public hearing with no comments and leaving the record open for 10 days for written comment.**

**CWSP #04-132-003 – SOUTH PLAZA**

Requesting amendment to service map III-34 to change service category from W-6D (Water Service in 6 to 10 years, Developer Financed) to W-3D (Water Service in 3 to 5 years, Developer Financed). The property contains 11 acres, is zoned CC, and is located on the north west corner of Maryland 235 and Old Rolling Road adjacent to existing First Colony; Tax Map 34, Grid 23, Parcels 90, 96 & 661.

Owner: Old Rolling Road, LLC  
Agent: Andrew Martin, of Loiederman Soltesz Associates, Inc.

Legal Ad published in The Enterprise on 5/26/04 and 6/2/04  
Property posted by 5/26/04

Mr. Holdsworth said the concept site plan was reviewed by TEC on March 11, 2004 and the Planning Commission granted concept approval on April 26, 2004. He said there are no outstanding issues pertinent to the CWSP amendment.

Mr. Martin said they are surrounded by 12 inch water mains on both sides of our property and we are running a 12 inch main as we inter connect these two lines which will help with fire suppression.

The Commission opened the public hearing for public comment.

Robert Baker, lives on McIntosh Road, said he does not understand why this proposal is necessary and how it is going to benefit the citizens of the County. The Chair replied this proposal is to provide water to a site which already had concept site approval.

The Commission closed the public hearing.

**Mr. Chase moved that, having accepted the staff report dated June 7, 2004 and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan in anticipation of water service being provided to the proposed South Plaza per case 04-132-003; and having made a finding that the subdivision concept complies with the spirit and intent of the both the St. Mary's County Comprehensive Plan and the St. Mary's County Comprehensive Zoning Ordinance, the Commission voted recommendation to the Board of County Commissioners for adoption as proposed. The motion was seconded by Mr. Thompson, passed by a vote 5-0.**

**CWSP #04-120-001 – ST. GEORGES PENINSULAS, LOTS 12-65**

Requesting amendment to service map III-61 to change service category from NPS (No Planned Service) to RW (Rural Water) and RSS (Rural Shared System). The property contains 467.97 acres, is zoned RPD, RCA Overlay and is located on the east side of Maryland 249 on the south of its intersection with Andover Road; Tax Map 61, Grid 17, Parcels 77 & 80.

Owner: WLM, LLC  
Agent: Pat Mudd, of Little Silences Rest, Inc.

Legal Ad published in The Enterprise on 5/26/04 and 6/2/04  
Property posted by 5/26/04

Mr. Holdsworth said the concept site plan was reviewed by TEC on February 12, 2004 and the Planning Commission granted concept approval on June 14, 2004. He said there are no outstanding issues pertinent to the CWSP amendment.

Mr. Mudd said this proposal is to have a self contain public water and sewer system. He said the reason for the public systems is the St. Mary's County Comprehensive Zoning Ordinance requires it for water systems over 25 lots that they be a public system and what that means is instead of having numerous individuals wells for each lot that there will be one community well for the entire subdivision. He stated there will be a well with storage with all the requirements of the State and County. He said the sewer system will be self contain and the proposal is to have a drip system sewerage disposal system on a piece of the property that infiltrates.

The Commission opened the public hearing for public comment.

Marc Cohen, stated he is the Applicant's land use and environmental attorney, and he just wanted to add a few words to Mr. Mudd's presentation, he said they met at LUGM's office with Steve King and he concurs in changing water and sewer plans as requested tonight. He said he spoke to Wayne Goddard, the adjoining property owner of 125 acres; he supports the water and sewer category change.

The Commission closed the public hearing.

**Mr. St. Clair moved that, having accepted the staff report dated June 7, 2004 and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan in anticipation of a shared sewerage system and rural water service being provided to the proposed St. George's Peninsulas Subdivision per case 04-120-001; and having made a finding that the subdivision concept complies with the spirit and intent of the both the St. Mary's County Comprehensive Plan and the St. Mary's County Comprehensive Zoning Ordinance, the Commission voted recommendation to the Board of County Commissioners for adoption as proposed. The motion was seconded by Mr. Reeves, passed by a vote 5-0.**

## **DEVELOPMENT REVIEW CONTINUED**

### **CCSP #03-132-017 – WAL-MART STORE EXPANSION**

Requesting review of concept site plan for a 90,020 square foot expansion to an existing 116,060 square foot building. The property contains 29.5 acres, is zoned CC, AE part and is located 45485 Miramar Way, California, Maryland; Tax Map 42, Block 6, Parcel 18 ED 8.

Owner: Wal-Mart Store, Inc.  
Agent: Charles Garcia, of Freeland and Kauffman, Inc.

Mr. Shire said this concept site plan was reviewed by TEC in September 2003. He said the new St. Mary's County Comprehensive Zoning Ordinance, Chapter 26, requires Transferable Development Rights (TDRs) for such a size of a foot print as this project. He further said they are requiring TDRs for the full 90,020 square foot expansion which equals to 90 TDRs and the applicant has been working with various TDR holders around the County. Completion of TDR approval is listed as an outstanding issue in the staff report.

Mr. Shire stated he received a letter from Phil Rollins, Director of Recreation & Parks requesting contributions from the Wal-Mart people towards the hiker/biker trail plans that are proposed to run along the entire County Commissioners right-of-way frontage of the property.

Charles Garcia, of Freeland and Kauffman, Inc., said they are expanding the existing Wal-Mart store and are proposing to use the six acres located between K-Mart and Wal-Mart that used to be an old trailer park. He stated they have received approval from State Highway Administration (SHA) for the traffic study and road improvements, including a connector road through to the K-Mart site.

Mr. Shire stated the applicant has agreed to build the connector road at their cost. He said the original proposed road was in the Capital Improvement Program but as a result of this application, Wal-Mart has taken on the responsibility of the cost. He further said the plan shows the entrance into Wal-Mart across from Town Creek Drive, the left turn lane will be extended and the main entrance into the site, next to Cheseldine's, will have some reconfiguring of the lanes to allow three left hand turn lanes out onto Maryland Route 235.

The Chair asked if the hiker/biker trail ran through the access road and behind the realtor office. Mr. Shire replied the access road is really not within of the County's right-of-way, he thinks the trail systems is supposed to be within 66 foot right-of-way which is further from the store and more in the grass areas between the parking lot and the various restaurants.

The Commission stressed their concern of people hiking down Maryland Route 235 and wish Mr. Rollins was there to address these questions. The Commission asked what about the other properties running down that line like South Plaza. Mr. Shire replied Mr. Rollins does have elaborate hiker/biker trail plan.

The Chair said this is concept site plan approval not a public hearing but the public is invited to comment on the proposal. The Chair asked if any one was interested in commenting on the proposal.

Nancy Buff, lives in Town Creek, stated Wal-Mart has over 250 unfair labor practices, numerous fair standard violations charges filed against them, they are very anti-union corporation, it has been documented Wal-Mart pays women lower wages than they do men, it has also been documented that Wal-Mart intimidates their suppliers into offering lowering prices for merchandise and these intimidations work because they are the largest retailer in the United States. She said these low wages and low prices run the mom and pop stores out of the County and after all the mom and pops stores are gone Wal-Mart can do what they want to do with their prices. She stated she does not want to see Wal-Mart expand in this County.

David Miskolczi, lives on 43018 St. Andrew's Church Road, said he is against the expansion of Wal-Mart and believes it is waste of tax payer's money just talking about the expansion. He further said the wonderful ideas that are being proposed about expanding the road ways, Wal-Mart has gotten over one a million dollars from all states in the United States for doing these wonderful things for the communities by going out and getting grants from local, county and state governments. He said once they utilize that money to help benefit them to create a bigger store. He stated he feels the store is big enough and does not need to be expanded. He said FDR Boulevard is a nightmare and wonders where the County Commissioners' heads were at when they looked at putting the First Colony development there. He stated if they continued to development the land for retail use we are going to have nothing but accident after accident. Mr. Miskolczi marked a print out from the website on the stats is exhibit #A-1.

Alice Caplins, lives on 20065 Manor Drive, said before we allow the expansion of Wal-Mart in our County we should do a study on how the resources might or might not be drained from the community because the employees are not being paid a living wage and they end up drawing upon social services, which is not good for the County. She said yes Wal-Mart makes a lot of jesters and they do things for the community but we need to look at the over all net gain or net lost.

Maureen Sperin, lives on 24718 Red Hill, said she has concerns about Wal-Mart expanding and putting other smaller businesses out of business and she is concerned about the traffic issues. She said she is more concern about the possibility of the store being open 24 hours a day, how would that impact the neighbors behind Wal-Mart and would they get 24 hour delivery. She said they traded 90 TDRs and a hiker/biker path to get the connector road between Wal-Mart and Kmart and she does not believe it is worth the trade off for the expansion of Wal-Mart. She stated the County took the trade off of First Colony for a swimming pool that is not even located in a central area.

The Chair stated the County did not get First Colony is a trade off for a swimming pool, the pool was later on because they could not put a theater in First Colony.

The Chair asked if the store would be open 24 hours a day. Mr. Garcia replied yes. Mr. Chair asked if there were neighbors or land that could be developed behind Wal-Mart. Mr. Garcia replied they have already been approached by a developer who wants to connect to our development. Mr. Shire said there is the townhouse, Mazel Subdivision that has received concept approval that is located behind Wal-Mart. Mr. Shire stated they are building a portion of FDR Boulevard in from Old Rolling Road to serve that subdivision but they will exit through Wal-Mart.

The Chair asked if there were a plan for a traffic light at the end of FDR Boulevard onto Route 4. Mr. Shire replied there is a proposed plan.

Mr. Miskolczi said he is concerned about putting a light up there, there is congestion there already with the traffic light on Route 235 and sitting on Route 4 waiting to go through the light to go over the bridge and with another light there will be more congestion.

Ruth Gray, lives on 24688 Red Hill Court, said we just got the road construction issues fixed on Route 235 and now we can get down the road but now this proposed expansion will have new traffic patterns in and out of Wal-Mart. She said this will create more traffic, we will have more people from Solomon's and Calvert coming over here. She stated with all the development going on there are more empty stores toward the south.

The Commission expressed their concerns about the fire suppression and the safety issues, their concerns of not enough water pressure to push the water.

**The Commission deferred their decision on the concept site plan pending input from METCOM, Fire Board, DPW&T, SHA, and R&P. The Commission had some concerns with fire suppression, water pressure, aquifer recharge and traffic mitigation.**

**CCSP #04-132-005 – MECHANICSVILLE COMMERCIAL CENTER**

Requesting review and approval of a concept site plan for a 49,215 square foot retail and storage center. The property contains 6.97 acres, is zoned TMX, and is located on the east side of Mechanicsville Road, at its intersection with southbound Maryland Route 5; Tax Map 9, Block 7, Parcel 78, ED 5.

Owner: Benjamin & Michael Burroughs  
Agent: Williams Higgs, of Little Silences Rest, Inc.

Mr. Shire said concept site plan was reviewed by TEC in March 2004.

Mr. Higgs said this is a 49,000 square foot retail center consisting of three buildings, one office, and storage building. He said they are putting in a right turn lane along Mechanicsville Road and adding an acceleration lane on Maryland Route 235. He stated they are providing there own water and sewer on site.

**Mr. St. Clair moved that, having accepted the staff report dated June 8, 2004 and having made a finding that the objectives of Section 60.5.3 of the zoning ordinance has met, and noting that the referenced project has met all requirements for concept approval, the Commission granted concept site plan approval, as requested. The motion was seconded by Mr. Thompson, passed by a vote 5-0.**

### **DISCUSSION**

The Chair said the Board of Appeals did uphold the Planning Commission's decision for The Woods @ Myrtle Point.

**ADJOURNMENT** – 8:47 p.m.

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Janice C. Blackistone  
Fiscal Specialist

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Approved in open  
session: June 28, 2004

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John F. Taylor  
Chairperson