

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Monday, July 12, 2004**

Members present were John Taylor, Sr., Chairman; Lawrence Chase, Julia King, 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, 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.

**APPROVAL OF MINUTES** – The minutes of June 26, 2004 were approved as recorded.

**PUBLIC HEARING**

**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, Parcel 70/80.

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

Mr. Shire said the concept site plan was reviewed by TEC in February 2004 and there were no outstanding issues pertinent to the Comprehensive Water and Sewerage Plan (CWSP).

The Commission asked why, on the staff report in Section 7, the Health Department and Metropolitan Commission (METCOM) support the community water service but they do not support public sewerage. Mr. Holdsworth replied METCOM and the Health Department have not made a final determination of what type of sewerage treatment system that should be at this facility when it is constructed.

The Commission opened the public hearing for public comment.

Charles Pessagno, who lives in Andover Estates, said he specializes in environmental science and he is a professional engineer that

graduated from the University of Maryland. He was the chief engineer for the St. Mary's County METCOM from 1972 – 1976 and for the past 25 years he has been self employed designing and constructing water and sewer facilities; he has been in the water and sewerage business for 46 years. He passed several drip irrigation tubes to the Commission members and stated these tubes are what he installed 4 years ago at the Fredericksburg National Cemetery. He said the reason National Cemetery installed the drip irrigation system to irrigate during dry times, they have very steep slopes, plus they need to be able to cut with push mowers and line trimmers. He stated there are very small holes in the tubes so roots could clog the holes. He stated he feels this solution of using drip irrigation tubes is going to fail and will fail prematurely. He said he is not against the development, but he feels once this sewerage system fails it will pollute the water and it will be polluted for a very long time.

Marc Cohen, attorney for WLM, LLC, said he wanted to make a few points clearer about the drip irrigation system; this system Mr. Pessagno passed around is not at all the same system that will be used. He stated there will be several other public hearings and we are only in the beginning portion of this project. He stated this allows his client to go forth to change the water and sewer category not the sewerage treatment plant or the water plant but simply the approach to providing the sanitary facilities to this development. He further said before it hits the drip irrigation system and before it leaves the site the water will be treated to drinking water standards. He stated it is not a septic system and it is not carrying septic fluid, before it hits the drain fields it will have primary and secondary and tertiary treatment before it goes to ground water. He stated Wayne Goddard, Don Nolan and Chuck Kimbell support the development and this type of drip irrigation system.

Pat Coll, who lives in Andover Estates, said he opposes the drip irrigation system because there are less risky systems for the environment and the public health. He said he first became involved when METCOM came to Andover Estates community and said the entire Andover Estates was in septic system treatment failure because of impermeable ground surfaces and high ground water. He stated he has one question as we move through the process of drip irrigation system, if all of Andover Estates septic systems are in treatment failure because we have high ground water impermeable soils for septic systems, how is this drip system going to work and function and not be a danger to public health's drinking water and to the environment in Oakland Creek. He said he is not against the growth, he believes that would only improve the property value in Andover Estates. He suggests two alternatives: 1) moving the location of the drip field away from Oakland Creek and 2) join Andover Estates with Piney Point sewer system.

The Chair asked Mr. Shire if the Piney Point sewer system was in the Intensely Developed Area (IDA). Mr. Shire replied the Piney Point growth area is IDA. Mr. Holdsworth said St. Georges Peninsulas is outside the Piney Point growth area which will not allow them to connect to the public sewer.

Maurice Daly, of METCOM, said his understanding was this system was to handle failed systems for growth in the development areas and not in the Rural Preservation District (RPD) and that is why Andover Estates was declared a failed septic system area but as far as he knows the proposed development cannot connect into the force main.

Mr. Holdsworth stated the St. Mary's County Comprehensive Zoning Ordinance would not allow for this development to be connected to the public sewer line either.

The Commission asked if the system goes in and the system fails will they be able to connect then. Mr. Daly replied it would be a possibility, but they have not looked into that matter yet.

Don Cropp, who lives in Andover Estates, said he is a builder and is not category against the project but he is against the way the developer is trying to do the sewerage. He said he spoke to MDE regarding putting a drip system in the Critical Area and they said nowhere in the State of Maryland is there a public shared drip system besides in Calvert County, where they are having problems. He further said growth in that area is only supposed to be in the RPD; and they received their letter from the Critical Area Commission and if you follow that letter their concept plan is invalidated because if they are going to do that you need growth allocation and you need to take away some of the lots.

Jeff Kozero, owner of the property, said he is here to change the water and sewer category not to argue with Mr. Cropp or Mr. Pessagno. He stated the system they are proposing to use has been in use for 10 years around the country and the consultant they are using is a nationally known consultant, NCS from the State of Washington and there are hundreds of these systems all around the country that have worked and have not failed. He said what he is asking for tonight is to move forward to the next step to show METCOM and the Critical Area Commission that they could provide a system that does work and is good. He said they met with Calvert County to go over their system and found out their sewer system itself was not failing, the problem was the sewer line that goes to the plant runs underneath a stream and by the time the sewerage got to the plant they could not treat it because it was too cold.

John Boyd, who lives in Andover Estates, said he is welcoming METCOM so he can hook up. He said several years ago he tried to build on a Florida Room to his home but was told by the Health Department he could turn it into a screened porch instead, not a family room with windows. He further said it took him over a year to get an approval for a Florida Room because he was in the Critical Area and in mean high water. He stated if you look at where they are proposing this drip irrigation system to be, it is closer towards the mean high waters than his Florida Room.

Don Nolan, who lives in Andover Estates, said this is going to improve the properties in Andover Estates area and the smells, plus all the experts say the system will work. He said there is one house in Andover Estates

that has drip irrigation system and that is the piece of property that does not have a failed septic system. He stated we all want a safe and improved system.

**The Commission conducted and closed the public hearing leaving the record open for 10 days for written comments.**

### **DEVELOPMENT REVIEW**

#### **CCSP #04-132-014 – OAKWOOD LODGE, TOWNHOUSES**

Requesting review and approval of a concept site plan for 6, two story townhouses. The property contains 2.39 acres, is zoned TMX, and is located on the southeast side of Lighthouse Road, approximately 1,500 feet southwest of its intersection with Maryland Route 249; Tax Map 65, Block 17, Parcel 288.

Owner: Oakwood Sands, Inc.

Agent: Pat Mudd, of Day Tech Engineering, Inc.

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

The Commission asked Mr. Shire if these townhouses were going to be used as rental units. Mr. Shire replied it could be developed either way. Mr. Mudd replied the intent is for these units to be sale units and that the Commission will see preliminary subdivision plat at a later date.

Mr. Mudd stated there are two issues tonight the first issue are for concept approval to change water category. He said the water line currently exist on the property, it extended there since Potomac Sands was constructed there several years ago, but for reasons unknown the water category was not changed so there is public water to the site. He said the second issue is to proceed with concept plan approval so they could send it to the engineers. He stated there are a lot of issues that need to be worked out with various agencies before getting final approval.

**Mr. St. Clair moved that, having accepted the staff report dated July 1, 2004 and having made a finding that the objectives of Section 60.5.3 of the St. Mary's County Comprehensive Zoning Ordinance has been met, and noting that the referenced project has met all requirements for concept approval as a prerequisite for amendment of the Comprehensive Water and Sewerage Plan, and prerequisite for final site plan approval, the Commission granted the concept site plan approval, as requested. The motion was seconded by Mr. Thompson, passed by a vote 6-0.**

### **DISCUSSION/REVIEW**

#### **LEXINGTON PARK DEVELOPMENT DISTRICT**

##### **REVIEW OF LETTERS FROM PUBLIC HEARING**

Mr. Jackman gave a brief discussion regarding various comments received from the public hearings, work sessions and by mail, and an explanation of how he had grouped them by the issues that would be the focus of up coming

work sessions: land use designations, environmental planning, transportation and community facilities, and implementation and phasing. The Commission's meeting of July 26, 2004 will include a work session on the AICUZ and Navy issues.

**ADJOURNMENT** – 7:38 p.m.

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Approved in open  
session: July 26, 2004

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Janice C. Blackistone  
Fiscal Specialist

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John F. Taylor  
Chairperson