

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING  
CHOPTICON HIGH SCHOOL \* MORGANZA, MARYLAND  
Monday, July 13, 2009**

Members present were Steven Reeves, Chairman; Shelby Guazzo, Susan McNeill, Merl Evans, Martin Siebert, and Lawrence Chase. Brandon Hayden was excused. Department of Land Use & Growth Management (LUGM) staff present were Derick Berlage, Director; Phil Shire, Deputy Director; Jeff Jackman, Senior Planner; Susie McCauley, Planner I; Gracie Bradey, Historical Planner; Dave Chapman, Capital Facilities Planner; and Jada Stuckert, Recording Secretary. Deputy County Attorney David Weiskopf was also present.

The Chair called the meeting to order at 6:35 p.m.

**APPROVAL OF THE MINUTES** – The minutes of June 22, 2009 were approved as presented.

**PUBLIC HEARINGS**

**Comprehensive Plan**

Mr. Jackman stated the draft plan has been prepared in accordance with Article 66B of the Annotated Code of Maryland. A media release was issued June 15, 2009 to generally describe the draft plan, to announce the July 13, 2009 hearing, and to invite public comment. The legal notice was published in the June 26, 2009 and July 1, 2009 issues of the Enterprise. Copies of the draft plan were placed in the three public libraries in the County, and it was posted on the County's Web site. Mr. Berlage gave a brief overview of the Comprehensive Plan outlining what is a Comprehensive Plan, why we are updating it now, major differences, and what the next steps will be.

Chairman Reeves opened the hearing for public comment as follows.

**Mr. William Guy Jr.**

Mr. Guy stated Clements is not listed as a village center however Choptico is listed as a village center. Mr. Guy stated Clements clearly has more to offer as far as number of services in town and should be considered a village center. Mr. Guy asked why you would take a larger town and downsizing it. Mr. Guy stated this will limit the addition of local businesses.

**Mr. William Guy Sr.**

Mr. Guy stated there are several businesses in Clements and downsizing Clements would not be in its best interests. Mr. Guy asked that the current zoning remain the same citing heavy regulations if this area is re-zoned. Mr. Guy asked that this be taken into consideration prior to voting on the Comprehensive Plan.

**Ms. Carleen Downs**

Ms. Downs stated the Mill Cove area should be removed from the Lexington Park Development District as it is not appropriate. Ms. Downs stated this area is not suitable to withstand additional housing and utilities.

**Mr. Paul Downs**

Mr. Downs submitted a map showing the Mill Creek – Sam Abel Cove Density for the record, hereby labeled as Exhibit 1 by the Recording Secretary. Mr. Downs asked that the Myrtle Point peninsula be removed from the Lexington Park Development District. Mr. Downs stated sensitive areas should not be included in development districts in any case. Mr. Downs stated there have been less than 30 homes built in the Woods at Myrtle Point so far and this is already affecting the waters in this area. Mr. Downs stated if more homes are allowed to be built this will continue to destroy our waters and critical areas within this peninsula. Mr. Downs again asked that the Myrtle Point peninsula be removed from the Lexington Park Development District.

**Mr. Bob Ellwood**

Mr. Ellwood stated he will forward his written comments to the Commission at a later date. Mr. Ellwood asked why some items are specifically addressed and some are not. Mr. Ellwood asked what "to the extent possible" regarding building on steep slopes means. Mr. Ellwood stated he would like to see a reference to exclude factory farming. Mr. Ellwood stated the maps should include sensitive areas within Leonardtown. Mr. Ellwood stated there is reference to incentives for development and waiving impact fees and asked if this is legal. Mr. Ellwood stated he is also curious as to why Clements would be down zoned.

**Ms. Nicole DiBenedetto**

Ms. DiBenedetto referenced an Enterprise article regarding the "wealth of bay". Ms. DiBenedetto asked that the Mill Cove area be removed from the Development District. Ms. DiBenedetto stated children should be able to ride their bikes in our area, but will not be able to if the area is over-developed.

**Mr. David McDonald**

Mr. McDonald submitted his full written testimony for the record, hereby labeled as Exhibit 2 by the Recording Secretary.

**Mr. Jack Bailey**

Mr. Bailey stated he owns a small farm on Route 6 near the New Market Town Center. Mr. Bailey stated now our property is proposed to be placed back in the RPD rather than in the town Center. Mr. Bailey asked how many farms in the New Market Town Center have been removed and placed back in the RPD. Mr. Bailey stated it seems that mine and my fathers are the only two. Mr. Bailey stated he feels these properties should remain in the Town Center rather than in the RPD.

**Mr. John Bailey**

Mr. Bailey stated he purchased property off Route 6 which is currently in the development district and surrounded by other subdivisions. Mr. Bailey recommended establishing a 150 foot safety zone around each farm for hunting. Mr. Bailey stated the destruction of woods caused by ATVs needs to be addressed and making trespassing a felony rather than a misdemeanor might deter this destruction. Mr. Reeves asked how much land Mr. Bailey has. Mr. Bailey stated he has 118 acres.

**Mr. Michael Burch**

Mr. Burch stated he purchased his land as an investment. Mr. Burch stated he can't develop his land in the commercial residential district. Mr. Burch asked why he can't do what he wants on his property as long as he's paying taxes on it. Ms. Guazzo asked where the property is located. Mr. Burch stated it is between Old Village Road and Route 5.

**Mr. Billy Fitzgerald**

Mr. Fitzgerald asked about the future expansion of a water treatment plant in Compton. Mr. Fitzgerald stated he spoke with METCOM a while back and still hasn't received an answer. Mr. Fitzgerald stated many people in this area are waiting to be able to hook up to the St. Clements Shores treatment plant. Mr. Fitzgerald stated this area is one of the more affordable areas in the County and it needs the proper infrastructure. .

**Karen Dailey**

Ms. Dailey stated farms are being developed one by one however people cannot afford a home in this County. Ms. Dailey stated we seem to be preventing affordable housing. Ms. Dailey asked that the Commission consider implementing more affordable housing.

**Caroline Hurry on behalf of John and Phill Hurry**

Ms. Hurry stated they own property in the VMX at four corners in Clements. Ms. Hurry asked how can this property be down zoned after we've worked so hard to bring in businesses. Ms. Hurry stated now two thirds of the property is being recommended for RPD zoning. Ms. Hurry stated her

family is trying to provide services for the community and by down zoning you've left our family no options by limiting our land. Ms. Hurry asked that this are be left as VMX zoning.

**Mr. John Sprenger**

Mr. Sprenger stated he is concerned about the approved 3,972 building lots that do not meet the requirements. Mr. Sprenger stated as you can see within the last 5 years the entire Wildewood development started looking like Waldorf rather than rural St. Mary's County. Mr. Sprenger stated if a development changes ownership the Commission should be able to revoke approvals and/or make the new owner re-evaluate the development. Mr. Sprenger stated adequate inspection and enforcement is desperately needed. Mr. Sprenger asked if anything can be done for further review of a PUD.

**Mr. George Heinze**

Mr. Heinze stated he and his brother purchased property in New Market with the intention of building an office/warehouse facility. Mr. Heinze stated the proposed change in zoning from TMX to VMX would preclude these types of tenants. Mr. Heinze asked that this change in zoning not take place. Mr. Heinze submitted a letter dated 7/13/09 for the record, hereby labeled as Exhibit 3 by the Recording Secretary.

**Mr. Robert Willey**

Mr. Willey asked that the Mill Cove neighborhood be removed from the Lexington Park Development District. Mr. Willey stated with Route 4 being the only way out of neighborhood and the proposal to add more homes to this small area would be disastrous. Mr. Willey stated this neighborhood is also located in the 1,000 foot critical area. Mr. Willey stated the Woods at Myrtle point showed us what development can do to the waters and that enforcement is inadequate. Mr. Willey stated that all neighborhoods within environmentally sensitive areas should be removed from development districts.

**Mr. Ken Carrhuff**

Mr. Carrhuff stated he is concerned about the clarification about roads regarding the new traffic pattern in Leonardtown. Mr. Carrhuff stated with all the new development taking place in this busy corridor a long term plan for the development of facilities and traffic patterns seems logical.

**Mr. Greg Shields**

Mr. Shields asked that the Myrtle Point Peninsula be removed from the Lexington Park Development District.

**Ms. Debbie Shields on behalf of the Myrtle Point Peninsula Homeowners & Residents**

Ms. Shields asked that the Myrtle Point Peninsula area be removed from the Lexington Park Development District, change the water and sewer category fro the same are to "no service planned" and to downzone the area to something more appropriate to the current density and less harmful to the waters of Mill Creek, Sam Abell Cove and Mill Cove area. Ms. Shields submitted a letter dated 7/13/09 for the record, hereby labeled as Exhibit 4 by the Recording Secretary.

**Ms. Mary Jane Riggs**

Ms. Riggs asked that the Myrtle Point Peninsula be removed from the Lexington Park Development District. Ms. Riggs stated she will not be here in 20 years and am fearful that this land will be further developed and ultimately destroyed by the development in the future.

**Mr. Randal Slone**

Mr. Slone stated he owns property in Mechanicsville that is zoned OBP and is proposed to be down zoned. Mr. Slone stated he purchased this property as a business investment and with the down zoning will not be able to develop. Mr. Slone asked that this property be left as OBP.

**Ms. Kathy Gordon**

Ms. Gordon asked that the Myrtle Point Peninsula be removed from the Lexington Park Development District. Ms. Gordon stated page 419 of the Comprehensive Plan refers to areas that are suitable and unsuitable for growth. Ms. Gordon stated this area is unsuitable for growth.

**Jessica Gatton**

Ms. Gatton stated he property is currently VMX to be rezoned as RPD. Ms. Gatton stated she is surrounded by housing yet our property will be restricted to 1 building right for 5 acres.

**Barry Roache**

Mr. Roache stated he and his brothers own a farm on the other side of Flora Corner Road. Mr. Roache stated we are on the highway and like the idea of mixing uses.

**John Tifford**

Mr. Tifford stated he would like the Comprehensive Plan to support the current movement on natural gas. Mr. Tifford stated we should encourage the development of natural gas lines in St. Mary's County.

Mr. Reeves hearing no additional comments closed the public hearing and stated the record will be left open through July 26, 2009 and that a separate hearing will be held July 27, 2009 at the Chesapeake Building in Leonardtown, beginning at 6:30 p.m. following which the record will be left open through August 7, 2009.

**ANNOUNCEMENTS**

None

**ADJOURNMENT**

The meeting was adjourned at 8:00 p.m.

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Jada Stuckert  
Recording Secretary

Approved in open session: August 10, 2009

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Stephen T. Reeves  
Chairman