

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, July 14, 2003**

Members present were John F. Taylor, Sr., Chairperson; Lawrence Chase, Julie King, Steve Reeves, and Joe St. Clair. Mr. Greenwell and Mr. Raley were excused due to illness. LUGM staff present were Denis Canavan, Director; Phil Shire, Plans Review; Jeffrey Jackman, Senior Planner; Chad Holdsworth, Public Facilities Planner; Bob Bowles, Planning Specialist; and Peggy Childs, Recording Secretary. Assistant County Attorney Linda Springrose was also in attendance.

A list of attendees is on file in the Department of Land Use & Growth Management. The Chair called the meeting to order at 6:30 p.m.

APPROVAL OF MINUTES

The minutes of June 23, 2003 were approved as recorded.

DEVELOPMENT REVIEW

FSUB #00-120-028 – BEN OAKS SUBDIVISION, Phase 1 and Phasing Plan

Requesting final approval of Phase 1, containing 26 lots and 4 outparcels, and the

Phasing Plan for the project. The property contains 114.483 acres in Phase 1 and

342.6 acres in the parent tract, is zoned RPD, and is located on the northeast side

of MD 5/235, approximately 500 feet north of its intersection with Point Lookout

Road; Tax Map 9, Block 15, Part of Parcel 56 and 365.

Owner: J. D. Murray

Present: Randy Barrett, of R. A. Barrett & Associates, Inc., Agent

Ben Oaks is a major subdivision with a potential buildout of 114 lots, vested under the previous Zoning Ordinance, ZO #90-11. The only outstanding issue is the SHA conditional approval, which requires some entrance design improvements. Mr. Shire said staff will not accept the record plat for recording until SHA has issued final approval and a construction permit to allow work within their right-of-way. The design requirements will not change the record plat because all the work will occur within the SHA right-of-way.

This project is the result of combining two former proposals, Persimmon Hills Section 3 and Valley Woods Phases 2 and 3. As the result of some previous issues the developer has acquired some additional land which provides frontage on MD 5 to allow independent road access from his previous proposal to use Persimmon Creek Road. As a result, traffic from this project will

not impact the roads within the existing Persimmon Hills Subdivision. Following public hearings held by the Planning Commission and the Board of County Commissioners, a Comprehensive Water & Sewerage Plan amendment to RW (Rural Community Water) was approved by the Maryland Department of the Environment (MDE) on June 13, 2002. Preliminary subdivision plan approval was granted by the Planning Commission on July 23, 2003.

In conjunction with the final approval of the 26 lots in Phase 1, the applicant is requesting approval of a Phasing Plan for Phases 2, 3, and 4. The previous Ordinance allowed phasing plan approval for up to 10 years; however, some limitations were imposed by the new Ordinance which states that subdivisions approved under #90-11 have until May 13, 2005 to be approved or the project must be redesigned under the new Ordinance (Z-02-01) requirements. The Phasing Plan proposes approval of all phases by June 2004.

Mr. Shire said there are four (4) outparcels in Phase 1 and the lot sequence allows for these outparcels to be included as building lots. Once perc tests are approved for the outparcels, staff proposes that they proceed through TEC review without having to come back before the Commission for final approval.

Mr. Barrett said the SHA issues are that there are some temporary bollards on the median acceleration lane north of the MD 5/235 intersection and the latest requirement is to replace them with a 2' median island extended to beyond the Ben Oaks entrance so there won't be any attempts to come off of MD 5 and jump across the road directly. The entrance to the subdivision is a right-in, right-out only. Southbound traffic on MD 5 would have to go to the traffic light and turn north to access the subdivision entrance and traffic from the subdivision going south would have to first go north and make a u-turn onto MD 5 south.

Mr. Reeves commented there are an awful lot of houses for just one road. Mr. Barrett pointed out that there is a right-of-way connection to one of the adjacent properties which will allow them to connect to MD 6 if that property ever developed. He said it was their only option for a second access.

Mr. Chase moved that, having made a finding of adequate facilities including stormwater management and noting that the project has met all TEC requirements, the final subdivision plan for Phase 1, containing 26 lots and four (4) outparcels, and the Phasing Plan, which calls for the completion of Phase 4 (the final phase) by June 2004, be approved, subject to the following conditions:

- (1) The record plat will not be accepted for recordation until the State Highway Administration has issued an entrance construction permit.**
- (2) Because the four (4) outparcels are included in the motion for approval, they**

may be recorded without further review by the Planning Commission, following successful perc tests and TEC review and approval.

The motion was seconded by Mr. Reeves and passed by 5-0.

DECISION

COMPREHENSIVE WATER & SEWERAGE PLAN – 2003

REVISION

Following the Planning Commission's public hearing on May 27, 2003 and the close of the open record period on June 6th, copies of the public comments were provided to the Commission at its meeting of June 9, 2003. Concerns and comments addressed in the final draft include: concerns about population totals from the 2000 census which will allow the County to challenge the census count; comments from the public hearing regarding allowing public sewerage service in rural areas; Maryland Department of Planning comments; comments received from Loiederman, Solteze & Associates; and staff general comments.

Mr. Taylor asked how staff handles a situation where they disagree with the State? Mr. Jackman responded that staff discussed the comments with the State in a meeting and will send them a copy of the Final Draft. He said the State already signed off on the provisions in 1998 and staff is comfortable with carrying them forward. The Plan must now be certified by the Metropolitan Commission and the Town of Leonardtown, and Mr. Jackman said the Plan has been provided to them. A draft Resolution was provided with the Commission's package and Mr. Jackman said staff requests the Commission's action to endorse, recommend, and transmit the Plan to the Board of County Commissioners.

Ms. King moved that the Commission endorse and recommend approval of the 2003 CWSP Revision to the Board of County Commissioners and that the Chair be authorized to sign the Resolution transmitting the Plan for approval and adoption. The motion was seconded by Mr. St. Clair and passed by 5-0.

PRESENTATION

POTOMAC RIVER MARITIME MUSEUM MASTER PLAN

Present: Phil Rollins, Recreation & Parks Director
Lydia Wood, St. Mary's County Acting Museum

Director

Members of the Museum Board of Trustees
Scott Rykiel, Landscape Architect, with Mahan Rykiel

Associates, Inc.

Phil Whorl, of GWWO Inc., Architects

Mr. Rollins presented an overview of the proposed Master Plan, stating that the Recreation & Parks Museum Division is nationally accredited, one

of only two of those in the State of Maryland, and that is due to the hard work of former Director Mike Humphries and the Museum Division staff. The proposed museum will be located at site of the Piney Point Lighthouse, the oldest lighthouse on the Potomac River, being built in 1836. In the 1900s the light was decommissioned and the Coast Guard took over the site for use as a Coast Guard Station, following which the property was turned over to the County. The Piney Point Lighthouse Museum and Park was created by the County in the 1990s and has functioned as such since that time. The Keeper's Quarters was built shortly after the lighthouse and is also an historic structure.

Mr. Rollins said the Coast Guard garage has served as the County's museum building for the last decade, but it is constructed at ground level and floods in major storms. Another building on the site, used by the Coast Guard as the Chief Petty Officers' Quarters, is being looked at to see whether it is salvageable. The site contains five acres and is bordered by Piney Point Creek on one side and the Potomac River on the other.

Mr. Rollins said several years ago Mike Humphries advocated buying an adjacent property previously owned by Steuart Petroleum, and this was done with County funds and State open space funds. That two acres includes a former administration building, which is proposed to be renovated into the museum building, and a former machine shop that will be used as a boat workshop. An existing storage building will be used for either storage or for a boat collection display. Last Fall the County began working with the consultants to develop a program to tie the new property in with the existing property, and this proposal is the result of that effort. The Plan has been reviewed by the Museum Board and revised and, following a recommendation from the Planning Commission, the revised Plan will be forwarded to the Board of County Commissioners for approval and adoption as a concept plan and road map for the project. Mr. Rollins said implementation of the Plan hinges on funding. The project has been included in the County's Capital Program and money has been targeted for 2005 but may be deferred, contingent on the County's fiscal situation. It is also hoped that some State and Federal funds may be available as the project moves forward. Mr. Rollins said they believe the Plan is consistent with the Comprehensive Plan in terms of historic sites and promoting tourism, with the Land Preservation and Recreation Plan, and is included as a designation site in the recently adopted Southern Maryland Heritage Plan.

Following a presentation of the June 14, 2003 Plan by Mr. Rykiel and Mr. Whorl, Ms. King stated she works in a museum so she knows how incredibly hard it is to get accredited, and this is one of only two nationally accredited museums in the Southern Maryland area. She said the Piney Point Lighthouse was designed by John Donahue, who designed the Point Lookout Lighthouse and others up and down the Bay.

Ms. King asked if the State holds an easement on the property? Mr. Rollins replied that the Maryland Historical Trust (MHT) holds an easement. He said when the Federal Government deeded the property to the County there was a requirement that there be an easement for the property to remain a historic

site in perpetuity, including the lands and the buildings. A copy of the Plan will be forwarded to the MHT.

Mr. Rollins said that mold and mildew has been found in the Chief Petty Officers' Quarters, which was constructed by the Coast Guard in the 40s or 50s, and the best alternative may be to demolish that building. They have also found lead paint in the lighthouse and keeper's quarters and have just recently awarded a contract for lead paint abatement. Other than that the buildings seem to be in pretty good shape. At the present, the keeper's quarters have been rented out to generate some revenue and provide some on-site security, but Mr. Rollins said they hope to stop that and open it up to the public. They also hope to work with the Harry Lundeberg School of Seamanship (HLSS) on the loan of their wooden boat collection, which will be offered as a display.

Stating that this is a great Plan and she hopes the County doesn't postpone it too long, Ms. King moved to recommend approval of the Plan to the Board of County Commissioners, subject to the condition that the easement on the property held by the Maryland Historical Trust, which requires that the site be retained as a historical site in perpetuity, be referenced in the Plan. The motion was seconded by Mr. St. Clair and passed by 5-0.

SUB-PLAN SERIES – TRANSPORTATION PLAN

Present: John Groeger, Deputy Director, Dept. of Public Works & Transportation

Mr. Groeger, the Transportation Plan Project Manager, presented a Scope of Services for the County-wide 20-year Transportation Plan, the contract having been awarded to transportation consultants Johnson, Mirmiran & Thompson (JMT) of Baltimore. Phase 1, the gathering of data, began in May 2002 and included calculations of level of service (LOS) for each road and intersection. Phase 2 is the development of the actual Plan; it will include a traffic model for the County and recalculate levels of service to determine which are failing and what kind of improvements will be needed. What is different this time is that the County is asking the consultant for alternative improvements; for example, for FDR Boulevard. There has also been a request for ferry service and Mr. Groeger said they will look at the need for ferry service between counties – ferry service to the Eastern Shore is a possibility as is ferry service to Calvert County, to alleviate traffic on MD 4. Mr. Groeger said they don't intend to go into great detail; just to throw out possible options for further study, unless they receive direction for a detailed analysis.

The status of the Plan is that DPW&T has received a second draft of the existing conditions report and are reviewing that along with the Department of Land Use & Growth Management, and Mr. Groeger said they think they can have that ready for distribution within the next month. Then, after they receive the go-ahead, the final transportation plan would be done within 6 months after that and provide good input for the 2006 Capital Improvements Program (CIP). He said he doesn't think they will come up with anything remarkably new; a lot of

the things they are finding are problems they already know about; e.g., the widening Chancellors Run Road to four lanes and MD 4 between the Governor Thomas Johnson Bridge and MD 235, which are both at LOS "E." These two links are also on the State's Needs list. One of the things the State is looking at is a second span for the Bridge. Intersections which are failing are MD 4/235 and Pegg Road/235, and these need to be looked at closely.

Mr. St. Clair asked if the County is looking at future roads and feeder roads in relation to new schools being built? Mr. Groeger said the roads themselves would provide possible access to new roadways; for instance, Mattapani Boulevard is planned to go into Bradley Boulevard and Bay Ridge Boulevard, and a school is planned for that future intersection of those two roadways, but this Plan is more of a general planning document and doesn't show exact alignments of roads. The mapping of the road sets the alignment.

Mr. Groeger said the State would not participate in FDR Boulevard because of its proximity to 235 and they felt it was more of a local road to serve local development than regional development. He said the State felt they had put enough of an investment into 235, but he doesn't think the traffic study anticipated the growth in Calvert County, and we are already seeing that 235 is approaching capacity. The Chair asked Mr. Groeger if he thought the State would reconsider its position on FDR because of the LOS of 235? Mr. Groeger replied he doesn't think it is very likely, but we can always try. He said the options the State will be looking at would be to put interchanges for access control onto 235 or maybe a fourth lane, which would be much more expensive than building FDR Boulevard, but there are residents' concerns with FDR Boulevard, as well.

Mr. St. Clair asked whether Mr. Groeger thinks the State will ever dualize MD 5 from Leonardtown to Great Mills? Mr. Groeger said he thinks MD 5 is at LOS "D" or "E" in the Great Mills area, but Pegg Road Extended, which is also being proposed, would relieve some of the pressure in that situation.

Mr. Canavan said, from a land use standpoint, the Transportation Plan is a *critical* element to our Comprehensive Plan and it is incumbent on the County to give as much credence to the Plan as they do to other plans. If we had the wherewithal to be as specific as possible with the transportation element, he said we could proceed with protecting road rights-of-way for future alignments, and we should be pursuing specificity with the State's Transportation Improvement Program or the Consolidated Transportation Program. Mr. Canavan said he would like the traffic model to be in our control where we could put more funds toward it and get more immediate reaction as to what the traffic implications would be in the short term, based on certain growth scenarios, and plug it into our CIP. He was he is hoping this Commission and the County Commissioners will embrace the whole work program. He said we may need to expand the work program and put more dollars towards it, and it's going to be critical for the Commission to take a look at the Plan and a potential work program in the coming year.

The Commission agreed, and decided to set aside an hour at the end of some subsequent meetings for work sessions on the Plan. Mr. Groeger stated that DPW&T will be glad to participate.

ADJOURNMENT

The meeting was adjourned at 7:56 p.m.

Approved in open
session: July 28, 2003

Peggy Childs
Recording Secretary

John F. Taylor, Sr.
Chairperson