

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, July 23, 2007**

Members present were Stephen Reeves, Chair; Howard Thompson, Shelby Guazzo, Brandon Hayden, Susan McNeill, Merl Evans, and Lawrence Chase. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Phil Shire, Deputy Director; Sabrina Hecht, Planner IV; Jeff Jackman, Senior Planner; Bob Bowles, Planner II; Adam Knight, Building Code Coordinator; Jeanine Harrington, Intern; and Jada Stuckert, Recording Secretary. Deputy County Attorney, Colin Keohan was also present.

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

APPROVAL OF THE MINUTES – The minutes of June 25, 2007 were approved as amended and the minutes of July 9, 2007 were approved as presented.

ANNUAL REPORT REVIEW – Mr. Jackman stated at the last meeting the annual report was given to the members for the purpose of reviewing the document for possible changes. Mr. Jackman stated he received no changes or comments on the document and requested the document be approved and forwarded to the County Commissioners. Mr. Thompson made a motion to recommend approval the 2006 Annual Report and approve the forwarding of the report to the Board of County Commissioners and Ms. McNeill seconded. The motion passed by a 7-0 vote.

PUBLIC HEARING DECISION

1. Amendment to the Building Code - Sprinklers for Single Family Homes

Mr. Knight gave an overview of the discussion held at the June 25, 2007 Planning Commission meeting. Mr. Knight stated the public hearing was left open for ten days and no additional information was received. Ms. Guazzo stated unfortunately the information she requested at the last meeting is not contained in the information packet Mr. Knight handed out. Ms. Guazzo read from the June 25, 2007 meeting minutes which state the information she requested. Ms. Guazzo stated six counties have adopted this type of ordinance and those counties are very populous. Ms. Guazzo stated 60% of the fire deaths occur where there is no working or existent smoke detector. Ms. Guazzo stated it seems we should be looking at strengthening our smoke detector ordinance rather than burdening new homeowners with the considerable expense for a sprinkler system. Ms. Guazzo stated there were 56 deaths by fire in the last 6 months per 5,615,727 people living in Maryland, so do we need a new ordinance in our County which has less than 100,000 people. Ms. Guazzo stated we need to review the smoke detector regulations harder and educate people on the life saving things they can do.

Mr. Thompson stated he is concerned about the mobile home and modular structures. Mr. Thompson stated he does not want to exempt mobile homes and modular structures from the ordinance. Mr. Knight stated this would be possible. Mr. Thompson stated there is only 1 contractor authorized to install these systems in St. Mary's County and 1 in Calvert and asked how in depth is it for a plumbing company to get licensed. Mr. Knight stated a license can be obtained by testing through the Fire Marshal.

Ms. McNeill asked if the smoke detector ordinance was deficient. Mr. Knight stated it is not deficient however smoke detectors can be rendered inoperable. Mr. Knight stated having a sprinkler system is like having the fire department at your house 24/7. Ms. McNeill stated in other words someone who is too young or involuntarily incapable to respond to the fire alarm could be saved by the sprinkler system.

Mr. Knight stated there is a cost involved with the sprinkler system and we are not trying to hide this fact, however we are trying not to put a price on people's lives. Mr. Evans asked about the cost of the pump and the tank. Mr. Knight stated the cost of the pump and the tank is over and above the cost of the system which runs between \$1.25 and \$1.84. Mr. Reeves stated he believes a sprinkler system would be beneficial for duplex or 55 and older communities but raising the price for new construction is a burden to homeowners. Ms. McNeill stated she is in favor of this amendment because you can't put a price on a life. Mr. Reeves stated he is opposed to this amendment in single family homes. Mr. Chase stated the cost is not significant enough to place an undue burden on a homeowner. Mr. Hayden stated the cost would be approximately \$6,000.00 or 1% and stated a property tax credit should be included in this amendment.

Ms. Guazzo stated she is listening to the stories being told and obviously the death of any person is an emotional issue but in general governmental jurisdictions make laws for the greater good of the County. Ms. Guazzo stated she agrees with Mr. Reeves as far as the duplex, where you have one family one side that depends on the integrity and safe consciousness of the family one the other side. Ms. Guazzo stated she can not agree to have every new single family home equipped with sprinkler systems. Ms. Guazzo stated if she had the information she requested however she can see now that numbers have nothing to do with this issue. Ms. Guazzo stated this has been presented not for the greater good of the people but as an emotional issue meaning anybody that can be saved by any means possible despite the cost. Ms. Guazzo stated she does not think \$6,000.00 is a small amount of money. Ms. Guazzo stated you have to allow people to live their lives as long as they are not endangering someone else. Ms. McNeill stated we are not just talking about the loss of adult homeowners we are also talking about the loss of firefighters and children. Ms. McNeill stated she believes this is more than an emotional issue; it is that value of human life.

After further discussion, Mr. Chase made a motion in the matter of proposed amendments to the text of the Code of St. Mary's County to require residential sprinkler systems in new one and two-family dwellings, having accepted the staff report dated June 6, 2007 and July 17, 2007, and having conducted a public hearing, I move that the Planning Commission approve the amendment to chapter 203, Building Construction, at Section 203-13, Modification to One and Two-Family Dwelling Code by adding Section GG, and recommending to the Board of County Commissioners that the Amendment be adopted; I further move to authorize the Chair to sign a resolution on behalf of the Planning Commission to convey this recommendation to the Board of County Commissioners and Ms. McNeill seconded. Mr. Thompson asked for a friendly amendment to remove the exclusion for mobile homes and modular structures. The friendly amendment was denied. The motion passed by a 4-3 vote with Ms. Guazzo, Mr. Hayden, and Mr. Reeves opposed.

2. Amendment to the Zoning Ordinance – Residential in the APZ-2

Mr. Canavan gave an overview of the discussion held at the June 25, 2007 Planning Commission meeting. Mr. Canavan stated the public hearing was left open for ten days and no additional information was received. Mr. Canavan stated he has provided each member with a letter from Mr. Bill McKissick, Jr. that was received today along with a copy of the February 2007 Encroachment Study Committee Key Findings and Recommendations. Ms. McNeill asked if there would be a way to have a sunset clause setting or a moratorium so this issue will be brought back for further review. Mr. Canavan stated he would not advise this because if studies are not finished at the time of the set date the text amendment would revert back to what it is presently. Mr. Canavan stated this could be done outside the legislation as a recommendation to the County Commissioners.

Mr. Thompson asked if any consideration been given to what we are going to do for the homeowners who now will not be able to do with their land what they could do in the past. Mr. Canavan stated in looking at the eleven hundred acres people are primarily in the Residential zones. Mr. Canavan stated any existing residences would not be considered non-conforming and

could be altered, any existing recorded residential vacant lots could be built upon, and where there are any split zones properties could be allowed to shift the density covered by the APZ-2 to the non-APZ-2 portion. Mr. Thompson stated he is not sure how much land we will be protecting after all the grandfathering. Ms. Guazzo stated Essex Woods is the only property that is not already built and they are already in the queue. Mr. Canavan stated he expects Essex Woods to be recorded prior to the effective date of this amendment.

Mr. Evans asked how many property owners are in the 1,100 acres. Mr. Canavan stated he estimates between 900 to 1,000 property owners. Mr. Evans stated he appreciates the work the study group has done; however it occurs to him that this amendment is a reaction to a proposed development. Mr. Evans stated there are several issues with this amendment and it needs to be more comprehensive. Mr. Evans stated voting this down to a lot of people it will say no to the Navy even though no one has spoken ill of the Navy. Mr. Evans stated we have to work with the Navy and work through this to make sure the property rights of everyone is taken care of. Mr. Evans stated voting for this he would be voting for something that he does not believe is as comprehensive as it could be or should be. Ms. McNeill stated she would like to see this issue revisited at some point and brought to conclusion.

After further discussion, Ms. Guazzo made a motion in the matter of proposed amendments to the St. Mary's County Comprehensive Zoning Ordinance (Ordinance Z-02-01) at Chapter 43, "Air Installations Compatible Use Zone (AICUZ) and Airport Environs (AE) Overlay, "Figure 43.3.A, "Land Use Compatibility in Aircraft Accident Potential Zones," to prohibit new residences in the APZ-2 Overlay, having accepted the June 14, 2007 staff report and following a public hearing on the subject, I move that the Planning Commission approve the changes as proposed and recommend to the Board of County Commissioners that the Comprehensive Zoning Ordinance be amended accordingly in furtherance of the health, safety and welfare of the citizens of St. Mary's County and consistent with the Comprehensive Plan; I further move that Chair be authorized to sign a resolution on behalf of the Planning Commission to convey this recommendation to the Board of County Commissioners and Ms. McNeill seconded. Mr. Evans stated I am going to vote "no", I am going to vote "no" not because I have a problem with the United States Navy, because I don't. Mr. Evans stated without them, this community certainly wouldn't be here. Mr. Evans stated I'll vote "no" because I don't believe that this document is as comprehensive as it could be, as it should be, as it would be if we would take into consideration all of the other information that we currently have. Mr. Evans stated so I vote "no" based on the reasons I gave you. Mr. Thompson stated "I am voting "yes" for this but it is almost for the same thing, also with the understanding that the people who have already started into the loop and have their projects in are going to be looked out for." The motion passed by a 6-1 vote with Mr. Evans opposed.

DEVELOPMENT REVIEW

2. Concept Site Plan #06-132-030 – BOCC St. Andrews Landfill Transfer Station

Mr. Bowles read the staff report which recommended approval for a 12,000 square foot Transfer Station. Mr. Reeves asked if the land would perk. Mr. Bowles stated there is no need. Ms. McNeill asked if there would be heating or cooling systems. Mr. George Erichsen gave a brief overview of the project stating there would be a small break room for employees, 30 foot roll up doors, little to no noise pollution and more. Ms. Guazzo stated she is impressed with the plan and stated the Board of Appeals did a very good job reviewing this application. Mr. Erichsen submitted the approved Board of Appeals order.

After further discussion, Mr. Thompson made a motion in the matter of CCSP #06-132-030, St. Andrews Landfill, Transfer Station, having accepted the staff report and having made a finding that the objectives of Section 60.5.3 of the zoning ordinance have

been met, and noting that the referenced project has met all requirements for concept approval, I move that the concept site plan be approved and Ms. Guazzo seconded. The motion passed by a 7-0 vote.

3. Concept Site Plan #05-131-006 – The 3N Building

Mr. Bowles read the staff report which recommended approval for a 4,960 square foot office building. Ms. Guazzo asked if the “C” buffer was the strongest buffer the ordinance has in place. Mr. Bowles stated “yes” and the applicant will have to move around the retaining wall for the buffering. Ms. Guazzo asked why the retaining wall was in place. Mr. Bill Mehaffey stated the land slopes from South to North.

After further discussion, Mr. Hayden made a motion in the matter of CCSP #06-131-006, The 3N Building, having accepted the staff report and having made a finding that the objectives of Section 60.5.3 of the zoning ordinance have been met, and noting that the referenced project has met all requirements for concept approval, and on the condition a “C” type buffer is installed at the rear. I move that the concept site plan be approved and Mr. Thompson seconded. The motion passed by a 7-0 vote.

ANNOUNCEMENTS: The St. Mary’s County Public Works Department will be holding a public hearing on Thursday, July 26, 2007 at the Lexington Park Library in regards to the potential Pegg Road extension.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Jada Stuckert
Recording Secretary

Approved in open session:

Stephen T. Reeves
Chairman