

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, September 22, 2008**

Members present were Steven Reeves, Chairman; 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; Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Yvonne Chaillet, Zoning Administrator; Dave Chapman, Planner III; and Jada Stuckert, Recording Secretary. Deputy County Attorney David Weiskopf was also present.

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

APPROVAL OF THE MINUTES – The minutes of September 8, 2008 were approved as presented.

PUBLIC HEARINGS – Text Amendments

Finality of Decision of the Board of Appeals

Ms. Chaillet gave an overview of the text amendment stating in Chapter 20 “Authority of Reviewing/Decision Making Bodies and Officials” the text would be amended in Section 20.3.7 “Finality of Decision of the Board of Appeals” to reduce the time allotted for the Board of Appeals to render its written decision on Critical Area Variances as now required by the State. Ms. Chaillet explained the Board of Appeals currently has 60 days to render their written decision and staff is requesting it be reduced to 30 days with a stipulation that the Chairman can extend this amount of time, not to exceed 60 days, in special cases.

Mr. Reeves opened the hearing to public comment, hearing none, closed the hearing to public comment.

Ms. McNeill made a motion in Section 20.3.7 Finality of Decisions of the Board of Appeals, page 20-5, amend this section to read as follows:

20.3.7. Finality of Decisions of the Board of Appeals.

- a. All decisions and findings of the Board of Appeals on appeals or on applications for a standard variance or conditional use shall be final administrative decisions and shall be subject to judicial review as prescribed in Section 4.08 of Article 66B of the Annotated Code of Maryland. All final decisions shall be rendered in writing within 60 days of the close of the public hearing.***

- b. All decisions and findings of the Board of Appeals for decisions within the jurisdiction of the Critical Area Commission shall be final administrative decisions and shall be subject to judicial review as prescribed in Section 4.08 of Article 66B of the Annotated Code of Maryland. All final decisions shall be rendered in writing within 30 days of the close of the public hearing. The Board of Appeals may extend the 30 days up to a maximum of 60 days upon findings that the complexity of the case requires an extended decision period or that changes in the board's schedule preclude a decision within 30 days.***

Mr. Thompson seconded and the motion passed by a 7-0 vote.

Small Wind Energy System

Ms. Chaillet gave an overview of the text amendment stating this text amendment would amend Chapters 50, 51, and 90 to allow small wind energy systems for on-site consumption by owners. Mr. Reeves asked if these systems would be allowed in every district. Mr. Canavan stated yes as

accessory structures. Ms. Guazzo asked where this text amendment originated. Ms. Chaillet stated an application was submitted for a system and the County Commissioners asked that a text amendment be introduced to allow these types of systems in the County. Ms. Guazzo asked if the critical Area Commission will allow these structures with the new 200 foot buffer requirements. Mr. Canavan stated he would check with the Critical Area Commission. Ms. Guazzo stated 150 foot maximum height limit seems unreasonable because amateur radio operators are restricted to a 100 foot height limit by the ordinance and stated better examples and information is needed to make a proper decision on this matter. Mr. Evans stated he is not opposed to the idea however is concerned with the location, height, bird migration patterns, etc.

Mr. Reeves opened the hearing to public comment. Mr. Bill Mehaffey stated his only concern is using the term "site" to describe where and how many can be placed on a parcel. Ms. Guazzo asked staff to forward copies of the Carroll County ordinance and any others that may be available.

Mr. Thompson made a motion to leave the record open and continue the public hearing to October 27, 2008 and Ms. McNeill seconded. The motion passed by a 7-0 vote.

PUBLIC HEARINGS

Zoning Map Amendments

Mr. Jackman gave an overview stating the official zoning maps may be corrected upon finding a mistake in the original zoning of the County. Mr. Jackman stated a mistake was made in drafting the maps there were approved by the County Commissioners for this property.

Mr. Phil Dorsey, owner of the parcel, gave an overview and submitted the following exhibits proving the property's right to the Commercial Marine (CM) zoning.

- Exhibit 1 – 8/26/05 letter to Canavan from Dorsey
- Exhibit 2 – Draft Resolution
- Exhibit 3 – "It Ain't Like It Was" Excerpt
- Exhibit 4 – 7/27/06 letter from Maryland Department of Natural Resources
- Exhibit 5 – 11/20/00 letter from Department of Planning & Zoning to Mr. Dorsey
- Exhibit 6 – Natural Resources Police Night Reference
- Exhibit 7 – Zoning History Packet
- Exhibit 8 – Two photos of Compton house
- Exhibit 9 – 14 Photos of property
- Exhibit 10 – 4 letters of support
- Exhibit 11 – 11 photos of property
- Exhibit 12 – Site plan of property

Mr. Evans asked why it has taken so long to correct the error. Mr. Jackman stated we have to use the same process that created the legislation in the first place. Mr. Canavan stated we are not arguing that a mistake was made.

Mr. Reeves opened the hearing to public comment. Mr. Tom Davis stated he agrees that Mr. Dorsey has every right to the Commercial Marine zoning however is concerned with the access, ingress and egress and the overdevelopment of the site.

Ms. Leslie Yates stated read a letter of objection to the correction of the zoning maps stating reversing the mistake now is setting a precedent and making a larger mistake.

Mr. Reeves closed the hearing to public comment.

Ms. Guazzo made a motion in the matter of the zoning map amendments for Case #08-245-001, parcel 16, map 39 owned by Mr. Dorsey and his wife. Item 1, Tax Map 39, Parcel 351,

Lot 500-1A I move that we re-zone this parcel as Rural Preservation District (RPD) in its entirety. Item 2, property listed on Tax Map 39, Parcel 351, Lot 2 I move that we re-zone this parcel in its entirety as Rural Preservation District. Item 3 concerning Tax Map 39, Parcel 16, Lot 1 I move that we agree a mistake occurred and this lot should be re-zoned to Commercial Marine noting that Lots 2, 3, 4, and 5 will remain Rural Preservation District. I further move that we recommend these three changes to the Board of County Commissioners and Mr. Thompson seconded. The motion passed by a 6-1 vote with Ms. McNeill opposed.

DECISION

CCSP #05-132-019 – St. Mary’s Marketplace

Mr. Norris asked for a continuance.

Ms. Guazzo made a motion to continue this case to October 14, 2008 and Mr. Hayden seconded. The motion passed by a 7-0 vote.

DISCUSSION

Comprehensive Plan Update

Mr. Jackman gave an overview of the input from the five community meetings regarding land use concept changes for Lexington Park, Leonardtown, Charlotte Hall, New Market, Mechanicsville, Hollywood, Piney Point, Callaway, Chaptico, Clements, Loveville, Ridge, and Valley Lee.

Ms. Guazzo recommended not removing Cedar Lane Apartments from the Development District in Leonardtown. Ms. Guazzo recommended not constricting Mechanicsville and instead constricting New Market. Mr. Evans agreed stating we need to expand infrastructure in Charlotte Hall and allow density in the proper areas. Mr. Evans stated we should have delineated lines with development in the development districts and wooded areas outside and in-between. Ms. Guazzo recommended leaving Piney Point as a town center and Clements and Chaptico should remain as village centers.

ADJOURNMENT

The meeting was adjourned at 10:00

Jada Stuckert
Recording Secretary

Approved in open session: October 14, 2008

Stephen T. Reeves
Chairman