

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, September 28, 2009**

Members present were Steven Reeves, Chairman; Brandon Hayden, Shelby Guazzo, Susan McNeill, Merl Evans, Martin Siebert, and Lawrence Chase. Department of Land Use & Growth Management (LUGM) staff present were Derick Berlage, Director; Phil Shire, Deputy Director; Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Gracie Brady, Historical Planner 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 14, 2009 were approved as amended.

PUBLIC HEARING

Amend Chapter 26 Transferable Development Right (TDRs)

Mr. Shire gave an overview of the text amendment which will amend Section 26.2.2.b “Using Development Rights” to modify the language adding a grandfathering provision for projects that had successfully completed TEC review prior to adoption of the TDR-use restrictions in the Mattapany Rural Legacy Area on July 18, 2006. Mr. Shire stated there is only one application eligible to benefit from the amendment (Dixon Subdivision, creating two additional lots).

Chairman Reeves opened the hearing for public comment, hearing none, closed the hearing for public comment.

Mr. Hayden made a motion to recommend the text amendments to Comprehensive Zoning Ordinance Section 26.2.2.b as proposed for approval by the County Commissioners' and to allow the Chairman to sign the recommending Resolution and Mr. Siebert seconded. The motion passed by a 7-0 vote.

DECISION

Comprehensive Plan

Mr. Jackman reviewed recommended corrections recommended by Ms. Guazzo and Mr. Hayden. Mr. Siebert asked if he remembers correctly that it is illegal to split-zone a property. Mr. Berlage stated it is not illegal however it is best management practice to not split-zone properties.

Ms. Guazzo referenced page 7-22, II asking why this provision is included in the Plan and recommending that the second sentence be removed from the plan. Mr. Siebert agreed and stated the Health Department can require you to reserve more space than two septic reserve areas depending on the perc tests. Mr. Jackman stated this is for the Water Resources Element however this can be stricken from the Plan. It was the consensus of the Commission to strike this from the Plan.

Mr. Jackman reviewed the sample motion for the Commission. Mr. Evans asked if the Navy understands that they need to be involved in the planning process rather than coming in when the process is complete with recommendations or corrections. Mr. Berlage stated he feels the Navy is sharing their position with the Departments and are very involved.

Ms. McNeill offered updated information regarding the *Sailing* portion of the plan.

Ms. McNeill made a motion in the matter of updating the St. Mary's County Comprehensive Plan,

- 1) Having received a document prepared by the Department of Land Use and Growth Management pursuant to instruction from the Planning Commission, dated September***

- 28, 2009, and entitled "Planning Commission Recommended Draft – St. Mary's County Comprehensive Plan"; and**
- 2) Having instructed staff to effect minor editing revisions as agreed by the Planning Commission at tonight's regular meeting; and**
 - 3) Having further directed staff to add three appendices to said document as follows:**
 - a. The statistical supplement to the Water Resources Element required by statute, and**
 - b. Maps showing:**
 - i. AICUZ boundaries for Patuxent River NAS, and**
 - ii. Potential AICUZ boundaries for Webster Field,**
 - c. A list of the functional and small area plans that are incorporated into the comprehensive plan by reference.**

I move that the Planning Commission approve said Recommended Comprehensive Plan with the directed revisions and forward same to the Board of County Commissioners for its review and adoption; I further move that the Chair be authorized to sign a resolution on behalf of the Planning Commission to convey this recommendation to the Board and Mr. Siebert seconded.

Ms. Guazzo stated as of today we have 20% of our land in the growth areas and the other 80% is rural lands. Ms. Guazzo stated part of this document significantly decreases three of our town centers and she is opposed to this. Ms. Guazzo stated this has been primarily driven by the State who lacks the understanding of how much land we have preserved and the methods we use to preserve land. Ms. Guazzo stated the document has a Priority Funding Area Chapter and shows an Agricultural Focus Area Map which is nothing more than a potential downsize of farming lands. Ms. Guazzo stated the document does not clearly spell out what compensation can be given to landowners for this potential down zoning. Ms. Guazzo stated we now have a County Growth Policy which says 70% of new growth should go into our growth areas which makes her less enthused about downsizing our growth areas. Ms. Guazzo stated she is concerned that the County Commissioners have not kept up the funding needed to preserve lands. Ms. Guazzo stated to date the Installment Purchase Agreement has not been set up to help landowners who want to preserve their land. Ms. Guazzo stated many of the RPD Task Force suggestions need to be followed through with before I can agree to downsize the growth areas. Ms. Guazzo stated for the reasons stated she will be voting against the Comprehensive Plan.

The motion passed by a 6-1 vote with Ms. Guazzo opposed.

ANNOUNCEMENTS

None

ADJOURNMENT

The meeting was adjourned at 7:25 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: October 13, 2009

Stephen T. Reeves
Chairman