

**ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT**

*Denis D. Canavan, Director
Phillip J. Shire, Deputy Director*



BOARD OF COUNTY COMMISSIONERS:

Francis Jack Russell, President
Kenneth R. Dement, Commissioner
Lawrence D. Jarboe, Commissioner
Thomas A. Mattingly, Sr., Commissioner
Daniel H. Raley, Commissioner

NOTICE OF PUBLIC HEARING re

**Inclusion of the Religious Freedom Byway Corridor Management Plan in the County
Comprehensive Plan**

NOTICE IS HEREBY GIVEN that the St. Mary's County Board of County Commissioners will conduct a public hearing in the main meeting room of the Chesapeake Building, located at 41770 Baldrige Street, Leonardtown, Maryland, on Tuesday, August 19, 2008, beginning at 11:30 a.m., for the purpose of receiving public testimony and to consider amendments to the Comprehensive Plan: "Quality of Life in St. Mary's County—a Strategy for the 21st Century," adopted under authority of Article 66B of the Annotated Code of Maryland. Amendments to be considered are as follows:

Amend page 105 of the Comprehensive Plan to incorporate by reference the Religious Freedom Byway Corridor Management Plan prepared by Lardner / Klein Landscape Architects, P.C. and dated March 2008, and modified by Planning Commission Resolution No. 08-11.

Copies of the Corridor Management Plan are available to the public at each public library within the county, and at the Public Information Office located at 23115 Leonard Hall Drive, Leonardtown, Maryland.

Jeff Jackman, Senior Planner
St. Mary's County Department of Land Use and Growth Management
(301) 475-4200 ext 1549

Please publish as a Legal Notice in *The Enterprise* on August 1, 2008 and August 6, 2008.

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PUBLIC HEARING STAFF REPORT

To: St. Mary's County Commissioners
Via: Denis D. Canavan, Director
From: Teresa Wilson, Historic Preservation Planner
Date: July 30, 2008

Hearing Date: August 19, 2008, 11:30 a.m.

Re: Comprehensive Plan Amendment /
Religious Freedom Byway Corridor Management Plan

A public hearing by the Board of County Commissioners has been scheduled for Tuesday, August 19, 2008, beginning at 11:30 a.m., for the purpose of receiving public testimony and to consider amendments to the Comprehensive Plan: "Quality of Life in St. Mary's County—a Strategy for the 21st Century," adopted under authority of Article 66B of the Annotated Code of Maryland. Amendments to be considered are as follows:

Amend page 105 of the Comprehensive Plan to incorporate by reference the Religious Freedom Byway Corridor Management Plan prepared by Lardner / Klein Landscape Architects, P.C. and dated March 2008, and modified by Planning Commission Resolution No. 08-11.

Notice of the hearing will be published in *The Enterprise* on August 1, 2008 and August 6, 2008. Copies of the draft Corridor Management Plan and of the Planning Commission recommended modifications have been placed in the County's three public libraries and in the Public Information Office. A copy of this public hearing report with a link to the draft corridor management plan has posted on the County web site.

Background

In April of 2007, and in cooperation with the Charles County Board of County Commissioners, the St. Mary's County Board of County Commissioners authorized the preparation of a corridor management plan for the Religious Freedom Byway. The management plan is to be incorporated by reference into the County Comprehensive Plan: Quality of Life in St. Mary's County – a Strategy for the 21st Century.

On April 23, 2008, in anticipation of a Planning Commission public hearing held June 23, 2006, notice was sent to State and affected local and regional jurisdictions in compliance with Article 66B of the Annotated Code of Maryland. On July 14, 2008 the Planning Commission concluded

its hearing and adopted Resolution No. 08-11, recommending that the Board of County Commissioners adopt the Religious Freedom Byway Corridor Management Plan by reference into the County Comprehensive Plan.

Over the past year, a team of landscape architects, planners, engineers, and preservation consultants has been working with an advisory committee representing St. Mary's and Charles Counties, the Maryland State Highway Administration, the Maryland Department of Business and Economic Development, and civic groups to develop a management plan for the Religious Freedom Byway, a 125-mile long touring route through Southern Maryland. A primary goal of the effort is to nominate the Religious Freedom Byway for designation as a National Scenic Byway through the Federal Highway Administration's "America's Byways" Program. A byway management plan is required for nomination along with demonstration of public support for the effort and that the Byway is ready for visitors.

The Religious Freedom Byway was designated by the State Highway Administration in 1999 for its scenic, cultural, historic, recreational, and natural qualities. St. Mary's and Charles Counties received a grant from the Federal Highway Administration in 2006 in the amount of \$150,400 to develop a Corridor Management Plan for this Byway. The Corridor Management Plan describes the goals, strategies, and responsibilities for conserving and enhancing a byway's most valuable qualities. It is developed cooperatively with all those who have an interest in the future of an area included in the byway corridor. It includes both a long-term vision for what the byway may become over time and also a short-term action plan.

Seeking the designation as a National Scenic Byway will provide additional opportunities for heritage-based tourism development, including funding opportunities for preservation and enhancement projects.

The Charles County Planning Commission held its public hearing on June 16, 2008, and will later hold a follow-up work session to review public comments.

Staff Recommendation:

Amend the Comprehensive Plan as proposed with the modifications recommended by the Planning Commission.

Amending the Comprehensive Plan to incorporate by reference the Religious Freedom Byway Corridor Management Plan supports Goal IV.2.3 of Comprehensive Plan: Preserve the natural, recreational, historical and cultural heritage in conjunction with economic and social well-being to maintain and enhance the quality of life.

Planning Commission Recommendation

On July 14, 2008, by a vote of 5 in favor and 1 opposed, the Planning Commission adopted Resolution No. 08-11 recommending that Corridor Management Plan be adopted and incorporated by reference into the St. Mary's County Comprehensive plan with the following modifications:

1. At page 71, Strategy 4.1 add a new third bullet that states: “If, in the future, growth and development in the county create the need for expanding the capacity of existing minor arterials from two to four lanes, then the county should work with the Maryland State Highway Administration to identify context sensitive solutions for increasing roadway capacity in a manner that maintains the character defining features of the roadway, while at the same time addressing any safety and capacity needs along the byway.”
2. On page 16 at the end of the second column add the following text: “Any business seeking to install a sign along any road must be in conformance with the sign provisions contained in the St. Mary’s County Zoning Ordinance. The traveling public often has an interest in being able to find businesses that serve their needs, and businesses want to be sure that the traveling public can find them. These needs can also be served either through the Tourism Area Corridor signing program, or through off-premise signs on private property that conform to St. Mary’s County sign regulations. These needs will also be addressed under marketing strategies.”
3. On page 77 at the end of the fifth paragraph add the following text: “The TAC signing program should perform a post-construction evaluation of the system, including both users of the highway and residents of Southern Maryland, to determine the effectiveness of the program and to identify any additional problems where refinements to the system will be beneficial.”
4. On page 55, column 2, after “The Story” insert these words: “Parish established in 1692, site ...”, and substitute 1736 for 1763 for the year in which the church was built.
5. Also on page 55, final paragraph, add to the end of the third sentence: “ ... during which period Chaptico was an important port of entry on Chaptico Bay.”

Exhibits:

1. Religious Freedom Byway Corridor Management Plan, March 2008 - copy is attached to this written report. To view the Plan on-line, follow this link:

http://www.lardnerklein.com/rfb_index.html

2. Planning Commission Resolution 08-11.
3. Excerpt of Planning Commission minutes from June 23, 2008
4. Excerpt of Planning Commission minutes from July 14, 2008

Exhibit 2: Planning Commission resolution No. 08-11

PC Resolution No. 08-11
Subj: Incorporation of the Religious Freedom Byway
Corridor Management Plan into the St. Mary's County
Comprehensive Plan

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**RESOLUTION OF THE PLANNING COMMISSION
FOR ST. MARY'S COUNTY**

WHEREAS, on February 19, 2002, the Board of County Commissioners for St. Mary's County adopted a Comprehensive Plan in accordance with Article 66B of the Annotated Code of Maryland, entitled "Quality of Life in St. Mary's County – A Strategy for the 21st Century;" and

WHEREAS, the Maryland State Highway Administration (hereinafter "SHA") has designated the Religious Freedom Byway comprising Budds Creek Road (MD 234) and a portion of Point Lookout Road (MD 5); and

WHEREAS, the Board recognizes the value of the Religious Freedom Byway as a historic resource that contributes to the quality of life in St. Mary's County; and

WHEREAS, the Board entered into an agreement with SHA and Charles County Board of County Commissioners on September 2006 for the purpose of preparing a Corridor Management Plan (hereinafter "CMP") to document the resource and set forth a strategy for enhancing and preserving it ; and

WHEREAS, the firm of Lardner Klein Landscape Architects PC was retained and has prepared a draft CMP dated March 2008 ; and

WHEREAS adoption of the CMP necessitates the amending of the Comprehensive Plan pursuant to 66B and

WHEREAS, in compliance with Section 3.07 of 66B, at least 60 days prior to a public hearing on the draft plan, the Planning Commission provided copies of the recommended amendment to the comprehensive plan to the Maryland Department of Planning for review by all State and local jurisdictions that have responsibility for financing or constructing public improvements necessary to implement the plan; and

WHEREAS, following due notice published in the June 6, 2008 and June 11, 2008 editions of The Enterprise, a newspaper of general circulation in St. Mary's County, the Planning Commission conducted a public hearing on June 23, 2008 to consider the incorporation of the Corridor Management Plan into the Comprehensive Plan by reference; and

WHEREAS, having reviewed the CMP and in consideration of the testimony presented at said public hearing the Planning Commission finds that the adoption thereof by way of incorporation into the Comprehensive Plan would be in the best interest of the public health, safety and welfare with the following modifications:

PC Resolution No. 08-11
Subj: Incorporation of the Religious Freedom Byway
Corridor Management Plan into the St. Mary's County
Comprehensive Plan

Page 2 of 2

1. At page 71, Strategy 4.1 add a new third bullet that states: "If, in the future, growth and development in the county create the need for expanding the capacity of existing minor arterials from two to four lanes, then the county should work with the Maryland State Highway Administration to identify context sensitive solutions for increasing roadway capacity in a manner that maintains the character defining features of the roadway, while at the same time addressing any safety and capacity needs along the byway."
2. On page 16 at the end of the second column add the following text: "Any business seeking to install a sign along any road must be in conformance with the sign provisions contained in the St. Mary's County Zoning Ordinance. The traveling public often has an interest in being able to find businesses that serve their needs, and businesses want to be sure that the traveling public can find them. These needs can also be served either through the Tourism Area Corridor signing program, or through off-premise signs on private property that conform to St. Mary's County sign regulations. These needs will also be addressed under marketing strategies."
3. On page 77 at the end of the fifth paragraph add the following text: "The TAC signing program should perform a post-construction evaluation of the system, including both users of the highway and residents of Southern Maryland, to determine the effectiveness of the program and to identify any additional problems where refinements to the system will be beneficial."
4. On page 55, column 2, after "The Story" insert these words: "Parish established in 1692, site ...", and substitute 1736 for 1763 for the year in which the church was built
5. Also on page 55, final paragraph, add to the end of the third sentence: "... during which period Chaptico was an important port of entry on Chaptico Bay."

NOW, THEREFORE, BE IT RESOLVED, that the St. Mary's County Planning Commission hereby recommends to the Board of County Commissioners for St. Mary's County that said Attachment A, the Religious Freedom Byway Corridor Management Plan as modified by the Planning Commission, be approved, adopted and incorporated by reference as a subplan of the County Comprehensive Plan, "Quality of Life in St. Mary's County – A Strategy for the 21st Century."

Date of Adoption: JULY 14, 2008

By a vote of 5 Ayes, 1 Nays, 0 Abstained

ST. MARY'S COUNTY PLANNING COMMISSION


Stephen J. Reeves, Chair

Attest:


Denis D. Canavan, Director
Department of Land Use & Growth Management

PC Resolution No. 08-11
Subj: Incorporation of the Religious Freedom Byway
Corridor Management Plan into the St. Mary's County
Comprehensive Plan

Attachment A

*full document
on file in the
Department of
Land Use and
Growth
Management*

Religious Freedom Byway Management Plan

The Founding of Maryland and the Beginnings of Religious Freedom in America



Exhibit 3: excerpt from Planning Commission minutes of June 23, 2008

PUBLIC HEARING

Corridor Management Plan – Religious Freedom By-Way – Ms. Wilson gave a brief overview of the progression of the Religious Freedom Byway Corridor Management Plan stating this hearing is to have the Commission consider the adoption of the Religious Freedom By-Way in Reference to the Comprehensive Plan. Ms. Wilson introduced Mr. Jim Klein and stated he will further explain the plan.

Mr. J. Klein gave an overview of the plan stating the purpose of the plan is to gain designation for this as a National Scenic By-Way through the Federal Highway Administration’s Scenic By-Way Program. Mr. Klein stated this designation helps to gain access to other funding and provides opportunities for appropriately scaled Heritage Tourism and to gain additional recognition for the route. Mr. Klein explained the following:

Opportunity Enhancement – Public lands and easements are already in place and can relate to the proposed program. With a strong correlation in both St. Mary’s and Charles Counties it will beautify certain places and benefit in screening for pedestrian safety.

Transportation Strategy - Using the Route 50 Traffic Calm Concept Plan which gives the driver a better perception upon entering the area, this is similar to Route 5. The plan will align shifts and shoulders for buggies, bikes, hiking, etc. The SHA is looking at how to slow water down before reaching the Chesapeake.

By-way Regions – Management strategies must vary in order to respond to the specific conditions along different sections of the byway which was divided into six sections:

- Nanjemoy Loop
- Leonardtown
- Port Tobacco to Allen’s Fresh
- Callaway and Environs
- Budds Creek Road
- St. Mary’s to Point Lookout

Views from the Byway – Traveling the route is influenced by its views; for now they will utilize the existing and available preservation, conservation and land use that are identified in each County.

Existing Visitor Attractions – Historical, cultural, natural and recreational sites that have been designated Interpretive Sites based on current programs. There are visitor facilities which are primarily in LaPlata and Leonardtown.

Goals for the By-Way:

1. Preserve, maintain, and enhance the character defining qualities of the By-Way corridor.

2. Establish the By-Way as a primary touring route in the Southern Maryland Heritage Area.
3. Use the By-Way to create a coherent travel experience.
4. Utilize Context Sensitive Solutions to design By-Way projects.
5. Manage and market the By-Way.

Ms. Guazzo stated she has some concerns with the Scenic By-Way Program in St. Mary’s County. Ms. Guazzo stated Route 234 is listed as a minor arterial, and one of the goals is to keep all two lane roads two lanes. Ms. Guazzo stated there is an enormous amount of mileage identified from the Charles County line to Point Lookout to remain as two lanes. Ms. Guazzo stated there are certain sections that should not remain two lanes. Ms. Guazzo stated off premise signs are permitted for businesses to advertise and she does not like the idea of prohibiting this along the by-way. Ms. Guazzo stated current Tourism Area Corridor “TAC” signs are not understandable and need to be clearer. Ms. Guazzo stated as a resident of Chaptico the History of Chaptico is incorrect and explained Chaptico is a major steam ship port city. Ms. Guazzo stated Chaptico doesn’t just have a church which is identified with an incorrect building date.

Mr. Klein stated the two lane roadway language could be corrected to recommend expansion of the roads when needed. Ms. Guazzo stated the side routes could certainly remain two lanes but when you have the major artery through our County, we need not be burdened to keep two lanes. Ms. Guazzo stated Route 234 to Great Mills will need to be four lanes eventually.

Mr. Klein stated we can reference St. Mary’s County sign regulations to solve the off-premise sign issue. Mr. Klein stated the TAC signage is supposed to identify historic sites and visitor services that are associated with the tourism areas. Mr. Klein stated we can correct the history of Chaptico to include the port and correct the date of the church being built.

Mr. Reeves opened the hearing to public comment. Ms. Roz Racanello stated the TAC signs did not come out of the Maryland Office of Tourism; in fact they came from the State Highway Administration. Ms. Racanello stated 375 years ago next year we will be celebrating the founding of Maryland which happened right here in St. Mary’s County. Ms. Racanello stated she is very supportive of the Religious Freedom By-Way.

Hearing no other testimony. It was the consensus of the Commission members to leave the hearing open for 14 days until the next regular Planning Commission meeting.

Mr. Reeves asked if there is anyway the people can get a copy of this document. Ms. Wilson stated the document is available at the three Public Libraries and can also be retrieved from the County website.

Exhibit 4: Excerpt from Planning Commission minutes of July 14, 2008:

DECISION

Corridor Management Plan, Religious Freedom Byway

Ms. Wilson gave an overview of the pervious meeting held regarding this issue. Ms. Wilson stated at the June 23, 2008 meeting four issues were raised by the Planning Commission. Ms. Wilson stated these issues include multi-lane roads, commercial signs, current tourism area corridor (TAC signs for the byway, and the history of Chaptico).

Ms. Guazzo stated the history of Chaptico is still incorrect and sited the correct dates of the parish and the church. Ms. Guazzo stated she will not vote in favor of this plan because Route 234 and Route 5 should not be considered as byways and in doing so there are unintended consequences. Ms. Guazzo stated she feels this plan needs more work and without this work the plan will impede traffic flow.

Ms. McNeill made a motion in the matter of proposed amendments to the St. Mary's County Comprehensive Plan (Quality of Life in St. Mary's County – a Strategy for the 21st Century): having accepted the July 1, 2008 post public hearing staff report describing, analyzing and recommending amendments to the Comprehensive Plan to incorporate by reference a Corridor Management Plan for the Religious Freedom Scenic Byway prepared by Lardner Klein and Associated and dated March 2008, and having conducted a public hearing thereon on June 23, 2008, and having complied with all other requirements of Article 66B of the Maryland Annotated Code pertaining to amending the comprehensive plan, I move that the Planning Commission approve the Corridor Management Plan, and recommend to the Board of County Commissioners that it be adopted and incorporated by reference into the St. Mary's County Comprehensive Plan with the following modifications:

At page 71, Strategy 4.1 add a new third bullet that states: "If, in the future, growth and development in the County create the need for expanding the capacity of existing minor arterials from **July 14, 2008**

1. two or four lanes, then the County should work with the Maryland State Highway Administration to identify context sensitive solutions for increasing roadway capacity in a manner that maintains the character defining features of the roadway, while at the same time addressing any safety and capacity needs along the byway."

2. On page 16 at the end of the second column add the following text: "Any business seeking to install a sign along any road must be in conformance with the sign provisions contained in the St. Mary's County Zoning Ordinance. The traveling public often has an interest in being able to find businesses that serve their needs, and businesses want to be sure that the traveling public can find them. These needs can also be served either through the Tourism Area Corridor signing program, or through off-premise signs on private property that conform to St. Mary's County sign regulations. These needs will also be addressed under marketing strategies."
3. On page 77 at the end of the fifth paragraph add the following text: "The TAC signing program should perform a post-construction evaluation of the system, including both users of the highway and residents of Southern Maryland, to determine the effectiveness of the program and to identify any additional problems where refinements to the system will be beneficial."
4. On page 55, column 2, after "The Story" insert these words: "Parish established in 1692; Church built in 1736 site..."
5. Also on page 55, final paragraph, add to the end of the third sentence: "... during which period Chaptico was an important port of entry on Chaptico Bay."

I move further that the chair be authorized to sign a Resolution on behalf of the Planning Commission to convey this recommendation to the Board, with the Corridor Management Plan and modifications included as Attachment A to the resolution and Mr. Thompson seconded. The motion passed by a 5-1 vote with Ms. Guazzo opposed.