

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, October 13, 2011**

Members present were Howard Thompson, Chairman; Wayne Miedzinski, Veronica Neale, and George T. Edmonds and Ronald Payne. Randy Guy was excused. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Acting Director; Yvonne Chaillet, Zoning Administrator; and Jada Stuckert, Recording Secretary. Attorney David Weiskopf was also present.

A sign-in sheet is on file at LUGM. All participants in all cases were sworn in. The Chair called the meeting to order at 6:30 p.m.

**PUBLIC HEARINGS**

**CUAP #11-131-028 – AAA Surface Mine (Pit 2)**

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting conditional use approval for an extractive industry involving mining more than five (5) acres. The property contains 105.95 acres; is zoned Rural Preservation District; and is located at 42919 St. Andrews Church Road, Leonardtown, Maryland; Tax Map 41, Grid 9, Parcel 83.

Owner: Frank and Frances Goldsborough                      Applicant: Great Mills Construction Company  
Present: Robert E. Trautman

The property and conditional use request were advertised in The Enterprise on September 28, 2011 and October 5, 2011. Ms. Chaillet submitted the certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Chaillet gave an overview of the staff report dated October 4, 2011 and the standards for conditional uses; use classifications; use types and location within zoning districts and extractive industry. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Robert Trautman was sworn for the record. Mr. Trautman stated he agrees with staff's analysis and explained the type of material being excavated.

Chairman Thompson opened the hearing to public comment. Mike Bonberry was sworn for the record. Mr. Bonberry stated he was concerned about the water table and the noise however after reviewing the information and hearing the testimony tonight his concerns have been addressed.

Chairman Thompson closed the hearing to public comment.

***It was the consensus of the Board to continue the case to the next meeting to allow the Board's Attorney to draft the findings of fact; a final vote on the case and signing the of the order will take place at that meeting.***

**VAAP #06-132-028 – Charlotte Hall Station**

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to increase the maximum footprint of a commercial structure in the Town Center Mixed Use (TMX) District. The property contains 12.20 acres; is zoned Town Center Mixed Use (TMX) District; and is located at 29985 Three Notch Road, Charlotte Hall, Maryland; Tax Map 4, Grid 4, Parcel 323.

Owner: McKay Family Charlotte Hall, LLC                      Applicant: Thomas McKay  
Present: Thomas McKay

The property and variance request were advertised in The Enterprise on September 28, 2011 and October 5, 2011. Ms. Chaillet submitted the certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Chaillet gave an overview of the staff report dated October 4, 2011 and the general standards for granting variances and the development

standards. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary.*

Thomas McKay was sworn for the record. Mr. McKay gave a brief overview of the McKay Grocery chain within St. Mary's County as well as describing, in detail, the following exhibits. Mr. McKay submitted a map of Customer Spotting Survey dated April 2010 for the record, *hereby labeled as Exhibit 3 by the Recording Secretary.* Mr. McKay submitted a second map of a Customer Spotting Survey dated April 2010 for the record, *hereby labeled as Exhibit 4 by the Recording Secretary.* Mr. McKay submitted a comparative loss of Supermarket's in Southern Maryland for the record, *hereby labeled as Exhibit 5 by the Recording Secretary.* Mr. McKay submitted an architectural rendering of the proposed building for the record, *hereby labeled as Exhibit 6 by the Recording Secretary.* Mr. McKay submitted the Green Areas of Shopping Center map for the record, *hereby labeled as Exhibit 7 by the Recording Secretary.*

Chairman Thompson opened the hearing to public comment. Rose Marie Sheets was sworn for the record. Ms. Sheets stated she lives in the area and the Amish do in fact have access to a portion of the Three Notch Trail. Ms. Sheets stated something needs to be done about the width of Oaks Road. Ms. Sheets stated she disagrees with statements referring to the local competition because there is no local competition in Charlotte Hall. Ms. Sheets stated she is concerned about the access on Charlotte Hall Road and the fact that the Amish community uses this road; therefore the road may need to be widened.

Brook Ann Gregory was sworn for the record. Ms. Gregory stated she is concerned about the water run-off onto her property. Ms. Gregory stated she is concerned about the traffic at the light at Golden Beach Road. Ms. Gregory also questioned the buffer.

Jonathan Blasco was sworn for the record. Mr. Blasco gave an overview of the approved stormwater management stated the ordinance protect neighbors by clearly stating there can be no adverse effects from this project. Mr. Blasco gave an overview of the buffer and the traffic.

Chairman Thompson closed the hearing to public comment.

***It was the consensus of the Board to continue the case to the next meeting to allow the Board's Attorney to draft the findings of fact; a final vote on the case and signing the of the order will take place at that meeting.***

#### **MINUTES AND ORDERS APPROVED**

The minutes of September 22, 2011 were approved as recorded.

**The Board authorized the Chair to review and sign the following orders:**

None

#### **ADJOURNMENT**

The meeting was adjourned at 8:25 p.m.

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Jada Stuckert, Recording Secretary

Approved in open session: October 27, 2011

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Howard Thompson  
Chairman