

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Monday, June 28, 2004**

Members present were Larry Greenwell, Vice Chair, Lawrence Chase, Julia King, Steve Reeves, Joe St. Clair and Howard Thompson. LUGM staff present was Denis Canavan, Director, Phil Shire, Planner IV; Jeff Jackman, Senior Planner IV, Chad Holdsworth, Planner II, Bob Bowles, Planner I; Mark Kalmus, Planning Technician and Janice C. Blackistone, Fiscal Specialist (backup for Recording Secretary). County Attorney Heidi Dudderar was also present.

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

**APPROVAL OF MINUTES** – The minutes of May 24, 2004 and June 14, 2004 were approved as recorded.

**FAMILY CONVEYANCE HEARING**

**MSUB #03-110-026 – BELL FAMILY  
SUBDIVISION**

Requesting review of additional lots on a private road in accordance with the St. Mary's County Subdivision Ordinance #02-02, Section 30.11.4, Family Conveyance Provision. The property contains 7.6 acres with a parent tract of approximately 195.16 acres, is zoned RPD, RCA Overlay, part ALPD, and is located on the west side of Medley's Neck Road, approximately 1,200 feet southwest of its intersection with Maryland Route 5; Tax Map 41, Block 13, Parcel 16, ED-3.

Owner: J. Ernest Bell  
Agent: Pat Mudd, of DayTech

Engineering

Mr. Shire said the minor subdivision plan for five lots were reviewed by TEC in May 2003 and there were no outstanding issues pertaining to Family Conveyance approval.

**Mr. St. Clair moved that, having accepted the staff report dated June 18, 2004 and having made a finding pursuant to Section 30.11.4 of the Subdivision Ordinance, Criteria for Approval of a Family Conveyance, the Commission granted Family Conveyance Subdivision plan approval, as requested. The motion was seconded by Mr. Reeves, passed by a vote 6-0.**

**MSUB #03-110-112 – LAND OF DOWNS  
SUBDIVISION**

Requesting review of one additional lot on a private road in accordance with the St. Mary's County Subdivision Ordinance #02-02, Section 30.11.4, Family Conveyance Provision. The property contains 2.0 acres, is zoned RL, and is located on the south side of Church Lane, approximately 750 feet west of intersection with Mechanicsville Road; Tax Map 9, Block 13, Parcel 157, ED-5.

Downs  
Silences Rest, Inc.

Owner: Preston J. & Joyce  
Agent: Williams Higgs, of Little

Mr. Shire said the minor subdivision plan for five lots were reviewed by TEC in January 2004 and there were no outstanding issues pertaining to Family Conveyance approval.

**Mr. Reeves moved that, having accepted the staff report dated June 18, 2004 and having made a finding pursuant to Section 30.11.4 of the Subdivision Ordinance, Criteria for Approval of a Family Conveyance, the Commission granted Family Conveyance Subdivision plan approval, as requested. The motion was seconded by Mr. Thompson, passed by a vote 6-0.**

**DEVELOPMENT REVIEW**

**CCSP #03-120-026 –ESSEX WOODS & ESSEX WOODS**

**NORTH**

Requesting review and approval of a concept site plan for a 310-lot subdivision in order to proceed with the amendment to the Comprehensive Water and Sewerage Plan. The property contains 132.07 acres, is zoned RMX, AICUZ, part APZ-2, and is located on the east side of Essex Drive, approximately 3,000 feet south of its intersection with Maryland 246; Tax Map 51, Block 18, Parcels 331 and 332.

Owner: Essex Woods & Essex Woods North  
Agent: Jerry Nokleby, of Nokleby Surveying,  
Inc.

Mr. Shire said the concept site plan was reviewed by TEC on September 2003 and there were no outstanding issues pertinent to the Comprehensive Water and Sewerage Plan (CWSP).

The Commission said they did not realize how far over Essex Woods was located in the AICUZ zone. Mr. Shire stated the density has been designed to meet the two dwelling units per acre that is allowed in the AICUZ zone.

**Ms. Thompson moved that, having accepted the staff report dated June 17, 2004 and having made a finding that the referenced project has met concept plan requirements to proceed with a Comprehensive Water and Sewerage Plan amendment to change the water and sewer categories from W-6 and S-6 to W-3D and S-3D, and noting that the subdivision plan must return to the Planning Commission for preliminary approval, the Commission granted concept site plan approval, as requested. The motion was seconded by Mr. Reeves, passed by a vote 6-0.**

**PSUB #03-120-042 – PEGG RUN TOWNEHOMES**

Requesting preliminary and final review and approval of a 37-lot major subdivision. The property contains 5.103 acres, is zoned RH, and is located on the east side of Pegg Road, approximately 2,250 feet south of its intersection with Pegg Lane; Tax Map 43, Block 21, Parcel 72.

Owner: Tri-State Development & Construction Co.  
Agent: Jerry Nokleby, of Nokleby Surveying,  
Inc.

**Withdrawn from agenda.**

**CCSP #04-120-014 – ST. MARY'S CROSSINGS**

Requesting review and approval of a concept site plan for a 333-lot subdivision in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 249.486 acres, is zoned RL, AE, and is located on the south side of St. Andrew's Church Road, at St. Andrew's Land; Tax Map 42, Block 2, Parcels 24, 101, 128 & 196.

Owner: St. Mary's Crossings, LLC  
Agent: Don Ocker, of NG& O Engineering, Inc.

Mr. Shire said the concept site plan was reviewed by TEC on May 13, 2004 and there were no outstanding issues pertinent to the CWSP. He said there are access issues that will need to be addressed at a later date.

The Commission stated this is a scenic highway and hopes the applicant takes every measure to keep it preserved that way. Mr. Shire replied he would make a note of that for the file.

The Commission asked Mr. Shire if the applicant was going to hold onto the ingress/egress along the right-of-way of Victor E. Johnson. Mr. Ocker replied there were no future development plans.

**Mr. Chase moved that, having accepted the staff report dated June 18, 2004 and having made a finding that the referenced project has met concept plan requirements to proceed with a Comprehensive Water and Sewerage Plan amendment to change the water and sewerage categories from W-6D and S-6D to W-3D and S-3D, and noting that the subdivision plan must return to the Planning Commission for preliminary approval, the Commission granted concept site plan**

approval, as requested. The motion was seconded by Mr. St. Clair, passed by a vote 6-0.

**FSUB #03-120-015 – GREENBRIER SUBDIVISION – SECTION 5**

Requesting final approval of Section 5, an 83-lot major subdivision. The property contains 79.19 acres, is zoned RL, and is located on the west side of Hermanville Road, approximately 1 mile south of its intersection with Maryland Route 235; Tax Map 51, Block 18, Parcel 606.

Owner: Millison Development, Inc.  
Agent: John B. Norris, Jr., of NG&O

Engineering, Inc.

Mr. Shire said Section 5 was reviewed by TEC on July 2003 and received preliminary approval from the Planning Commission on January 12, 2004.

**Mr. St. Clair moved that, having accepted the staff report dated June 18, 2004 and having made a finding of adequate facilities including storm water management, as noted on the checklist in the file and having made a finding that the referenced project met all TEC agency requirements, the Commission granted final subdivision plan approval, as requested. The motion was seconded by Mr. Thompson, passed by a vote 6-0.**

**FSUB #03-120-020 – GREENBRIER SUBDIVISION – SECTION 6**

Requesting final approval of Section 6, a 40-lot major subdivision. The property contains 79.19 acres, is zoned RL, and is located on the west side of Hermanville Road, approximately 1 mile south of its intersection with Maryland Route 235; Tax Map 51, Block 18, Parcel 606.

Owner: Millison Development, Inc.  
Agent: John B. Norris, Jr., of NG&O Engineering, Inc.

Mr. Shire said Section 6 was reviewed by TEC on July 2003 and received preliminary approval from the Planning Commission on January 12, 2004.

**Mr. St. Clair moved that, having accepted the staff report dated June 18, 2004 and having made a finding of adequate facilities including storm water management, as noted on the checklist in the file and having made a finding that the referenced project met all TEC agency requirements, the Commission granted final subdivision plan approval, as requested. The motion was seconded by Mr. Reeves, passed by a vote 6-0.**

**PUBLIC HEARING DECISIONS**

**“QUALITY OF LIFE IN ST. MARY’S COUNTY – A STRATEGY FOR THE 21<sup>ST</sup> CENTURY”**

Mr. Jackman presented to the Commission comments that were received from the hearings and work sessions. He stated there were oral comments from the May 24, 2004 for concept plan draft Lexington Park Development District Public Hearing meeting that have not been written in yet but will be added later.

**Mr. St. Clair moved to close the public hearing for comment. The motion was seconded by Mr. Thompson, passed by a vote 6-0.**

**CWSP #04-120-003 – TWIN PONDS – SECTION 2**

Requesting amendment to service map III-26 to change service category from S-6D (Sewerage Service in 6 to 10 years, Developer Financed) and W-6D (Service in 6 to 10 years, Developer Financed) to S-3D (Sewerage Service in 3 to 5 years, Developer Financed) and W-3D (Water Service in 3 to 6 years, Developer Financed). The property contains 67.281 acres, is zoned RL, and is located on the south side of Three Notch Road, Maryland 235, approximately 2,600 feet east of Hollywood Road, Maryland 245; Tax Map 26, Grid 18, Parcel 95.

LLP  
Inc.

Owner: The Dean Partnership,  
Agent: Williams Higgs, of Little Silences Rest,

The Vice Chair stated there were written comments received within the 10 days of the open record.

**Mr. Reeves moved that, having accepted the staff report dated June 7, 2004 and having held a public hearing on the request for amendment to the St. Mary’s County Comprehensive Water and Sewerage Plan in anticipation of sewerage and water being provided to the proposed Twin Ponds Subdivision Section 2 per case #04-120-003; and having made a finding that the subdivisions concept complies with the spirit and intent of the both the St. Mary’s Count Comprehensive Plan and the St. Mary’s County Comprehensive Zoning Ordinance, the Commission voted recommendation to the Board of County Commissioners for adoption as proposed. The motion was seconded by Mr. Chase, passed by a vote 5-1, Ms. King abstain.**

**CWSP #03-120-031 – LIGHTHOUSE COMMONS – SECTION 2**

Requesting amendment to service map III-65 to change service category from W-6D (Service in 6 to 10 years, Developer Financed) to W-3D (Water Service in 3 to 5 years, Developer

Financed). The property contains 23.89 acres, is zoned RL, and is located on the north side of Lighthouse Road, approximately 550 feet west of intersection with Maryland 249, Tax Map 65, Grid 11, Parcel 278.

Owner: Lighthouse Road Associates, LLC  
Agent: Pat Mudd, of Day Tech Engineering

The Commission asked Mr. Daly, with the tower removed and the well system in Piney Point, would the Metropolitan Commission (METCOM) be able to keep up with all the development. Morris Daly, of METCOM, replied yes we are keeping up with development and as new growth occurs we will expand our system to meet the needs of development.

The Commission asked about two recent sewerage problems. Mr. Daly replied the two sewerage problems were grinder pumps problems. He said the relay switch went bad on one of the grinder pumps one day and the next day the other grinder pump had debris in it but both pumps were fixed.

The Vice Chair said he was concerned about the three letters the Commission received about the sewer over flow on Memorial Day. He further said he wants to make sure we were not putting homes down at Piney Point and then end up with more problems. Mr. Daly replied those were grinder pumps issues.

**Mr. Reeves moved that, having accepted the staff report dated June 1, 2004 and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan in anticipation of sewerage and water being provided to the proposed Lighthouse Commons Subdivision Section 2 per case #03-120-031; and having made a finding that the subdivisions concept complies with the spirit and intent of the both the St. Mary's Count Comprehensive Plan and the St. Mary's County Comprehensive Zoning Ordinance, the Commission voted recommendation to the Board of County Commissioners for adoption as proposed. The motion was seconded by Mr. Thompson, passed by a 5-1, Ms. King abstain.**

## **DISCUSSION/REVIEW**

### **LEXINGTON PARK DEVELOPMENT DISTRICT** **HILTON RUN WATERSHED ISSUE**

Dr. Bob Paul, of the Community Coalition Watershed, gave a brief discussion and slide presentation on the Hilton Run Watershed Issue with their main concerns focus around impervious surfaces. He said the Hilton Run watershed, the particular focus of this document, occupies a critical portion of the region from its origin near the commercial heart of Lexington Park, then running through residential and mining areas, farmland, and forests. He further said development has brought with it an increase in paved or otherwise impervious surfaces on Hilton Run's periphery, which in turn makes

the water run faster and dirtier. The consequent reduction in sunlight reaching the bottom of the tidal portion of the St. Mary's River has led to a loss of underwater grasses, which are prime habitat for many animal species. He stated those nutrient and toxic pollution trigger various severe problems that endanger fish, shellfish, and even human health. He said heavy storms are far likelier than before to result in flooding, severe erosion, and other threats to people as well as wildlife in the region as hardened surfaces increase. He stated development and hardened surfaces on the landscape also exacerbate soil degradation and although much of the watershed remains wooded, a growing area is now covered by impervious surfaces such as roads, parking lots, and buildings. He gave the following recommendations:

- Protect Water Resources
- Use Best Management Practice
- Establish Stronger Standards
- Generate Incentives
- Promote Green

Nancy McAllister gave a brief discussion about the education and outreach efforts for the mission of the watershed, which included the strategy:

- Education – includes coordinating with the public schools, providing lessons and designing lessons for the teachers.
- Homeowners outreach – brochures and booklets.
- Website for the St. Mary's River Watershed Coalition.

She said this program is designed to foster interaction between a diverse set of students using the sub-watershed as a common ground to solve current and future environmental issues. She further said the County's school system should provide the fullest possible support for this prototype venture with the goal of eventually expanding the model to the County as a whole.

Roger Stone gave a brief discussion about funding with the possible donations from the following sources: 1) National Fish & Wildlife Foundation's Community Legacy; 2) Environmental Protection Agency; 3) St. Mary's River Watershed Association; 4) Patuxent Partnership; and 5) St. Mary's County Board of County Commissioners.

Mr. Canavan recommended a Department of Land Use & Growth Management staff work session with the Community Coalition Watershed Group to go over the St. Mary's County Comprehensive Zoning Ordinance and the Hilton Run Watershed Issue to have a better understanding of the regulations.

#### **LEXINGTON PARK DEVELOPMENT DISTRICT MASTER PLAN**

**The Commission approved to the following work session schedule with one work session to be held at the Lexington Park Library:**

**7/12/04 – Review Comments and Identify Issues**

**7/26/04 – AICUZ and Navy Issues**  
**8/09/04 – Land Use Plan**  
**8/23/04 – Land Use Continue, Implementation**

**Strategy**

**9/13/04 - Conclusion and Recommendation**

**ADJOURNMENT** – 8:11 p.m.

---

Janice C. Blackistone

Fiscal Specialist

Approved in open  
session: July 12, 2004

---

Larry Greenwell  
Vice Chair