



## **Notice of Public Hearing**

### **Proposed Amendment to the St. Mary's County Comprehensive Water and Sewerage Plan for Lot 500-17, Block B, Section 6, Town Creek Manor Subdivision**

NOTICE IS HEREBY GIVEN that the Commissioners of St. Mary's County will conduct a public hearing in the Public Meeting Room of the Chesapeake Building, located at 41770 Baldrige Street, Leonardtown, Maryland, on Tuesday February 11, 2014 beginning at 10:00 a.m., for the purpose of receiving public testimony concerning a proposed amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP). The proposed amendment would change the sewer service category of Lot 500-17, Block B, Section 6, Town Creek Manor Subdivision (also known as 45630 Legerton Lane, Lexington Park, MD) from S-6D (service in 6 to 10 years, developer financed) to S-3D (service in 3 to 5 years, developer financed) in anticipation of providing public sewerage service to a proposed residential re-subdivision to create Lot 5000-17A (with existing dwelling) and Lot 5000-17B. The Department of Land Use and Growth Management case file number for this proposed amendment is 13-200-002.

A copy of the proposed amendment is available for viewing at each public library within the County, at the Public Information Office located in the Chesapeake Building at 41770 Baldrige Street, Leonardtown, Maryland, and through links on the St. Mary's County Government web page: [www.co.saint-marys.md.us](http://www.co.saint-marys.md.us)

Jeff Jackman, Senior Planner  
St. Mary's County Department of Land Use and Growth Management  
(301) 475-4200 ext. 1541

Please publish as a legal notice in the *Enterprise* on January 24, 2014, and January 31, 2014.



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**PUBLIC HEARING STAFF REPORT**

To: Commissioners of St. Mary's County  
From: Jeffrey Jackman, Senior Planner  
Date: January 10, 2014  
Re: **B. Morgan Property, Town Creek Manor Subdivision CWSP Amendment, Case No. 13-200-002**

Hearing Date: February 11, 2014

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Pursuant to provisions of the St. Mary's County Comprehensive Water and Sewerage Plan (the "CWSP"), the Commissioners of St. Mary's County will hold a public hearing on February 11, 2014 to consider a request to amend the CWSP as follows:

Amend service area map IV-35 to change the sewer service category from S-6D (service in 6 to 10 years, developer financed) to S-3D (service in 3 to 5 years, developer financed) for 1.0 acre described as Tax Map 35A, Grid 16, Parcel 14, Lot 500-17, Block B, Section 6, Town Creek Manor Subdivision (45630 Legerton Lane) in the 8<sup>th</sup> Election District in anticipation of providing public sewerage service to a proposed residential subdivision (Lot 500-17 is to be subdivided to create Lots 5000-17A and 5000-17B).

**I. DEVELOPMENT DATA:**

Owner: Bernard S. and Krystyna S. Morgan

Location: Map 35A, Grid 16, Parcel 14, Lot 500-17, Block B, Section 6, Town Creek Manor Subdivision in the 8th Election District (also known as 45630 Legerton Lane)

Zoning: Residential Neighborhood Conservation (RNC), Lexington Park Development District

**II. BACKGROUND INFORMATION:**

This minor subdivision (Case No. 12-110-032) was reviewed by all Technical Evaluation Committee (TEC) agencies in December 2012. Principal TEC comments from the Health Department and MetCom support the proposed connections to public sewer. Water Service Category is W-6D and a connection waiver has been approved.

**III. ANALYSIS REQUIRED PURSUANT TO SECTION 1.5.3(D) and 1.5.3(E) OF THE ST. MARY'S COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN**

1.5.3(E)(2) A public hearing is scheduled for February 11, 2014; notice is to be advertised in *The Enterprise*, a newspaper of general circulation in St. Mary's County, on January 24, 2014, and January 31, 2014. The property will be posted and adjoining property owners notified by certified mail as required.

1.5.3(D)(2) The Department of Land Use and Growth Management has:

- 1) Consulted every official planning agency having any immediate jurisdiction in the county, including those with multi-county or regional jurisdiction;
- 2) Provided to the Maryland Department of the Environment (“MDE”) a statement that the above agencies have been consulted; and
- 3) Provided MDE with prior written notice of the hearing.

1.5.3(D)(3) Staff report, including the analysis required pursuant to §9-506(a)(3) of the Environment Article of the Annotated Code of Maryland:

- 1) Compatibility with the St. Mary’s County Comprehensive Plan. §7.6.1.B.iii.a directs that planned sewerage service be provided to planned growth areas.
- 2) Planning and zoning issues. The requested connection would serve a proposed residential subdivision of 2 lots. The proposed density is achievable in the RNC zoning district with the application of one Transferable Development Right (TDR). Section 70.8.1 of the Comprehensive Zoning Ordinance requires the connection of new development (includes subdivisions) to a public sewer system. In this case, the existing dwelling on proposed Lot 5000-17A will be required to connect as will the future home on Lot 5000-17B. Subject property abuts developed land currently served by public sewer.
- 3) Population estimates. Approval of the subdivision will require the allocation of 2 EDUs of sewerage capacity. The Marlay-Taylor Water Reclamation Facility and collection system are currently adequate to serve the proposed development.
- 4) Engineering. All construction will be in accordance with the St. Mary’s County Standard Specifications for Water and Sewerage Construction.
- 5) Economics. The applicant will bear all installation costs involved in connecting the subject development to the existing service line within the Legerton Lane right of way which abuts the property.
- 6) State, regional and municipal plans. Before an amendment to the CWSP is finalized, it must be reviewed by the state for compatibility with state laws and programs. A copy of the proposed amendment has been submitted to MDE for distribution to appropriate state agencies. Staff anticipates that the proposed amendment will be found to be compatible with applicable state laws and programs.
- 7) Comments received from other agencies in the County. Per section 1.5.3(C)(2) of the CWSP, principal Technical Evaluation Committee comments from the Health Department and Metropolitan Commission must become part of the record to complete the application. In summary, these agencies support the provision of public sewerage service to the subject property.

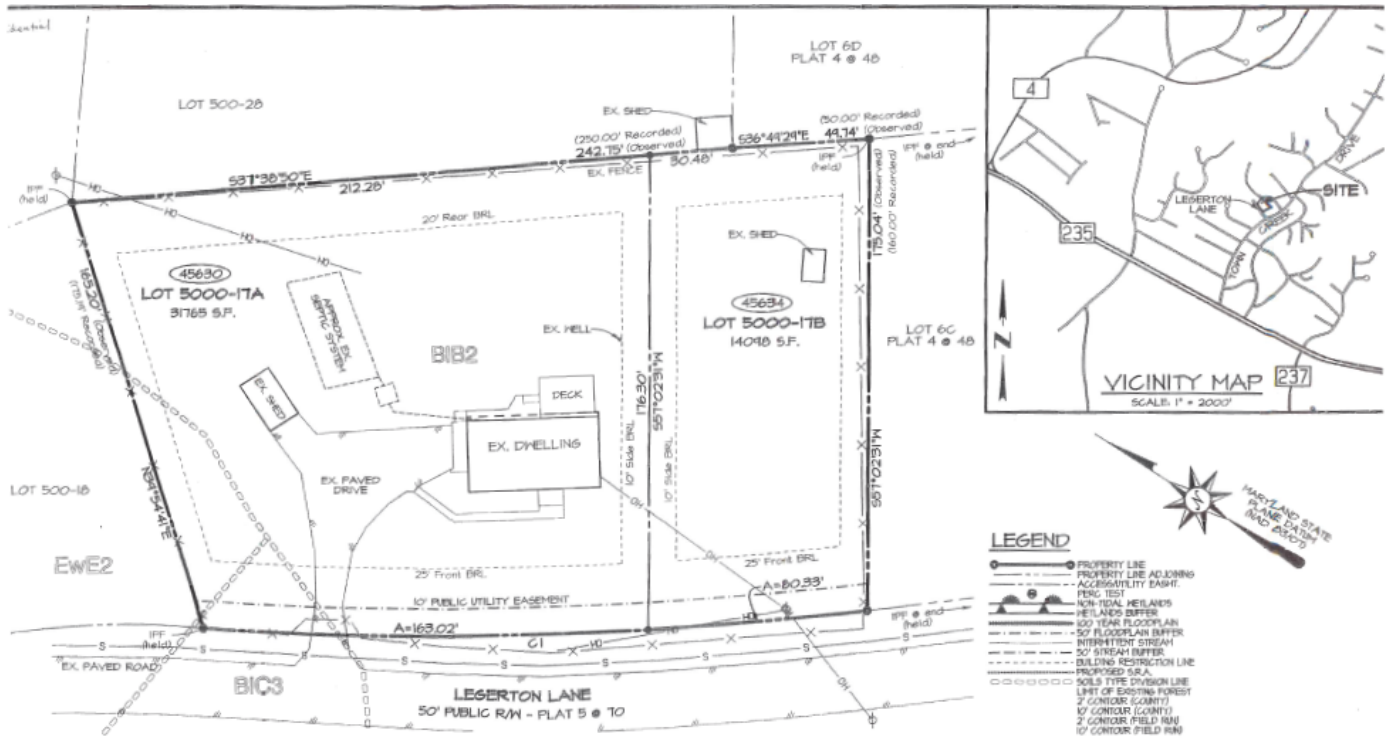
IV. RECOMMENDATION OF THE PLANNING COMMISSION:

Following a public hearing on November 25, 2013, by a 7-0 vote, the Planning Commission authorized the Chair to sign PC Resolution 13-08 to convey to the Commissioners of St. Mary’s County its recommendation that the CWSP be amended as requested. A copy of the Planning Commission resolution is attached to this report.

**V. ACTION REQUESTED OF THE COMMISSIONERS OF ST. MARY'S COUNTY**

- 1) Conduct a public hearing
- 2) Close the record
- 3) Notify the Maryland Department of the Environment regarding this amendment to the CWSP

**PROPOSED SUBDIVISION:**



**OWNER'S CERTIFICATE**

We, Bernard S. Morgan and Krystina S. Morgan, the owners of the property shown hereon and described in the

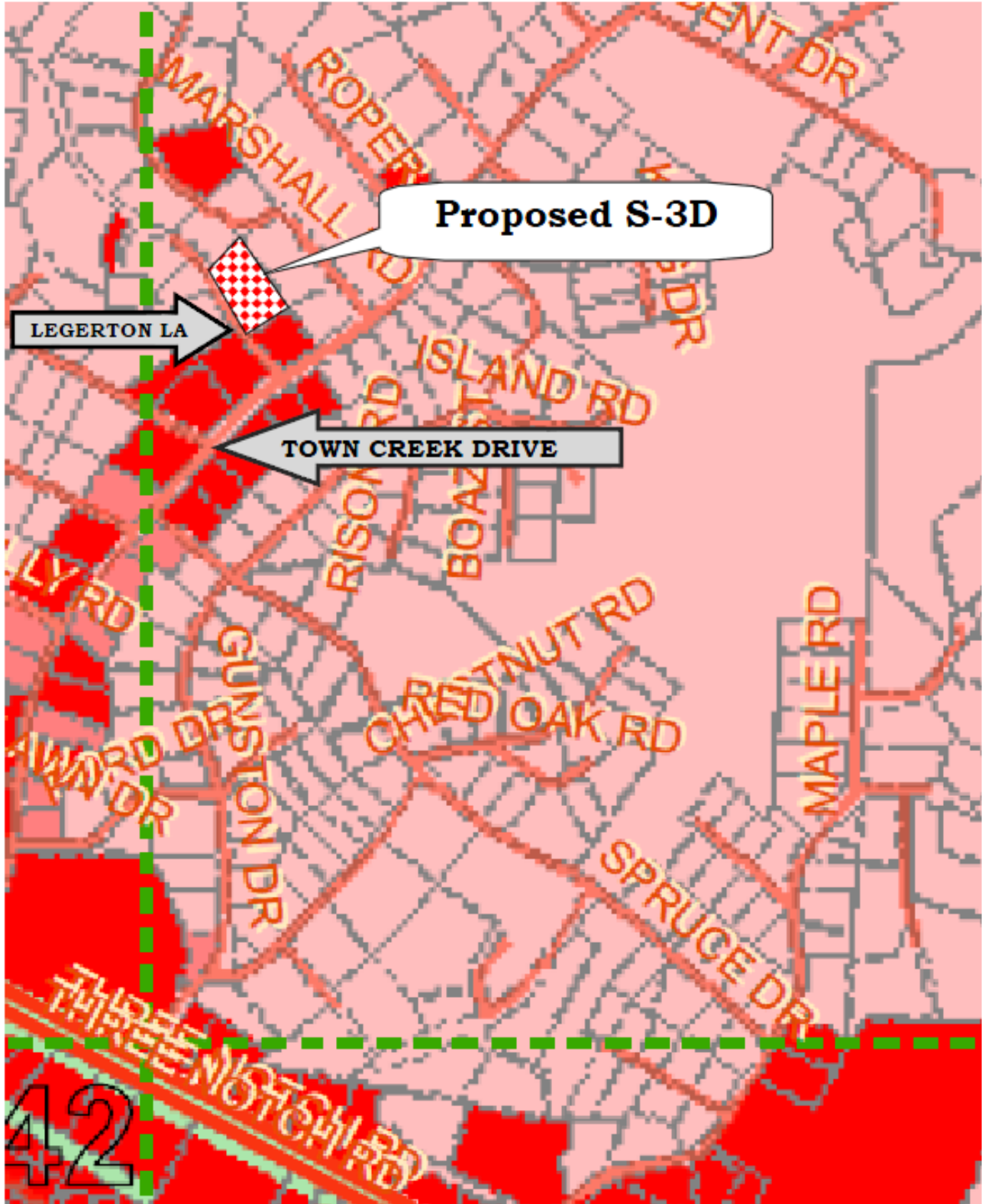
**CURVE TABLE**

LINE	ARC	RADIUS	DELTA	CHORD BEARING	CHORD
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**SURVEYOR'S CERTIFICATE**

I, the undersigned, a Licensed Surveyor in the State of Maryland, hereby certify, to the best of my knowledge.

### SEWER SERVICE AREA MAP IV-35



## RESOLUTION

**WHEREAS**, Bernard S. & Krystyna S. Morgan (the "Applicants") made application to access community sewer service for a proposed residential subdivision on 1.0 acres described as Tax Map 35A, Grid 16, Parcel 14, Lot 500-17, Block B, Section 6, Town Creek Manor Subdivision (also known as 45630 Legerton Lane, Lexington Park, MD) in the 8th Election District of St. Mary's County, Maryland (hereinafter the "Property"); and

**WHEREAS**, this access necessitates amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (hereinafter the "CWSP"); and

**WHEREAS**, §1.5 of the CWSP sets forth the procedures for amendment; and

**WHEREAS**, following due notice published in the November 8, 2013 and November 15, 2013 editions of *The Enterprise*, a newspaper of general circulation in St. Mary's County, the posting of the Property, and written notification to the adjoining property owners, the St. Mary's County Planning Commission (hereinafter the "Planning Commission") conducted a public hearing on November 25, 2013 to consider the Applicants' request; and

**WHEREAS**, the Planning Commission concludes that the proposed amendments meet the requirements of §9-506(A)(3) of the *Environment Article* of the Maryland Annotated Code based on the following findings:

i) Compatibility with the St. Mary's County Comprehensive Land Use Plan.

St. Mary's Comprehensive Plan (effective 4/6/10), Chapter VII:

7.6.1.B.iii.a Provide planned sewerage service and extend new sewerage service in a deliberate and orderly manner to planned growth areas.

Therefore, this proposal is consistent with the Comprehensive Plan.

ii) Planning and Zoning Issues.

The proposed connection would serve a residential subdivision which is approvable in the Residential Neighborhood Conservation zoning district. Section 70.8.1 of the Comprehensive Zoning Ordinance requires the connection of new development to a public sewer system.

iii) Population Estimates.

The subdivision will require the allocation of 2 EDUs of sewerage capacity. The Marlay-Taylor Water Reclamation Facility and collection system are currently adequate to serve the proposed development.

iv) Engineering.

All construction will be in accordance with the St. Mary's County Metropolitan Commission's *Standard Specifications for Water and Sewerage Construction*.

v) Economics.

The applicant will bear all installation costs involved in connecting the subject development to existing service. The Property abuts developed land already served by public sewer; no other properties are affected by this change in service area.



vi) State, Regional, and Municipal Plans.

Before an amendment to the CWSP is finalized, it must be reviewed by the state for compatibility with state laws and programs. The proposed amendments are consistent with applicable state laws and programs.

vii) Comments received from other agencies in the County.

Per section 1.5.3(C)(2) of the CWSP, principal Technical Evaluation Committee comments from the Health Department and the Metropolitan Commission must become part of the record to complete the application. These agencies support the provision of community sewerage service to the property; and

**WHEREAS**, the Planning Commission finds that the requested service would promote the public health and safety, and amending the CWSP is necessary and appropriate.

**NOW THEREFORE BE IT RESOLVED** by the St. Mary's County Planning Commission to recommend to the Commissioners of St. Mary's County that the CWSP be amended as follows: amend service area map IV-35 to change the service category from S-6D (service in 6 to 10 years, developer financed) to S-3D (service in 3 to 5 years, developer financed) for the Property.

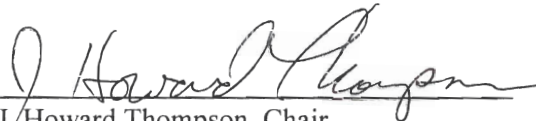
**BE IT FURTHER RESOLVED** by the St. Mary's County Planning Commission that the foregoing recitals are hereby incorporated and adopted as if fully set forth.

**BE IT FURTHER RESOLVED** by the St. Mary's County Planning Commission that this Resolution shall be effective upon its adoption.

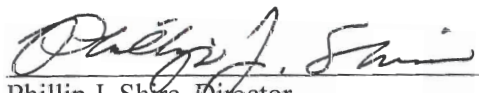
Date of Adoption: 11-25-13

Ayes: 7 Nays: 0 Abstain: 0

**ST. MARY'S COUNTY PLANNING COMMISSION**

  
\_\_\_\_\_  
J./Howard Thompson, Chair

Attest:

  
\_\_\_\_\_  
Phillip J. Shire, Director  
Department of Land Use and Growth Management

**Subject: Comprehensive Water and Sewerage Plan:  
Amendment to Designate Lot 500-17, Block  
B, Section 6, Town Creek Manor Subdivision,  
located at 45630 Legerton Lane, as Sewer  
Category S-3D**

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**RESOLUTION DRAFT**

**TO AMEND THE ST. MARY'S COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN BY DESIGNATING LOT 500-17, BLOCK B, SECTION 6, TOWN CREEK MANOR SUBDIVISION, LOCATED AT 45630 LEGERTON LANE, AS SEWER CATEGORY S-3D**

**WHEREAS**, Bernard S. & Krystyna S. Morgan, made application to access community sewer service for a proposed residential subdivision on 1.0 acre described as and designated as Tax Map 35A, Grid 16, Parcel 14, Lot 500-17, Block B, Section 6, Town Creek Manor Subdivision in the 8<sup>th</sup> Election District of St. Mary's County, Maryland; and

**WHEREAS**, pursuant to §9-506 of the *Environment Article* of the *Annotated Code of Maryland*, the St. Mary's County Planning Commission has reviewed the amendment of the Plan proposed for adoption and, on November 25, 2013, made recommendations to the Commissioners of St. Mary's County; and

**WHEREAS**, in accordance with §9-503(d)(2) of the *Environment Article* of the *Annotated Code of Maryland*, a notice of a public hearing was advertised on January 24, 2014, and January 31, 2014, in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on February 11, 2014, to receive public comment and consider adoption of the amendment of the Plan; and

**WHEREAS**, the Commissioners of St. Mary's County, Maryland, find that it is in the best interest of the health, safety, and welfare of the citizens of St. Mary's County to adopt the amendment of the Plan,

**NOW, THEREFORE, BE IT RESOLVED**, by the Commissioners of St. Mary's County, pursuant to §9-503 of the *Environment Article* of the *Annotated Code of Maryland*, that Service Area map IV-35 in the St. Mary's County Comprehensive Water and Sewerage Plan is amended as follows:

Lot 500-17, Block B, Section 6, Town Creek Manor Subdivision (also known as 45630 Legerton Lane, Lexington Park, MD) is designated as Sewer Category S-3D.

**BE IT FURTHER RESOLVED**, by the Commissioners of St. Mary's County, that the foregoing amendment of the St. Mary's County Comprehensive Water and Sewerage Plan be submitted to the Maryland Department of the Environment; and

**BE IT FURTHER RESOLVED**, by the Commissioners of St. Mary's County that this Resolution shall be effective upon the date written below.



**Subject: Comprehensive Water and Sewerage Plan:  
Amendment to Designate Lot 500-17, Block  
B, Section 6, Town Creek Manor Subdivision,  
located at 45630 Legerton Lane, as Sewer  
Category S-3D**

Those voting Aye: \_\_\_\_\_

Those voting Nay: \_\_\_\_\_

Those Abstaining: \_\_\_\_\_

Date of Adoption: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**ATTEST: COMMISSIONERS OF ST. MARY’S COUNTY**

\_\_\_\_\_  
Rebecca B. Bridgett  
County Administrator

\_\_\_\_\_  
Francis Jack Russell, President

\_\_\_\_\_  
Lawrence D. Jarboe, Commissioner

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Cynthia L. Jones, Commissioner

\_\_\_\_\_  
George R. Sparling  
County Attorney

\_\_\_\_\_  
Todd B. Morgan, Commissioner

\_\_\_\_\_  
Daniel L. Morris, Commissioner