

**Board of Appeals (Thursday, February 10, 2022)**

*Drafted by Sherrie Young, BOA Recording Secretary on Friday, February 11, 2022*

**1. CALL TO ORDER:** Meeting called to order at 6:30 pm.

**2. ROLL CALL:** Attendance of Members, Presenters and Staff Support

**Board of Appeals Members Via: CSMC Meeting Room**

Dan Ichniowski, Chair  
Wayne Miedzinski, Vice Chair  
Lynn Delahay, Member  
Rich Richardson, Member  
Guy Bradley, Member  
Ronald Payne, Sr., Alternate Member  
Steve Scott, Board Attorney

**SMCG Supporting Staff Via: CSMC Meeting Room**

Harry Knight, Deputy Director- LUGM  
Stacy Clements, Planner III- LUGM

**SMCG Supporting Staff Via: CSMC Meeting Room & ZOOM**

David Weiskopf, County Attorney  
John Houser, Assistant County Attorney

**SMCG Supporting Staff Via: Media Control Room**

Alex Huseman, Video / Media Producer

**SMCG Supporting Staff Via: Savich Conference Room**

Sherrie Young, BOA Recording Secretary- LUGM

**Applicants, Representatives & Speakers Via: CSMC Meeting Room & ZOOM**

John Ho (ZOOM)  
Kelli Mattingly  
Steve Vaughan, LSR  
Chris Longmore, ESQ.  
Robert Trautman, Surveying

**3. AGENDA:** February 10, 2022, Board of Appeals Meeting

**4. PUBLIC HEARINGS:**

**A. HO PROPERTY VAAP 21-1062**

“In the matter of VAAP 21-1062 having made a finding that the standards for granting a variance and the objectives of Sections 24.4 of the St. Mary’s County Comprehensive Zoning Ordinance have been met, I move to approve the variance request from Sections 71.8.3 and 71.5.1.b.(1) to construct a house.”

Motion:Lynn Delahay

Second:Rich Richardson

Final Resolution: Motion Carried 5-0

**B. MATTINGLY PROPERTY VAAP 21-1154**

“In the matter of VAAP 21-1154 having made a finding that the Board cannot hear the case until after the applicant has prepared a mitigation plan and performed the abatement measures in the approved plan, I move to continue this hearing to March 10, 2022, at 6:30 p.m. here in the Chesapeake Building, CSMC meeting room.”

Motion: Guy Bradley

Second: Wayne Miedzinski

Final Resolution: Motion Carried 5-0

**C. AAA GRAVEL PIT EXPANSION CUAP 21-0116**

“In the matter of CUAP #21-0116, AAA Pit Expansion, having made a finding that the standards for granting a conditional use and the objectives of Section 51.3.82 of the St. Mary’s County Comprehensive Zoning Ordinance have been met, I move to approve the request for expansion of an existing conditional use type 82, Extractive Industry.”

Conditions:

1. The Applicant shall comply with all applicable federal, MD State and County statutes, codes, and any other regulations. A copy of the Maryland Department of the Environment Mining Permit shall be on file in the Department of Land Use & Growth Management.
2. The number of truckloads per day will average 50, and the average shall be computed monthly.
3. Board of Appeals approval of the request to open a surface mine shall expire one year from the date of the written decision unless a site plan is approved, a building permit is obtained, and construction has begun.
4. The hours of operation for the surface mine, including extraction and the hauling of aggregate materials, shall be from 7:00 a.m. to 5:00 p.m., Monday through Friday, and from 7:00 a.m. to 12:00 p.m. Saturday. No operations shall be permitted on Sundays or holidays (New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).
5. No other raw or mining material shall be brought from off-site and placed on the property except for clean fill as needed for reclamation.
6. There shall be no burning on-site.
7. No topsoil shall be removed from the site. All topsoil shall be stockpiled for reclamation purposes.
8. All access roads used for the conditional use shall be treated with water on a daily basis during hauling operations to effectively minimize dirt and dust.
9. The natural flow of water through surrounding properties shall not be altered or restricted by the Applicant as a result of this conditional use.
10. The property shall not be used as a fill or landfill operation as cited in the St. Mary’s County Solid Waste Ordinance.
11. There shall be no buildings constructed on site for the purposes of the mining operation, and no on-site sales of material extracted from the surface mine shall be authorized.
12. A 200-foot undisturbed setback shall be required around the perimeter of the subject mining operation.
13. The existing woodland shall be maintained within the 200-foot setback to ensure that a 75-foot buffer yard is maintained from adjacent lot lines and from the public right-of-way. The 75-foot buffer yard is not required along the boundary between the Property and Farmstead 2 of the Goldsborough Minor Subdivision as this area is in agricultural use.

