



# Commissioners of Leonardtown

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LASCHELLE E. MCKAY  
*Town Administrator*

## Commissioners of Leonardtown **Leonardtown Planning and Zoning Commission Meeting**

*October 18, 2010 ~ 4:00 p.m.*

Attendees: Jean Moulds, Chairperson  
Frank Fearn, Vice Chair  
Heather Earhart, Member  
Jack Candela, Member  
Glen Mattingly, Member  
Tom Collier, Alternate

Also in attendance were Town staff members: Laschelle McKay, Town Administrator; DeAnn Adler, Plans Reviewer; Jackie Post, Fiscal Clerk; and Teri Dimsey, Recording Secretary. In addition; Kenny Wentworth, John Norris, and Barry Vukmer attended the meeting. A complete list is available on file at the Leonardtown Town Office.

Chairperson Moulds called the meeting to order at 4:00 p.m.

The meeting minutes for the August 16, 2010 meeting were presented for approval.

**Member Mattingly moved to approve the August 16, 2010 minutes; seconded by Member Fearn, motion passed unanimously.**

### **Town Administrator Report – Laschelle McKay**

Ms. McKay reported that during the October 11, 2010 Town Council meeting, an ordinance was introduced for the new stormwater management regulations.

The crosswalks are being completed on the streetscape project. Also several contracts have been renewed in the last couple of months, this month was the snow removal services contract. Also there was a discussion of the Waterway Improvement Grant status for the Leonardtown Wharf and a discussion regarding the Church Street water tower project.

In addition, work is continuing regarding the update of our zoning ordinance by Tony Redman and the Town staff. On the Port of Leonardtown project we have received approval from DNR, so that project is underway.

Member Candela commented that the new streetscape road drains look extremely unsightly now that they have rusted. Ms. McKay said she would look into it and see if anything could be done to remedy that.

**NEW BUSINESS:**

**Case # 68-10 – 41585 Peabody Street – St. Mary’s Nursing Home** – Request for a boundary line adjustment plat.

**Applicant:** Chesapeake Trails Surveying, LLC (Representing St. Mary’s Nursing Home)  
**Zoning:** I-O

**Project Description:**

Mr. Barry Vukmer explained that during the preparation of a boundary survey for the nursing home, it was discovered that portions of the existing building were located outside of the recorded boundary lines. Consequently, a portion of the adjacent property, owned by the County Commissioners, is being given to the nursing home to correct this encroachment.

Ms. McKay commented that she had spoken to Mr. Vukmer before the meeting and he assured her that the County was aware of the necessity for the BLAP and would be signing the final plats before they would be brought back to the Town for our signatures. Member Collier asked for clarification of how the signature process would work. Mr. Vukmer explained that he needed Town approval first, and then the County Commissioners sign the final plats.

**Member Candela made a motion to approve the request for a boundary line adjustment plat, subject to the County Commissioners authorizing it. Motion was seconded by Member Fearn. Motion passed unanimously.**

**Case # 53-10 – 41750 & 41760 Eldon Lane** – Request for subdivision approval to divide a single family lot.

**Applicant:** Mr. Kenny Wentworth  
**Engineer:** NG & O Engineering, Inc.  
**Zoning:** R-SF

Ms. Adler introduced the project, stating that Mr. Kenny Wentworth, owner of the property, would like to subdivide this lot on Eldon Lane into two smaller lots. These lots, at 11,568 s.f., would still meet the minimum lot area requirement, which is 10,000 s.f. and the minimum lot depth, which is 100 feet. At the Town Council meeting in September, this case was brought before the members for approval of the additional EDU that would be required. The request was given unanimous approval. The minutes of that meeting were included in your staff report.

There is a concern by the Town regarding the shared driveway off an access easement. It has been the Town’s experience that shared driveways have historically created problems for the

owners. The Town would rather see an extension of the road to allow for separate driveways and a public right of way to the end of lot fifteen.

Member Fearn stated that he would be abstaining from the vote because he is related to the Wentworth family.

Member Mattingly asked how the steep slopes and nearness to the stream would be addressed and what would happen if the lot was deemed unbuildable because of the environmental regulations. Mr. John Norris stated that because of those environmental concerns they laid out the homes and new contours on the site plan to demonstrate that they would indeed fit. Mr. Mattingly stated that he did not know at this time what the Town's rules were regarding building near steep slopes. Ms. McKay responded that if approval to subdivide was granted and Mr. Wentworth came back to the Town with final house plans and final layout of the houses on these lots, at that time it would be up to the Town staff to make sure all environmental rules and regulations were met according to Town ordinances. Mr. Norris stated that he didn't see any issues or problems on these two lots that would keep them from being able to meet those environmental regulations and they would adjust the size of the house to stay farther away from the stream if necessary. All they were asking for today was the subdivision approval of the lot. The details would be worked out before a building permit would be issued.

Member Moulds asked about the issue of the shared driveways. Mr. Norris stated that it probably made the most sense for both parties if the access easement, currently owned by Patricia Wentworth, was deeded to the Town, just in case someday a connection to a future road running from the College to the Governmental Center was desired. In the meantime a road maintenance agreement, like the one the County uses, could be used for these two houses to ensure proper upkeep of the shared driveway.

Ms. Moulds and Mr. Collier both stated that they would rather see Eldon Lane extended and two separate driveways made, one for each house, instead of the shared driveway. Mr. Norris stated that the County encouraged shared driveways. Member Candela stated that he personally would rather see two separate driveways off an extension of Eldon Lane, because of maintenance issues. Ms. McKay also said that the Town has zoning regulations that state "all residential lots shall front onto a public street". Mr. Norris stated that deeding the access easement to the Town and extending Eldon Lane to make separate driveways would work also and Mr. Wentworth wouldn't have a problem doing that either. The turnaround could be located anywhere from the existing end of the road now to the end of the new road after the extension is made. Member Collier stated that he would prefer to see the turnaround at the end of the new road.

Member Mattingly asked about the storm water management for these two lots. Mr. Norris replied that the new lots would be required to meet the new stormwater management regulations. Member Mattingly then asked about the current zoning on this property. Ms. McKay stated that it is zoned R-SF. She also stated that on the Town's latest zoning map that area is unclear and almost looks like it is zoned PUD, but staff went back to the 2000 zoning map and it was clearly labeled R-SF at that time. The latest two versions of the zoning map are smaller and it was hard to delineate that area precisely.

**A motion was made by Member Earhart to approve the subdivision of these two lots with the conditions that the town take possession of the access right of way to the end of lot fifteen and that Eldon Lane be extended approximately 40 feet past the edge of lot fourteen, or whatever distance necessary to allow each house to have its own driveway. Also that the turnaround would be placed at the end of Eldon Lane and that the road extension will be built to Town road standards. Member Mattingly seconded the motion, motion passed unanimously (Member Fearn's abstaining).**

**Review of Monthly In-House Permits** – No comments

**Review of Approved Town Council Meeting Minutes** – No comments

**Chairperson Moulds entertained a motion to close the meeting.**

**Member Candela moved to adjourn the meeting at 4:45 p.m., seconded by Member Mattingly, no further discussion, motion passed unanimously.**

Respectfully Submitted:

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Teri Dimsey

Approved:

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Jean Moulds, Chairperson

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Frank Fearn's, Vice Chair

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Jack Candela, Member

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Heather Earhart, Member

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Glen Mattingly, Member