

**ST. MARY'S COUNTY GOVERNMENT  
DEPARTMENT OF LAND USE  
AND GROWTH MANAGEMENT**

*William Hunt, AICP, Director  
Harry Knight, Deputy Director*



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August 27, 2020

Maryland Department of Planning Clearinghouse  
c/o Comprehensive Plan 60 Day Review  
301 W. Preston Street Suite 1101  
Baltimore, MD 21201-2305

Re: Request for a Sixty (60) Day Review regarding an Amendment to the St Mary's County, Md. 2010 Comprehensive Plan. *A Strategy for the 21st Century (Adopted: March 23, 2010; Effective: April 6, 2010)*

Dear MDP Clearinghouse Coordinator,

The Commissioners of St Mary's County (CSMC) hereby submit this request for your sixty-day review concerning the modification of the *St. Mary's County Comprehensive Plan (Comprehensive Plan), Quality of Life in St. Mary's County: A Strategy for the 21st Century (Adopted: March 23, 2010; Effective: April 6, 2010)* for the purpose of consistency with a requested PFA exception area, namely St Clements Shores. The sections for modification include:

**Chapter 1. Trends**

- 1.2 The Dynamics of Change
- 1.2.5 Community Facilities
- C. Water Resources and Wastewater Treatment Facilities (page 1-9)

**Chapter 2. Successes and Challenges**

- 2.2 Remaining Successes
- Vision 7. Adequate public facilities and infrastructure are available or planned in areas where growth is to occur. C. (page 2-14)

**Chapter 4. Land Use and Growth Management Element**

- 4.1 Growth Area Concept
- 4.1.1 Goal: Concentrate development in suitable areas (page 4-3)

**Chapter 5. Sensitive Areas Protection Element**

- 5.3 Adherence to the Visions of the Planning Act (page 5-7)

## Chapter 7: Water Resources Element

### 7.1 Introduction

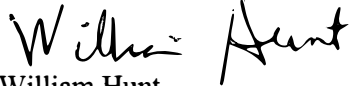
Planning for Water Supply and Water Quality (page 7-8)

### 7.6 Wastewater Assessment and Planning

7.6.1 Goal: Provide infrastructure to meet service needs in growth areas, ensure adequate capacity to accommodate concentrated development in growth areas and to address adequate facilities and services outside the growth areas. (pages 7-21 and 7-22 and 7-23)

C. Objective: Limit impacts of onsite ~~septic~~ sewage disposal systems (OSDS) (page 7-23)

Enclosed, please find the modification texts, a copy of the 2010 Comprehensive Plan and other supporting documents.



William Hunt,  
Director

CC (w/o enclosures):      Town of Leonardtown, Attention Laschelle McKay  
   Tri-County Council for Southern Maryland, Attention John Hartline  
   Charles County Dept. of Planning and Growth Management, Attention Deborah A. Carpenter  
   Calvert County Dept. of Planning and Zoning, Attention Mary Beth Cook

CC (w/ enclosures):      Maryland Department of Planning, Attention Sarah Lipkin Sularz  
   St. Mary's County Metropolitan Commission, Attention George Erichsen

## Amendments to the 2010 St. Mary's County Comprehensive Plan

The following amendment to the *St. Mary's County Comprehensive Plan (Comprehensive Plan), Quality of Life in St. Mary's County: A Strategy for the 21st Century (Adopted: March 23, 2010; Effective: April 6, 2010)* will modify it for consistency with the requested PFA exception area. Text proposed to be added is shown as underlined and text proposed to be deleted is shown with ~~strike through~~.

The Comprehensive Water and Sewerage Plan is being amended concurrently with the amendment for the Comprehensive Plan to ensure consistency between the two plans. A Resolution specifically for the St. Clements Shores Priority Funding Area Exception Area with the specifications for connection to the expanded St. Clements Shores Wastewater Treatment Plant is also being written.

### Chapter 1. Trends

#### 1.2 The Dynamics of Change

#### 1.2.5 Community Facilities

#### C. Water Resources and Wastewater Treatment Facilities (page 1-9)

There are ~~four~~ seven wastewater treatment plants in the County: Leonardtown, Charlotte Hall, and Marlay-Taylor, which serve the Leonardtown, Charlotte Hall and Lexington Park development districts respectively, and St. Clements Shores, and Wicomico Shores, Forest Farms, and Airedale Road, that serve these neighborhood conservation districts. The Wicomico Shores, Forest Farms, and Airedale Road wastewater treatment facilities are facility is currently at capacity with no plans for expansion.

The St. Clements Shores Wastewater Treatment Plant (St. Clements Shores WWTP), owned and operated by the St. Mary's County Metropolitan Commission (MetCom), is being expanded to address the potential hazards to public health from failing OSDSs ~~septic systems within the vicinity~~ and the environmental concerns created by high water table and poor draining soil conditions. The properties that will be able to connect to the expanded St. Clement Shores WWTP are located within the PFA exception area.

### Chapter 2. Successes and Challenges

#### 2.2 Remaining Successes

Vision 7. Adequate public facilities and infrastructure are available or planned in areas where growth is to occur.

#### C. (page 2-14)

Public sewerage service is a strong director and facilitator of growth. As such, it is imperative that these facilities be limited to designated growth areas except to serve areas with failing septic systems ~~where there is no feasible alternative~~, or areas of existing development on OSDSs which, when they fail, cannot be replaced on-site or with an off-site OSDS ~~septic system~~ constructed on a separate lot of record under the same ownership as the developed residential or non-residential property. Providing new public sewer service outside a growth area can only be done with a Priority Funding Area exception area. To prevent the over commitment of capacity, the County and MetCom will continue to maintain the sewer allocation policies of the Comprehensive Water and Sewerage Plan. These policies ensure that the capacity of sewer systems supports development only to the extent that it can be fully served. The requirements and restrictions for connections within any approved PFA exception area will be amended into

the Comprehensive Water and Sewerage Plan. In order to insure that capacity keeps pace with anticipated growth, a facilities plan must be followed. Expanded facilities should be both privately and publicly funded when they will accommodate growth or redevelopment within growth areas, or areas outside a growth area where a PFA exception area is approved.

## **Chapter 4. Land Use and Growth Management Element**

### **4.1 Growth Area Concept**

#### **4.1.1 Goal: Concentrate development in suitable areas (page 4-3)**

A. Objective: Designate growth areas sized to accommodate the needs of the projected 2030 population of the County. Target a majority of new residential development in development districts, town centers and village centers.

i. Policy: Concentrate development activity in areas served or proposed to be served with public water and sewer, primarily the Lexington Park, and Leonardtown development districts and secondarily in the town centers of Charlotte Hall, New Market, Mechanicsville, Hollywood and Piney Point. Allowance must be made for areas of existing development on OSDSs outside growth areas which, when the OSDSs fail, cannot be replaced on-site or with an off-site OSDS constructed on a separate lot of record under the same ownership as the developed residential or non-residential property. A PFA exception area should be considered when expansion of public sewerage infrastructure is possible and is the best solution for existing development for which a replacement on-site or off-site OSDS or pump and haul is not feasible.

### **4.1 Growth Area Concept**

#### **4.1.2 Goal: Achieve efficient use of land throughout the County through development and redevelopment of existing parcels and structures (page 4-5)**

A. Objective: Promote and encourage utilization and redevelopment of existing lots and adaptive reuse of existing structures.

iv. Policy: Encourage development on existing platted lots within neighborhood conservation areas consistent with current patterns of development (bulk, density, and design) and with enhanced resource protection. Prohibit outward expansion of neighborhood conservation areas.

~~v. Policy: Provide opportunities for economic return on existing legally recorded lots that are unbuildable due to current environmental or dimensional (setback) constraints. Permit transfer of development rights from such lots to ensure preservation of open space.~~

~~vi.~~ v. Policy: Encourage consolidation and reconfiguration of blocks of small lots to meet resource protection standards. If a PFA exception area for public sewer is needed, the density or intensity of development on consolidated lots in the PFA exception area must be consistent with the existing character within the PFA exception area. Following Prior to reconfiguration, encourage the sale of unused development rights for use in growth areas.

### **4.3 Neighborhood Conservation Areas (page 4-8)**

Throughout the County there are established neighborhoods where the existing development patterns and overall character are to be maintained. In growth areas such neighborhoods are typically lower in density than may be realized on adjoining properties. Outside of growth areas such neighborhoods are typically higher in density than may be realized in rural areas. This plan supports allowing limited infill development that is consistent with the existing patterns of lot

size and housing type within the respective neighborhoods, thereby conserving the character of the neighborhood. Such neighborhoods in growth areas would be protected against the pressures of higher densities that are allowable elsewhere within the growth area, and such neighborhoods outside of growth areas would be afforded the opportunity for infill notwithstanding the lower densities allowable throughout rural areas. Redevelopment and residential and nonresidential infill must be consistent with the existing character of the neighborhood or area.

#### 4.4 Rural Preservation Goals, Objectives and Policies

4.4.1 Goal: Direct growth in rural areas to existing population centers and protect resource areas.

B. Objective: Limit non-farm residential development outside of growth areas to be in scale and consistent with the rural character of the surrounding area. (page 4-9)

i. Policy: Establish standards for major and minor residential subdivision development outside of growth areas to ensure compatibility with surrounding rural and community character. If a PFA exception area for sewer is established outside a growth area, redevelopment or infill must be consistent with the existing character of the area.(pages 4-9 – 4-10)

#### 4.5 Development Guidelines

##### 4.5.2 Rural Area Land Use Concepts

B. Rural Residential (page 4-25)

Rural Residential: Development in this land use category includes limited amounts of appropriately designed residential uses that are compatible with rural and community character through preserving open space, and limiting impacts to environmentally sensitive areas. In areas where OSDs cannot be replaced due to soil limitations or high-water tables a PFA exception area would allow existing uses to connect to an available public sewer.

### **Chapter 5. Sensitive Areas Protection Element**

#### 5.3 Adherence to the Visions of the Planning Act (page 5-7)

This Sensitive Areas Element outlines the County's adherence to the "Smart, Green and Growing" visions of State statutes. The element identifies areas to be protected and contains goals, objectives, principles, and standards designed to protect these areas. ~~from the adverse effects of development.~~

5.3.2 Environmental protection: land and water resources, including the Chesapeake and coastal bays, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources.

The County will continue to use regulatory programs (such as the Critical Area Program, Forest Conservation regulations, Stormwater regulations, requirements for open space conservation and clustering etc.), tax and funding incentive programs (such as Agricultural Districts, Maryland Agricultural Land Preservation Foundation Easements, a transfer of development rights program, Installment Purchase Agreements), and planning programs (such as the Wicomico Scenic River Management Plan, Tributary Strategies for the Patuxent and Lower Potomac Rivers, Breton Bay and St. Mary's Watershed Restoration Action Strategies), to promote stewardship of the Chesapeake Bay. The St. Mary's County Health Department administers the Bay Restoration Fund (BRF) grants to help defray the costs of connection to public sewer or the installation of a BAT septic system.

## **Chapter 7: Water Resources Element**

### **7.1 Introduction**

#### **Planning for Water Supply and Water Quality (page 7-8)**

Planning for Water Supply and Water Quality Protection. The Annotated Code of Maryland establishes State policies to improve, conserve, and manage the quality of waters of the State and protect, maintain, and improve the domestic, agricultural, industrial, recreational, and other beneficial uses. State policy provides for the legitimate, beneficial uses of this State's waters, and to provide for prevention, abatement, and control of new or existing water pollution. This Plan element establishes the following principles for water supply and water quality protection (which includes managing waste water disposal) within the County:

- 5) Correct sanitary and water supply problems in existing problem areas through coordinated planning with County, State, and Federal agencies. The County should work with the Maryland Department of the Environment and the Maryland Department of Planning to assess the viability of PFA exception areas where possible, so that failing OSDSs, and properties that will have failing OSDSs that cannot be replaced on-site or with an off-site OSDS constructed on a separate lot of record under the same ownership as the developed residential or non-residential property may be connected to a publicly owned sewage treatment plant.

## **Chapter 7: Water Resources Element**

### **7.6 Wastewater Assessment and Planning**

7.6.1 Goal: Provide infrastructure to meet service needs in growth areas, ensure adequate capacity to accommodate concentrated development in growth areas and to address adequate facilities and services outside the growth areas.  
(pages 7-21 and 7-22 and 7-23)

B Objective: Properly dispose of wastewater and take actions to reduce the pollutants in wastewater.

i. Policy: Implement the CWSP through preparation and adoption of such ordinances, rules and regulations as may be necessary.

a. Action: Assure public ownership of all community water and sewerage systems.

b. Action: Require all sewage collection systems be designed and constructed to St. Mary's County Standard Specification for Water and Sewerage Construction.

c. Action: Evaluate a balance between assigned equivalent Dwelling Units (EDUs) and actual effluent quantities (flow).

d. Action: Adopt a preventative maintenance program to anticipate problems before they occur rather than reacting to them after an OSDS fails. Provide sufficient sewage treatment capacity at publicly owned sewage treatment plants to allow connection of developed properties when OSDSs fail and a replacement OSDS on-site or constructed on a separate lot of record under the same ownership as the developed residential or non-residential property is not possible.

iii. Policy: Guide development to areas where water and sewerage systems exist or may be installed or expanded both economically and in conformance with the Land Use Plan.

b. Action: Direct sewerage service as needed to remedy the failure of existing septic systems, where no feasible alternative exists. When this situation exists outside a growth area, apply for a PFA exception area. Avoid discharge of treated wastewater into local waters. Do not extend new public sewerage service to rural areas unless it corrects an existing or potential health hazard or environmental threat.

i) Public sewerage service extended to correct an existing health hazard or environmental threat shall not be used to intensify development in rural areas or neighborhood conservation districts outside growth areas.

ii) Small local land treatment systems, Conventional On-site Sewage Disposal Systems, BAT units, or connection to a publicly owned treatment plant are the preferred means of providing sewerage service to such areas.

## 7.6 Wastewater Assessment and Planning

C. Objective: Limit impacts of onsite ~~septic~~ sewage disposal systems (OSDS) (page 7-23)

v. Policy. Consider establishing a Priority Funding Area exception area when the following situation exists: Areas with a high groundwater table and soils with poor permeability are unsuitable for on-site sewage disposal systems (OSDS); the high groundwater results in insufficient treatment of pathogens found in sewage; the poor surficial soil permeability limits the utilization of alternative systems that do not penetrate groundwater; these site characteristics also facilitate the delivery of nitrogen to the Chesapeake Bay; and some lots of record may be too small for replacement of OSDS systems. In such areas, a Priority Funding Area exception area can allow connection to a public sewage treatment plant for properties with failing OSDSs that cannot be replaced on-site and properties with adequately functioning OSDSs that, when they eventually fail, cannot be replaced on-site or with an off-site septic system constructed on a separate lot of record under the same ownership as the developed residential or non-residential property.

### **Justification for the Plan Amendment**

- The amendment has been carefully written to promote rural character in conformance with the Comprehensive Plan.
- Development in the Rural Residential land use category, such as in Society Hill, includes limited amounts of appropriately designed residential uses that are compatible with rural and community character through preserving open space and limiting impacts to environmentally sensitive areas (2010 Comprehensive Plan page 4-25).
- Properties in the Saint Clement Shores Subdivision will be allowed to connect based on Resolution 84-22.
- Existing lots of record in the PFA exception area, as they are recorded on the most recent plat at the time of the application for the PFA exception area, may be allowed to connect and develop. Treatment capacity will have to be available and these properties will have to follow all applicable County and State regulations.
- Through an amendment to the Comprehensive Water and Sewerage Plan: Existing lots of record will not be allowed to subdivide without approval by the Planning Commission; and small lots of record may be allowed to combine when necessary for development that will be consistent with the character of the area with approval of the Planning Commission.
- Allowing existing OSDSs to connect to an expanded St. Clements Shores WWTP will protect public health and improve water quality in adjacent tidal waters. A PFA exception area addresses the issue of OSDS failures in environmentally sensitive locations within the Critical Area.
- Due to impermeable soils, high water tables, and small lots, replacement OSDSs are not possible for many properties with existing development. Lots of record may not be able to develop using an OSDS.

- A MetCom-owned sewer treatment plant with enhanced (Bioweb sludge system) Biological Nutrient Removal achieves the greatest nitrogen reduction.