

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

ZAAP NUMBER 24-0400

and

ZAAP NUMBER 25-0216

**BRADLEYBROOKE CONCEPT SITE PLAN &
PRELIMINARY MAJOR SUBDIVISION PLAT**

EIGHTH ELECTION DISTRICT

DATES HEARD: February 26, March 26, and April 23, 2026

ORDERED BY:

**Mr. Hayden, Mr. Brown, Mr. Payne,
Dr. Valcke and Ms. Weaver**

DATE SIGNED: June 11, 2026

Pleadings

PEMBROOKE BRADLEY, LLC (“Applicant”) appeals the St. Mary’s County Planning Commission’s denials of a concept site plan and preliminary major subdivision plat proposing 150 townhouse units and 73 single-family dwelling units at an unaddressed parcel on the east side of Willows Road, Lexington Park, MD, identified among the Tax Maps at Tax Map 51, Parcel 618, Outparcel C.

Public Notification

Public notice was advertised in *The Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, on February 6, 2026 and February 13, 2026. The file contains certification of the required mailings to all adjoining landowners and those owning property located within two hundred feet of the subject property. Evidence that required notice was physically posted on the property is also present. These satisfy all applicable notice requirements for this matter’s first hearing on February 26, 2026. On February 26, a motion to continue the matter to March 26, 2026 was made and approved on the record, with date, time, and location made publicly known. At the close of the March 26 hearing, more testimony still being required, a motion to further continue the matter to April 23, 2026 was made and approved on the record with date, time, and location made publicly known. Therefore, the Board finds compliance with all applicable public notice requirements for each hearing.

Public Hearings

These matters were heard before the public at 6:30 p.m. on February 26, 2026, at 6:30 p.m. on March 26, 2026, at 6:30 p.m., and at 6:30 p.m. on April 23, 2026, all at the St. Mary’s County

Governmental Center, 41770 Baldrige Street, Leonardtown, Maryland. All persons desiring to be heard, including staff, witnesses for the Applicant, and all members of the public wishing to offer testimony, were duly sworn on each night, and all proceedings were recorded electronically.

Following the Board's decision on ZAAP # 24-0400, the concept site plan, the Board separately opened the record for ZAAP # 25-0216, the major subdivision preliminary plan. Counsel for Applicant requested that all documents available to the Board and the public through the County's online BoardDocs hearing portal, including the staff report, staff PowerPoint, and Applicant's own PowerPoint presentation, be accepted into the record. Counsel for the Applicant additionally asked the full record of ZAAP # 24-0400 be incorporated into the record for ZAAP # 25-0216. With the above incorporations granted by the Chair, Applicant rested its presentation for ZAAP # 25-0216 on the presentations and record made in ZAAP # 24-0400.

The Property

The subject property is an unaddressed parcel east of Willows Road and may be found among the Tax Maps of St. Mary's County at Tax Map 51, Parcel 618, Outparcel C (hereinafter, "the Property"). According to the staff report for the concept site plan, the Property consists of 76.26 acres, more or less, is zoned Residential Low Density ("RL"), and has a land use designation of Residential Low Density. It is located within the Lexington Park Development District. The entirety of the Property is located within the 60-65 ldn noise contour lines depicted on the current Official Zoning Maps, and a portion of the Property is located within the Accident Potential Zone-II ("APZ-II") zoning overlay.

Decision Appealed

The St. Mary’s County Planning Commission, by a vote of 3-4, denied approval of the concept site plan for CSP 24-0018 and MJSB 25-0216 on January 12, 2026. The Appellant filed a timely Notice of Appeal on January 15, 2026.

Required Findings Under

the St. Mary’s County Comprehensive Zoning Ordinance and Subdivision Ordinance

Concept Site Plan Approval

St. Mary’s County Comprehensive Zoning Ordinance (“CZO”) § 60.6 requires that all non-residential and multi-family residential projects requiring a major site plan first receive concept site plan approval by the Planning Commission. To approve a concept site plan the Planning Commission must find that the proposed development:

- a. Is consistent with the Comprehensive Plan and applicable functional plans;
- b. May be served by adequate public facilities as required by § 70.2.2;
- c. Is consistent with the County Annual Growth Policy, including any required phasing plans;¹
- d. Will promote the health, safety, and welfare of the general public;
- e. Adequately developed recreational and other community amenities are provided in accordance with the Comprehensive Plan and the Comprehensive Zoning Ordinance; and,
- f. Is consistent with Chapter 62 design objectives.

¹ Resolution 2016-22 suspended the County’s Annual Growth Policy, and this criterion is no longer applicable.

Preliminary Subdivision Plan Approval

The St. Mary's County Subdivision Ordinance requires Preliminary Plan approval for approval of any subdivision. Subdivision Ordinance § 30.5.2. In approving a Preliminary Plan, the Planning Commission shall make each of the following findings:

- a. The proposed development, including lot sizes, density, access and circulation, is consistent with the Comprehensive Plan and applicable zoning standards and is compatible with the existing and/or permissible future use of adjacent property.
- b. Sufficient number of access points for ingress and egress are provided. Generally, two access points are required, with no less than one access point for each 75 lots or fraction thereof and reservation of land or dedication of rights-of-way to allow interconnection of subdivision streets to adjacent parcels, subdivisions and for connection to planned roads.
- c. Public facilities are adequate in accordance with the provisions of Chapter 70 of the St. Mary's County Comprehensive Zoning Ordinance, Adequate Public Facilities.
- d. The project is consistent with the Annual Growth Policy, including approval of a phasing plan if required by said Annual Growth Policy.
- e. Access to adjoining land is provided for in the proposed plan and will allow development of those adjoining lands in accordance with this Ordinance. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system.

- f. The drainage, erosion control, and construction proposed comply with accepted engineer and construction practices and the requirements of this Ordinance.
- g. The lot, block, and street layout are consistent with the subdivision design standards of this and the Comprehensive Zoning Ordinance.
- h. Adequate developed recreational and other community amenities are provided in accordance with the Comprehensive Plan, Comprehensive Zoning Ordinance, and this Subdivision Ordinance.

Staff Reports

Staff reports for the Concept Site Plan and Major Subdivision Preliminary Plan were reviewed by the Board. The reports summarized applicable development standards and regulations and included staff's factual findings with respect thereto. The staff report for the Concept Site Plan contained a conclusion by staff that, "based upon a thorough review of the application and Concept Site Plan, the proposed development appears to/will meet the requirements set forth in the applicable sections of the Comprehensive Zoning Ordinance." The staff report for the major subdivision did not include any similar conclusion or recommendation, but neither did it include a recommendation for denial or any statement that the project failed to meet an applicable standard.

Staff reports, inclusive of all attachments (25 for the Concept Site Plan Staff Report and 34 for the Major Subdivision Preliminary Plan), were received into the record in full.

Testimony Received

Across the March 26 and April 23 hearings a combined total of six hours of testimony were received from staff, the Applicant, and the public. In-person testimony was video recorded in full, and written testimony was received into the record and reviewed by the Board. A non-exhaustive

summary of the copious testimony is provided below.

St. Mary's County Government Staff Testimony

Brandy Glenn, a Deputy Director from the Department of Land Use & Growth Management ("LUGM"), presented a slideshow for the concept site plan that provided an overview of the proposed project, the Property, and the contents of each staff report. A similar slideshow for the major subdivision preliminary plan was received into the record and reviewed by the Board prior to the public hearings. Copies of each slide deck were made part of the record.

Also present were Deputy County Attorney John Sterling Houser, Department of Public Works Director John Norris, Department of Economic Development Director Cynthia Greb. Chiefly, Mr. Houser spoke to the Board on March 26 to provide staff's interpretation of Subdivision Ordinance § 30.5.4.b, and on April 23 to provide staff's understanding of AICUZ program standards. Mr. Norris spoke on April 23 and, in response to questions posed by the Board, provided certain urban public road standards for arterial roads, and additional information related to Bradley Boulevard. Ms. Greb spoke on April 23 and answered questions posed by the Board, primarily over matters related to the economic life of St. Mary's County – including a statement that the United States Navy was the county's chief employer – and the Readiness and Environmental Protection Integration ("REPI") program.

Other Agency Testimony

Captain Mark Zematis, Commanding Officer of Naval Air Station Patuxent River ("NAS PAX") and Hannah Pajewski, Community Planning Liaison Officer for NAS PAX spoke on both March 26 and April 23. NAS PAX presented a slideshow entitled "Naval Air Station Patuxent River's Concerns Regarding Proposed Bradley Brooke Subdivision" that, among other things,

raised concerns with the project's proximity to the APZ-II overlay, the proposed location of homes within "high noise contours," and the single vehicular access point, which NAS PAX said "could complicate evacuation and first-responder access in the unlikely event of an aviation mishap or incident." CAPT Zematis and Ms. Pajewski further elaborated on these concerns in their testimony. NAS PAX also stated that "the proposed development's location near APZ II and within high noise contours (65-70 dB DNL) raises concerns about encroachment, potentially limiting NAS Patuxent River's future testing and training capabilities. Residential development near military installations can increase the likelihood of land use conflicts between civilian communities and military operations, which over time may create political or regulatory pressure that restricts operational flexibility."

Kimberly Howe, Director for Capital Planning at St. Mary's County Public Schools, spoke on March 26. Ms. Howe shared information related to how many students were projected to be generated by recently approved developments and the proposed development. She also spoke on the school system's policy on bus transportation, and stated that public school buses will only pick-up students on public roads and will not travel on private roads. While she could not commit to proposed bus stops shared by the Applicant that evening, Ms. Howe said the Applicant's proposal could be viable.

Anna Wells, an Assistant Engineer, from the St. Mary's County Metropolitan Commission, spoke on April 23 to answer questions posed by Ms. Weaver related to Equivalent Dwelling Units ("EDU"). Ms. Wells stated there is a standard EDU Table devised by MetCom that determines how many EDUs a given use type requires. MetCom provides capacity of a given treatment plant to LUGM, and LUGM then allocates EDUs.

Applicant Testimony

Applicant was represented by a team that included Christopher T. Longmore, of Dugan

McKissick & Longmore, LLC, as legal counsel; Gregory Hosendorf, PE, of Soltesz, Inc., as civil engineer; Nick Driban, of Lenhart Traffic Consulting, as traffic engineer; Gary Ehrlich, of Hush Acoustics, LLC, as an acoustical consultant; and Nick Groseclose, a Vice President of Land Development for K. Hovnanian Homes, the prospective developer and home builder of the Property. Applicant provided extensive testimony and responded to copious questions posed by the Board on both March 26 and April 23. Particularly notable testimony included:

Mr. Longmore summarized the concept site plan and preliminary subdivision approval processes and responded to the Board's questions with legal explanations and argument as needed. He specifically explained the distinction between the United States Navy's AICUZ guidance and the AICUZ regulations adopted by St. Mary's County through its Comprehensive Zoning Ordinance and Official Zoning Maps. He emphasized that federal guidance is not binding unless incorporated into local development regulations. He also noted that the Noise Contour Lines shown on the Official Zoning Maps were adopted in 2009 and that a later noise study commissioned by NAS PAX in or around 2019, which reflects different contour lines, was never formally adopted by the Commissioners of St. Mary's County.

Mr. Hosendorf presented a slideshow, joined at times by the other technical experts, that included site plans, existing features maps, and renderings of the proposed project at buildout collectively describing the site location, proposed layout, proposed mix of single-family and townhouse units, community features, and development amenities. The Applicant's presentation included a summary of the project's compliance with the applicable regulations from the Comprehensive Zoning Ordinance and Subdivision Ordinance. That included an analysis of compatibility with the County's AICUZ program, which included a summation that no houses are proposed in the APZ-II overlay and that Sound Level Reduction ("SLR") will be provided, despite

none being required under the minimum standards of the Comprehensive Zoning Ordinance and the 2009 Noise Contour Lines in effect on the Official Zoning Maps. Mr. Ehrlich, appearing via Zoom, further elaborated in testimony on April 23 on potential techniques and practices meet a SLR reduction of 25 decibels, such as constructing smaller windows and wall upgrades, that would increase the cost of construction but which were, in Mr. Ehrlich's opinion, technically feasible. Mr. Ehrlich also stated that it was his understanding the Applicant would be willing to implement required SLR reduction, something confirmed by the Applicant in the hearing.

Applicant's presentation also included traffic impacts from the number of new additional daily trips that could reasonably be expected to be generated by the develop and their effects on local roads and intersections. Mr. Hosendorf spoke at great length, on both March 26 and April 23, in response to questions and concerns posed by the Board concerning access in and out of the development. Bradley Boulevard would be the sole road by which the development could be accessed, and shared examples of other neighborhoods in St. Mary's County similar in size, location, or character that also had only one point of access. Mr. Hosendorf demonstrated why he believed the width and proposed layout of Bradley Boulevard's extension into Bradleybrooke could allow for transit in emergency situations, and how commercial parking lots could be used in the same emergency situations once drivers reached the existing portion of Bradley Boulevard.

Public Testimony

Members of the general public had the opportunity to provide testimony by written comment submitted in advance or oral testimony provided at the hearing. No written comments were received, and only two members of the public appeared to offer in-person testimony:

- *Joan Sullivan Cowan, Lexington Park*

- Mrs. Cowan lives in South Essex, a nearby neighborhood west of Willows Road. She said planes frequently pass over her house. She said her neighborhood only has one access street, a two-lane road. She has lived in her neighborhood for twelve years and “never had a problem.” She said that fire trucks, school buses, and other vehicles regularly traverse her road without issue. She said she is aware of the base realignment process and that a soon-to-open YMCA would be attractive to base personnel. She gave information on a nearby 40-unit affordable housing project that would become available soon, and, lastly, that the Navy had also objected to a proposed redevelopment of the nearby Patuxent River Village Center (formerly Millison Plaza) that would have located townhomes in close proximity to the APZ-II overlay, and that the project was ultimately approved. She urged the Board of Appeals to approve the Bradleybrooke project as well.

- *Troy Cowan, Lexington Park*

- Mr. Cowan – Mrs. Cowan’s husband – spoke when the public record was opened in ZAAP # 25-0216, the major subdivision preliminary plan, after the Board had already deliberated on ZAAP # 24-0400. His comments are only a part of the record for that proceeding. He explained that in his prior career he managed a number of site plans for defense production plants. He said that he believed the project met or exceeded every standard he encountered in that line of work, and said he believed the hearing in this matter amounted to “Calvin ball.” He said the County has a “tremendous”

housing need, particularly in the “missing middle,” and encouraged the developer to remain involved in the County.

The Board’s Deliberations

At the end of all testimony and rebuttal by the Applicant on the concept site plan, the Board began deliberations at 9:40 p.m. on April 23 – although, Board members had frequently expressed concerns and engaged in dialogue with those providing testimony previously. Each board member gave his or her opinions on the project as follows.

Ms. Weaver referred to the standards in the Subdivision Ordinance related to the number of private lots that may be located on a private road. Acknowledging that staff had said a previous director or county attorney, some years back, had concluded that regulation is not enforceable with regard to townhomes, Ms. Weaver said that is not reflected in the ordinance. She was concerned that people, particularly when they have company, would park on the road, and that would frustrate access, particularly by emergency vehicles. Regarding the number of access points, Ms. Weaver said she interpreted the applicable regulation to mean the Applicant “must” provide three access points.

Dr. Valcke said there were “a few things that mildly concern me,” but that the main contention was with the single point of access. He said he did not feel the Applicant had fully explored –or at least had not shared with the Board their full attempts to explore – opportunities to provide additional access points, and that he would like to see alternatives explored.

Mr. Payne spoke next, saying he, personally, thought it was “a great plan,” but that he would not to impose “a roadblock to impede the mission accomplishment of the Navy.” He said the single-point of entrance and exit would be “problematic,” and that he had not seen any metrics

on the safety of the single-points of entrance and exits in other neighborhoods. He said he was concerned about the impact of adding more traffic on Willows Road. He also echoed Ms. Weaver's concerns about parking.

Mr. Brown said the greatest concern on his "list" was the single point of access. He said that while they may be able to get by with two, proposing only one would be "waiting for disaster to happen." He said it may take years or decades for the accident to happen, but that, eventually, an accident would happen. He also said he had "a problem with the private roads," and that just because an attorney said in the past that the regulation was unenforceable, the ordinance still prescribed the rule in "black and white."

The Chair spoke last. Mr. Hayden said he believed most of the Board had "exhausted" its question and got some "valid answers." Mr. Hayden's principal concern was the single point of access. He said that, with only a single entrance, the project would not further the community's health, safety, or welfare, or those of the future residents of the project. With respect to the Navy's concerns, he said that, "I respect what the Navy has presented, and I understand their concern about the AICUZ and the noise levels and things of that nature, but I do believe that project, like Mr. Brown, like Mr. Longmore, I think that things need to be changed but it's above our pay level when it comes to that. It belongs to the boards above us to handle that situation."

Deliberations lasted, in total, 16 minutes. After the Chair finished speaking, Dr. Valcke asked if it would be reasonable to give the Applicant time to explore the possibility of providing a second entrance, stating his belief that all board members appeared to feel similarly on that issue. Mr. Grosch, speaking as the developer's agent, said they had explored options but did not think there was a viable solution: traversing the northeast or east would require crossing wetlands that MDE would not permit. The Board proceeded to vote and unanimously denied the concept site

plan.

Thereafter, ZAAP # 25-0216, the major subdivision preliminary plan, was called. As noted above, the Applicant requested the record of ZAAP # 24-0400 be fully incorporated therein, and public testimony was solicited. The only new testimony before the Board consisted of Mr. Cowan's testimony, and the Board proceeded to unanimously deny ZAAP # 25-0216 without further deliberation.

Final Written Decision

The Comprehensive Zoning Ordinance and the Board of Appeals' Rules of Procedure require all final decisions of the Board to be rendered in writing. Following the vote to deny, the Chair directed staff to prepare a proposed written order consistent with the Board's discussions and findings.

Standard of Review

Land Use § 4-306(f)(2) states that, on appeal, the Board of Appeals shall have "all the powers of the administrative officer or unit from whose action the appeal is taken." In other words, the Board's review of a decision appealed from the Planning Commission is *de novo*, and the Board's decision must be based solely on the record made before the Board. *Board of County Commissioners for St. Mary's County v. Southern Resource Management*, 154 Md. App. 10, 30-31 (2003).

Discussion – Major Subdivision

Generally, if the Applicant demonstrates a project's full compliance with prescribed statutory regulations governing development the Applicant is entitled to a strong presumption that the project furthers the jurisdiction's Comprehensive Plan and, consequently, the general welfare of its people. If found not to satisfy the statutory criteria in full, then for the same reason the

presumption turns against the Applicant, and an assumption must then be made that the project fails to further both the goals of the Comprehensive Plan and the general public welfare. See, e.g., *Sheetz, Inc. v. Frederick City Planning Commission*, 106 Md. App. 531, 543 (1995) (referencing *Friel v. Triangle Oil Co.*, 76 Md. App. 96 (1988); *Schultz v. Pritts*, 291 Md. 1 (1981); *Rockville Fuel & Feed Co. v. Board of Appeals*, 257 Md. 183, 190 (1970)).

This particular project requires both concept site plan approval and major subdivision approval to advance: concept site plan approval is required because it proposes townhomes, and major subdivision approval is required because it provides for subdivision of an existing parcel into more than seven new, unique lots. Though related, and often applied to a project in tandem, subdivision ordinances and zoning ordinances perform different functions. Both must conform to the Comprehensive Plan. See, e.g., Land Use Article §§ 4-202, 5-102; *Maryland-National Capital Park & Planning Commission v. Greater Baden-Aquasco Citizens Association*, 412 Md. 73 (2009). Both have distinct standards for approval. Common to both is a rule of interpretation that regulations from the two appear to come to conflict, the more restrictive provision will prevail. CZO § 11.2.5; Subdivision Ordinance § 11.2.4.

The greater part of the Board's deliberations focused on the Applicant's failure to satisfy a criterion of the Subdivision Ordinance. Failure to satisfy the Subdivision Ordinance forces, in turn, failure to satisfy two criteria applicable to concept site plan review. For these reasons, and because of the practical unseverability of the major subdivision and the concept site plan in this particular project, we begin our discussion with the required findings under the Subdivision Ordinance.

The Subdivision Ordinance prescribes eight distinct criteria a preliminary plan for a major subdivision must satisfy. Subdivision Ordinance § 30.5.4. One criterion, (d), is inapplicable by

virtue of the County's repeal of its Annual Growth Policy a decade ago, as related in the staff reports. All remaining seven criteria must be satisfied to grant approval.

Of those remaining criteria, the Board's deliberations and concerns principally touched on § 30.5.4.b, a requirement that the Applicant provide a sufficient number of access points for ingress and egress. The statute states that "generally" that two access points are required for every subdivision, and that at least one access point for each 75 lots or fraction thereof shall be provided; deliberation among the Board was mixed on whether that guidance is "mandatory" or, as staff and the Applicant suggested, guidelines that are at most directory. Because all members of the Board appear united that the project fails to provide a "sufficient number" of access points for safe ingress and egress, regardless of whether the regulation requires exactly one access point per 75 lots, we decline to fully address that question now, and will instead focus discussion on why reasoning minds may – and in the Board's case, do – conclude a single point of access is insufficient.

The proposed project would propose over two hundred homes whose sole access to the wider world would pass through a single bottleneck: the intersection of Bradley Boulevard and Willows Road. The intersection lies a quarter-mile from the nearest point of the proposed subdivision and already serves commercial and public uses on Bradley Boulevard. Every member of the Board expressed concern for the bottleneck's future potential to block access to and from the development should an accident ever occur on Bradley Boulevard or at the intersection.

Applicant responded to the Board's concerns by pointing to the width of Bradley Boulevard and showed mock-ups of potential emergency egress routes through parking lots servicing the existing uses on Bradley Boulevard. None of these alternative methods bypassed the intersection of Bradley Boulevard at Willows Road.

There would be an inherent arbitrariness if the Board forced Applicant to prove, to the

Board's absolute certainty, that the proposed project would not create some type of risk, to some level degree, at some unknown point in time in the future. *Board of County Commissioners for St. Mary's County v. Southern Resources Management, Inc., et al*, 154 Md. App. 10 (2003). That is not this situation. The Applicant proposes a single point of access to satisfy a regulatory criterion that carries, at the least, a presumption one access point should be provided for each 75 lots or fraction thereof in the proposed subdivision. A single point of access does not approach that number, and Applicant's justifications for why the single point of access does not present an impermissible safety concern were insufficiently persuasive for this Board to conclude it is "sufficient."

Failing to satisfy that criteria, the Applicant thus failed to demonstrate conformity with all requirements of the duly adopted regulatory scheme for the proposed subdivision – and, in so doing, failed to demonstrate the Applicant's project is entitled to a presumption of conformity with the Comprehensive Plan or a finding it furthers the general welfare of the community. Accordingly, the Board of Appeals must deny the appeal and affirm the Planning Commission's denial of the Applicant's preliminary plan for the proposed major site plan.

Discussion – Concept Site Plan

The Comprehensive Zoning Ordinance sets forth six criteria a project must satisfy to attain concept site plan approval from the Planning Commission. Two criteria, which are closely related, were chiefly implicated in the Board's deliberations: that the proposed project "is consistent with the Comprehensive Plan and applicable functional plans" and that the project "will promote the health, safety, and welfare of the general public."

As said previously, both the Comprehensive Zoning Ordinance and the Subdivision Ordinance are written to advance and implement the St. Mary's County Comprehensive Plan and

to promote the public health, safety, and general welfare. CZO § 10.3; Subdivision Ordinance § 10.3.1. The standards in ordinance are the minimum standards the local legislative body has determined are necessary to accomplish those purposes. CZO § 10.7; Subdivision Ordinance § 10.6.

The St. Mary's County Comprehensive Plan sets forth broad policy goals and objectives, such as providing "an integrated, safe and efficient roadway system." St. Mary's County Comprehensive Plan, Pages 3-3 ("Vision 6: Transportation) and Page 11-1, (Goal: Provide an integrated, safe, and efficient roadway system."). The Comprehensive Plan recognizes that the adoption and enforcement of development regulations such as the Subdivision Ordinance and the Comprehensive Zoning Ordinance are the vehicles by which its goals can be achieved. St. Mary's County Comprehensive Plan, Page 2-16 ("The Board of County Commissioners is committed to addressing identified needs through adoption of this plan, zoning regulations, subdivision regulations, and capital improvements programs along with other tax and finance policies and initiatives.")

In this case, the Board of Appeals is faced with a project that requires approval of both a concept site plan and a major subdivision to proceed. As discussed above, the project has failed to satisfy the Subdivision Ordinance's requirements for approval of a preliminary plan for the major subdivision. Failure to satisfy all of the Subdivision Ordinance's standards fails, then, to establish the project's overall conformity with the Comprehensive Plan – which, in turn, requires a finding that the concept site plan, dependent on a disapproved subdivision plat, advances the interests of the Comprehensive Plan.

Accordingly, as above, the Board of Appeals must deny the appeal and affirm the Planning Commission's denial of the Applicant's concept site plan.

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ORDER

PURSUANT to Applicant's appeal from the Planning Commission's denial of Concept Site Plan CSP 24-0400 and Major Subdivision Preliminary Plan MJSB 25-0216 on January 12, 2026; and,

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is,

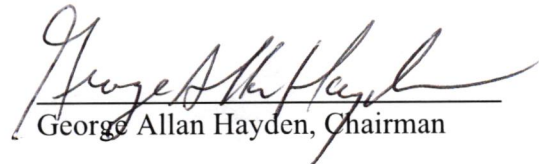
ORDERED, by the St. Mary's County Board of Appeals, that the Applicant's appeal in ZAAP 24-0400 is **DENIED**; and it is further,

ORDERED, that the Planning Commission's denial of Concept Site Plan CSP 24-0400 is **AFFIRMED**; and it is further,

ORDERED, by the St. Mary's County Board of Appeals, that the Applicant's appeal in ZAAP 25-0216 is **DENIED**; and it is further,

ORDERED, that the Planning Commission's denial of Major Subdivision Preliminary Plan MJSB 25-0216 is **AFFIRMED**.

Date: June 11, 2026


George Allan Hayden, Chairman

Those voting to grant the appeal:

Those voting to deny the appeal:

Mr. Hayden, Mr. Brown, Mr. Payne,
Dr. Valcke, Ms. Weaver

Approved as to form and legal sufficiency

Steve Scott, Board of Appeals Attorney

NOTICE TO APPLICANT

Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Petition for Judicial Review with the Circuit Court for St. Mary's County within thirty (30) days of the date this order is signed.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order; otherwise, they will be discarded.