

Public Hearings - Cambridge - Critical Area Subcommittee 1987 MSA\_51830-5

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PUBLIC HEARING  
CRITICAL AREAS SUB-COMMITTEE

November 17, 1987  
Cambridge, Maryland

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I N D E X

Opening Remarks

By Ron Adkins

Page 3

Presentation by Mr. Redman

Page 5

Public Comments

Page 18

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BALT. & ANNAP. 974-0947

P R O C E E D I N G S

1  
2 MR. ADKINS: First, I'd like to introduce  
3 everyone here tonight in terms of the Critical Areas  
4 Commission. My name is Ron Adkins. I'm on the Critical  
5 Areas Commission representing Somerset County. Directly  
6 to my left is Whilly Miller. Mr. Miller represents Kent  
7 County on the Commission. Directly to my right is Shep  
8 Kreck. Mr. Shepard Kreck represents Talbot County, but  
9 more specifically is an at large representative for the  
10 Eastern Shore on the Commission.

11 And, to his right is Steel Phillips, I think  
12 some of you would recognize is from, of course, the  
13 home county here, Dorchester County. We're here to  
14 conduct a public hearing on behalf of the Commission,  
15 itself.

16 The purpose of the hearing is to hear public  
17 comment on the city of Cambridge's local program as  
18 required under Section 818.09 of the Critical Area Law.  
19 I should inform you that the Commission is obligated to  
20 make a decision on your program 60 days after the day of  
21 this hearing. And, I should also inform you tonight  
22 that the hearing is being recorded by a court reporter

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1 and that the record will be kept open for one week to  
2 receive additional written testimony, should there be  
3 any forthcoming.

4 Anyone who would wish to avail themselves of  
5 that opportunity may submit written statements to the  
6 Commission Chairman, Judge Solomon Liss. And, that  
7 address would be at the Chesapeake Bay Critical Areas  
8 Commission, 580 Taylor Avenue D-4, Annapolis, Maryland.  
9 The zip is 21401.

10 The purpose of the public record being kept  
11 open is to allow additional comment and it will be a  
12 part of the record and will be reviewed the Commission  
13 as a tool in vote on the program.

14 What I'd like to do now is to recognize the  
15 officials of the City of Cambridge that are present  
16 tonight. We have present with us Tony--Mayor Tony  
17 Robbins. We also have present president of the City  
18 Commissioners, Ed Watkins, Phil Rice, Jimmy Newcomb,  
19 Karen Murphy, and Gorton McWilliams. We also have the  
20 city engineer, Tom Moore.

21 What I'd like to do is sort of establish the  
22 ground rules and the format for the hearing. The ground

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1 rules would be that we would have a time limitation for  
2 speakers, since we don't seem to have a lot public,  
3 certainly with five minutes or more would be adequate.  
4 We also would like to reiterate that the purpose of the  
5 hearing is to focus on the content of the program and  
6 not to focus on any property disputes or line disputes  
7 that might be on any given property as how it is  
8 classified.

9 The other comment I would make is that we would  
10 like to have a brief presentation by the local  
11 government's representative of its program, and then  
12 open the floor for testimony. So, with that, I would  
13 turn it over to, I assume your consultant, to make a  
14 brief presentation.

15 MR. REDMAN: Thank you, Mr. Chairman. As I  
16 look around the room, I don't think that I see anybody  
17 here that has not had to listen to me before. Some of  
18 the panel members have--

19 MR. ADKINS: Could you introduce yourself for  
20 the record?

21 MR. REDMAN: Oh, my name is Tony Redman. For  
22 the record, I'm with the firm of Redman, Johnston

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1 Associates Limited, with offices in Easton, Maryland,  
2 and I have been serving as consultant to the City of  
3 Cambridge in preparation of its proposed Chesapeake Bay  
4 Critical Area Program.

5 As I look around the room, I think most of you  
6 are either representing the local government here  
7 tonight, City of Cambridge, or a State agency, or are  
8 panel members of the Commission, so I'm not going to  
9 spend a great deal of your time tonight talking about  
10 things that you've heard about before.

11 I thought it might help to do a few things very  
12 quickly. Ron Adkins mentioned the process and he, I  
13 believe, said as chair of this meeting tonight that the  
14 Commission would have to approve or not approve or take  
15 some action on your program within 60 days.

16 The last time I was here in Cambridge we had  
17 conducted a public hearing prior to submitting the  
18 program to the Critical Area Commission. Tonight we are  
19 conducting the second public hearing in this process,  
20 and within ninety days from when we submit it to the  
21 program, under the law, or sixty days from tonight we  
22 should be having a decision by the Critical Area

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1 Commission whether to adopt it. Just to kind of get you  
2 back in the spirit of, how does this process work and  
3 where are we in it.

4 Cambridge's program started really with a great  
5 deal of mapping, a great deal of inventory effort. This  
6 chart, very briefly, shows decision rules that were made  
7 to establish whether or not there is intensely developed  
8 area, limited development area or resource conservation  
9 area. Areas where the density was over three units per  
10 acre and were served by sewer and water, were mapped  
11 intensely developed area.

12 The map at the back of the room to your left is  
13 the map that results from using those mapping rules. As  
14 you can see on this map, virtually all of what I'm  
15 calling tonight the core of the City of Cambridge within  
16 the critical area falls within what we have defined as  
17 intensely developed area category.

18 The area you see at the top of the map is not  
19 technically in the corporate limits; the subdivision  
20 that occurred -- go outside the limits. Two areas,  
21 essentially, are proposed as limited development area.  
22 They are area one, what is Jenkins Creek, shown here,

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1 and then finally substantial land area that's mapped as  
2 limited development area at the Eastern Shore State  
3 Hospital property. A part of that property has been  
4 mapped intensely developed area.

5 We normally apply our mapping rules when to  
6 part of a site, all of the site if it is an existing lot  
7 of record. In the case of that particular property, by  
8 virtue of its size, and because a lot of it is not  
9 developed, we did choose to split the parcel. The area  
10 where the existing buildings are that represent what are  
11 in our opinion an institutional use, we have mapped  
12 intensely developed area, consistent with the definition  
13 of such an area.

14 The areas that are outside the building  
15 envelope that are essentially undeveloped we have mapped  
16 limited development area. There has been some  
17 controversy with respect to, do we have the authority to  
18 map these areas insofar as they are state owned  
19 property.

20 My perspective on that is that in our early  
21 stages of mapping we were, in fact, in contact with  
22 representatives from State of Maryland General Services

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1 Administration. There was some indication that at a  
2 future point in time this--portions of the site might be  
3 considered surplus property.

4 We felt it was to the City's advantage,  
5 recognizing that it may fall out of State hands and into  
6 private ownership, to take the initiative to map it and  
7 basically exercise the management control over land use  
8 should that occur.

9 I do not know at this point whether that will  
10 occur or will not occur in the near time. The City's  
11 request tonight is essentially one of requesting  
12 exclusion and I'm going to attempt to briefly summarize  
13 some of the provisions of the law. I know for the  
14 benefit of the Commission members that you have been  
15 dealing primarily with the criteria themselves and how  
16 to interpret them in their application to local  
17 government programs.

18 The exclusion provisions were in the original  
19 critical area law. They were something that set the  
20 stage for the Commission's charge to write criteria and  
21 then monitor the progress of local governments  
22 developing programs.

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1           The provisions are contained in Section 8-1807  
2 of the law that was originally established, and they  
3 require that an area proposed for exclusion be at least  
4 2,640,000 square feet in area, which is essentially a  
5 half a mile of shore front times the thousand feet.  
6 And, then at least 50% of that land be developed or it  
7 may include the entire area within--everything within  
8 the corporate limits of a municipality.

9           In either event, certainly the City of  
10 Cambridge meets what I call that threshold requirement,  
11 and therefore, it appears appropriate for them to at  
12 least file a request for exclusion. The City is an  
13 incorporated municipality. There's over 20 million  
14 square feet of land that can be described as developed  
15 within that; far more than the 2 million threshold.

16           We think that the uses that are established in  
17 the area we propose for exclusion, which are all of the  
18 areas that you see on the map in the back that are  
19 intensely developed area; that all those are of  
20 sufficient residential densities to characterize them as  
21 urban. I trust you will agree.

22           For the benefit of those of you who were not

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1 with us earlier, the panel for the Commission has had an  
2 opportunity earlier this evening, before dark, a period  
3 4:30 to 5:00 to take a very whirlwind tour, windshield  
4 tour of a lot of the developed portions of the city to  
5 become familiar with the area.

6 Most of the uses are established as commercial  
7 or industrial in nature and a lot of areas, certainly  
8 many portions of the Cambridge Creek area, an area  
9 that's very important to the city. The Creek  
10 Redevelopment area--I may be able to do that with an  
11 overhead. Let me see.

12 The area that you see right here which is along  
13 Cambridge Creek is an area wherein the city is failing  
14 approval of the exclusion of their program; is also  
15 requiring a buffer exemption. We assess the impact of  
16 existing uses that are in the Creek area. The city has,  
17 in past years in working with the Rouse Corporation,  
18 developed a very elaborate plan for redevelopment of  
19 many portions of that shore front. They have created in  
20 existing ordinances and the tools that they're using to  
21 manage land use, a new zoning district called the plan  
22 work community district.

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1           That is shown on this map here which, if you  
2 will, is a blow-up, essentially, of this area here. But  
3 within in you can see a great deal of thought's been  
4 given to details of site planning, parking arrangements,  
5 building improvements, that sort of thing.

6           As most people who have seen the area can tell,  
7 the area has been primarily a port facility. It  
8 served for sand and gravel supplies to be brought in.  
9 The Arundel Corporation maintains a fairly large  
10 facility along the Creek area.

11           In the past it's been occupied by a mix of oil  
12 dealerships, underground storage and fuel, fertilizer  
13 storage and sales. Quite frankly, things that are not  
14 always in the best interest of better water quality  
15 within the Creek, and ultimately the Chop Tank River is  
16 the outfall for flushing from the Creek.

17           It's our opinion, after working with the City,  
18 talking about the kinds of issues that the program  
19 requires discussion on, that a buffer exemption will  
20 permit the City to realize the plan that it has spent a  
21 great deal of time and energy orchestrating; a plan that  
22 in the field is beginning to be implemented by virtue of

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1 some of the townhouse development we see.

2 There are a number of standards within the  
3 zoning district that they've created that require, for  
4 example, design features, landscaping features, in fact,  
5 a river walk is a mandate to assure that the public has  
6 access throughout the corridor along the creek edge.

7 I think the minimum width of that is 8' or 10'.  
8 So, a great deal of thought has been given to how this  
9 area should fall. I think, and some of the city  
10 officials can speak for themselves later, that the  
11 concern is that with the buffer requirement, as it is  
12 established, which is probably a very sensible approach  
13 in the climate of county development of areas that are  
14 now undeveloped, that that would first not permit a  
15 successful redevelopment program in the city of  
16 Cambridge for that Creek area, moreover acts in a  
17 successful redevelopment program. It is likely that the  
18 uses that are there would maintain themselves there and  
19 that water quality would suffer as a result of it.

20 So they feel that just encouraging  
21 redevelopment, and of itself, whether a buffer is  
22 provided or not, will remove uses that could, if

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1 remaining there, result in toxic spills, those kinds of  
2 things that have been there in the past.

3 So, it's a bold initiative on the part of the  
4 city, very important area of the city. I said that the  
5 city was requesting exclusion, and I mentioned briefly  
6 the planned water community district. Page 20 of the  
7 local program, which I am not going to read to you here  
8 tonight, but I want to call the attention to the panel  
9 members is wherein a lot of the discussion that I just  
10 overviewed is provided. This is the area where we are  
11 requesting the buffer exemption. It talks about the  
12 existing land uses that are in the area and provides  
13 a little more detail in terms of the rationale that I've  
14 outlined as a basis for requesting the buffer exemption  
15 here.

16 The city also feels, as an overview or pre-  
17 cursor to that request, that exclusion of the intensely  
18 developed areas is a sensible--a sensible request  
19 because we frankly don't feel that the imposition of the  
20 critical area program at least within the intensely  
21 developed areas is going to substantially improve water  
22 quality or wildlife habitat. Even beyond the Creek

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1 redevelopment area, where redevelopment makes sense to  
2 get a better water quality, planned uses are pretty much  
3 established.

4 Just quickly looking at this map you can see  
5 that the -- pattern, the actual life size that are  
6 shown, many of them are small lots. A few vacant lands  
7 exist with the exception of Great Morris Park, the  
8 facility that we visited earlier tonight, an area that  
9 would be a receiving area for offsetting impacts in the  
10 buffer under the city's program.

11 And, within these areas, because development  
12 has occurred, and because little redevelopment is really  
13 anticipated with the exception of the Creek area, it's  
14 felt that the imposition of a program isn't going to  
15 materially affect water quality of wildlife habitat.

16 I might add that for areas that are limited  
17 development area the city would propose to adopt the  
18 program and apply the standards that have been outlined  
19 in the program for future development that may occur.  
20 The same would also be true in the future if the city  
21 grew through annexation although right now the city  
22 really doesn't anticipate that to occur. By virtue of

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1 the way services are provided and the way development  
2 has already occurred around the city, it essentially  
3 precludes a great deal of growth through annexation, at  
4 least in Cambridge.

5 That summarizes, I hope, the city's request.  
6 Certainly the Mayor or members of the council that are  
7 here tonight can make additional comments with respect  
8 to my representation of their interest which is limited.  
9 Final thing I will do is say that the--we think the  
10 program we've developed is a fairly complete one. This  
11 is just a table of contents which shows you that we  
12 talked about a lot of the development issues, which I've  
13 mentioned tonight in Section 1 report. Areas of habitat  
14 protection are identified both in maps and in the text  
15 of the report.

16 Finally, sections are devoted to other topic  
17 areas that the criteria require be adjust, water  
18 dependent facilities, parks and woodland protection,  
19 shoreways protection, natural parks, agriculture,  
20 mineral resources.

21 To implement the program there are some  
22 proposed amendments to the city zoning ordinance that

1 would apply to the limited development areas in the form  
2 of an overlap zoning district. There are some  
3 recommendations for what I will call limited amendments  
4 to the existing storm water management ordinance and  
5 sediment control ordinance.

6 Both--in both these cases the amendments are  
7 designed to get more at water quality. Certainly the  
8 existing storm water management ordinance gets at the  
9 issue of water quantity and controls run-off. So those  
10 are the kinds of changes that are proposed there.

11 We have proposed a few amendments to the city's  
12 comprehensive plan that we think better reflect the  
13 objectives or the criteria. And, we've set up what we  
14 call a compensatory pollution mitigation program. For  
15 areas wherein tree planting would be required as a  
16 result of development, as an offset for development, we  
17 have two approaches. One is to encourage tree planting  
18 in Great Marsh, the city park that we looked at that  
19 does have a substantial amount of opportunity for tree  
20 planting.

21 Second, a fund would be set up that might  
22 permit the city to finance some sewer improvements in

1 areas where either pipe is deteriorated or to handle  
2 some of the storm drain -- in the city. Both are  
3 considered interchangeable in terms of how offsetting  
4 might occur.

5 With that, I will be available if panel has any  
6 questions and--or if anyone else does, for that matter.

7 MR. ADKINS: Thank you, Mr. Redman. Now, we  
8 would proceed to the portion of the hearing that we'd  
9 hear testimony. On our sign-in sheet we do not have  
10 anyone indicating they would wish to speak. However,  
11 we'll leave the floor open and if anyone would like to  
12 make any comments on behalf of--or in relationship to  
13 the City of Cambridge's program, we'd be glad to listen  
14 to them at this point. Yes, sir, could you introduce  
15 yourself for the record?

16 MAYOR ROBBINS: Yes sir, Mayor Tony Robbins,  
17 City of Cambridge. And, gentlemen, I'd just like to say  
18 this. I think we've looked hard at this program that we  
19 have put before your people and I think our consultant's  
20 done a very good job. And, we have worked very hard on  
21 cleaning the Creek up. We have eliminated just about  
22 all the underground oil tanks around the Creek, which is

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1 a tremendous thing that I saw of danger being in the  
2 water.

3 And, we do have a very strong zoning plan for  
4 the PWCD around the Creek. And, we worked very hard at  
5 this and I just feel that we have presented a pretty  
6 good case, our consultant has, and which the city  
7 concurs with. And, we just would ask you to look  
8 favorably upon our report and that about covers it. I  
9 think Tony did a pretty good job covering for us. Thank  
10 you very much.

11 MR. ADKINS: Thank you. Do we have anyone else  
12 who would like to speak?

13 MR. McWILLIAMS: Yes, I'm Gorton McWilliams,  
14 City Commissioner. It's--this, more or less, what maybe  
15 already has been said, that number one, that the city  
16 and county together have spent money in looking at the  
17 future of the city of Cambridge as far as the type of  
18 growth that we would to occur, and to recognize a  
19 natural resource that we're kind of unique in having  
20 such a nice resource that we do have, with the river and  
21 the creek going right up into your town.

22 And, a few folks, I understand, have had a

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1 chance to look around. That we, in our PWCD we had  
2 totally upgraded the zoning and the criteria and so  
3 forth for development, which--and also we have a storm  
4 water management program. And, as you can see that the  
5 buffer zone is very important to us as far as around the  
6 creek, that it--there's no really--no room if we have to  
7 move way back for development. It just totally destroys  
8 everything that we've worked for.

9 And, I know our consultant advised us in  
10 certain ways how that with the development and moving in  
11 closer to a much smaller buffer zone, how that through  
12 different plannings and developing this criteria, that  
13 we definitely feel that we can improve the water quality  
14 and like you say, by extra planning at Great Marsh and  
15 also with the development as it occurs, that we feel  
16 will improve.

17 And, as was mentioned earlier, the type of  
18 development that we would like to occur, and which we  
19 had control of with this PWCD, we had controlled  
20 development. We--the way the criteria works in the  
21 PWCD, that we grandfathered in what's existing there.  
22 But should this property or whatever ever change hands

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1 or this type of thing, then it reverts back to the type  
2 of zoning and use that we have for this particular land  
3 and we've already, on one piece of property that was  
4 cleared right down here, we're hoping and we have a  
5 meeting next Tuesday evening, there's a hotel developer  
6 that at one time that was an oil company and right next  
7 to that was, you know, where the oil tanks were right  
8 down on the Creek, all of that is gone due to our Creek  
9 development program.

10 Also, there was a cement plant down there right  
11 behind the oil company and that's all been taken down  
12 and, like you say, we have oil tanks and so forth right  
13 down here and that's in the process of being taken care  
14 of with the owner of the property, he is in the process  
15 of bulkheading right now and will be very soon taking  
16 the tanks down because he has a mind of a type of  
17 development that he would like to occur there. And,  
18 again, where the condominiums are, right across the  
19 bridge here, that at one time was a gravel unloading  
20 place where the county used. And, then like the Arundel  
21 Corporation down there with fertilizer, every type of  
22 thing down there, eventually, you know, that will be

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1       phased out.

2               So, with this type of new development and the  
3 controls that we have on it, we definitely feel that we  
4 can improve the water quality. And, so we do hope that  
5 you will look favorably to help us out in our--the  
6 future of this town which we feel is, in this particular  
7 project, we're hoping with our development we can create  
8 tourism and trade and along with that, generally what  
9 accompanies that is a clean type of industry where we  
10 have an excellent industrial park and this type of thing  
11 that we hope we can really grow in the right direction.

12               So, this is very important to the city of  
13 Cambridge. So, I just wanted to--I know you're probably  
14 aware of it, but I just would like to inform you of my  
15 feelings about it. So, thank you.

16               MR. ADKINS: Thank you very much.

17               MR. RICE: I'm H. Phillip Rice and I'm  
18 commissioner of the -- I like to think it's the best. I  
19 would hope that the Commission and Judge Liss would look  
20 at our proposal in the spirit in which it was intended.  
21 We looked at Critical Areas legislation as one being  
22 directed toward generally county operations, basically,

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1 undeveloped or very partially developed lands, taking it  
2 strictly letter-for-letter, that would work fine if you  
3 were on Hoopers Island or if you're on parts of Elliotts  
4 Island or you were down in the middle of the marsh  
5 somewhere.

6 But, we have a great deal of development in  
7 hand. It's been a hundred years or more. What we've  
8 tried to get to and I think that we've come fairly close  
9 to it is a reasonable compromise to the open area,  
10 Critical Area's view, and the developed area which we're  
11 dealing with.

12 Obviously, we didn't come in to say we should  
13 be exempt, excluded, from everything just because we are  
14 what we are. We didn't do that. We sat down and--we  
15 have areas which can be developed. And, yes, we have no  
16 problem with those areas. If they're undeveloped, we  
17 can make those developed areas fit this criteria and not  
18 cause a hardship on people involved or the city, itself.

19 The areas that we're talking about are not  
20 really substantial, but they are relatively large. I  
21 would hope that you and your Commission would look at  
22 this as just that; a reasonable compromise to what we

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1 saw as an original intent versus where we thought we  
2 were as fully developed.

3 I would dare say that within the City of  
4 Cambridge, within most of those--well, in my words, you  
5 won't find five vacant lots and I'm from the Creek on  
6 towards Salisbury. If you can find vacant lots in that  
7 area, you can have every one over five. And, I don't  
8 think you can find but four. I've counted them. Thank  
9 you.

10 MR. ADKINS: Thank you. Anyone else wish to  
11 comment? Well, for the record, we'd like to once again  
12 announce that the public record for this hearing will be  
13 held open for seven more days and any written testimony  
14 can be submitted to the Critical Areas Commission. I  
15 thank you all for accommodating us and allowing us to--

16 MR. ROUSE: I'd like to comment, Mr. Chairman.

17 MR. ADKINS: Yes sir. Did you want to comment,  
18 sir?

19 MR. ROUSE: I would be interested to know if we  
20 could be made--the information, any additional written  
21 testimony could be made available to us?

22 MR. ADKINS: I think that we could accommodate

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1 that.

2 MR. ROUSE: I would personally be interested  
3 and I think the City, and I don't--I hate to speak for  
4 the City, but I don't see anybody jumping and screaming.  
5 I think that it would be really for our benefit to know  
6 of any additional comments or any additional testimony  
7 which we have not been privy to view.

8 MR. ADKINS: Alright, we would be glad to  
9 accommodate that. Yes sir?

10 MR. KRECK: I'd just like to make one comment  
11 and that is, I really--I'd like to commend all of you  
12 for the work that you have done and the earnest way  
13 you've gone about it. I've been on this Commission now  
14 for 3 1/2 years and I haven't made many friends during  
15 that time. But, I've seen a great change in the  
16 philosophic thinking of people like yourselves. You're  
17 more aware of what it's all about. Whereas, we weren't  
18 aware of it when it first started.

19 MR. MILLER: By the same token, I'd like to  
20 repeat what the gentleman just said, and I would like to  
21 add one thing that has nothing to do with the Critical  
22 Areas Commission. I envy you the beauty of your council

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1 chambers. And, this chair is a much better chair to sit  
2 in than the one I've got that I sit in as a county  
3 commissioner. If you run around and find a spare one,  
4 send it. You've done an excellent job.

5 MR. WATKINS: You're sitting in a chair,  
6 Commissioner, that our young ladies in.

7 MR. MILLER: No wonder it's comfortable.

8 MR. ADKINS: Well, then again I do thank you  
9 for accommodating us tonight and allowing us to come in  
10 and have a public hearing on the matter. I also thank  
11 the courtesy extended to us by your city engineer,  
12 showing us around and showing us the waterfront  
13 properties in question. And, with that I'll close the  
14 public hearing and thank you all again for coming out.

15 (Whereupon, this hearing was  
16 adjourned)

17  
18  
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20  
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C E R T I F I C A T E

This is to certify that the foregoing transcript in the matter of: PUBLIC HEARING - CRITICAL AREAS SUB-COMMITTEE

BEFORE: RON ADKINS

DATE: November 17, 1987

PLACE: Cambridge, Maryland

represents the full and complete proceedings of the aforementioned matter, as reported and reduced to typewriting.

*Kevin R. Reppenhagen*  
Kevin Richard Reppenhagen

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