

Public Hearings - Havre de Grace - Critical Areas

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PUBLIC HEARING

IN THE MATTER OF:

CRITICAL AREAS/HAVRE DE GRACE

NOVEMBER 30, 1987

CITY HALL

HAVRE DE GRACE, MARYLAND

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D.C. AREA 261-1902

BALT. & ANNAP. 974-0947

## 1 PUBLIC HEARING

2 MR. PERCIASEPE: I'm not a gavel type so I'll  
3 just call the Hearing to order and welcome everyone.  
4 I'd like to introduce the panel members that are here  
5 as you know tonight is a Hearing, a Public Hearing to  
6 rece, for the, for the Critical Area Commission to  
7 hear public comment maybe on the plan for the town,  
8 Havre De Grace to uh as required under Section 8-1809  
9 of the Critical Area Law.

10 With me tonight, my name is Bob Perciasepe.  
11 And I am with the Maryland Department of Environment  
12 and a member of the Commission.

13 With me tonight is Kay Langnerp from  
14 Chesapeake City in Cecil County, who is on the  
15 Commission. Uh Vic Butanis from Hartford County and  
16 Ron Hickerman from Baltimore County.

17 And we I guess substantially compose or  
18 comprise the panel or sub group of the larger  
19 Commission that will be having the Hearing on today's  
20 um, um will be taking the testimony for today.

21 We have a court reporter that is sitting over  
22 here to take uh the uh, transcripts for the Hearing.

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1 I want you to know that the and you can let your  
2 friends know that the record will be open for a week  
3 after tonight. And written testimony can be submitted  
4 if you don't want to speak tonight. Or you can submit  
5 written testimony tonight also, but that the record  
6 will be open for at least for that in that respect for  
7 another week.

8 And if you don't have written testimony  
9 tonight and you do want to have written testimony or  
10 you know somebody who wants to have written  
11 testimony. They'll have to mail it uh to the  
12 Commission and I can give you the addre, I'll speak  
13 the address now, uh but also after, anyone of us can  
14 give you the address uh if you would like it. But it  
15 would be to the Chairman of the Commission, Solomon  
16 Liss, L I S S, Chesapeake Bay Critical Area  
17 Commission, 580 Taylor Avenue, D-4, that's the number  
18 of the building, Annapolis, Maryland 21401.

19 So we will also have uh there a complete  
20 record of tonight's Hearing. Now I know that there  
21 are probably some local elected officials and Town  
22 employees that I uh don't know, but I know that David

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1 Craig who introduced himself to me uh when I came in,  
2 the Mayor is here.

3 MR. CRAIG: Most of the members of the City  
4 Council are here.

5 MR. PERCIASEPE: Okay.

6 MR. CRAIG: Bill Barker, and then all  
7 together here, Steve Sharp, Ann Long, Kay White.

8 I think most of the members of the Planning  
9 Commissioner are also here. Joe Perfendorfer, Bob  
10 Whitney, Mary Lambert and Ann Long is also on the  
11 Planning Commission. Anna Richardson's the only one  
12 that's out.

13 Director of Public Works is here, the City  
14 Attorney is here, the City Planner is here. -- didn't  
15 see you up there.

16 MR. BUTANIS: Don't forget Senator James.

17 MR. CRAIG: Senator James is here, former  
18 Mayor Montgomery, and I think that about covers it.

19 MR. PERCIASEPE: And I apologize for calling  
20 it a Town. It's a City. Um, I don't know how that  
21 happened, it's embarrassing.

22 Uh the ground rules for tonight although no

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1 one has signed up to speak are three to five minutes  
2 each. Keep your comments to the plan that we're having  
3 a Hearing on tonight and not the rest of the world.

4 We will have a brief presentation I believe  
5 by the Consultants to the City on the, on the program.

6 Many of you I guess have if your on the  
7 Council or Commission have already seen this  
8 presentation. So we'll, maybe it will be brief. Uh  
9 but feel free those in the audience who haven't seen  
10 it to, to uh ask some questions.

11 And uh, I'll just let the City Consultants go  
12 ahead or if you want to say anything on behalf of the  
13 Planning Department before you start.

14 We have Zak Krebeck from Redmond and Johnson,  
15 who is a Consultant Firm who had worked on the plan  
16 for the City.

17 MR. KREBECK: I recognize most of you. And I  
18 can probably explain why we don't have anyone  
19 standing, signing up to speak tonight.

20 It's because it's been such an open public  
21 process all the way along. And most of the people in  
22 the room have been involved in the process, one way or

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1 the other, through the Planning Commission or Council  
2 uh or as just interested citizens.

3 I guess the Planning Commission got involved  
4 back in uh, roughly January or February of last year,  
5 with a series of work sessions. And through that time  
6 the public became more and more involved. Uh and I  
7 think some of the, even though there was only one  
8 formal official Public Hearing. I think held July  
9 13th.

10 There's been many informal Public Hearings  
11 and in fact in most cases, the work sessions or  
12 regular meetings of the Planning Commission and work  
13 session of the Council were open for public input.

14 And that probably explains why tonight there  
15 isn't a long uh list of uh people testifying.

16 But for those who maybe a few people that  
17 the, in the audience that haven't uh, are not familiar  
18 with the, program. They haven't been involved from  
19 beginning to end. I'm having a little technical  
20 difficulty here but uh, I think, I'd like to give a  
21 short overview of the program and then a short update  
22 on what we've actually, the changes that have occurred

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1 since the last uh Public Hearing on the 13th of July.

2 Again, Havre De Grace is one of the sixty or  
3 so jurisdictions that have uh, fall within the  
4 thousand foot critical area or resource protection  
5 area that, a ban around the Bay and it's tributaries.

6 And as a result of the the City has been  
7 mandated to uh modify it's land use regulations and to  
8 develop basically a management plan. Management  
9 strategy for handling this thousand foot ban. And I  
10 guess it runs roughly this vicinity I'm trying to uh,  
11 this happens to be that horseshoe like provence of  
12 Chesapeake Drive and assuming, I'll have to give you  
13 some point of relation here, uh, uh Adams Street, if  
14 your familiar, uh Green Street, Stoke Street and here,  
15 that gives you some rough idea of where this  
16 particular line hits, okay?

17 Basically this program that some I guess  
18 hundred and thirty pages long or so, even though there  
19 are sixteen pages missing from the copy that was sent  
20 to the Critical Area Commission. We're rectifying that.

21 Initially there was a development of  
22 background study as in most planning efforts, uh where

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1 the resources existing conditions within this, uh  
2 1,000 foot ban were mapped, identified uh everything  
3 was going --, the existing land use as I said. Uh  
4 existing water dependent facilities, the marinas, uh  
5 boats, uses that depended on and, that necessitate  
6 being on the water were identified.

7 The resources such as forested areas, tracts  
8 such as the Northern part of the City up in here,  
9 North Park as it is known, Uh tidal wetlands, their  
10 all based on resource maps.

11 I won't take the time to go through them.  
12 They've been on file for some, I guess seventeen, a  
13 good six months I guess or more, uh and by the way  
14 these are presentation scale maps, the City also has  
15 one that is fifty scale maps uh which you can get,  
16 focus down on property level, property, the size is  
17 much, much better if you need to.

18 One of the resources are, threatening and  
19 endangered species were required to be identify. Uh  
20 various habitat areas, that might be unique to the to  
21 the 1,000 foot ban resource protective area around the  
22 Bay.

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1           Of course, also the existing land use, is  
2 characterized if you remember in three ways, they  
3 pretty much three categories. Intensely developed  
4 areas, resource conservation areas and limited  
5 developed areas.

6           Intensively developed roughly four units uh  
7 per acre for greater density and on water and sewer  
8 it's actually one, three units per acre.

9           That pretty much characterizes what is it  
10 Macronhaney Park or North Pond, Southward, okay, this  
11 whole area uh based on the mapping rules developed.

12           And of course those promogated by the various  
13 conditions themselves with some adjustments, I say  
14 adjustments, some filling in, for interpretation  
15 purposes.

16           This basically gets us two basic land uses,  
17 intensely developed and resource conservation in the  
18 North Park area.

19           The significance is of course the different  
20 types of management strategies that would evolve from  
21 these two types of characterized um land use  
22 categories.

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1 Uh there's a most restrictive, most  
2 restrictive being in the resource conservation area,  
3 the least restrictive in I.D.A.

4 The I.D.A. or the intensely developed area,  
5 basically the existing zoning categories do prevail.

6 Again I got a little ahead of myself. In  
7 developing the background studies, the information  
8 needed to make the decision, to develop strategies,  
9 you can find out what's unique about Havre De Grace.

10 Of course the fact that the shoreline is  
11 found very pertinently, is or has been developed at  
12 one point in time. Similar to many, waterfront or old  
13 ports of it's age.

14 And we've done the same thing in Cambridge  
15 and Baltimore City, uh some of the older ports seem to  
16 have a similar characteristics. Um the land has  
17 either been bulkheaded, the land has been, in order to  
18 be, in many cases, reclaimed land is what we're  
19 talking about, not natural habitats in most cases, I  
20 think it was envisioned in the uh, as in, as a  
21 resource to protect necessarily.

22 The implementation tools is really the third

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1 part of this particular third section third part of  
2 this plan, program. And the method, mechanism that  
3 the City has for land use is, for land that is  
4 controlled is the zoning ordinance primarily and as a  
5 result an overlay zone will be overlaid over the  
6 existing zoning districts.

7 And in that, in this overlay zone there will  
8 be an additional set of regulations and requirements.  
9 And it says the permitted uses in the intensely  
10 developed area will prevail. And but the densities in  
11 the research conservation area are mandated to be,  
12 roughly twenty actually.

13 And with the current plans of the City that  
14 doesn't seem to offer any problem and uh it's under  
15 the control, the City as I understand right now but  
16 not necessarily ownership uh in, in short term  
17 possibly control. But there is some -- down the road.

18 But regardless it's been designated resource  
19 conservation and uh no plans at this time to make any  
20 changes there.

21 -- another area, I probably failed to mention  
22 that most times is uh applying for resource

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1 conservation and -- recreations been identified in the  
2 program.

3 Okay, in the zoning ordinances there is uh,  
4 the regulations I mentioned water dependent facilities  
5 earlier. Water dependent facilities is significant  
6 for identifying those points and they have been on  
7 another map.

8 Identifying those points on the waterfront is  
9 that, that's the one use that has there's no uh, uh,  
10 that is permitted to operate within a 100 foot buffer  
11 without any reservation.

12 Those areas have been existing areas that  
13 we've identified. And I guess I jumped ahead in  
14 sense, there's also as I mentioned uh besides the  
15 intensely developed, the -- conservation area, in the  
16 critical area of the zone itself.

17 The City is deliniated a 100 foot buffer.  
18 And modified by some slopes and soil conditions as  
19 we've gotten into in the past, which I won't get into  
20 tonight in some areas, uh modified greatly of course  
21 --, non tidal/tidal I think it depends on your  
22 definition, it does get innodated by the tide -- --.

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1           This buffer area, it's been I guess well it  
2           leads us into what, how that's being handled, it's  
3           leads us into the changes that were made since the  
4           last Public Hearing.

5           The buf, there was always a recognition that  
6           due to the existing uses along the waterfront,  
7           recognition it means some flexibility.

8           If you remember the first cut of the program  
9           had flexibility built in, but it was felt that the  
10          first cut didn't really go far enough in recognizing  
11          that existing condition.

12          And so we this, were urged to go back and the  
13          Planning Commission, went back to work and came up  
14          with some different approach, approach that uh  
15          nationally has permitted under the uh, the uh,  
16          critical area commission criteria.

17          Is to request a buffer exemption which is  
18          built into the program. Now a buffer exemption  
19          doesn't necessarily mean a buffer which is exempted  
20          from all in, in, as the program is designed here.

21          From all responsibility for enhancing the  
22          vegetative, vegetative buffering in the area, or

1 offsetting maybe --.

2 It, uh, what, it is an exemption are the  
3 setback requirements in the 100 foot buffer. And I,  
4 think the City has a built in program or will have in  
5 place, a built in program offsetting the impact for  
6 uh, enhancing the buffer in effect, even though there  
7 are very few places along there that, along there,  
8 it's really natural vegetation.

9 There could be some sparse grass on a vacant  
10 lot of that type, uh if you can call that vegetation,  
11 but uh or significant vegetation.

12 But nevertheless in the development of this  
13 area it will be the requirement to, to extend  
14 possible, you realizing it's going to depend on the  
15 development to try to plant back.

16 And if not, if the developer does not plant  
17 back, uh re, really a forest this area to some extent,  
18 there will be some fees in lieu involved and there's  
19 quite a few receiving areas identified throughout the  
20 City Park system, which is pretty extensive, uh  
21 they're listed in the program I can't, rattle them all  
22 off, but anywhere from.

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1           To some degree North Park, although it's  
2 very, very, well forested. Makahans, all the way down  
3 all, several parks all the way along, down near the  
4 Lighthouse and so on.

5           To some degree, some area, potential there  
6 uh, depending on, how the City wants to manage that.

7           Uh, how does it work, if, I mean we're not, I  
8 can see the City's program is not going to allow  
9 planting one tree, one bush as credit towards that,  
10 that offsetting of the buffer or use of the buffer.

11           Or creating -- surface in the buffer itself.  
12 Some pretty strict standards about uh what's, what's  
13 considered a um, an acceptable planting in the  
14 appendix. And also some configurations that would be  
15 acceptable and I think we decided here --.

16           Twenty, at least a minimum of twenty five  
17 feet in width uh there can be some offsetting outside  
18 the buffer as long as the buffer area continues to the  
19 water of at least twenty five feet and it could extend  
20 out.

21           The preference is of course on site, and if  
22 not on site, in the buffer on site out of the buffer

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1 is accepted. Or off site at another location, it says  
2 developer may --

3 And finally if uh the City program in  
4 contribution to the City program, could occur.

5 I think that's uh, that's the basic change  
6 that occurred from, the most notable change I think  
7 that may have occurred since the last Public Hearing.

8 I think that pretty much summarizes that. I  
9 think that the major activity that will be occurring,  
10 because, we, will be the idea of uh trying to enhance  
11 the buffer when possible it will also mean in some  
12 cases, this will be the activity most notable because  
13 we're talking about a predominantly developed area, uh  
14 critical area and very little potential in this area.

15 So, I think the activity with respect to the  
16 critical area um, in review and in administrative  
17 review in handling this will be how to handle this  
18 buffer exemption and so on.

19 Also of course the measurement of ten per  
20 cent reduction in pollution --which is I think the uh  
21 Public Works Department's and uh prepared through  
22 their experience in -- Management.

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1           MR. PERCIASEPE: Thank you Zak. Since no one  
2 has signed up to speak, I think what I'll do is have a  
3 question and answer. If there are any questions that  
4 you all don't know or if there are any questions that  
5 the panel would like to ask, go ahead and do it.

6           But we'll just do that for a short while.

7           AUDIENCE: Proposal to measure the ten  
8 percent reduction of uh, uh pollutants by  
9 redevelopment is what?

10          MR. KREBECK: Well the City intends to adopt  
11 by reference the Washington Metropolitan Council of  
12 Governments uh, uh methodology.

13          In fact I have it in the car, I forgot to  
14 bring it in. Uh, and it's mentioned in the, in the  
15 program.

16          A mitig, we'll call it a mitigation manual  
17 which is an accumulation of just those kinds of tools,  
18 for the Public Works Department I guess and the  
19 Planning Department to really, to use as a handbook.

20          It became apparent pretty quickly that  
21 anybody administering the program at this complexity  
22 is going to need some kind of a handbook in house.

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1           And this has been developed uh, it's a loose  
2 leaf bound kind of a thing. I intended to bring it in.

3           It for example, one of the, one of the, uh,  
4 binders, or one of the, uh, items included is that uh,  
5 that uh, and I think there's mention to adopt be  
6 reference. I think in effect by adopting this um, you,  
7 the City will be adopting by reference.

8           MR. POLLOCK: One question Zak about the uh,  
9 buffer exemption uh discussion as related in the  
10 program document. Uh I believe at one point it talked  
11 about the shallowness of parcels of land within the  
12 buffer and what impact the 100 foot restriction would  
13 have on those parcels of land. Are there any other  
14 parcels of land which are being contemplated for  
15 redevelopment which might be appropriate for a buffer?

16           Are those areas in existence in the City here  
17 or would the exemption that your requesting apply to  
18 all areas of your coastline in respect of whether or  
19 not the development might occur and therefore a buffer  
20 as well, at least theoretically?

21           MR. KREBECK: Uh again, I'm not aware of a  
22 whole lot of area primarily as we, as we, emphasize

1 that the, if you've driven the shoreline you can see  
2 there are few, very few lots and uh, certainly not in  
3 the buffer area.

4 I don't think there is an expanse of land uh,  
5 large areas of land. Offsetting in the buffer?

6 MR. POLLOCK: Yeah I don't know whether  
7 they're large areas. I'm thinking more about the uh,  
8 -- -- proposal to do some changes, to revert that to a  
9 more environmentally sensitive use.

10 MR. KREBECK: Right.

11 MR. POLLOCK: If that's the case, I would ask  
12 why a buffer could not be inskulled in the area.

13 MR. KREBECK: Okay, to the extent now I, I, I  
14 assume that those tanks are going to be removed,  
15 there's going to be a new use.

16 And that new use, hopefully will be able to  
17 accommodate some plans, a submitment of plans, better  
18 than what's there. We're hoping, I would hope.

19 But to get a significant amount of conversion  
20 back to buffer there, I wouldn't think we'd be looking  
21 for that.

22 There is ability for other private lands to

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1 be designated as receiving areas as well. Uh but  
2 again I don't see the opportunities quite as much in  
3 this, in Havre De Grace.

4 There's a mechanism for it.

5 AUDIENCE: As I understand it, there was a  
6 \$1.50 per square foot cost uh for mitigating areas in  
7 other parts of the, to balance out the loss of  
8 waterfront. Is that still retaining?

9 MR. KREBECK: I believe that's the figure,  
10 uh, it started out at a much higher figure, but uh,  
11 due to some quick comparison about the cost of nursery  
12 stock in this area and labor and so on, we we're  
13 convinced that \$1.50 would cover it.

14 MR. VONOHLEN: That's, it's a \$1.50, \$1.25, I  
15 think

16 AUDIENCE: It's a \$1.25.

17 MR. KREBECK: \$1.25 I'm sorry per square foot.

18 AUDIENCE: Now that you have fiv, uh as  
19 things are now set up. You have five residents per  
20 acre, say five thousand square foot lots, that would  
21 cost in the order of what, say twenty three feet,  
22 let's say seven or eight thousand dollars -- in costs,

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1           which doesn't seem excessive to

2                   MR. KREBECK: No I think that's been the  
3           consensus. I think when it was roughly \$2.50 there,  
4           was a concern that that would be um, one it didn't  
5           reflect real costs and two, that it could be, could  
6           put a dampering effect on the developing of this area  
7           in some cases.

8                   And that's really the basis of, if you  
9           remember we were, you know, you got these existing  
10          conditions, this is what came out of the Public  
11          Hearing predominantly I think on the 13th of July.

12                   Was uh who are we trying to kid. We've got  
13          this existing condition, uh if we don't do anything,  
14          you know, we're really not improving water quality or  
15          enhancing any habitat areas although I'm not sure to  
16          what extent we can get any kind of corridor here for  
17          wildlife or anything.

18                   But certainly, we can reduce -- surface in  
19          some areas. And enhance, maybe enhance uh corridor  
20          areas somewhere else that we've uh we've identified a  
21          few other areas.

22                   AUDIENCE: The ten percent reduction in

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1 pollutants is still the most vigorous requirement.

2 MR. KREBECK: Yes. And of course your  
3 traditional storm water management methods um can give  
4 you a certain amount.

5 Uh with your plannings and um, the  
6 combination I think is what your going to have to see.

7 It takes alot of creativity, this mitigation  
8 manual I mentioned which I'm going to bring in a  
9 little later to Dave, has got uh plates upon plates  
10 of, of, of what you call innovative, potential ways  
11 of, of uh, reducing that pollutant --.

12 Uh you know cause I think it's been a common  
13 concern that you know, how can I build on a piece of  
14 property and reduce the potential pollution. And it's  
15 not easy but it is, there are ways, and uh I think  
16 this will include some tricks if the, say the  
17 consulting engineers representing the developers are  
18 not aware of them, it will at least be cookbook for  
19 the City to say well have you tried this?

20 This particular approach it may work, it may  
21 provide you the reductions you need, that kind of  
22 thing.

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1                   AUDIENCE: I do have a question. The  
2                   Susquehana River is tributary and Deer Creek is  
3                   tributary to the Susquehana River and so that's  
4                   affected somewhat isn't it, doesn't it go up in Deer  
5                   Creek?

6                   MR. KREBECK: Deer Creek being

7                   AUDIENCE: We do have a diagram here, we do  
8                   have I suppose an unnamed Creek, it comes up to a  
9                   parcel of land that has seven springs on it. Is there  
10                  going to be any control over that? In fact either the  
11                  eighth or the fourteenth of September due to the  
12                  State's routing of there, well water off of this.

13                  Next to my home they carried a trunk as big  
14                  as that desk, tree trunk, about thirty feet, the  
15                  length of this room down the stream.

16                  So they had an awful of water come down here.

17                  MR. PERCIASEPE: This was during a rainstorm?

18                  AUDIENCE: This was during a rainstorm.  
19                  Eighth or fourteenth, I believe Mr. Hann's could  
20                  probably verify that because uh, the water spouts out  
21                  right there at the -- Superior Street --.

22                  What I'm saying is that is an area that

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1 they're considering for annexation so it may not be  
2 the City's problem right now.

3 But they might be inheriting or annexing --  
4 or something.

5 MR. PERCIASEPE: The critical area program  
6 that we're talking about tonight uh by State law, only  
7 is confined to the 1,000 foot buffer or 1,000 spread

8 AUDIENCE: Can go up the tree

9 MR. PERCIASEPE: In, for tidal. So as far,  
10 far up as the tidal influence goes on that small  
11 tributary is how far up, a 1,000 foot beyond that  
12 would be how far up the critical area would go.

13 So what you'd have to do in the case of that  
14 tributary is fall back on the existing State and  
15 County laws for erosion, sediment control, storm water  
16 management, etc. as the little -- developed.

17 AUDIENCE: They've got the title part covered  
18 here.

19 MR. PERCIASEPE: So this is strictly a 1,000  
20 foot above the tidal. Does it mean high tide  
21 specifically? Mean high tide, which may give you a  
22 foot or two.

1           AUDIENCE: Out of curiosity to compare with  
2 other Counties. Is there a working drawing at the  
3 planning office that shows the rational for the, for  
4 the boundary extensions beyond the 1,000 foot, if  
5 there are any?

6           Or is that something that they'll simply go  
7 to the large scale map and approximate?

8           MR. KREBECK: Well I mentioned this fifty  
9 scale drawings that's housed in the Department of  
10 Public Works.

11           Which will show, you'll be able to identify  
12 properties better than this

13           AUDIENCE: They all public property  
14 boundaries?

15           MR. KREBECK: Yes, as most zoning districts.  
16 It's a method that was considered early on to do that  
17 because it does amount, it was known -- early on, even  
18 though a 1,000 foot for mean high water is, is, it  
19 doesn't necessarily always fall on the property line.

20           But since your talking about a zoning  
21 boundary. The intent was to make, make it with  
22 boundaries.

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1                   AUDIENCE: Uh since the Bay is rising. Uh it  
2 will require that some property owners install rip  
3 raft and so forth. Will this become the zoning  
4 ordinance uh, permanent process of some sort?

5                   MR. KREBECK: Installing rip raft uh, since  
6 we do talk about shoreline erosion and there's some  
7 policies for the City on that. Uh it would come under  
8 this program to that extent.

9                   There's no um zoning provision affecting the  
10 shoreline erosion, or shoreline structures at this  
11 point.

12                   The policies generally are that and I can't  
13 --. Most part I think where you can do away with a  
14 non structure approach.

15                   The intent is that that's what you do. But  
16 you know, you, for the most part, this shoreline, okay.

17                   The "S" indicates for example if I remember I  
18 think it means structural, suitable for structural  
19 erosion. Meaning that this, what happened was we  
20 plodded the -- erosion rates on the shoreline.

21                   And this is where the erosion work grades  
22 were greater than uh, um, two feet per year, I

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1 believe, okay?

2 These were significant amount, it was obvious  
3 that the structural approached would be the most  
4 successful.

5 In these other areas, it's encouraged that  
6 non structural be explored. And that's basically the.  
7 -- at this point. Um to the extent, rip raft is  
8 probably, rip raft and even -- is probably, fairly  
9 consistent with even as a structure is very consistent  
10 with the, you know, preserving the aquatic habitats as  
11 well.

12 So that's probably uh, stone -- and that kind  
13 of thing are preferred uh type of structure from my  
14 understanding, which has been identified as being the  
15 preferred alternative here.

16 AUDIENCE: As a property owner, do you go  
17 through the State for such a permit?

18 MR. KREBECK: Yes, yes you do. In fact I  
19 think one of the uh, Critical Area Commission staff  
20 member actually counted uh a similar program I think  
21 it was Centreville, that we did and uh.

22 As far as the routing through different

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1 agencies and bringing in different agencies -- as well  
2 as similarity, even more, a few more of us than this  
3 program but I counted a total of thirty one different  
4 agencies that are involved in this program.

5 Uh either by referral or uh in some way. So  
6 to that extent it is a very complex program, it would  
7 be complex for the Administration uh administering  
8 this program and not so much -- local ordinances, but  
9 to make it work, there's alot of referrals that the  
10 City has to make, to make sure that, and, uh, let's  
11 say, coordination with other agencies that has to  
12 occur to make it work as designed.

13 AUDIENCE: In a simplified form, can you tell  
14 us exactly what changes are being made that are  
15 required by this ordinance by this law?

16 MR. KREBECK: Prob, well, try to simplify  
17 this --, newly developed most likely -- point  
18 properties. This point on the water, uh say it's  
19 going to be restaurant, not necessarily a marina, but  
20 let's say a restaurant on the water.

21 There's seems to be quite a market in the  
22 City right now. Okay a restaurant because of the

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1       buffer, this will be going in as a buffer exempted  
2       area, and will be permitted to be let's say a water  
3       front restaurant up close.

4                You'd be creating impervious surfaces. Well  
5       to get back to the, your building within the 100 feet,  
6       you have to offset that loss of impervious surface.

7                Say, say it's grassed right now. I can think  
8       of one point which would -- this buil, it's grassed.  
9       You pave it, or you actually put the, try to --  
10      painting off. Say you put the building, the foot print  
11      of the building eliminates a certain amount of  
12      impervious surfaces.

13               You have to offset that in that buffer area.  
14      At the same time you have to try to reduce your run  
15      off pollutants from the parking lot, the roof top and  
16      so on, by ten percent, by either, say you were able to  
17      put in a twenty five foot vegetative strip planted  
18      fully. That would give you some back.

19               Then you have storm water management uh let's  
20      say infiltration pit of some sort, that would give you  
21      another uh benefit.

22               So by doing those things, it might be

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1 something over and above what you would do now, for  
2 example. Uh the existing zoning, whether that  
3 restaurant's permitted there it's still permitted  
4 there. That would apply there.

5 So um, in the, in the intensely developed  
6 areas, there is less of an impact. When you got  
7 limited development areas, then your talking about  
8 restrictions on density, generally to roughly four --,  
9 four per acre, that type of density.

10 AUDIENCE: Do you have any limited  
11 development areas?

12 MR. KREBECK: We don't, we don't have any  
13 currently mapped. Now if newly annexed areas, and  
14 that an issue I guess I haven't really touched on.  
15 Newly annexed areas uh that are undeveloped, uh, that  
16 say are not currently on water and sewer, not uh, you  
17 know, more than just a -- lot type of thing. Would  
18 generally come under that limited development, unless  
19 um, their existing, their designated by the county  
20 right now as resource conservation, there'd have to be  
21 a conversion which occurs.

22 Conversion from limited development, excuse

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1 me, resource conservation to a limited development or  
2 intensely developed, depending on what the proposed  
3 use might be.

4 Uh that process has been touched on in this  
5 program to the extent that, that what, it's identified  
6 on what the City would be looking for and what  
7 safeguards and so on in the process.

8 But I think there's still some negotiation  
9 going on as I understand between the County and the  
10 City because the County has been vested with  
11 developing a mechanism for hous, municipalities in the  
12 County or handle this growth allocation which happens  
13 to be rough, what five percent of the mapped resource  
14 conservation area in the County.

15 So there's some negotiation going on there  
16 and I'm not up to date on that frankly because it's  
17 being handles by the City Planner and Mayor and  
18 Council and soon I guess uh because of the, there is,  
19 I guess a point of negotiation there, there's  
20 rationality in developed as I understand uh, for -- a  
21 portion to set aside for the City, is that, am I up to  
22 date on that uh --?

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1 MS. VONOHLEN: It hasn't been pursued the  
2 County has I guess announced how they're going to be  
3 handling growth allocation um, then you can expend on  
4 that, as I understand it is going to be a yearly  
5 renewed process, but I don't think we're talking about  
6 a large amount of acreage that we would be converting  
7 so we would convert, I mean when you talk about two  
8 hundred and fifty acres, that, that's a substantial  
9 allocation. Compared to what I think the City would  
10 want.

11 So it hasn't been I guess negotiated as of  
12 today.

13 AUDIENCE: In the midst of your study. You  
14 mention the word erosion a few moments ago. did you  
15 check the erosion characteristics or how or has it  
16 been checked along the waterfront in this area that  
17 we're talking about?

18 MR. KREBECK: Yes, the only thing we've  
19 actually mapped right now, and I can go back and we  
20 have the historic erosion rates, I don't have them  
21 with me, is that greater than two feet per year.

22 AUDIENCE: Did you by chance check the

1 erosion characters of Tylers Island in the same --?

2 MR. KREBECK: Yes, considerable loss there I  
3 know that, I guess we actually didn't, yes we did. We  
4 did identify that as a highly, fairly -- erosion rate  
5 all the way around that.

6 AUDIENCE: Is that a natural phenomenon  
7 that's occurring?

8 MR. KREBECK: Well of course where, where  
9 there's some areas on the Island of course they may be  
10 deposits, I heard some one mention, depositions, some  
11 areas your losing that kind.

12 Erosion is a natural process. Shoreline  
13 erosion is a natural process is a natural process, uh

14 AUDIENCE: Is there anything against that?

15 MR. KREBECK: Anything against it?

16 AUDIENCE: The law of nature said that you  
17 can't, -- your shoreline, you cannot erode. Is there  
18 something that says you must stop the erosion?

19 MR. KREBECK: All, to protect property values  
20 and property and uh, you know loss of property mainly  
21 and uh, and all through the course of the programs  
22 point of view.

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1                   Erosion sur, where it's been speeded up  
2 through man's innovations uh, most cases, where you  
3 don't have the forested areas and so on. Your getting  
4 an increase of sediments into the Bay.

5                   So there's that downside of it. Uh, but I  
6 mean that's not the reason for the bulkheading and so  
7 on along here. In most cases, I think people are  
8 trying to protect their property.

9                   AUDIENCE: Sure.

10                  MR. KREBECK: Personal and real property.  
11 But that's the rational for addressing it in this  
12 program --.

13                  Your contributing significant amounts of  
14 sediments in and you know. The shoreline erosion,  
15 what I don't know if anybody knows how, what, for,  
16 what proportions excuse me, of the sedimentation  
17 occurring in the Bay, which is a significant pollution  
18 factor, if not the most. Is coming from shoreline  
19 erosion versus running off construction sites, running  
20 off uh, wherever.

21                  I don't know if anybody has that breakdown,  
22 but it was recognized -- significant enough to

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1 included in this program.

2 AUDIENCE: If you own a piece of shoreline  
3 property and it was eroding into the Bay, into the  
4 River to the Bay, and you were not doing anything  
5 about it. Would you be compelled by law to do that,  
6 take care of that?

7 MR. KREBECK: Mmm, there's no -- in here on  
8 that, but --

9 AUDIENCE: That's strictly at the discretion  
10 of some other gover, some other Administrative --, and  
11 -- have to do this.

12 MR. KREBECK: As the City uh reviews the  
13 development project in, in case of when we submit the  
14 eroding areas. For the significant erosion, the City,  
15 -- it would be encombent upon the City to identify, to  
16 identify it on --, to identify uh to point that out  
17 and try to mitigate, through some -- -- to that extent  
18 there's not, there won't be a provision in the  
19 ordinance necessarily saying you must retroactively or  
20 any other way okay.

21 But it's in the program to that extent.

22 MR. PERCIASEPE: Thank you. I think we uh

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1 touched on alot of things, uh while there was no  
2 testimony there was alot of questions.

3 I would appreciate and I guess the recorder  
4 would that those of you who asked questions. Probably  
5 ought to give her your name, correct?

6 MR. BARKER: I'm Phil Barker, 101 McFadden  
7 Drive.

8 MR. KIMBALL: John Kimball, my names on that  
9 sheet, there.

10 MR. PERCIASEPE: She probably could --

11 MR. KIMBALL: 1515 Lyons Street.

12 MR. DAVIS: I'm Ed Davis, I'm with Baltimore  
13 Gas and Electric.

14 MR. PERCIASEPE: Alright, thank you. You  
15 don't have to do this now, I mean you can walk over  
16 and tell her I guess.

17 I'm going to finish the Hearing and feel free  
18 to continue to discuss the map and other things, I  
19 guess we'll hang around for a little while and she'll  
20 probably tract you down to get your names, those who  
21 spoke.

22 So I want to thank everyone for coming on

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1       behalf of the Commission, I think it's and outstanding  
2       turnout by the uh, the Council and the Commission and  
3       everyone else who's interested and thanks for the  
4       coffee.

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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:

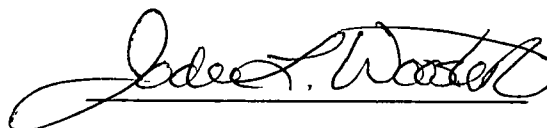
HAVRE DE GRACE,

PUBLIC HEARING - CRITICAL AREAS

DATE: NOVEMBER 30, 1987

PLACE: CITY HALL, HAVRE DE GRACE, MARYLAND

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



Jodee L. Wooster

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