

Public Hearings - Kent County - Sec 8-1809 1987 MSA - S1830-15

CHESAPEAKE BAY CRITICAL AREAS COMMISSION

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KENT COUNTY, MARYLAND :
SECTION 8-1809 :
PUBLIC HEARING :

Monday, October 12, 1987

Pursuant to Notice, the above-entitled public hearing was held before VICTOR BUTANIS, PANEL CHAIRMAN, at Washington College, Chestertown, Maryland, commencing at 7:30 p.m., there being present:

PANEL MEMBERS:

- RON KARASIC, Baltimore City
- WALLACE D. MILLER, Kent County
- DR. TORREY BROWN, Secretary, Department of Natural Resources

SPEAKERS PRESENT:

- GAIL WEBB, Planning Director, Kent County Planning Department
- ELEANOR GOWEL, Planner, Kent County Planning Department

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ALSO PRESENT:

CHARLIE DAVIS, Critical Areas Staff

DAVE PADUDA, Planner, Kent County Department of Planning

WILLIAM H. LANDON, Kent County Administrator

ALEXANDER P. RASIN, III, President, Kent County Council

BRUCE GALLOWAY

BETTY MOONEY

JOHN HURTT

MARY LOU HURTT

ALEX H. HON

JOHN F. WILSON

REPORTED BY: ELLEN HUNT, NOTARY PUBLIC

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P R O C E E D I N G S

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2 CHAIRMAN BUTANIS: Let me first introduce to
3 you the members of the Critical Area Commission who are
4 here this evening. My name is Victor Butanis. I'm from
5 Harford County. To my right is Ron Karasic. He is
6 Baltimore City's representative. To my far left is
7 Wally Miller from Kent County, and to my immediate left
8 is Torrey Brown, Secretary of the Department of Natural
9 Resources.

10 MR. MILLER: Vic, would you explain why I'm
11 here?

12 CHAIRMAN BUTANIS: Would you like me to?

13 MR. MILLER: Yes. This gives me a rare
14 opportunity to judge oneself.

15 CHAIRMAN BUTANIS: Mr. Miller is technically
16 not a member of the panel. However, as I announced
17 about 10 after 7:00, there was not a quorum here, so we
18 could not proceed. So I called Mr. Miller, and he was
19 kind enough to come down this evening so that we would
20 have a quorum, and simultaneously with his arrival, Dr.
21 Brown came, so we do have a quorum and are ready to

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1 commence.

2 Okay. The purpose of this hearing, under the
3 law, is to hear public comment on Kent County's program
4 as required under Section 8-1809 of the Critical Area
5 Law, and that's found in the Natural Resources Article
6 of the Annotated Code of Maryland.

7 Once we take comment tonight, and report back
8 to the Commission, we will have a total of 60 days in
9 which to take action on the local program. After
10 tonight's hearing, the record -- which will be
11 transcribed by the young lady to the far left -- the
12 record will be kept open for one week's time, and anyone
13 wishing to supplement the record, provide additional
14 testimony, has that opportunity, and statements can be
15 made by mailing them to the Commission Chairman, who is
16 Solomon Liss, whose address is: The Chesapeake Bay
17 Critical Area Commission, 580 Taylor Avenue, Room D4,
18 Annapolis, Maryland 21401. The complete public record
19 will be kept at the Commission office for public review.

20 Anyone wishing to speak tonight after the
21 planning office has presented the program, will have

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1 that opportunity. There was a sign-up sheet in which it
2 looks like nobody has expressed any desire to testify
3 tonight, but if you were a bit hesitant about signing
4 in, or about checking the box pertaining to testifying,
5 don't be bashful. You'll still have that right.

6 So at this time, I'll turn the program over to
7 Gail Webb, who is the Director of the Planning
8 Department here in Kent County.

9 MS. WEBB: Good evening. I'm Gail Webb. I'm
10 the Director of Planning. And Eleanor Gowel, who is our
11 Critical Areas Planner, and I will be presenting a brief
12 summary of our program.

13 The purpose of the Critical Area Program is to
14 establish a resource protection program for the
15 Chesapeake Bay and its tributaries by fostering more
16 sensitive activity for certain shoreline areas so as to
17 minimize damage to water quality and natural habitats,
18 and to implement the resource protection program on a
19 cooperative basis between the state and local
20 governments, with local governments establishing and
21 implementing programs consistent with the Critical Area

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1 criteria.

2 As I stated at our local program, Kent
3 County's program is pretty much a bare bones program.
4 We have done what the Critical Area criteria requests,
5 no more, and no less.

6 The Critical Area is 1,000-foot landward of
7 mean high tide, or tidal wetlands. Fish spawn at all creeks
8 of Kent County, and rivers of Kent County. The Kent County
9 program will protect the in-stream and stream bank habitat of
10 these spawning areas. Land use policies which will protect
11 these spawning streams, and will also provide for the
12 unobstructed movement of spawning fish.

13 The program also encourages the stabilization
14 of eroding shorelines using riprap, but preferably non-
15 structural means whenever possible.

16 Water dependent uses are uses such as ports,
17 marinas, commercial seafood operations, and private
18 piers. New marinas and other water dependent uses will
19 be allowed in IDA -- in the intensely development area,
20 and the limited development area. These are already
21 developed areas of the county in appropriately zoned

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1 areas. They will be subject to a variety of criteria
2 which would be found in a marina handbook; criteria such
3 as that the areas would be well flushed so that
4 pollutants will be carried out and disbursed, and that
5 they are protected areas void of marsh and other
6 significant aquatic resources. Private piers are
7 allowed in the critical area unless subdivisions have
8 built a community pier. Habitats of water oriented
9 birds are protected in this program. Waterfowl staging
10 areas must be shown on site plans, and will be protected
11 during development. Guidelines for colonial nesting
12 birds, egrets, herons, et cetera, will be found in the
13 development handbook.

14 The Critical Areas criteria requires a 100-
15 foot buffer from mean high tide or tidal wetlands. This
16 has been expanded as the criteria requests on areas of
17 steep slope. This is basically a no-man's land, and
18 should be left a natural habitat. Farm buffers of 25
19 feet are required. Logging is allowed in the buffer
20 when done in accordance with a farm -- excuse me -- a
21 forestry management plan, and only within the 50 feet

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1 landward -- the last 50 feet of the 100-foot buffer, and
2 not in the habitat protection area.

3 Interior dwelling birds are found in riparian
4 forests of 300 feet, or forests of 100 acres or more.
5 Guidelines for the protection of these birds will be
6 found in the development handbook.

7 Development in the Critical Areas fall into
8 three categories. We have one intensely developed area
9 in Kent County. It consists of about 16 acres. It's
10 adjacent to Chestertown, and runs from the Washington
11 College boat house down to Tri-Gas and Oil. These are
12 where industry and higher density housing exists. There
13 are several limited development areas in the county.
14 These are areas where housing density is one dwelling
15 unit per five acres up to four dwelling units per acre.
16 Development may continue to occur at a density that it
17 is currently -- The final section is the resource
18 conservation area. Approximately 91% of the county is
19 within the resource conservation area. This is area
20 that is currently forest, ag land, or larger estate type
21 homes. Future development in this area must fall -- it

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1 falls into the one dwelling unit per 20 acre category.
2 This is measured as not only the entire farm, but only at the
3 area within the Critical Area.

4 Eleanor Gowel will explain the development
5 regulations which will apply to all the Critical Areas.

6 MS. GOWEL: All sites for development in the
7 Critical Area must be 15% forested. If they are not,
8 the developer must plant trees on 15% of the site. When
9 a development takes place, if up to 20% of the trees are
10 removed, they must be replaced on a one-to-one basis.
11 Above that they must be replaced on a three-to-two
12 basis, and they must be of a similar species. Wildlife
13 corridors allowing species to travel from habitat area
14 to habitat area are strongly encouraged through the
15 subdivision ordinance.

16 Non-tidal wetlands. Using the National
17 Wetlands Inventory Maps, and the hydric soils maps as a
18 flag, non-tidal wetlands will be identified. Site
19 visits will be required by a biologist to accurately
20 designate and delineate the wetland. A 25-foot buffer
21 is required. Further guidelines will be found in the

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1 development and building handbook.

2 Agriculture. A soil and water conservation
3 plan will be required of all farms in the Critical Area
4 within five years of adoption. Best management
5 practices will be implemented until then. Feeding and
6 watering of animals is prohibited within 50 feet in a
7 50-foot buffer. Agriculture is encouraged in the
8 resource conservation area.

9 Rare and endangered species, and species in
10 need of conservation, such as eagles, like these which
11 are actually in Kent County, and the Delmarva Fox
12 Squirrel, and other species are protected, and
13 guidelines are found in the development and building
14 handbook.

15 Kent County is lucky in that we already have
16 two lovely natural parks: Turner's Creek Park, which is
17 a county park; and Eastern Neck Island. Other possible
18 areas have been identified.

19 Beyond the 1,000-feet, the Kent County Zoning
20 Ordinance, and other current regulations will apply.
21 There is one amendment to our original plan, and we have

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1 provided for inter-family transfer.

2 That concludes our presentation, and we'll be
3 glad to hear your comments. Please state your name and
4 address.

5 CHAIRMAN BUTANIS: Before opening up the floor
6 for any comments that anyone has, I would like to
7 recognize that Mr. Landon, a county administrator, is
8 with us this evening, as well as Mr. Rasin, President of
9 the Kent County Commissioners. We welcome you.

10 The time has now come for anyone who wishes to
11 make any comments regarding Kent County's program to do
12 so. Anyone wishing to make such comment is invited to
13 go to the microphones on either side of the stage.

14 THE AUDIENCE: (No response.)

15 CHAIRMAN BUTANIS: Don't be bashful. This
16 hearing is expressly your opportunity to make whatever
17 presentation, or comments you feel are appropriate.

18 THE AUDIENCE: (No response.)

19 CHAIRMAN BUTANIS: Anyone at all? Going once.

20 THE AUDIENCE: (No response.)

21 CHAIRMAN BUTANIS: There being no one

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1 expressing any interest in making any comment -- does
2 anybody from the Panel wish to make any statements,
3 comments?

4 MR. MILLER: Just one statement, Vic. The
5 fact that I'm here evidences an opportunity that a
6 person very rarely gets to, and that's to sit in
7 judgment of himself.

8 (Laughter.)

9 MR. MILLER: I don't know what sort of
10 character that will exhibit. I don't necessarily agree
11 with Gail all the time.

12 CHAIRMAN BUTANIS: Okay. There being nothing
13 further, I would like to thank each of you for coming,
14 and this will conclude the public hearing. Thank you
15 very much.

16 (Whereupon, at 7:45 p.m., the above-entitled
17 public hearing was concluded.)

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