

Public Hearings - Leonardtown - Panel 1987 MSA - J1830-16

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

CRITICAL AREAS COMMISSION PANEL

In Re: :
: LEONARDTOWN, St. Mary's :
County :
:
:
:
:
:
:
:
:
X
Leonardtown, Maryland

November 30, 1987

BEFORE:

RONALD CORASICK, Chairman

REPORTED BY:

Kevin R. Reppenhagen, Court Reporter

Also Present:

Commissioner Mattingly, President of City Commissioners
Frank Gerret, Director of Planning and Zoning for
St. Mary's County
Steve Raley, Leonardtown Commissioner
Simon Rudaman
Sarah Taylor, Staff Person working with the Panel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

I N D E X

Opening Remarks:

Mr. Chairman Page 3

On Behalf of the Panel:

Ms. Taylor Page 7

On Behalf of Leonardtown:

Mr. Jenny and Page 10
Mr. Mattingly

P R O C E E D I N G S

1
2 MR. CHAIRMAN: My name is Ronald Corasick and I am the
3 Chairman of the Critical Areas Commission Panel and I
4 welcome you on behalf of the Commission and the Panel to
5 this evening's hearing.

6 By way of a replay, we had the pleasure of the President
7 of the City Commissioners, Commissioner Mattingly, introduce
8 a number of individuals who are here this evening. He
9 introduced Frank Gerret, Director of Planning and Zoning for
10 St. Mary's County; John Lancaster, a St. Mary's County
11 Commissioner, Steve Raley, Leonardtown Commissioner and I'd
12 also like to introduce David Jenny, who is the City Attorney.

13 We also had the pleasure, prior to the attendance of the
14 Court Reporter of a presentation by Simon Rudaman who in
15 essence stated that of the 277 acres within the Critical
16 Areas Commission here in Leonardtown, 38 were classified as
17 IDA, 202 were classified as LDA, Limited Development, and
18 37 classified as RCA.

19 Once again, I'd like to introduce the members of the
20 panel, Ronald A. Corasick, as chairing the panel is repre-
21 sentative from Baltimore City. To my right is Dr. Shepard

1 Kreck. Dr. Kreck represents Talbot County. To my far right
2 is Frank Raley. Frank represents St. Mary's County as most
3 of you know.

4 To my left is Albert "Skip" Zanheizer representing Calvert
5 County and we also Dr. Jerome Wade in the presence of
6 Randall Evans who is the Secretary of the Department of
7 Employment and Economic Development.

8 The purpose of this hearing is very specific. It's to
9 hear public comment on Leonardtown's local program. And
10 that's required under Section 8-1809 of the Critical Areas
11 Law.

12 A decision on the program, itself, will be made by the
13 Critical Areas Commission seventy days from today's date.
14 The decision will be in seventy days.

15 We have a Court Reporter, finally, who is taking down all
16 the testimony and the comments made and that record which
17 will be prepared by the Court Reporter will be kept open for
18 one week following this hearing.

19 Additions may be made to that record for a period of one
20 week from tonight's hearing. Any additional statements during
21 that period, may be mailed to the Commission Chairman who is

1 Solomon Liss and the address is, "The Chesapeake Bay
2 Critical Area Commission, 580 Taylor Avenue, D-4,
3 Annapolis, Maryland and the zip code is 21401."

4 Once the public record is completed, it will be kept
5 at the Commission Office and available to the public for
6 review, once the record is closed.

7 The purpose of this evening's hearing as I stated is to
8 hear public comment and that public comment we would
9 request be limited to approximately three to five minutes
10 per speaker.

11 We would also ask that the public comment focus on the
12 program as a whole and not necessarily on a specific problem
13 or specific piece of property.

14 We would also ask that those who wish to speak, regarding
15 the program identify themselves by name and by address and
16 step up to the table and speak into one of the microphones
17 in order that the testimony be recorded.

18 We received a sign-in sheet from all those, most of
19 those who are in attendance here this evening. The indication
20 on the sign-in sheet is that although we have a number of
21 people in attendance, most of the checks are under the

1 category of "do not desire to testify". Are there any
2 individuals who desire to testify at this evening's hearing?

3 Is it unanimous?

4 We will wait a few minutes in case anyway shakes off or
5 warms up their cold feet.

6 Is there anyone that wants to say anything about anything?

7 There being no expression of public comment, apparently.

8 UNKNOWN WITNESS: Maybe this is premature but does
9 anyone up there have any comments regarding what you have
10 seen so far?

11 MR. CHAIRMAN: Well, quite frankly, the purpose of this
12 Hearing is to hear public comment and not for the Commission-
13 ers suggest or to make inquiry regarding the program.

14 There will be opportunity for that at a later date at
15 a regular commission meeting. The situation is that the
16 public comment is what we're interested in at this point.

17 Going once, going twice, any public comment?

18 There being no public comment, as Chair Person, I would
19 declare this hearing at a close and indicate once, again,
20 that the record will be kept open for a period of one week
21 and during that one-week period, comments, criticisms, any

1 type of information which any of you or any individuals
2 within the jurisdiction desire to make to the Commission,
3 may be made at the address specified earlier in my remarks.

4 Thank you very much for allowing us to come to Leonard-
5 town and Good Evening.

6 (Off the record.)

7 (Back on the Record)

8 ~~MS. TAYLOR:~~ MS. TAYLOR: The process as required by law is
9 that once a local jurisdiction has submitted a program,
10 the Chairman appoints a panel of five as you see here this
11 evening.

12 The panel usually starts out with holding the Commission
13 Hearing. The requirement of the law in the affected local
14 jurisdiction. And then what we do is once the hearing is
15 held, the Panel holds usually two to three meetings with
16 the Staff of the Commission and in this case, I am going to
17 be the staff person working with the panel.

18 And with Mr. Ruderman and with others of the town. We're
19 going to go through the program in detail. We've already
20 reviewed the program and a letter is on its way to the town
21 saying that all of the elements that a program needs to have

1 such as the maps, such as the protection parts of the
2 program of habitate areas, such as the classification of
3 land use; that's complete. All the elements are there.

4 Now, we examine the elements for content and we're going
5 to do that in the next seventy days. So there will be a give
6 and take, a discussion back and forth between those that
7 developed the program, those that endorsed the program and
8 the panel.

9 Once that happens, the staff person draws up the comments
10 on behalf of the panel and then the panel presents the com-
11 ments to the Commission.

12 Now, these are comments which are also developed with
13 full cognizance and knowledge of the town, the planning and
14 also the implementation or the political administrative
15 side of the --

16 And then the Commission has a discussion and normally
17 before the Commission takes a vote and it is only the full
18 Commission that can vote on the program, the town or the
19 consultant for the town, the circuit writer for the town,
20 has the opportunity if they so wish, to present the program
21 in front of the full Commission.

1 And usually the next meeting after that presentation is
2 when the Commission votes in full of the program.

3 Now, normally, what's been happening, as soon as we find
4 out that there are certain things that can be done, rather
5 quickly, what we do is we like to get with the town and
6 see if those changes can be made and to have those changes
7 put in front of the Commission so that the Commission can,
8 when it takes to vote, rightfully say we approve the program.
9 So that we don't keep in silence say for seventy days and
10 say, "oh, we can't approve your program and not tell you
11 why."

12 So there's an exchange back and forth during the whole
13 period of time. I have not met with this panel yet to
14 discuss their thoughts and opinions on the program. We have
15 thirty-five copies made of the basic volume of Leonardtown's
16 program and I just received 35 copies of the other two
17 volumes that accompanied it. Those two volumes, those copies
18 will be provided to the panel at the Commission Meeting.

19 And then we will schedule our first panel meeting, which
20 will most likely involve the town for discussion back and
21 forth.

1 Does that help to give you a sense as to the process?

2 MR. JENNY: If the discussion leads to the conclusion
3 that there are some sections that need to be revised or
4 rewritten, then what would the process be at the local level
5 for, I mean would it be, make the revision and then have a
6 public hearing and submit a revised plan before the Commission
7 acted on what's already been submitted?

8 MS. TAYLOR: Well, there are several ways to go here.
9 The first way is that if the work that needs to be done is
10 such that it couldn't be accomplished say in the seventy
11 days, normally what has been happening is we've been writing
12 back to the town or the county and saying that it was
13 given tentative approval except for A,B,and C which needs to
14 be done within a certain amount of time.

15 And then the town, if it's a part that was not part of the
16 original hearing process, need to hold a hearing. So that
17 all aspects of the program are brought in front of the
18 public. Now, if it turns out that it's going to take longer
19 or if it turns out that the program is such that the
20 Commission could not give approval, then under the law,
21 the Commission would say, "We can't give approval at this

1 time because A,B,C and D needs to be done and the town has
2 40 days to accomplish that and submit it to the Commission,
3 the Commission has 40 days to decide.

4 So that's, those are the different possibilities that
5 could occur. O'kay, does that help you?

6 MR. RALEY: Could I ask a question? What if the town,
7 in going through this process, sees something that they
8 want to say "Oops, we didn't like that, we want to change
9 it."

10 MS. TAYLOR: O'kay. That's also provided for in the law.
11 That's recognized that the local jurisdiction submits and
12 the Commission approves, that for some reason or another,
13 the Town Commissioner may feel that something needs to be
14 added, that change or that repropose part of the program
15 can be submitted to the Commission, the Commission has 30
16 days to decide on that.

17 So there is a give and take, I guess it's probably the
18 bottom line of the whole thing, there is a give and take
19 process back and forth, between the panel, the Commission as
20 a whole, and the town and those that have worked on the
21 program.

1 MR. JENNY: Sounds then that the next seventy days are
2 critical as far as...

3 MS. TAYLOR: Well, the next 70 days is one in which
4 the Commission would need to render a decision. But you'll
5 know that rather shortly because the panel and I will get
6 together and go over things and we will do that with the town,
7 too.

8 Because there will be questions and we're certainly not
9 going to try to crystal ball things at our first meeting. We
10 will invite the town to sit down in an informal session
11 and ask questions and see what we have and see what people's
12 thoughts are again, that's been the process.

13 MR. MATTINGLY: Not to push an issue but you're not
14 at liberty to discuss the pros or cons of Leonardtown's
15 plan as submitted as it is right now?

16 MS. TAYLOR: We really can't because we haven't met.
17 I mean, staff, meaning me and panel.

18 MR. MATTINGLY: Well, as a staff person, you could not
19 make any comment one way or the other ...

20 MS. TAYLOR: As far as approval or adoption or non-
21 adoption, no.

1 That's a full opinion of the Commission.

2 MR. MATTINGLY: Well let me ask you just one more
3 question.

4 MS. TAYLOR: Sure.

5 MR. MATTINGLY: I'm being persistent. Does it seem,
6 does it meet pretty well the criteria and is it complete?

7 MS. TAYLOR: Your program is complete. You have all of
8 the elements that you need. In other words, you've got your
9 maps, you've got your protection program, you have the
10 language with respect to some of your ordinances and what we
11 do is, now, that we know that we've got all of the little
12 elements there, now, we look at the content, the detail.

13 And that's what the panel and I will be doing.

14 MR. MATTINGLY: Can we feel temporarily complimented,
15 then?

16 MS. TAYLOR: I would say you guys have done a great job.
17 (Off the record).

18 MS. TAYLOR: There are a number of maps, the maps that
19 are needed are there, in a number of instances we don't even
20 than in some jurisdictions.

21 There's been, you know, a good approach by the town.

1 MR. MATTINGLY: Well, this is for the record. I think
2 the two people in this room desire a lot of credit and that's
3 Simon Ruderman and our Counsel, Dave Jenny; they put this
4 thing together with some background information from the
5 consultants in one-week's time.

6 MS. TAYLOR: Well, it sure isn't easy, is it?

7 MR. MATTINGLY: They chose, they set their own time
8 table and we all told them we were skeptical about what they
9 could accomplish in that period of time or not, but they
10 did it.

11 MS. TAYLOR: Well, we're certainly going to give the
12 program that's been submitted to us, the due consideration
13 that you have given in the development of it and that means
14 a very fair one and I am sure I can speak on behalf of the
15 panel.

16 MR. MATTINGLY: Thank you.

17 MS. TAYLOR: Thank you.

18 MR. CHAIRMAN: Are there any further questions of Dr.
19 Taylor? Thank you, once again, the hearing is now closed.

20 (Hearing adjourned.)
21

C E R T I F I C A T E

This is to certify that the foregoing transcript

IN THE MATTER OF: Leonardtown Program

BEFORE: Critical Areas Commission Panel

DATE: November 30, 1987

PLACE: Leonardtown, Maryland

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

Kevin R. Reppenhagen
Court Reporter
Free State Reporting, Inc.

SIGN IN SHEET

NAME & ADDRESS

Do You Wish
To TESTIFY?
YES | NO

• Stephen & Raluy

✓

• Richard Moran

12811 Three Sisters Rd.,

Potomac, Md 20854

✓

• Jim KENNEDY

The St Marys Tide

Lexington Plc Md 20653

✓

• Margaret D. Stalmeier

108 Court House Dr

Leonardtown Md 20650

• Harry A Stalmeier

108 Courthouse Drive

Leonardtown MD 20650

• Frank Gerreb

St Mary Co OPZ

• David F Janny

Leonardtown, Md. 20650

• J. Maguire Mattingly Jr

P.O. Box 218

Leonardtown Md. 20650

• Joel Simonetti

The Enterprise

SIGN IN SHEET

NAME & ADDRESS

**Do You Wish
To Testify?
YES | NO**

• Steve Wagon
DSP

X

• Jeff Jackman

Bx 653 Leonardtown

Saint Mary's County Office of Planning and Zoning

X