

Public Hearings - Rock Hall - Critical Area Program 1987 MSA_51830-23

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STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION

ROCKHALL CRITICAL :
AREA PROGRAM :
SECTION 8-1809 :

Thursday, October 15, 1987

Pursuant to Notice, the above-entitled hearing was held before the Chesapeake Bay Critical Areas Commission, at the Municipal Building, Main Street, Oxford, Maryland, commencing at 7:10 p.m., there being present:

MEMBERS OF THE COMMISSION:
JUDGE SOLOMON LISS, Chairman
SAMUEL TURNER
VICTOR BUTONIS
DR. SARAH TAYLOR
CHARLES DAVIS

PETER JOHNSTON
Redman and Johnston

REPORTED BY: GEOFFREY HUNT, NOTARY PUBLIC

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P R O C E E D I N G S

1
2 CHAIRMAN LISS: Ladies and gentlemen, welcome
3 to the hearing on the Critical Areas Plan as submitted
4 by the town. We're delighted to be here this evening.
5 I want to make sure that we understand that this is not
6 a Planning and Zoning meeting of your town. It is a
7 meeting that has been called by the Critical Areas
8 Commission for the purpose of considering the plans that
9 was submitted to the Critical Areas Commission for its
10 approval. We will be hearing from those of you who want
11 to be heard. Anyone who does want to be heard, you're
12 more than welcome to say what you want to say. So far
13 as individual questions concerning property are
14 concerned, those are matters that should be taken up
15 with your local authorities, or if you chose, with the
16 Critical Areas Commission by calling the Critical Areas
17 Commission office which is 974-2418.

18 We are having a record made of the proceedings
19 today. That record will be available at the office of
20 the Critical Areas Commission which is in the Tawes
21 Office Building in Annapolis at Rowe and Taylor Avenue

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1 and will be available to you as soon as it has been
2 typed up by the reporter who is here this evening and is
3 taking the information.

4 I'd like to introduce to you the members of
5 the commission who are here this evening. To my left is
6 Sam Turner of Dorchester County -- Talbot County, I'm
7 sorry -- of the Critical Areas Commission. Victor
8 Butonis of Harford County. I am Judge Solomon Liss, the
9 Chairman of the Critical Areas Commission, and to the
10 rear is Dr. Sarah Taylor, who is our Executive Director,
11 and Charles Davis, who is in charge of and supervisor of
12 our planning group in the Commission.

13 There are a number of important people who are
14 here this evening whom you know better than I do, but in
15 all fairness I'd like to introduce them to you so that
16 in case there are any strangers here this evening that
17 you would know exactly who these people are. May I
18 first introduce Mayor Elmer Jones. Mayor Jones, it's a
19 pleasure to be with you this evening. Councilman Robert
20 Tucker. Councilman Tucker, nice to meet you.
21 Incidentally, I hope you'll forgive me. I had an

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1 operation on cateract, and my eyes have not yet
2 completely adjusted so that I sort of have to look
3 cockeyed at these letters in order to make sure that I'm
4 reading them, and if I make a mistake, it's not because
5 I don't know how to read but because I'm not focussing
6 just right.

7 Members of the Planning and Zoning Commission,
8 Ed Kurowski and Gerry Smithson. Will those gentlemen --
9 it's a pleasure to see you gentlemen.

10 Members of the Board of Appeals, Edgar Glenn,
11 Edna Marie Sutton, and Lester Dagenais. Nice to greet
12 you this evening.

13 The Planning and Zoning Commission attorney
14 Dean Burt. Mr. Burt reminded me that 20 years ago I
15 taught him personal property at the University of
16 Baltimore, but please don't blame all of his mistakes on
17 me. I was only responsible for part of it.

18 And the Town Manager, Joseph Mangini, who's
19 been very kind and very helpful in arranging this
20 meeting and helping us out, and we're very grateful to
21 you.

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1 Now I'm going to ask Mr. Peter Johnston, who is
2 a member of the firm of Redman and Johnston, to give you
3 a brief outline of what it is we'll be discussing this
4 evening, and then some of you have indicated that you
5 want to be heard, and I will then call on you in
6 accordance with the order in which you signed up. We'll
7 try and answer some questions if they refer to the
8 matters that we're here for.

9 The purpose of this hearing is to get your
10 feeling concerning the critical areas. After this
11 hearing has been held, the record will be kept open for a
12 period of a week, and you may file written testimony
13 with the Commission at any time during that week, and it
14 will be added to the record and will be considered by the
15 members of the Commission before a final disposition is
16 made. In the event that you have something to say this
17 evening, of course, you're more than welcome to say it.
18 We will consider suggestions that you may have for
19 improving the criteria. Our staff will go over the
20 program as proposed and see whether any adjustments are
21 needed in order to make sure that the criteria in the

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1 law have been complied with, and assuming that there are
2 comparatively minor adjustments and fine tuning to be
3 done, we have every reason to hope that that can be done
4 within the next several weeks. The matter will then be
5 referred to the Commission which is made up of some 26
6 members. A majority of that Commission must approve the
7 program as submitted before it can then be submitted to
8 your Town Council and to the appropriate local
9 authorities for final approval, and when it is submitted
10 and approved, it's then the responsibility of the town
11 to proceed to implement the program. The state, as you
12 know, has contributed toward the cost of preparing the
13 program, and the state will also contribute toward the
14 cost of implementing it. With that general outline of
15 what we're here for, I'm going to ask Mr. Johnston to
16 make a brief statement to us as to the information that
17 he has for you.

18 MR. JOHNSTON: Thank you, Judge. The town of
19 Rock Hall hired our firm to help them prepare the
20 critical area programs over a year ago. For those of
21 you that don't know, the critical area law was adopted

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1 in 1984. The Commission that the Judge referred to was
2 charged with the responsibility for developing criteria
3 for the development of local critical area programs that
4 would guide the towns in the preparation of programs to
5 deal with the improvement of water quality and the
6 protection of wildlife habitat in what's known as the
7 critical areas.

8 We were hired by the town and worked with
9 members of the Planning Commission and elected officials
10 in preparing this program over the last several months.
11 There was a subsequent public hearing held here in the
12 town on the document, which looks like this. Some of
13 you may have the old gray version. We're now into a
14 yellow version. Copies of the critical area maps have
15 been on file here in the town for several weeks. So
16 have copies of this document, and they will be here for
17 several more weeks for those of you who want to come in
18 and take a look at them and want to get a chance to look
19 through this document and see what it holds.

20 Generally, our responsibility was to prepare
21 maps of the critical area, designate the land uses

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1 within the critical area system with the criteria, not
2 the resource areas and not the areas with development
3 constraints. And these have been done. This is an
4 example of one of the maps we've done. I just want to
5 briefly say that this is the thousand foot critical area
6 within the town boundaries from here to here, so that
7 everything from here to the water is within the thousand
8 food critical area and will be subject to the program
9 elements and the implementation provisions, once they
10 are adopted, that we've recommended. We have We have
11 classified the town into two of the three development
12 categories that are required of the criteria. The
13 limited development areas and the intensely developed
14 areas -- the limited being the stippled gray, the white
15 areas being intensely developed. There were no resource
16 conservation areas. Again, these maps are going to be
17 available here in the town. They've been here on the
18 wall for several weeks. You can come in and see
19 specifically where your properties fall into those
20 categories.

21 We have developed the required program

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1 elements that were established in the criteria,
2 including programs dealing with future development and
3 growth allocation in the town; habitat protection areas
4 including the hundred-foot buffer which you have
5 probably heard a great deal about, which is this line
6 which runs along here. We have developed programs for
7 the town dealing with water-dependent facilities,
8 agriculture, natural parks. And all of them are
9 contained in here. Generally, the programs have the
10 goals and objectives and the criteria that the town has
11 established for their local critical area program and
12 recommendations on how to implement the program.

13 In addition, we have prepared recommendations
14 for amendments to the Town Zoning Ordinance, subdivision
15 regulations, and other documents that the town will
16 adopt to implement the provisions of their program.
17 Included in these are landscape provisions and
18 guidelines and other types of guidance to developers in
19 the process as well as specific requirements to meet the
20 design standards and the other requirements that are
21 established in the critical area criteria. And this is

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1 what the criteria look like. As the Judge said, tonight
2 we've come here, the Commission has come here, the
3 committee has come here to hear your comments on the
4 critical area program and take those into consideration
5 as they review this document. Once they have reviewed
6 it, we've gotten their comments, we make the
7 adjustments, the changes that the Commission requires
8 because the program is not consistent with the criteria,
9 we get that straight, there will be a subsequent series
10 of public hearings here in the town for the adoption of
11 the program and the adoption of the specific amendments
12 to the zoning, subdivision, and other ordinances that
13 will implement the program. Thank you.

14 CHAIRMAN LISS: Thank you very much, Mr.
15 Johnston.

16 Now the gentleman who signed and said that he
17 wanted to be heard is Mr. Dave Hadom. Did I pronounce
18 that name right? Mr. Hadom?

19 MR. HADORN: The name is Hadorn.

20 CHAIRMAN LISS: I'm sorry. Excuse.

21 MR. HADORN: Resident of Rock Hall since 1980,

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1 West Sharp Street. I'm sorry I signed and checked out
2 that I wanted to be heard, but as long as I'm here I'm
3 going to say something.

4 First of all, I'd like for you to identify,
5 sir, what percentage of the city limits of Rock Hall are
6 involved with the critical areas. It doesn't have to be
7 answered right away.

8 MR. JOHNSTON: It's about 58 percent of the
9 town is in the critical area.

10 MR. HADORN: Fifty-eight percent?

11 MR. JOHNSTON: Yes, sir.

12 MR. HADORN: Thank you. The purpose of me
13 checking off "yes" is not to talk about critical areas
14 but to pose a question to the City Council, or
15 specifically the Council's attorney, if they have one,
16 and I understand the man sitting behind me is an
17 attorney, or I think his name is Burke or something of
18 the sort. My question was, I was misinformed that this
19 meeting was to be talking about zoning, and it's not.
20 It's indirectly now. But I'd like the attorney to
21 address this following question at the next zoning

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1 meeting available to the public. Is there, I emphasize, is
2 there, a state, a county, or a city ordinance which
3 deals with conflict of interest or ethics? I can assure
4 you having been a past federal employee, there are
5 certainly statutes on the books that prohibit it. That's my
6 question. Thank you, Judge.

7 CHAIRMAN LISS: All right. Well, obviously
8 that is not one of the purposes of this meeting, and
9 I'll defer, or refer that question to the appropriate
10 local authorities. And you know, what is it that the
11 Bible says, "Sufficient unto the day is the evil
12 thereof." I got enough headaches without looking for
13 any additional ones. So I'm not going to look for that
14 one.

15 MR. HADORN: Amen.

16 CHAIRMAN LISS: Now, I have three lovely young
17 ladies, or is it two ladies and a gen -- No, three
18 lovely young ladies who under the question of whether or
19 not they wanted to speak gave me a question mark. I'm
20 going to call on each one of them, one at a time, and
21 now's the time to resolve the question.

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1 Betty Saner?

2 MS. SANER: I just have a question. In
3 the buffer zone, marine-related endeavor is allowed that
4 would be a travel lift for sure, does it include a
5 marine store, marine office, a parking lot, a marina-
6 owned restaurant? How is that defined? Do you define
7 it? I'm really a little confused about what can go into
8 that buffer zone in a couple of spots.

9 MR. JOHNSTON: I'd have to take a look, Betty.
10 I'll be glad to answer that for you later if you give me
11 a chance to look it up here.

12 What we have recommended for uses in the water-
13 dependent facilities sections are very much the same
14 water-dependent facilities that are listed in the
15 criteria. So it depends on what type of water-dependent
16 facility we're talking about. If you're talking about a
17 private, individual pier for a home, they're permitted.
18 Community piers for --

19 MS. SANER: I'm talking in a marina operation.

20 MR. JOHNSTON: We have defined water-dependent
21 facilities as same thing as the criteria, are those

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1 facilities that need to be located next to the water
2 because they have to be there, piers, slips, those kinds
3 of things. Anything that doesn't fall within that
4 definition is not water dependent.

5 CHAIRMAN LISS: Sarah, can you help us with
6 that?

7 DR. TURNER: Yes, I can. In defining water-
8 dependent facilities, the Commission in developing the
9 criteria basically meant those items that really need
10 the water, such as piers, such as docks, such as travel
11 lifts, 'cause it would be a little hard for a travel
12 lift to be a hundred feet back and have a buffer, but
13 facilities themselves that are not directly water
14 dependent, for example such as a parking lot or a
15 restaurant or a supply store, or an office where you
16 would do your business for boating, that would be behind
17 the buffer.

18 MS. SANER: Thank you.

19 CHAIRMAN LISS: Just to make the point to you
20 that in some of these areas these businesses have
21 already been established in the buffer.

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1 MS. SANER: Oh, I know that. They're
2 grandfathered.

3 CHAIRMAN LISS: They're grandfathered, and we
4 can't do anything about -- but any new intrusion into
5 the buffer could only be for the actual use of water-
6 related business.

7 MS. SANER: Thank you.

8 MR. JOHNSTON: I found the definition. It's
9 "those structures or works associated with industrial,
10 maritime, recreational, educational, or fisheries
11 activities that require location at or near the
12 shoreline within the required buffer. An activity is
13 water dependent if it cannot exist outside the buffer
14 and is dependent on water by reason of the intrinsic
15 nature of the operation. These activities include but
16 are not limited to ports, the intake and outfall
17 structures of power plants, water-use industries,
18 marinas and other public water-oriented recreation and
19 fishery activities."

20 MS. SANER: Thank you.

21 CHAIRMAN LISS: The Chairman and Administrator

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1 of the Planning and Zoning Commission of Rock Hall came
2 in, Mr. James R. Englebach, and I'd like him to stand
3 and take a bow please. Mr. Englebach, nice to greet
4 you.

5 Now Sue Santa Maria. Did you want to say
6 something?

7 MS. SANTA MARIA: No, Judge, thank you. I
8 just signed in.

9 CHAIRMAN LISS: All right. Edna Hubbard
10 Sutton.

11 MS. SUTTON: I would ask how far back would it
12 be required that these facilities such as restaurant or
13 parking lot be from the water for the buffer, to be
14 outside of the buffer zone.

15 MR. JOHNSTON: The buffer is defined as a
16 hundred feet back from mean high water or the landward
17 side of tidal wetlands, so the criteria require that
18 only water-dependent facilities are permitted to be
19 located in that buffer, so everything else would have to
20 be located outside of the buffer. So we're talking 100
21 feet.

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1 MS. SUTTON: At least. Then it could be 100
2 feet. It wouldn't have to be 110.

3 MR. JOHNSTON: No. It could be right at the
4 100 foot, certainly.

5 MS. SUTTON: Thank you.

6 CHAIRMAN LISS: Now that's all that indicated
7 that they might want to be heard, but we're prepared to
8 answer any other question germane to the issue that I
9 outlined for you at the beginning of this hearing;
10 if there's anyone else that has a question to ask, we're
11 pleased to try and answer it for you. Yes ma'am.

12 MS. FRENCH: I'm Mrs. French, and I live just
13 outside the town, but I'm in the area that is, one of
14 the two areas that is to be annexed, and that is from
15 the town line north up to Carter Avenue, and then
16 there's a Green Lane below. Now from looking at this
17 map, it would appear that you have not included those in
18 your planning. Will they be in the county plan, and has
19 there been any coordination in the planning with the
20 county and the town which may have different plans for
21 those areas?

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1 MR. JOHNSTON: When we did the program with the
2 town, we talked about areas outside of the town that
3 they may grow into and wanted to be sure that we
4 coordinated what's known as the growth allocation
5 process with the county so that when these areas were
6 annexed there would be, it would be feasible to develop
7 them at the densities that made sense on sewer and
8 water, rather than the one per 20. The areas we looked
9 at were Green Lane and on up here to Spring Cove and on
10 up to Carter Avenue. This area has already been
11 designated by the county as a limited development area.
12 That's kind of moderate density residential type of
13 development, the kind of development you see out here
14 along here in some places now already. The town's
15 policy is that any areas they annex in the critical area
16 will only be designated limited development. They will
17 not be designated the intensely developed category.
18 This area was already designated, so we didn't have to
19 deal with that. Up here, this area that's being
20 annexed, we identified where the county had already
21 designated it limited development, which is most of it,

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1 but we found that there were a few places that were
2 designated resource conservation. In anticipation of
3 annexation, we requested that the county set aside
4 growth allocation so that when these areas were annexed
5 they could be put into the limited development category.
6 So, yes there was. And right now, though, they're under
7 the county program.

8 CHAIRMAN LISS: I might say, incidentally,
9 that I don't want you to think that the Commission has
10 just given this a cursory look. We were here earlier
11 today, and we've spent two hours with Mr. Johnston going
12 over the program, and one of the questions that were
13 raised was the very question that you raised, and as it
14 turned out, we made a suggestion to Mr. Johnston and to
15 the local authorities that while there has been a
16 tentative agreement between the county and the city for
17 the inclusion of these areas in the growth area, that
18 there really is nothing in writing. And we suggested
19 that this would be an appropriate time to get something
20 in writing so that nobody really knows when that growth
21 is going to take place, in maybe ten years from now,

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1 maybe five -- who knows? And memories are short, so
2 that at least there ought to be some kind of commitment
3 so that if it does happen ten years from now and the
4 question is raised, "Well, we didn't agree to this,"
5 there ought to be an inclusion in the program itself of
6 a commitment from the county and from the city as to how
7 this thing is to be handled. We recognize that it could
8 create a kind of argument or contention between the
9 county and the city, and we want to avoid that if it's
10 at all possible.

11 Yes, ma'am.

12 MS. SANER: I have another question. Betty
13 Saner again. I notice on the gray area up there, what I
14 call Maynes Point, that big hunk toward the western
15 side, it's LDA if it's shaded, but it's proposed IDA.
16 Who's proposing and why?

17 MR. JOHNSTON: Actually, this is one of our
18 older maps which we worked off of, and we were going
19 along and trying to identify areas which we'd done. A
20 number of areas within the town limits that are
21 currently designated as LDA that the town might want to

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1 upgrade to a more intense classification, IDA. And that
2 was one of the areas that we identified as a potential
3 growth area within the town limits, and we used as the
4 basis for determining how much -- we tried to quantify
5 our growth allocation. We wanted to look at potential
6 growth areas in and potential growth areas out to give
7 the county a number, and that's one of the areas we
8 looked at.

9 MS. SANER: Was there a reason that that
10 should be intensely developed?

11 AUDIENCE: Where are you talking about?

12 MR. JOHNSTON: We're talking about this area
13 right here, this parcel right in here.

14 MS. SANER: That's all nice woodsy right now.
15 I'd hate to see that intensely developed.

16 MR. JOHNSTON: Well, it's not developed now.

17 MS. SANER: I know.

18 MR. JOHNSTON: And the town looked at it and
19 said, you know, this is a potential growth area because
20 it's not developed now, and we included that in our
21 quantification of growth area, and that's our notes.

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1 CHAIRMAN LISS: Of course, it's all subject to
2 planning and to zoning and to a decision by the local
3 people as to whether or not they want to do that.

4 MR. JOHNSTON: You see, I think we have some
5 more notes down in this area in here.

6 CHAIRMAN LISS: Any other questions?

7 What is it the minister says? "Speak now or
8 forever hold your peace." Are there any other
9 questions. Yes ma'am.

10 MS. SANTA MARIA: Excuse me, Judge. Sue Santa
11 Maria. If the outer line represents the 1,000-foot
12 critical area and the line just inside the coast is the
13 buffer zone --

14 MR. JOHNSTON: Yes, ma'am.

15 MS. SANTA MARIA: -- why does the buffer zone
16 vary so much in depth?

17 MR. JOHNSTON: Because of a couple of reasons.
18 The criteria require that the hundred-foot buffer be
19 drawn from mean high water or the landward side of tidal
20 wetlands, so in some cases the wetlands are not showing
21 up on this map, but in some places you'll see where that

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1 line bulges there is a wetland area in that's bulging it
2 out. It's moving out to maintain that hundred feet
3 around that wetland area. In addition, the criteria
4 require that we modify that buffer in cases where there
5 are adjacent soils that have certain development
6 constraints where they may be threatened by development
7 or there may be an impact by development in those soils.
8 So where there are soils that are adjacent to the buffer
9 that are either hydric or steep slope, highly erodable,
10 that's the categories of soils with development
11 constraints, the buffer is sometimes modified to take in
12 those adjacent areas. So that's why you don't see a
13 paralleling hundred foot. Most often in the case of
14 Rock Hall, it's going to be because of tidal wetlands.

15 MS. SANTA MARIA: Then in areas where it does
16 duck in -- I can see at least three or four up there,
17 one very near my own property -- that means that that is
18 not developable property because of one constraint or
19 another put on it by Critical Areas Commission?

20 MR. JOHNSTON: If it's wetlands, it's not
21 developable because of State wetland laws, because it's

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1 titled wetlands.

2 MS. SANTA MARIA: But do you think you should
3 explain that a registered, if you will, single family
4 lot of record can be developed within the buffer?

5 MR. JOHNSTON: Yes. I think it should clarify
6 that. And most of you that are familiar with zoning
7 know that whenever a new regulation is adopted, it must
8 also take into effect that certain development patterns
9 have occurred prior to the adoption of the ordinance,
10 and certain building lots in the town that were platted
11 prior to the adoption of this ordinance will not be able
12 to comply with the criteria in every respect. They will
13 not be able to comply with the hundred-foot buffer if
14 the lot's very shallow to begin with. We have provided
15 in the document what we call grandfather provisions.
16 These grandfather provisions define certain lots that
17 were created prior to the adoption of the program that
18 get certain kinds of special considerations under the
19 ordinance because nobody had knowledge of what the
20 ordinance was going to require at that time, and we've
21 also given the town guidelines for dealing with getting

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1 compliance on those lots to the extent that they
2 possibly can and still be able to get some relief from
3 the buffer requirements and some of the other
4 requirements, and they're set forth under what we call
5 our modified buffer provisions.

6 CHAIRMAN LISS: I might say that all of that
7 came about as a result of almost a year and a half of
8 study. What happened was that people came to us and
9 said to us, "Look, we are in an area where because of
10 the wetlands we're not able to give you a hundred feet
11 of buffer, because if we do we won't be able to build on
12 our lot." Well in all fairness, it was never intended
13 to take people's property away from them provided they
14 did what they could so far as possible to comply with
15 the law. And so we created that grandfathering clause,
16 put it in the law as we suggested it be adopted and
17 required that the local subdivisions include the
18 grandfathering in their program. So it's been a
19 cooperative effort in which we set up the law as it
20 ought to be to protect the Bay and to protect the
21 public, and then we said to the locals, "Here, you do

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1 this to protect your own local people and draw your own
2 local program to reflect those things," and I must say
3 that in spite of all of the fuss and feathers that we've
4 had about it that generally the cooperation has been
5 good and it's worked out very well.

6 All right. I'll ask one more time. Yes, sir.

7 MR. HADORN: Judge, would it be out of order
8 to ask, I'm asking you first before we ask the question
9 -- would it be out of order to ask what the
10 recommendations are of the study since --

11 CHAIRMAN LISS: What the recommendations are --

12 MR. HADORN: -- the recommendations that the
13 committee has been asked to come up with on the wetland
14 study for the Town Council's consideration.

15 MR. HADORN: An abstract of it, please.

16 CHAIRMAN LISS: The wetlands law is a state
17 law that --

18 MR. HADORN: No, but I mean the
19 recommendations to modify those existing ordinances or
20 new ordinances that are covering it.

21 CHAIRMAN LISS: We have not made any

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1 recommendations to modify them.

2 MR. HADORN: Oh, I misunderstood the
3 gentleman then.

4 CHAIRMAN LISS: No. The Commission has not
5 concerned itself with wetlands except to realize that
6 they exist and to suggest to the local people that when
7 they draw their maps that they recognize that they
8 exist, and as a matter of fact the law specifically says
9 that in deciding how you're going to handle the land use
10 in your area you must look to the -- I think it's 1972,
11 was it Sarah?

12 DR. TURNER: Wetlands law?

13 CHAIRMAN LISS: The wetlands map.

14 DR. TURNER: And the maps as well as the law.

15 CHAIRMAN LISS: The wetlands maps and law were
16 drawn in 1972, and it must be addressed to that law and
17 to those maps in deciding how the particular area is
18 going to be used.

19 MR. HADORN: Very clear. I understand that.
20 Would you pose this question to the study gentleman. I
21 failed to catch his name.

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1 MR. JOHNSTON: Johnston.

2 MR. HADORN: What were the recommendations you
3 were referring to?

4 MR. JOHNSTON: Okay. Judge, he's asking about
5 ordinance amendments to their zoning and subdivision
6 that I mentioned earlier. I think that's what he's
7 trying to get at.

8 MR. HADORN: Maybe this is not the place for
9 it.

10 MR. JOHNSTON: Okay. I'll give you a quick
11 overview, if that's possible.

12 MR. HADORN: Very abstract.

13 MR. JOHNSTON: Okay. First of all, we've
14 recommended that the Town adopt an overlay zone. And
15 that overlay zone will correspond to this thousand foot
16 boundary, and within that thousand foot, all of the
17 existing zoning classifications, whether you're
18 residential, commercial, or maritime, or whatever, will
19 remain the same. We're not changing those at all. So
20 that the land use pattern will continue to develop the
21 same.

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1 The criteria establish a number of development
2 standards and guidelines and those things for new
3 development, things like areas that are designated
4 limited development, a new development cannot have any
5 more 15 percent impervious surface on the site. So in
6 our overlay zone we said areas that are LDA, no more
7 than 15 percent impervious surface. So we just kind of
8 incorporated those, and they're based on each of these
9 -- this LDA or IDA classification. We've also included
10 in here, as I said earlier, grandfather provisions.
11 There are provisions in here for the variance for the
12 Board of Appeals, so that if the program creates a true
13 hardship on someone because of some peculiarity of their
14 property, they can get relief through a variance
15 process.

16 There are in our implementation
17 recommendations site plan review requirements for new
18 development, so that the developer coming in for large-
19 scale project must address the criteria or the standards
20 in show at any site plan. "This is where I'm going to
21 take trees out. This is where I'm going to put trees

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1 back. This is where my buffer is, and this is how I'm
2 staying out of the buffer. I'm showing you where it is
3 on the site plan, and you see that I'm not putting
4 anything in it." Those kind of things will be shown on
5 the site plan, and there are site plan standards that
6 they must comply with. There are site plan and siting
7 standards for new marinas which a marine site plan would
8 have to apply to. We've given them check lists for the
9 developers so that the Town -- that's a tool for the
10 town so that when someone comes in they check off
11 whether they're a major, minor, or insignificant project
12 and whichever of those categories they tell them what
13 your submission requirements are, whether you have to
14 submit an environmental impact assessment, whether you
15 have to go out and collect this kind of data and submit
16 with your project. Generally, it lays out a process, it
17 lays out standards, and it lays out a process in the
18 development process to ensure that those standards are
19 met through a review process. So that's basically what
20 they are.

21 MR. HADORN: I understand. Thank you very

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1 much.

2 CHAIRMAN LISS: Anyone else? If not, we'll
3 close the meeting. I want to thank all of you for
4 coming. We're grateful to you. I want to thank you,
5 too, for the information that we've gotten from you and
6 the questions you've asked. We'll get those typed up
7 and have them before the Commission when the Commission
8 considers the program, and we would hope that you'll
9 find that the program when it's finally adopted is one
10 that you can live with peaceably and that it will
11 improve the Bay and make this place which is certainly a
12 beautiful place -- driving down here this afternoon and
13 driving around this afternoon trying to find a place
14 where we could get a sandwich before the meeting
15 started, we realize how lucky you are living in areas of
16 this kind, but it's not going to be lucky if you don't
17 keep it the way that it is or if you don't see that it
18 grows the way it ought to grow, and that is under
19 control so that people can enjoy it and people can have
20 their children and their children's children enjoy it as
21 their predecessors did in the years that went by. To all

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the officials of the Town, we thank you for your cooperation, and we're grateful to you for making it easy for us. Thank you very much.

(Whereupon, at 7:45 p.m., the hearing concluded.)

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✓ want to speak?

yes

no

NAME ADDRESS

- Betty Sauer -
Lawton Ave - RH

?

- Sue Santa Maria
Pt 20 - RH

?

- H. Thomas Williams
Green Lane - Rock Hall

✓

- Edna Hubbard Sutton
Sharp St. Rock Hall, Md.

?

Julia Mayer
Bayside and Walnut
Rock Hall, MD 21661

no, thanks.

Lorraine T. Jansche
Bayside Ave
Rock Hall, MD 21661

✓

Melinda Carl

✓

James Jones, Esq.
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/

George F. Kimball
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✓

Joseph A. Morgan
Rock Hall, MD 21661

✓

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CRITICAL AREA COMMISSION

ROCK HALL

NAME & ADDRESS	DO YOU WISH TO SPEAK?	
	YES	NO
FRANCIS J. SMITHSON Rt. 1 Box 267A Rock Hall, MD.		✓
Mrs. Elmer D. James, Jr. P.O. Box 49 Rock Hall, Md. 21661		✓
Shelton G. Thallerow Rt. 2 - Box 1 Rock Hall, Md. 21661		✓
Sylvia M. Both RD2 Box 53 Rock Hall, MD 21661		
Emily C. Finch P.O. Box 469 Rock Hall MD 21661		✓
Dave Hadom P.O. Box 242 Rock Hall	✓	✓
Liz Mayne Swan Creek Marina Rock Hall		✓
Edgar Glenn Chesapeake Ave Rock Hall		✓
Robt Gabe Haven Rd. Rock Hall		
Cliff Simms Sharp St.		✓
Robert Tucker 3 mgin St Rock Hall Md		✓

ZONING ADMINISTRATOR
& CHAIRMAN,

PLANNING/ZONING
COMMISSION

JAMES R. ENGLEBACH

Keith
Warton

Rock Hall
Middle
School

Mayor Elmer Jones

Councilman Robert Tucker

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~~Ed~~

ED KUROWSKI

JERRY SMITHSON

MEMBER OF THE BOARD OF APPEALS

Edgar Glenn

Lester Degenius

Edna Marie Sutton

PLANNING/ZONING COMMISSION ATTORNEY
Dean Burt

TOWN MANAGER

Joseph Mangini