

Public Hearings - Cecil County - Critical Area Program (Amendments) 1988 MSA_51830-27

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

PUBLIC HEARING

CONCERNING

2 MAP AMENDMENTS TO THE CECIL COUNTY CRITICAL
AREA PROGRAM

OCTOBER 20, 1988

ROOM 300

CECIL COUNTY OFFICE BUILDING

ELKTON, MARYLAND

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P R O C E E D I N G S

MR. ATKINS: Chesapeake Bay Critical Area Commission Public Hearing, declare it open. My name is Ron Atkins. I'm a Commission member representing Somerset County on the Chesapeake Bay Area Critical Commission.

With us tonight is also Victor Butanis who represents Harford County on the Commission. And Kay Langor who you may recognize who represents the sole county, Cecil County on Commission.

The purpose of this specific Public Hearing is to address the two expansion issues of the Chesapeake Bay Critical Area boundaries as with pursuant to Section 81807 of the Critical Area Law. And the amendments that would process that would take place pursuant to section 1809 of that same Law.

Before opening up the Hearing for, for comment I would like to recognize we do have Don Hallogen here from the Cecil County Planning Office representing the county.

And I would also like to recognize that the proceedings themselves would be record and a

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1 transcript as such would be taken of the proceedings.

2 One last, last item I would like to note
3 before we do open the, the hearing is that I think
4 that it would be appropriate since out Commission
5 Chairman Solomon List did recently pass away on
6 Tuesday and was a member of this panel, could we
7 have a moment of silence in honor of him and in, in
8 the respect to the contribution he has given us. So
9 just a moment of silence please.

10 Okay first I guess we would like to treat
11 these as two individual cases. And as such I guess
12 we would deal with the first case that was on our
13 agenda, for which was case dealing with Sunset Point
14 subdivision proposing to expand the critical area.

15 With that I guess we'll, we'll deal with
16 this hearing somewhat differently in a sense we'll
17 allow a presentation on that proposed addition to
18 take place now.

19 So if you'd introduce yourself for the
20 public record I'd appreciate it.

21 MR. JONES: My name is Robert Jones I
22 represent the Chesapeake Environmental Association,

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1 private environmental consulting firm here in,
2 excuse me, here in the county.

3 MR. HOLLENSHEAD: I'm Bill Hollenshead the
4 owner of Sunset Point.

5 MR. JONES: I'm not sure exactly how much
6 information you've received in or if you've received
7 really anything other than the application that Mr.
8 Hollenshead has completed.

9 So I'll just give you a little bit of a
10 brief, very brief presentation about what we're
11 actually requesting.

12 If I can start I'll just as I go along show
13 you a few pictures here of the project that Mr.
14 Hollenshead has supplied us with.

15 Just a couple of slides I think - - - - - ,
16 can everybody see that fairly decently? I think
17 it's probably going to start just - - get it.

18 Basically what, what the applicants are
19 requesting is for the inclusion of the balance of
20 the property that they own into the special District
21 1 Critical Area of Cecil County.

22 The total property, amount of property that

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1 they're requesting be including is a 119.7 acres.
2 What you're looking at here is, is a blow up of a
3 concept plat for the proposed subdivision, by the
4 name of Sunset Point.

5 The area outlined in yellow is phase I, it
6 is a recorded subdivision of 10 lots within the
7 critical area. That as achieved the density of 1
8 unit per 20 acres, we're in a resource conservation
9 area, where the 1 and 20 must be observed.

10 The overall amount of acreage in the
11 critical area for this property is 210 acres.
12 Therefore they were allowed 10 lots which have been
13 recorded. The balance of these lots have been
14 located next to an existing subdivision of Bayview
15 Estates which is a fairly high density residential
16 development.

17 The lots have been clustered and, to the
18 extent practical, they are all, all serviced by
19 private well and private septic areas. Ten thousand
20 square foot of sewage disposal area has been
21 reserved for each lot.

22 Their accessed by proposed roadway, require

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1 drive and by second road, is that Sunset Point?

2 The subdivision was recorded in June of 87
3 and since -- currently under construction. What the
4 applicants are proposing is for phase II which is
5 outlined in red to be included into the critical
6 area, the section that is of course currently not in
7 the critical area.

8 The critical area line is the hash dashed
9 green, green line that is the current critical area.

10 They're requesting that property plus the
11 existing property of, of phase I to be included into
12 the critical area which would in essence put the
13 balance, the entire tract of land all within the
14 critical area. Which totals about 320 some acres.

15 This would give us an overall density of,
16 of 16 units keeping the density at 1 unit per 20.43
17 acres, that would allow a total of 16 houses to be
18 built on this property. And additional 6 above
19 what's currently approved.

20 The lots in their design have been
21 clustered basically in two, two area. Of course
22 phase I is, is approved and it is clustered adjacent

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1 to the high density or moderate density development
2 of Bayview Estates. The lots are relatively small I
3 believe 5 or 6 of the lots are under 3 acres in size.

4 Five of the lots are under 3 acres in size
5 and 11 of the proposed 16 lots are under 10 acres of
6 size. So what this maintains is the several
7 relatively large building lots, where we can
8 preserve the, the existing character of the property.

9 I'll go ahead and flip through a couple of
10 slides here. This is looking towards the Chesapeake
11 Bay kind of to the south, I guess a little bit to
12 the southwest. You see in the, to the left of the
13 photo there a farmhouse, existing farmhouse that is
14 to be included in one lot and will be renovated. A
15 couple of pictures of that later on.

16 This is looking at the section 1 that is,
17 that is currently approved, this is where the
18 balance of the, or the majority of the 10 lots will
19 occur. With the buildings built onto the slope
20 facing the Chesapeake Bay.

21 There is only one lot of the existing
22 subdivision that is to be waterfront. There's

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1 abundant wildlife. There is only one lot that is to
2 have actual waterfront, the balance of the lots are
3 to have community beach and open space.

4 Okay this is looking now more or less to
5 the north at some of the area that we would have to,
6 that we would have included in the critical area.

7 The wooded area to your left is I don't
8 know if you've seen the concept plat here in front
9 of you or whatever but it shows more or less the lot
10 layout. That's currently a lot #7 and it contains
11 about 38 acres, all of that out of the critical
12 area. That would be included with our proposal.

13 This is a couple pictures of the existing
14 farmhouse. This is the community beach area, which
15 would be used by the, by the lots.

16 You can tell the shoreline is fairly well
17 stabled. There's more or less in this, in this
18 particular area there's very, very low banks, very
19 slight erosion occurring.

20 And this is looking at Pond Creek which is
21 directly adjacent to the property. The 6 lots that
22 are proposed for the balance of the land in phase

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1 II, excuse me again. Would all front on Pond Creek
2 no more lots would be directly on, on the Chesapeake
3 Bay.

4 I think this is pretty much right about the
5 point there of where Pond Creek enters the Bay.
6 Again this same area.

7 This is looking at Pond Creek, a gorgeous
8 area. An extensive wetlands in Pond Creek there is
9 also a bald eagle nesting sight on POND Creek that
10 has been documented by the Forest Park & Wildlife
11 Service. It is not located on our property. It's
12 on the adjacent property and to meet the
13 requirements of the Forestry Service we have set up
14 a quarter mile protection zone around the bald eagle
15 nest where no development may occur.

16 Oops the wrong way. This I believe is
17 looking at part of phase II, the lots that would be
18 fronting on to Pond Creek.

19 And this is looking at the section that is
20 not in the critical area that would be included,
21 currently farmland.

22 The majority of this property in and phase

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1 II that is outside of the critical area that we're
2 asking to be included would be contained in one
3 large lot of hundred and, approximately 127, 128
4 acres. That would only of course have one, one
5 building unit on that.

6 It would also have a, a small strip that
7 runs down to Pond Creek to give that, that property
8 it's own private access to Pond Creek.

9 It's certainly our, our hope and the
10 developers interest that these lots be maintained in
11 an agricultural state as long as possible and to the
12 extent possible.

13 The farm is currently under agriculture
14 production by a lease type arrangement. And it's
15 certainly, they're attempting to continue that lease
16 arrangement. Even after the lots have been
17 subdivided and built.

18 You know obviously 140 or 130 some acres is
19 a fairly large piece of ground to mow or to have as
20 a lawn so we're certainly hoping that some sort of
21 agricultural practice continue. Whether it be
22 farming or possibly horse, horse grazing or

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1 something along these lines.

2 And that's, that's it for the photos.
3 Basically I'll guess I'll just open the floor to any
4 questions you may have unless there's anything that
5 Mr. Hollenshead would like to, like to include with
6 what I said. I'll try to answer any questions.

7 MS. LANGOR: Can I see the plat - -?

8 MR. JONES: Sure. This is a concept plat -
9 - plat of the entire project. The only thing that's
10 changed really from that, there's been a more minor
11 changes to section 1 as it was recorded. I have a
12 copy of that also in case anybody would like to see
13 that.

14 MR. HOLLENSHEAD: I would like to just say
15 that in dividing - -

16 MR. ATKINS: You want to identify yourself
17 for the record?

18 MR. HOLLENSHEAD: Yeah, um yeah my name is
19 Bill Hollenshead, the owner of Sunset Point. I
20 would just like to comment that in the break up of
21 the property and the planning of the, of the
22 property, as you see it. There was a great deal of

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1 thought given to the conservation of animal trails.
2 The conservation of existing treed areas and the,
3 attempting to not disturb any of those existing
4 areas.

5 And as you can see the intensive
6 development occurs in open area and to the extent
7 that we've attempted not to remove one tree or one
8 animal from what we feel is a very, very beautiful,
9 beautiful spot.

10 MR. ATKINS: Okay I think what we would
11 like to do is to hear any other testimony first and
12 I guess if you have any questions we'll direct them
13 to you.

14 Is there anyone else here to speak on
15 behalf - -?

16 MS. O'NEILE: I have a question.

17 MR. ATKINS: Yes ma'am.

18 MS. O'NEILE: Is that large parcel, is that
19 going to be on the easement so they, it won't be
20 disturbed?

21 MR. JONES: Well there's not any easements
22 as far as like any conservation easements in a way -

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1 - except or something of that nature. But there's
2 rather extensive deed restrictions and easements
3 that are included in the sale of each, each property.

4 Bill could probably give you a little more
5 information about that. I have a copy of a
6 Declaration of Restrictions for Sunset Point. And
7 their rather specific, no vegetation is to be
8 cleared except for what's required from the building
9 envelope.

10 There is limitations on the types of uses
11 that can occur on the property and of course the
12 type of structures that can be placed. The heights
13 of structures, maybe Bill could elaborate more if
14 you have you know, specific questions. But one of
15 the restrictions that was brought out in the
16 environmental assessment that was completed. Was
17 that no vegetation be removed except where the
18 building envelope is to occur. Including the sewage
19 area an so forth.

20 MS. O'NEILE: How long are we supposed to,
21 the farmer have that's using the land now?

22 MR. HOLLENSHEAD: That's just year to year.

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1 MS. O'NEILE: Oh just year to year?

2 MR. HOLLENSHEAD: Hmm, hmm. It's a fellow
3 who's been farming the property and will continue.

4 MS. O'NEILE: Does he work under a soil
5 conservation plan?

6 MR. HOLLENSHEAD: I think he's the
7 president of the soil conservation district.

8 MS. O'NEILE: Paul?

9 MR. HOLLENSHEAD: Paul.

10 MS. O'NEILE: Oh okay, ALRIGHT.

11 MR. JONES: Very practices you know,
12 utilized on the, as far as the farm is concerned.

13 MS. O'NEILE: That answers my question.

14 MR. ATKINS: Does the Commission Panel have
15 any, any questions?

16 MR. BUTANIS: What was the total number of
17 lots your talking about, including the existing
18 subdivision?

19 MR. JONES: Sixteen, sixteen lots.

20 MR. BUTANIS: Total of sixteen lots?

21 MR. JONES: Yes that's right.

22 MR. BUTANIS: And you already have 10, that

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1 you've got approval on.

2 MR. JONES: Right exactly.

3 MR. BUTANIS: So your seeking 6?

4 MR. JONES: Six additional lots.

5 MR. HOLLENSHEAD: What we thought to do on
6 this beautiful piece is to, to seek to intentionally
7 underdevelop it. Keep it the way it was, you know.

8 MR. BUTANIS: Is that, the farmhouse is
9 that on the 100 acre parcel?

10 MR. JONES: No that's on

11 MR. BUTANIS: Thirty eight acres?

12 MR. JONES: It's not on the 38 acre
13 parcel. On the concept plan here it's shown that,
14 on, the existing house is shown as part of lot #8
15 which is

16 AUDIENCE: - -

17 MR. JONES: No further down. And I'm

18 AUDIENCE: Oh here.

19 MR. JONES: Yeah right there it is, that's
20 the existing farmhouse. That's to be included on
21 lot #8, well it's already been included on lot #8
22 which is part of the recorded subdivision.

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1 Approximately 42, 42 acres.

2 MR. ATKINS: I guess a point of, of
3 clarification. You were proposing to extend the
4 boundary however, you were not proposing to change
5 the designation in the mid portion of the - -

6 MR. JONES: No we're, mor ethan happy with
7 the RCA designation and the 20 acre density. What
8 we are seeking would be just the density for the
9 overall tract of land at the, at the RCA
10 requirements. Which is I think what we've
11 calculated out to be about one unit per 20.43 acres
12 on this, this property.

13 MR. ATKINS: And I guess one other question.

14 MR. JONES: Sure.

15 MR. JONES: If it is so that you could
16 demonstrate it on this, this plat, give us some
17 vicinity as to whether the bald eagles nest
18 protection zone would be.

19 MR. HOLLENSHEAD: It's on there.

20 MR. JONES: Okay, yeah it's shown on the,
21 under phase II.

22 MR. ATKINS: So it is - -

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1 AUDIENCE:: It's across the water.

2 MR. JONES: It's across, yes on the
3 opposite side of POND Creek.

4 MR. ATKINS: Alright, okay.

5 MR. JONES: And we had Lynn Feraz from the
6 Forest, Park & Wildlife Service out there with
7 myself and a wildlife biologist and a couple other
8 people, Don - - was there and Janet - - from the
9 county. Everybody's been out there to look at it so
10 it's - -

11 MS. LANGOR: Is that on Bank's property or
12 - -

13 MR. JONES: Yeah it is on Bank's property
14 across, across Pond Creek.

15 MR. BUTANIS: You referred to I think
16 another, an adjacent subdivision, adjacent property
17 that was - -

18 MR. JONES: Yes.

19 MR. BUTANIS: Fairly intensely developed.

20 MR. JONES: Bayview Estates is that what
21 you called them?

22 MR. JONES: Yes Bayview Estates, hmm, hmm.

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1 MR. BUTANIS: Is that, do you know what the
2 designation of that is? Is that an IDA?

3 MR. JONES: I believe that's an LDA.

4 MR. BUTANIS: LDA?

5 MR. JONES: Yeah hmm, hmm. They're
6 predominantly 1/2 acres to 1 acre lots on, and I
7 think 1/2 acre lots on, on the waterfront and 3/4 to
8 1 acre lots - -

9 AUDIENCE: I think there's a 1/2 acre - -

10 MR. JONES: OKay.

11 MR. BUTANIS: The smallest size lot that
12 you have is?

13 MR. JONES: It's approximately one 1 acre,
14 1.2 acres that's in phase I. We've maintained the
15 smallest lots adjacent to Bayview Estates to kind of
16 keep a uniform

17 MR. BUTANIS: I see, right.

18 MR. JONES: Cluster the development there
19 you know next to the existing - - areas. And the
20 balance of the property we've kept in, you know,
21 rather large lots.

22 This property you know, we've looked at

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1 this I've been working with Bill now for over I
2 guess two years on this development. And we've
3 started extensively, we've had numerous site visits
4 and, and collected quite a bit of information.

5 The property lends itself to development
6 very well. It's currently zoned AR which is in this
7 area a 1 to 5 recommended density.

8 The soils are generally excellent in the
9 upper reaches of, or upper sections of the property.

10 The views are just panoramic from just
11 about wherever you want to stand of Pond Creek and
12 the Chesapeake Bay. It lends itself very well to
13 development.

14 We think viewing all concerns and all
15 things, taking all things into consideration that,
16 you know the proposal we have really mutes the
17 spirit of the Critical Area Program. It maintains
18 the density that Critical Area Program requires and
19 it maintains their overall program objectives and
20 goals for conservation and protection.

21 MR. ATKINS: Alright any other questions?
22 I would like to note for the record then the

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1 Commission will be considering all the comments made
2 this evening for this specific portion of the
3 hearing before they'll be making a decision.

4 A decision will made within 90 days of
5 receipt of, of the the amendment itself. We will be
6 holding the record open for an additional ten days
7 for any written comments that could be received from
8 the general public or from anyone present this
9 evening.

10 And those comments can be sent to Robert
11 Price who is the Vice Chairman of the Commission and
12 would be the Acting Chairman in the death of our
13 Chairman Solomon List. The address be The
14 Chesapeake Bay Critical Area Commission Tawes State
15 Office Building, D-4, Annapolis, Maryland 21401.

16 With that

17 MR. BUTANIS: Before you move to the close
18 of this particular segment I wanted to ask the Cecil
19 County Planning Representative what their position
20 is with respect to that. Are you supporting this?

21 MR. HALLOGEN: In respect to the

22 MR. BUTANIS: To the expansion of the

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1 critical area line and the proposed development?

2 MR. HALLOGEN: Well I believe that, I
3 believe that this application went in front of the,
4 the County Commissioners and they are, they haven't
5 issued an opinion on it as yet.

6 MR. BUTANIS: What, what's the position of
7 your office though, your the Planning Office?

8 MR. HALLOGEN: Yes.

9 MR. BUTANIS: Must be putting you - -

10 MR. HALLOGEN: Well if, if it fits the
11 intent of the critical area law I think that we're
12 all for it.

13 MR. HOLLENSHEAD: It was unanimous,
14 unanimously I think accepted last week.

15 MR. JONES: Yeah it went through the
16 Planning Commission, the local Plan Commission has
17 heard the application and voted for approval. And I
18 think that was upon recommendation on the Planning
19 Office also. We can check the minutes but I'm
20 pretty sure that Janet recommended approval.

21 MR. ATKINS: The County, County Council has
22 not taken a position at this point.

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1 MR. HALLOGEN: Not that I know of.

2 MR. JONES: No the Commissioners, that
3 meeting was tabled until we had the comments and
4 advice of the Critical Area Commission.

5 MR. ATKINS: Okay.

6 MR. JONES: For the final Commissioners
7 Hearing.

8 MR. ATKINS: Okay, alright, any other last
9 minute questions before we close this portion of the
10 Hearing?

11 MR. JONES: I'd just like to state or
12 express my condolences to the Commission for the
13 loss of Chairman List. I only met him a couple
14 times personally but you know, his, his
15 contributions are very evident.

16 MR. ATKINS: Thank you. Okay gentlemen
17 thank you. I'd like to thank everyone for making
18 the trip from various locations, thank you.

19 MR. BUTANIS: Particularly Mr. Atkins from
20 Somerset County.

21 AUDIENCE: Still on the shore.

22 MR. ATKINS: Okay the second item that we

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1 have before us this evening is another application
2 for - - - critical area. that application was
3 submitted to the Commission from Hall Creek, Hall
4 Creek Incorporated. I like to again for the record
5 indicate that this is Panel Hearing, pursuant to
6 Section 81807 of the Chesapeake Bay Critical Area
7 Law that allows for the extension of the initial
8 planning area beyond the 1,000 - - designation. As
9 well as 18, 1809 of that Law that allows for
10 amendments to the individual jurisdictions programs.

11 I won't go through the procedure of
12 introducing the Panel that's present and other
13 dignitaries. However, for the record we will be
14 having the record taken tonight on tape and the
15 record will be kept open for an additional ten days
16 for written comments.

17 With that I will follow the same format we
18 just followed for the previous hearing that will
19 allows people that have signed up to make
20 presentations, to make those presentations first.

21 And if you can introduce yourself for the
22 record so that it can be recorded.

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1 MR. MCCLEARY: My name is Pat McCleary I'm
2 the representative from Hall Creek, Inc. the owner
3 of the property. And we identified an area of the
4 property that's environmentally sensitive and wish
5 to add it to the critical areas protected and - - to
6 us that it will generate an extra one extra lot
7 between two existing lots to us.

8 And this is under the, out environmental
9 plan from a very limited presentation.

10 MS. ZUCKER: I'd like to get some maps out
11 here so we can - -properties - -. Of course it's on
12 -- it's going to be hard to - - only one so.

13 MR. BUTANIS: So - - creation of this new
14 lot is going to cause you to amend your subdivision
15 or is it being carved out of two existing lots or?

16 MR. MCCLEARY: Being carved out of one
17 existing lot yes.

18 MR. BUTANIS: Okay.

19 MR. MCCLEARY: And Liz will speak to that
20 in detail.

21 MS. ZUCKER: Well before I begin I want to
22 say that, well I'm, my name is Elizabeth Zucker.

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1 I'm with the Planning Department at McCrone
2 Incorporated housed in Annapolis.

3 I'm a biologist with the planning
4 department. And as I a biologist I was pleased to
5 work on this project because the project lends
6 itself to the critical area criteria and there's
7 some really good, very good protective and planning
8 measures that are being taken. And I think that's
9 also as a result of the fact that Cecil County has
10 worked in a cooperative effort with the developer.

11 The Butts Landings property occurs at the -
12 - of Copin Creek with the Sassafras River. It's a,
13 as you can see, it's an agricultural area consists
14 mainly of open agricultural fields.

15 The forested resources occur as perimeter
16 growth around the Sassafras River shoreline and
17 along the shoreline of Copin Creek.

18 AUDIENCE: Is this the Copin Creek in here?

19 MS. ZUCKER: Copin Creek is in there.

20 Let's get something else in here to help.

21 Most of the more sensitive resources on the
22 site do occur in the area along the western boundary

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1 line, along the Copin Creek area.

2 There's extensive tidal marsh, you can see
3 at the mouth of Copin Creek and it extends about 2
4 feet, 2,000 feet upstream to a forested tidally
5 influenced area and then into a non tidal wetland
6 area that is fed by perennial stream from the
7 northern part of the property.

8 And the wetland areas in conjunction with
9 the, the wooded growth does provide a good, a very
10 good diversity of wildlife habitat.

11 There's even though the wooded growth is
12 small in area there's, there's a lot of abian and
13 mamanin species that utilize the area.

14 It serves as you can see as an important
15 link in the wildlife corridor, the local wildlife
16 corridor as well as a regional wildlife corridor
17 that occurs all along the Sassafras River. If we
18 had all the maps laid out you could easily see that.

19 You have to excuse me I have a cold.

20 Copin Creek also has some - - is noted as
21 an annamous fish spawning area. There's also a
22 beaver pond in the area too. So there are, the

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1 sensitive areas do, on the property really are
2 mostly on that, that western boundary line.

3 There's 134 acres of the property within
4 the critical area. It's designated resource
5 conservation. And under the proposed subdivision
6 there are six dwelling units permitted. And these
7 dwelling units have been clustered along the, the
8 southern shoreline along the Sassafras River.

9 There is a community docking facility that
10 will be located in the eastern corner of the
11 property and again that is located away from Copin
12 Creek and the, the more sensitive resources.

13 MR. BUTANIS: The six lots does that
14 include the one that your

15 MS. ZUCKER: No, that's - -

16 MR. BUTANIS: What already is on - -

17 MS. ZUCKER: Right that's on the, that's
18 been approved by the county. The critical area
19 will, most of the critical area will be retained as
20 open space, either as a community area to the north,
21 which you can see. Or as residential open space on
22 that very large lot 1.

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1 The community area in particular we
2 developed a wildlife enhancement program in
3 conjunction with the county. In particular the Bay
4 Watershed Forester. And the wildlife enhancement
5 plan includes such things as enhancement of the
6 forested buffer particularly through natural,
7 letting areas go unmowed and natural regenerate
8 forest. As well as planting of native vegetation.
9 This is, the plan occurs mostly in the community,
10 community area.

11 In addition to the plantings, the
12 community, the enhancement plan includes strategic
13 placing of fencing and foot paths to direct human
14 pedestrian traffic into the open areas of the
15 community area away from the more sensitive areas,
16 such as the, the wetland area and the forested
17 resources along Copin Creek.

18 The subdivision also has a series of
19 restrictive covenants that include such things as
20 restricting the use of motorized vehicles in the
21 open space areas as well as restrictions on the, the
22 letting domestic pets run freely throughout the

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1 subdivision.

2 And we came tonight to propose that the
3 critical area boundary be extended to the north to
4 include approximately 6.6 acres to the north of the
5 existing boundary. Along the forested buffer the
6 northern end of the forested buffer of the wetlands
7 and to Copin Creek that feed into Copin Creek.

8 No a fourth of that. Maybe this will help.

9 AUDIENCE: North of the open space?

10 MS. ZUCKER: Right. By including this area
11 in the critical area it would be forever protected
12 under the county's critical area implementation
13 program. There would be no, there would be no
14 further subdivision. It would be included under
15 the wildlife enhancement plan that's been developed
16 for the other community areas for the subdivision.

17 And generally protected as a forested
18 buffer for the head waters of Copin Creek. As well
19 as making sure that there's an uninterrupted, that,
20 that link in the wildlife corridor remains under,
21 remains uninterrupted.

22 And as a result of the inclusion the, the

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1 area of the property within the critical area would
2 be increased and the developers have proposed an
3 additional homesite in the residential cluster along
4 the Sassafras River shoreline.

5 And that homesite will be created as a
6 result of subdividing the large lot #1. In effect
7 that means that the aerial extent of the, the
8 residential cluster will not be expanded because
9 that lot will be located two platted lots.

10 In addition because the community docking
11 areas has been clustered away from Copin Creek, away
12 from that, that sensitive area. The use of the
13 critical area and water dependant facilities will be
14 concentrated at the community docking area, docking
15 area.

16 I'd also like to mention that that
17 shoreline along the Sassafras is very high bluff
18 like and it really precludes any human pedestrian
19 traffic in that area to begin with. So there
20 wouldn't be, there'd be very negligible use of the
21 shoreline by pedestrian traffic to begin with so

22 MR. BUTANIS: Is there any erosion along

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1 there?

2 MS. ZUCKER: No there was, we worked with
3 the county, our engineers are I guess working, there
4 was one ravine that needed some stabilization.

5 MS. LANGOR: It's very steep along here but
6 it's mostly wooded.

7 MS. ZUCKER: Right, it's heavily vegetated.

8 MR. MCCLEARY: That's all vegetated.
9 There's, there's two actively eroding ravines that
10 we're putting drop structures in to stabilize. But
11 their not on that line.

12 MS. ZUCKER: The shoreline itself is, is
13 pretty well stabilized there's, the vegetation is

14 MS. LANGOR: It's farmed right up to where
15 it starts to drop off and then it's, it's

16 MS. ZUCKER: It's a very steep bluff.

17 MS. O'NEILE: Yeah well in some places
18 along the Sassafras the erosion, the ravines were
19 the result of farming practices that that - -

20 MS. ZUCKER: Right, right.

21 MS. O'NEILE: And they were under a state
22 program for correction of that three or four years

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1 ago.

2 MR. MCCLEARY: These two ravines were
3 actively eroding when we purchased the property so
4 this will be the first measure taken to stop the
5 erosion, there on lots #3 and #4.

6 MS. ZUCKER: I guess what we'd like to do
7 is summarize by saying that. We feel that the
8 environmental benefits gained from including this,
9 the head waters of this area, this link of, with, of
10 important wildlife corridor under the protection
11 plan of the community space. The environmental
12 benefits derived from that will greatly out weigh
13 any of the potential effects that might occur from
14 an additional homesite along, with that, within the
15 already existing residential cluster along the
16 Sassafras shoreline.

17 MR. ATKINS: Okay thank you. Again we'll
18 follow the same format, was there any other comment
19 you'd like to make?

20 AUDIENCE: No that's okay.

21 MR. ATKINS: We, we had two other people
22 sign, however they had not indicated they would like

1 to speak. I'll just ask if there's anyone here who
2 would also like to make a presentation, either in
3 favor or opposition of the, the proposal?

4 Okay hearing none then I'll ask if there
5 are any questions from the panel members that are
6 present?

7 MR. BUTANIS: Just one question I can think
8 of off the top of my head. The area that your
9 proposing to include as part of the critical area
10 north of the community open spaces plat, is that any
11 different in character from the rest of the
12 property. I guess you call it the remaining land up
13 in here.

14 MR. MCCLEARY: Right, it most certainly is
15 and that's, that's why we thought it was legitimate
16 to do. I've done four or five developments in the
17 critical areas and this area that we propose to add
18 enhances water quality and wildlife habitat.

19 If it were an open field I wouldn't be
20 here, so Liz, Liz can describe it more technically
21 better than I can, but that's the whole idea.

22 MS. ZUCKER: That's right, it's the, what

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1 it would, what it is it's the forested buffer that,
2 that runs along the headwater stream that feeds into
3 Copin Creek. It also would include a nontidal area
4 that, that comes, that transects along here but this
5 is a power utility line area so that's - -

6 MR. BUTANIS: Area adjacent to that is in
7 the fields and, and farmland?

8 MS. ZUCKER: Right, right as you see it, as
9 you see it.

10 MR. ATKINS: I have one, one or two
11 questions I'd like to ask. The whole premises that
12 the area needs to be protected. I guess the
13 question I need to ask then is does the county have
14 any protection measures outside of the critical area
15 to cover this specific parcel or this type of land
16 cover?

17 MR. MCCLEARY: Well the twenty five foot
18 buffer only - -, - - no nontidal wetlands here, but
19 other than that, no we couldn't under current zoning
20 since your developed in here and wooded homesites as
21 Kay knows are very valuable.

22 MS. ZUCKER: The actually, the stream

1 itself and the nontidal wetlands are mostly off site.

2 MR. ATKINS: Okay that's what I, that's why
3 I was asking if there were any other measures.

4 MS. ZUCKER: Right, right.

5 MR. ATKINS: That the county had not that
6 was mandated by the critical are law. What the
7 county had as an ordinance.

8 MS. ZUCKER: Right.

9 MR. ATKINS: It appears that a portion,
10 half of your subdivision is, that exists now is in
11 the critical area and half is not. When was it
12 approved and is there any density - -, - - doesn't
13 show.

14 MR. MCCLEARY: That's, the subdivision
15 that's there is what is approved and I don't know if
16 it has the date on it.

17 MS. ZUCKER: June of 80.

18 MR. ATKINS: Does the portion that is
19 outside have the same restrictions for development
20 as the portion that tis in?

21 MR. MCCLEARY: The ones that we oppose,
22 impose?

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1 MR. ATKINS: Yes or the county may have
2 imposed.

3 MR. MCCLEARY: No we, well we did it
4 through the deed restrictions.

5 MR. ATKINS: I see.

6 MR. MCCLEARY: We imposed and, the same
7 deed restrictions on the three lots outside the
8 critical areas is the ones in and we will impose the
9 same restrictions on all the lots that we ever
10 develop on the property, there will never be a lot
11 smaller than 5 acres and Liz said we restricted
12 motorized vehicles in the community and we
13 restricted in a sense that we prohibit it.

14 You can walk there or you could ride a
15 horse there, but that's, that's all you can do. And
16 we opted instead of making lot #1 a hundred lot we
17 opted to make half of it a wildlife area.

18 MR. ATKINS: I was just interesting,
19 interested as to why you may not have chose to also
20 include the critical area line for these other lots
21 then.

22 MR. MCCLEARY: No one ever brought it up.

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1 MR. ATKINS: You were, were talking about -
2 - one way, why, you know, you didn't include the
3 rest of that, that subdivision.

4 AUDIENCE: Lots #7 through #10 are not in
5 the critical area.

6 MR. ATKINS: Is that right?

7 MS. ZUCKER: Right.

8 MR. MCCLEARY: It, it never, never seemed
9 to be an issue there, there open areas, their not
10 environmentally sensitive in the sense that they
11 have any, their open or treed or anything such as
12 that. So their under the same deed restrictions,
13 but no one at planning or anything ever suggested to
14 us that we do it, if they had we would of, because
15 it didn't mean anything to us that way.

16 MR. BUTANIS: Is the road going into this
17 Bud Landing Road extended is that basically the
18 1,000 foot?

19 MR. MCCLEARY: yes.

20 MR. BUTANIS: Thousand foot line from the
21 Sassafras?

22 MR. MCCLEARY: Yes, yes and what we did is

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1 we cut, put the road outside the critical area to
2 keep the - - - -, or - - - .

3 MS. ZUCKER: I'd like to reinforce the
4 fact that the county working with, with Mr. McCleary
5 and myself we developed, which for me was a real fun
6 thing to do because I don't get a chance to do it.
7 But an enhancement program for the communities,
8 community area which was, which really wouldn't be
9 required under the critical area law. But which we
10 have developed because we would like to see that the
11 community area be enhanced for wildlife habitat and
12 not necessarily stay as mode open space, which is
13 biologically is just not very productive.

14 MR. ATKINS: Okay any other questions?
15 Just one technical question would this be treated
16 and, and you said you would be breaking off a
17 portion of the lot of an amendment to an existing
18 subdivision? Is that how the county plans to treat
19 the action itself?

20 MR. HALLOGEN: Yes.

21 MR. MCCLEARY: Yes. It would be what the
22 resubdivision of an existing lot - - be a major

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1 subdivision because it's, there's already more than
2 the minimum number.

3 MR. ATKINS: Okay hearing no other
4 questions and having no one else to indicate they
5 would like to speak. Again I'd like to note for the
6 record that the record will be held open for a
7 period of ten days form the date of this evening and
8 that any written comments can be sent to Mr. Robert
9 Price who's the Acting Chairman for the Chesapeake
10 Bay Critical Area Commission, that would be at
11 Tawes State Office Building, D-4, Annapolis,
12 Maryland 21401.

13 With that I would conclude the evening's
14 hearings and I thank everyone for attending.

15 AUDIENCE: Thank you.

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1 C E R T I F I C A T E

2 This is to certify that the foregoing
3 transcript in the matter of:


4 CHESAPEAKE BAY CRITICAL AREA COMMISSION

5
6 BEFORE: CHESAPEAKE BAY CRITICAL AREA COMMISSION
7 PANEL

8
9 DATE: OCTOBER 20, 1988

10
11 PLACE: CECIL COUNTY OFFICE BUILDING, ROOM 300
12 ELKTON, MARYLAND

13
14 represents the full and complete proceedings of the
15 aforementioned matter, as reported and reduced to
16 typewriting.

17
18
19 

20 Jodee L. Wooster

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