

Public Hearings - Chesapeake City - Joint Hearing by The Town of Chesapeake City
and The Chesapeake Bay Critical Area Commission 1988 MSA_51830 - 30

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CHESAPEAKE BAY CRITICAL AREAS COMMISSION

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JOINT HEARING BY THE :
TOWN OF CHESAPEAKE CITY :
AND THE CHESAPEAKE BAY :
CRITICAL AREA COMMISSION, : Chesapeake City, Md.
FOR THE PURPOSE OF RECEIVING : January 18, 1988
TESTIMONY ON THE PLAN : 7:15 p.m.
DEVELOPED BY THE TOWN IN :
COMPLIANCE WITH THE CRITICAL :
AREA LEGISLATION. :
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COMMISSION:

James E. Gutman, Chairman
Katherine Langner, Member
Louise Lawrence, Member
Dr. Kevin Sullivan, Staff Rep.

REPORTED BY:

Debbie Becker

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1 kinda' getting late; and the consultant is Mr. Pugh, and
2 one of the members of the town, Mr. Shelton. I think he's
3 been around quite awhile now. He visits all these meetings
4 here to keep track of everything. So, with that, I'm going
5 to turn the meeting back over to you.

6 CHAIRMAN GUTMAN: Thank you very much, Mr.
7 Mayor. Before I introduce Mr. Pugh, who is the consultant
8 who developed the Plan, I'd just like to introduce another
9 Commissioner, who probably all of you know anyway, but Kay
10 Langner is a Commission member representing Cecil County.
11 Staff for the Commission is represented by Dr. Kevin
12 Sullivan, who is to my far right, and because this meeting
13 and all of our hearings are a formal part of the process,
14 everything that we will be talking about tonight will be
15 taken down by a Court Reporter, Debbie; Debbie Becker's
16 gonna' be handling all of the electronic equipment for us.

17 I might just mention that the purpose of this
18 joint hearing is to hear public comment on Chesapeake
19 City's Critical Area Program. This is required under
20 Section 81809 of the Critical Area Law. The hearing is
21 held jointly, by the Critical Area Commission and the town
22 of Chesapeake City. Incidentally, the Commissioner; the

1 Commission must make a decision on the local Program within
2 ninety days from the date the Program was submitted to the
3 Commission. And Kevin, I'm not quite sure that I have the
4 date as to when that submittal was deemed complete.

5 DR. SULLIVAN: That, that will follow this
6 hearing, so it has not yet been submitted.

7 CHAIRMAN GUTMAN: Alright. So it will be
8 ninety days from the date we have all of the material and
9 it's deemed complete, for our review of the; for the staff
10 of the Commission to review it. Then there will be a
11 decision made upon the acceptance of it.

12 Alright. At this point, I'm going to ask Mr.
13 Pugh to describe for us the nature of the Plan and see if
14 he can cover the details sufficient so we understand what's
15 been done.

16 PRESENTATION BY CONSULTANT

17 BY MR. PUGH:

18 Thank you. What I would like to do tonight is
19 simply give an overview of the various points contained in
20 the Program. We've submitted the Program to the town
21 several weeks ago, with approximately fifteen copies, I
22 think, and have advertised the matter in the local

1 newspaper and allowed sufficient time to pass as required
2 by law. I think that the record should reflect that.

3 The, the document itself follows, in many
4 respects, the format of the Critical Areas Program that was
5 submitted on behalf of Cecil County and a number of the
6 other municipalities, in terms of its organization, and I
7 think that, in the interests of trying to give a descrip-
8 tion as to what the Plan contains, I'll simply refer to the
9 items in the table of contents and, specifically, how
10 Chesapeake City is managed by those items.

11 The, the first part of the Program deals with
12 the overall statement of goals and objectives for the town
13 of Chesapeake City, as well as an examination of its cur-
14 rent growth patterns and population projections and water
15 and sewer usages

16 From that examination of background informa-
17 tion, we then developed a system for delineating land use
18 classifications required under the Program. Those are the
19 classifications of Intensely Developed Area, Limited Devel-
20 opment Area, and Resource Conservation Area. The map that
21 we have here present tonight, in front of the Commission,
22 shows those areas graphically in terms of how they have

1 been mapped. In Chesapeake City, within the municipal
2 limits, I would note to you that there has not been any
3 assignment of Resource Conservation Area. It is our
4 judgment that the characteristics of the property favor
5 Limited Development Area and Intensely Developed Areas.

6 Now, the large majority of the town is mapped
7 as a Limited Development Area. There's approximately
8 fifty-nine acres of Limited Development Area, and approxi-
9 mately ten acres of Intensely Developed Area, and that
10 Intensely Developed Area roughly is the area in and around
11 the Historic District, the difference between the Limited
12 Development Area and the Intensely Developed Area basically
13 being the number of units per acre that have been devel-
14 oped, and obviously, the most dense area of development is
15 in this Historic District Area, where we are right now.

16 The remaining things that we have done in the
17 first part of the document is to provide for variances, as
18 well as a method of amending the Critical Area Program from
19 time to time, as it becomes necessary.

20 The next chapter of the Critical Area Program
21 deals with the means that one may develop within the
22 Critical Area. There are procedural and technical

1 recommendations, but essentially what it does is provide a
2 system; a series of recommendations, actually, for implemen-
3 tation of changes in your zoning ordinance and development
4 regulations, which essentially tell how people who intend
5 to develop property will have to file and process their
6 development proposals, both in terms of what the technical
7 requirements are now, what the setback requirements are,
8 what the various coordination levels are, and finally, what
9 the approval process itself consists of, and all the vari-
10 ous referrals that have to be made to the various and
11 sundry state and county agencies.

12 We provide, in this document, for the grand-
13 fathering of lots, which is a very important issue, obvi-
14 ously. In, in Chesapeake City there are mainly lots that
15 have already been developed, and have existing structures
16 on them. This chapter or section deals with saying that
17 those structures and uses may be permitted to continue, and
18 simply says that, to the extent that they are expanded or
19 otherwise utilized, they have to comply with these regula-
20 tions insofar as possible, so that any project--or any
21 property, I should say--that does not meet the minimum
22 requirements under these new regulations, would be

1 grandfathered in terms of being able to continue, and it
2 would provide for them to be able to continue to add within
3 certain parameters.

4 The last thing that is provided for in this
5 section deals with a growth allocation, and growth alloca-
6 tion is not, does not mean being able to get a building
7 permit within your existing classification. It essentially
8 means a process by which you want to increase the density
9 that you would allow to occur on a piece of property; and
10 what basically it would mean is to the extent that property
11 is designated as a Limited Development Area, in order to
12 develop that property at greater than four units per acre,
13 it would have to be changed to an Intensely Developed Area.

14 Now, in order to change from a Limited Develop-
15 ment Area to an Intensely Developed Area, you have to use
16 growth allocation, and growth allocation is, arrives here,
17 in terms of its quantity, which is 9.78 acres, from a calcu-
18 lation which takes the entire Resource Conservation Area of
19 the county, takes five percent of that total acreage, and
20 then, of that total acreage, takes fifteen percent of that
21 total, assigns it to the municipalities, and then on a popu-
22 lation basis, Chesapeake City gets their portion of the

1 allocation. This is consistent with the method that all of
2 the other towns receive their growth allocation, so it's
3 all based on 1980 population figures, and for Chesapeake
4 City it would be the 9.78 acres.

5 So that essentially means that, in Chesapeake
6 City, 9.78 acres of ground could be converted from Limited
7 Development Area to Intensely Developed Area, or from four
8 units per acre to something greater than that. So you're
9 essentially talking about taking property and converting it
10 into a townhouse or apartment-type of situation, as opposed
11 to lower density type uses.

12 After the development sections, we then go into
13 a series of Program elements, the first of which is Water-
14 Dependent Facilities Program. The Water-Dependent Facil-
15 ities Program essentially says that--in this case--that
16 expansion is permitted of the existing water-dependent
17 facilities in Chesapeake City, but that there is a limited
18 opportunity for any new water-dependent facilities, and
19 that's no more than recognizing that in the innercoastal
20 waterway of the C & D Canal, there is not any additional
21 opportunities for new marina-type of construction.

22 The next Program element is one dealing with

1 Shore Erosion Protection. This; the significant feature in
2 Chesapeake City under Shore Erosion Protection, obviously,
3 is that far and away the majority of the shore line is
4 owned by the Corps of Engineers. We have, in this docu-
5 ment, coordinated with the Corps of Engineers and basically
6 had their input concerning their land ownerships, and
7 because of the federal consistency requirements now, they
8 would recognize their responsibility to maintain--as they
9 primarily did anyway--shore erosion-free situations through-
10 out the Chesapeake City area.

11 The next program deals with Forest and Devel-
12 oped Woodlands. This is a two-fold issue. First of all,
13 in Chesapeake City, commercial forestry is not allowed, so
14 there is no need to deal with that issue as there is in the
15 county; but, secondarily, there are requirements, under
16 Forest and Developed Woodland, that will suggest that
17 people who develop property will have responsibilities for
18 planting trees and doing landscaping activities which
19 attempt to maximize the amount of green, if you will,
20 around an area, and create as much of a buffer and filter
21 strip as possible, in terms of a requirement of develop-
22 ment.

1 The Agricultural Program element--there are
2 agricultural areas, small in nature, located within Chesapeake
3 City. Most of the farm land, agricultural land, is
4 outside the corporate boundaries, and everything within the
5 town is served mainly, or within proximity of water and
6 sewer, so therefore, what we have recommended is that, to
7 the extent that agriculture exists--it's permitted to
8 continue--should observe a farm plan and do all the things
9 that are required of agriculture in the Critical Area
10 Program. However, there would not be a specific requirement
11 for agriculture beyond that within the Program.

12 Mineral Resources Program element--this is one
13 which does not very much effect the town, because mining is
14 not prohibited within the corporate limits; that is, sand
15 and gravel-type minings and that sort of thing, so that's
16 not really a pertinent feature.

17 The Natural Park Program element--basically,
18 what we're talking about here is largely the land that's
19 owned by the Corps and, once again, in talking and coordinating
20 with the Corps, there is an appreciation of the use
21 of the federal lands for natural parks or public access and
22 that sort of thing, because the Program features a desire

1 to, in addition to preserve natural areas, also to permit
2 public access to them so that people can get the benefit of
3 their enjoyment.

4 Then we go through a series of Habitat Protec-
5 tion elements, the first of which is a, is the Buffer Pro-
6 tection Program. We have; in the case of Chesapeake City,
7 we are requesting an exemption from the buffer require-
8 ments. In that particular case, once again, all of the
9 land within Chesapeake City, basically all that hundred
10 foot strip being largely within the ownership of the Corps
11 of Engineers or in those minor remaining pieces, you have a
12 situation where they're largely already developed, so we're
13 not dealing with a situation where there's a lot of land
14 where there's an opportunity for that hundred foot buffer
15 to be instituted.

16 We have proposed a requirement which will say
17 that, within that buffer, that people should, once again,
18 when they construct, maintain a maximum green space between
19 where they construct and the waterway itself, so as to
20 create the maximum possible buffer under development circum-
21 stances, and the Corps is recommended to observe as much
22 distance as possible in their development activities to

1 preserve that buffer strip between the land and the water-
2 way.

3 The Non-Tidal Wetlands Protection Program
4 element--this is a program in which certain setbacks are
5 required of property that is not defined as tidal wetland,
6 nevertheless features a number of issues important to
7 environmental concerns and is the habitat of natural areas,
8 and these areas are protected areas now, under legislation,
9 and essentially where they're located, and we have maps
10 available in which they're spotted. Those areas will be
11 protected from development activities by setbacks around
12 them.

13 Threatened and Endangered Species Program is a
14 issue where there are none that have been identified as
15 present in Chesapeake City. As reconnaissance is done, and
16 if any are ever found, the maps will be updated and protec-
17 tion features for them will be included.

18 The Plant and Wildlife Habitat Protection Pro-
19 gram, and an Anadromous Fish Propagation Waters Programs,
20 deal with setting up as much distance as possible where
21 there are natural habitats, or trying to develop, or lim-
22 ited development activities in certain times of the year

1 when spawning periods are occurring and that sort of thing,
2 in order to protect as much as possible wildlife, either
3 fish or on land.

4 That is the real quick sum and substance of
5 what the Plan contains. Now, in the very back of this
6 document there is an implementation chapter. Once the Plan
7 would be adopted, then it's necessary to make certain
8 amendments to town documents and, principally, there are
9 four documents that need to be amended in Chesapeake City.
10 The first is the Comprehensive Plan. In the Comprehensive
11 Plan amendment, we are merely saying that there will be a
12 Critical Areas Program, the Critical Areas Program will be
13 consistent with the state requirements, and that it will be
14 implemented through the Zoning Ordinance.

15 The bulk of the amendments are in the Zoning
16 Ordinance Amendments themselves, where we have gone chapter
17 and verse through your Zoning Ordinance and have now pro-
18 posed amendatory language which will implement the require-
19 ments of the Plan itself.

20 So you should recognize that if and when this
21 document would be approved and recommended back to the town
22 Board by the state, and the state would adopt it, these

1 amendments into the Zoning Ordinance would go into effect
2 and would effect most of the development activities within
3 the town, in terms of what it would require for filing and
4 the types of activities that it would allow and the various
5 new and different setback requirements that were not other-
6 wise prevailing, and the complete text of those amendments
7 is in the Implementation Section of the Plan.

8 The Cecil County Storm Water Management Ordin-
9 ance Amendment and the Cecil County Sediment and Erosion
10 Control Ordinance Amendments are included in here because
11 the town currently employs the Storm Water Management
12 Ordinance and the Sediment Erosion Control Ordinance of the
13 county as the town ordinance, so to the extent that we are
14 amending the county ordinance to make it consistent with
15 the state requirements, then you will as well amend your
16 approval or use of those ordinances to reflect those
17 changes.

18 So that is a real quick synopsis of the, of the
19 content of the Plan. The maps are available, and I would
20 be happy to entertain any questions or comments.

21 DR. SULLIVAN: Mike, did you want to show the
22 maps of the IDA-LDA? Is there any need to do that?

1 MR. PUGH: I'm perfectly happy to. I think the
2 easiest way to do it might just be to hold it up and simply
3 say to you that the shaded area represents the Intensely
4 Developed Area, and the blank areas, or the unshaded areas,
5 if you will, represent the Limited Development Areas.
6 Yeah?

7 MR. McDONOUGH: Where does the thousand foot
8 boundary fall on the map of Chesapeake City?

9 CHAIRMAN GUTMAN: Would you be good enough to
10 please mention your name?

11 MR. McDONOUGH: Oh, my name's Patrick
12 McDonough.

13 CHAIRMAN GUTMAN: Thank you.

14 MR. PUGH: You may want to come up and look at
15 this. The best I can do is point from this distance and
16 say to you --

17 MR. McDONOUGH: That line?

18 MR. PUGH: It's that line.

19 ??? And this one here.

20 MR. PUGH: And this one on the south side.

21 MR. McDONOUGH: Okay. Another one of my
22 questions--are you going to go through this whole document,

1 page by page?

2 MR. PUGH: I hadn't intended to.

3 MR. McDONOUGH: I wish you would. Or is that
4 up to us to do?

5 MR. PUGH: Yes. I mean, we're here to;
6 tonight's purpose is for the Commission and the Town Board
7 to receive comments. To the extent that you have ques-
8 tions, we'll be happy to, you know, try to answer 'em. I
9 don't think that anybody wants me to go through it page by
10 page.

11 MR. McDONOUGH: My first question is, how many
12 acres is Chesapeake City? Do you know?

13 ??? In this Critical Area --

14 MR. McDONOUGH: No. I don't want to know the
15 Critical Area. I just want to know the total area of the
16 town of Chesapeake City, and if you can give me land versus
17 water mass.

18 MR. PUGH: I can't give you a calculation on
19 the water mass. I don't know --

20 MR. McDONOUGH: Well, how did you determine for
21 this document all these numbers that you did come up with,
22 like one part here has 55 acres of agricultural land and 70

1 acres of this and so many acres of that.

2 MR. PUGH: We looked at the land use from
3 aerial photography. Then we took a planimeter instrument,
4 if you're familiar with that, and planimetered around those
5 areas, which gave us the approximations that we used within
6 this document.

7 MR. McDONOUGH: Okay. Because I; nowhere in
8 here; you have all these other areas defined, like
9 agriculture's 55.4 acres of agriculture, but you don't have
10 the total acreage for the town of Chesapeake City. It had
11 to do with a point I wanted to make later on --

12 MR. PUGH: Well, the only thing I can say is
13 that we were only focused within that thousand foot
14 boundary, in terms of this study effort, and so I don't
15 have the calculation for the total acreage. It may be in
16 the Town's Comprehensive Plan. I just simply don't recall
17 it off the top of my head.

18 MR. McDONOUGH: Well, when did you; when you
19 did take that thousand foot buffer zone that included the
20 Critical Area, did you do both sides of Wolf Creek, up to
21 the high; as far as tidal runs?

22 MR. PUGH: We did not.

1 MR. McDONOUGH: Why?

2 MR. PUGH: Because we did, in this case,
3 consistent with what we did throughout the rest of the
4 county, and that was--we relied on the maps that are the
5 adopted official state wetlands maps, as showing the
6 boundary. Now, we referred the matter of Wolf Creek, which
7 we had discussed in a previous work session, to the State
8 Water Resources Administration, and have made them aware of
9 the issue, and they will decide whether or not, when
10 amendments occur to the wetlands map, which they are
11 currently in the process of gathering, whether or not they
12 will amend their boundary. When they amend their bound-;
13 if and when they amend their boundary concerning Wolf
14 Creek, then there is provision in this document for
15 amendment which will concurrently then allow us to amend
16 the Program to reflect those changes.

17 MR. McDONOUGH: Okay, 'cause it is a tributary
18 of Back Creek, which is a tributary of the Elk River, which
19 is a tributary of Chesapeake Bay.

20 MR. PUGH: I heard, I heard this at the work-
21 shop, and that's why we undertook the steps that we did.

22 CHAIRMAN GUTMAN: Are there any other

1 questions of Mr. Pugh? Yes? Would you please give your
2 name? And if you do represent an organization and are
3 speaking for another, a group of people, if you'd likewise
4 identify that organization.

5 MR. HILL: My name's Frank Hill, and I'm a
6 councilman here in Chesapeake City. On the north side, you
7 don't have any IDA--Intensely Developed Areas--identified.
8 All along that whole stretch of Little Street there is
9 every bit as densely populated as right here in the center
10 of the south side. That ought to be identified, I would
11 think. Is that a mistake or an oversight or --

12 MR. PUGH: Well, in order for an IDA to be
13 mapped, there's a minimum area that it has to consist of,
14 and I think it's twenty-five acres. Is that; twenty
15 acres. So there has to be twenty acres of contiguous
16 density where it's at that intensity, and my comment to you
17 would be that on the north side there is not a twenty acre
18 total area where that density occurs.

19 MR. HILL: I'd have to add that up myself. I
20 think it's just about tit for tat as far as it goes --

21 MR. PUGH: Well, what I would be; what we would
22 be more than happy to do would be to look at the area that

1 you feel is in that condition, and to the; I mean, you
2 know, let's all look at that and then we'll go back and
3 we'll measure the area and examine whether or not that is,
4 is so.

5 ??? I think, also, didn't the Comprehensive
6 Planning, didn't it require a quarter acre to build over
7 there? Which would make it four per acre? That would be
8 --

9 MR. PUGH: Yeah. You would be allowed to build
10 four per acre in the LDA category, on the north side,
11 already. The Intensely Developed Area would only be for
12 conditions where development in excess of five units per
13 acre could occur, which would largely be, as I say, your
14 townhouse and apartment-type of construction.

15 MR. HILL: Yeah. Well, that involves a big
16 portion of the north side, I think. We, we could take a
17 look at that. Another question or comment I have, and I
18 don't know whether it's in here--I didn't get a chance to
19 read it all--but we have quite a bit of government activity
20 here as far as dredging and the levees and all that goes.
21 Does this Plan cover that and is the federal government
22 required to abide by our plan from Chesapeake City, as well

1 as the county plan or, or anything else that goes on in the
2 state? Does the federal government; is, are they required
3 to, to abide by this?

4 MR. PUGH: Kevin may want to make a comment on
5 this, but I'll, I'll take a first stab at it. I think that
6 the real answer to your question is "no." I think that the
7 federal government is excluded from an absolute requirement
8 to comply with these Regulations. However, about six
9 months or so ago, as I recall, the federal government did
10 sign a consistency agreement with the state which said that
11 they agreed that they would, in their activities, attempt
12 to remain consistent with the locally-adopted plans. So I
13 guess that's kind of saying that we believe that they will,
14 but it's only an agreement and doesn't have the force of
15 law. Would you make that; would you say that's an accurate
16 characterization?

17 DR. SULLIVAN: That's general, although there
18 are some specific items in the Coastal Zone Management law
19 where the federal government can get out of this. One is
20 national defense, and there are several others. The point
21 is that there are some fairly; there are only some fairly
22 narrow reasons that they can make to get out of this

1 requirement, so if it was in the normal course of
2 maintaining the waterway, for example, and they couldn't
3 make a national defense argument, then presumably they
4 would have to be in compliance with whatever local program
5 is in force.

6 MR. PUGH: Does that answer?

7 MR. HILL: Yeah. More or less. On your map;
8 let me see what it is; it's 23, page 23 in the book,
9 there's an area identified as V/ST, which is down here in
10 the basin, and that's not identified on the map.

11 Vegetation is identified, but ST, I don't understand what
12 that is.

13 ??? It indicates that the area is stable and
14 not undergoing any erosion at the current level.

15 MR. HILL: Oh. Okay. That's stable. Okay.

16 MR. PUGH: Let me, for the record, identify my
17 assistants. That's Janet Glusnir who just spoke, and Susan
18 McFeater is seated next to her. I think you have a
19 question?

20 MR. McDONOUGH: Do you want me to give my name
21 again or --

22 MR. PUGH: Is that necessary for the; it's not

1 necessary? Go ahead.

2 MR. McDONOUGH: Okay. You have in there on
3 pages; like you give the definition of a Resource Conserva-
4 tion Area, and then on page 10 or 9, on page 9, you say
5 that Chesapeake City has no Resource Conservation Area. I
6 dispute that. I think we have a lot of Resource Conserva-
7 tion Area, within the Critical Bay Area.

8 MR. PUGH: Well, I can only say to you that the
9 term or designation "Resource Conservation Area" generally
10 relates to the intensity of development. Now, where, where
11 there are properties that have not yet been developed
12 within towns, to the extent that those properties are
13 within the proximity of water and sewer service, then they
14 are subject to being classified as Limited Development
15 Areas, and that is essentially what has happened here, and
16 I might add that it was through, once again, the workshop
17 format that this issue was discussed.

18 MR. McDONOUGH: Okay. Well, that'll go back;
19 that should fall, will fall back to page 10, where it has
20 "Grandfather Lots," and that will tell us whether or not
21 lots have already been established in town where we just
22 have big parcels of land sitting there that has been

1 subdivided. Okay. You have on page 10, "Grandfather
2 Lots." Then it says "lots recorded prior to June 1, 1984,"
3 and those lots have been recorded for those big parcels of
4 land. I mean, if a parcel of land hasn't been broke up
5 into a lot, it's not a recorded lot.

6 MR. PUGH: That's correct.

7 MR. McDONOUGH: This is a large parcel

8 MR. PUGH: That's correct.

9 MR. McDONOUGH: Well, these large parcels that
10 I'm speaking of are agricultural parcels that have nothing
11 broken up, as of yet, into building lots.

12 MR. PUGH: That's right. But that doesn't mean
13 that they're not subject to being classified as Limited
14 Development Areas by virtue of their proximity to water and
15 sewer.

16 CHAIRMAN GUTMAN: Mr. Pugh, I think we have a
17 question over here. Give us your name, and if you're
18 representing an organization or a group.

19 DR. LEE: I'm Dr. Susanna Lee, and I'm just a
20 resident of Chesapeake City. I was just wondering; the
21 Ordinances, the amended Ordinances for the Chesapeake City
22 book, have they been discussed with the Council, or is

1 this--you going through and recommending --

2 MR. PUGH: That's correct.

3 DR. LEE: Town Council?

4 MR. PUGH: These are, these are the consult-
5 ant's recommendations to the town, for amendments to be
6 made to your Zoning Ordinance, among other documents, and
7 which we believe implement the Plan that's set forth in
8 this document.

9 DR. LEE: Okay. And, at this point, I, we
10 talked briefly, but, okay, at this point, after the public
11 hearings, is this submitted to the state? I would just
12 like to know the procedure --

13 MR. PUGH: Okay.

14 DR. LEE: -- because I would like to see at
15 what point does the Council have a chance; you had men-
16 tioned something about that once the state actually adopts
17 it, then the amendments will have to be followed by Chesa-
18 peake City, and I wanted to see at what point does the
19 Council have a chance to discuss this.

20 MR. PUGH: Well, first of all, they have a
21 chance to discuss it right now. This is Chesapeake City's
22 public hearing, in addition to the State's Commission's.

1 Now, before the document will be submitted to
2 the state for review, it must be voted on as the document
3 which the Council recommends to the State Commission. So,
4 before the Commission even begins to look at it, in house,
5 and say whether or not they're in agreement with it, the
6 Town has to first say that "This is what we want to
7 submit." Once they have said that, then it gets sent to
8 Annapolis, and then they get their turn with it.

9 They take their process of going through the
10 document and then send back to Chesapeake City comments as
11 to either acceptance of the document as written, or b)
12 acceptance with changes in the following area.

13 Then, you consider your position relative to
14 what they're saying and then a final public hearing is
15 held, by the Mayor and Council, and then a vote is taken
16 which, if favorable, adopts the Program and puts the matter
17 into law. So there are still, not only now, with this
18 first cut, but also, ultimately, it comes back for yet one
19 more public hearing and one more vote of adoption, on the
20 part of the Mayor and Council, before it becomes law.

21 DR. LEE: Isn't there a time line involved?
22 Aren't we involved in a time line right now with the state,

1 as far as when it has to be provided to the state?

2 MR. PUGH: There is a time line of June the
3 2nd.

4 DR. LEE: Okay.

5 DR. SULLIVAN: Eleventh.

6 ??? June the 11th.

7 MR. PUGH: June the 11th, by which the Program
8 must be adopted. Finally. It had gone through all of its
9 hearings and all of its --

10 DR. LEE: I thought that was --

11 MR. PUGH: -- process --

12 DR. LEE: -- because it's not --

13 DR. SULLIVAN: Well, that's the time for
14 adoption, but the time for submitting the Program for
15 approval is; the deadline is more or less somewhere in the
16 end of February or early March.

17 MR. PUGH: In order for them to have their time
18 with it --

19 DR. SULLIVAN: That's right. If that doesn't
20 happen, then the Commission would have to do it for the
21 town.

22 DR. LEE: Okay. That's where the March date

1 comes in.

2 DR. SULLIVAN: Right.

3 CHAIRMAN GUTMAN: Are there any further
4 questions for the consultant to respond to? Alright.

5 Well, Mr. Pugh, I want to thank you very much.

6 MR. PUGH: Thank you.

7 CHAIRMAN GUTMAN: And I think at this point
8 we'll go into that part of the proceedings tonight, which
9 is the hearing conducted by the Critical Area Commission.
10 I would like, just like to read, read a sentence so far as
11 this process, and that is that the record that is being
12 developed tonight will be kept open for a week to receive
13 any written testimony, so that if there's anyone who
14 wishes, beyond making an oral statement, to send something
15 in writing, that written testimony should be mailed to the
16 Chairman of the Critical Area Commission. He is Judge
17 Solomon Liss, L-I-S-S. His address would be the Chesapeake
18 Bay Critical Area Commission, 580 Taylor Avenue, D-4.
19 That's the location in the building. And that's in
20 Annapolis--Annapolis, Maryland 21401.

21 The complete public record will be kept at the
22 Commission office for public review, so if there is

1 anything that's said tonight and someone wishes to refresh
2 their memory, the record will be in Annapolis for you to
3 further research.

4 Alright, I think we're at the point now where I
5 would like to ask if there is anyone who does wish to make
6 an oral statement. First of all, has everyone signed in?
7 Do we have the name of everybody here in the room? Well,
8 the way; pardon? Alright. Just one minute. The only one
9 who I see has signed up to speak would be Patrick McDonough

10 --

11 ??? And Mike Pugh. Mike Pugh is first.

12 MR. PUGH: I was finished.

13 ??? Are you done? Oh. Okay.

14 CHAIRMAN GUTMAN: So, Kevin, if you'd have
15 everyone else sign this, I'll ask for Mr. McDonough to make
16 a statement.

17 TESTIMONY BY PATRICK McDONOUGH

18 MR. McDONOUGH: I just feel that; just seeing
19 this document for one week, I feel that we're at this time
20 being; it's a lot of document to review and needs time, and
21 I think it's going to take some time to get it straightened
22 out, and I find a lot of discrepancies in the rough draft

1 of it.

2 CHAIRMAN GUTMAN: Alright. Does anyone else
3 wish to, on the record, provide an oral statement at this
4 time? And do recognize that there is the opportunity to
5 send written statements and further input certainly can be
6 had through this, the Mayor and his staff, as well as the
7 consultant, and to the Commission, when we have before us
8 the matter of approval of the document.

9 Those meetings, that are held most frequently
10 in Annapolis, are open meetings of the Commission, and
11 members of the public are invited to attend, and certainly
12 there is often an opportunity for the public to speak at
13 those meetings if they have something relevant to say to
14 the matters at hand.

15 Well, at this point, I do not see anyone or any
16 other names on the list of individuals who desire to speak,
17 nor do I see any hands raised of those who would like to
18 speak, so I think at this point I'm going to declare that
19 the hearing--the formal part of the hearing--is adjourned.
20 However, after this adjournment, if you have questions that
21 possibly the consultant could answer, of a more specific
22 nature, I'm sure he's willing to stay here a few minutes

1 and entertain questions or provide additional information.
2 Alright. If this is agreeable, I will now declare that the
3 hearing on the Plan for Chesapeake City is complete, and we
4 are adjourned.

5 (Whereupon, the hearing was adjourned.)

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C E R T I F I C A T E

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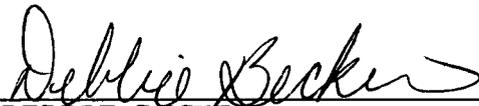
IN THE MATTER OF:

JOINT HEARING BY THE TOWN OF CHESAPEAKE CITY AND THE
CHESAPEAKE BAY CRITICAL AREA COMMISSION FOR THE PURPOSE OF
RECEIVING TESTIMONY ON THE PLAN DEVELOPED BY THE TOWN IN
COMPLIANCE WITH THE CRITICAL AREA LEGISLATION

MEETING DATE: January 18, 1988

PLACE: Chesapeake City, Maryland

represents the full and complete proceedings of the afore-
mentioned matter on said date, as reported and reduced to
typewriting.


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