

Public Hearings - Chestertown - Chesapeake Bay Critical Area Commission Joint Hearing 1988 MSA\_51830-32

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CHESTERTOWN

&

CHESAPEAKE BAY CRITICAL AREA COMMISSION

JOINT HEARING

Town Hall, Chestertown, Md.  
February 18, 1988

PRESENT:

Chestertown Council Members:

Mayor Elmer E. Horsey  
William S. Ingersoll, Town Manager  
Peter D. Heller  
Patricia Mulligan  
Joan Merryman  
Vito Tinelli, Jr.  
Mabel Mumford

Critical Areas Commission:

Tom Osborne, Chairperson  
Charlie Davis  
Kay Langner  
Vic Butania  
Louise Lawrence

Consultants to Chestertown:

Jeff Hutchins  
Anne Jones

Reported by:  
Breta Bernstein

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A T T E N D E E S

Melinda Carl

Austin Wacuscry

John Oppenheimer

Faye Godwin

Mike Hart

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1                   Now, I'd like to call on Mr. Osborne for the  
2 Critical Areas Commission.

3                   MR. OSBORNE: Thank you very much, Mayor. My  
4 name is Tom Osborne and I am the chairperson for this  
5 panel comprised of members of the Critical Areas Commis-  
6 sion. I'd like to introduce the members. Vic Butanis  
7 is a member from Hartford County, Louise Lawrence is a  
8 member representing the Department of Agriculture; Kay  
9 Langner is a member from Cecil County; and Bob  
10 is a member of the Commission representing the Department  
11 of Environment.

12                   We have a standard format for our public hearing  
13 but the Mayor has covered just about everything. For the  
14 record, the purpose of our hearing is to take public  
15 comment on the local jurisdiction's program as required  
16 under Section 8-1809 of the Critical Area Law.

17                   Once the Critical Area Commission has formally  
18 received the local program, we have ninety days (90) days  
19 to act on that program to approve or disapprove the pro-  
20 gram.

21                   Tonight we do have a court reporter present,

1 Breta Bernstein and there will be a record made of this  
2 hearing. We will receive additional written testimony if  
3 anyone is so inclined and statements can be mailed to  
4 Commission Chairman Solomon Liss, Chesapeake Bay Critical  
5 Area Commission, 580 Taylor Avenue, D-4, Annapolis,  
6 Maryland 21401 and I believe that covers most of out  
7 standard format and I'll turn the hearing back over to the  
8 Mayor. Thank you.

9 MAYOR HORSEY: Thank you, Mr. Osborne. We're  
10 going to have our consultant, Jeff Hutchins, to go over  
11 our plan. Jeff, do you want to go ahead with that now?

12 MR. HUTCHINS: Good evening, ladies and gentle-  
13 men. My name is Jeff Hutchins and this is Anne Jones and  
14 we were hired by the Town to produce a Critical Area Plan  
15 that would be acceptable by the State for approval and  
16 essentially, we're going to give a brief overview of  
17 that plan tonight consisting of the development areas,  
18 the natural environmental aspects and the associated  
19 items that need to be included in this plan.

20 Essentially, the Town of Chestertown is required  
21 to be in the Critical Area Program because it lies on

1 Chester River which is tidally influenced from the Bay and  
2 the Critical Area definition for the Town would be a  
3 thousand (1,000) foot setback from the limit of tidal  
4 wetlands.

5 Now, on this exhibit here and on the exhibits  
6 we've provided with the Plan, we have mapped the entire  
7 corporate limits of the Town of Chestertown and on this  
8 we have indicated by this bold line the limit of the Criti-  
9 cal Area within the Town of Chestertown.

10 Now, the areas that are outside this limit  
11 are not currently fall under the Regulations or jurisdic-  
12 tion of the Plan and the area that's designated either  
13 yellow, brown, or green are areas of the Town that will  
14 fall within the purview of this plan and as the Mayor  
15 discussed, the Town has been divided into three areas.

16 The yellow area on here representing the areas  
17 that will be classified as intensely developed areas. The  
18 brown area in here which is classified as a limited  
19 development area, and the green areas which are classified  
20 as tidal wetlands and buffer.

21 There is a third designation available in the

1 Critical Area Program called resource conservation area,  
2 but due to the fact that Chestertown has these vast areas  
3 of tidal wetland, we've elected to designate these areas  
4 as the buffer and the tidal wetlands due to the fact that  
5 the limit of State wetlands is at this point and no develop-  
6 ment can occur, waterward of that point.

7 Elements of the Plan have included a brief back-  
8 ground of the Town. The goals of the Plan and the goals  
9 and objectives of each land use designation, discussion of  
10 water dependent facilities, which Chestertown does have  
11 a number of; shore erosion protection; forest and woodland  
12 protection, which we'll discuss in a little bit more detail  
13 later; any agriculture; surface mining; any natural parks;  
14 habitat protection areas; and then generally the elements  
15 that go into local review, local plans, ordinances, com-  
16 prehensive plans, elements of the historic district,  
17 zoning, and things of this nature.

18 So, at this point with this brief background,  
19 I'll let Anne take over and discuss a little bit more  
20 detailed elements of the three areas we've designated  
21 here.

1 MS. JONES: I'll try to get out without knocking  
2 anything over. If there's anyway to do this without being  
3 to somebody's back here, the way this is all set up. Bear  
4 with us.

5 I don't know how many people here are people  
6 who are property owners that are affected by the Critical  
7 Area Plan. I know that one of the first questions that  
8 everybody has, of course, what's it going to do to my  
9 property.

10 Basically, for existing development, for a  
11 home that's there, for a lot that was platted as of the  
12 date that the regulations went into place, there isn't  
13 a terrible amount of additional regulation imposed by the  
14 Critical Area Plan.

15 The Critical Area Plan does deal more with new  
16 development. For existing development what it is looking  
17 at is things such as educational programs. The Town as  
18 part of the plan has looked to see if there are areas  
19 where there may be storm water problems, as an example,  
20 or something that could conceivably be done from existing  
21 areas to improve the quality of runoff. But, the burden

1 of making those improvements or taking care of those  
2 situations is more something that the Town looks at as  
3 something that could perhaps could be funded through addi-  
4 tional funds of the Critical Area Program, or looking at  
5 it on a town like basis.

6 There hasn't been any particular areas in  
7 Chestertown at this point that have been identified as  
8 a real problem area. In some towns you may have some  
9 direct discharges or something, but there is nothing of  
10 that nature here. So, for the existing development, for  
11 an existing home, for instance, or a lot that's located  
12 in the Critical Area, the regulations aren't going to  
13 have a tremendous impact.

14 There is more in new development, any future  
15 development that you'd want to come in and basically  
16 that's where the regulations call for mapping out the  
17 areas that Jeff described earlier. The intensely developed  
18 and the limited development are the two areas that are  
19 in town here.

20 The intensely developed is designated by this  
21 yellow color, and I'm not sure what color that is, a

1 pinkish-reddish-brownish over here is the limited develop-  
2 ment.

3 The legislation gives specific criteria for  
4 what constitutes intensely developed. It's the least  
5 restrictive in terms of development, restrictions in  
6 the future. It is assumed to be an area that is already  
7 highly developed. It's one where residential, commercial,  
8 instituional, and/or industrial developed land uses pre-  
9 dominate. There's not much natural habitat. The housing  
10 density is greater than three dwelling units per acre  
11 and it's at least twenty adjacent acres.

12 In Chestertown, this entire area within the  
13 Critical Area is approximately three hundred and twenty  
14 (320) acres. Of that, a large portion, about two hundred  
15 and four (204) fall into this intensely developed cate-  
16 gory, which, of course, includes the developed downtown,  
17 industrial sections, and also, I'll talk about in the  
18 future, there are two recently annexed parcels which have  
19 been designated for development that are also in this  
20 intensely developed area.

21 These parcels that have been annexed, Stepney

1 Manor and an area over here that's going to be developed  
2 by Penninsula United Methodist Homes. The Town has worked  
3 very closely with the County and the Counties are allowed  
4 to give some allocation of growth into areas that pre-  
5 viously have not been developed.

6 In Kent County, according to their Critical  
7 Area Plan, they estimated that there are some thirteen  
8 hundred (1,300) acres that possibly could be developed  
9 by their formula. Of that, Chestertown has requested  
10 eighty-four (84), which is a very modest, actually,  
11 request for extension when you look at the importance of  
12 Chestertown to the County, the fact that it is the County  
13 Seat, that it's the major service provider in the County,  
14 and the County has included both of these parcels through  
15 the process to allow the future development. They have  
16 been designated intensely developed by the Town at this  
17 time.

18 The limited development area is smaller. This  
19 is by regulation. It includes a housing density of about  
20 one to four dwelling units per acre and this area, Byford  
21 Court, large lot home subdivision down here that is about

1 a half acre subdivision which would fall in that one to four  
2 unit definition of not being as intensely developed as  
3 the remainder of town.

4 So, again as Jeff mentioned, the resource conser-  
5 vation will be a third area, but in Chestertown, because  
6 the areas that would fall in the resource conservation are  
7 all also tidal wetland. They're simply designated tidal  
8 wetlands and buffer for the Program and for the purposes  
9 of this.

10 The main areas where they occur are on these  
11 areas that are future development over by the United  
12 Methodist Homes and over by Stepney Manor. There are  
13 areas that in the preliminary plans, the owners of that  
14 parcel have been very sensitive toward keeping those  
15 areas open. There has been no disucssion of, you know,  
16 bulldozing them in and let's just go. It has not been  
17 so much. I don't think the Critical Area moving them  
18 as they are being very aware of the problem and very  
19 willing to work with it. So, they remain open and  
20 designated on here.

21 The buffer is the further area by the legisla-

1 tion that says basically the area closest to the water  
2 is to be protected. Much of the buffer in Chestertown  
3 has been developed. So, there is an exemption requested  
4 from the buffer for the old town area, basically. It's  
5 already protected by historic districts. It has a number  
6 of existing water dependent facilities on it. A wharf  
7 area, the Town Park and whatnot.

8 Where the really the purpose of the buffer in  
9 that area could no longer be fulfilled, it has been  
10 developed up to it. The remainder of the Town, where  
11 the new development is, the buffer would be maintained  
12 and continued as existing.

13 That's an overview of how the Town has been  
14 developed. Again, within these areas known as future  
15 development occurs in the intensely developed and the  
16 limited development, there are a series of criteria for  
17 how future development could occur within the -- and the  
18 Town will be looking at later phases to implementing  
19 and adopting additional regulations to further define how  
20 that development would occur. So, with that I'll turn  
21 it back over to Jeff.

1 MR. HUTCHINS: Okay. The key elements of the  
2 plan for the Town which center around the environmental  
3 issues, and so as required in the legislation an environ-  
4 mental inventory was conducted for the town and this  
5 is Map 3 of the set. Map 2 was a soils map, which we're  
6 not going to introduced tonight. It can be observed  
7 at another time, but the environmental map indicates a  
8 plant and wildlife habitats that were delineated based  
9 upon a biological reconnaissance of the area.

10 These were broken down into eight categories  
11 as delineated in the regulations. Number one, blue area  
12 being open water habitat. Number two is marsh type habi-  
13 tat which is fairly consistent with the tidal wetlands  
14 in town. Number three are nontidal wetlands which are  
15 found at the extremities of the tidal wetlands. Number  
16 four are hardwood forest habitats, which are these areas  
17 up here on the bluff where the United Methodist Home  
18 area is going to go, some little bit down here near the  
19 subdivision. Five is a pine forest habitat, which is  
20 directly contiguous with the hardwood habitat. Six is  
21 just an open field type habitat which encompasses a number

1 of species, which we've delineated over here in this more  
2 industrial area. Seven is a residential type habitat,  
3 which again encompasses a number of species which is  
4 essentially most of this downtown area and then eight  
5 is a commercial industrial type habitat which are shown  
6 in these red areas.

7 So, these areas being designated are now become  
8 part of a plan and could be subject to various protection  
9 plans that the Town might wish to adopt for the Program.

10 Two other elements of the Plan which are really  
11 a primary concern to the Town of Chestertown would be  
12 water dependent facilities which there would be certain  
13 guidelines that would be postulated in the Plan, which  
14 will go toward any type of new development of a water  
15 dependent facility. And shore erosion protection which  
16 generally we observed was really not that much of an  
17 issue in town because this area being nontidal wetlands  
18 is fairly well stabilized. The residential areas along  
19 the Chester are fairly well stabilized and there is some  
20 structural improvements along the main part of town here.  
21 But, there will be guidelines within the Plan that will

1 so trip a review if any type of new development is pro-  
2 posed, or if any type of shore erosion project is contem-  
3 plated for the future. So, these three main elements --  
4 I guess the last element would be a habitat protection  
5 plan, which essentially wer're looking at these areas  
6 of the hardwood forest areas, which are -- and the non-  
7 tidal wetlands really go without saying, are required by  
8 State Law for protection, so that really falls into its  
9 own category. But, the Town will be able to do some  
10 habitat protection in the hardwood forest.

11 The other elements of the Plan really are not  
12 applicable, just due to the fact that there is either  
13 limited agriculture, nonexistent surface mining elements  
14 within the Town.

15 I think the last thing that we can mention is  
16 the Town -- after this Plan gets reviewed and approved  
17 by the Town and submitted to the State -- once that Plan  
18 is approved, the Town will commence some implementation  
19 measures, which essentially would be some modifications  
20 to the zoning ordinance, some of the possibly sediment  
21 and storm water management ordinances. Bill might want

1 to discuss this a little bit more but, these particular  
2 measures would be implemented after the Town and the  
3 State approve this plan.

4 If there's any particular questions at this  
5 point in time on the Plan, Anne and I would be glad to  
6 answer them, and if not, maybe Bill would want to give  
7 us a little summary. If not, we can --

8 MAYOR HORSEY: Anyone have any questions?

9 [No response from audience]

10 MAYOR HORSEY: Bill, would you like to summar-  
11 ize?

12 MR. INGERSOLL: Well, I wasn't really prepared  
13 to talk about the implementaion into the Town Ordinances.  
14 I think that we're prepared to do that and we hope for  
15 additional funding from the Critical Areas Commission on  
16 that. But, I would like to compliment the ETA for  
17 working very closely with the Town from the very beginning  
18 and also the Critical Areas Commission for giving us  
19 early guidance and helping us with the selection of the  
20 consultants.

21 They came here first. They wanted all of our

1 zoning ordinances, all of our mapping, every bit of informa-  
2 tion they could get before they did their actual in the  
3 fields studies. I think this is a simple plan that the  
4 public can understand and everywhere where I presented it  
5 prior to this meeting it's been well received. It's simple  
6 and understandable and therefore usable.

7           MAYOR HORSEY: Thank you. Mr. Osborne, do  
8 you have anything you would like to add or ask?

9           MR. OSBORNE: No. Did anyone sign up to speak?

10          MR. DAVIS: No one signed up to speak.

11          MR. INGERSOLL: Perhaps we should introduce who  
12 is here. John Oppenheimer from Penninsula United Methodist  
13 Homes is here. Is there someone else here?

14          MAYOR HORSEY: I see Mike Hart.

15          MR. INGERSOLL: Mike Hart.

16          MAYOR HORSEY: He's just an interested resident.

17          MR. INGERSOLL: So, that's the extent of the--

18          MR. OSBORNE: Do any of the Commissioners have  
19 any questions at this time?

20          MR. BUTANIS: Yeah, I had a quick question.  
21 Hopefully it's a quick question. You referred to a

1 property known as Stepney Manor? Where is that located?

2 MR. HUTCHINS: Okay, that is an area located  
3 to kind of southwest of town over in this area. It's  
4 currently a large type manor or estate area over in here  
5 that is scheduled for intensely developed area.

6 MR. BUTANIS: The reason why I, you know, men-  
7 tioned that and it caught my attention, I happened to  
8 pick up a copy of the local paper this evening and on the  
9 front page it refers to a proceeding in court involving  
10 the Stepney Manor property, a proceeding -- you know, just  
11 reading the first two paragraphs of the article it appears  
12 as if the town is in the process of deannexing the property?

13 MAYOR HORSEY: It's going to be reannexed anyway  
14 so it doesn't make much difference.

15 MR. BUTANIS: I was just wondering what the  
16 status was.

17 MAYOR HORSEY: It will still be the same -- same  
18 as far as the County is concerned in our plans. We had --  
19 we got our allocation from them before anyone else and  
20 that was always in it and they weren't annexed when we  
21 asked for that allocation. That's in accordance with our

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comprehensive plan.

MR. BUTANIS: I was just more curious than anything.

MR. INGERSOLL: I would like to straighten one thing out. There's only one recently annexed area in this plan, not two, as I think Anne said. Just one. PUMH is in the town and has been for many years.

MR. OSBORNE: Well, if we have no additional questions, we would like to thank certainly the attendees for coming and thank the Council Members and the Mayor for having us. We look forward to reviewing the plan and actually Charlie Davis does most of the work in the review of the plan and we look forward to his doing that work and we hope that we will be able to approve the plan very soon. So, we thank you.

MAYOR HORSEY: Thank you very much. Are there any questions or comments anyone else would like to make?

[No response]

MAYOR HORSEY: If not, I'll declare the public hearing closed. Thank you all for coming.

[End of proceedings]

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C E R T I F I C A T I O N

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

Chestertown & Chesapeake Bay Critical Area  
Commission, Joint Hearing

BEFORE: Mayor and Council Members of Chestertown and  
Critical Areas Commission Members

DATE: February 18, 1988

PLACE: Chestertown Town Hall

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

  
Breta Bernstein

Barbara J. Becker  
FREE STATE REPORTING, INC.