

Public Hearings - Hillsboro - Chesapeake Bay Critical Areas Commission 1988 MSA_51830-40

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DEPARTMENT OF NATURAL RESOURCES

CHESAPEAKE BAY CRITICAL AREAS COMMISSION

PUBLIC HEARING

March 15, 1988

Hillsboro Fire House
Hillsboro, Maryland

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I N D E X

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Ms. Anne Jones (Queen Anne). 19

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Vince Higgins. 37

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1 Anne Arundel County. We have here the President of the
2 Town Commissioners of Hillsboro, Paul Yoash; the Mayor of--
3 President of Town Commissioners of Queen Anne, Vince
4 Higgins; and if the other people who are here would identi-
5 fy themselves for the record, since there are so few of
6 us.

7 MR. STAFFORD: Ron Stafford, Hillsboro, Commis-
8 sioner.

9 MS. CADE: Commissioner, all right.

10 MR. REILLY: Tom Reilly, Hillsboro, Commissioner.

11 MS. CADE: And sir, would you care to join us
12 at the table since we are such a small group and identify
13 yourself?

14 SPEAKER: I'm a spectator, that's all.

15 MS. CADE: Well, that's what the hearing is for,
16 it's for the spectators.

17 MR. YOASH: Come on up here, Gussy.

18 MS. CADE: Your name, sir.

19 MR. GIBSON: Perry Gibson, Jr., Queen Anne.

20 MS. CADE: From Queen Anne.

21 MR. YOASH: Alias Gussy Gibson, Jr.

22 MS. CADE: Thank you very much. We have received

Ms. Jones - Presentation - Hillsboro

1 the plans from both towns and the staff had a chance to
2 review them and note in any way that they are not complete.
3 Charlie Davis is our staff member who is here tonight.
4 Would you like to make any comments, or should we turn
5 it over to the Consultant, Anne Jones, to make a brief
6 presentation?

7 MR. DAVIS: I'll -- I think I'll defer to Anne
8 and if there's something that Anne doesn't cover, since
9 she's been dealing with it closer than I have lately,
10 at least.

11 MS. CADE: Anne, would you identify yourself
12 by your name and your company?

13 MS. JONES: I certainly will. I'm Anne Jones
14 and I'm with Engineering Technology Associates. We have
15 been working on both of the Critical Area Plans for the
16 Town of Hillsboro and Queen Anne. I will try to make
17 this brief this evening, now that I have a little micro-
18 phone hidden in front of me.

19 I apologize, first of all. I don't have the
20 maps we normally use in a presentation. They're being
21 finalized and had some corrections made on them when
22 I left for the presentation tomorrow before the entire

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Ms. Jones - Presentation - Hillsboro

1 Critical Area Commission, so rather than grab them off
2 the draftsman's desk and have them have a heart attack
3 because I'd done something in the middle, I left the
4 presentation maps there.

5 Briefly, I think what I'll do is go a little bit
6 over the development areas, a little bit of some of the
7 things that may be a little different about Queen Anne
8 and Hillsboro just because of their size and services
9 available, and then take any questions anybody has.

10 This will start with Hillsboro since we're in
11 Queen Anne, because that would seem to make it a little --
12 make a little sense out of it for no reason at all.
13 Actually, both Hillsboro and Queen Anne have right around
14 180 people. So, you're talking population wise a very
15 similar and a very small town.

16 Hillsboro have been a very stable residential
17 population through the years, if you go back through
18 the census, it hasn't either gained or lost a lot of
19 population. There is virtually no commercial and there
20 is no industrial use in Hillsboro at this time.

21 There is no public water or sewer. So, you're
22 looking at a town that's basically a stable community

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Ms. Jones - Presentation - Hillsboro

1 and without a lot of things that in many communities would
2 lead into some other problems that go into the Bay. The
3 entire Critical Area in Hillsboro is about thirty acres
4 and of this amount twenty acres falls into sort of a
5 distinguishable central core of the town, and that's the
6 town where you have the existing homes, number of churches,
7 some public uses, some beautiful old historic homes, and
8 a few commercial uses are in there, such as, a barber
9 shop, a hardware store.

10 There are about thirty-eight homes on fifty-four
11 lots in that area. So, you're density is about one and
12 a half to two dwelling units an acre in the town and what
13 that means is that the town really of Hillsboro doesn't
14 have any areas that would meet the definition of intensely
15 developed areas. It falls into the limited development
16 area. So, the majority of town is designated limited
17 development and I believe that in the back of all of
18 yours -- it probably got copied -- this map and I can
19 certainly hold this one out.

20 You'll see that most of the town is the limited
21 development. Now, the town boundaries, as we discovered
22 as we got into this project, do extend further north and

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1 that area is part of what's being corrected in the maps
2 for tomorrow. That area is comprised of open fields and
3 is not developed at this time.

4 MR. PRICE: Excuse me, does the town have
5 existing zoning?

6 MS. JONES: The town does not have existing
7 zoning. Hillsboro, at this time -- that's where we're
8 going to be going sort of with the next step as a result
9 of the Critical Area Project. We're working on that and
10 that's actually what we're working on, even as we speak
11 practically.

12 The Resource Conservation Area in Hillsboro
13 runs sort of -- it doesn't -- it runs more perpendicular
14 than parallel to the Tuckahoe. That area is comprised
15 of some large back yards. There is a church with a cemet-
16 ery that goes back into that area that has a very well
17 maintained -- it's a beautifully maintained with magnolias
18 and boxwood and everything back in there.

19 MR. KRECH: What part of the thirty acres is
20 RCA?

21 MS. JONES: The RCA is -- the balance of --
22 hold on just a second. Twenty-one are limited and nine

Ms. Jones - Presentation - Hillsboro

1 are Resource Conversation.

2 MR. KRECH: Nine are RCA, yeah, okay.

3 MS. JONES: There is a total -- there is seven-
4 teen hundred feet of frontage along the Tuckahoe here.
5 just to give you an idea.

6 MR. YOASH: I think when you move that seven
7 hundred and fifty foot line back you're going to pick up
8 some more.

9 MS. JONES: Yeah, there will be more of the
10 Resource Conservation in this as we extend this to the
11 north. These are the tax maps that have been on file
12 for Hillsboro for quite some time.

13 MR. KRECH: In other words, your Resource
14 Conservation will go into the LDA area?

15 MS. JONES: It will be extending to the north
16 of the LDA, beyond it.

17 MR. KRECH: Off in here?

18 MS. JONES: Yes.

19 MR. KRECH: Up in there.

20 MS. JONES: The Town Charter's description of
21 the town boundaries differ from the what the Tax Office
22 was looking at.

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1 MS. CADE: Of approximately how many acres?

2 MS. JONES: It's about seven hundred and fifty
3 feet -- I was going to say maybe somewhere between five
4 and ten additional acres. It's not --

5 MR. YOASH: I think what happened in the Tax
6 Office the town maps are plotted on a 1/50 scale and the
7 line ran off the sheet and they just forgot about it.

8 MS. CADE: They never picked up the other sheet.

9 MR. YOASH: Yeah, until I saw this that Anne
10 had and she got it and then I went over -- they corrected
11 it now.

12 MS. JONES: Anyway, the Resource Conservation
13 Area --

14 MS. CADE: Excuse me. Let me interrupt. If
15 you would care to join us for the Critical Areas Hearing,
16 why don't you just pull chairs up around this table. We're
17 just doing this very informally. Ardeth Cade.

18 MR. HUDSON: Jack Hudson. What was your name?

19 MS. CADE: Ardeth Cade, Department of Housing
20 and Community Development.

21 MR. HUDSON: Thank you.

22 MR. KRECH: Hi, I'm Shep Krech, Talbot County.

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1 MR. PRICE: Bob Price.

2 MR. HUDSON: Jack Hudson. I know that young
3 lady.. Okay. I'm sorry I interrupted you.

4 MS. CADE: Anne is just going over the Hillsboro
5 Plan with us.

6 MS. JONES: One thing I would mention in Hills-
7 boro, all the property owners that are in the Resource
8 Conservation also would have land in the Limited Develop-
9 ment. This kind of cuts through the back yards and the
10 developed portion of their property. The same thing will
11 be true on the north side.

12 MS. CADE: In other words, for instance, Lot 56
13 looking at this map, Lot 56 goes deep, is that what
14 you're suggesting -- it goes north farther than is shown
15 on this map?

16 MS. JONES: That's correct. There's another
17 kind of -- there is another large property owner that
18 owns the majority of it. It's not just an extension of
19 each lot.

20 MS. CADE: For the record, we have additional
21 people joining the hearing at this point. I think it
22 will probably be easiest if you will just pull a chair

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Ms. Jones - Presentation - Hillsboro

1 in. How are you, good to see you. And in a few minutes
2 we'll have everyone identify themselves on the record,
3 but for now, we'll continue, Anne.

4 MS. JONES: Okay. We have been asked if the
5 background could be kept down so she can hear everything
6 on the tapes because -- having trouble.

7 MR. YOASH: Tell Wayne to shut up.

8 MS. JONES: I wasn't going to put it that way.
9 All right. The buffer area in the Town of Hillsboro
10 extends again, most of the property in the buffer also
11 have the lots that are adjacent to the buffer. The buffer
12 does extend in the few areas beyond the hundred foot
13 limit because of some steep slopes and some soil condi-
14 tions.

15 There are two properties located entirely in
16 the buffer. One of them is the existing boat ramp owned
17 by the County Commissioners and the other property is
18 an extension of a private citizen's home. It's entirely
19 in the floodplain. So, the restriction on development
20 in the buffer, there is no request for anything like in
21 exemption from the buffer. It seems appropriate and it
22 meets the needs of the community.

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Ms. Jones - Presentation - Hillsboro

1 Those are basically the development areas that
2 have been set up. There is also a soils map in here
3 which I don't believe we need to go into with any degree
4 of detail, except to say that was the primary map that
5 was used in determining areas to extend the buffer beyond
6 the hundred foot.

7 The final map in the report is the Habitat
8 Protection Areas. Again, I'm not going to go into it in
9 great detail. There was a biologist consultant firm
10 working with us on the report, the Urban Land Institute.
11 They came and canoed down the creek and they were the
12 ones that actually did the inventory of the different
13 areas.

14 MR. YOASH: Who was the Urban Land Institute?

15 MS. JONES: They're a group out of Columbia,
16 Maryland, of biologists and wildlife biologists.

17 MR. YOASH: Independent private organization?

18 MS. JONES: Right, private consultant who worked
19 with Engineering Technology. They were the biological
20 arm, so to speak and they identified the forest habitat,
21 open water habitat, open field habitat, and then residen-
22 tial habitats, as basically all that was present.

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Ms. Jones - Presentation - Hillsboro

1 MR. YOASH: Did you use the Maryland Natural
2 Heritage people for any of your habitat -- review work?

3 MS. JONES: They -- the last I talked to them
4 on that, they were still trying to get from them the maps
5 of exactly where some of it was located. I know that they
6 did consult that source and I know that they were looking
7 at those habitat maps. I think where that may have come
8 in more than anything, I know one of the issues is looking
9 at the potential paths for the wildlife to cross and I
10 know that they were consulting with them some on that
11 because it appears that -- and I don't have a map that
12 shows the two towns together, unfortunately, but the
13 opinion of the biologist was that most of the wildlife
14 habitat corridor actually crossed -- they crossed the
15 stream and went on the opposite sides of the developed
16 town. Both because it's very steep slopes on the sides
17 where the towns are in addition to being a developed area
18 so they basically go across on the undeveloped -- in the
19 counties.

20 MR. YOASH: You're talking about the beaver
21 and the otter?

22 MS. JONES: Well, deers and --

Ms. Jones - Presentation - Hillsboro

1 MS. CADE: Squirrels.

2 MR. YOASH: Forest interior dwelling birds --

3 MS. JONES: Probably teenagers, I don't know.

4 MR. YOASH: Yeah. The beaver are getting to
5 be pests in Tuckahoe Park.

6 MR. KRECH: I bet they are.

7 MS. CADE: Oh, is that right?

8 MR. YOASH: Yeah, you bet they are. They're
9 going to have everything clogged up there soon. In another
10 ten years it will be shut up.

11 MS. JONES: Let me just quickly -- I think
12 the question was raised before about whether the town had
13 any zoning regulations, anything to really implement this
14 and the answer is at this point no, they do not exist.
15 We're working on them and that's one of the implementation
16 efforts to come out of the Critical Area.

17 What was included in the plan was sort of a
18 draft of the language that simply would have been used
19 to implement the Critical Area Legislation had zoning,
20 subdivision, whatnot been in place and that's one of the
21 problems we're having working with the Planning Commis-
22 sion is sort of explaining how we're running this piece

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Ms. Jones - Presentation - Hillsboro

1 in. It sort of, you know, putting the cart before the
2 horse because you've got the -- the horse before the cart?

3 MS. CADE: No, you said it right.

4 MS. JONES: I said it right the first time?

5 MR. YOASH: Mh hmm.

6 MS. JONES: You know, you have the piece of the
7 Critical Area, both the plan and also the legislation.
8 Now, the town is going to be working to go back into and
9 put into their plans. We talked to the County and this
10 is true for all the towns, we talked to the respective
11 counties to see if there was anyway that the counties
12 may want to sort of pick up implementation of this just
13 like coming in on a flood plain regulation or something.
14 None of them were willing to do this. Everybody was very
15 cooperative about yes, we will work with you; yes, we'll
16 provide information, but in terms of picking up an enforce-
17 ment role none of the counties wanted to do that.

18 Caroline County has been doing that for sediment
19 and erosion control and I believe they've gotten into
20 enough of a headache doing it for that that they really
21 don't want to go out and do it for any other aspects at
22 this time.

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Ms. Jones - Presentation - Hillsboro

1 All of the counties had numerous incorporated
2 municipalities and obviously, if they offer a service to
3 one they're going to be offering it to each one in the
4 town so, while everybody was certainly very pleasant and
5 very nice and very willing to be cooperative nobody was
6 willing to pick up the ball and say yes, we'd enforce,
7 we'd send "inspectors in" or whatever would be needed to
8 be done to take the Critical Area Plan, which also made
9 it a matter that really couldn't be adopted by reference
10 or something of that manner, just to, you know, obviously
11 pick up their regulations. The towns are different and
12 since they wouldn't enforce them anyway, that kind of
13 cuts out that option.

14 So, the towns both are now working at coming
15 up with a comprehensive plan and zoning regulations, and
16 subdivision regulations. They will incorporate language
17 at least similar to what is included in here as an
18 implementation framework. We'll be glad to look at any
19 others that have been worked up by other towns and
20 incorporate whatever anybody feels is perhaps the best
21 approach for a small town.

22 But, that's pretty much where the project is

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Ms. Jones - Presentation - Hillsboro

1 and I think if there aren't anymore questions on Hillsboro --

2 MS. CADE: Let me ask one. Has the town asked
3 the county for any growth allocation?

4 MS. JONES: Okay. Yes, well, no, we did not
5 ask the county for growth allocation. We talked to the
6 county about how they would do in the growth allocation
7 and we have not been involved in a formal process of
8 growth allocation, nor has the town identified any areas
9 where it specifically wanted a growth allocation.

10 MR. PRICE: As I understand it, Hillsboro
11 does have a planning commission that's functioning to
12 adopt a comprehensive plan and so on?

13 MS. JONES: That's correct, and it's a good --

14 MR. PRICE: Is that true of Queen Anne's, too?

15 MS. JONES: Yes.

16 MR. PRICE: It has a separate planning --

17 MS. JONES: That's correct.

18 MR. PRICE: Okay.

19 MS. CADE: All right. Then if you'd like to
20 proceed to the Queen Anne.--

21 MS. JONES: Queen Anne, okay.

22 MS. CADE: -- then we'll open it up for anyone

Ms. Jones - Presentation - Queen Anne

1 who is here to make a comment to the Commission.

2 MS. JONES: Again, I start out just by saying
3 Queen Anne is obviously also a small town. They both
4 have, like I say, just about 180 people. One of the
5 differences in Queen Anne is that there is, or at least
6 has been, a major industry in town, which is the cannery.
7 At this time the cannery is closed. There are also some
8 smaller commercial uses in town, such as, a welding shop,
9 or a light industrial uses, a welding shop, things of that
10 nature.

11 There is also no public water or sewer and
12 it's entirely water septic. I apologize again for the
13 maps that are available today because the other ones
14 are with the draftsmen and the only map I have available
15 here is the ones of the development areas, but again, that
16 probably is the most useful.

17 This is being overlaid for the purpose of
18 beginning to prepare the zoning ordinance for the town,
19 but this is the actual town boundary. These are the
20 town boundaries that run around here and within the
21 Critical Area. This is the designation of a Critical Area
22 boundary running down to -- here comes the Tuckahoe here --

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Ms. Jones - Presentation - Queen Anne

1 Hillsboro is over here, just for way of reference.

2 Within that area there is about fifty-two acres
3 within the Critical Area. Thirty-six are designated
4 Intensely Development -- Developed and sixteen are desig-
5 nated Resource Conservation. The town has about two
6 thousand and four hundred feet of frontage on the Tuckahoe
7 along here.

8 The Tuckahoe State Park -- this is on here just
9 for information -- actually comes down this far on that,
10 so it's very close to Tuckahoe. The area that's tidally
11 influenced actually stops just a ways up beyond this
12 bridge, so it's also close to the end the limits of the
13 area of tidal influence.

14 The town of Queen Anne is a little more densely
15 developed than Hillsboro and Queen Anne, you're looking
16 at a density of about five dwelling units per acre within
17 this portion of the Resource Conservation Area. Addition-
18 ally, as I mentioned, they have the cannery which is
19 located down in this area close to the Tuckahoe. There
20 is a welding shop and a tire shop. This is outside but
21 there, lumber yard, post office, those kind of things.

22 But, within the Critical Area there are particu-

Ms.Jones - Presentation - Queen Anne

1 larly group down here close to the Tuckahoe, there are
2 some fairly intense land uses. Anyway, the area meets
3 the definition of intensely developed, both because of
4 the residential density and also because of the industrial
5 uses that are concentrated in the area.

6 There is no area that's designated limited
7 development. The balance of the town that is within the
8 Critical Area boundary is designated Resource Conservation
9 There is one little piece of Resource Conservation
10 that looks very peculiar over here in the corner, that
11 is influenced by Norwich Creek, and this is all very
12 steep slope and very unbuildable land, that my assumption
13 is that Talbot County's plan will no doubt include that
14 as a Resource Conservation Area and that's just an exten-
15 sion of that. In topography it makes sense. It doesn't
16 make a whole lot of sense looking at the corner on this
17 map.

18 The Resource Conservation Area that runs down
19 to the Tuckahoe here, the majority of it is the Town
20 Park, which is owned by the town and therefore, provides
21 some potential, you know, some very great potential to
22 preserve that resource.

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Ms. Jones - Presentation - Queen Anne

1 There really isn't in town any major public
2 access to the Tuckahoe. There is some overgrown paths that
3 run down behind the park, but the boat ramp is located
4 right over here in Hillsboro and that really provides the
5 major public access to the Tuckahoe for both of the towns.

6 There is the old railroad line also that runs
7 down through the Tuckahoe there and that's sort of another
8 public area. You can probably put it down before your
9 arms fall off, Charlie. I think you did a good job there.

10 In the buffer, which runs along -- the buffer
11 which of course, just runs along the Tuckahoe there. In
12 Queen Anne there wasn't any area where it needed to be
13 extended beyond the hundred foot and an analysis of the
14 soils and the slopes show that either the -- in most
15 instances the bank goes up before you get a hundred feet.
16 And there wasn't any need to do that --

17 There are two lots that are entirely in the
18 buffer and they are both located across from the cannery.
19 They're very small. They have existing dwelling units on
20 them. Any regulation -- they are in separate ownership
21 from the cannery. At least one of them is. I guess they
22 could be made residential.

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Ms. Jones - Presentation Queen Anne

1 MR. HIGGINS: It's not really that feasible, I
2 mean, like it's two old shacks hanging right on the edge
3 of --

4 MR. KRECH: Tuckahoe.

5 MS. JONES: There is somebody that wants to
6 redo one. Anyway, those may need to be taken into account
7 -- regulations -- those are the only instances in town
8 where that would create any problem. Again, the Resource
9 Conservation lots would have portions in the Intensely
10 Developed, where it would be possible for some development
11 to occur and the buffer does extend across the road here.
12 404 is actually in the buffer and so is part of the parking
13 lot of the cannery. So that area of the buffer is fairly
14 well prohibited from doing its purpose at this time, but
15 there is a grass area on this side, the opposite side of
16 the road from the cannery, on the north side, that should
17 be protected and maintained to the greatest extent possible
18 as a vegetated strip, but it is not the hundred feet that
19 the entire buffer is requiring. So --

20 MR. CAWLEY: How much does the State own of
21 that buffer north of 404? Do you know with the --

22 MS. JONES: The right-of-way --

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Ms. Jones - Presentation - Queen Anne

1 MR. CAWLEY: -- State right-of-way is?

2 MS. JONES: I don't know.

3 MR. CAWLEY: Yeah.

4 MR. YOASH: You're speaking of 404 or Alternate
5 404?

6 MR. CAWLEY: Alternate 404 would be --

7 MR. YOASH: There is no -- there is no/deeded
8 right-of-way on Alternate 404 through either of the towns.
9 And the only thing the State is running on is the prescrip-
10 tive right to thirty foot of right-of-way. They could
11 probably -- they could probably claim whatever they're
12 maintaining. If they were mowing slopes then or fifteen
13 feet outside of that over a period of time, they could
14 probably claim that, you know, as far as easements. Not
15 as far as fee simple, but as far as easements.

16 MS. CADE: Anne, I presume there is no request
17 for growth allocation?

18 MS. JONES: Similar situation. And again, the
19 only grandfathered lots that would be a problem are
20 probably the two that I mentioned -- within the other
21 area there's few grandfathered lots in town that have
22 not been developed. The town is pretty much fully

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Ms. Jones - Presentation - Queen Anne

1 developed.

2 MR. GIBSON: Well, those two old shacks on the
3 Tuckahoe, can they be developed?

4 MR. HIGGINS: I don't see how.

5 MS. JONES: I don't think you'd get a septic
6 permit.

7 MR. HIGGINS: There's just now way, uh uh.

8 [Everybody talking at once -- mumble jumble]

9 MR. KRECH: Can I ask a stupid question? Why
10 has not Hillsboro or Queen Anne asked for a growth allo-
11 cation? Is there a reason for this or are you planning
12 on any expansion being outside the Critical Area or what?

13 MR. YOASH: The expansion would have to be out-
14 side the Critical Area. There is no way to put the
15 expansion in the Critical Area.

16 MR. KRECH: Okay, that's all I wanted to get
17 straight.

18 MR. YOASH: All the expansion for Hillsboro
19 would have to be to the east northeast.

20 MR. KRECH: East northeast, right.

21 MR. YOASH: Okay? I don't know what Queen Anne
22 is thinking, but I can guess --

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Ms. Jones - Presentation - Queen Anne

1 MR. HIGGINS: Any expansion for us would have
2 to be through annexation.

3 MS. CADE: Have to what?

4 MR. HIGGINS: We would have to annex and it would
5 have you be west. But, we would be out of Critical Area,
6 so within the Critical Area there isn't any.

7 MS. CADE: Okay, if we can stop now and have
8 the other people who have joined the hearing identify
9 themselves on the record, and then also, if you would
10 sign up on the sign in sheet as to whether you wish to
11 be heard or not.

12 MR. DAVIS: Ardeth, everyone has signed in.

13 MS. CADE: Oh, everyone has signed in. All right,
14 would you speak up and give your name and town you're from?

15 MS. SELIG: Theodora Selig from Hillsboro.

16 MR. LEE: Allison Lee, Hillsboro.

17 MR. SELIG: Ernst Selig, Hillsboro.

18 MS. CADE: And down here?

19 MR. YOASH: That's Mr. and Mrs. Beaven, Ruth
20 Beaven.

21 MR. BEAVEN: I'm not really within the town.
22 I'm at the edge of town on Tuckahoe Road, Hillsboro.

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Comments --

1 MS. CADE: Okay, thank you very much. The pur-
2 pose of this hearing is for us to hear the comments of
3 citizens of the community in or out of the community,
4 about the two plans and so we would open the floor to
5 anyone who cares to speak and I believe ^{Mr.}Yoash has said
6 he would like to speak.

7 MR. YOASH: I do about one very pertinent thing,
8 I think. My feeling about the town of Hillsboro is it
9 has two assets. Its location, the proximity to 404 and
10 the creek. Those are the assets of the town and I want
11 to address specifically the creek.

12 I have seen a problem in the creek with the
13 cannery operation in years past. Now, if somebody will
14 hold up the map in time I'll show you what's happening.
15 All of the affluent, I won't say all, a great portion of
16 the affluent from the cannery is pumped to a south --

17 [Background commotion - everybody talking at
18 once]

19 MR. YOASH: This cannery -- Cain Miller is a
20 New York Stock Exchange firm, one of the largest food
21 producers in the east. I understand it was one of the
22 largest corn canners on the east coast at that time. I

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Comments -

1 also understand from the Health Department that the corn
2 affluent carries one of the highest DODs there is because
3 of the protein in the washwater from the corn demanding
4 so much oxygen.

5 It was pumped with a six inch pipeline across
6 through a marshy area here to what is Norwood's Creek and
7 then the slopes here, very steep, coming up into a field
8 here, they only had about fifteen acres to irrigate them
9 all right? The Health Department keeps issuing the permit.
10 For years this was irrigated out on this land.

11 The soil has become so hard the water is going
12 overboard. Now, Sarah Taylor -- I talked to her and she
13 said she had seen it. There are trees thirty inches
14 in diameter on this bank dead. When you go up the creek
15 we use to be duck hunters-- you go up the creek and put
16 a paddle in the bottom of the creek and you turn up stuff
17 this deep from the bottom.

18 I think this ought to be stopped. Now, this
19 is outside of either town. This would have to be taken
20 care of in the Talbot County Plan somehow. I don't know
21 what the cannery can do to get rid of these problems.

22 Now, somebody comes out directly in the creek

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Comments

1 right here. There's a pipe that comes under the road
2 and you can see steam coming out of the water when they're
3 running. Some hot water pours right into the creek.

4 This year, now they haven't run this year, but
5 would you believe they caught rock right here at the
6 bridge this spring. I saw one three and a half pound
7 rock. I saw one caught up here last year. They didn't
8 run last year. And yellow perch, you could hardly get
9 across the bridge the past two weeks, people standing on
10 the bridge fishing for yellow perch.

11 I saw people from Annapolis, area, from the
12 Glen Burnie, around Pasadena area saying that this is
13 the only creek in the State that has really had a run
14 on yellow perch.

15 MR. KRECH: But not a shad left.

16 MR. YOASH: Huh?

17 MR. KRECH: I use to catch shad up there, but
18 not a shad anymore.

19 MR. YOASH: I caught a four and a half pound
20 white shad up there one time.

21 MR. KRECH: Did you?

22 MR. YOASH: Yeah.

Comments

1 MR. KRECH: Really?
2 MR. YOASH: Yeah.
3 MR. KRECH: Recently?
4 MR. YOASH: Oh, no.
5 MR. KRECH: That's what I mean thirty-five years
6 ago.
7 MR. YOASH: '63, twenty-five years ago.
8 MR. KRECH: That's what I'm talking about.
9 MR. CADE: Thank you.
10 MR. YOASH: This is my concern - but I don't
11 know how to attack it. Years past I had problems -- this
12 is when Chesapeake Bay Commission was there -- you go to
13 them oh, yeah, there's a problem in the water, but it
14 originates on the land. So, you go to the Health Depart-
15 ment and the Health Department says oh, yeah, we know it's
16 a problem, but it's not a nuisance until it gets in the
17 water, you know, and you got bounced.
18 MS. CADE: Anne, would you like to expound --
19 would you like to speak to us on that?
20 MS. JONES: Just quickly for the record, if any-
21 body wishes, on page 7 of the Report is the permitting
22 data on that facility. So, it does have a permit, and of

Comments

1 course, it isn't discharging this year --

2 MR. YOASH: I know it has a permit.

3 MS. JONES: Yeah. But, I'm just making the
4 Commissioners aware --

5 MR. YOASH: It's like permits for applying
6 sludge.

7 MR. CADE: I would also ask our staff person,
8 Charles Davis, with reference to this issue to people
9 working on the Talbot County Plan.

10 MR. YOASH: I would appreciate it.

11 MR. CAWLEY: It is my understanding that the
12 cannery is about to be sold and used for other purposes
13 and will no longer be used as a cannery, therefore, possibly
14 might alleviate the problem.

15 MR. HIGGINS: And for what purpose is that?

16 MR. CAWLEY: I won't answer that. I don't
17 know the complete answer. I just made a statement saying
18 it's my understanding that the cannery is to be sold for
19 another purpose other than a cannery,

20 MR. YOASH: A purpose that will not require
21 wash waters. That's very good to know that.

22 MR. HIGGINS: Is Long & Foster -- does Long

Comments

1 & Foster still representing the --

2 MR. CAWLEY: I'm finished, I'm suppose to be
3 on the panel and listen.

4 MR. HIGGINS: Okay.

5 MS. CADE: All right. On our signup sheet
6 it says that Ron Stafford may testify. Do you care to?

7 MR. STAFFORD: No, ma'am.

8 MS. CADE: All right. Tom Reilly may testify.

9 MR. REILLY: I just agree with Mr. Paul Yoash.

10 MS. CADE: All right, do we have --

11 MR. PAUL YOASH: You didn't say disagree, did
12 you?

13 MR. REILLY: No, agree.

14 MS. CADE: No, he agrees. All right, I'd like
15 to open the --

16 MR. HUDSON: Excuse me.

17 MS. CADE: Yes?

18 MR. HUDSON: I didn't realize -- so, I put
19 my name down there.

20 MS. CADE: Well, why don't you go ahead and
21 identify yourself again for the record.

22 MR. HUDSON: My name is Jack Hudson, I'm a new

Comments

1 immigrant here from another part of the country. However,
2 I lived in Arbutus twenty some odd years ago just above
3 the Potapsco River as a matter of fact. There's a park
4 there, State Park, and I'll never forget the first time
5 I walked down there -- I moved here in January and I
6 walked down some weeks later, and it was white -- it
7 was almost as white as this page, the river was. I thought
8 this was quite unusual.

9 MR. YOASH: This is the Potapsco you're talking
10 about.

11 MR. HUDSON: Yes, sir. And so I made some
12 inquiries, but I just talked about it briefly, and someone
13 told me yes, it's white because there's a paper mill that
14 discharges their affluent up the stream and also there is
15 a hospital that discharges its raw sewage into that river.

16 Whether that's the truth or not, I don't know,
17 but I know it was white. It looked like milk and people
18 would wade down in there and you know, it was in a State
19 Park. It was twenty years ago or more, 1966 when I moved
20 there. I've always been surprised at how long it has
21 taken the State of Maryland and other east coast states
22 to do something about the pollution problem. It's been

Comments

1 twenty-two years since I moved here and now we're finally
2 getting started, and I think it's high time, quite frankly.
3 I know some people in Arbutus and they have been fighting
4 pollution now for twenty years. They have been very
5 active. Just a housewife and her husband and they say
6 they've really not made any progress. So, I hope -- I
7 would like to say I hope progress will now be made, because
8 it is a lovely area -- could be and it should be again.
9 Thank you.

10 MS. CADE: I think one of the very encouraging
11 things that we have seen is that despite some early con-
12 cern and resistance to the whole concept of the Critical
13 Areas Program the State has now received the plan, I
14 believe, from every jurisdiction, county and town, that
15 were to do a plan, and this, I think, shows a tremendous
16 cooperation on the part of local government in taking
17 on rather complex regulations and coming up with plans
18 really does reflect a concern that has grown and is
19 continuing to grow, I think, about the quality of our
20 waters here and I'm hoping that when you go back to
21 visit the Potapsco it won't be white.

22 MR. HUDSON: I hope it looks better.

Comments

1 MS. CADE: I hope it looks better. Are there
2 other people who care to comment? Even if you didn't
3 sign up that you wanted to speak, you're certainly
4 welcome to.

5 MR. BEAVEN: No, there isn't anything in par-
6 ticular. In regard to Paul's remark, of course, I worked
7 down there for thirty some years and they made a pretty
8 good effort to eliminate the problem -- waste disposal.
9 I know he was talking about the water that went out which
10 is only natural when you have three cookers running
11 twenty-four hours a day, but the affluent sprayed on the
12 fields out -- west of town and they did their best to
13 eliminate the problem. I'm not saying it wasn't bad
14 in years past, but the last several years they tried to
15 eliminate that problem, which I think they did to some
16 extent, but again, it's rather hard to get rid of some
17 of your hot water which came from your cooker. Most of
18 the affluent, roughage was eliminated, but your hot
19 water was always a problem.

20 Of course, they did make some strong efforts
21 to get rid of it. They bought extra land. They spent
22 many a dollars to do that, and of course, when they did

Comments

1 that it helped somewhat, not eliminated entirely, but
2 just remember at that particular time there were a number
3 of people that relied on that factory for work and I
4 think in the course of the years, probably several hundred,
5 maybe a thousand, but was economics.

6 MR. YOASH: I don't want to interrupt you about
7 this people work thing, but I can tell you that you can
8 go up in Baltimore near the Glidden Paint Factory and all
9 you get out of the City of Baltimore is we're trying to
10 protect jobs, you can see the prettiest water in the
11 world. One creek's red, one creek's green, one creek's
12 yellow, one creek's white, but they're protecting jobs.
13 And when they say this I think they're a bunch of junk
14 because I think they can provide the jobs and provide
15 the filtration as well. They're fined \$5,000.00 a week.
16 What the heck is \$5,000.00 a week to a plant like that?
17 Nothing. Give them \$50,000.00 a week and they'll do
18 something. Pardon me.

19 MR. KRECH: Madam Chairman, I just want to
20 make one comment, not in defense of the Critical Area
21 Commission, but just to put the record straight for all
22 of us at the table. When we were established as a Commis-

Comments

1 sion the State Legislature also passed many laws over
2 and above establishing us as a commission to control just
3 what we're talking about now, and unfortunately, it's
4 not up to the Commission to handle these problems. We
5 can't. We're hamstrung, but it's up to the proper enforce-
6 ment authorities in the State to do it and as you say,
7 it's just a slap on the wrist type of fine.

8 MS. CADE: Are there other -- yeah. You have
9 to identify yourself for the record.

10 MR. HIGGINS: Vince Higgins, President of
11 Commissioners of Queen Anne.

12 MS. CADE: Thank you.

13 MR. HIGGINS: Your welcome. One thing that
14 we're a little concerned about -- long term finances
15 that would be needed by the town in order to implement
16 to Critical Area. We're a small town. I have a copy
17 of our fiscal report from June 30, 1987. If anyone would
18 like to review it and I think from reviewing that report
19 you can see our concern along those natures. With the
20 revenues that we do, we do have, although we are incorpor-
21 ated, we do have a very small tax base and money is
22 extremely tight, so that is a concern of ours. We want

Comments

1 to do everything we can to implement and carry forth
2 the Critical Area Criteria. Funding would be a major
3 concern about it. And the availability of those funds.

4 MS. CADE: All right.

5 MR. YOASH: May I -- Paul Yoash, again. I'd
6 like to reinforce what Vince says from a selfish point
7 of view for the Town of Hillsboro. We have a 40¢ tax
8 rate which engenders the great sum of something like
9 \$2,700.00 for the Town of Hillsboro. Our annual budget
10 is somewhere in the neighborhood of something like
11 seventeen thou. We have the cheapest trash collection in
12 the United States. I'm telling you. I'm not kidding
13 you. It's like \$2.00 a month a household once a week.
14 50¢ a stop. Fine, 50¢ a stop for trash collection and
15 disposal any place else in the nation it's not done.

16 Then we have street lights. We maintain a
17 few blocks of streets, and we try to maintain a little
18 community hall which was the old primary school and the
19 grounds around it. But, it's going to start getting
20 difficult.

21 The enforcement, when we go into zoning, the
22 enforcement of the regulations is a bear because you don't

Comments

1 enforce with observation without legal costs, and this
2 is the killer. The enforcement of what is required of
3 us under this thing. Thank you.

4 MS. CADE: I just might reference for both
5 towns and you may both be aware of it that the State does
6 have a circuit rider program to provide part time town
7 management for towns that can't afford to have a full
8 time town manager, and it is a matching program wherein
9 you put in few dollars and we put in a few dollars and
10 you have a town manager here one day a week or one day
11 every two weeks in accordance with your needs, who can
12 also perhaps carry some of the responsibility for some
13 of the side punches like zoning enforcement and we would
14 be happy to talk to you about that if you care to talk
15 to us.

16 MR. HIGGINS: Is that a rider on a present --

17 MS. CADE: That's the Department of Housing and
18 Community Development.

19 MR. HIGGINS: Is that a rider on the bill that's
20 being looked at at this time?

21 MS. CADE: Excuse me?

22 MR. HIGGINS: Is that a rider on the bill that's

Comments

1 being looked at?

2 MS. CADE: No, it's an existing program and
3 it's a funded program. Yes, ma'am. Would you identify
4 yourself, please, for the record.

5 MS. SELIG: Theo Selig, in Hillsboro.

6 MS. CADE: Thank you, Mrs. Selig.

7 MS. SELIG: Our house -- buffer zone. On
8 Alternate 404 going east about the equivalent of two
9 blocks from the creek. Now, the back of our property
10 is a dry creek bed. There is no water running in it.
11 There never is. How does that affect whatever is happen-
12 ing with this -- or are we affected at all by this plan?

13 MS. CADE: We're letting the consultant look
14 up the record and let her speak to this.

15 [Mumble jumble-- too many talking at one time]

16 MS. JONES: It looks as though -- a thousand
17 foot, so you would be in what's called the limited
18 development area. Basically you're under the same regula-
19 tions as the rest of the town and it really shouldn't
20 have any impact.

21 MS. SELIG: Even though this dry creek bed
22 runs in back of the property?

Comments

1 MS. JONES: That doesn't have anything to do
2 that -- the waters that are looked at are those that are
3 tidally influenced so, that's --

4 MR. KRECH: A dry creek, that's just like a
5 farm lead. Just like a lead, yeah, it would have no --

6 MS. CADE: We're making it very difficult for
7 our recorder. Ms. Selig is finishing her comments and
8 if we can --

9 MS. SELIG: I'm sorry --

10 MS. CADE: No, no, you're fine. We just have
11 too many conversations going on and I'm sure our recorder
12 is having a very difficult time. Are there other ques-
13 tions?

14 [No response]

15 MS. CADE: Let me say then that the record
16 will be held open at the Critical Areas Commission in
17 Annapolis for one week to receive any additional written
18 testimony that any of you may care to submit. If there
19 are no further comments we will declare this meeting
20 closed and before we do, let me thank the two towns for
21 their warm hospitality. This is really one of the nicest
22 hearings we've had because we've all gathered around one

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Comments

1 table and are getting acquainted as well and sharing
2 our concerns. So, we thank you for making us feel so
3 welcome here and we hope that you are very happy with
4 the plans that you have developed and that you find they
5 accomplish for you what you set out to accomplish and
6 what the State has suggested needs to be accomplished
7 to upgrade the waters of the State of Maryland.

8 And if there are no further comments, we'll now
9 close.

10 [Hearing adjourned]
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