

Public Hearings - North Beach - Critical Area Plan

1988

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BEFORE THE CHESAPEAKE BAY
CRITICAL AREA COMMISSION
NORTH BEACH, MARYLAND

CRITICAL AREA PLAN FOR THE
TOWN OF NORTH BEACH

North Beach, Maryland
Thursday, March 31, 1988

The above-entitled matter came on for hearing
pursuant to notice.

BEFORE:

ARDATH CADE, Chairwoman

APPEARANCES:

- RUSSELL HALL, Mayor
- ELIZABETH ZUCKER, McCrone Incorporated
- THOMAS CROCKETT, Councilman
- WARREN CALLIS, Councilman
- RANDY HUMMEL, Councilman
- LAWRENCE ROHN, Councilman
- THELMA ROBINSON, Treasurer
- BETTY FREESLAND, Town Clerk
- TOM OSBOURNE, Anne Arundel County Government
- RON KARASIC, Baltimore City
- ROBERT SCHOEPLEIN, Department of Economic and
Employment of the State of Maryland
- SARAH TAYLOR, Executive Director for the Critical
Areas Commission

P R O C E E D I N G S

1
2 MS. CADE: Ladies and gentlemen, I'd like to call
3 to order this hearing which is a hearing of the Critical
4 Area Commission on the plan of North Beach. There are a lot
5 of things I have to say legally to get this on the record
6 to show that we had the proper kind of public hearing. So,
7 if I sound awfully stiff for a while, that's because I've
8 been told I have to get this all said.

9 This is to hear public comment on the North Beach
10 program as required under Section 8.1809 of the Critical
11 Area of Law. The Commission must make a decision on the
12 North Beach program within 90 days after receipt. The
13 chair -- the court reporter is recording this hearing.
14 There is an official record being made. There will be one
15 week from tonight's hearing in which the record will be
16 kept open to receive additional written testimony. And
17 statements can be mailed to the Commission Chairman,
18 Solomon Liss, Chesapeake Bay Critical Area Commission,
19 580 Taylor Avenue, D-4, Annapolis, Maryland 21401.

20 The complete public record will be kept at the
21 Commission office for public review. I'd like to next
22 introduce Mayor Russell Hall of North Beach and ask you to

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1 introduce all the other public officials from North Beach
2 who are here tonight. And then I will introduce the panel
3 members.

4 MAYOR HALL: We have with us Councilman Thomas
5 Crockett, Councilman Warren Callis, and Councilman Randy
6 Hummel. We have our town treasurer, which has been with
7 the town for some 40 some years, Mrs. Thelma Robinson,
8 and Betty Freesland, -- town clerk.

9 MS. CADE: Thank you very much. The members of
10 the Critical Areas Commission who are hearing the North
11 Beach Plan tonight are Tom Osbourne on the far left, who is
12 from Anne Arundel County government; Ron Karasic from
13 Baltimore City; next to me is Robert Schoeplein who is
14 from the Department of Economic and Employment of the
15 State of Maryland; and I am Ardath Cade with the Department
16 of Housing and Community Development of the State of
17 Maryland. The staff member with us tonight is Sarah Miller
18 who is the Executive Director for the Critical Areas
19 Commission. Is that the proper title? Your proper title?

20 MS. TAYLOR: Yes. The title's fine, except...

21 MS. CADE: Sarah, I said Sarah Taylor -- I...

22 MS. TAYLOR: Which is fine with me.

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1 MS. CADE: -- moved a couple notches in the
2 alphabet. I'm sorry, Sarah Taylor. I wrote down Sarah
3 Miller because she's somebody I called earlier this after-
4 noon. My apologies. She's with the Department of Personnel.
5 Sarah Taylor is the Executive Director of the Critical
6 Areas Commission. I was telling her just before the hearing
7 I forget names, but I even wrote that one down wrong.
8 And I don't forget your name. I know -- .

9 With that introduction, I would like to turn the
10 hearing over to the representatives of North Beach who
11 will be making the presentation on the plan.

12 MS. TAYLOR: -- consultant from the -- who's
13 making the presentation.

14 MS. CADE: You'll introduce yourself on the
15 record please.

16 (Off record discussion.)

17 MS. CADE: You haven't told us who you are yet.

18 MS. ZUCKER: Well, first I'd like to say that
19 the town of North Beach welcomes the panel members of the
20 Critical Area Commission, as well as the public here to-
21 night. I'm Liz Zucker. I'm with the Planning Department
22 at McCrone Incorporated. And we were asked to assist the

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1 town of North Beach in developing their Chesapeake Bay
2 Critical Area Protection Program, which was submitted to the
3 Critical Areas Commission last month.

4 I'm here tonight to give a brief overview of the
5 town's protection program. The program was presented in
6 greater detail at a public hearing on February 16th. And
7 I'm going to give a condensed version of that, which was a
8 fairly lengthy presentation. I will also answer any ques-
9 tions that may come up.

10 The town of North Beach is primarily a residential
11 community; which according to the 1980 census figures, has
12 1500 permanent residents which is double that of the 1970
13 population. North Beach has 25 commercial businesses that
14 mostly deal in retail food and beverage services, which I
15 believe the town members were -- .

16 In 1983 North Beach launched a revitalization
17 plan for its waterfront. And the revitalization plan, which
18 is presented in detail in this document, which is available
19 for review at the town hall, presents some prominent water-
20 front -- front features including a public boardwalk between
21 First and Fifth Street, street tree plantings, a public open
22 space area, a boat launching ramp, and beach nourishment

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1 activities. A -- committee has been set up to oversee
2 activities proposed under the revitalization plan.

3 North Beach is currently serviced by public
4 sewer and it's anticipated that within about 18 months
5 public water will also be available. It's expected that
6 these public utilities, as well as the revitalized shore --
7 shore front, will make North Beach attractive as a -- as
8 attractive for development and redevelopment activities in
9 the future. However, it is the town's intent to insure
10 that future development projects are in concert with the
11 town of Chesapeake Bay protection plan.

12 The town's protection plan is divided into nine
13 sub-programs that loosely follow the outline of the critical
14 area criteria. And I will briefly highlight those programs
15 in a moment. But first I wanted to point out some of the
16 general implementation strategy that are integrated into
17 the protection plan.

18 Probably the most important strategy involves
19 regulatory measures. In 1986 the town revised its compre-
20 hensive plan as well as its zoning and sub-division ordi-
21 nances. And with good foresight at that time, a sub-section
22 within the ordinances was created specifically for the

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1 critical area. Under the town's protection plan new regu-
2 lations will be developed and will be easily meshed into
3 the 1986 ordinances.

4 As we all know, the critical area's ordinances
5 are new and somewhat complex. So, consequently a serious
6 of implementation check lists were developed to guide the
7 town, as well as prospective developers, through the project
8 approval process. The check lists provide supplemental
9 information and discuss and interpret many of the new regu-
10 lations.

11 Also within the check list are descriptions of a
12 variety of -- management practices or BMP's as they're com-
13 monly termed. The town will be encouraging or requiring
14 developers to implement these BMP's in meeting performance
15 standards for development projects. One of the benefits of
16 living in a small town such as North Beach is the fact -- is
17 that a public information system or network can be easily
18 established.

19 The town will create a public information area
20 from a -- from which critical area information can be dis-
21 tributed from a localized, central location in Town Hall.
22 It should be noted also that North Beach is somewhat

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1 progressive in its -- in demonstrating its public concern
2 and appreciation of the Chesapeake Bay. For the past few
3 years the town has held a Bay Festival celebration on the
4 fourth week of August.

5 The public is invited to visit North Beach and
6 enjoy the town's facilities and appreciate and learn about
7 the natural resources of the Chesapeake Bay. North Beach
8 intends to use the Bay Festival celebration as another
9 mechanism to further its critical area public information
10 initiatives.

11 The town will also implement protection strategies
12 through urban forestry. An urban forestry program is pro --
13 proposed under program five. And this program is in concert
14 with the tree -- street tree plantings that are proposed
15 under the revitalization plan. Urban forestry will be used
16 as a mechanism for meeting reforestation requirements or
17 off -- provide offset opportunities for certain proposed
18 development projects.

19 So, generally discussed here were some of the
20 implementation strategies, and now I'd like to briefly
21 summarize the nine sub-programs for you. Program One,
22 Inventory and Mapping. This program describes how the

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1 town's existing land uses and natural features were inven-
2 toried and mapped. Five maps were created through an over-
3 lay system, and these -- these are on display. Prints of
4 the map system are -- are on display around the room here.

5 Maps are at a one inch equals 150 base, and can
6 be pin bar registered for accuracy and ease of use. The
7 five maps consists of the critical area base map, which
8 shows the critical area boundary, property lines and road
9 boundaries. The wetlands overlay, delineates tidal wet-
10 lands, non-tidal wetlands, and tributary streams. The
11 habitat protection and land cover overlay illustrates for-
12 ests, developed woodlands, -- habitat, waterfowl concentra-
13 tion areas, and rare species.

14 The flood plains, steep slopes, and utilities
15 overlay shows slopes greater than 15%. The 100 year flood
16 plain and existing sewer service. The land use designation
17 map breaks the town into the three land use designations
18 as described by the -- the critical area criteria.

19 Program Two discusses implementation methods for
20 each of the land use designations. Within each sub-section
21 of program two, ordinances are preented, check lists are
22 provided, and BMP's are discussed. North Beach has 150

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1 acres of land in this critical area, and 100 acres of the
2 town or most of the town is -- falls within an intensely
3 developed or IDA category.

4 This area is characterized by concentrated
5 residential development at a density greater than four
6 dwelling units per acre, interspersed with commercial areas.
7 The town is currently serviced by sewer and will be serviced
8 by water in the near future.

9 In the northwestern corner of the town there
10 exists approximately 16 acres of land that has a pump station
11 on site. This area has been given an LVA designation. It's
12 anticipated that this LVA area can qualify to be grand-
13 fathered under an IBA density. The area was platted into
14 recorded lots prior to the critical area laws inception
15 and the lots are at a density greater than four per acre.

16 The town's tidal marsh and non-tidal wetlands
17 have been given an RCA designation. The town will revise
18 its ordinances to prohibit commercial, residential, or
19 industrial uses of the RCA. Water dependent uses within
20 the RCA can be applied for under a con -- conditional use
21 process.

22 It's previously stated North Beach has proposed a

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1 revitalization plan to encourage public use of its shore-
2 line. Under Program Three, Water Dependent Facilities, the
3 town will revise its regulations to insure that use of the
4 shoreline for revitalization, as well as for any other pro-
5 posed activity, will take place in a manner -- in an environ-
6 mentally sensitive manner consistent with the town's critical
7 area and protection program.

8 Water dependent facilities will become a condi-
9 tional use subject to a public hearing process. An appli-
10 cant for development must also provide written documenta-
11 tion that addresses the very -- various land planning and
12 environmental conditions placed -- placed on particular
13 water dependent uses.

14 This includes determining potential effects to
15 water circulation and salinity, water quality, effects to
16 certain aquatic resources, as well as effects from dredging.
17 The town has also developed a check list for use by both
18 decision makers and developers to address these -- these
19 environmental issues.

20 The town will seek assistance from various state
21 and federal agencies in dealing with water dependent uses.
22 Currently the state wetlands people are designing a boat

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1 ramp and a proposed pier that was proposed under revival --
2 revitalization plan.

3 Program Four addresses shoreline erosion control
4 in the critical area. The Bay main stem around
5 North Beach does have significant historical shoreline
6 erosion rates. However, most of the southern shoreline
7 has been structurally protected by either bulkhead or stone
8 rebatement. The northern shoreline remains structurally
9 unprotected. The town will revise its ordinances to insure
10 that shore erosion control measures will be addressed at
11 the time of project approval.

12 When structural control is -- is proposed, an
13 applicant must demonstrate that non-structural control is
14 not practical or effective at a particular site. North
15 Beach has in the past and will continue in the future,
16 to seek technical assistance from state and federal agencies
17 in making shore erosion control decisions.

18 This program describes the town's forest conser-
19 vation plan. Regulations are reviewed and an urban forestry
20 plan is proposed. Urban forestry will be important in
21 North Beach because of the characteristic concentrated
22 development of the town. The town's comprehensive plan

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1 notes that even though North Beach is -- is well developed,
2 there are small areas that remain in natural conditions.
3 In fact, many trees have been retained on developed lots.

4 The implementation elements of Program Five will
5 work to conserve the natural setting of the town, as well
6 as provide the environmental benefits afforded by efforts
7 to enhance the town wooded resources.

8 Program Six would have been agriculture, but I
9 think other than maybe some garden -- vegetable gardening,
10 there are no agricultural activities in the town of North
11 Beach.

12 Program Seven would have addressed surface mining,
13 but there are no existing or potential surface mine sites
14 in the town.

15 Program Eight, Natural Parks. Under this pro-
16 gram the tidal and non-tidal wetlands at the northern end
17 of town were targeted as a natural park site. Specifically,
18 as a wildlife observation area, both under the town's
19 -- protection program as well as the town's comprehensive
20 plan. The town is working with state wetlands staff and
21 park design, and it's also anticipated that adjacent land
22 owners intend to integrate the park system into private

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1 development activities -- future development. There is a
2 rare wetland grass found in the area. And the town will
3 work with the Maryland Forest, Park and Wildlife Service
4 in insuring that park plans do not adversely affect this
5 -- .

6 Habitat Protection Areas. This program consists
7 of four formal sub-plans. The first plan addresses buffer
8 protection. The requirement for a minimum 100 foot buffer
9 around the shoreline, tidal wetlands, and tributary streams
10 is described. Regulations are discussed, and a buffer
11 delineation procedure, including a soil survey, is provided.

12 Under Plan One, the town requests that the shore-
13 line within the IV area be exempted from buffer require-
14 ments. The first 100 foot of shoreline in the IVA is
15 under intense development with little or no natural habitat
16 remaining. The area no longer affectively fulfills buffer
17 functions. Regulations, the town's public information, and
18 urban forestry efforts are offered as compensatory mech-
19 nisms for the requested buffer exemptions.

20 In Plan Two of Program Nine, protection of non-
21 tidal wetlands are addressed here. This plan focuses on
22 protecting non-tidal areas through regulatory initiatives.

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1 Generally a 25 foot buffer will be required around non-
2 tidal areas. If activities are proposed that cause unavail-
3 able impact on non-tidal wetlands, mitigation requirement
4 must be fulfilled. A check list was developed to help
5 decision makers as well as developers work through non-
6 tidal wetland regulatory procedures.

7 Even though most of North Beach is intensely
8 developed, it does have a state endangered species. North
9 Beach -- North Beach's endangered species is a wetland
10 grass that occurs in the wetland areas to the north of
11 town. Under the Rare Species Plan of Program Nine, Plan
12 Three, the town will revise its ordinances to insure that
13 this species is protected from any per -- any future
14 development activity.

15 The town will request input from the Maryland
16 Forest, Park and Wildlife Service when making decisions
17 that may effect the rare plant species.

18 In Plan Four, Plant and Wildlife Habitat Pro-
19 tection, various sensitive habitats that are delineated
20 under the critical area criteria are addressed. The
21 town will revise its regulations to insure that waterfowl
22 concentration and staging areas are protected from adverse

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1 effects from water dependent uses. -- habitat is identi-
2 fied for the town, and the town will establish regulations
3 for its conservation as well as provide for wildlife
4 corridors.

5 There are no known colonial water bed -- bird
6 nesting sites, no large forested areas, or natural heritage
7 areas in North Beach. There are no species of local
8 significance that have been identified for the town.
9 However, the Mayor and I have a mutual fondness for the
10 muskrat population up in the -- , but I don't think that's
11 enough to qualify that -- , -- significant.

12 Finally, the waters of North Beach are -- are
13 too saline to support anadromous fish spawning, thus a
14 formal plan was not developed for this protection -- type
15 of protection area. So that's the condensed version.
16 So if there's any -- any questions.

17 MS. CADE: Thank you very much. Members of the
18 panel, do you have any questions you want to ask the con-
19 sultant at this point? All right, we have a number of
20 people, citizens who are here and we also have an addi-
21 tional town councilman you'd like to introduce Mayor?

22 MAYOR HALL: Mr. Lawrence Rohn came in a little

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1 late. He is one of our town council people.

2 MS. CADE: Thank you very much. We have a
3 number of people who have signed up as attending. Nobody
4 has said that they wish to testify, but we open the floor
5 now for any comments from anyone in attendance, whether
6 or not you signed up, that you'd like to testify.

7 MAYOR HALL: Outside of the regular town council
8 and its clerk and you folks, we have Mr. and Mrs. Locker
9 back here, residents of the town. -- and Mr. Jim Wallace.
10 Also has property -- .

11 MS. CADE: Thank you very much. Do you have
12 any questions or comments that you would like to make?
13 Anything you'd like to say to the commission members?

14 MAYOR HALL: Really I believe it's explained
15 just about as best as anybody could really put it.

16 MS. CADE: It -- it's fund to come to towns this
17 size where we can actually get a sense of the whole water-
18 front. Sometimes we're looking at full county plans,
19 and it's very, very difficult. And to come to a community
20 the size of North Beach, and be able to drive around and
21 do a little walking around and really see the entire
22 critical area is very helpful to those of us who are

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1 looking at these plans.

2 MAYOR HALL: And generally, I've seen it since my
3 term years back as mayor and present, people will only
4 attend something when it affects them personally. And I
5 guess that's the reason we don't have too many people here
6 tonight.

7 MS. CADE: Apparently it means the community is
8 happy with what you as the local officials have put for-
9 ward.

10 MAYOR HALL: Well, it seems that way.

11 MS. CADE: Are there questions from the panel?
12 Are there any comments from those who are in attendance?
13 If not, we thank you for making a very nice presentation.
14 And we will declare this hearing complete. Thank you very
15 much for attending.

16 MAYOR HALL: Thank you very much.

17 (Whereupon, at 8:05 p.m. on Thursday, Marcy 31,
18 1988, the hearing adjourned.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript
in the matter of: Critical Area Plan - North Beach

BEFORE: ARDATH CADE, Chairwoman

DATE: MARCH 31, 1988

PLACE: North Beach, Maryland

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


Kim Schroeder

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NAME & ADDRESS

**Do You Wish
To Testify?
YES | NO**

Jerry Ransom - Town Council

NAME & ADDRESS	YES	NO
<i>Jerry Ransom - Town Council</i>		

SIGN IN SHEET

NAME & ADDRESS

Do You Wish
To Testify?
YES | NO

JAMES WALLACE
9204 ATLANTIC AVE
NORTH BEACH MD

X

Critical Areas
North Beach