

Public Hearings - Princess Anne County - Panel Hearing 1988 MSA-51830-46

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CRITICAL AREA COMMISSION PANEL HEARING

FOR PRINCESS ANNE COUNTY

March 23, 1988

Princess Anne
Firehouse
7:00 p.m.

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PARTICIPANTS

PANEL MEMBERS:

- MS. KAY LANGNER
- MR. TOM JARVIS
- MR. RON ATKINS
- MR. SHEP KRECH

PARTICIPANTS:

- MR. ED PHILLIPS
- MR. PETER JOHNSTON
- MR. ROLAND COLLINS
- MS. LIZ HOLLAND
- MR. ROBERT W. ERICKSON
- MR. CHARLES
- MR. EDMOND L. WIDDOWSON
- MR. BRUCE BOZMAN
- MR. BILL RICE

P R O C E E D I N G S

1
2 MR. COLLINS: -- so if you would like, we do
3 have Pete Johnson our consultant sitting over on the sofa
4 there, and I do know one member and that's Mr. Ron Edmonds
5 over in the corner. We have a very poor turn out here
6 maybe, and Bruce Bozman from State Planning, but with that
7 I'm going to listen to Pete Johnson -- well Ed Phillips
8 over here, I do know him.

9 MR. PHILLIPS: Yes.

10 MR. COLLINS: And with that I'm going to turn it
11 over to you Pete, and --

12 MR. JOHNSTON: This is a final hearing, so --

13 MR. COLLINS: All right.

14 MS. LANGNER: Like to call the hearing to order
15 and welcome all of you who have come out this evening. Our
16 panel members present here this evening are Shep Krech from
17 Talbot County and Ron Atkins from Somerset County, and Tom
18 Jarvis from Caroline County, and that's it. And I'm Kay
19 Langner from Cecil County.

20 The purpose of the hearing is to hear public
21 comment on Princes Anne's Critical Areas Program, as
22 required under Section 8, 1809 of the Critical Area Law.

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1 The Commission must make a decision on the program within
2 40 days, and the court reporter here this evening will
3 record the presentation, and she has asked that anyone who
4 wishes to speak come up and use the microphone and spell
5 their name before they proceed.

6 I -- let's see, the record will be kept open for
7 one week to receive additional written testimony, and those
8 statements can be mailed to the Commission Chairman, Judge
9 Solomon List, Chesapeake Bay Critical Areas Commission, 580
10 Taylor Avenue, D-4, Annapolis Maryland, 21401. The
11 complete public record will be kept at the Commission
12 Office for public review.

13 If you would like to make the town's
14 presentation?

15 MR. COLLINS: Before we go too far, if you --
16 anyone who hasn't signed up, if they would please we would
17 appreciate it before you leave tonight.

18 MR. JOHNSTON: Thank you. My name is Peter
19 Johnston and I'm with Redman Johnston Associates. Along
20 with the consulting firm of Rogers Goldman and Halpburn out
21 of Philadelphia P.A., we were contracted by the county to
22 prepare their critical area program and the critical area

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1 program from Princess Anne and Crisfield.

2 There has been one public hearing on the
3 Princess Anne Critical Area Program held several months
4 ago. For those of you that don't know this is the second
5 hearing on the draft program that's required by the
6 criteria, this is the Critical Area Commission panel
7 hearing. Following this hearing as Kay has mentioned, the
8 program will be reviewed by the Critical Area Commission,
9 and then within a 40 day period will say approved or that
10 is disapproved or that it can be approved with certain
11 amendments or revisions to the program. So it's now going
12 up to the Commission for their review.

13 Generally the program that has been prepared
14 meets the critical area criteria for a local program. The
15 critical area criteria were adopted as a law back in 1984-
16 1985, they require that each jurisdiction that is located
17 within the Chesapeake Bay Critical Area must prepare a
18 local Chesapeake Bay Critical Area Protection Program.

19 For those of you that don't know, the critical
20 area is that area of the shoreline of the bay and its
21 tributaries to the head of tide that's measured 1,000 feet
22 from the mean high tide line, or from the tidal extent of

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1 tidal wetland. Everything that falls within that 1,000
2 foot area is the critical area.

3 Each municipality, each county that falls within
4 that 1,000 foot area is required to develop a program that
5 includes a mapping of the community, and a designation of 3
6 types of land management areas.

7 The mapping is based on existing land use as of
8 December 1985, and the criteria set out rules for mapping
9 these three areas. The three areas are the intensely
10 developed areas which are those areas that are categorized
11 by concentrations of industrial, commercial, high density
12 residential, and are served by sewer and/or water.

13 The second land management classification that
14 must be designated is the limited development area. The
15 limited development area are those areas of the
16 municipality that have either sewer or water, and are
17 characterized by medium density residential development, 3
18 or 4 units per acre, and yet still have some areas of
19 natural habitat and natural vegetation.

20 Finally, the third management classification is
21 the resource conservation area. RCA. These areas are
22 dominated by natural vegetation, wetlands, barren areas,

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1 park areas, agriculture, and have densities lower than one
2 unit per 5 acres, and they're usually not served by sewer
3 and/or water.

4 Once these areas are mapped we are required --
5 and there are certain policies for each of them -- we are
6 required to develop an element that addresses the continued
7 land use in the management areas, in the area of
8 agriculture, shore erosion protection, mineral resource
9 extraction and habitat protection, and the habitat
10 protection element breaks down into the bumper area which
11 is a 100 foot area that is measured 100 foot back from
12 tidal waters and tidal wetlands and follows along the
13 entire shoreline. This is what's known as the bumper. The
14 criteria requires that if there is not development already
15 in the 100 foot bumper that no new development can be
16 placed here, that natural vegetation cannot be removed, and
17 the only types of uses that are permitted in the 100 foot
18 bumper are what are known as water dependant facilities.
19 Marinas, piers, docks, these kind of things are the only
20 think permitted there.

21 The -- and the program that we've prepared
22 includes a section on water dependant facilities.

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1 The habitat protection also includes non tidal
2 wetland section, a section on threatened endangered species
3 and species in need of conservation, special plant and
4 wildlife habitats that have been identified by the state as
5 in need of conservation, and an anatomous (phonetic) fish
6 spawning stream.

7 All these habitat resources which exist within
8 the municipality have been identified, they have been
9 mapped, we have provided Princess Anne with a series of
10 maps that identify all of these features, and we have
11 prepared a recommended implementation program for how to
12 manage future development, how to protect these, and
13 they're all contained in the program.

14 As I've said we had one public hearing on the
15 program, and the purpose tonight is for the citizens to be
16 able to come in and make statements to the Critical Area
17 Commission that they can consider in their review of the
18 program.

19 Once the testimony has been given I'll be glad
20 to try and answer any questions anybody might have about
21 the program.

22 MS. LANGNER: Would the President of the Town

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1 Council, Roland Collins like to add anything, or make a
2 statement of any kind?

3 MR. COLLINS: No, I don't have anything I don't
4 think that I can add to what has been said. Now we -- I
5 was at the meetings and reviewed this information with
6 Pete, and it seems to me if the Commission approves what
7 Pete has proposed, or has you know, up to this point, I
8 can't really see any serious problems with Princess Anne,
9 with the allocation that Pete has mentioned, the areas
10 adjacent to the town, the IDA or whatever. And Bill Rice,
11 another councilman has been riding heard on this more or
12 less, is not here tonight of course, but I have personally
13 -- at this point have no problem with what Pete has put
14 together, so that's about all I can say about it at this
15 time.

16 MR. KRECH: Pete, what sort of growth allocation
17 has the town requested or have in mind?

18 MR. JOHNSTON: Okay.

19 MR. KRECH: And with respect to the county's
20 growth allocation, or quotient?

21 MR. JOHNSTON: Okay. For those of you that
22 don't know, the criteria provides that 5 percent of this

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1 resource conversation area, and I suspect that most people
2 that are familiar with the Critical Area Program focus down
3 mostly on what's known as the resource conservation area.

4 The resource conservation area is that part of
5 the county that the new future development will be limited
6 to one dwelling unit per 20 acres, and that's a requirement
7 of the criteria.

8 However, the county is permitted to take 5
9 percent of the total area of the resource conservation area
10 and use it for future growth, to convert these resource
11 conservation areas into a limited development area, or an
12 intensely developed area and permit development at a higher
13 density or intensity than one dwelling unit per 20 acres.

14 Based on the mapping that was done for the
15 county there was approximately 1500 acres in this growth
16 allocation pool if you will. The county in their program
17 is proposing to set aside 100 acres for Princess Anne and
18 100 acres for Crisfield for their use of the future growth
19 of these municipalities, and that's what is being proposed
20 in the draft program now.

21 They've also provided that at the end of two
22 years they will revisit the allocations, the set asides, to

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1 determine if there is more needed -- you know, if growth
2 has taken off and municipalities need additional growth
3 allocation, then that's going to be reconsidered at the end
4 of a 2 year period.

5 Okay, so that's what has been set up.

6 In addition I guess I should say that Princess
7 Anne has elected to premap one site in -- within it's
8 corporate limits now as a future intensely developed area,
9 and that's -- we set this up, and it's been mapped -- it
10 was a -- it was an amendment to the program that was a
11 result of the public hearing that we had at the first
12 night. So they have elected to go ahead and predesignate a
13 site, and I think that site is about 10 acres.

14 MR. COLLINS: I believe.

15 MR. JOHNSTON: Yeah, 10 or 12 acres.

16 MS. LANGNER: Does anyone else have any further
17 comment, or questions?

18 MR. KRECH: The 10 acres out of the 100 that
19 they had set aside?

20 MR. JOHNSTON: Right. That's correct.

21 MR. KRECH: Okay.

22 MR. JOHNSTON: We've given them a process for

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1 handling future growth. Use of growth allocation whereby
2 -- which we've done in many of the municipalities, whereby
3 if someone wants to get growth allocation they would come
4 in with a development proposal, and then the town would
5 decide does it meet our ordinances, is it consistent with
6 our Critical Area Program, and then if it is then it can go
7 -- then they will let it go through an amendment process
8 for growth allocation.

9 MS. LANGNER: Does any -- are there any other
10 questions?

11 MR. ERICKSON: I'd like to know have there been
12 any mention made of major changes on the maps since last
13 area?

14 MR. JOHNSTON: No changes.

15 MS. LANGNER: Could you identify yourself sir?

16 MR. ERICKSON: Robert Erikson. I'm on the
17 zoning Commission.

18 MR. JOHNSTON: No changes.

19 MR. ERICKSON: No changes?

20 MR. JOHNSTON: No changes.

21 MR. ERICKSON: Thank you.

22 MR. ATKINS: This gentleman is on our planning

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1 and zoning commission.

2 MS. LANGNER: Any of the panel members have any
3 further questions or statements? Anything you care to say
4 now?

5 MR. ATKINS: I guess I just have to make a
6 general statement. I represent the county on the
7 commission, and early on it was a decision of both the
8 county and the town to consolidate it's consultants to do
9 the job. I'd like to think that because of that
10 consolidation we have more of a coordinated plan, and we've
11 come to grips with how to deal with the issue of growth
12 allocation much smoother because of that. I'd like to
13 think that our two plans will mesh together, and that our
14 consideration for the two towns and the growth that we'd
15 like to see channeled there would be mirrored in both
16 plans.

17 So as far as I'm concerned I'm pleased with the
18 fact that we have used consultants, similar consultants,
19 and it appears that it has accomplished what we set out to
20 do.

21 MR. JARVIS: I think he pretty well covered it.
22 Only thing that I was going to say is it's really not our

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1 concern, I don't see nothing in here -- maybe I went over
2 it -- where it is actually spelled out in this arrangement
3 between the county and the town --

4 MR. ATKINS: About the growth?

5 MR. JARVIS: Yeah. But on the other side of it,
6 if you don't have it it's not really any of our concern.

7 MR. ATKINS: I think it's much more clearly
8 spelled out in our -- in the county plan.

9 MR. JARVIS: I would guess maybe it would be.

10 MR. ATKINS: Our county plan that is in the
11 hands of the Commission right now clearly spells out to be
12 set aside 100 acres for both municipalities for a 2 year
13 period, and at that point in time as Mr. Johnson indicated
14 we would re-evaluate the growth needs at that time.

15 I think it's a pretty liberal amount of land,
16 when you consider in Princess Anne there's only 14 percent
17 of it that's critical area, LDA, and only the RCA area is
18 the town park. There isn't a whole lot of need for
19 conversion of it, even in the existing border. Their use
20 of growth allocation will come out of annexation. So it's
21 a pretty liberal plan --

22 MR. JOHNSTON: A lot of the areas outside of the

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1 town are already mapped LDA, or IDA because there had been
2 some development that's already occurred there, so in the
3 short term they really don't appear to have a great deal of
4 need for growth allocation because of the way the mapping
5 is falling out.

6 MR. ERICKSON: In this regard to the leased
7 developed area, which would be the town park and things
8 like that, now I've walked down through the park, where the
9 park is going to be and everything like that. There's an
10 awful lot of -- well I can talk of it as highway
11 construction debris, which has been thrown in there like
12 old broken culverts, old concrete from digging up streets I
13 guess, old asphalt from digging up streets.

14 When it comes to removing things like that from
15 this area, can they be removed without destroying your area
16 that is not supposed to be disturbed, or do you say since
17 it's been there and dumped there, it's been there for
18 years, is that going to stay there? Can it remain there?
19 What?

20 MR. JOHNSTON: I don't believe there would be
21 anything to prohibit you from policing the area, improving
22 it by removing some things as you describe, debris, highway

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1 debris and stabilizing the site maybe with trees or sod.
2 Especially if vegetation replaced it. I don't see anything
3 wrong with that.
4

5 MR. COLLINS: It was a disposal area --

6 MR. ERICKSON: Yes, I figured that's what it
7 was.

8 MR. COLLINS: -- before it was a park, and
9 that's before I got involved in it. And that's the reason.
10 I didn't want you to think what's there -- in fact I would
11 have -- will tell the Commission that prior to any
12 construction starting in this park at this time, and that
13 was 2 years ago, that Eric Seed came down with a wetlands
14 map and flagged every inch of that around, and we are on
15 the upland side of the flags that Eric put there, and I'm
16 sure maybe all of you know Eric Seed.

17 Anything that was there before that they found
18 at one time did have a season assist order from I guess
19 somebody, DNR, because there was some concrete that was
20 rolled over in the edge of the marsh, but this was prior to
21 my time.

22 MR. ERICKSON: Well I know, it's been there for
a while just looking at it.

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1 MR. COLLINS: 10 years back or 15 years, but
2 it's been there and that's what I think you're referring
3 to.

4 MR. ERICKSON: Yeah. Yeah. I mean just walking
5 around --

6 MR. COLLINS: Yes, it's just over the edge where
7 it was flagged as wetlands.

8 MS. LANGNER: Is there anyone else who has --

9 MR. KRECH: A question? Please can I direct it
10 to Peter. I notice they have not asked for a buffer
11 exemption, and does that still hold?

12 MR. JOHNSTON: We don't have buffer exemption in
13 here? I think they do.

14 MR. KRECH: Or have they asked?

15 MR. JOHNSTON: Yeah, I think they have. They
16 will --

17 MR. KRECH: I was not there on that.

18 MR. JOHNSTON: Yeah, they will be requesting a
19 buffer exemption for the grandfathered lots in the areas --
20

21 MR. KRECH: For the grandfather lots only?

22 MR. JOHNSTON: Yes, just for the grandfather
lots in the area where the buffer is already developed.

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1 MR. KRECH: Okay.

2 MR. JOHNSTON: I thought we had it in here.

3 MR. JARVIS: It's on page 48.

4 MR. KRECH: When I read this over I missed it.

5 MR. JARVIS: Buffer exemption. Buffer exemption
6 is on page 48. I believe that's it.

7 MR. JOHNSTON: I'm sure that by the time that
8 Kevin or Charlie or Jim gets to it we will have one.

9 MR. KRECH: Okay.

10 MR. JOHNSTON: And certainly there is a need for
11 it.

12 MR. KRECH: Yeah, there is one.

13 MS. LANGNER: If there is anyone who --

14 MR. KRECH: Without having maps I couldn't
15 figure it out. Okay.

16 MS. LANGNER: If there is anyone who doesn't
17 have a copy who wants to see anything here, we've got a
18 copy right up here.

19 Could we perhaps see the maps, and --

20 MR. JOHNSTON: Oh sure. Didn't we color in the
21 buffer exemption?

22 MR. JARVIS: Yeah, and you actually filled in

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1 the --

2 MR. JOHNSTON: Right. And there was a map that
3 we had at the other hearing, it's down at the town office
4 where --

5 MS. LANGNER: If anyone here would like to see
6 the maps --

7 MR. JOHNSTON: That's the IDA LDA RC maps. I
8 also have here the habitat study. I'll lay it out on the
9 floor and you can walk around and look at it.

10 Yes, this mapping system was a series of
11 overlays, and they're all Mylar overlays, so sometimes we
12 allot them.

13 MR. ERICKSON: Right, and this is like -- this
14 is Somerset Avenue, there are businesses that are located
15 right along this. And there's housing to the sides in this
16 area.

17 MR. JOHNSTON: The areas that are already
18 developed are in here and here.

19 MR. ATKINS: College.

20 MR. ERICKSON: Yeah.

21 MR. JOHNSTON: They run down too this --

22 MR. ERICKSON: Broad street.

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1 MR. JOHNSTON: And this area right in here, and
2 it goes back up into here, until --

3 MR. ERICKSON: Now the critical area -- okay.
4 So it does take in your place? It takes in all.

5 MR. JARVIS: Yeah.

6 MR. ERICKSON: This is Church Street, so you're
7 right there. So you're right in the middle of the critical
8 area.

9 MS. LANGNER: Just think, you're going to be
10 protected.

11 MR. ERICKSON: Yeah, some of the land has been
12 annexed.

13 MR. JARVIS: 100 acres.

14 MR. ATKINS: This has been annexed.

15 MR. ERICKSON: This is part of the allocation
16 area. Man who bought this didn't really get involved,
17 starting to build what he wanted to build there. He -- in
18 fact the zoning was all (inaudible), and then he wanted to
19 put in apartments, and by the time he decided he wanted to
20 do that they had changed the town laws, then we had to
21 change the zoning to R2, and that is more critical area.

22 MR. BOZMAN: Sewer all the way out to Somerset

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1 Landing, right?

2 MR. ERICKSON: I -- as far as I know, yes.

3 This are down in here might be annexed at
4 another time later. Because it's --they've requested it.
5 Greenwood. But I don't think they've gotten enough
6 signatures yet to do it.

7 MR. ATKINS: I think the -- that portion is in
8 the county.

9 (Discussion, many talking at once.)

10 MR. WIDDOWSON: Request for zoning.

11 MR. ATKINS: We didn't have any zoning that
12 would allow multifamily, and the zoning changed it.

13 MR. WIDDOWSON: Well, actually they were
14 properly zoned for, and then we changed our zoning code.
15 We just adopted an R2 zoning, multiple family zone. That
16 area was zoned residential 1, so more technical zoning
17 change.

18 MS. HOLLAND: Okay, so there is a request for
19 multifamily?

20 MR. ATKINS: Yeah.

21 MS. HOLLAND: Is that unusual?

22 MR. ATKINS: The intent -- I think the intention

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1 of -- (inaudible).

2 MS. HOLLAND: Could that be a problem?

3 (Mass discussion, all talking at once.)

4 MR. ATKINS: Yeah basically, so this is --

5 MS. HOLLAND: So what is it classified?

6 MR. BOZMAN: LDA.

7 MS. HOLLAND: Currently, or it will be.

8 MR. ATKINS: Currently it is.

9 MS. HOLLAND: And it will be upgraded to an IDA?

10 MR. ATKINS: Apparently so.

11 MR. WIDDOWSON: See, this entire area is highly
12 developed residential, and hopefully this will be --

13 MS. LANGNER: Now that everyone has seen maps,
14 so we have any further questions or comments?

15 MR. WIDDOWSON: I know there's a 40 day period
16 he now when the plan goes forward for approval, correct?
17 Okay. Assuming it's either approved or changes recommended
18 then what -- where do we stand after that?

19 (Many talking all at once.)

20 MR. ATKINS: Has our plan been officially
21 submitted?

22 MR. JOHNSTON: Yes.

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1 MR. ATKINS: It has.

2 MR. WIDDOWSON: Okay, so --

3 MR. ATKINS: 90 days after the official
4 submittal there should be an answer from the Commission.
5 Any time in between that time if there is indication the
6 plan needs to be worked on, revised because there are
7 submissions of contention, 40 day period kicks out for the
8 town to respond to that.

9 MR. ERICKSON: Okay.

10 MR. ATKINS: And then the Commission has a 40
11 day period to --

12 MR. WIDDOWSON: My particular interest is in the
13 fact that they adopt the plan, we're going to have to adopt
14 zoning changes which will roughly be 10 times greater than
15 our existing zoning code. We're going to go from about 16
16 pages to 160 I think, and obviously we're going to need
17 some time to do that under our normal procedures, as far as
18 being introduced as legislation, public hearings on that,
19 and -- to comply with our own county progress.

20 So I assume there's a provision for that to do
21 it --

22 MR. ATKINS: Once the commission makes it's

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1 final adoption or approval, then you have I believe it says
2 90 days to -- isn't that right Ed? Isn't it 90 day?

3 MR. PHILLIPS: I think that --

4 MR. ATKINS: After the Commission officially
5 adopts --

6 MR. WIDDOWSON: Well 90 days will give us enough
7 time, but we have to advertise it so many weeks --

8 MR. ATKINS: There's also one other deadline
9 that we have to watch, and that is the 11th of June which
10 is the --(inaudible) -- program must be adopted by the
11 local jurisdiction. So that will probably be your cut off
12 date rather than the 90 days.

13 So we will hear something well before the 11th
14 of June I hope. Because we do need some time, I mean
15 there's -- well when we introduce our local legislation, we
16 have to comply with our own charter or we won't be doing
17 much.

18 MR. PHILLIPS: Inside of a couple of weeks we
19 will probably have the review process in house, and will
20 be back to indicate what changes are necessary, and if they
21 are minor then with Pete's help that can probably be worked
22 out very quickly and then there will be a presentation to

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1 the Council -- I mean to the Commission for either approval
2 or disapproval.

3 MR. WIDDOWSON: Well even if we had everything
4 in hand by the first part of May, we'd be fine, looking at
5 June 11th, but anything after that --

6 MR. PHILLIPS: Well what I'm hoping we can do is
7 by keeping everyone involved with it, with the changes that
8 are recommended, then there won't be any shock to anybody
9 and we'll be able to -- you can take care of your end of it
10 without any unnecessary hassle is what I'm hoping will
11 happen.

12 MR. WIDDOWSON: Okay, thank you.

13 MR. COLLINS: Ladies and Gentlemen we do have
14 another Commissioner here now, Bill Rice. I don't know
15 whether he has anything to say or not. Bill has been
16 working on this, attending the meeting, so the -- the
17 county as well as the town meeting, so Bill?

18 MR. RICE: I don't really have anything to say
19 on it, you've had a lot to say about it.

20 MS. LANGNER: I would also like to introduce, I
21 see we have Bruce Bozman from the Maryland Department of
22 State Planning.

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1 Is there any other comment or any other
2 question?

3 Hearing no other comments why I guess we will
4 just conclude the hearing and thank you again for all
5 coming out.

6 (Whereupon, the hearing was concluded.)
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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:

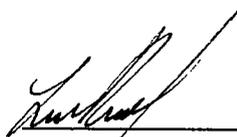
Critical Area Meeting

BEFORE: CAC Staff

DATE: March 23, 1988

PLACE: Princess Anne Firehouse

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



Lynn Rickard
Free State Reporting, Inc.

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