

Public Hearings - Queenstown - Critical Area Subcommittee 1988 MSA-S, 830-47

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HEARING BEFORE THE
QUEENSTOWN CRITICAL AREA SUBCOMMITTEE
QUEENSTOWN, MARYLAND

Thursday, February 25, 1988
Queenstown Volunteer Fire Hall
Mainstreet
Queenstown, Maryland 21658

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

BEFORE:

KAY LANGNER, Chairperson

APPEARANCES:

CONNIE LIEDER
ARDATH CADE
RONALD ADKINS
SHEPPARD KRECK
CHARLIE DAVIS
CHESTER ANDERSON
NORMAN DAY

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Town Presentation

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Public Comments

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P R O C E E D I N G S

1
2 MS. LANGNER: I call this hearing to order and
3 welcome all of you who have come out this evening. I'd
4 also like to introduce our panel members from my right,
5 your left. Secretary Constance Lieder, Department of
6 State Planning.

7 MR. REYNOLDS: Where is she from? What part of
8 the State of Maryland?

9 MS. LANGNER: Baltimore.

10 MR. REYNOLDS: And the next, the same way.

11 MS. LANGNER: Ardath Cade, Department of Housing
12 and Community Development from Anne Arundel County.
13 Ron Adkins from Summerset County and Shep Kreck from
14 Talbot County.

15 MR. REYNOLDS: How about yourself?

16 MS. LANGNER: I'm Kay Langner and I'm from
17 Cecil County. We consider ourselves from the Eastern
18 Shore. The purpose of this hearing is to hear public
19 comment on Queenstown Critical Areas program as required
20 in section 81809 at the critical area law. The commission
21 must then make a decision on your program within 40 days.
22 I would like to recognize the Court Reporter who will be

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1 recording this hearing this evening and he has asked that
2 when people speak, if they would please spell their names
3 because sometimes he has a hard time catching the names,
4 so that when you stand up if you will please spell your
5 name first. And also make sure that you are using a
6 microphone, either the wireless one or the ones at the
7 table here.

8 The record will be used to help the commission
9 render a decision. The record will be kept open for one
10 week to receive additional written testimony and those
11 statements can be mailed to the commission chairman,
12 Solomon Liss, Chesapeake Bay Critical Area Commission,
13 580 Taylor Avenue, D-4, Annapolis, Maryland 21401.
14 The complete record will be kept at the commission office
15 for public review. If any of you wish to get that
16 address, we'll be glad to give it to you afterwards.

17 I would like to ask Chester Anderson, the President
18 for the Town Commission, to introduce the members in
19 your Town Commission and Planning and Zoning Commission.

20 MR. ANDERSON: Yes. For the record, I'm
21 Chester Anderson, President of the Town Commission of
22 Queenstown, and my fellow man Mr. John Foster on the other

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1 side of town. And our planner is Mr. Norman Day and
2 all the rest of them are good town citizens.

3 MS. LANGNER: Very good.

4 MR. ANDERSON: They want to put forth an effort,
5 we hope.

6 MS. LANGNER: Now, I think if we could have
7 the program presented by Mr. Day.

8 MR. ANDERSON: I'm sorry. We have some members
9 of the Planning Commission, Miss Peggy Taliaferro and
10 Mr. Irving Pender. And we also have two citizens that
11 are advisory people, (INAUDIBLE), Keith Burgess and Mr.
12 Russell Weaver. Did I miss anybody?

13 MS. LANGNER: Maybe you didn't, but I did. Our
14 staff person from the critical area is Charlie Davis.

15 MR. DAY: Thank you. Do I need to wear one of
16 these microphones?

17 REPORTER: Yes, please.

18 MR. ANDERSON: Are you going to let the people,
19 if they have questions, come to the chair?

20 MS. LANGNER: Yes, after Mr. Day presents.

21 MR. DAY: Many of you in the audience will probably
22 recall that we had a couple of meetings in late September

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1 and early October to review the draft critical areas
2 program that we are helping the commission prepare.
3 Subsequent to that last hearing which took place in early
4 October, we put together the draft program and sent it to
5 the critical areas commission in Annapolis. This is
6 really one section of the comprehensive plan that we
7 are also putting together for the township and is so
8 identified as a subsection of the plan.

9 This was also presented to the community in draft
10 form in October and has undergone some limited revisions
11 since and the copy I'm holding in my hand carries the
12 date of February, but for all practical purposes, the
13 content of the plan was in draft form in October and
14 the critical areas program was, as I said, a specific
15 section of the comprehensive plan.

16 Now since October, we've continued to work with
17 the community on the plan and on the drafting of various
18 new zoning ordinances that flow from the plan, but we
19 have since done very little on the critical areas program
20 since October. That's been in the hands of the commission
21 and the commission staff. In discussing the session
22 tonight, it was suggested that we run through the same

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1 presentation that I gave in October at the last public
2 hearing, just as a kind of a refresher.

3 I have to apologize in advance because, except
4 for a very quick run through this afternoon, I haven't
5 even looked at these slides in about five months so the
6 presentation tonight will probably be relatively brief
7 because I won't remember most of the things that I talked
8 about last time. But just to kind of remind you of
9 what we went through in October and to give the commission
10 members an opportunity to see how we structured the presen-
11 tation, I will run through this.

12 Could we have the lights off in the front of
13 the room? I apologize for the impromptu screen over here
14 but I think it will work out pretty well for both the
15 commission and the audience. Obviously, we're here
16 to talk about the critical area protection program for
17 your town. Your town is small in land area, about 165
18 acres, so we have been studying a somewhat larger area
19 for purposes of the comprehensive plan. An area maybe
20 four or five times the size of the incorporated town.
21 So we've been looking at both sides of Little Queenstown
22 Creek and on up the peninsula along the Queenstown Creek

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1 and on both sides of 301. So the study area that we've
2 been working with is pretty much everything that's shown
3 on that aerial photograph.

4 Just a view of the town looking out to the bay.
5 Now, the background of the critical areas program is,
6 of course, is in the problems that everyone perceives
7 the Chesapeake Bay to be having; water pollution, shore
8 line erosion, what are considered by many as improper
9 water-front uses and a significant loss of natural
10 habitat.

11 The purposes of the legislation are to respond
12 to those problems, to improve water quality throughout
13 the bay and that's probably the most important overall
14 purpose. To conserve plants and wildlife habitat on the
15 land and for other reasons because it has a direct impact
16 on the water quality. But at the same time, to accommodate
17 some reasonable degree and type development on the land
18 area, recognizing that you can't stop everything from
19 happening. The components of the critical area in the
20 state are these four items; the bay itself, the tributary
21 streams, the tidal wetlands and then what impacts the
22 program most specifically is a thousand foot border area.

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1 Every--every place within a thousand feet of
2 high tide in effect is going to be subject to some special
3 regulations and restrictions. Now the process requires
4 some degree of public participation. We've been doing this
5 in the form of an advisory group or task force that was
6 created for purposes of developing the comprehensive
7 plan and the related ordinances which includes your
8 township, your town commissioner, members of the planning
9 commission and a number of other representatives.

10 We held a couple of public information meetings
11 on the program in the late summer. We held a public
12 hearing in October and this hearing is not really
13 something that the town is responsible for. This is
14 a hearing required by the commission to hear your comment
15 on the plan.

16 The elements of the critical areas program are
17 these five items: We've, of course, gone through the
18 background of projecting population growth and develop-
19 ment activity in the area as part of the comprehensive
20 planning effort. We have mapped the required information
21 in terms of the entire area classification of the
22 critical areas and the identification of all of the

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1 natural resources that are of importance. We have developed
2 the protection measures, the specific plans and protection
3 measures for farm land, forest land and so on which we'll
4 talk about in a little more detail. And from those,
5 we have generated a series of proposed ordinances that
6 will translate the general principals and the general
7 policies of the protection measure into specific
8 legislation and regulations. And then the item that there
9 will be an ongoing administration of this program by your
10 local official.

11 I've included a few slides here from the
12 comprehensive planning process just by way of background.
13 This is a map showing all of the buildings in Queenstown.
14 This shows existing land use, focus it slightly. Most of
15 the land within the town, of course, is developed for
16 residential purposes at the fairly defined town center
17 and some highly commercial development along 301. This
18 map represents the sewage collection system which is
19 relevant to potential expansion of the town and, therefore,
20 relevant to the issue of growth allocation from the
21 critical areas program.

22 Same thing on this. That's not water supply, I

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1 thought that was in there. This map identifies all of
2 the undeveloped tracks of land within the town which are
3 of immediate concern in terms of zoning regulations and so
4 on. But beyond this, we're also looking at undeveloped
5 land outside of the city--the town boundary because it
6 clearly has the potential to be developed at some point
7 in the future. It has the potential to be annexed at
8 some time.

9 In terms of the specific mapping, it really
10 breaks down into two categories. The required mapping
11 of the, I hope that Mr. Anthony, Mr. Morris, Mr. Lewis,
12 Mr. Willis, Mr. Pinder and the other Mr. Lewis don't
13 need their coats at this point in time.

14 Okay. One of the requirements was to examine
15 existing development in the area and to determine which
16 portions of the area were intensely developed or limited
17 development or--with regard to resource conservation
18 areas based on the density of existing development. I'll
19 show you a map of that in a moment. And then the other
20 requirement was to map all of the specific resources
21 that were candidates for protection. The tidal and non-
22 tidal wetlands, all of the areas under cultivation, all

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1 of the forested areas to map soils that represented
2 development constraints or particular problems with
3 erosion, and then all of the special habitats that are
4 in need of protection.

5 This is a typical intensely developed area, at
6 least in the context of Queenstown. It's the center of
7 town. It exhibits densities in excess of four dwelling
8 units to the acre. Therefore, it is classified as a
9 intensely developed area.

10 This is not in Queenstown, but it represents a
11 typical limited development area with a density--excuse
12 me, I was wrong about the intensely developed area.
13 Special density for that is 11 per acre? Something
14 like that?

15 MR. DAVIS: It's actually--you were correct
16 the first time.

17 MR. DAY: Okay, sorry. The density here is
18 between--

19 MR. DAVIS: One per five.

20 MR. DAY: One unit per five acres, and four
21 units per acre. Typical suburban density. A family large
22 lot development. And then the resource conservation areas

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1 were those that--

2 (Announcement over P.A. system.)

3 MR. DAY: I hope the transcript of this gets
4 that all clear. Okay, the last category is essentially
5 undeveloped land. But you can have development up to
6 one unit in 20 acres and still qualify as a resource
7 conservation area. This exercise really means more to
8 county scale where you have a lot of undeveloped land.
9 At the scale of Queenstown, it doesn't mean as much.
10 This--I'll come back to that point in a second.

11 This is the first of the four resource maps
12 showing all of the tidal and non-tidal wetlands. This
13 is the map of all of the hydric soils that represent some
14 development constraint in terms of on-site sewage disposal
15 and other constraints. This is the inventory of
16 agriculture and forest lands which are combined because
17 they are generally mutually exclusive. And then the
18 limited collection of important habitats. Some forested
19 areas on the fringes of the study area that represent
20 habitats for forest-dwelling birds, a couple of locations
21 for--which are nesting areas for water fowl. There's a
22 heron rookery indicated in this and then last, in the

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1 middle of town we have a circle which represents the
2 habitat of the white squirrels which are of local
3 significance.

4 The classification of the critical area within
5 the town that we came up with is represented on this map
6 which is a little difficult to see. Essentially, the
7 entire town is either intensely developed area or a
8 limited development area. The town port, the area we're
9 sitting in tonight, and one subdivision to the southern
10 edge of the town, qualified as intensely developed area.
11 And these are shown in the middle. All of the rest of
12 the town qualifies as a limited development area.

13 Now at the present time, the county has classified
14 everything outside of the town limits as a resource
15 conservation area in the vicinity of Queenstown at least.
16 So this map accurately represents the existing classifica-
17 tion that we've come up with in part and the county has
18 come up with in part.

19 The one thing I should point out here is that
20 while the critical area that we're concerned with is
21 supposed to include this one thousand foot border area,
22 because the town has some tide land--some tidal water

1 at the south eastern corner of the town, we have a
2 peculiar situation in which only the mid-section of the
3 town is not included in the critical area. So the town
4 commissioner has decided it would make--it would probably
5 make life easier in the long run to simply include the
6 entire town in the critical area.

7 We have done that in our draft program and that's
8 why the town shows an LDA there right in the middle of
9 the area even though we're outside of the thousand foot
10 border. But it all qualifies in terms of that density
11 range up to four units per acre.

12 Now, the legislation calls for the development of
13 protection measures to control development as normal
14 urban development in terms of density and other regulations
15 and then also to generate a specific plan for the
16 preservation of forest, preservation of the agricultural
17 areas and the habitat areas.

18 In terms of development controls, most important
19 types of controls are your basic land use and density
20 limitations, the first item there. But then there are
21 others as well. There's a prohibition of solid waste
22 facilities and other inappropriate uses in the critical

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1 areas. The general intention is to attempt to direct
2 intense development outside of the critical area which
3 again would apply more to county scale than at the scale
4 of Queenstown. To limit waterfront development to
5 those facilities which are very dependent on that location
6 and then to encourage various protection measures to
7 limit or eliminate shore erosion.

8 Of course Queenstown has a number of activities
9 and facilities right on the water which are clearly
10 water-dependent and are very important to your general
11 activity and ambiance.

12 In terms of the land use and density limitations,
13 there was a requirement that these differentiate between
14 these three types of areas. Anticipating the possibility
15 of annexation of land outside the present boundaries,
16 we included regulations for resource conservation areas
17 even though there are none within the town boundaries
18 at this point in time. So we have generated what we think
19 are appropriate development regulations differentiating
20 between these three types of areas.

21 The most immediate concern is for the expansion
22 of the town into the vacant land immediately adjacent to

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1 the built up area where public utilities are available
2 for serving new development. Well, I guess this slide
3 was simply meant to address the issue of control of
4 urban development in general.

5 There are very few forested areas within the
6 town, so the forest preservation plan, while it's there
7 in the program, is of limited significance. But where
8 they exist, they will be protected as spelled out.

9 This is a view of the forested area at the upper
10 reaches of Queenstown Creek. The agricultural protection
11 plan also doesn't have a lot of application to Queenstown,
12 but you do have some farm land and as long as it continues
13 an agricultural production, it will be subject to the
14 protection measures that are spelled out in the plan.

15 The bulk of that is to the northeast of the town
16 along 301 and Route 18. The habitat protection area plan
17 is really built into the land use regulations and the
18 agriculture and forest protection plans because those
19 represent specific activities that can be regulated in
20 some way.

21 Little Queenstown Creek of course is a very
22 important habitat from a number of standpoints and you

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1 don't have very much in the way of tidal and non-tidal
2 wetlands here, but those are also extremely important
3 habitats.

4 Now of central concern to all of this to the
5 town is the process and policies for growth allocation.
6 This is a little complicated but this is really meant to
7 operate from the county level down. The county is
8 afforded about 1,500 acres of potential growth based on
9 a calculation of 5 percent of the resource conservation
10 area in the county. That translates, as I said, to about
11 1,500 acres. A good share of which will probably ultimately
12 allocated to urban areas in the county; Centerville,
13 Queenstown and a few other areas. This is supposed to
14 be sort of metered out over the next 20 years. The
15 precise process by which this allocation is going to take
16 place is still being worked on by the county and the reason
17 it's important to Queenstown is that the interests of the
18 town have been made known to the county and there's
19 let's say a level of negotiation between--not a level,
20 but a requirement for some agreement between the county
21 and the town as to how much growth is ultimately going
22 to be allocated to this area. Specifically, Queenstown

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1 has requested that the county reserve 200 acres for
2 growth allocation for this area to be metered out over
3 the next 20 years and, further, that the county designate
4 70 acres of land immediately contiguous to the present
5 town boundaries for growth in the immediate future.

6 This growth allocation requires the re-designation
7 of areas. So resource conservation areas are re-designated
8 as limited development areas, or LDA's are re-designated
9 as intensely developed areas. In this case, the town is
10 asking the county for 70 acres of new LDA, limited developē
11 ment area, immediately outside the town boundaries.

12 That would effect what's seen here in the area
13 photograph some of the immediately adjacent farmlands
14 undeveloped farmlands. This is a poor slide. It's the
15 same as this drawing behind me which is colored and more
16 easily read, so maybe after I finish the presentation,
17 we'll take a closer look at that. But this represents
18 a proposed classification scheme which would not change
19 anything within the town boundary, but which would propose
20 that this area on the southeast side of Little Queenstown
21 Creek extending down to 301, be re-designated at this
22 time as an LDA, so that that's set up for development in the

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1 near future. And a similar area, an area up here along
2 Queenstown Creek consisting of about 30 acres also be
3 re-designated as LDA. So the proposal would, in effect,
4 say that we anticipate growth both to the northeast and
5 the southwest of the town in the near future.

6 Now that was developed in October at a time
7 when the proposal for the Country Inn, which I'm sure
8 you're all familiar with, would be built in that area
9 adjacent to Little Queenstown Creek. That proposal has
10 evolved over the intervening months and the current
11 proposal is to locate the Inn on the far side of the
12 creek, but the same principal would apply. We'd still
13 be looking for a re-designation of about 40 acres of
14 that area as limited development area even though the
15 precise location would change from what is on this
16 drawing and that would require a modification to the
17 town's critical areas program before it became final.

18 The implementation of the program, as we saw
19 it, involved these three major components, the
20 completion and adoption of the comprehensive plan, the
21 modification of a number of existing zoning ordinances
22 or districts and the generation of a number of new

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1 zoning districts that don't now exist, and then ultimately
2 the modification of subdivision regulations so all of this
3 would be put in place in terms of your own legislation.

4 Now, this is a slide that we prepared for
5 October, so it's completely out of date at this point
6 in time and we're down to the third from the bottom
7 star there. The critical area commission is now here
8 holding a public hearing and ultimately they will respond
9 either in terms of approving the plan or proposing modifie
10 cations. We will go around once more probably, and then
11 the program will ultimately be approved and put in
12 place in terms of the ordinance changes.

13 So that's the end of my presentation. I
14 apologize if it's been a little bit incoherent, but as I
15 indicated, I haven't looked at these slides for the last
16 five months.

17 MS. LANGNER: The first name on the list is
18 Austin Taliaferro.

19 MR. TALIAFERRO: I'll pass for the moment,
20 thank you.

21 MS. LANGNER: Peggy Taliaferro?

22 MS. TALIAFERRO: Now, I'll spell that for you.

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1 It's pronounced Taliver (PHONETIC), and we spell it,
2 T-A-L-I-A-F-E-R-R-O. I'm on the planning commission
3 here at Queenstown, and I just have a few questions or
4 observations or both, I guess, that I'd like to make.

5 I find this whole critical area thing fascinating,
6 but very complicated. I've been studying it along with
7 the commissioners and the members of the planning
8 commission ever since we got started and still can't
9 understand the growth allocation and the five percent
10 business and where Queenstown fits in with all this.

11 I am very much concerned over the request of
12 our commissioners to annex, even though it's just a
13 land bank idea that they're presenting, 200 acres of
14 critical area land for growth for Queenstown. It doesn't
15 make any sense to me at all. I can understand approximately
16 70 acres of land around the town. We're only 165 acres
17 the town itself right at the moment. So how we can be
18 thinking about annexing 200 acres of critical area land
19 is--just doesn't seem to add up.

20 Until we know what form the county critical area
21 plan will take, how can we intelligently map areas that
22 are outside the town limits? I understand that the

1 county has already used up a large portion of its five
2 percent growth allotment, so how can Queenstown plan on
3 annexing 200 acres of LDA land in the future or even the
4 specific 70 acres that we would like to annex immediately.

5 It seems to me that we should wait until the
6 county has resolved its problems with the critical area
7 commission before we make any commitment to potential
8 developers as to the annexation of critical area land.
9 That's one point I wanted to make.

10 The other is, and I think you all probably have
11 this as part of your record that came with the critical
12 area plan from Norman Day and the town. The planning
13 commission did recommend to the town commissioners that
14 Queenstown's growth beyond the town limits should occur
15 outside of the critical area land. We have all kinds of
16 area in and around Queenstown that is not part of the
17 critical area which is prime land for growth.

18 And in the spirit of the critical area objectives,
19 we urge you to look at our recommendation on that one--
20 I may have something to add later on as I hear other
21 comments, but that's it for now. Thank you.

22 MS. LANGNER: The next on the list is John

1 Murray.

2 MR. MURRAY: My name is John Murray. I'm an
3 Easton attorney and I represent Washington Brick and
4 Terra Cotta Company. That's a family business that's
5 been around for almost a hundred years.

6 UNIDENTIFIED SPEAKER: Can you talk up a little
7 louder?

8 MR. MURRAY: Certainly. Let me move over here.
9 Maybe you can hear me better. I just had a couple of
10 points I wanted to make on behalf of Washington Brick.
11 Generally speaking, my clients think that the program
12 that's been developed for the town is a very good one.
13 It reflects a sensitivity to the water quality and other
14 issues that the critical areas legislation and regulations
15 are concerned with. We have a couple of specific
16 concerns about the process and the substance of the
17 critical areas program in Queenstown.

18 By way of illustration for those of you who are
19 not familiar with it, the company's property basically
20 includes this land here and all of the land up here and
21 additional land coming in this direction, approximately
22 700 acres of which a good number is in the critical area.

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1 Washington Brick has owned this land for many
2 years, and most of it is actively farmed. The company
3 has been talking about and discussing with the town for
4 a couple of years, at least and I think it may be as many
5 as four years, the idea of building a country inn or
6 hotel in this plot of land right here.

7 That is the part that Mr. Day indicated was
8 contemplated back in October for future growth. I should
9 add by way of clarification that the town boundaries do
10 not include any but five acres of this holding at this
11 point, so it's all in the county. The inn itself probably
12 doesn't require more than ten or fifteen, maybe twenty
13 acres when you include in it parking, roads, service,
14 the lodging buildings, the main inn, tennis courts, that
15 sort of thing.

16 The plan has evolved, however, to take into
17 account a number of concerns that have been expressed,
18 environmental and otherwise, so that the current thinking
19 about locating the inn is up in this area of the creek,
20 much more close to the mouth. In addition, the evolution
21 of the plan now includes a championship eighteen hole
22 golf course, and a nine hole golf course. As you all

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1 know, golf courses use a tremendous amount of acreage.
2 They just are large. The best guess at this point is
3 that the inn and the golf course acreage will be approxi-
4 mately 250 acres of which some substantial portion, but
5 not all, would be in the critical areas. Basically,
6 the combined golf course would run from the town boundary
7 out to the highway up and over taking up this part of
8 the farm, leaving off a good part of it running down
9 here and down here.

10 One of the issues that needs to be addressed
11 in connection with this specific project, is growth
12 allocation. If, as was discussed by Ms. Taliaferro,
13 the growth allocation procedure is to be utilized
14 by this project, then it will require presumably
15 enough growth allocation to permit the project to
16 proceed. It is unfortunately less than clear in the
17 regulation, and we believe not entirely clear in the
18 guidelines that the commission has recently issued, as
19 to how a golf course fits. It is our position, and we
20 hope the commission, when the time comes to consider
21 this issue in a specific context, will be sympathetic
22 to the point that agriculture--active farming is not

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1 an in-hospitable environment for wildlife. It definitely
2 uses a large amount of pesticides and fertilizer and
3 the breaking up of the soil with wind and rain erosion
4 leads to those kinds of chemicals getting into the
5 water. That's just the way it is. But that is the
6 way it is and that kind of activity is permitted under
7 the critical areas program, and it will continue.

8 The golf course offers an alternative. What
9 is proposed is to design a golf course that is particularly
10 sensitive to these environmental issues to create forests
11 where now there is farmland. To create habitate where
12 now there is active farmland. To design the golf course
13 so that the majority of the fairways and greens lie on
14 what is now open field so that as little and perhaps
15 none of what is existing forest would need to be cut
16 into. The net result of which we believe would be a
17 environmental positive. That issue will need to be
18 decided by the commission at some point. If, in fact,
19 the commission concludes in the same way that we have,
20 than the end project will probably not need more than
21 20 or 30 maybe 40 acres of growth allocation. Primarily
22 for the inn, the roads network and so on.

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1 If in fact, the commission would go to the
2 other extreme, there would be a necessity for 200 and
3 some odd acres. As a practical matter that imposes a
4 tremendous burden on this county and this town since
5 there's only so much growth allocation as Mr. Day
6 indicated, 1,500 or so acres to go around.

7 There's good development and there's bad
8 development. This is, I think, a project that has
9 obvious economic benefits to this community and we
10 believe that this program would benefit, that is the
11 critical areas program, is consistent with the conversion
12 of farmland to golf course.

13 We are concerned at this point about not only
14 substantive issue, but at well the procedural issues.
15 It becomes unfortunately, to many of us who are in the
16 business of assisting with development today, less
17 clear rather than more clear as each day goes by us
18 exactly what it is that the commission is going to
19 require. What steps are going to be required, what
20 bodies are going to be making decisions, what the
21 standards are going to be. And in that connection, I
22 would urge you to be sensitive to those concerns as you

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1 make your decisions and as you all become more educated
2 yourselves about what the issues are and how they need
3 to be resolved. It is, I think, in everyone's interest
4 to try to address these issues as soon as possible
5 and come to a resolution of them so people can make
6 decisions and get on with the business of their lives,
7 their businesses. It's not to anyone's benefit to spin
8 our wheels for instance. Thank you.

9 MS. LANGNER: Mr. Arthur Birney.

10 MR. BIRNEY: My name's Arthur Birney. I'm the
11 operating head of the Washington Brick and Terra Cotta
12 Company which owns this farm, and I'd like to make
13 a couple of comments to enhance what John Murray has
14 just said. We believe very sincerely that the golf
15 course that we envision would be a tremendous benefit
16 to the ecology. One of the points that John didn't
17 make was the storm water water management. In designing
18 the golf course, we would channel storm water into
19 ponds so that it wouldn't just flow unrestricted into
20 Queenstown Creek and carry mud with it. John did
21 mention that in farming operation, land is exposed in
22 the fall when the crops are taken off and it's plowed and

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1 the wind and the rain do erode and send travinity (PH)
2 into the creek.

3 At the request of one of the town commissioners,
4 we have agreed, if the details can all be worked out,
5 to take the town's sewer-affluent and spray it on the
6 golf course--stored in ponds and spray it on the golf
7 course. This would relæve Queenstown Creek from
8 receiving about 75,000 gallons of tæated affluent a
9 day. And even if that water is treated to potability
10 standards, it still is a tremendous burden on the creek
11 for freshwater where it now has saline water.

12 In my reading of the critical areas statute,
13 most of the focus seems to be on development density
14 as applied to residence and you have 20 acre lots, you
15 have the four per one in the LDA. I can't see where
16 the critical areas law really speaks to something of
17 the nature that we're proposing. A golf course, which
18 I really think will improve wildlife habitat, improve
19 storm water runoff, include a vast amount of permanent
20 open space for the community and create a recreational
21 place where people can have fun and a good time and,
22 in general, enhance the quality of life in the community.

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1 We hope that we'll be permitted to build this
2 golf course on RCA land and that we can be allocated,
3 as Mr. Day mentioned, about 40 acres for the part of
4 the project which will require some disturbance of the
5 soil and the footprint of the buildings and the tennis
6 courts and that sort of thing.

7 The golf complex which we envision, as one last
8 point, will be placed in existing buildings which are
9 barns and that sort of thing which are very attractive
10 and, I think, will add character to the golf course
11 development and the success of the inn. Thank you very
12 much for your attention.

13 MS. LANGNER: I have one other name on the
14 back of the sheet here. I can't quite read it. It
15 says I may speak, I believe.

16 MR. REYNOLDS: Right here.

17 MS. LANGNER: Okay.

18 MR. REYNOLDS: What I've got to say is this--

19 MS. LANGNER: Excuse me. Could you please
20 spell your name?

21 MR. REYNOLDS: T.L. Reynolds. Known as T.L.
22 only, or tough luck, either way you want to look at it.

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1 I appreciate your presentation today. I'm one of the
2 oldest citizens of this town. I'm not new around here
3 one bit. I appreciate the young lady, what she gave
4 and I think she was on the ball what she had to say.
5 And I think she covered all the material I had in mind
6 to say, so I congratulate you all, and I hope you come
7 up with a good decision. Thank you.

8 MS. LANGNER: Is there anyone else here who
9 would like to speak this evening?

10 MS. JEWELL: My name is Marie Jewell and I'm--
11 J-E-W-E-L-L, and I'm a former commissioner of the Town
12 of Queenstown, very much interested in the development.
13 Of course, we want our area to be protected, we like it
14 well-managed, well taken care of. But I feel it's unfair
15 to hold back projects that were, perhaps, in the making
16 before this critical area came into being. Thank you
17 for listening.

18 MR. PINDER: My name's Irving Pinder and I--
19 P-I-N-D-E-R, I-R-V-I-N-G. I am on the planning commission
20 for Queenstown and I just have, I think, on the card that
21 you handed out, I put a question mark 'cause I wasn't
22 sure whether I wanted to speak or not and I think the

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1 question mark is where I stand on this whole deal, what's
2 going on here tonight. I've been around this many times
3 as part of the planning commission as to what's going
4 on here. My concern is two-fold. The first one is, Okay,
5 yes, the town needs economic development and we need
6 things of that sort. I am actually a golfer myself so
7 I would benefit from something like the project that
8 may go on. At least my friends say--I say I'm a golfer,
9 my friends don't always agree with me. But what I would
10 like to say is, I don't have a lot of problems with the
11 land use. I have some problems with something that
12 hasn't been mentioned yet. Along with this "country
13 inn", we are also talking about slips in Little Queens-
14 town Creek. And I think this is where we get to the
15 point where you people have to do your job.

16 The golf course doesn't seem to be a problem.
17 It probably would be better than a farm if you just took
18 that into consideration. But you also have to take into
19 consideration not just a golf course, and get to what
20 they call a country inn which is basically a 60 room
21 motel, hotel, whatever you want to call it. At least
22 that was the last plans I saw. I'm not totally against

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1 this project, I'm not totally for it. I'm concerned
2 about the character of the creek. And it is going--as
3 some of the people on the eastern shore I know are
4 looking at St. Michael's and other areas where there
5 are many numerous problems with harbour ordinances,
6 traffic, casual boaters in and out. My problem is,
7 when you start with the character of the creek, if
8 everything was done by the use of land, I would say
9 tonight Mr. Birney I'd be right there helping him try
10 to plan it and go ahead and do it. My concern is with
11 the character of Queenstown Creek.

12 My other problem, not really a problem, some
13 concerns I've had and I've talked with the commissioners
14 about it is again like Mrs. Taliaferro said, you're
15 taking a town that's 165 acres and you want to annex 230
16 270 acres. It seems to me somehow we lost direction of
17 your committee when we go from the point of protecting
18 the environment to the point of actually doing new
19 studies, new zoning ordinance, new plans which could
20 side step what's actually being done now and may be
21 more detrimental harm to the creek than what's being
22 done now. And I'm not stating for this project or against

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1 it, but I think you as commission need to look carefully
2 at it and not just at a plan, but maybe come back after
3 a plan and give us some guidance as to how we can all
4 live together with some kind of project if it has to
5 be done. Thank you very much.

6 MS. LANGNER: Is there anyone else that would
7 like to speak?

8 MR. CHAIRS: My name is Bill Chairs and I don't
9 think I need the microphone. Thank you Chester. I
10 apologize for this question, but it would help me. I
11 am concerned as to what you folks consider to be in the
12 critical area. I'm pretty knoweldgeable. I've been
13 pretty heavily involved in developmentein this area
14 and I've read all the newspapers, but I'm very, very
15 confused as to what you consider a critical area.
16 Are you talking about a thousand feet from the, from the
17 water's edge? When you talk in the contract of 270 acres,
18 there's no way I can conceivably imagine the area you're
19 talking about as being a concern to you people as a
20 "critical area". (INAUDIBLE) My grandfather, I guess,
21 is one of the first people who lived on Queenstown Creek.
22 The Samackamy (PHONETIC) family I guess was the first

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1 family in Queenstown. So I am concerned about this
2 area. I don't personally live here. But I am very
3 interested in what happens. But I would--if someone
4 there would just help me and maybe help someone else here
5 in the context of what happens in an area of Queenstown.
6 Are you worried about a thousand feet, are you worried
7 about the entirety of Queenstown or are you worried
8 about Mr. Birney's 700 acres? And if you are, I just
9 can't imagine why you are. And then, again, from an
10 experience point of view, I guess I was involved in
11 every subdivision of any significance on Wye River over
12 the last 15 years and I don't know of any problem because
13 if anything, it's as far as development's concerned
14 and I don't think it's very critical. Thank you.

15 MR. DAVIS: I can maybe help explain and put
16 things in context. When the state program was developed--
17 by the way, my name is Charlie Davis and I'm on the
18 staff and with the commission. When the program was
19 developed, the focus of the program was looking at
20 land use around the entire shore line and the bay, and
21 so the term critical area per say was a term that
22 was defined to that shore line area, not necessarily

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1 targeting any particular place or particular use as
2 being more critical than others. But the fact that
3 the shore line itself is a very limited resource
4 within the State of Maryland, and in the long term the
5 way the land is used, whether it's used for development
6 or agriculture or for golf courses or whatever, that's
7 really the way that land is used is very critical to
8 the quality of the bay and its habitats along the
9 bay for no other reason than its close proximity.
10 And everyone can tell you that if you look on the western
11 shore or on the eastern shore, you can go far up some
12 of the water shed and some of the land uses up there
13 may influence water quality greater than things at the
14 immediate shore line. But as the program was originally
15 set up, it was saying that this area within a thousand
16 feet is an area that actions in this area have the
17 greatest probability of displacing significant habitats
18 and on the bay and have the greatest probability
19 anywhere of immediately affecting the bay and that's why
20 this thousand foot area was defined as the area to
21 manage more closely.

22 MS. KERSHOW: Does a thousand foot

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1 area relate to any waterfront on the eastern shore here
2 or is it just on the bay per say?

3 MR. DAVIS: If you could identify yourself
4 too please.

5 MS. KERSHOW: I'm Fréida Kershow, K-E-R-S-H-O-W.

6 MR. DAVIS: Thank you.

7 MS. KERSHOW: Would you then say a thousand
8 feet back from Little--from the creek here is part of
9 that critical area?

10 MR. DAVIS: Yes. All around the bay, it ~~we~~
11 extends from--it extends from on the Potomac River and
12 actually goes up the Anacostia River, north of Washington,
13 D.C. But from there, it swings all around all on the
14 western shore up to just before the base of the Conowingo
15 Dam on the Susquehanna over the C&D Canal and up all
16 the tidal tributaries on the eastern shore. So, it's
17 quite extensive of an area when you look at it state-wide.

18 MS. KERSHOW: So no one could build then within
19 that thousand feet?

20 MR. DAVIS: No. The issue here is not that
21 no one can build, but the state said this area regardless
22 of what lands we choose to put there, it becomes very

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1 important to look at it more sensitively than perhaps
2 we have in the past. And so it's not necessarily a no-
3 build zone out there. The commission identified certain
4 areas that should be designated for very low intensity
5 development and that's what you've been hearing about
6 the one dwelling unit per 20 acre issue.

7 But in other areas, the commission has been
8 saying it's very appropriate to focus development around
9 existing neighborhoods and that's the situation you're
10 finding yourself in here in Queenstown.

11 MS. LIEDER: There are basically three kinds
12 of pollution going into the bay. There's the sediment
13 which is dirt that comes off and then there are the
14 nutrients, nitrogen and phosphorus. When they're
15 excessive, they create problems with the water. And
16 then there are your toxic kind of wastes, largely
17 industrial. All of your sediments comes from run-off.
18 Virtually all of your sediment comes from run-off and
19 two-thirds to three-quarters of the nitrogen and
20 phosphorus comes in the form of run-off, not from
21 sewage treatment plants and its this area that is
22 immediately adjacent where you have the greatest

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1 potential, as he said, of these run-offs.being generated
2 and going into the water. When there's a buffer area
3 where there's forestation or pervious surfaces, a lot
4 of those nutrients have an opportunity to soak into the
5 soil rather than to run into the water. And that's why
6 that becomes a critical area, if that area can become
7 a buffer. The idea of the critical area is to, is to
8 try to put as many uses in that that will not create
9 impervious surfaces. The habitat is important but it's
10 also important, you know, to not create a lot of
11 impervious surfaces and to maximize your plant growth
12 and trees and things of that sort that can use up the
13 nutrients.

14 MR. CHAIRES: Is it open for discussion?
15 May I discuss this point?

16 MS. LIEDER: We're just trying to respond to
17 a question. We're really not supposed to do that.

18 MR. CHAIRES: I would like to address the
19 issue again, the thousand feet thing. And if the people
20 in the town of Queenstown--I can't conceive of why they
21 would say let's just put all the area in the town in the
22 critical areas. It might be academic, it might be

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1 nothing more than three or four hundred square feet
2 as far as I know. But it seems to me a mistake for the
3 town of Queenstown to voluntarily put the entire town
4 in the critical areas for the very simple reason that
5 somebody in the middle of this town someday might want
6 to do something that I think would be restricted if you
7 comply strictly to the critical areas law.

8 I'd like to mention one more thing in support
9 of the water pollution thing. I can't support this
10 with any documentation. I was kind of involved in when
11 Mr. Rouse (PHONETIC) was trying to develop Wye Island
12 and, of course he spent a great deal of money down there
13 checking the Wye River and one of the things he checked
14 obviously was the pollution of the river. The very
15 interesting statistics and I doubt that very many people
16 in this room have every heard this, but they found
17 that there was pollution, but there was only one kind
18 of pollution in the entirety of that river, and I wonder
19 if anybody here knows what it was? It happens to have
20 been piece (PHONETIC).

21 The point I'm trying to make is that I think
22 maybe, and again, I'm pretty familiar with Queenstown

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1 Creek, and maybe this area is somewhat comparable to
2 that. And I would submit to you that I think you
3 should give serious consideration to what Mr. Birney
4 wants to do. Nobody's ever heard me talk about this.
5 I've never gone to a meeting before on this. But I'm
6 not sure at all that what he wants to do isn't in
7 conformance with what you all want to do as a critical
8 areas commission. And I think the greatest idea was
9 putting the affluent on the (INAUDIBLE). Thank you.

10 DR. ROBERTSON: I'm Dr. Robertson. (INAUDIBLE)
11 I can talk loud better than I can talk into this. It
12 strikes me there's some need for some expertise on the
13 subject we just heard about and the only expertise I
14 know is something that my friend here had me look up in
15 Autobon Magazine which is a pretty well known organization.
16 They say that golf courses are many times as polluting
17 as farm land.

18 Now, I'm not an expert, but that is what the
19 experts are saying. So I don't think what Mr. Birney
20 says is bad. It sounds like a lot of fun. But I'm
21 not sure it's going to help the creek or the animals
22 therein or all the development that we hope for in the

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1 area and I thank you.

2 MS. LANGNER: Is there anyone else who has a
3 comment on the program?

4 MR. KIRT: Warren Kirt (PHONETIC). We're
5 probably the newest members of the Queenstown area.
6 We bought a piece of rental property here. It's a
7 beautiful area, that's why we came. You can't turn the
8 clock back. You're going to have people moving here.
9 People aren't polluters. When the Indians were here,
10 you didn't have problems. People come, you're going to
11 have more problems.

12 The type of development that is being proposed
13 here in my judgement have minimal impact on your
14 community and on pollution. Golf courses are low density.
15 You can contour golf courses so that the high fertilizer
16 content doesn't run off into the creek. It's kept in
17 open space, it's a beautiful area. I think that the
18 development that is being proposed here would be beneficial
19 to Queenstown.

20 MS. LANGNER: Do we have anyone else who wants
21 to speak?

22 MR. CROSS: My name's Bill Cross. I've lived

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1 here all my life. I was in the fertilizer business once
2 and we put a golf course on Kent Island and I know
3 how much fertilizer goes on a golf course. I'm wondering
4 why the golf course has to be near the creek. Why
5 can't it be somewhere over here around 301? They got
6 land there, plenty of it. Why does this--why do we have
7 to annex more land in this town? We got land all out
8 here now, at least 30, 35 acres and it's zoned you can
9 build anything on it. Away from the creek, that's all.

10 MS. LANGNER: Do we have anyone else wishing to
11 speak this evening?

12 MS. WILDT: I have a question. I would like--
13 someone mentioned slips.

14 MR. ANDERSON: Give your name.

15 MS. WILDT: Marjorie, M-A-R-J-O-R-I-E, Wildt,
16 W-I-L-D-T. Someone earlier mentioned something about
17 the slips. Now, is there going to be a marina established
18 and where, exactly where is what I would like to know.

19 MS. LANGNER: This is something--this is a
20 question I believe you could, your town officials. We
21 don't know.

22 MR. ANDERSON: This is the critical area

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1 commission. We're just listening to your comments.

2 We're not going to answer your questions.

3 MS. WILDT: Okay. When it comes to slips, I'm
4 very definitely opposed to them. For the simple reason
5 you're going to have motor boats coming in. It's going
6 to create a lot of problems. It's going to add to pollu-
7 tion in the creek. It's also going to cause land wash
8 wherein we are losing now some of our land from wash of
9 the boats since the new wharf was extended. We know
10 that to be a fact, and we're trying our best to prevent
11 it. You put slips up there anywhere near where we are,
12 we're going to continue having a problem worse than we're
13 having right now. Together with the pollution that
14 any boats that might be coming in to those slips is going
15 to add additional pollution to the creek and destroy
16 more of the marine life that has been there in the past.

17 In the past, we could go out and catch a
18 meal of crabs or fish any day. That has all been changed.
19 You can't do that now and I think a lot of the folks
20 here will agree with that very same thing. Also,
21 you're talking about pollution from farms, but there's
22 pollution from the boats. And I am dead set against

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1 anything like that or any other pollution that's going
2 to be--excuse me. Any other pollution that will go into
3 the creek. It's probably one of the last places in this
4 area where the creek is still half way decent or clean.
5 And I think that we should keep it as pristine as we
6 possibly can. And as far as land is concerned, if people
7 will plant-plants, my husband says that I was a tree in
8 my last life, I think if people would plant trees on their
9 properties, it will help a great deal in keeping some
10 of the pollution out also. Thank you.

11 MR. ANDERSON: Before we go any further, my
12 name's Chester Anderson, President of Town Commission,
13 A-N-D-E-R-S-O-N. This is all well and fine ladies and
14 gentlemen, but you've got to address the whole clear
15 ground of the critical area. Mr. Birney is not the
16 whole critical area, so let's--if you want to pause for
17 a minute and look at the rest of the map, there's other
18 land. This is the critical area commission our staff
19 are part of. Are there any questions on any other part
20 of the critical area?

21 MR. PINDER: Irving Pinder again. I think
22 the question is too that if you say it's not the only

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1 critical area, but if you annex 200 acres, it's bigger
2 than the town is now. So you're talking about--I don't
3 care what terms you use, critical. It is a critical area
4 of the town, because it's going to be larger than the
5 town that now exists. So I think I know what you're
6 saying. This isn't a hearing on the Birney project.
7 This is a critical area commission and we're here to talk
8 to them. But I think that you can see from the input
9 we've gotten tonight, that the critical point of the
10 critical area plan is the new projects that are trying
11 to come in to town. So I think we need to clarify
12 that somewhat. Thank you.

13 MS. LANGNER: Is there anyone who has not
14 spoken before who would like to speak on any part of
15 the program?

16 MR. BIRNEY: If I may respond: This lady,
17 Ms. Wildt, raised a question. I'd like to respond if
18 I might. Is that permitted?

19 MS. LANGNER: If it's short.

20 MR. BIRNEY: Ms. Wildt, we do have plans for
21 a single dock which would have 22 slips on it. It
22 would be adjacent to the existing boat dock. I'm with

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1 you about pollution in the creek. You just stated--
2 you just stated that the quality of the water in the
3 creek has been degraded and you're not able now to
4 get a good catch of crabs or fish for your dinner.
5 There's a reason for that. One, is that you're pumping
6 50, 60, 70,000 gallons of sewer affluent into the creek
7 every day with a certain amount of solids. That's a
8 pollutant to the creek. The fish and crabs like to have
9 salty water and not fresh water even if there were no
10 pollutants in that water.

11 The second is, the boaters that come in now
12 and anchor in your creek, when they go to the bathroom,
13 they go right to the bathroom in the creek. They go in
14 the potties that discharge into the creek. We have
15 stated from the very beginning, and I'll state it again
16 now, that anybody that comes in on a boat can come up
17 to our dock and tie up and they are welcome to come
18 ashore and use our bathrooms and that's a pledge to
19 everybody here. No charge for that. A short stay,
20 20 minutes, half an hour, something like that. They
21 can come in and use the bathrooms on shore so they will
22 not put that pollution in the creek and I think that's

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1 very substantial benefit to Queenstown Creek. It will
2 be planned to be right beside the existing boathouse
3 which is right at the mouth where the maximum tidal
4 flow would carry anything out and there would be
5 presumably less pollution going into the creek if we
6 have the docks there than if we don't.

7 MS. LANGNER: Now aside from that project now,
8 is there any other comments on the program itself?

9 MS. WILDT: I would like to say something in
10 the way of a question, but at the same time even though
11 it is that, it might give us something a little bit to
12 think about and that is, with all of this how is it
13 going to effect Queenstown economically? As to an
14 addition of expenses that's going to cost the town
15 itself as well as the residents?

16 MS. LANGNER: We have no knowledge of that.
17 We're just here to take comments on the area.

18 MS. WILDT: Well, I'm just stating this. It
19 gives us all something to think about.

20 MS. LANGNER: I think that if there are no
21 other speakers this evening, I think we will conclude
22 the hearing and we thank you all very much for coming

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1 and we thank you for your comments and we will take
2 them into consideration. Thank you.

3 (Whereupon, at 8:32 p.m. on Thursday, February
4 25th, 1988 the hearing adjourned.)
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C E R T I F I C A T E

1
2 This is to certify that the foregoing transcript
3 In the matter of: Queenstown Critical Areas
4 BEFORE: Kay Langner, Chairperson
5 DATE: Thursday, February 25, 1988
6 PLACE: Volunteer Fire Hall, Queenstown, Maryland
7 represents the full and complete proceedings of the
8 aforementioned matter, as reported and reduced to
9 typewriting.
10
11

12 
13 Kevin Richard Reppenhagen

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