

Public Hearings - Snow Hill

1988

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CRITICAL AREAS COMMISSION
Public Hearing

Snow Hill, Maryland

May 24, 1988

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APPEARANCES:

Kay Langner, Chairman
William Bostian
Wallace Miller
Ed Phillips
Frank Hersman

P R O C E E D I N G S

1
2 MR. HERSMAN: I'm Frank Hersman--and I guess
3 everybody knows this is a public hearing held by the
4 State Critical Areas Commission and they've asked me to
5 introduce the town officials that we have here,
6 Councilman Goodman and Councilman Burkhead, sitting on
7 his right. And, so I'll turn it over to the chairman of
8 the Critical Areas Commission. Thank you all for coming
9 here.

10 MS. LANGNER: I'd like to call the hearing to
11 order and welcome everyone and I'd like to introduce our
12 other panel members here. Wally Miller is from Kent
13 County. Bill Bostian from Wicomico County. I'm Kay
14 Langner. I'm from Cecil County. And, Ed Phillips is our
15 Critical Areas staff member.

16 The purpose of the hearing is to hear public
17 comment on the town of Snow Hill's program as required
18 under Section 8-1809 of the Critical Area Law. I would
19 like to recognize the court reporter, Kim Schroeder. A
20 record is being kept which will be used for the
21 Commission--to help the Commission render a decision.
22 The record will be kept open for one week to receive

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1 additional written testimony. And, those statements can
2 be mailed to the Commission Chairman, Solomon Liss,
3 Chesapeake Bay Critical Area Commission, 580 Taylor
4 Avenue, D-4, Annapolis, Maryland 21401.

5 The complete record will be kept at the
6 Commission office for public review. Now, who is
7 presenting the--

8 MR. HERSMAN: Well, let me say, Madam Chairman,
9 we weren't sure what the procedure was that you wanted
10 to follow tonight. We had just been given the belief
11 that you were holding a public hearing on behalf of the
12 State and that it was your ball game, and that what you
13 were here for was to get public comment that was given
14 in recognition of what the town had already submitted as
15 a plan some time ago.

16 If you would like us to take a staff--and I've
17 been here two months, so you can tell how familiar I am
18 with the program--but we do have somebody here who can
19 lead you through the maps and tell you what those maps
20 were intended to convey.

21 MS. LANGNER: Yes, we would like to have you
22 present the program so that the people who have come to

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1 listen--

2 MR. HERSMAN: I had no information from the
3 State--after I received a call asking us to reserve a
4 public meeting room.

5 MR. PHILLIPS: What the normal procedure that
6 we've had in the past is that the consultant usually
7 simply gives a summation of the program and any of the
8 pertinent points of the program that would be of
9 interest to the panel or to the people in the audience.
10 Primarily they are here to hear comments from the public
11 on the program, but in order to lead into it--

12 MR. HERSMAN: You might ask to tell them what
13 it's all about.

14 MR. PHILLIPS: Right.

15 MR. HERSMAN: Our consultants aren't here
16 tonight because we didn't know they were to be asked to
17 come.

18 MR. PHILLIPS: Well, I don't think that it's
19 absolutely necessary. If there is someone here who
20 could lead--give a summation of the program, I believe
21 it would be helpful, but I don't think it's essential.
22 It's the comments that were primarily--

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1 MR. HERSMAN: Ed, have you reviewed out plans?

2 MR. PHILLIPS: The Commission staff has
3 reviewed the plan.

4 UNIDENTIFIED VOICE: The plan has not been
5 completely reviewed by me either, for that matter,
6 because of the fact that it has not been accepted as
7 being complete without the implementation section of it.
8 So, therefore, I have scanned it, but I haven't, you
9 know, really reviewed it. I think the only thing we
10 could do possibly would be to, as you said, go through
11 the mapping section, which is what most people are
12 interested in, and--

13 MR. HERSMAN: Madam Chairman, before we
14 proceed, could I ask what the situation is now with
15 respect to Snow Hill's submission and whether the State
16 has received this or not received it, what the
17 requirements are for an implementation plan that we
18 have to satisfy--because we sort of get conflicting
19 viewpoints on this. We're trying to respond and it's
20 easy to respond because you've given us the money to
21 respond. So it's not an attempt to be recalcitrant about
22 responding, but we're a little bit confused as to where

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1 we stand in the process.

2 MS. LANGNER: Yes, well the--Ed is the staff
3 member who is--

4 MR. PHILLIPS: Let me see if I can address
5 that. Some time ago a plan was submitted by the town of
6 Snow Hill. It was submitted without a implementation
7 section as being complete. Basically, I understood it,
8 was because of the fact that Snow Hill--did not have a
9 zoning ordinance which was going to be the tool for the
10 implementation.

11 At the Annapolis hearing in which the program
12 was presented to the Commission, when we--when the
13 Commission became aware of the fact that there was not
14 this implementation element, then the consultant was
15 contacted, who was there at the time making the
16 presentation, to see if he would cooperate with you as
17 the representative of the town, to help him implementate
18 the element--the implementation element of the program.

19 Not having any further contact with the
20 consultant, I had assumed that these contacts had been
21 made and that this was going forward. When I was told
22 that there was going to be a panel hearing, I assumed

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1 that there would be an implementation section that would
2 be presented tonight. And, that this would be--and that
3 the entire program was to be presented for--including
4 the implementation, for public comment.

5 MR. HERSMAN: Well, I think we can comply with
6 the gist of what you're saying. Madam Chairman, for the
7 benefit of the audience, because people are coming here
8 and not really that familiar with what the whole
9 Critical Area legislation requirements are. Could we
10 ask Mr. Phillips to give us a broad brush as to what the
11 town is responding to with its plan, and then we can
12 ask our representative to get up and take the group
13 through the maps. And, then I think they'd get a
14 complete understanding of where we are and then I'll
15 ask Mr. Phillips, who's our town attorney, to describe
16 the legal situation with respect to our zoning
17 ordinances and how we're going to fit in the critical
18 area ordinance that we're in the process of drafting
19 into what you call the implementation plan; if that's
20 satisfactory to you.

21 MS. LANGNER: Very good. Sounds like a very
22 good plan.

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1 MR. MILLER: Madam Chairman, I think to have an
2 alternative, you could get Virginia to--

3 MR. HERSMAN: I just submitted the 303rd budget
4 for the town of Snow Hill, I'll have you know.

5 MR. PHILLIPS: Ilia just gave me something
6 which may act as a introduction to this, and that is the
7 introduction in your plan. And, without having pre-
8 read it for some time and taking Ilia's word that this
9 will help, let me read the first part of this and then I
10 will adlib anything that I think may be necessary to
11 make it clear, if that's to your satisfaction.

12 So, from the Critical Area program of the town
13 of Snow Hill let me read this.

14 MR. BOSTIAN: When was that submitted, Ed?

15 MR. PHILLIPS: I beg your pardon?

16 MR. BOSTIAN: When was that submitted, for the
17 record?

18 MR. PHILLIPS: I believe that was late fall
19 some time, October, I think. This document is the plan
20 for the town of Snow Hill to implement the State of
21 Maryland's Critical Area legislation. The Critical Area
22 legislation has three primary goals. First is to

1 minimize adverse impact on water quality that results
2 from pollutants that are discharged from structures or
3 conveyance or that has run off from surrounding lands.

4 Second, to conserve fish, wildlife and plant
5 habitat. And, third, to establish land use policies for
6 development in the Chesapeake Bay critical area which
7 accommodate growth and also address the fact that even
8 if pollutants--pollution is controlled, the number,
9 movement and activities of persons in that area can
10 create adverse environmental impacts.

11 With these three goals in mind, the Critical
12 are legislation goes on to set up a series of criteria
13 for plans that local governments must implement to
14 improve water quality in the Bay and significant leeway
15 is given to local governments to design a plan that
16 meets the unique situation in that government.

17 Therefore, the plan presented here is unique to
18 the town of Snow Hill based on local conditions and
19 resources. The introduction then goes on to state that
20 the plan was developed after extensive field work in the
21 town, which includes field -- of the Pocomoke River
22 utilizing canoes and several field surveys. The project

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1 team that has developed the plan has been comprised of
2 engineers, scientists and land use planners.

3 Significant input has been obtained from town
4 officials and residents as well as from officials of
5 neighboring jurisdictions. This approach has resulted
6 in a plan that will be uniquely used by the town of
7 Snow Hill. And, then it goes into the actual layout of
8 the plan, itself.

9 I think that this gives--I think this gives
10 pretty well the basic concept of the Critical Areas
11 program, because the State officials realize that the
12 quality of the water in the Bay, in the Chesapeake Bay,
13 was deteriorating, that something had to be done. And,
14 that--the State legislation felt that it was actually
15 necessary to have some sort of land use controls. And,
16 in doing so they formed a Critical Area Commission that
17 was delegated to set up criteria that would reflect the
18 mandates of the law and these are the criteria that
19 have been presented to the various local jurisdictions
20 so that they will have guidelines in order to meet the
21 intent of the legislative action.

22 Among those things that were mandated and were

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1 imposed in the criteria were that the land masses within
2 the Critical Area, which is a line drawn on a map, if
3 you want to put it that way, inland from the tidal
4 waters of the State that flow into the Chesapeake Bay
5 or 1,000 feet landward from the high water mark or from
6 the edge of tidal marshes. And, these--this area is to
7 continue to the head of tide.

8 Within that area all of the land masses are to
9 divided into three separate management areas, depending
10 on land use. The first, the most intense use, would be
11 IDA's representing intense development areas, and there
12 are certain criterias developed for this in high
13 density, urban type situations.

14 The second, which was a moderate development
15 use, was the LDA's, or limited development use. And,
16 this was development in a more rural type or suburban
17 type categories, with a upper density limit of less than
18 four units per acre, and a minimum density of one unit
19 per five acres.

20 All of the remaining land, which would be in
21 the rural classification, the RCA, resource conservation
22 area, would comprise of all of those plans that were

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1 less than--that did not quality, I should say, for
2 either the IDA or the LDA.

3 Along with these things, they also mandated
4 that a buffer be established along all the waterways and
5 edge of tidal marshes. A buffer, a minimum of 100' wide,
6 which would be comprised of natural vegetation,
7 preferably wooded vegetation. And, on the basis of
8 this, in addition to this, certain habitat protection
9 areas were designated or the criteria for the
10 designations were given so that not only could water
11 quality be improved, but that habitat of natural fish,
12 animals and vegetation could be preserved.

13 I think this may cover the basic points of the
14 intent of the Critical Area Program and the program that
15 was developed by the consultants, with the help of the
16 town, is to reflect these. And, these are rather--all
17 together in the maps that have been produced. At least
18 this will show the protection area. It'll show the
19 buffers. It'll show the various class--

20 And, I think that that is an introduction. If
21 you would kind of show what the designated areas are,
22 then maybe that'll bring us up to these maps so that we

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1 can continue with the comments some of the people here
2 would like to make.

3 UNIDENTIFIED VOICE: This is the development
4 area map and, as Mr. Phillips has said, the areas are
5 divided into three types of areas; the resource
6 conservation area. The purpose of that is to limit
7 development and to the greatest extent possible to
8 insure that natural habitat is protected; to conserve,
9 protect and enhance the overall ecological values and so
10 forth.

11 Our resource conservation area on this map is
12 the darkly shaded and more densely shaded areas that you
13 see here. That represents approximately 60.3 acres--
14 approximately 60.3 acres of the critical area.

15 Limited development areas. The purpose of that
16 is to maintain or improve the quality of run-off of
17 ground water, maintain existing areas of habitat and so
18 forth. The limited development area on this map is
19 approximately 65.7 acres. And, that's this area that's
20 more lightly shaded with the little triangles. You
21 probably can't see the triangles back there, but here
22 and here--there are three areas.

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1 And, then the intensely developed areas.
2 Again, the purpose is to limit development, to reduce
3 pollution loadings by at least 10% below the pre-
4 development conditions. And, that's represented by
5 these areas here, which are mainly at this point
6 commercial areas or more densely populated areas.

7 The buffer is represented by this line right
8 here which is 100' back from the mean high tide line.

9 MR. MILLER: How many total acres to you have
10 in IDA?

11 UNIDENTIFIED VOICE: In IDA--intensely
12 developed, we have 102.6. Okay, now these maps are kind
13 of corollaries to this map. This shows the existing
14 special districts. For instance, our simply business
15 district is here in this--

16 AUDIENCE: Is that from the comprehensive--

17 UNIDENTIFIED VOICE: I believe so, yes. The
18 historic preservation district is this kind of--area
19 here, and the 100 year flood plain is right here. This
20 is another corollary map. Water dependent facilities--
21 the areas requested for buffer exemption, which the
22 consultants in our plan requested a buffer exemption for

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1 properties, especially the central business district.

2 This area here, I guess, is requested for a
3 buffer exemption. This shows plant and wildlife
4 habitats currently. And, there's various numbers here.
5 If you want to see what type of habitat is what, it'd
6 be better to come up close to see it.

7 This one--the soils map, showing the different
8 types of soils.

9 MR. MILLER: Back to your buffer exemption.

10 UNIDENTIFIED VOICE: Yes sir.

11 MR. MILLER: Do you know how many total acres
12 are involved there or--

13 UNIDENTIFIED VOICE: There's approximately 25
14 property owners, I believe. I'm not sure about acreage.
15 That's probably in here somewhere.

16 MR. MILLER: Check on page 10. I believe it is
17 anyway.

18 MR. PHILLIPS: It's interesting to note that in
19 the--at least in the residential areas that most of the
20 homes in Snow Hill, the property that goes from the main
21 street all the way to the river, which is--that's
22 rather long, narrow lots.

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1 MR. MILLER: Do you know what the--asking for
2 the exemption was?

3 UNIDENTIFIED VOICE: Not to quote it to you off
4 the top of my head. Just to give you a background of
5 what is the intent of each of these districts. The
6 resource conservation area--okay--the water dependent
7 facilities are allowed within this buffer area, under
8 this plan, with certain conditions that insure that
9 these activities will be designed and operated so as to
10 have minimal individual and cumulative impact on water
11 quality and fish, wildlife and plant habitat in the
12 critical area.

13 The town's objectives for the development of
14 management strategy is to insure that water dependent
15 facilities are developed and operated in an
16 ecologically sound manner or as follows--to limit non-
17 residential development activities in the buffer to the
18 extent possible to those that are water dependent.
19 Require that water dependent facilities are located and
20 designed to minimize impact. And, require the town's
21 staff, planning commission, board of appeals and mayor
22 and council to review all applications for water

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1 dependent facilities. Any questions?

2 MR. HERSMAN: Madam Chairman, could we then ask
3 our town attorney to tell you what the legal situation
4 is with respect to regulating lands bordering the river,
5 as reflected in our zoning ordinances or housing
6 ordinances, floor plain ordinances and so forth, and
7 what the town proposes to do then to reflect the
8 requirements of the State law and apply them in
9 implementing the plans to show you--

10 TOWN ATTORNEY: Well, you know, I think that--
11 has been clearly indicated. The plan sets out what the
12 town wants to do to meet the requirements and then the
13 implementation will be how they arrive at that. Now, I
14 understand that there was some consternation at the
15 hearing before the Commission because we have been
16 without a zoning code for approximately four years. And,
17 I understand, also, that the Commission has been
18 thinking quite heavily that the zoning code is going to
19 be the means of implementing a lot of these types
20 of plans. We do have a zoning code which should be
21 in force in about a week.

22 In our zoning code we do accommodate certain

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1 overlay districts. The historic districts is an
2 overlay. The flood plain district constitutes an
3 overlay. And, one means of dealing with the Critical
4 Areas issue may be to create an overlay district for the
5 critical areas.

6 The day we enforce the flood plain aspect of
7 our zoning plan--we have a flood plain district which is
8 addressed in the zoning code and with a zoning map.
9 But, we actually create the legislation--the regulations
10 were actually done in a separate flood plain management
11 ordinance. And, that very well may be how we will have
12 on the critical areas. Unless, it's my understanding
13 that the flexibility we have to do that is correct in
14 which event we will certainly--

15 UNIDENTIFIED VOICE: ...time table--

16 MR. HERSMAN: Time table. Well, I understand
17 that the whole thing has to be in place by what--June
18 the 12th? Quite frankly, we're not going to make it
19 because--

20 MR. PHILLIPS: Has everybody signed this? And,
21 it wasn't too clearly stated in here whether anybody
22 wants to make any comments. It doesn't indicate here,

1 but I happen to know that some people want to make some
2 comments. So if you would--there's no one indicated,
3 but I know that there are some that want to make
4 comments.

5 MS. LANGNER: Okay. I guess we can go in
6 order of--first of all, how many do we have here that
7 would like to make comments? Okay, well, why don't we
8 just start with you? If you'd give your name to the
9 court reporter before you speak, please.

10 MS. FEHRER: I'm going to sit down because I
11 haven't been feeling well and I would feel more
12 comfortable. I'm Ilia Fehrer, a local environmentalist.
13 I commend the Critical Area Commission on its fine work.
14 I'm keenly interested in the Pocomoke River. My husband
15 and I have taken over 2000 people out on the river
16 birding and botonizing by canoe.

17 We know its importance to wildlife. My husband
18 is chairman of the Stewardship Committee of the Nature
19 Conservancies Nasowango (ph)Creek Nature Preserve. And,
20 I am chairman of the Worcester Environmental Trust. Many
21 residents, myself included, were surprised to see a bank
22 constructed in the 100' buffer. Banks are not water

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1 dependent. The area did not have water or sewer
2 service.

3 Paving for the drive-thru window, in addition
4 to the area covered by the building, is not reducing the
5 pollutant loadings and run-off by 10% of what existed on
6 the unimproved site. So some of the safeguards that are
7 written in the plan, in my estimation, are not working.

8 MR. BOSTIAN: The plan hasn't been implemented
9 yet, so please bear that in mind.

10 MS. FEHRER: Well, I understand that, but you
11 know, this could have been good practice. And, it was
12 done after the cut-off date of when the plan was first--

13 MR. BOSTIAN: Excuse me for interrupting--I'm
14 sorry.

15 MS. FEHRER: That's alright. The remainder of
16 the unimproved area downstream along the river also does
17 not have water and sewer. It has no present
18 development. It has been under water on occasion. I have
19 slides showing when this has happened. I feel the area
20 should be a resource conservation area. I guess I will
21 have to go up to the map. This is the area along the
22 river adjacent to what is designated as Sturgis (ph)

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1 Park.

2 Jumping downstream to the west end of town, I
3 question the density of ten dwelling units per acre. I
4 do not think it is more than six. That's the Dikon (ph)
5 Street area. Coming upstream, again, right--Mrs. Proper,
6 who owns a home and large parcel of land just west of
7 the museum, is an active environmentalist and is anxious
8 to have the river front property--portion of her
9 property remain in its natural condition. I will
10 enclose a copy of the late Ed Proper's letter to the
11 town of Snow Hill indicating this.

12 Upstream from Rt. 12, the land slopes--that's
13 up here--the land slopes to the river with many large
14 old homes well out of the flood plain. I question why
15 many truckloads of fill were recently placed behind one
16 of the homes, approximately there, between the house and
17 the river.

18 A small laundromat and oil off loading and
19 storage facility and a telephone company building are
20 the only commercial facilities between Rt. 394 and
21 the river. The remainder is either resource
22 conservation area, that is wooded wetlands, or limited

1 development, homes on large lots.

2 There is an IGA Store and a lumber yard on the
3 other side of the road. In addition, there are many
4 homes on large lots. That's in this area. Then because
5 of the--I think the designation of the area should be
6 looked at again and I, therefore, challenge the acreage
7 as shown in the various Critical Area categories, also
8 the housing densities in the intensely development area
9 that are listed on page 10.

10 And, then a few corrections are needed. On
11 page 15, Snow Hill does have agricultural land within
12 its boundaries, northeast of Washington Street. Go out
13 Washington Street, Extended. It's still in the town
14 limit. There is a large area of agricultural land that's
15 presently being farmed.

16 On page 24, on your list of critical recognized
17 private--criteria, a recognized private or public need
18 is rather ambiguous. You know, sometimes in wet land
19 cases they say if there's a recognized public need, for
20 instance, a highway or a hospital or something like
21 that, perhaps some wet land loss can be allowed. But, I
22 don't understand why they indicate private need, unless

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1 somebody wanted to make a few bucks off of filling it
2 and developing it.

3 On page 27, some of the swamp forest is in
4 private ownership, northwest of 394, up in this area. I
5 think the plan indicates that the town owns all of the
6 swamp forest. On page 32, protecting non-tidal wet
7 lands has a high priority for me. There are a few such
8 areas on either side of Rt. 12 to the south of town.
9 Come out Rt. 12 down in this area, there's a large
10 parcel on this side of Rt. 12. There's a smaller parcel
11 on that side. Those are not recognized in this plan. It
12 indicates there are no non-tidal wet lands in town.

13 MR. BOSTIAN: I think they mean within the
14 Critical Area. That's the jurisdiction here.

15 MS. FEHRER: Okay, yeah. Thank you. You
16 explained that. I think it may be important, though,
17 you know for future development in the town. In
18 Appendix 1 there is only one property owner where on
19 site offsets is not possible and that's the Laws
20 Building just on the other side of Washington Street,
21 across from the library.

22 The two only sites which are listed also have

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1 adequate property out of the buffer area which could be
2 developed, so they would not have to develop inside of
3 that buffer area. The large open area southwest of the
4 Extension Building and the Soil Conservation Service
5 Building should have trees to soften and absorb storm
6 water impacts; provide needed wildlife habitat and
7 enhance Snow Hill's otherwise gracious appearance.
8 And, I will get these comments in to you tomorrow with
9 the maps and the other letter that I referred to.

10 MR. HERSMAN: Madam Chairman, can I just offer
11 a indication of what the town is prepared to do so you
12 will know for your record? Ms. Fehrer is on the
13 Planning Commission of the town. As a matter of fact,
14 she is one of two carry-overs that have been laboring
15 with the development of our zoning ordinance now for
16 many a year. And, I think her comments go to some
17 clarification of our plan, correction of the language of
18 the plan, of the concepts of the plan. And, we can
19 easily take her paper and do that. What was your last
20 comment--

21 MS. FEHRER: About the property, the
22 undeveloped site--the town has it listed in the zoning

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1 code as river front development area, but that area
2 within--part of that, of course, is the 100' buffer
3 which should be--have trees in it and the other part,
4 since it does not have water or sewer, and I just talked
5 to Barry Walders today, the town sewer person--Public
6 Works person--who verified that; that there are no sewer
7 lines at all or water lines in that area. So to me it
8 indicates that it should be a resource conservation area
9 because at this hearing it does not have the infra-
10 structure to support development. It is all open space
11 and lends itself to the category of resource
12 conservation.

13 MR. HERSMAN: I'm not absolutely sure I'm
14 completely following you, but let me say what the town
15 is presently working on that relates to your concerns.
16 First of all, as to providing water in the park area,
17 which is the area that the--I think she's referring to--
18 this resource conservation area, which indeed it is, and
19 we have a row of conservationists on that side.

20 TOWN ATTORNEY: May I speak to this gentleman
21 just a second as his attorney? It's not resource
22 conservation, and resource conservation, as she speaks

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1 of it, is under the Critical Areas plan, which means it
2 takes all this land between this creek and the river and
3 makes it non-developable. Now, I don't think the
4 town's agreeing to that under any circumstances. And,
5 that is what she is suggesting.

6 MS. FEHRER: Because of the wording of the
7 Critical Area legislation that, you know, you have to
8 have that infra-structure in place and as, you know--the
9 approval of the Critical Area plan.

10 MR. PHILLIPS: This is a rather interesting
11 point. I think this kind of refers to a comment that I
12 made earlier, and that's the configuration of the lots
13 in Snow Hill are rather unique in that they run from the
14 main street straight back to the river. I think
15 that's correct, isn't it? I mean for a great many of
16 them.

17 And, the criteria for limited development area
18 refers to a density figure and it--that would be one of
19 the criteria that would be involved as far as what the
20 land use categories would be as far as the Critical Area
21 is concerned. And, that for limited development areas
22 it would be from one unit in five acres to less than

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1 four units per acre.

2 So, I don't know the size of the lots, but
3 that's pretty easy to establish, you know, whether--

4 TOWN ATTORNEY: The area that Mrs. Fehrer is
5 talking about is the area we presently have on our plan
6 as the -- development.

7 AUDIENCE: Right, the conflict is that the town
8 wants one thing and the public, as a citizen--

9 UNIDENTIFIED VOICE: You mean those people that
10 have spoken out--

11 MR. BOSTIAN: Well, let me interrupt for a
12 second. We're here for public comment. We're not here
13 as judges to determine disputes--

14 UNIDENTIFIED VOICE: ...just wanted to make it
15 clear what the town position was.

16 MR. BOSTIAN: Right, which is his job. But, as
17 I said, we're not here--you know, you all can work this
18 out between yourselves maybe and present it to us. But,
19 we're not an arbiter of that particular dispute tonight.

20 MS. LANGNER: We're here to take the comment
21 from everyone--get everyone's input on the--

22 MR. HERSMAN: Well, let me just add the final

1 comment then for the record. A fact--and that fact is
2 that the town currently is developing a landscaping plan
3 for the entire river front area. And, we've just
4 recently received a \$10,000.00 grant from the State to
5 help us plant trees and bushes and other appropriate
6 foliage to give the river front more of an environmental
7 -- than it currently has, as is reflected by Mrs.
8 Fehrer's concern. So that is underway.

9 With respect to the intensely developed area,
10 the town and its zoning ordinance has classified that as
11 a river front development district which in the way
12 we've defined it in the zoning ordinance is a mixed use
13 area, intensely developed, which will accommodate
14 housing, business concerns and other appropriate uses to
15 that intense development area. That's as it is
16 currently reflected in our zoning ordinance.

17 MS. FEHRER: May I amend that to say in the
18 zoning ordinance it says what you said subject to the
19 Critical Area criteria. So it is subject, you know--

20 TOWN ATTORNEY: That is correct. But, at the
21 present that was drawn, it was from the view of the plan
22 which has been submitted to the Commission, which lists

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1 that as an intensely developed area in the first place,
2 and in the second place, you know, that is the basis
3 under which it has been done.

4 You know, we--if the town were planning to make
5 that a non-development area, we certainly would not have
6 taken what is almost totally within the Critical Area
7 and have zoned it as a high density mixed residential
8 commercial use. That certainly is not the town's
9 intent. The town's intent is to recognize that as being
10 part of the commercial center of the town, which is
11 exactly what it is--it's an extension of the business
12 section we have.

13 You know, you're sitting in the middle of
14 almost what you're talking about here in this library.
15 Across the street, going down the river, is an office
16 building--over on the river at the present time--it's
17 just a large bank which is there and the soil
18 conservation area. You know, we obviously can't meet
19 the 100 foot buffer proposition there. Somebody asked
20 why do we want an exemption, and that's, I'm sure, why
21 we want it. Those two buildings can not anywheres near
22 meet the 100 foot buffer requirement and they're in

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1 place. We have the park going along the--you know, that
2 fronts on the river going down from those properties,
3 and that was what--one of the reasons for the towns
4 getting into that; was to provide that kind of a buffer
5 with that area.

6 The town is going to utilize, I think, the
7 Critical Areas legislation to acquire--the 100 feet
8 along the river, all the way down through that section
9 is developed in an appropriate fashion. But, you know,
10 the issue about the sewer and water, I don't know what
11 Mrs. Fehrer means by having it there. Obviously the
12 sewer and water goes as far at least as the building
13 which is across the street from us. And, there's also
14 water, I think, at the park.

15 (Off the record - Change tape)

16 (On the record)

17 MS. LANGNER: I believe we have a few hands.
18 Would you--

19 MS. TRADER: My name's Barbara Trader. I'm on
20 the sign-in, I believe. I had a few comments in
21 response to some of the statements about trying to make--
22 -it sounds to me like what has been said is, let's make

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1 the rest of downtown of Snow Hill a resource
2 conservation area.

3 First off, why would one of the buffers have--
4 around page 30 and 32, it talks about the fact that Snow
5 Hill, since its inception in 1686, has been a water
6 dependent town and much of its business has been related
7 to this area. So we want to continue to have the access
8 of that area, so that business will continue to develop.
9 The town can't function and it can't grow--at least
10 that's how I feel about it.

11 I would also say that, you know, as someone who
12 shops and moves around regularly in this downtown area,
13 if we can't have more things done down here in a normal
14 manner, in a routine that meets the requirements of the
15 criteria, then we're going to just hold still. The
16 buffer exemption does have certain criteria listed--
17 which would keep it from being completely over-run.
18 And, I think the plan has come a long way in
19 establishing limitations on what can be done down here
20 so that -- services are protected and storm water
21 management is in place and the area will not be hurt
22 by the intense development designation.

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1 MS. LANGNER: Thank you. Sir, did you have
2 your hand up also?

3 MR. McCUMBER: Yes, I did. My name is Joe
4 McCumber. I represent -- Corporation and who has an
5 interest in this -- And, the question or objection --
6 is the spot for the zoning--

7 UNIDENTIFIED VOICE: Which area is this? I'm
8 sorry.

9 MR. McCUMBER: It's the spot zoning aspects of
10 the drawing that was submitted to the Commission. And,
11 to be more specific, I can -- here. There is a v-shaped
12 sliver along this--river. And, this is designated
13 limited development.

14 The property line continues along the buffer
15 zone here, clear around here and I think it falls into
16 here somewhere. Okay. And, this property that I have
17 considerable interest in is split-zoned. And, I feel
18 as though this buffer, this limited buffer, -- enough
19 protection for the river basin here, I mean towards the
20 Chesapeake Bay.

21 And, I would like to object to this sliver and
22 try to make all of it intensely development.

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1 MS. LANGNER: Is it currently--what is the
2 density currently?

3 MR. McCUMBER: Well, the density--this is
4 limited. This is--it was a water related facility. It
5 was silos and--

6 MS. LANGNER: Was it a fertilizer operating
7 facility?

8 MR. McCUMBER: Pardon me?

9 MS. LANGNER: Was it a fertilizer operating
10 facility?

11 MR. McCUMBER: Fertilizer operating, which we
12 had removed. And, now it's--I intend to put an office
13 building in its place. And, this interrupts it. I would
14 like to put that on the record that I object to this,
15 and I would like to have the opportunity to present my
16 plan for your consideration.

17 MS. TRADER: If I could supplement what he's
18 said there. I know when I attended the first hearing
19 that was held on Snow Hill, that there was a request
20 that that small sliver be changed to IDA then, because
21 it just stuck out as something that you couldn't do
22 anything with, with the neighboring part of that parcel.

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1 It's all one parcel, I believe. That's how it was
2 presented before--is an IDA. So this was something that
3 has been raised before and I've never heard what they
4 decided to do on it. I don't know. I know these maps
5 were done up before the hearing and that's how that came
6 up then. I don't know if they got modified.

7 AUDIENCE: I think they did.

8 MS. TRADER: I haven't seen them.

9 AUDIENCE: Because we don't have a colored map
10 here.

11 AUDIENCE: Part of that sliver is in what
12 should be the 100 foot buffer zone.

13 MS. LANGNER: Yes, he showed us that.

14 AUDIENCE: The conflict is that part of the
15 land is owned by the town and the other part, Mr.
16 McCumber's talking about, is in private hands. And,
17 after all they have investment, and I can understand
18 their part.

19 But, from our end of it, we--it's very hard to
20 predict what will happen after you put up these
21 buildings. I agree with them that if this town is going
22 to grow, that there's going to half to be some areas

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1 that should be developed. The real problem is you really
2 don't know what the impact will be when you start to put
3 sewer lines in, not to mention the fact that we're
4 probably going to have some problems -- and so forth.
5 But, what impact it will have on the environment is
6 something that nobody really can predict.

7 But, there are two sides and a man is entitled
8 to make a profit on an investment and if we at least
9 live up to the buffer zone, maintain it, then I think
10 that there's some kind of compromise to be attained.
11 But it is--it's a tough one. And, unfortunately, you
12 can't actually see this--it's not far from--it's right
13 behind you as a matter of fact. You can see the problem
14 that an environmentalist has as opposed to private
15 industry. And, again--

16 AUDIENCE: And, again, I think that's a problem
17 that the town has to address. And, if we see fit to
18 either make a decision towards either party and there's
19 a change needed in this map, then when we submit the
20 final thing or we do have an opportunity to do some
21 change, am I right?

22 MR. BOSTIAN: That's correct. Yes, you do.

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1 AUDIENCE: We have an opportunity to change
2 something if we don't think it's right up until what
3 point--until--

4 MR. BOSTIAN: Until it's adopted--either
5 until it's approved by us. Of course, you can--you may
6 propose something that we may change. We may suggest a
7 change.

8 AUDIENCE: I'm sure that council members here
9 tonight have listened to both sides and we're aware of
10 the situation. And, like you say, I think that's a
11 solution that we have to come up and then submit it to
12 you. And, if you don't approve of it, then that's
13 another story. But, at least we're going to have a firm
14 commitment on our part as to what position we're going
15 to take before it goes to you for the final.

16 AUDIENCE: That's the other problem--waiting for
17 you to approve it. It puts everybody kind of on standby
18 including--

19 MS. LANGNER: Yes, well that--I mean--

20 MR. BOSTIAN: We have 70 jurisdictions to look
21 at.

22 MS. LANGNER: But, we're coming down to the

1 very deadline so the maps, if they're going to be
2 changed, will have to be--

3 MR. HERSMAN: Madam Chairman, let me tell you
4 what the town is doing to resolve this. First of all,
5 we did not, until very recently, have a regular Planning
6 Commission. We've had sort of an ad hoc--that is based
7 on necessity. We have since established a regularized
8 Planning Commission. The responsibility for review of
9 the Critical Areas Commission Program rests with that
10 Planning Commission and with the City Council and the
11 town attorney.

12 We purposely had the membership on the Planning
13 Commission have representation from the
14 environmentalists. Ms. Fehrer is on the Planning
15 Commission to represent a strong voice for the
16 environmental interests. The town zoning map has a
17 little triangular area that is at issue designated as
18 river front development district.

19 And, what the issue will be as the town
20 finalizes its presentation to the State Commission will
21 be to either change the zoning ordinance map or the map
22 as reflected there. And, that issue will be thrashed out

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1 by the Planning Commission and the Town Council.

2 MS. LANGNER: Any other--

3 MS. KRAUS: Yes, my name is Tawney Kraus and I
4 also challenge the need for a buffer exemption that Mrs.
5 Fehrer referred to. It's mentioned in page 30 of this--
6 of our Critical Areas plan and it's also in Appendix 1.
7 The only property that falls entirely within the 100'
8 buffer zone of the three properties listed in Appendix 1
9 is Barry-- The other two do not.

10 And, if it turns out that the area in question
11 is, in fact, is designated river front development in
12 the zoning ordinance, if it is, in fact, developed
13 commercially and/or residentially, it's all the more
14 important to have that 100 foot buffer zone adjacent to
15 it. Because there is going--there are going to be run-
16 off and pollution problems, and aesthetic problems.

17 And, it would also add to the attractiveness
18 and the continuity of a park which we are now developing
19 called Sturgis Park, which is adjacent to it. The town
20 at the west end owns only a 20' strip. So we can--we can
21 protect a 20' strip, but I think we ought to increase
22 that to 100' buffer zone, especially if it's adjacent to

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1 high development.

2 MS. LANGNER: Thank you.

3 AUDIENCE: And, I don't think that would be a
4 problem because you're not planning to put that building
5 that close to--

6 MS. TRADER: But, the way the plan was proposed,
7 it's been sent up to Annapolis, that buffer exemption
8 for the central business district is in there and that
9 is the part of town or the comprehensive plan
10 designated as the central core and I think that's why
11 the buffer exemption is in there and needs to be
12 respected. I mean the purpose of the buffer exemption,
13 as I understand it from Critical Areas, is that it's
14 going to protect something that is not going to be
15 developed otherwise. If it's going to be -- that area
16 because it's intense development, then perhaps the
17 buffer isn't appropriate there. But, I think with
18 the criteria that the Snow Hill plan has suggested in
19 Appendix 2-F, we can still protect the buffer without it
20 having to be set at 100' precise area and that's why
21 this criteria--

22 MS. KRAUS: What use would you--if it were

1 exempted, what use would you have for that 100'?

2 MS. TRADER: Well, I think what it lists there
3 is just a little more leeway in the percentage of
4 impervious services that have to be respected and just a
5 little more give and take than absolutely nothing being
6 done in the 100' area. That's what concerns me. I think
7 we need the flexibility.

8 AUDIENCE: That's the problem.

9 MS. LANGNER: Is there anyone who has not spoken
10 yet who would like to speak? I think then we shall
11 conclude the hearing this evening, and I would like to
12 thank you all very much. It was a very interesting
13 hearing and I--

14 (Whereupon, this meeting was
15 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: PUBLIC HEARING OF CRITICAL AREAS COMMISSION

DATE: May 24, 1988

PLACE: Snow Hill, Maryland

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


Kim Schroeder

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