

Public Hearings - Baltimore County - Bill No. 180-88 1989 MSA-51830-56

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COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
CRITICAL AREAS COMMISSION

HEARING  
ON  
BILL NO. 180-88

June 27, 1989  
Chesapeake High School  
Baltimore, Maryland 21221

**RECEIVED**

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CRITICAL AREA COMMISSION

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APPEARANCESPANEL:

BOB PERCCASEPE, State Department of Environment  
KAY LANGNER, Cecil County, Critical Areas Commission  
RONALD KARASIC, Baltimore City, Critical Areas Commission  
VICTOR K. BUTANIS, Harford County, Critical Areas  
Commission  
RONALD HICKERNELL, Baltimore County Councilman  
ANNE HAIRSTON  
DAVID FLOWERS  
SUSAN OVERSTREETE  
KAREN MCGARRY

ORAL TESTIMONY RECEIVED FROM:

BOB CHRISTOPHER  
HERBERT DIECKMAN  
MARIE DIECKMAN

OTHERS IN ATTENDANCE:

MARY GEPHARDT, Legal Aide  
NORMAN LAUENSTEIN, Legal Aide  
CHARLES LANGNER  
AETHA A. NELSON  
JOE EWING  
CHARLES J. WRIGHTSON  
LEROY SENNETT  
CHARLES J. LEHRER  
TODD D. LEHRER  
JACKIE DIMELER  
SUZANNE BOYER  
MARY MATTHEW  
CAROLINE BREHM

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P R O C E E D I N G S

1  
2 MR. PERCCASEPE: Let me briefly say why we're  
3 here and what we're doing. My name is Bob Perccasepe. I  
4 represent the Maryland Department of the Environment on the  
5 Critical Areas Commission and I'll chair the hearing  
6 tonight. The group up here high upon the mountain high is  
7 the -- a subcommittee or what we call a panel of the full  
8 Commission which have, you know, volunteered and/or been  
9 appointed to review Baltimore County's Critical Areas  
10 Management Plan and amendments as they come along. Just by  
11 way of brief introduction, Kay Langner who's on the  
12 Commission and represents Cecil County, and Vic Butanis  
13 right here on the Commission represents Harford County.  
14 Can anybody not hear me?

15 MS. LANGNER: I can't hear you.

16 MR. PERCCASEPE: Can you hear me back there? All  
17 right. I'll try -- start over again. This--

18 VOICE: It might help if they moved up.

19 MR. PERCCASEPE: This room seems to be too small.  
20 My name is Bob Perccasepe and this is a panel of the full  
21 Critical Areas Commission that reviews Baltimore County's

1 Critical Areas Management Plan and amendments to it. With  
2 me tonight on the panel is Kay Langner from Cecil County,  
3 Vic Butanis from Harford County, Ron Karasic from Baltimore  
4 City and Ron Hickernell from Baltimore County. We will  
5 have a very brief statement as to why, what the subject of  
6 the hearing is by a staff member from the Critical Areas  
7 Commission and then I will allow people to come up to the  
8 microphone and give us their comments on this amendment.

9 The panel will not be making any decisions  
10 tonight. What we are doing is hearing testimony from the  
11 public. We are recording it with a recorder here tonight.  
12 If anybody has written testimony that they want to provide  
13 to us please feel free to do that for the next seven days.  
14 So we'll leave the record open for written testimony for  
15 seven days from today to be submitted to the Critical Areas  
16 Office c/o of Judge North, Chairman. Does anyone know the  
17 address?

18 VOICE: Do you have the address?

19 MS. HAIRSTON: The address. It's 275 West  
20 Street, Suite 320, Annapolis, Maryland 21401.

21 MR. PERCCASEPE: Okay. I would like anybody

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1 who's going to want to say anything tonight as opposed to  
2 maybe just submitting written testimony to sign in so I  
3 have a sign up sheet that I can use to call you for  
4 testimony. The sign up sheet is right over here in the  
5 first row.

6 Okay. I think at this time if Anne Hairston from  
7 the Critical Areas Commission, a staff member that we work  
8 for, will come and just briefly give us a three minute  
9 rundown of what it is that we're talking about tonight or  
10 at least having, getting comment on tonight.

11 MS. HAIRSTON: Can everybody hear me? I am Anne  
12 Hairston with the Critical Areas Commission staff and I  
13 work for them and the hearing we're having tonight is on  
14 the bill which outlines the process and the procedure for  
15 which Baltimore County will be able to give out its growth  
16 allocation. The approved program that went through last  
17 year said that the County --

18 MS. LANGNER: -- .

19 MS. HAIRSTON: Is that better?

20 VOICE: Yes.

21 MS. HAIRSTON: Okay. The hearing tonight is on

1 the Baltimore County bill which outlines their process for  
2 giving out growth allocation under the Offices of the  
3 Critical Area Program. Baltimore County approved program  
4 said in their growth allocation section that they would  
5 develop these procedures and this bill which we're  
6 discussing tonight is the legal response to that and it is  
7 being treated as a full-fledged amendment to the program  
8 because it does provide new information on this process.

9 For a real short summary, the process is imple-  
10 mented through Baltimore County's Interim Zoning  
11 Regulations and it designates out how the guidelines which  
12 growth allocation projects shall be judged on, designates  
13 how those will be prepared and the process by which the  
14 projects coming up for growth allocation will be reviewed  
15 and that basically is the topic of tonight's hearing.

16 MR. PERCCASEPE: Thank you. I'll try to talk --  
17 can you hear me back there?

18 VOICE: Fine.

19 MR. PERCCASEPE: I'm looking at the sign in sheet  
20 here and I note that everyone who's signed in to be here  
21 tonight but no one has wished or desired to testify.

1 MR. FLOWERS: There is one.

2 MR. PERCCASEPE: There is one.

3 MR. FLOWERS: Bob Christopher.

4 MR. PERCCASEPE: What was the name?

5 MR. FLOWERS: Mr. Bob Christopher.

6 MR. PERCCASEPE: I'll sign you in. All right.

7 So I'll move you to a yes. All right. Bob.

8 MR. CHRISTOPHER: Addressing Bill 180-88, I  
9 personally thank Councilman Hickernell for all his hard  
10 work on this bill, and there are indeed a great many  
11 safeguards to the bill and we're appreciative of that.  
12 However, we do have one reservation and that being the  
13 bottom line authority being the Board of Appeals of  
14 Baltimore County. They have over the years have addressed  
15 themselves not only to regulations and those regulations is  
16 just like a CRG process. They're very cut and dried and I  
17 truly do not feel that they have the concept of the  
18 Critical Areas and how it relates to forest station,  
19 wetlands and all, I don't really believe that they have an  
20 overall grasp of the entire situation. I hope so. Other  
21 than that, I have no problem with the whole thing nor do

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1 most of our people. However, I would like to add one  
2 thought. I think that any growth allocation particularly  
3 at this time would be disastrous in the Eastern Sector of  
4 Baltimore County. I'm sure that most of you are aware of  
5 the recent disaster at the Back River Treatment Plant.  
6 We've spent \$200 million and it's worse than it was 20  
7 years ago. We're dumping raw sewerage, the tissues, every-  
8 thing is just floating down in the River here at a time  
9 when we're trying to save the Bay. Yet we've approved a  
10 lot of growth all over the County. Now I think the House  
11 should be put in order before, before any allocation is  
12 given to this area with the exception of legitimizing  
13 businesses that are in the area, those things that can be  
14 grandfathers. I think it's very, very foolish to do that  
15 to place number one, the area such as the lower Back River  
16 Neck in danger with extending the sewer line, metropolitan  
17 sewer, when all the while we can't handle what we've got  
18 and to bring other people into the area with the deluge  
19 that's coming down Back River from treatment plant I think  
20 is just very, very untimely. So I would hope you'd make  
21 that consideration. I think that perhaps at some point

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1 down the road these things can be dealt with. Certainly  
2 this is very, very untimely. Thank you.

3 MR. PERCCASEPE: Bob, I want to write your name  
4 down here. I didn't get your last name.

5 MR. CHRISTOPHER: Oh, I'm sorry. Yeah. My name  
6 is Bob Christopher and I live at 2116 Holly Neck Road,  
7 Baltimore 21221.

8 MR. PERCCASEPE: Holly Neck.

9 MR. CHRISTOPHER: Holly Neck. Mr. --

10 MR. PERCCASEPE: Yes, sir.

11 MR. CHRISTOPHER: --I'd just like to add the  
12 additional thought that we're very, very appreciative as we  
13 have been in the past of all the fine things that the  
14 Chesapeake Bay Critical Areas Commission has done. We're  
15 very, very supportive of it and we've very grateful. Thank  
16 you very much.

17 MR. PERCCASEPE: Thank you. Herbert Dieckman.  
18 Is this Marie?

19 MR. DIECKMAN: Yes. My name is Herbert Dieckman.  
20 This is my wife, Marie, and she is one of the owners of the  
21 Somogyi Farm. We have put in an application for growth

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1 application but we haven't been able to compete now with  
2 the owners for instance of the cable company or the,  
3 Mr. Shapiro, you know, who has lawyers and everything. We  
4 are a bunch of poverty stricken farmers here just  
5 struggling along. We can't, we're trying to make ends meet  
6 and with the little bit of money we do have, we need to  
7 keep for the nursing home and future medical problems and  
8 we cannot spend it on growth allocation documents. So we  
9 have submitted one with the help of the Zoning Board and we  
10 just hope it is satisfactory.

11 I'd like to take exception to what Mr. Bob  
12 Christopher said. We have houses all around the Bay that  
13 are dumping raw sewerage directly into the Bay and even a  
14 sewage system that doesn't work very well, is a hell of a  
15 lot better than what we've got right now.

16 I'd like to talk about the environmental problem  
17 that we have. Nutrients in the Bay. Of course, we see now  
18 we're dumping 130 million gallons a day into the, in the  
19 Back River Plant. We have lagoons all over the State which  
20 process, they get the oxygen, the BOD level down, but they  
21 still dump nutrients into all of the rivers which all end

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1 up in the Bay and there are nutrients.

2 Now they blame the problems of the Bay on urban  
3 areas. I've never seen any document, any report, any  
4 information on how a properly designed house pollutes. If  
5 anybody will please tell me this, I would like to ask  
6 anybody here how their house pollutes and what they're  
7 doing about it to correct it. I've looked into bio-as, a  
8 testing of water. The Applied Physics Lab, the Johns  
9 Hopkins Applied Physics Lab under the auspices of the  
10 Environmental Protection Agency have been running tests on  
11 sewage, well, single point run-off of disposal plants and  
12 factories. I went down to Shadyside and talked to  
13 Dr. Fisher down there and shown what they do, how they test  
14 and I asked him, well, what if any testing of housing  
15 areas. He says we're not doing any. This tells us  
16 something. The pollution from the housing area cannot be  
17 too bad. Now in my case, my house a tar paper roof,  
18 shingled roof. This does pollute. The Legislature ought  
19 to come out and say let's make shingles out of material  
20 that don't have to be placed every 20 years and end up in  
21 the landfill. Let's have a better type of shingle,

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1 aluminum, stainless, ceramic, is that the materials that  
2 can be used and the Legislature ought to pass a law that  
3 shingles should last as long as the house, you don't have  
4 to replace the shingles every 20 years.

5 As far as the bio -- testing is concerned, I  
6 decided I would do it myself. So I tested the water from  
7 all the streams, White Marsh, all the streams that run in  
8 from housing areas into the Lock Raven Reservoir. I've  
9 been using guppies for my testing and I've only had one  
10 guppy die. I've got thousands of guppies now. I can't  
11 seem to kill them because the is not toxic and I had one  
12 guppy die but this was just natural causes because I tried  
13 other guppies in the same water and there was no problem  
14 whatsoever.

15 Now if anybody's got some information on where  
16 the pollution comes from a house, I'd like to know it. Now  
17 I understand that the car can leak oil in the driveway.  
18 This is not the house. It's the car. Let's fix the car.  
19 Let's have some legislature that say that that car shall  
20 not leak oil.

21 Also there's lots of nutrients used on grass and

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1 trees and so forth, fertilizers and all these herbicides  
2 and all this stuff. This is entirely unnecessary. I can  
3 show you some beautiful lawns that you just go out and mow  
4 whatever comes up. As long as you have topsoil you mow  
5 whatever comes up and you end up with a beautiful lawn  
6 which attached to that area, you might have a few  
7 dandelions and a few clover in it, but so what. Let's save  
8 the Bay.

9 Now one of the big sources of nutrients in the  
10 Bay, I've been trying to get this across. I've talked to  
11 lots of people about it and you talk to the  
12 environmentalists and they all say yes, but, and of course,  
13 if the Bay was clean tomorrow, there'd be an awful lot of  
14 people out of work. I feel that the main source of  
15 nutrients in the Bay is caused by acid rain now. Acid rain  
16 dissolves the nutrients in the soil and carries it off to  
17 the nearest body of water. All right. It also dissolves  
18 the -- in the soil. Now if the water, rain water is not  
19 acid, this does not happen and the nutrients are used by  
20 the forests and don't end up in the Bay. Now the reason  
21 you have these nutrients being leached out by this acid

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1 rain is because we -- 60 years ago we had a policy of not  
2 allowing fires to burn, forest fires, natural fires. When  
3 I was a child up in New Jersey, I lived in a wooded area.  
4 It was all oaks up there and every year or two we had a  
5 little fire run through, nobody even worried about it.  
6 They didn't even call the fire department unless it got  
7 near a house and at that time only one truck came out and  
8 they let the fires burn. They were little fires. You  
9 could put them out with a broom. They cleaned up the  
10 forest. They burned the dead -- . They killed the wood  
11 boring insects and today it would probably take care of our  
12 gypsy moth problem and as a result, the forest was cleaned  
13 up. It was beautiful and grasses came up. You had berries  
14 and -- . Take a look at some of the forests today. Go  
15 down to the lower end of the peninsula. The whole, I've  
16 never seen such a disgrace, the condition of the forests.  
17 They're not but a tangled mass of weeds and vines, rotten  
18 trees, one stinking mess.

19 Now a fire could go through there and that would  
20 convert that, all that fuel into wood ash. Now wood ash is  
21 --

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1 MR. PERCCASEPE: Excuse me. I don't want to  
2 interrupt your momentum there, but could you try to  
3 summarize your comments on the bill we're having a hearing  
4 tonight on, on the growth allocation plan, our amendments.

5 MR. DIECKMAN: I thought we were going to talk  
6 about the environment too. See, there's no forewarning on  
7 these meetings. You come here and you don't know what to  
8 even talk about and you can't prepare anything properly.  
9 If you'd let us know what the subject is, I would be  
10 prepared, but I'm not prepared really to talk about it.

11 MR. PERCCASEPE: All right. Go ahead. Why don't  
12 you go ahead and summarize then your major points.

13 MR. DIECKMAN: Well, I'd like to make this point  
14 about the nutrients in the Bay. I wrote a letter to Yellow  
15 Stone Park after the fires occurred out there and I asked  
16 them to run some tests, check the water running out of the  
17 burned area and also, and then compare it with an unburned  
18 area and let me know what the Ph of that water is. They  
19 never did it. Is there anybody around here that could go  
20 out there and do that? I can't go out. I'm handicapped  
21 now and I can't walk more than a half a mile a day. Is it

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1 possible for somebody to do that? Some Government agency  
2 to run a check to see what the beneficial effects of a  
3 forest fire on this acid rain problem? You could use a  
4 three week vacation out there, couldn't you? I'll lend you  
5 my Ph machine. I've got a new \$700 Ph meter I'll let you  
6 take with you.

7 MR. PERCCASEPE: I'm sure somebody's already  
8 looked at that.

9 MR. DIECKMAN: Well, you don't get any answers  
10 from anybody on that stuff. Wetlands. Everybody raise up  
11 our wetlands. We've got to have more wetlands. I think  
12 this is the biggest load of nonsense I've heard. Have you  
13 seen the mosquitos we have around here lately. The  
14 Attorney General just put an article in the Times about the  
15 effects of this tiger mosquito that's coming up from the  
16 south and the common mosquito causes sephalitis. It's very  
17 dangerous. It causes brain damage. And here what we are  
18 doing, we're allowing these puddles to exist. This whole  
19 Back River Neck Peninsula has an impenetrable subsoil, that  
20 the soil matches the -- . I've gone through that soil  
21 map and I've checked all of our soils down here and I claim

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1 that the Baltimore County soil map is a fraud. We have an  
2 impenetrable subsoil. The water table is down 20 feet  
3 under this, 20 feet of clay we have, a layer of sand stone  
4 and then we have sand underneath that. That's where the  
5 water table is. The water that you see on top is nothing  
6 but perched water that cannot penetrate. I've done all  
7 kinds of tests and a carton of water two feet high will not  
8 go through that much clay in a month. So the water will  
9 not penetrate. This is why we have all these puddles and  
10 mosquitos and so forth and this is not wetland. I don't  
11 care what anybody says. That's not wetland. I guess I've  
12 talked enough.

13 MR. PERCCASEPE: Two more minutes. Really  
14 summarize now on your point.

15 MR. DIECKMAN: Well, my main point is that this  
16 growth allocation process or I think is sort of unfair, if  
17 you've got money to invest and hire engineers and do a bang  
18 up job of how the water's going to flow and where the roads  
19 are going to be and all this sort of thing, great. We  
20 can't do that. We are just not in a position to do that  
21 and I think it's very unfair to put this kind of a

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1 requirement on people. We've owned this farm for 65 years.  
2 My wife was pulled out of school. She had to work on the  
3 farm. They had to pay -- we was years paying for the thing  
4 and now they've got this tremendous piece of open space  
5 which everybody seems to love, everybody but the quarter  
6 acre lot just loves our open space, I'm sure. In fact, I  
7 would like to own a quarter acre in Yellow Stone Park, but  
8 we are being penalized. I feel that we're being penalized  
9 for the problems of the Bay which I feel were caused by  
10 Government Agencies and I can name about 10 different  
11 Government Agencies which I think are responsible for the  
12 condition of the Bay, and in fact, they're talking now  
13 about dumping sludge into the deep hole near the Bay Bridge  
14 is another ridiculous example. We've been using copper  
15 sulfate in the water to kill the weeds years ago. Now we  
16 wonder why there are no weeds. The Department of Natural  
17 Resources allowed crabbers to drag seams, not seams, but  
18 drag weed beds to get soft crabs, ripping up the weed bed.  
19 Why do they allow this nonsense. Let's save the Bay. Also  
20 they invite boats from all over the whole eastern seaboard  
21 here to come down and launch their boats down here. We see

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1 hundreds of boats going by everyday, past our place. These  
2 have tremendous outboard motors which mix the oil with the  
3 gas and they spray a film on the water and we complain  
4 about the Alaskan oil spill, but we're doing it right here  
5 in the Bay everyday and nobody bothers about it. It just  
6 goes on and on. I guess that's about all I have to say.

7 MR. PERCCASEPE: Thank you very much.

8 MR. DIECKMAN: I'd like to get together with you  
9 sometime. In fact, I want to talk to Mr. Rasmussen. I  
10 think I, I've got an awful lot to say. I mean this is just  
11 a --

12 MR. PERCCASEPE: I can see this is the tip of the  
13 iceberg. I know that you've been, I see that you've got a  
14 lot of ideas, but for tonight's testimony, it's on the  
15 growth allocation plan. I think --

16 MR. DIECKMAN: This map here, it shows the areas  
17 of all the housing and so forth. I'd like to know why  
18 we're not on the map. On Somogyi Farm, we have five houses  
19 and there are about four more houses in close proximity.  
20 Why isn't that area considered to be a housing area, a  
21 place where there is housing, clusters of housing. It's

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1 all blank there. I don't know why.

2 MR. PERCCASEPE: The ordinance that we're talking  
3 about tonight does set up a process for allocating growth  
4 in the critical area of Baltimore County and I think if you  
5 have some specific concerns about specific properties you  
6 should, you know, put them in writing for the County  
7 Government and if you have more comments or you want to,  
8 you know, if you want to summarize what you've told us  
9 tonight, we would very much appreciate your written  
10 comments to the address that we mentioned earlier. So I'd  
11 like to thank you very much for taking your time to testify  
12 tonight.

13 MR. DIECKMAN: There is one more thing I'd like  
14 to say about forest fires. This is nature's way of  
15 providing rain. Now last summer we had a drought. We've  
16 been affected the last three summers and I noticed that  
17 after the fires started in Yellow Stone, we started to get  
18 some rain over the east. We got some smoke here I  
19 understand in certain areas. People could see the smoke  
20 from the fires and also they got some rain. Then they got  
21 the fires under control, we go back to the drought again

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1 and then the fires started up again and we got some rain.  
2 Now this tells me one thing. There are four methods of  
3 producing rain drops. Right now we're getting an awful lot  
4 of rain off the Gulf which is caused by -- . Each  
5 raindrop has a nucleus, a particle, whether it's a soft  
6 particle or not. Also dust particles are the nucleus for  
7 raindrops, but we haven't had any volcanoes and there's  
8 very little dust in the country now. Most of the roads are  
9 paved. Also pollen, but smoke is one of the main ways that  
10 a raindrop forms. Now when we used to have fires years  
11 ago, they came at the appropriate time. If there was a  
12 drought, you needed the smoke, the fire started, the smoke  
13 went up and they got the raindrops. We got the humidity  
14 down and we got the water we needed. Now man has screwed  
15 this up. Old Smokey the Bear I think is really the  
16 culprit.

17 MR. PERCCASEPE: Thank you very much.

18 MR. DIECKMAN: Thank you.

19 MRS. DIECKMAN: I don't know if you can hear me  
20 all right, but you can see, Herb has really been doing his  
21 homework. That's all I want to say. Everything that he

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1 has done and he's put up an awful lot of time to really  
2 save the Bay. Many are saying we want to save the Bay, but  
3 nothing is being done and Herb is trying to prove in so  
4 many ways what can help the Bay and so many other ways and  
5 please, if you all considered a stand up area to do  
6 something, I don't know how to name it, because we can't  
7 keep farming like that. Something has to be done. We need  
8 help from someone to help us. What is the right thing to  
9 do at least because we can't do this, we can't do that, but  
10 I can't keep going out on that farm anymore either. We  
11 cannot do it and we'd like some help from the Board in some  
12 way. Thank you very much.

13 MR. PERCCASEPE: Thank you, ma'am.

14 MR. DIECKMAN: She's 72 years old and she was out  
15 in that field all day today trying to chop the weeds down.

16 MR. PERCCASEPE: Thank you, Herb. I believe that  
17 concludes our hearing tonight on the Growth Allocation  
18 Procedure, Amendments for Baltimore County. I want to  
19 thank on behalf of the Critical Areas Commission everybody  
20 who came tonight. I'll single out Herb for his remarks and  
21 I appreciate all the County staff and everybody who came

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1 also for support.

2 MS. LANGNER: Well, this was just handed to us  
3 tonight. We haven't had a chance to read it yet. When do  
4 we get a chance to comment on that?

5 MR. PERCCASEPE: All right. What I mentioned at  
6 the beginning is that we will take written comments for the  
7 next seven days.

8 MS. LANGNER: About this.

9 MR. PERCCASEPE: About this. If you would--

10 MS. LANGNER: --

11 MR. PERCCASEPE: Thank you. If you didn't get  
12 the address incidently where to mail -- Anne --

13 MS. HAIRSTON: --

14 MR. PERCCASEPE: Why don't you come up here and  
15 do the written comment routine.

16 MS. HAIRSTON: After you have a chance to look  
17 over that, the Bill more specifically, you can send written  
18 comments to Judge John C. North, II, Critical Area  
19 Commission, 275 West Street, Suite 320, Annapolis, Maryland  
20 21401. And if anybody has some questions about that, I'll  
21 be available for a few minutes after the hearing.

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MR. PERCCASEPE: Thank you, Anne.

MS. HAIRSTON: Thank you.

MR. PERCCASEPE: Thank you all again for coming.

(The hearing concluded at 8:06 p.m., on June 17,  
1989.)