

Public Hearings - Calvert County - Chesapeake Bay Critical Areas Commission 1989 MSA-51830-57

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CHESAPEAKE BAY CRITICAL AREAS COMMISSION

January 14, 1988, 7:00 p.m.
Calvert High School
Prince Frederick, Calvert County, Maryland

COMMISSION:

Sam Bowling, Chairman
James E. Gutman, Member
Ronald Karasic, Member
Carolyn Watson, Staff Person

REPORTED BY: Debbie Becker

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P R O C E E D I N G S

1
2 CHAIRMAN BOWLING: Ladies and gentlemen, it's
3 now 7 o'clock and it's time to begin this proceeding. I'd
4 like to welcome you all here to the hearing on the Calvert
5 County Critical Area Program.

6 First, let me introduce the head table here.
7 On my far right is Carolyn Watson, a member of the Commis-
8 sion staff; Jim Gutman, to my right, is Anne Arundel County
9 representative to the Critical Areas Commission; to my
10 left, Ron Karasic, from Baltimore City and a representative
11 on the Commission; and I am Sam Bowling, from Charles
12 County.

13 The purpose of this hearing is to hear public
14 comment on the Critical Areas Plan for Calvert County, as
15 required under Section 81809 of the Critical Area law. Our
16 record will remain open for ten days after this meeting
17 tonight, at the Commission, and you can address written
18 comments to the Commission at 580 Taylor Avenue, Building
19 D-4, Annapolis, Maryland 21401, and if anybody needs that
20 address after the meeting, well, you can get it from us
21 then.

22 A complete record of this meeting is being kept

1 and is being recorded by Mrs. Beck-; Miss Becker, or Mrs.
2 Becker, I'm not sure which--Debbie Becker--anyway, who is a
3 Court Reporter.

4 I'd like to recognize Commissioner Bowen, who
5 is with us tonight; Frank Jacklich, who is your Planning
6 Director; Sally Grath--Sally McGrath, I guess it is; Vivian
7 Marsh and Steve McCullan, who are members of the Planning
8 staff here; and a Bay Forester, Dave Gayly.

9 There are, for any of you that don't have
10 copies of the Plan, extra copies of the Plan here in a box
11 to my right on the stage. If; I guess it's now up to the
12 Calvert County Planning group, if they want to present
13 anything further on the Plan at this time.

14 MR. JACKLICH: Let me just; if I could just
15 mention that --

16 CHAIRMAN BOWLING: Please come up and speak to
17 the mike, and identify yourself, please.

18 MR. JACKLICH: Frank Jacklich, the Director of
19 Planning and Zoning. I just want to mention that we
20 brought extra copies of the Plan and the map here. The
21 Plan has been presented at the County's public hearings.
22 We had a session to answer questions, at that time, and to

1 present the concept.

2 The Planning Commission has reviewed the, all
3 of the proposals at the County's public hearing, and
4 recommended changes to it. The County Commissioners have
5 gone over all of those comments and made changes, and that
6 was incorporated into the Plan, so that is available. But,
7 I; they're here if you need them. Don't take too many of
8 'em because they're expensive to print. Thank you very
9 much.

10 CHAIRMAN BOWLING: Commissioner Bowen, did you
11 want to make any comment on the Plan?

12 COMMISSIONER BOWEN: No, sir.

13 CHAIRMAN BOWLING: Well, without further ado,
14 then, let's get on to the people who have signed in on the
15 sheet and have expressed a desire to testify. I have a
16 Larry Bowlby, from Brooms Island.

17 TESTIMONY BY LARRY BOWLBY

18 MR. BOWLBY: My name is Larry Bowlby. I live
19 at Brooms Island. I've been a property owner there since
20 '65, and a resident since 1966.

21 I really wasn't too sure what your format was
22 going to be, and I'm not as well prepared as I would like.

1 I have two things: one, generally, as far as the Plan is
2 concerned; and secondly, as far as the Plan applies to my
3 property, particularly.

4 My property has been; well, first of all, it's
5 a little unique, in that it lies, fronting; with frontage
6 on Island Creek. But, also, it extends over towards Nan's
7 Cove, which is on the other side of the island, so most of
8 it is within a thousand feet of some water. However, there
9 is a strip of about two hundred feet wide that runs down
10 sort of through the center of the farm, which doesn't have
11 road frontage, and it becomes questionable as to what can
12 be done.

13 The property, since the original zoning of the
14 county in 1967, was zoned R-1. It is excellent property as
15 far as percolation is concerned. Level. As a matter of
16 fact, it drains away from the water. There's a little
17 driveway about a hundred to a hundred and fifty feet back
18 from the water, and from that driveway it drains away from
19 Island Creek. So it's not, it's not erodible; has good
20 percolation characteristics.

21 The County Commissioners have represented that
22 it be; have recommended that it be qualified as Limited

1 Development. I have looked at the map of Brooms Island to
2 see if the property falls in that category. Actually,
3 Brooms Island is a small village. It consists of about two
4 hundred acres, and I count approximately a hundred and
5 ninety residential units on that two hundred acres. So,
6 overall, we have a density of about one unit per acre.

7 My small piece of thirty-eight acres is rela-
8 tively undeveloped. The Brooms Island area has a church,
9 community center, two stores, cemetery, restaurant, mar-
10 inas, almost everything you need for a little community.

11 If a parcel such as mine is not allowed any
12 development whatsoever--and I'm right on the outside edge;
13 there is one strip of twelve houses beyond me, but then it
14 goes into the agricultural--if it's not permitted to
15 develop, then the community is dead as far as any new homes
16 are concerned.

17 Further down on the island, we have a very high
18 water table, and it would be almost impossible for them to
19 do any development there.

20 So I request that--and recommend--that the
21 zoning of Limited Development be allowed to stay on my
22 property, as has been recommended by the County

1 Commissioners for Parcel 61, Tax Map 38-A.

2 Overall, as far as the Program is concerned, I
3 have some real questions about the necessity of this par-
4 ticular Program and it's rather broad-brush approach to
5 solving a problem.

6 No one disagrees with improving the water
7 quality and protecting the water quality, but it doesn't
8 seem that it's been actually demonstrated that all of these
9 properties, which are within a thousand feet of the water,
10 are actually contributing significantly to the water
11 quality of the bay, or the problems. Topography, soil
12 type, so forth, varies very greatly from parcel to parcel,
13 and yet there's no consideration given of those
14 differences.

15 It's not been established that the twenty acre
16 lot size is essential and the only way of mitigating any
17 problems that might result. There is a taking of property
18 rights by this Program, and normally, in order to take
19 property rights, you either have to reimburse the person or
20 prove that there is no other alternatives. There are,
21 possibly, other alternatives. For example, five or ten
22 acre lots with some performance requirements, rather than

1 just the drawing of a one thousand foot line. In the Plan
2 itself, it seems to me that there are lots of controls
3 turned over to state agencies, which may or may not be
4 responsible to the local citizens. It's always difficult,
5 when you're dealing with someone that far away, to get a
6 quick response.

7 There seems to be no appeal procedures. If you
8 don't get the permit, who do you appeal to? If they assess
9 you with a violation, and you don't believe it's right, who
10 do you appeal to? The ordinance provides very little flexi-
11 bility, or any provisions for meeting emergency situations.
12 I can imagine what happens after a big wind storm and a lot
13 of trees are down. Do you have to get permits before you
14 can cut the trees within the one thousand foot area?
15 Problems such as this.

16 It also seems to me that this Program places an
17 unfair burden on a class of citizens; that is, the water
18 front property owners. They're asked to bear many burdens:
19 not only the lesser use of their land, but the cost of
20 establishing and maintaining a buffer zone, wildlife
21 habitat. Some of these matters; for example, wildlife
22 habitat--if that is justified and desired by the state, why

1 isn't it a state-wide program, rather than just within the
2 one thousand foot area? So, you've got; burdens are placed
3 in this one thousand foot area which certainly are of some
4 advantage, but it'd be much more advantageous if you would
5 apply it to the whole county, or the whole state.

6 I suspect that it's not the time yet to face up
7 to that wide a scope, but I don't believe it is fair just
8 on the one thousand foot; people located within the one
9 thousand foot area. Thank you very much.

10 CHAIRMAN BOWLING: Thank you. W. H. Scram, I
11 believe that is, from Huntingtown, Maryland. Is that
12 correct?

13 MR. SCHROM: Schrom.

14 CHAIRMAN BOWLING: Schrom? Yes.

15 TESTIMONY BY BILL SCHROM

16 MR. SCHROM: I'm Bill Schrom. I live in Hunt-
17 ington, Maryland. I'm a realtor, and I'm representing
18 several different property owners. There is testimony--
19 written testimony--that has been submitted to the county.

20 More broadly speaking, with respect to this
21 law, there is an issue to be brought here. One of the
22 premises of this law is the Critical Areas has a

1 responsibility; the Commission has the responsibility to
2 work with the county to have the proper type of growth that
3 will protect the bay quality, or improve the bay quality.

4 This growth is not only residential growth,
5 it's industrial growth, commercial growth, all types of
6 growth. I think that this consideration has to be looked
7 at very strongly with respect to some areas like the
8 Chesapeake Beach area and the Solomons Town Center.

9 My concern is that if the county takes the
10 proper actions and has the proper guidelines to prevent the
11 water quality from being adversely impacted, or if, in
12 conjunction with the development of the properties, that
13 they can improve the water quality, that is the goal that
14 seems to be the thrust of the Program.

15 The flexibility to accomplish this should be
16 granted to the county agencies, with supervision by the
17 state agencies to see that it is done. The Plan has to
18 have the proper amount of flexibility built into it that we
19 can go forward.

20 Particularly with the Solomons Town Center
21 area, there are very stringent environmental considerations
22 built into that Program, and if there are additional things

1 that need to be structured in there to provide additional
2 assurances to enable the county government, Planning and
3 Zoning, the environmental people, to provide proper
4 planning to prevent detriment of the water quality and
5 perhaps increase the, better water quality, I think that
6 has to be structured into the Plan.

7 With respect to areas that are further away
8 from the town centers, such as Solomons and Chesapeake
9 Beach, you get into the single parcel, such as Mr. Bowlby's
10 property, and other properties that an infill--what you
11 call an "infill" situation--but you have to look at an
12 area. The law refers to the area, quote "area," and many
13 in several places as far as the designation. There is no
14 definition of "area" within the guidelines of the state
15 laws. It's not spelled out.

16 It needs to be some form of definition or some
17 common sense built into it that the county government has
18 the ability to look at the surrounding parcels, the general
19 neighborhood, what has been going on in the area, and I'm
20 saying the area within a half a mile radius or something.
21 Pick a radius. There's no definition of area as to parcel
22 specific. The mapping has been done on parcel specific

1 use. From the best knowledge that I have, each parcel was
2 looked at what is currently going on that particular parcel.

3 There have been individual parcels that have
4 brought testimony to the county and have asked for exemp-
5 tions or modifications within the Plan for the county. I
6 think the county has to have the flexibility to make the
7 Plan work for the best good of all, so long as it is not
8 indefinite to the water quality of the bay and the estu-
9 aries contributing to the bay.

10 The economic impact of this bill has been
11 extremely favorable to property owners that have property
12 platted as of prior to this, the date that's in there. It
13 has been extremely detrimental to the property owners that
14 did not have lots chopped out of their farm or their piece
15 of land, prior to that date. There is no balance there as
16 far as consideration or compensation.

17 I realize that the Critical Areas Commission
18 has no authority to take that issue and address it. How-
19 ever, I do think a lot of common sense could be impacted
20 into this. You have a lot of flexibility to cooperate with
21 the county to provide proper avenues of growth, so long as
22 we don't mess up the bay and the estuaries. That would

1 provide quite a bit of relief for the economic capabilities
2 of the property that have not been subdivided, if it is
3 done properly. I think it's all gonna' wind up in a major
4 action somewhere along the line, to provide compensation to
5 the owners that can't develop their property, but that's
6 another issue that you can't control.

7 In conclusion, I think that the cooperation
8 between the Critical Areas Commission and the county
9 government agencies and the state agencies has to be built
10 into the proposal for Calvert County. I think there are a
11 lot of safeguards proposed in our current plans, and in
12 some specific areas within the plans, such as the Solomons
13 Master Plan, and I'm hoping that you will take those into
14 consideration in your final approval of our Plan. Thank
15 you.

16 CHAIRMAN BOWLING: I'd like to take this
17 opportunity to recognize Comptroller Goldstein, who has
18 joined us, and ask if he would also like to speak. If
19 you're not prepared right now, Mr. Goldstein, I can bring
20 you up later.

21 COMPTROLLER GOLDSTEIN: Yes. I'll wait a few
22 minutes. Thank you, sir.

1 CHAIRMAN BOWLING: Okay. Sure. Next person I
2 have is a Robert Gray, from Prince Frederick.

3 TESTIMONY BY ROBERT GRAY, ESQUIRE

4 MR. GRAY: Mr. Chairman, members of the
5 Commission, my name is Robert Gray. I'm an attorney
6 practicing in Prince Frederick, and I am here representing
7 my client, Sarah Lease.

8 Miss Lease is the owner of an approximately
9 nine and a half acre parcel on Battles Creek. That is soon
10 to become a ten acre parcel, with a purchase of some
11 adjoining land.

12 I have had Mrs. Lease's engineer prepare an
13 exhibit which I would like to submit to the Commission
14 tonight, and have that entered into a record, into the
15 record. It may also help to explain some of my testimony
16 today.

17 This parcel, for the benefit of the record, is
18 identified on the Calvert County Tax Maps as Map 30, Parcel
19 21. On the topographical information that I've just
20 presented to the Commission, her current property is that
21 parcel shaded in in gray and in pink. She is shortly to
22 acquire that, those two parcels shaded in yellow and shaded

1 in green, to bring her total acreage up to ten acres.

2 For the benefit of the Commission, who may not
3 be familiar with this piece of property, this is located
4 adjacent to the subdivision in Calvert County known as
5 Emerald Cove. Emerald Cove abuts the property on what
6 would be the top portion of the property as you're looking
7 at the topographical information and behind the property.
8 On the third side is a farm owned by the Deaver's Trust.

9 The property presently is used as a single
10 family residence with some outbuildings and a swimming
11 pool, located in that portion of the property which is
12 closest to the water or the front part of the property.

13 As you will note, there is a large pond in the
14 middle of the property, and the back end of the property is
15 wooded and has fallow fields at this point.

16 What Mrs.; what Miss Lease is presenting to the
17 Commission today is a request that the map be amended to
18 change the designation of her property from Resource
19 Conservation Area to a Limited Development Area, and the
20 purpose of that is very simple. Miss Lease is in the
21 process of trying to subdivide her lots from one ten acre
22 lot into two five acre lots. The parcel that is shaded in

1 pink and green has been agreed upon by the neighboring
2 Emerald Cove subdivision to be placed within that subdivis-
3 ion subject to the covenants of that subdivision. That
4 would leave the, Miss Lease with owning the waterfront par-
5 cel of the property, which would contain the pond, and the
6 other parcel of property would go into the, into the
7 subdivision.

8 I would suggest that there are three separate
9 reasons why this amendment to the map ought to be made.
10 For; the first reason is that for all intents and purposes,
11 the back portion of this property is a part of Emerald Cove
12 subdivision. Now, all of the rest of Emerald Cove subdivis-
13 ion that is within the thousand foot line is already desig-
14 nated to be the Limited Development Area, and to exclude
15 this one lot from that would be an injustice.

16 The only access to this lot is through the
17 Emerald Cove subdivision. It is simply a, an adjoining lot
18 that is going to be a part of that subdivision. To have
19 one lot within that subdivision to be Resource Conserva-
20 tion, and the remaining lots to be Limited Development,
21 makes no sense.

22 The second reason that we would suggest that it

1 ought to be amended to reflect this change is by the very
2 definitions contained in the COMAR Regulations, and at this
3 point, I'm referring to COMAR Regulations 14-15-0205A and
4 14-15-0204A. If I could just read the Resource Conserva-
5 tion definition:

6 "Resource Conservation Areas are those areas
7 characterized by nature-dominated environments (that is,
8 wetlands, forest, and abandoned fields), and resource-
9 utilized activities (that is, agriculture, forestry, fish-
10 eries activities or aquaculture)."

11 The definitions on Section 4, the Limited
12 Resource, or Limited Develop Area, reads entirely
13 different:

14 "Limited Development Areas are those areas
15 which are currently developed in low or moderate intensity
16 uses. They also contain areas of natural plant and animal
17 habitats, and the quality of runoff from these areas has
18 not been substantially altered or impaired. These areas
19 shall qualify for one of the following items," and I would
20 suggest to you that we qualify on two of those items. Once
21 the additional land is purchased, we will meet the first
22 requirement; that is, "housing density ranging from

1 one dwelling unit per five acres up to four dwelling units
2 per acre," and secondly, we would meet the second require-
3 ment, "areas not dominated by agricultural, wetland, for-
4 est, barren, barren land, surface water or open space."

5 I would suggest to the Commission that the
6 property, as I have described it to the Commission, better
7 fits the definition for the Limited Development Area,
8 rather than the Resource Conservation Area. It's not a
9 farm. It's not a forest. There are no natural habitat--
10 animal habitats--that need to be protected there. It is,
11 in essence, a residential lot within the residential com-
12 munity.

13 And, finally, the third and perhaps most
14 logical reason that I can think of to keep it there, is
15 that the intended activity of Miss Lease in selling the
16 property will in absolutely no way endanger the purpose or
17 the intent of the Critical Areas legislation.

18 As you will notice from the topo lines on the
19 property, the back lot--the gray and the green areas--any
20 runoff from that does not go into the, into the river.
21 Everything goes into the pond and stays there. There is no
22 outlet from that pond to seep into the river. So there

1 cannot possibly be any endangerment to the--in terms of
2 pollution or runoff--to any of the waters of the Chesapeake
3 Bay by having, letting Miss Lease do that.

4 The; we would suggest to the Commission that
5 this is a sensible thing to do, and that it ought to be;
6 the Plan and the Map ought to be amended to change Miss
7 Lease's lot from Resource Conservation to Limited Develop-
8 ment. Thank you very much.

9 CHAIRMAN BOWLING: Thank you. Steve Bunker.

10 TESTIMONY BY STEVE BUNKER

11 MR. BUNKER: My name is Steve Bunker. I'm with
12 the Chesapeake Bay Foundation. We have been following the
13 Critical Areas Program for quite some time, and we are in
14 the process of reviewing all of the municipal and county
15 programs.

16 We have preliminarily reviewed the Calvert
17 County Program. In terms of the text, we have some
18 specific comments which we would like to submit in
19 writing. In general, though, the text appears sufficient
20 to meet most of the Program requirements.

21 We've also reviewed the maps, and we have some
22 significant comments on the maps, most of which I would

1 like to submit in writing, but I would like to comment on
2 some of the parts of the maps here tonight.

3 Most of our concerns with the maps relate to
4 the designations of areas as IDA. Specifically, the Sol-,
5 the entire Solomon's Town Center is now designated as an
6 Intensely Developed Area. Although we do support the use
7 of town centers for future growth, and in fact that is
8 specifically mentioned in the criteria as one of the pur-
9 poses and goals of the Program, we do question some of the
10 areas in Solomon's Town Center which were designated IDA.
11 Many of them appear to have more characteristics of an LDA,
12 a Limited Development Area, than they do an IDA.

13 In addition, we have some, some questions as to
14 why the Rowsby (ph.) Hall area was designated an Intensely
15 Developed Area. There is the El Paso Marine Terminal on
16 one portion of that area, that was designated Intensely
17 Developed, but the remainder of that area is primarily
18 fairly low density residential.

19 In addition, there are some small areas up in
20 St. Leonard Creek designated IDA, which don't seem to have
21 the characteristics of an IDA, and also most of them are
22 smaller than twenty acres, which is the minimum size

1 requirement for Intensely Developed Area. We question why
2 they were designated IDA, as well as a larger parcel
3 upstream from the White Sands Marina complex.

4 As of December 1st, 1985, to my knowledge,
5 there was no structures on that property which would
6 justify an Intensely Developed Area designation.

7 In addition, we; although we realize that the
8 Willows and the --Cliffs areas perhaps have the density to
9 classify them as IDA's, we believe that they have more
10 characteristics of an LDA, and in fact I suspect; I can't
11 speak for the residents in those areas, but I would guess
12 that they would probably rather have an LDA designation.

13 We have some comments on the map and also of
14 the LDA areas, primarily in the use of underlying zoning to
15 define areas as LDA. Of course, these areas have to have
16 the characteristics of an LDA, and the underlying zoning is
17 not to be used to designate these areas as Limited or
18 Intensely Developed Areas.

19 In addition, there are some very small parcels
20 designed LDA in the midst of large areas of RCA, and we
21 have some questions as to, as to why they were singled out
22 for LDA designation.

1 In all fairness to the county, we have, we have
2 not had an opportunity to talk with them about our con-
3 cerns. All we ask is that there be some justification
4 given to the Commission for why these areas were designated
5 as they were. And, as I said earlier, we will submit spec-
6 ific comments.

7 I want to end my comments by saying, from per-
8 sonal experience I know that the elected officials in this
9 county have a deep commitment to environmental protection,
10 and I know that this county also has an excellent Planning
11 staff, and we look forward to discussing our concerns with
12 them. Thank you.

13 CHAIRMAN BOWLING: Thank you, Steve. Comp-
14 troller Goldstein, I believe you're next on the list, if
15 you're ready, sir. (Pause.) Mr. Goldstein, Carolyn
16 informs me that there are some more lists out there, if
17 you'd rather wait until the very end.

18 COMPTROLLER GOLDSTEIN: Well, there's some
19 other folks ahead of me. I don't want you to skip any-
20 body's turn.

21 CHAIRMAN BOWLING: Or if you'd rather go
22 ahead. It's up to you, sir.

1 COMPTROLLER GOLDSTEIN: Well, if you have some
2 other folks that signed up, I'll wait my turn.

3 CHAIRMAN BOWLING: At this point, I have no
4 others, unless there are others signed up out there.
5 (Pause.) Thank you. I have three people here. An Ozzie
6 Wilson, from Solomons.

7 TESTIMONY BY OZZIE WILSON

8 MR. WILSON: Members of the Commission, I am a
9 resident of Calvert County, a resident of Solomons Town
10 Center, on Back Creek. I wanted to voice my support for
11 the Critical Areas Commission law, as written.

12 I feel that the, Calvert County's request for a
13 variance to the setback requirements in the Solomons area
14 is out of order and should not be allowed. Solomons area
15 is a very, is a very sensitive area, and I feel that they
16 should maintain the one hundred foot setback for any
17 undeveloped areas.

18 I have a letter here I'd like to present as
19 part of the record. Thank you.

20 CHAIRMAN BOWLING: Thank you, sir. Ken
21 Diffenderfer. Is that it?

22 TESTIMONY BY KEN DIFFENDERFER

1 MR. DIFFENDERFER: Good evening. My name is
2 Ken Diffenderfer. I'm a resident of Solomons Island, Back
3 Creek, and I'd like to express my support for the most
4 stringent enforcement of the report by the Critical Areas
5 Commission. I, too, concur with Mr. Wilson. I don't think
6 there should be any exceptions allowed to the hundred foot
7 setback.

8 There are a number of protected water fowl
9 which live in the area. There is a very tenuous
10 re-emergence of subaquatic vegetation that's critical to
11 the wellbeing of the bay, and I'd like to submit for the
12 record a copy of a letter which I have written today to the
13 County Commissioners.

14 CHAIRMAN BOWLING: Thank you, sir. F. Hamer
15 Campbell, Jr.

16 TESTIMONY BY F. HAMER CAMPBELL, JR.

17 MR. CAMPBELL: Thank you, Mr. Chairman. For
18 the record, my name is F. Hamer Campbell, Jr. I'm Director
19 of Government and Legislative Affairs for the Suburban Mary-
20 land Building Industry Association. If I may, I'd like to
21 read a letter from the president of our southern chapter
22 into the record this evening.

1 The letter is addressed to the Honorable
2 Solomon Liss, Chairman of the Commission:

3 "Dear Judge Liss: The members of the Southern
4 Maryland Chapter of the Suburban Maryland Building Industry
5 Association, specifically, our members here in Calvert
6 County, appreciate this opportunity to present our views to
7 the Critical Area Commission on the approval of the
8 County's draft local plan.

9 "I am sorry that I could not be here this
10 evening at the Calvert County High School to personally
11 make this presentation.

12 "Our industry supported the broad goals of the
13 bay initiatives, recognizing the unique resource the
14 Chesapeake Bay is to the State of Maryland and this
15 county. Though we differed with the thrust of some of the
16 specific provisions of the Commission's guidelines, we are
17 here tonight to support the Calvert County's draft
18 ordinance.

19 "At the county's local hearing, held on October
20 13th, 1987, we presented several suggestions at the time,
21 including a request to expand those excludible areas under
22 Section 8-1807 of COMAR, that would delete the county's

1 town centers and the established sanitary districts from
2 the Critical Area maps.

3 "I have attached our comments presented at that
4 meeting, and submit them as part of the testimony of public
5 record for your consideration. I believe they are self
6 explanatory. However, if the Commission rejects these
7 requests, we would urge you to make no further changes in
8 the proposed county ordinance and approve it as submitted.

9 "We believe the county's draft plan meets the
10 intent and spirit of the criteria as developed by the
11 Commission and approved by the General Assembly.

12 "Thank you for this opportunity to present our
13 views.

14 "Sincerely, Raymond Kenney, President, Southern
15 Maryland Chapter, Suburban Maryland Building Industry
16 Association."

17 CHAIRMAN BOWLING: Thank you, sir.

18 MR. CAMPBELL: Thank you.

19 CHAIRMAN BOWLING: Is there anyone else who did
20 not sign up that would like an opportunity to speak?
21 Comptroller, it's up to you, sir.

22 TESTIMONY BY COMPTROLLER LOUIS L. GOLDSTEIN

1 COMPTROLLER GOLDSTEIN: I just wanted to wait
2 my turn, sir. I didn't want to come in here and take any-
3 body else's turn. Mr. Chairman and distinguished members
4 of the Commission, my name is Louis L. Goldstein. I'm here
5 tonight as a private citizen and a property owner of Prince
6 Frederick, Calvert County, Maryland.

7 I'd like to refer to my parcel of land, Parcel
8 28, Tax Map 19, which property is owned jointly by my
9 lovely wife Hazel and myself, and the thing; on this map,
10 it's now Resource Conservation. Adjoining that property is
11 102 acres directly south of Plum Point, and runs back to
12 the Wilson-Plum Point state road. The property to the
13 north of me is a mobile home park, and that's classified as
14 LDA. Directly behind, to the north and to the west, is a
15 subdivision.

16 So on two sides of that property, it's highly
17 developed. And our property is bordered on the west by the
18 improved state road. It is well drained, wooded, and the
19 Chesapeake Bay is protected. I've owned that property for
20 years, and I feel that should be classified as LDA.

21 And I have another tract which is right at the
22 mouth of Parker's Creek and the Chesapeake Bay, and I see

1 on the map they have -- the map in one part, so it's pretty
2 hard to tell from the map how much land that includes.
3 They had it classified wrong as wetlands. It's solid land,
4 which joins the Parker's Creek on the north and the Chesapeake
5 Bay; well, it actually; yes, to the north; well, to
6 the east is the Chesapeake Bay, and I'm on the north side
7 of Parker's Creek, and I planted that ground years ago with
8 that ocean-type grass that you get down in North Carolina,
9 like they use down at Assateague Island, and the ground is
10 just as hard as this maple floor here. It's never
11 flooded. I've owned it since, almost forty years.

12 That's right at the mouth of Parker's Creek.
13 You see on the map, there, I'm on the north side of
14 Parker's Creek, and Dr. Pays Jett and his family own the
15 south side of Parker's Creek. But it's pretty hard to tell
16 from the map how much land has been reclassified.

17 The way I understand it, in other words, you
18 excluded all the wetlands. Then you take a hundred feet,
19 and I don't know whether the hundred feet's added into the
20 thousand feet or not.

21 CHAIRMAN BOWLING: That's part of the thousand
22 feet.

1 COMPTROLLER GOLDSTEIN: Part of the thousand.
2 So, in other words, I have a; and that marsh is dry. I can
3 remember the boys, before I ever owned the property, they
4 used to cut hay on there and years ago we used to pasture
5 our sheep and cattle on that marsh. It's very dry land,
6 but I feel it should be reclassified as a Limited; that is,
7 Conservation, but I'll be very glad to prepare a statement
8 with reference to that.

9 I wish to thank you all for coming down here
10 tonight and giving the citizens of our county an oppor-
11 tunity to express themselves. I'm a conservationist, sir.
12 I've been planting trees for years and years and years--
13 long before your program ever came along, sir. I know how
14 to plant trees and I know how to take care of the land. I
15 paid for that land. I worked long and hard to buy that
16 land, and I take care; I love every foot of it, and I've
17 loved it and taken care of it and used every kind of
18 conservation -- that's in the book, long before the conser-
19 vation program of the Chesapeake Bay came along.

20 CHAIRMAN BOWLING: Thank you, Mr. Goldstein.
21 Is there anyone else who would like to make a comment? If
22 there are no other persons here who want to make a comment,

1 I would remind you that written comment can be made to the
2 Office of the Commission, anytime in the next what? Ten
3 days? Ten days. And if it's; anyone would like to do
4 that, please do so.

5 If there's no one else to speak, then I will
6 declare this meeting at an end.

7 (Whereupon, at 7:40 p.m., the meeting was
8 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:
CHESAPEAKE BAY CRITICAL AREAS COMMISSION
MEETING DATE: January 14, 1988, 7:00 p.m.
PLACE: Calvert High School, Prince Frederick, Calvert Co.
represents the full and complete proceedings of the afore-
mentioned matter on said date, as reported and reduced to
typewriting.


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