

Public Hearings - Calvert County - Rymer Property 1989 MSA - S1830-58

1 IN THE MATTER OF * BEFORE THE CRITICAL
2 THE RYMER PROPERTY * AREA PANEL

3

4 175 Main Street
5 Prince Frederick, Maryland

6 Thursday, February 9, 1989

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

9

10 BEFORE: Critical Areas Panel.

11

12 APPEARANCES:

13 Samuel Bowling, Chairman, Critical Areas Panel.

14 James Gutman, Critical Areas Panel.

15 Ronald Karasic, critical Areas Panel

16 Robert Schoeplein, Critical Areas Panel.

17 Sally McGrath

18 Calvert County Department of Planning and Zoning

19

20 David Brownlee

21 Calvert County Department of Planning and Zoning

OTHER APPEARANCES:

Michael Brooks

Gracie Rymer

21

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DNR
CRITICAL AREA COMMISSION

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Testimony of Michael Brooks

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P R O C E E D I N G S

1
2 MR. BOWLING: Let's begin this hearing. The purpose
3 of it is to consider the extensive of the critical area
4 for the Rymer property over here. Let me introduce the
5 panel, if I may. On my right, far right, is Ron Karasic
6 from Baltimore, James Gutman from Anne Arundel, I'm, Sam
7 Bowling from Charles and this is Bob Schoeplein from the
8 Economic Development Commission.

9 With that, the County would like to go ahead and
10 make its presentation.

11 MS. MCGRATH: I'm Sally McGrath from the Planning
12 and Zoning Staff and we have my silent friend here, Dave,
13 and we need to -- can you distribute those while I introduce
14 them -- and the applicant, Mrs. Gracie Rymer, is here
15 and Mike Brooks, Landscape Architect. And, on behalf
16 of Calvert County, I'd like to welcome you all down here.
17 We appreciate very much your coming tonight. I know you've
18 had lots and lots of these hearings. We really appreciate
19 your coming down.

20 This property is located on Tax Map #16, and it's
21 right below the Natural -- this is the Natural Heritage

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1 area and this is Camp Roosevelt and it's right in here
2 on the Critical Area map. And its parcels are all of
3 Parcel 7 and that part of Parcel 21 which is located east
4 of Route 261. The owner is the Carpenter Property, Inc.
5 and Wire Rest, Inc., Robert Page Jett and the applicant
6 is Mrs. Gracie Rymer. The County Commissioners and the
7 Planning Commission held a joint public hearing on October 25,
8 1988 and they unanimously approved, recommending to the
9 Commission that this be extended and they forwarded the
10 Amendment to the Critical Areas Commission on November 1.
11 Since that time, the staff of the Natural Resources have
12 looked at it, been out, walked the property and the Critical
13 Areas Commission staff has reviewed the Amendment. And,
14 of course, tonight is the public hearing.

15 The proposal would be to add all of the property
16 east of the part that's now in the critical area and put
17 it in to the critical area, making a total of approximately
18 125 acres. At the present time, the zoning on the whole
19 parcel is rural. On the part that's outside the critical
20 area and the part that's in the critical area has been
21 designated RCA. It's mainly woodland, but -- that has

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1 been timbered in the past. Do you know how many years
2 ago it was timbered?

3 MR. BROWNLEE: Not more than 20.

4 MS. MCGRATH: Yeah, and there are existing lumber
5 roads through it. It ranges -- you can see here that
6 here's -- this part is in the critical area and this part
7 is out of the critical area. But, as you can see, it's
8 all really basically the same kind of -- mainly timbered
9 and draining into the bay. There was a creek coming down
10 here, here, so the whole thing is affecting the Critical
11 Area and the Natural Heritage area, even though the Natural
12 Heritage area is only here. Anything that happens back
13 here will affect this part of the site.

14 Now, under present County zoning, you could put
15 three -- three lots here in the Critical Area and another
16 24 back here on this property with all the roads and the
17 septic fields and the housing and the activity the 27
18 lots would bring. And the proposal would be to put this
19 whole area into the critical area which would allow you
20 to have six lots instead of 27. And the County felt that
21 this was environmentally a very sound thing because it

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1 would reduce the amount of human activity and reduce the
2 amount of disturbed area on the whole site and reduce
3 the impact on the Natural Heritage area.

4 We felt that this was a unique opportunity and it
5 did not set a dangerous precedent in this. This is one
6 of four Natural Heritage areas in Calvert County, one
7 of which is up here and is entirely within the town of
8 Chesapeake Beach. So, we would not have any jurisdiction
9 over that. Here, the adjacent property which belong to
10 the people who developed The Willows could be developed
11 in the same way and Calvert County would like to see it
12 developed in the same way, but, at this point, there is
13 no proposal to do that. But I think the Commissioners
14 would certainly -- the Calvert County Commissioners --
15 looke very favorably on their doing the same thing that
16 the -- has, but, so far, the owners of this have not been
17 able to agree on doing that. So, at the moment, you know,
18 we hope the whole thing could be brought in together to
19 finally decide to go ahead with this part. Then the --
20 so that takes care of those two.

21 The next one here is flagged ponds. Can you see that

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1 here? And, I think at least most of it here and I'm not
2 sure, we should have checked on the tax map, is in the
3 area that belongs to BG&E, which is zoned industrial and
4 would not result in houses as part of the area protecting
5 the power plant. And down here at the bottom is the last
6 and fourth one. And this here is Calvert Cliffs State
7 Park and here belongs to the L&G -- Columbia L&G Gas Plant
8 and this is covered by an easement with the Sierra Club
9 so that any disturbance they have to replace and replant
10 and also would never be developed into houses. So, that
11 we feel that this is not setting the precedent except
12 perhaps for this -- the rest of this property. Because
13 we understnad, I mean, we can recognize that you can't
14 just ask, you know, take a flat piece of farm land and
15 add some more land to get more lots on the water, but
16 we felt that this had a great deal of value. We have
17 recieved letters of support for this from the Natural
18 Heritage area, the Bay Watershed Forester, the Planning
19 Commission, and the Board of County Commissioners. There
20 was no opposition at the original public hearing, unless
21 your wives are going to object. It doesn't look like

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1 any of them are here tonight, either.

2 At the public hearing, the Planning Commission recom-
3 mended the establishment of Forestry Management Program
4 on the part of the site that would be added to the critical
5 area. And, as well, they stipulated that the property
6 would never be considered 5% growth allocation, that
7 it would always remain resource conservation.

8 Now, in conversations on the telephone with the Natural
9 Heritage Program, the gentleman from there, he recommended
10 these provisions and I understand since then a letter
11 has been received, but we only got it tonight, so we weren't
12 able to Xerox it and distribute it to you. He requested
13 that they only use existing dirt roads for all travel
14 during construction and afterward. And I think Mike will
15 address that when he shows you the other -- the development
16 plans -- that the roads should be maintained as one lane
17 and slopes greater than 15% should be protected. And
18 no new roads and cover existing ones with gravel to stabilize
19 it. And he recommended putting the western part of the
20 site into a conservation easement rather than a forest
21 management plan, but I think that was because he thought

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1 that a forest management plan, by definition, meant timbering
2 and I think Mike will explain that there are forest manage-
3 ment plans that are for protecting wildlife that do not
4 require any timbering. So, if it's all right with you,
5 I'll turn it over to Mike and let him continue the explana-
6 tion.

7 MR. GUTMAN: I just wanted to understand -- were
8 the decision not to include this trend, am I correct in
9 believing that there could be a maximum of only three
10 houses allowed on that waterfront piece?

11 MS. MCGRATH: That's right. There would be three
12 houses along the waterfront and the rest of the site could
13 be developed as 24 houses under the current Calvert County
14 zoning.

15 MR. GUTMAN: So, so, what you're proposing enables
16 the owner of the waterfront parcel to have six lots as
17 opposed to three?

18 MS. MCGRATH: That's correct.

19 MR. GUTMAN: And those lots would be approximately
20 how many acres?

21 MS. MCGRATH: Well, Mike will show you. He has actual

1 sketches to show you what they're proposing, how they
2 would propose dividing it up and where the roads would
3 go, where the houses would go. And the houses -- do you
4 have that to show?

5 MR. BROOKS: Yes, I do, sure.

6 MR. SCHOEPLEIN: But that critical area is approximately
7 55 acres total?

8 MS. MCGRATH: Yes.

9 MR. BROOKS: The exact survey is not complete. It's --
10 I mean, we're not certain whether it's 55 or 60. We believe
11 that there's been shoreline erosions. So, the maximum
12 amount would be three, possibly as few as two lots would
13 be possible under the present plan. And we're going to
14 illustrate for you tonight the worst case of, you know,
15 maximum development of both concepts.

16 MR. BOWLING: Do the current tax records show how
17 many acres?

18 MR. BROOKS: They do show the whole, the total 125
19 acres, I believe, as total ownership.

20 MR. BOWLING: But they need 60 some in the critical
21 area?

1 MR. BROOKS: I don't believe that the critical area
2 is delineated on the tax map as a separate parcel.

3 MS. MCGRATH: Until it's surveyed, it's not usually
4 a separate parcel, so we can only estimate how much there
5 is.

6 MR. BOWLING: Well, even if there has been some shore-
7 line erosion and the critical area moved back and we go
8 a thousand feet farther --

9 MR. BROOKS: Correct.

10 MR. BOWLING: So, the amount of acreage that's in
11 the critical area is still the same.

12 MR. BROOKS: Right. With the exception of the proposal
13 which, you know, total number would have to be --

14 MR. BOWLING: Smaller.

15 MR. BROOKS: No less than 120, if six lots were to
16 be accomplished.

17 MR. BOWLING: So, if there were 60 acres in the critical
18 area and if there were still 60 acres in the critical
19 area, they would be reduced in the rear portion rather
20 than the front portion.

21 MR. GUTMAN: The erosion rate is about how many feet?

1 Per year? For five years? What, what is -- how severe
2 is it --

3 MR. BROOKS: I'm not certain of the exact number
4 on my --

5 MS. RYMER: I don't know technically, but we've had
6 the property next door which is the yellow property there
7 to the left of the green Camp Roosevelt. And the only
8 cliff erosion we had was in '85, the fall of '85, when
9 we had that terrible week of wind and rain and we had
10 some cliff erosion then, but it was really where it cut
11 back into the cliff in a couple places. But I would,
12 you know, if there is erosion, and I'm sure there is,
13 it's, it's not obvious. Do you know what it is that they --

14 MS. MCGRATH: Well, in certain parts, I've heard
15 that it's said that it's two feet a year, but those would
16 be the extreme cases where erosion was taking place.
17 Up there, I don't believe that it's --

18 MS. RYMER: At least not in the last 20 years there,
19 except for the '85 storm. And that really didn't do the
20 whole cliff. It just cut back in a couple of places and
21 eroded it out.

1 MR. GUTMAN: Well, the reason I ask is that there
2 is a buffer requirement for it and it seems that if there
3 were development, we'll say in the year 1990, allowing
4 for a buffer of say 50 feet or 100 feet, whatever the --
5 will be then, in 19 -- in 2020, our buffer may not be
6 the same dimension.

7 MS. MCGRATH: Calvert County's Ordinance specifically
8 addresses development along the cliffs and allows for,
9 or requires, an increased set-back according to how high
10 the cliffs are, because we have had a lot of problems
11 in the areas of like Science Cliffs where houses are literal-
12 ly falling into the water. So, we have tried our best
13 to prevent this situation in the future. And, Dave, you
14 probably know better than I do.

15 MR. BROWNLEE: The formula is one and a half times
16 the height of the cliff plus 20 feet, so, I don't know
17 what the height of the cliff is in that area --

18 MR. BROOKS: It's as high as 92 feet.

19 MR. BROWNLEE: Say, it was 150, 170 feet, above mean
20 high water. I would be a set-back --

21 MS. MCGRATH: So, this would be your building set-back

1 required by Calvert County under its existing laws. It has
2 nothing to do with critical areas.

3 MR. BROOKS: Gentlemen, for the record, my name is
4 Michael Brooks. I'm a registered landscape architect
5 in the State of Maryland and I've been retained by the
6 applicant, the contract purchaser of the property, as
7 site planner and -- for the eventual development of the
8 property. And I -- maybe through illustrations I can
9 answer some of the questions that you've already raised.
10 And your point about the fact that the critical area is,
11 in fact, sliding back, if the shoreline is sliding back,
12 is correct and I was thinking in terms of the total number,
13 so, we also are not certain about the exact location of
14 these plans and whether or not we have good basic infor-
15 mation. As a matter of fact, we're having boundary survey
16 done at this point in time. One has never been prepared.
17 So, you can't be exactly precise.

18 So, what I will illustrate is sort of worst case
19 condition for you, assuming that there would be as much
20 as 60 acres within the present Critical Areas Commission
21 and that when, if you agree and the Critical Areas

1 Commission agree to expand the Critical Area that there
2 would be at least 120 acres. What we have done is study
3 the property two ways. One in which -- one assuming that
4 the existing ordinances would remain -- designated to
5 remain in place -- and illustrate for you what would occur
6 as a matter of the existing zoning law and what I'm showing
7 you then is a, an enlargement. This is a 200 scale showing
8 you the property which is located here. This is Route
9 261 in this particular location.

10 This is a 100 -- 1 inch to 100 feet scale drawing
11 and we have -- we're competent in the topographic data
12 we have, that's aerial topography. So, we were very careful
13 to map to the -- both the 25% slope which, under the County
14 Ordinance, requires mapping for steep slopes and the 15%
15 slopes for a Critical Area map which is required. So,
16 this map does display, if you look closely enough, the
17 exact slope conditions for this site.

18 This proposal -- this drawing illustrates what would
19 be allowed in terms of, if there was 60 acres, the three
20 lots along the shoreline and total of 24 lots averaging
21 one unit per five acres within the residual. This would

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1 also require then, of course, development of a public
2 roadway within a 50 foot right of way and then access
3 to individual lots could be accomplished through five
4 steps and perhaps, as we illustrate here, the shared
5 driveway as long as there were weekly plotted points
6 of access to the public road. This illustrates kind
7 of the worst case situation if, you know, if there were
8 not shared driveways or let them have their own separate
9 driveways. And I've tested all of these lots. They,
10 they generally do work with a drain field and given the
11 steep slope condition of the site. Not easily in some
12 cases. This, this roadway would go down at a grade of
13 10% and then come right back up to a grade of 15%. So,
14 it would be a pretty heavy grading operation to get it
15 in place.

16 The path that we think is significant to you as you
17 consider this, this application is that, notwithstanding
18 the shoreline issues, there are also the impacts of the
19 Bay from what might happen in terms of sediment and other,
20 other things happening with the stream which, of course,
21 careens the entire property directly to the Bay. And,

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1 we think that this intensive development surrounding
2 that stream upsloped from it on steep slopes, that there
3 will be a significant impact.

4 So, our alternative then is to -- within the expanded
5 Critical Area -- develop six lots. And, as you can imagine
6 and it's no secret, that we would want to see the house
7 sites as close to the Bay as possible because of the
8 value of the six lots then, of course, is enhanced.

9 And the economics justify then this concept on that basis.

10 If we were asked to move it back or in any other way
11 to depreciate the value of these lots as not being water-
12 view lots, then the thing probably wouldn't work. But,
13 in talking -- but we think that by being very careful,
14 the siting of these houses within the less than 15% slops
15 areas would be explicit in our covenants -- we will have
16 a Homeowner's Association -- be explicit in our covenants
17 about protection of steep slopes, particularly with im-
18 proved drains and storm water drainage from the surfaces
19 for then each house -- that we can accomplish with good
20 management practices in terms of the actual development
21 of the residential sites will not damage the environment

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1 and get the off-setting advantage of this entire watershed
2 would not be exactly --

3 Now, roadways often are a critical issue in terms
4 of accessing a property and what we're happy to report
5 to you is that every one of the -- both roadways that
6 we're showing here, access to each residence is actually
7 within the limits of existing farm roads. And Dave --
8 I've shown this drawing to Dave just so that it will
9 verify that what I'm saying is correct, it's very difficult
10 to see, in some respects, all of the roadways because
11 they are very faint. But this drawing -- I'm sorry --
12 this aerial photograph of the property will demonstrate,
13 if you look closely, that what I'm saying is correct,
14 that those roads do exist and can be seen from this
15 photograph.

16 Furthermore, we have walked the entire property
17 with the Bay Watershed Forester -- and he has confirmed
18 this fact. In fact, I had originally planned, just
19 looking at the topography, without -- prior to going
20 on the site -- I had originally planned a roadway that
21 would come up to this direction and give a little more

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1 direct route. But, in walking the field, we found that
2 this roadway does exist and exists in good form and that
3 actually, when we reached the top of the most steep portion
4 of the area is less steep here than it would be over
5 here.

6 So, Dave Gailey has been with us on the site and
7 has walked every one of these locations and, from his
8 point of view, finds that this is an acceptable proposal
9 and meets some of the objectives that we were setting
10 out to achieve. Furthermore, in Dr. Tindall's letter,
11 he's asking that precisely this be accomplished. That
12 the roadways be within existing farm roadways and that
13 the gravel surfaces be limited to one lane and prepared
14 within the limits of Calvert County restrictions do exactly
15 that. We will provide public access and it's very hard
16 to see the lot lines on this because the lot lines are
17 quite linear to the shape we are attempting to create
18 20 acre average lots throughout the project. But each
19 of the lots would have frontage on either Camp Roosevelt
20 Drive -- two of them have frontage on Camp Roosevelt --
21 and the remaining four have frontage on a little -- access

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1 to this point which would constitute public access from
2 a record plat standpoint, but, in fact, the actual access
3 would be on an easement that would be maintained by the
4 Homeowner's Association and guided by their regulations.

5 MR. GUTMAN: And that roadway would satisfy public
6 and county zoning?

7 MR. BROOKS: Right.

8 MR. GUTMAN: Fire and safety?

9 MR. BROOKS: The question we have is whether we
10 can, in fact, limit the width to actually one lane.
11 You know, it may either be a 12 foot gravel roadway and
12 the existing farm roads will or would stand in the --.
13 We will work with the County in the near -- to keep it
14 to the minimum amount that will still satisfy these
15 requirements.

16 MR. BROOKS: Correct. Yeah, that's great.

17 MR. BOWLING: What do you do when you meet another
18 car on that road?

19 MR. BROOKS: With ten to twelve feet, you can squeeze
20 by. Cars are roughly six feet and you've got shoulder
21 there.

1 MR. BOWLING: I think you'd better put a -- down
2 here.

3 MR. BROOKS: You know how these roads do develop,
4 in fact.

5 MR. BOWLING: You can give them a half a mile of
6 travel lane.

7 MR. BROOKS: I imagine in the neighborhood of more
8 than once --

9 MR. SCHOEPLIN: I'm not completely clear on this
10 little, the entire -- is one parcel and -- I'm not sure
11 as to the six home sites in their entirety -- the entire
12 parcel --

13 MR. BROOKS: We would, we would divide the entire
14 parcel into lots. We would have a Homeowners' Association
15 to manage the common easements, but not common land.
16 All the land would be divided into fee simple lots.

17 MR. BOWLING: Each person would own a portion of
18 it, correct?

19 MR. BROOKS: That's correct.

20 MR. BOWLING: There would be no common ownership
21 or nothing reserved?

1 MR. BROOKS: Only the right into the easements --

2 MR. GUTMAN: You actually have lot lines?

3 MR. BROOKS: Yes, I do. And I can show you this
4 very closely for a moment, quite close.

5 MR. GUTMAN: I can see better now.

6 MR. BROOKS: Yeah. It's very, very deceptive.
7 But here are the --

8 MR. GUTMAN: Yeah.

9 MR. BROOKS: They're very linear. But now this
10 is -- this in effect illustrates kind of an idea that
11 we have about this project. We think that selling 20
12 acres to someone as their lot is a good idea from the
13 marketing standpoint, but, in actual usage, it will be --
14 there will be no way to differentiate and to prohibit
15 separating these various lots by fence lines and that
16 sort of thing, one from the other. Furthermore, we will
17 establish the Forest Management Program and we'd like
18 to speak to the recommendation that Dr. Tindall made
19 with a conservation easement might be a better way to
20 establish unified control of the land. We believe --
21 and I think his concern was -- that Forest Management

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1 often is associated with commercial timbering and, in
2 fact, DNR -- the DNR, State Forestry, could design the
3 Forest Management Plan that would create the greatest
4 commercial yields for the property and we could manage
5 the property in that way. He can also design the plan,
6 however, to create an environmentally suitable management
7 plan that enhances the forest as a habitat. And he's
8 perfectly willing to do that. Many times we'll talk
9 about the property and he's prepared the -- plan in that
10 direction. Quite frankly, we would like to go in this
11 direction, because we like the owner -- property owners
12 to have control over their own destiny rather than easement
13 off that control to somebody that's a third party. And
14 this is just a matter -- we think they're going to be
15 more concerned about how their land is managed than some
16 other individual -- another organization, I'm sorry.

17 MR. GUTMAN: I wonder if you would just give me
18 an idea of the set-back of the closest measurements
19 to --

20 MR. BROOKS: Yes, sir. This -- let me show --

21 MR. GUTMAN: That is not one of the --

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1 MR. BROOKS: This one down here? This is probably
2 the closest you could get --

3 MR. GUTMAN: This line represents what exactly?

4 MR. BROOKS: This is the -- what is under Calvert
5 County Critical Area Program, the set-back. You see
6 it wanders. Its minimum distance is 100 feet. But,
7 given the height of the cliff, we have the one and a
8 half plus --

9 MR. BROWNLEE: Twenty.

10 MR. BROOKS: Twenty, that's right. One and a half
11 and I've done my best to map that because I've been using
12 that formula. So, in fact this would be perhaps 100
13 feet because the cliff actually becomes very shallow
14 here where there's an extreme valley as it does down
15 at this location, where it's very steep and this is the
16 steepest portion reach as high as 92 feet above the water
17 level. You see it extends back to at least to the full
18 170 something feet. So, that's how we've mapped this
19 and we've set the house sites, again, within the 15%
20 areas and behind that line.

21 MR. GUTMAN: So, your closest one might be 100 feet

1 from the -- the water's end?

2 MR. BROOKS: And I believe that none of them are,
3 in fact, that close, you know, in fact, this line, you
4 see, goes back more than 100 feet, even though this is
5 approximately 100 feet to set the house back a little
6 farther. This goes back probably at least 150 feet and
7 this is back, I'd say, 120 feet. And there's one that's,
8 of course, back farther.

9 MR. KARASIC: This is back farther.

10 MR. BROOKS: We have select house sites that really
11 work in terms of steep slopes. And we want to be sure
12 that we do not, in fact --

13 MR. GUTMAN: Now, a totally different question.
14 What has been recorded and would be part of the deeds
15 that would prohibit any additional development on these
16 owned lots? There are, obviously, I know, restrictions
17 under Critical Areas, but what in the deed will prevent
18 any thought regarding the mind of the future owner in
19 attempting a further subdivision?

20 MR. BROOKS: That's an excellent question. First
21 of all, the establishment of a record lots within the

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1 Critical Area in Calvert County will pretty much, from
2 a zoning law standpoint, restrict additional use. But,
3 more than that and I think you're getting right at the
4 essence of a very important point -- more than that --
5 you can draw plans, particularly when you have large
6 areas that are -- development. It's how you actually
7 manage the development that counts. And that's where
8 we will be developing a set of covenants that will be
9 recorded with the land. We have, in fact, begun the
10 process of outlining those covenants for submission.
11 We have not submitted for preliminary plan approval.
12 When we do, an attachment to the preliminary plans will
13 be an outlined set of covenants to the County staff and
14 they will then determine if they are adequate to achieve
15 a, a sufficient management for this purpose of the plan.

16 MR. GUTMAN: Well, I think I'd like to request to
17 this in order that once you have developed the language
18 for the covenants, that a copy be sent to the Critical
19 Area Commission for their review.

20 MS. MCGRATH: That would actually be part of what,
21 what he would forward to them, I'm sure.

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1 MS. RYMER: I think we have no problem with the
2 covenant that says there would never be any more than
3 one house on 20 acres assuming, for the sake of argument,
4 we have six 20 acre lots, if that's what we end up with.
5 We don't have any problem with that. One thing that
6 Mike didn't cover was on that original one with the 24
7 lots, that was the first one, and I took one look at
8 that and had -- took gas. The -- one of the things that
9 named us a Natural Heritage Area is the Tiger Beach Beetle
10 and the shrews. Now, I don't know anything about shrews,
11 but the beetles are out there and the -- Dr. Tindall
12 was concerned, when he saw that one, in terms of the
13 beach traffic, evidently the hazards to the beetle is
14 the people walking on the beach. And he wanted to be
15 sure that there were no four-wheel vehicles and that
16 sort of thing, but although the less he liked this because
17 of less people on the beach and the beetle.

18 MR. BOWLING: You say you would not mind the restric-
19 tion in the beach that said no --

20 MS. RYMER: No, I don't have any problem with that.
21 I assume that's it anyway, isn't it? Why don't you ask --

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1 oh, you mean the change in law -- oh, we don't have any
2 problem with that. One and twenty is fine.

3 MR. SCHOEPLEIN: Now, Critical Areas is also concerned
4 about the removal of trees. You can tell from the aerial,
5 but I -- you can't tell from the sketch. Are there trees
6 or any of those six proposed --

7 MR. BROOKS: First of all, let me --

8 MS. RYMER: Show him the photos, there are a couple.
9 But those house sites were selected with the forester,
10 too.

11 MR. BROOKS: What we -- what you see is totally --
12 it has been logged within the past 20 years, so we have
13 a successful forest condition here. In fact, it's not
14 as nice as Gracie's present residence in terms of maturity
15 of the timber. It has some very interesting species
16 as well developing. The forester was quite interested
17 in, you know, how thi might be managed to mature into
18 a better forest. You can see as I've illustrated in
19 this drawing which is based on an aerial photograph of
20 where the edge of the forest was at the time that the
21 photograph was taken. So, we've attempted to associate

1 the house site with at least these cleared areas and
2 actually being on these sites to me would be -- we would
3 be removing some trees, but there would be fairly limited
4 tree removal. And, in fact, ironically, in the largest
5 tree removal that would occur would be within the drain
6 field areas. And, of course, we'd limit that to the
7 one-half of the drain field area required for initial
8 installation. So, our covenants will be specific about
9 limiting the, the amount of tree cover that would be
10 removed. We, furthermore, have areas -- we talked about
11 this and it may be depending on the forester's desire --
12 we may incorporate a re-planting of seed increase within
13 some of the open areas, particularly this farmstead here
14 would be a likely location for that to increase the forest
15 cover. We would be explicit to put in the covenants
16 the kind of restrictions that are required in the Critical
17 Areas.

18 MR. BOWLING: The -- that you just described, is
19 there a house there other than that?

20 MR. BROOKS: There's a house there that's vacant
21 at this point. I'm not sure if we would, would not be

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1 interested in --

2 MS. RYMER: It's a tenant house, you know.

3 MR. BROOKS: Pretty dilapidated.

4 MR. BOWLING: Well, it would actulaly pass through
5 one of these newly developed lots?

6 MS. RYMER: Yes.

7 MR. BROOKS: That's correct. And then the covenants
8 will restrict being only one residential unit, if they
9 want to upgrade that house here --

10 MR. GUTMAN: What are the approximate price ranges
11 of these lots?

12 MS. RYMER: I wish I knew.

13 MR. BROOKS: They will be in, certainly, in six
14 figures.

15 MR. GUTMAN: Certainly --

16 MS. RYMER: Well, it's not like Anne Arundel, you
17 know. Two fifty or three, maybe, hopefully, or maybe
18 we'll just, you know, get good like Anne Arundel.

19 MR. GUTMAN: Well, Anne Arundel --

20 MR. BOWLING: Any more questions? Anybody else
21 wish to speak in support of this? Does anyone wish to

1 speak in opposition? We'll keep the record open for
2 five days. If there's no opposition or appeal at the
3 end of five days, this Panel will make their recommendations
4 to the Commission. And as soon as the Commission makes
5 a decision, we will -- Sally, they may ask you to come
6 and correct something.

7 MS. MCGRATH: Fine. So, what meeting of the
8 Commission? Do you know now when the --

9 MR. BOWLING: Perhaps next Wednesday.

10 MS. MCGRATH: Next Wednesday.

11 MR. BOWLING: If not, it would be the first Wednesday
12 of the following month probably.

13 MS. MCGRATH: You will let us know?

14 MR. BOWLING: We will try to -- Thank you very much.

15 (Whereupon, at 8:20 P.M. on Thursday,
16 February 9, 1989, the hearing was 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 Rymer Property.

BEFORE: Critical Areas Panel.

DATE: Thursday, February 9, 1989.

PLACE: 175 Main Street, Prince Frederick, Maryland
20678 represents the full and complete proceedings of
the aforementioned matter, as reported and reduced to
typewriting.

Margaret A. King

Margaret A. King
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