

Public Hearings - Dorchester County - Program Amendments 1989 MSA - 51830 - 60

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DORCHESTER COUNTY PANEL OF CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

IN RE: :  
PROGRAM AMENDMENTS :

County Office Building  
Room 110  
Cambridge, Maryland 21613  
Monday,  
January 9, 1989  
7:35 p.m.

COMMISSION MEMBERS:

- Robert R. Price, Jr.
- William G. Bostian
- Shepard Krech, Jr.
- Samuel Bowling
- Tom Ventre

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**APPEARANCES:**

Steve Dodd  
Planning Director  
Dorchester County

Karen Phillips  
Assistant Planner

**WITNESSES:**

John West  
Skip Miller  
Scott Wallace  
Sandy McAllister  
William Ludlow

P R O C E E D I N G S

1  
2 MR. PRICE: Good evening, I'm Robert Price. In  
3 absence of our panel chairman, I've been selected to act  
4 tonight. And I'd like to introduce the other members of  
5 the Critical Area Commission that are here tonight. Bill  
6 Bostian from Wicomico County, Dr. Krech from Talbot  
7 County, Sam Bowling from Charles County. And we're a  
8 panel of the Critical Areas Commission that is here at an  
9 advertised public hearing for a proposed amendment to  
10 the Dorchester County Critical Area Program. We will  
11 hear testimony from the staff of Dorchester County and  
12 from any other person that would wish to speak. There's  
13 a microphone for comments that's on the far table, and  
14 the stenographer has requested anybody that wishes to  
15 speak to use that.

16 In addition to the testimony that we have --  
17 will hear tonight, we'll keep the record open on this for  
18 10 days, which would be the 19th of -- excuse me -- keep  
19 it open for 7 days, would be the 17th of January, because  
20 we have a commission meeting on the 18th and possibly can  
21 get the matter done. So let's use 7 days, the 17th of  
22 January for any written -- any written comment.

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1           And with that, Steve, do you wish to go ahead  
2 and proceed?

3           MR. DODD: Yes, sir. Thank you, Mr. Price.  
4 Just for the record, my name is Steve Dodd, I am the  
5 Planning Director for Dorchester County. And this is my  
6 associate, Karen Phillips, who is the assistant planner.  
7 I sort of feel like this is old home week because we've  
8 been over this topic several times before, and I'm  
9 hopeful that we're all familiar enough with it and that  
10 we've reached some kind of, at least, tentative agreement  
11 as to how these items should be handled. But as required  
12 by law, a public hearing is required when the county  
13 amends its critical area program, including its critical  
14 area maps. And that is our intent, or that is the intent  
15 of this hearing tonight.

16           As I see it, there are three, basically three  
17 items on the agenda, and if we could take them in this  
18 order, I think it would be more useful. First of all,  
19 the County Commissioners are asking the Critical Area  
20 Commission to adopt certain language that pertains to the  
21 county's treatment of interim subdivisions. The language  
22 in particular is included and is made a part of the

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1 record as page 3 of the handout. If you can give it to  
2 the stenographer a copy of that handout. Page 3, if you  
3 will mark that.

4 This language was adopted by the County  
5 Commissioner on August 23rd, 1988, went into effect in  
6 the county September 2nd, 1988. And this is the same  
7 language which the County Commissioners, at their  
8 December 6th meeting, voted to forward to the Critical  
9 Area Commission for their approval. I don't think it's  
10 necessary to read the language. I think if we could  
11 just go over some of the points so we all understand what  
12 the paragraph means, because in the past, there was some  
13 confusion or some disagreement as to what the intent of  
14 the language is. This language, again, is designed to  
15 give special consideration to subdivisions which were  
16 submitted to the Dorchester County Planning Office before  
17 the Critical Area -- local Critical Area Program was  
18 adopted. The -- not only must the subdivision have to  
19 have been submitted, but also, two other criteria would  
20 have to have been met. For major subdivisions, five lots  
21 or more, the subdivision must have received preliminary  
22 plat approval from the Dorchester County Planning

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1 Commission and, also, the subdivision must have received  
2 critical area assessment approval, also by the Planning  
3 Commission. Our critical area assessment was designed to  
4 satisfy the findings requirement under Natural Resource  
5 Article 8 18 13.

6 For a minor subdivision, less than five lots,  
7 the subdivision would only -- was required to have the  
8 critical area assessment or again, the findings  
9 requirement met by the Planning Commission.

10 There were 19 subdivisions which met that --  
11 either or both of those criteria. And we'll get into  
12 that later as a different topic. But essentially, this  
13 paragraph says that these 19 interim subdivisions do not  
14 -- are not required to meet the design, the new design  
15 requirements for a -- and also the word, the word is  
16 density -- would not be subject to the density provisions  
17 of the zoning ordinance, or to the growth allocation  
18 provisions of the subdivision regulations. In other  
19 words, it's an RCA, if these subdivisions are occurring  
20 in an RCA, they are not required to meet the 1 per 20  
21 density, which is required in an RCA subdivision.

22 Also, the language says, is not to be subject

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1 to the grown allocation provisions of the subdivision  
2 regulations. Let me refer to the growth allocation  
3 provisions of the subdivision regulations. That's  
4 Section 140-51 of the Dorchester County Code. This  
5 section is -- outlines the procedure that a critical area  
6 subdivision requesting growth allocation must follow in  
7 order to be eligible to receive growth allocation.  
8 Again, this section was written for and intended to cover  
9 new subdivisions that were submitted after the local  
10 Critical Area Program was adopted, which again, was  
11 August 23rd, 1988. This is too lengthy, and I don't want  
12 to go over this in too much detail, but essentially, the  
13 general provisions are that in order to be eligible, the  
14 gross tract of land must be at least 20 acres; that the  
15 site must -- the proposed residential density must exceed  
16 1 unit per 20 acres, and there are a number of special  
17 submission requirements, including an environmental  
18 assessment, a detailed site plan, a narrative statement  
19 specifying the impact on the environment. And it goes on  
20 to detail what the review procedure would be, when  
21 plats can be submitted, when the cutoffs are for  
22 submitting those plats, how the plat is reviewed, what

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1 the stages one must go through in order to qualify for  
2 allocation. And finally, the chapter ends with a special  
3 evaluation and ranking methodology, which essentially is  
4 a point system devised by the Planning Commission, which  
5 assigns points to 1 of 13 characteristics. For example,  
6 is the subdivision proposal, is it located near an  
7 existing LDA? What is the average lot size? Is it  
8 forested or is it open space? Are there any unique or  
9 endangered species on the property? The point here,  
10 gentlement, is that these -- the growth allocation  
11 submitted under this Section 140-51 is a competitive  
12 system. And it's designed to reward plats that are  
13 designed to be sensitive to the critical area, to the  
14 inventory or to the resources that are being protected  
15 through the Critical Area Program. And it's quite  
16 possible that the number of subdivision plats submitted  
17 under this section might exceed the available growth  
18 allocation for that period. So it's quite possible that  
19 some submittals will not be funded, if you will, with  
20 growth allocation during any six-month period of time.

21 We are just trying to demonstrate here that  
22 there was a lot of thought that has gone into devising

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1 the system to decide who does and does not qualify for  
2 growth allocation, and that it is and has been our intent  
3 that these 19 interim subdivisions would, because of the  
4 -- meeting these special submission requirements, would  
5 not be required to compete for growth allocation like  
6 future subdivision applications in the critical area.

7 The language that we're proposing, again, that  
8 the Commission accept goes on to say that these  
9 subdivisions, these interim subdivisions must have had a  
10 growth allocation reserved for them and must have been  
11 designed to conform to the Maryland Critical Area  
12 criteria. By that, of course, not only the critical area  
13 assessment which looked at the endangered species and the  
14 habitat of protection areas, the wetlands title and non-  
15 title wetlands have been mapped on all of these 19  
16 interim subdivisions. The forested areas, if it's going  
17 to be clear, we've required that the clearance be in  
18 accordance with the new criteria.

19 The point is that these subdivisions were not  
20 just given a stamp of approval. We did spend quite a bit  
21 of time to make sure that once these subdivisions are  
22 platted, they will be able to be developed and homes will

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1 be able to be built on them. And I think the surveyors  
2 and engineers that are here tonight to represent these  
3 subdivisions will certainly be able to demonstrate to  
4 your satisfaction that these subdivisions, if platted,  
5 can be built on and still meet the critical area  
6 criteria, except for, of course, meeting the 1 for 20  
7 density.

8 MR. PRICE: Steve, you don't say that here, I  
9 don't think, do you? You say it must have been designed  
10 to conform with the Maryland Critical Area criteria.

11 MR. DODD: Meaning the setbacks from the  
12 wetlands, the setbacks --

13 MR. PRICE: But you don't -- but you're not, I  
14 mean, you're not saying that the 1 for 20 doesn't apply.

15 MR. DODD: In the paragraph above it it says  
16 that the program --

17 MR. PRICE: Okay, if you're happy with that.

18 MR. DODD: -- will not be subject to the  
19 density provisions of the zoning ordinance -- density  
20 provisions of the RCA. Obviously, if they met that, we  
21 wouldn't be here requiring that they get growth  
22 allocation. They would not need to go through this

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1 process.

2 MR. PRICE: It just looks like a grammatical --

3 MR. DODD: This is the language that came  
4 about as a result of a request from the critical area  
5 staff to beef-up or clarify previously drafted language  
6 which certain Commission staff felt was weak. So, I  
7 think we -- I think there's no question that at the  
8 county level, we understand what this means. And we're  
9 trying to have an understanding with the Commission and  
10 the Commission staff which would clear the way for not  
11 only the five subdivisions tonight but the other 14  
12 interim subdivisions which will follow in the future.

13 Mr. Chairman, that's all I have on the language  
14 section of the text amendment section.

15 MR. PRICE: Do you want to go through two and  
16 three while you're doing it?

17 MR. DODD: Yes.

18 MR. BOSTIAN: Let me -- excuse me -- just go  
19 ahead and go for a second.

20 MR. PRICE: Yeah.

21 MR. BOSTIAN: I mean, all I'm suggesting is  
22 that it must have been designed to conform to the

1 Maryland Critical Area criteria except as -- except the  
2 density as spoken above, something along those lines. I  
3 mean, I know what you're trying to say.

4 MR. DODD: We, quite frankly, Mr. Bostian, we  
5 chose to go with this language rather than devise  
6 another, a brand new paragraph that changes in any way  
7 because we were under the impression that if we were to  
8 amend the proposed language, we would then need to go  
9 back to the County Commissioners for more hearings. This  
10 language will only -- it has a short life span. It's  
11 only appropriate for 19 subdivisions and will never,  
12 never be used after those 19 subdivisions have come  
13 through this process.

14 I suppose we could go back in the program and  
15 pick out virtually any paragraph and really have a debate  
16 or discussion or disagreement as to what the language  
17 says. I think if we can clarify that and if we have a  
18 meeting of the minds that we both understand that this is  
19 how this language will be used and for what, I think  
20 that's enough.

21 MR. BOSTIAN: Fine.

22 MR. PRICE: Why don't we go on to two?

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1 MR. DODD: Okay, there are 19 subdivisions  
2 again which meet this qualifying criteria as established  
3 in this proposed paragraph. Those 19 subdivisions are  
4 again listed in your package, let's see, the last three  
5 pages in your handout contains the list. The 19  
6 subdivisions are shown on this inch-to-the-mile scale  
7 county highway map, which is colored up to show the  
8 critical area boundaries, the limited development areas  
9 in brown, the resource conservation areas in yellow, and  
10 the areas with the blue dots on them correspond to the 19  
11 subdivisions, again, the 19 interim subdivisions. The  
12 blue dots are numbered and correspond to the numbers on  
13 your chart, on your handout. The subdivisions which we  
14 are -- or the areas, excuse me, the areas we are  
15 requesting growth allocation for tonight would be numbers  
16 one -- you want to point these out? Heron Harbor,  
17 number two, McKeil Point, number six, Bromwells  
18 Adventure -- I'm looking for Ruxton Landing. Number  
19 five, Ruxton Landing, and number fourteen, which is  
20 listed as William Fitzhugh or it's also known as  
21 Fitzhugh/Whitely, and that is (inaudible).

22 MR. PRICE: Where is that?

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1 MS. PHILLIPS: Right here.

2 MR. PRICE: Is that actually on the water?

3 MS. PHILLIPS: There is at that one point a  
4 creek. There's a creek right up in there (inaudible).  
5 Actually, the entire parcel is (inaudible).

6 MR. DODD: The specified acreage for each  
7 subdivision is listed in your handout. I have not  
8 totalled them, and I don't have a calculator. We've got  
9 approximately 550 acres.

10 MR. PRICE: 524, I think.

11 MR. DODD: Okay, 524. Again, gentlemen, these  
12 are the gross -- I believe this represents the gross  
13 acreage of each subdivision. And the tidal wetlands, as  
14 we all understand, do not -- are not deducted from the  
15 growth allocation. Each of these five subdivisions, the  
16 developer or surveyor here tonight will have the net  
17 acreage minus the tidal wetlands, so we can, I think,  
18 come up with an exact figure for the totals as  
19 represented here.

20 The handouts that you have also gives you a  
21 little -- gives it a little more detail as to the  
22 location of the parcel, the developer's name and address,

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1 the survey and engineering firm, when the application was  
2 received, when the plat approval was granted, if it was  
3 required, when proprietary assessment approval was granted.  
4 So I think you can see when each of these was submitted  
5 and that there has been quite a length of time between  
6 when they were submitted and now.

7 I'm not prepared to submit each subdivision for  
8 you to look at again. As I said last time, I don't  
9 believe that's your role or your responsibility, that's  
10 the responsibility of the Planning Commission. Again,  
11 there are people in this audience who know more about  
12 each subdivision, what its layout is, what kind of water  
13 and sewer systems there are, and they would, I'm sure, be  
14 happy to answer those types of questions.

15 MR. PRICE: Steve, you said there were three  
16 issues and the first one is in line with the second one.  
17 You designate these 19 subdivisions as being the second  
18 issue.

19 MR. DODD: The 5 before you tonight, 5 of  
20 the 19 interim subdivisions is the second issue.

21 MR. PRICE: What's the --

22 MR. DODD: The third issue are the 27 recorded

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1 subdivisions, which, as I understand it, must come off  
2 the allocation and must become LDA. So it must be  
3 redesignated.

4 MR. BOWLING: That's those that have already  
5 been completed.

6 MR. DODD: Completed and recorded before the  
7 local program was adopted, yes.

8 MR. BOWLING: So really, what that is is a  
9 report of growth allocation already utilized.

10 MR. BOSTIAN: Well, or is it an amendment to  
11 the maps?

12 MR. DODD: It is an amendment to the maps  
13 because when the --

14 MR. BOSTIAN: It is or is not.

15 MR. DODD: It is.

16 MR. BOSTIAN: Yes, okay.

17 MR. DODD: When the maps were created, these  
18 subdivisions, these 27 subdivisions did not qualify as  
19 RCA because the -- there was no development or little  
20 development on these properties at the time. They have  
21 been subdivided and recorded in accordance with the  
22 county subdivision regulations, and as I understand, it

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1 must be deducted from the growth allocation that the  
2 county holds.

3 MR. PRICE: You mean, they did qualify as RCA.  
4 They should have been RCA but they were developed as --

5 MR. DODD: They were mapped as RCA, properly  
6 mapped as RCA because of the lack of development.

7 MR. PRICE: But then they were developed in the  
8 interim.

9 MR. DODD: But then they have been developed in  
10 the interim period, yes, sir, before that.

11 MR. PRICE: They were already approved?

12 MR. DODD: Yes.

13 MR. PRICE: Have you given anybody a list of  
14 those 27?

15 MR. DODD: Yes, the list --

16 MR. BOWLING: The last two pages --

17 MR. BOSTIAN: They're in our packet.

18 MR. BOWLING: These two pages, gentlemen. 313  
19 odd acres.

20 MR. DODD: Correct.

21 MR. PRICE: Really, that represents growth  
22 allocation already used.

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1 MR. DODD: Yes.

2 MR. PRICE: Let me ask you about the 19, of  
3 which you've got 5 you're bringing up tonight?

4 MR. DODD: Yes.

5 MR. PRICE: This is my understanding. My  
6 understanding is these other 14 are somewhere and may or  
7 may not ultimately be brought before the panel at such  
8 time.

9 MR. DODD: That's correct.

10 MR. PRICE: I mean, it may be that some of them  
11 may not go forward for whatever reason. I mean, they may  
12 not get Health Department approval or some other  
13 approval.

14 MR. DODD: That's correct. We, in July, we  
15 wrote to the developers of all 19 subdivisions and  
16 locally gave them two years to get through their growth  
17 allocation and final plat approval. So there's a time  
18 limit as to how long they can take to come before you and  
19 ultimately get plat approval.

20 MR. PRICE: So those 19 actually go in our  
21 record, and they're in your record, and somewhere in the  
22 next 2 years may very well come up again.

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1 MR. DODD: Yes.

2 MR. PRICE: Does anybody have any -- okay.

3 MR. BOSTIAN: Bob?

4 MR. PRICE: Yeah.

5 MR. BOSTIAN: Do the maps need to be put on  
6 record, do you think, or --

7 MR. DODD: We are entering that as an exhibit  
8 for you.

9 MR. BOSTIAN: No, I meant the subdivision  
10 plats.

11 MR. PRICE: Well, my understanding at this  
12 stage is that Mr. Dodd's indicated the 5 designated  
13 subdivisions, that there's some spokesman here who can  
14 pin down the exact acreage.

15 MR. DODD: Yes.

16 MR. PRICE: And maybe give us some background  
17 on the 5. A brief background. Is there anyone here that  
18 represents Heron Harbor?

19 MR. WEST: I do.

20 MR. PRICE: Okay, could you -- I think the --  
21 if you'll give us a brief view of --

22 MR. WEST: Well, I'll skip to the numbers.

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1 I'm not sure --

2 MR. PRICE: All right, well, that's what we'd  
3 like to see would be the numbers, particularly as to any  
4 wetlands.

5 MR. VENTRE: Gentlemen, for the record, could  
6 you identify yourselves and who you represent?

7 MR. MILLER: My name is Skip Miller  
8 representing Andrews/Miller Associates, and John West,  
9 who is the developer of Heron Harbor. We have the plats  
10 of section 1 and section 2 of Heron Harbor, which  
11 combined give a total number of lots of 28 lots, 15 of  
12 which are in the critical areas. There are 13 in section  
13 1 here. This is the critical area boundary, and this is  
14 going towards Fishing Creek. These are out of the  
15 critical areas. But within the critical areas, the total  
16 area is a hundred -- the total area is 124.4 acres, and  
17 the total that is being asked for the growth allocation  
18 is 66.2 acres. That excludes the tidal wetlands and  
19 includes just the area within the critical area boundary.

20 MR. PRICE: What was that first figure, a  
21 hundred and --

22 MR. MILLER: 124.4.

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1 MR. DODD: I think both section 1 and section  
2 2, right, Skip?

3 MR. MILLER: Yes, of which the amount in the  
4 critical areas for the growth allocation is 66.2.

5 MR. PRICE: Was the 124.4 --

6 MR. MILLER: 124.4 --

7 MR. BOSTIAN: That's the total acreage.

8 MR. MILLER: Total acreage.

9 MR. PRICE: That's total in and out of the  
10 critical area?

11 MR. MILLER: Yes, all.

12 MR. PRICE: 66.2 in the critical excluding  
13 tidal wetlands.

14 MR. MILLER: Excluding tidal wetlands, yes.

15 MR. VENTRE: Gentlemen, where is it on this  
16 rural map?

17 MR. MILLER: Okay, this is identified as No. 1  
18 on the -- on C list.

19 MR. VENTRE: Can all of you see that?

20 MR. MILLER: And these plats are different from  
21 the one's you saw at the last meeting, which had the  
22 building envelopes, they've all been removed and this is--

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1 MR. PRICE: Is this the one that had the horse  
2 trails or something in the back?

3 MR. MILLER: Yes, that's correct.

4 MR. PRICE: Still have the horse trail?

5 MR. MILLER: Yes. Doesn't go down to the water  
6 but --

7 MR. PRICE: In the wetlands.

8 MR. MILLER: It's not in any wetlands area.

9 MR. PRICE: Yeah. Anybody have any questions?  
10 Bill?

11 MR. BOSTIAN: No.

12 MR. WEST: But this has final Dorchester County  
13 Planning Commission approval, Health Department approval,  
14 all of the approvals are in place in the subdivision.

15 MR. PRICE: I don't think we have any more  
16 questions about -- do you have another one that you want  
17 to --

18 MR. MILLER: Yeah.

19 MR. WEST: He's got both.

20 MR. PRICE: Why don't you do the two you have  
21 and then we'll --

22 MR. MILLER: Okay, we also have the developer

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1 back here, Mr. Scott Wallace, for McKeil Point, which is  
2 identified as No. 2 on the map up here. And this is in  
3 three sections. The total acreage is 199.8 acres. The  
4 total within the critical areas for the growth allocation  
5 is 182.6 acres. And the total number of lots are 32.  
6 Again, this excludes the tidal wetlands, there's very  
7 little of that as you can see here.

8 MR. VENTRE: This is of section 1.

9 MR. MILLER: Yes, this is section 1, McKeil  
10 Point. Section 2 adjoins section 1, is very few lots,  
11 and section 3, which adjoins section 2 and section 1  
12 right there.

13 MR. VENTRE: And is on the point itself.

14 MR. MILLER: Yes, that's correct. And again,  
15 this subdivision has almost all the approvals in hand  
16 right now. Any questions?

17 MR. PRICE: Tom, do you have questions?

18 MR. VENTRE: (Shakes head indicating, no.)

19 MR. BOSTIAN: You said it does have all the  
20 local approvals?

21 MR. PRICE: Almost, he said.

22 MR. MILLER: Almost all of them.



1 MR. BOSTIAN: What's missing, do you know,  
2 approvalwise?

3 MR. WALLACE: The only thing that's missing is  
4 we're -- based on the allocation, when we receive the  
5 allocation, the Corps of Engineers is supposed to turn  
6 over our section 3 on the roads and that's it.

7 MR. MILLER: The first two sections are  
8 approved now. The Corps of Engineers is working on  
9 section 3.

10 MR. PRICE: Sam, do you have any questions?

11 MR. BOWLING: Any idea why the Corps is holding  
12 it up?

13 MR. WALLACE: Because of the fox squirrel.

14 MR. MILLER: And there is a recent letter to  
15 Mr. Dodd, in fact, I think we just received it, from the  
16 Department of Natural Resources regarding the fox  
17 squirrel issue, and there's basically three subdivision  
18 -- or development criteria that will be applied to the  
19 lots out on section 3, which will limit the -- one of them  
20 is -- will limit the location of the house, instead of  
21 being 100 feet from the water, it would be 150 feet from  
22 the water. There's a limitation on how much woodland can

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1 be cleared around the house. And what is the third?

2 MR. WALLACE: There's four lots that DNR put  
3 restrictions on.

4 MR. DODD: I have the letter, this is my copy,  
5 but the courtesy copy to Lee Epstein, so the Commission  
6 does have a copy of the record.

7 MR. McALLISTER: For the record, there's an  
8 identical copy addressed to Mr. Price, as well, and I  
9 assume it's still in the mail. I've gotten a copy of  
10 your letter.

11 MR. PRICE: When did you get yours?

12 MR. DODD: Today.

13 MR. MILLER: What's the date?

14 MR. DODD: The date is the 4th of January.

15 MR. PRICE: I was stretching my memory when you  
16 told me I got it a couple weeks ago.

17 MR. MILLER: What date was that letter, Steve?

18 MR. DODD: It's dated the 4th. The letter  
19 concludes there are certain requests, if you will, by the  
20 Department of Natural Resources as to restriction on  
21 where the homes can go on lots 11, 12, 13 and 14.

22 MR. WALLACE: That's in section 3.

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1 MR. VENTRE: (Inaudible).

2 MR. WALLACE: Correct, right here.

3 MR. DODD: And it concludes by saying provided  
4 these restrictions are incorporated and enforced, we feel  
5 that the Delmarva fox-squirrel habitat on McKeil Point  
6 will be able to support fox-squirrel population at  
7 current levels. Therefore, the service would have no  
8 objection to the LDA designation, given these  
9 restrictions. And it's signed by Gary Taylor, Director  
10 of Wildlife.

11 MR. PRICE: At current levels, I like that.  
12 Did you all agree there were fox-squirrels there or what?

13 MR. WALLACE: No, sir. But this way -- I think  
14 this way it satisfies everybody. Nobody's -- the  
15 absentee fox-squirrel.

16 MR. PRICE: Okay, anybody have any questions on  
17 McKeil Point?

18 MR. WALLACE: It's not the right kind of  
19 neighborhood, I don't think.

20 MR. PRICE: Okay, then, Mr. Miller, you want to  
21 do your third one here?

22 MR. MILLER: Yes. The third one is Bromwells

1 Adventure, which is No. 6 on your list.

2 MR. VENTRE: Just about directly to the south  
3 of --

4 MR. MILLER: Adjoining McKeil Point.

5 MR. VENTRE: It's near McKeil Point, yeah.

6 MR. MILLER: This has a total area, again in  
7 two sections, a total number of lots of 17. The total  
8 acreage is 183.0 acres, and the total growth allocation  
9 area is 141.7 acres. This is section 1 here, and there's  
10 a large area of tidal wetlands here in section 2, which  
11 you can see again is -- has been excluded now.

12 MR. PRICE: What --

13 MR. MILLER: And again, this subdivision --

14 MR. PRICE: What do they call it, Timber Marsh  
15 Lane?

16 MR. MILLER: Timber Marsh Lane.

17 MR. PRICE: Timber Marsh Lane.

18 MR. MILLER: And this project has all  
19 approvals.

20 MR. PRICE: Okay, anybody have any questions  
21 about --

22 MR. MILLER: The fourth one that we represent

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1 is Ruxton Landing, which is No. 5 on your list.

2 MR. PRICE: I think he's a newcomer, isn't he?

3 MR. MILLER: This one is not quite as far along  
4 as the others but has received several approvals, but  
5 final Health Department approval is still forthcoming  
6 from the County Planning Commission. The total area here  
7 is 54.5 acres, which the total growth allocation is 51.1  
8 acres, and total of 14 lots. There's a very small amount  
9 of tidal wetlands around the outside. Now, there is one  
10 area, again, with Department of Natural Resources, with  
11 some concern over forest interior birds in this wooded  
12 section right here. And there will be a limitation of a  
13 maximum of distance that a house or any kind of  
14 development will be allowed to go into the woodland area  
15 there. For the (inaudible) a maximum of 80 feet, and for  
16 any house on lots 12 or 13 or 11 -- 11, 12, or 13, a  
17 maximum of 50 feet into the wooded area. So the rest of  
18 this wooded area will remain undisturbed.

19 MR. PRICE: What is the smallest lot there,  
20 acreagewise?

21 MR. MILLER: Two acres, 2.3 acres, yeah, two  
22 and a quarter acres. And if I added correctly, the grand

1 total acreage of these four subdivision is 561.7, and the  
2 total growth allocation is 431.6, and a total of 91 lots  
3 in these four.

4 MR. PRICE: These four?

5 MR. MILLER: Yes. So that's the end of our  
6 presentation and representation.

7 MR. KRECH: What again was the total growth  
8 allocation that comes off that?

9 MR. MILLER: 431.6

10 MR. KRECH: 431.6, uh-huh, out of a total  
11 number of?

12 MR. MILLER: Out of a total of 561.7.

13 MR. KRECH: 561.7, okay.

14 MR. PRICE: Is there anyone here that --  
15 Fitzhugh/Whitely subdivision that wish to --

16 MR. LUDLOW: Yes, sir, I'm William Ludlow, I'm  
17 representing Mr. Whitely. I have some extra copies of --

18 MR. PRICE: Where is this at?

19 MR. LUDLOW: Gentlemen, I'd be glad to show you  
20 where it's at. Gentlemen, anyway, we're -- growth  
21 allocation for seven (inaudible), which is 19.3 acres,  
22 which lies in the critical area. The total site is just

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1 shy of 21 acres, 20.77 acres. This was laid out in two  
2 sections, section 1 and 2. Of the 19.3 acres, we have  
3 found that after doing a survey, that there is no land --  
4 no tidal marsh on the property itself. We front on  
5 Blinkhorn Creek, which is approximately a mile east of  
6 the Choptank River. That is what makes it in the  
7 critical area is the creek. The properties have a fringe  
8 of woods surrounding the property which abutts the creek.  
9 The rest of the land is farm total soil, which has  
10 received preliminary approval from the Health Department.  
11 And the rest of the subdivision is in the normal process  
12 of approval. As you can see, there are some smaller  
13 lots. We have a small portion of the property which is  
14 not in the critical area which takes in part of lot 1,  
15 the road, and lot 5 and 6. The lots range from a large  
16 5.3 to a small of 1.5. So, we're talking about, compared  
17 to the others, we're talking about a small 19.3 acres of  
18 growth allocation. If there's any questions, I'll be  
19 glad to answer them for you.

20 MR. BOSTIAN: Just out of curiosity, how wide  
21 is your Blinkhorn Creek at your lot 2, 3 and 4?

22 MR. LUDLOW: At 2, 3 and 4, it's not very wide.

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1 MR. BOSTIAN: Is it to scale on here?

2 MR. LUDLOW: I don't show the other side. If  
3 you look at --

4 MR. PRICE: What do you mean, 100, 200 feet?

5 MR. LUDLOW: Let's see, it shows one side.  
6 We're talking that small gut portion in there of probably  
7 maybe around 50 feet, somewhere in that area, maybe not  
8 even that. Most of it, to be honest with you, when the  
9 tide's low, there's no creek.

10 MR. KRECH: All these lots perk?

11 MR. LUDLOW: Yes, they're very good soils.

12 MR. KRECH: Good.

13 MR. BOSTIAN: North part of the county.

14 MR. LUDLOW: Yeah, we're in the north part of  
15 the county, right.

16 MR. BOWLING: Yeah, that's on low tide.

17 MR. LUDLOW: Yeah, that's what it is.

18 MR. DODD: These lots slope up from the water.

19 MR. LUDLOW: Yes, they do, that's right.

20 There's a difference. As you can see, there's some  
21 topography on there, at the edge of the woods, we're  
22 talking about an elevation of 7 and ending up at an

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1 elevation of 24. One of the greatest reliefs in the  
2 county.

3 MR. PRICE: Bill, do you have any questions?

4 MR. BOSTIAN: No.

5 MR. PRICE: Sam?

6 MR. BOWLING: No, no questions.

7 MR. PRICE: Thank you, Mr. Ludlow.

8 MR. LUDLOW: Sure, thank you. I didn't realize  
9 I made that many copies.

10 MR. MILLER: Mr. Price?

11 MR. PRICE: Yes.

12 MR. MILLER: I just discovered why engineers  
13 need to carry calculators. I think I may have made an  
14 error there.

15 MR. PRICE: All right.

16 MR. MILLER: When I gave you 431, it should be  
17 441.6.

18 MR. PRICE: Okay. Does anyone else have  
19 anything to state on either regard to the page 39, I call  
20 it amendment, or the particular subdivisions? Any of the  
21 Commission members have any questions? Mr. Ventre, do  
22 you have anything you wish to add?

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1 MR. VENTRE: I have no comments.

2 MR. PRICE: Okay, with that -- I think the  
3 stage where we are right now is after the panel has this  
4 meeting, we'll bring it up at the Commission.

5 MR. KRECH: I don't know about you, but I see  
6 no reason why we can't bring it up the 18th.

7 MR. BOWLING: I don't either.

8 MR. PRICE: Yeah. And at which time, if it's  
9 approved, then it will be sent back to you for adoption.  
10 So maybe the County Commissioners will get tired.  
11 Okay, any questions about that part of the -- okay, if  
12 not, then we'll declare the meeting adjourned.

13 (Whereupon, the meeting was adjourned at  
14 8:20 p.m.)

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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:

DORCHESTER COUNTY PANEL OF CHESAPEAKE BAY  
CRITICAL AREA COMMISSION  
IN RE: PROGRAM AMENDMENTS

BEFORE: Robert R. Price, Jr.

DATE: Monday, January 9, 1989

PLACE: County Office Building, Room 110  
Cambridge, Maryland 21613

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

*Kevin Keppeler*  
FREE STATE REPORTING, INC.

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DORCHESTER COUNTY CRITICAL AREA COMMISSION

PROGRAM AMENDMENT

This matter came before the public on March 30,  
1989, at 7:30 p.m.

**RECEIVED**

APR 25 1989

DNR  
CRITICAL AREA COMMISSION

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Critical Area Commissioners:

ROBERT SCHOEPLEIN, Chairman  
THOMAS VENTRE, Critical Area Staff  
WILLIAM BOSTIAN  
SHEPARD KRECH  
ROBERT PRICE, JR.  
SAMUEL BOWLING

Director of Planning, Dorchester County:

STEVEN DODD

Andrews, Miller & Associates:

JAMES R. WILSON

Representing the State Planning Commission, Salisbury:

BRUCE BOGMAN

P R O C E E D I N G S

1  
2 MR. BOSTIAN: My name is William Bostian, B-o-s-t-  
3 i-a-n. I'm the representative from Wicomico County, on the  
4 Critical Areas Commission. And on my right is Dr. Shepard  
5 Krech of Talbott County. On my left is Bob Price, from Queen  
6 Anne's County, and Sam Bowling from Charles County. Is that  
7 correct?

8 MR. BOWLING: Correct.

9 MR. BOSTIAN: We're here tonight to look at, how  
10 many, one minor subdivision, as a program amendment to the  
11 Dorchester County program. We do have a record, taken by the  
12 Court Reporter. What is your name, ma'am?

13 REPORTER: My name is Breta Bernstein.

14 MR. BOSTIAN: Breta Bernstein. And if there is  
15 anyone who would like to add anything quick to the record,  
16 we'll hold the record open for two weeks in Annapolis. And  
17 any such comments may be directed to the Critical Areas  
18 Commission at their new office at 875, 275 West Garrett Place  
19 in Annapolis, and the Zip, I guess, is still 21401. And I'll  
20 be happy to hand over the Chairmanship of this town to the  
21 Chairman who has just entered.

22 MR. SCHOEPLEIN: My apologies, gentlemen.

1 MR. BOSTIAN: Bob Schoeplein. With that, Steve,  
2 take it away.

3 MR. DODD: Members of the Commission Panel, the  
4 Dorchester County Commission has directed the Critical Areas  
5 Commission to review and approve a request for program amend-  
6 ment, more specifically, to redesignate a portion of a parcel  
7 of land from LDA, from RCA, "resource conservation area", to  
8 LDA, "limited development area". The total growth allocation  
9 in question tonight is 28.2 acres. The allocation is needed  
10 to allow a four-lot residential subdivision located off of  
11 Town Point Road on the Little Choptank River in the Dorchester  
12 County critical area.

13 This subdivision is covered and addressed in the  
14 Dorchester County Critical Area Protection Program, Volume 1,  
15 last paragraph on page 39. The language I'm referring to was  
16 approved by The Critical Area Commission at their meeting on  
17 January 18, 1989, and it says: Subdivision plats that were  
18 undergoing evaluation by the Dorchester County Planning  
19 Commission prior to the effective date of the Dorchester  
20 County Planning Commission, prior to the effective date of  
21 the Dorchester County Critical Area Protection Program, will  
22 not be subject to the density provisions of the zoning

1 ordinance or to the growth allocation provisions of the sub-  
2 division regulations. These subdivisions must have growth  
3 allocations reserved for them and must have been designed to  
4 conform to the critical area criteria. Additionally, approval  
5 must have been granted for the preliminary plat, in the case  
6 of major subdivisions, and for the findings of fact required  
7 by Natural Resource Article 8.18.13, in the case of minor  
8 subdivisions.

9 This subdivision did receive a critical area  
10 assessment approval by the Dorchester County Planning  
11 Commission in, I believe it was May of 1988, prior to the  
12 adoption of the Critical Area Program.

13 The Planning, the Dorchester County Planning  
14 Commission at their December 7, 1988 meeting recommended  
15 approval of the growth allocation for this subdivision and  
16 sent the request to the Dorchester County County Commissioner,  
17 Dorchester County Commissioner, for their action. The  
18 Dorchester County Commissioners met on January 24, 1989 at  
19 a public hearing. And at that public hearing, the County  
20 Commissioners made a motion by Bill Lingett, seconded by  
21 Jack Coleman and unanimously passed the request for allocation  
22 and forwarded the allocation request to the Critical Area



1 Commission in a letter dated January 31, 1989.

2 The proposed subdivision is before you tonight.  
3 Again, as I've said every time we've met, it's not your job,  
4 nor your responsibility to approve subdivisions. That is  
5 the job of the Dorchester County Planning Commission. However,  
6 the approval of the redesignation of the property from RCA to  
7 LDA is considered a program amendment by the Critical Area  
8 Commission, and therefore, this hearing is required.

9 As far as the location of this area to be developed,  
10 it is shown on the top right-hand portion of the proposed  
11 plat, and the vicinity map is also shown here on the County-  
12 wide map, a copy of which was given to the Commission in  
13 December of '88. The location is right here (indicating),  
14 from the Little Choptank River, again off of Town Point Road.

15 The, from Andrews & Miller Associates, who prepared  
16 the subdivision plat, is here, is represented here tonight,  
17 and is available to address the technical aspects of the sub-  
18 division. And I'd be glad to answer any questions about the  
19 County's Critical Area Program or the growth allocation process.

20 MR. BOSTIAN: If I may, what is the difference  
21 between the site acreage of 31.1 and the growth allocation  
22 total of 28.2?

1 MR. DODD: The growth allocation request does not  
2 include tidal wetlands on the property. The total site is  
3 31.1 acres, and the tidal wetlands have been deducted from  
4 the allocation, netting 28.2 acres.

5 MR. BOSTIAN: Are you including the wetlands at  
6 the heart of the two middle lots? Is that what you're talking  
7 about?

8 MR. DODD: Yes. They would be included.

9 MR. BOWLING: Is that "tidal" or "non-tidal"?

10 MR. SCHOEPLEIN: I thought that was "non-tidal".  
11 I'm looking over here at tidal over here.

12 MR. DODD: Showing a hundred-foot buffer. We're  
13 assuming that it's tidal. That engineering firm, again, is  
14 available for comment.

15 MR. SCHOEPLEIN: We may be discussing two different,  
16 there's one in the upper right-hand corner of the property that  
17 appears to be tidal wet-, in fact, it's identified as "tidal  
18 wetlands". Then, in the heart ...

19 MR. BOSTIAN: That would be the one in the heart, don't  
20 you think? If you're looking at one of those lots, Lot 1 and  
21 Lot 2 are 4.6 acres, and you're talking about something on  
22 the order of almost 3 ...

1 MR. BOWLING: Well, actually, it doesn't show any  
2 connection in tidewater, so it would almost have to be non-  
3 tidaled.

4 MR. WILSON: It's, we've been told to deal with it  
5 as tidal wetlands. I don't think that the determination has  
6 ever been really finally made in the field as to whether it  
7 was tidal or non-tidal.

8 MR. KNECH: Is that existing pond, the tidal pond?

9 MR. WILSON: We're dealing with it as tidal.

10 MR. KNECH: Yeah, that existing pond is a tidal  
11 pond, in other words.

12 MR. DODD: It would have to be in order to connect.

13 MR. WILSON: I think that was probably the connec-  
14 tion that would consider the ...

15 MR. BOSTIAN: Does that answer the question?

16 MR. KNECH: Yeah. Where is that linked up to the  
17 Little Choptank, except possibly through the wetlands, the  
18 ditch there ...

19 MR. BOWLING: Well, actually if it were non-tidal,  
20 the buffer would only be 25 feet as opposed to 100 feet, so  
21 it must be considered tidal, since you're dealing with 100-  
22 foot buffer.

1 MR. DODD: Either that or it's mis-identified.

2 MR. BOWLING: Buffer is fine. Leave it alone.

3 MR. WILSON: Well, we decided ...

4 MR. DODD: This is a shared facility, i.e., there  
5 are no individual septic tanks on each lot. It will be  
6 served by a central shared facility as indicated by a  
7 40,000 square foot sewage reserve area. There are no building  
8 envelopes. We're including all the acreage in the subdivision  
9 minus the tidal wetlands.

10 MR. BOSTIAN: It would appear that you would have  
11 to put the houses fairly close to the road, at least on Lots  
12 2 and 3. Is that ...

13 MR. DODD: Well, the required building restriction  
14 lines are indicated on the plat. And they would be required  
15 to be at least 50 feet from the proposed road.

16 MR. BOSTIAN: How far do they have to be away from  
17 the -, old fish pond?

18 MR. WILSON: Actually, they can be built right up  
19 to the side wall of the sewage reserve area if you want it to.

20 MR. PRICE: What did you do, pump the sewage from  
21 Lot 1, 2, down to 2?

22 MR. DODD: Down where, down the private road?

1 MR. WILSON: It's force manner. They put a small  
2 pump station in front of each building.

3 MR. PRICE: Reserve the easement across, the road  
4 right-of-way, is that ...

5 MR. WILSON: It's in the road right-of-way, right.

6 MR. PRICE: What kind of elevations do you have on  
7 these properties?

8 MR. DODD: They're probably, unless you have any  
9 benchmark here, with six-seven feet.

10 MR. WILSON: This one averages about four to seven  
11 feet.

12 MR. BOWLING: Above mean high?

13 MR. DODD: Uh-huh.

14 MR. BOWLING: Most, 60 percent of the counties in  
15 the 100-year flood plain, is six feet or less above sea level.

16 MR. DODD: So, it's not uncommon to have these  
17 properties be low. But the wall of the berm must be built  
18 above the ...

19 MR. BOWLING: That means that in four decades  
20 they're all gonna be under water, huh?

21 MR. DODD: If the water continues to rise, it's  
22 what they call "greenhouse effect".

1 MR. SCHOEPLEIN: The existing house is Lot 4?

2 MR. WILSON: Right.

3 MR. BOWLING: The strip, adjacent to Lot 1, along  
4 the shoreline there (indicating), is that part of this property?

5 MR. WILSON: No, the owner is reserving that for  
6 his own use.

7 MR. BOWLING: Preserving that for his own use, okay.  
8 It butts the cul-de-sac. It becomes another lot, really,  
9 though.

10 MR. DODD: It's not approved in the building law  
11 for a development.

12 MR. BOWLING: It would have to come back with a  
13 subdivision. Does the owner own land on the opposite side of  
14 the road to this that connects to that?

15 MR. WILSON: Yes, he owns 292 acres total there.

16 MR. BOWLING: Then I see, one parcel?

17 MR. WILSON: Yes.

18 MR. SCHOEPLEIN: Wrapping around, it wraps around  
19 the whole subdivision?

20 MR. WILSON: Yes, all the way down the complex.

21 MR. SCHOEPLEIN: Because, Sam, I don't think you  
22 could develop that lot, if that were a lot, so it's tidal

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1 wetlands in here.

2 MR. BOWLING: They've still got several acres of  
3 ground there. You could probably build a lot, make a lot  
4 out of that.

5 MR. PRICE: What's this look like out, well, what  
6 does this land look like, when you look at a plat like this  
7 one would wonder with all the constraints on it why somebody  
8 would, you know, would develop it.

9 MR. WILSON: We have a photograph of the ...

10 MR. BOWLING: Like to see them?

11 MR. SCHOEPLEIN: We really would.

12 MR. PRICE: Yeah, in looking at it, it looks like  
13 you've got to build almost behind this wetland, almost seven  
14 or 800 feet in the water.

15 MR. BOWLING: It's open ground, bare ground.

16 MR. WILSON: I think the one with the fellow  
17 standing and it's shot from over here near the side of the  
18 property, near Lot 1 looking down towards Lot 4.

19 MR. PRICE: Right. The cedar trees are down near  
20 the existing house, I guess, on this road?

21 MR. WILSON: Yeah, basically, around the house.  
22 You can see the house in the background.

1 (Discussion of photograph. Everyone speaking at  
2 once.)

3 MR. KNECH: You really can't get an accurate  
4 picture of it from the photographs.

5 MR. SCHOEPLEIN: Out of curiosity, how do you treat  
6 the sewage in that common septic field?

7 MR. WILSON: It's treated before it gets excavated,  
8 the septic tank, it goes to a small pump station.

9 MR. SCHOEPLEIN: Okay.

10 MR. DODD: Is it big ...

11 MR. WILSON: It's a pond, yeah. An infiltration  
12 pond.

13 MR. SCHOEPLEIN: Okay.

14 MR. PRICE: When you have the community facilities  
15 for this type of sewage, does that require another master  
16 sewer plan?

17 MR. DODD: Well, it's funny that you brought that  
18 up because up to, maybe a couple of weeks ago, we always  
19 processed the major subdivisions, five or more, on a pond,  
20 treated water and sewer plan, and then we always exempted  
21 minors and DOE's is basically balked at now, and saying that  
22 everything that's shared must be a water/sewer plan.



1 MR. BOWLING: Everything that's shared?

2 MR. DODD: Two or more individual lots. If you  
3 have two users on a single lot, they could share a pond without  
4 having the health ...

5 SPEAKER: They won't let them share septic  
6 systems back ...

7 MR. PRICE: When you're talking about two users  
8 it may be a main house and guest house, single ownership.

9 MR. DODD: Or a father-daughter.

10 MR. SCHOEPLEIN: Do we need a motion to approve  
11 the subdivision?

12 MR. BOWLING: I think we just recommend it to the  
13 Commission. Isn't that right, Robert?

14 MR. SCHOEPLEIN: Are there any other questions to  
15 members of the Panel? The lot sizes? The buffers? The  
16 tidal wetlands? Growth allocations?

17 MR. BOWLING: No questions.

18 MR. SCHOEPLEIN: Are there any other comments from  
19 anyone from the floor? The record will stay open until two  
20 weeks from this evening. Are there any other comments?  
21 Hearing no other comments, then, this meeting is adjourned.  
22 The record will stay open for two weeks. And you can reach

1 the Critical Areas Commission on West Street in Annapolis,  
2 Maryland. The number is 974-2426.

3 (Whereupon, at 7:56 p.m. on Thursday, March 30,  
4 1989, the hearing adjourned.)

5 (Whereupon, the hearing re-opened for a few  
6 minutes of comments.)

7 MR. VENTRE: Yeah, that would be the other point  
8 as I mentioned, at least alluded to in my remarks to you in  
9 a brief memorandum, when the Dorchester Planning Office had  
10 sent, had notified us of the three upcoming, that we just  
11 touched on again. It would all depend, really, at what point  
12 they are in the process, when they are all at the same point  
13 relatively, in that process. It would seem to me  
14 expeditious to assemble (inaudible)

15 SPEAKER: We have no idea.

16 SPEAKER: I was going to suggest taking them no  
17 matter what points they are.

18 SPEAKER: Well, they're not all in the same ...

19 SPEAKER: -- give up these plans and they just  
20 saw another reason to stop.

21 SPEAKER: But, then that might conflict with how  
22 the Dorchester County subdivision review process is operating.

1 They may not be already at the, I don't know if that's the  
2 case.

3 SPEAKER: What I meant was the Dorchester County  
4 Commissioners amend their programs so that these all would  
5 be awarded growth allocations to continue (inaudible), and

6 SPEAKER: That's what we planned to do anyhow.

7 SPEAKER: Let's check signals on this, because  
8 it was not an approved subdivision. We do review the final  
9 plat plans with regard to ...

10 MR. PRICE: Not as a growth allocation amendment,  
11 though, which is what this is. I mean, this is a project  
12 approval. If you want to intervene and look at the project,  
13 you can, of my understanding of the way it is handled now.

14 MR. SCHOEPLEIN: And what we ordinarily would be  
15 looking at, locational criteria and everything else, has  
16 already been raised by the grandfather, so, (inaudible).

17 MR. PRICE: Yeah.

18 MR. DODD: If you would suggest that and we will  
19 propose that in writing, I'll be glad to take it to our  
20 County Commissioner. I'm sure that the Planning Commission  
21 would be happy to do it all along.

22 MR. VENTRE: To whom should we address such a

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1 letter to, Commissioner Cravers, or to the President of the  
2 Planning Commission ...

3 MR. DODD: Since it is the County Commissioners  
4 who ultimately must amend the program, locally, I would say  
5 to them.

6 MR. BOWLING: This is an unique one here.

7 MR. DODD: But, I only have to drive five minutes.

8 MR. SCHOEPLEIN: My car is totally depreciated.

9 MR. KNECH: I just want to direct something to the  
10 Court Reporter because Bill made the introductions before he  
11 came in. Tom Ventre of the Commissioner's staff was not  
12 mentioned. I just want to make sure that that is recorded  
13 in the minutes.

14 MR. SCHOEPLEIN: Adjourn.

15 (Whereupon, at 8:01 p.m. on Thursday, March 30,  
16 1989, the hearing adjourned.)

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C E R T I F I C A T E

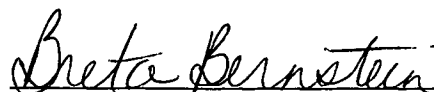
1  
2  
3 This is to certify that the foregoing transcript  
4 in the matter of: Dorchester County Critical Area Commission  
5 of Cambridge, Maryland

6 BEFORE: ROBERT SCHOEPLEIN, Chairman

7 DATE: Thursday, March 30, 1989

8 PLACE: County Administration Building, Room 110  
9

10 represents the full and complete proceedings of the afore-  
11 mentioned matter, as reported and reduced to typewriting.  
12

13  
14 

15 Breta Bernstein  
16 FREE STATE REPORTING, INC.  
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