

Public Hearings - Dorchester County - Growth Allocation, 1989 MSA_51830 - 61

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

DORCHESTER COUNTY
GROWTH ALLOCATION:
REQUEST FOR REVIEW/APPROVAL

May 22, 1989
7:30 p.m.

County Administration Building
Room 110
Cambridge, Maryland

MEMBERS OF THE PANEL PRESENT:

- Robert Schoeplein
- William Bostian
- Robert Price
- Samuel Bowling
- Thomas Ventre

ALSO PRESENT:

- Charles Woodward, Jr.
- Davis, Bowen and Friedel
- Steve Dodd

E X H I B I T S

	<u>PAGE</u>
Exhibit No. 1 -Dorchester County Critical Areas Protection Program	4
Exhibit No. 2 - Memo of February 2, 1989	5
Exhibit No. 3 - March 7, 1989, Dorchester County Commission communication	5
Exhibit No. 4 - March 17, 1989, Commission Communication	5

CRITICAL AREA COMMISSION
DNR

JUN 9 1989

RECEIVED

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

MR. SCHOEPLEIN: Okay. This is the Dorchester County Panel and for the record we have Bill Bostian, Sam Bowling, Bob Price and Bob Schoeplein. A quorum is here and we're here to consider 2 parcels and Steve Dodd is going to make a presentation.

MR. DODD: I'd like to start out with the Grover Cooper Subdivision which is number 619 plat of the Dorchester County subdivision file and the parcel is located from the neck area off of Brooks Road and we can locate it on the county wide highway map in this general area, actually on this side. It is near the Teal Point and Richard White Subdivision which has been before you previously. It is not adjacent to either of those subdivisions however. It is currently an RCA designation and the County Commissioners have requested that the Critical Area Commission grant growth allocation and thereby allowing this subdivision become an LDA and that would permit the parcel to be subdivided into 2 building lots. The growth allocation requested for this subdivision is 21.3 acres and the allocation

1 for this and the other 2 subdivisions which will precede
2 it are being treated under the Dorchester County
3 Critical Area Protection Program, excuse me page 39,
4 last paragraph and I'll enter that into the record by
5 reference. Again gentleman this is one of the 19
6 interim subdivisions which began the review and approval
7 process prior to the adoption of the county program but
8 was not recorded prior to the adoption of the program.
9 We are asking in accordance with the Commission's
10 request that the full acreage of this parcel be deducted
11 minus the tidal wetlands from the growth allocation
12 available to Dorchester County. According to my
13 figures, we have received approval on 490 acres
14 approximately, growth allocation and this request for
15 this subdivision is 21.3. The total growth allocation
16 for your 3 subdivisions before you tonite, the total
17 acreage is 129 acres. Now this is a public hearing and
18 Tom do you have any record of the hearing notice that
19 maybe I'm stepping on your toes but I normally do that.

20 MR. VENTRE: I have a copy of the text as do
21 the members of the panel of the notice that was

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS

D.C. AREA 261-1902

BALT. & ANNAP. 974-0947

1 published in The Daily Banner, in the May 8th edition of
2 The Daily Banner.

3 (Exhibit 1 - Entered into the record. Dorchester
4 County Critical Areas Protection Program document)

5 MR. DODD: I also have for the record a
6 memorandum from the Planning Commission dated February
7 2, and it's addressed to the County Commissioners and it
8 reads - at their regular meeting of February 2nd the
9 County Planning Commission voted unanimously to
10 recommend approval of critical area growth allocation
11 for Sunset Farms, Parcel A, 94.5 acres; Sunset Farms,
12 Parcel B, 13.2 acres; and Grover Cooper, 21.3 acres.
13 The Planning Commission recommends that the County
14 Commissioners schedule a public hearing on this matter
15 and I would like to by reference use this for the record
16 for the other 2 subdivisions tonite. I also have the
17 copy of the letter and the minutes from the March 7th
18 meeting of the Dorchester County Commissioners at which
19 a public hearing was held to consider the 3 growth
20 allocation requests and the motion was made by Mr.
21 Wingate and second by Mr. Coburn and unanimously passed

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS
D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

1 the growth allocations request be approved and again I'd
2 like to have this record be applied to the other 2
3 subdivisions, Sunset Farms A and B and also a copy of a
4 letter dated March 17th addressed to Mr. Ventre of the
5 Commission notifying him of the County's actions and
6 request that the Commission appoint a panel to hold a
7 local hearing which is why we're here tonite. So I
8 think it's proper that those bits of information be
9 entered as part of the record.

10 (Exhibits 2, 3 and 4 are entered into the record.)

11 MR. DODD: The locational criteria for growth
12 allocation that is included in the critical area
13 criteria is not and should not be applied to these
14 subdivisions. I think we all understand and agree that
15 there was a point of contention concerning how these
16 subdivisions should be treated and that contention was
17 resolved at the January 18th, 1989, meeting of the
18 Critical Area Commission at which time the Commission
19 voted to allow these 19 interim subdivisions to come
20 through even though they don't meet the density
21 requirements of an LDA and that in exchange for that

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS
D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

1 essentially the County will be penalized by losing all
2 of the land in the subdivisions from the growth
3 allocation. So these subdivisions are unique in that
4 sense and should not be looked upon as a new subdivision
5 that would have to meet the locational criteria of a new
6 LDA or IDA. As far as the subdivision itself I'll say
7 again this Board is not the Dorchester Planning
8 Commission and it is not your role or your
9 responsibility to review the subdivision itself. The
10 County zoning ordinance and subdivision regulations
11 require that certain information be recorded on the
12 final plat as it pertains to the critical area criteria
13 and the protection of any unique resource on the
14 property. That's why on all these subdivisions that
15 you'll see before you the tidal and non-tidal wetlands
16 are drawn. If it's an fish spawning area that will be
17 indicated. If it's an area of high shore erosion that
18 will be indicated. The forested portions of the land
19 will be indicated. If there's been any known rare or
20 endangered species, a note will be placed in the plat
21 along with any recommendations for protecting those

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS

D.C. AREA 261-1902

BALT. & ANNAP. 974-0947

1 species. So it is not and has never been our intention
2 to treat these subdivisions as if they are grandfathered
3 from the critical area criteria all together, only from
4 the density requirements. So I'm going to leave it at
5 that and I'll try to answer any questions on this
6 particular subdivision although again I don't think it's
7 necessary to review the subdivision. On the other 2
8 projects we have tonite the developers is represented by
9 an engineer/survey.

10 MR. PRICE: Can I ask you a question Steve?

11 MR. DODD: Uh huh.

12 MR. PRICE: You show a 20,000 square feet berm
13 infiltration pond on each lot and you have a little
14 triangle there where they show perk tests? What kind of
15 a perk test do you take for berm infiltration pond?

16 MR. DODD: Engineer/surveyors can you answer
17 that?

18 MR. WOODWARD: It's usually a backhoe test and
19 what they're looking for is a minimum of 3 foot of
20 overberm or clay on the surface and then at least 2 feet
21 of porous material beneath, somewhere beneath that and

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS
D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

1 there's no actual perk rate done. It's basically a soil
2 test is what it is.

3 MR. BOWLING: Three foot impervious layer
4 above a 2 foot pervious layer?

5 MR. WOODWARD: That's correct.

6 MR. BOWLING: And the pond is dug through the
7 pervious layer?

8 MR. WOODWARD: I believe it's 2 feet into the
9 pervious layer.

10 MR. PRICE: You mean so the water in the pond
11 goes through the clay into the sand or whatever?

12 MR. WOODWARD: That's right. It's, these
13 areas where the ponds are used have a ground water table
14 very near the surface of the ground and its the old
15 solution to pollution is dilution. That's all we're
16 doing is taking sewage up and instead of a field it's
17 going right into a pond and the ground water is diluting
18 it.

19 MR. BOWLING: Does it pollute the ground
20 water?

21 MR. WOODWARD: It's a surface (inaudible)

1 that's been determined by the Health Department to
2 already be unused for drinking.

3 MR. DODD: It's an area where the aquifers are
4 confined and deep, so there's got to be a confining
5 layer between the ground water and the possible drinking
6 water source.

7 MR. BOWLING: All of the drinking water wells
8 they're drilled wells?

9 MR. DODD: Yes. There's no surface.

10 MR. PRICE: You can fail a perk test for a
11 BIP?

12 MR. WOODWARD: Mainly on (inaudible).

13 MR. PRICE: Don't you have 10, 15 feet of clay
14 and you wouldn't hit sand or something.

15 MR. WOODWARD: Yeah.

16 MR. BOWLING: Suppose you didn't have the
17 impervious overberm or in other words you started off in
18 sand and gravel and went all the way in sand and gravel?

19 MR. DODD: That's when the standard perk test
20 would probably work. But they need the clay because
21 when they build the berm they have to stabilize the berm

1 with a material that would function.

2 MR. PRICE: And this differs from the lagoon
3 system which is clay so it holds the water, it doesn't
4 get into the, am I correct in that?

5 MR. WOODWARD: Yeah I'm not too familiar with
6 lagoons but the main difference here is that the solids
7 are contained in a septic tank, it's like a conventional
8 septic.

9 MR. BOWLING: The lagoon system is

10 MR. VENTRE: These ponds don't hold the
11 solids.

12 MR. PRICE: These ponds just hold liquid
13 sewerage.

14 MR. BOWLING: And they come and pump out the
15 septic tank is that how?

16 MR. WOODWARD: That's right. They actually
17 have 3 tanks and 2 septic tanks and then a pump tank so
18 that,

19 MR. VENTRE: If we may just for reference for
20 this discussion if we can go ahead to the drawings for
21 the Section A parcel.

1 MR. BOWLING: Do they break that solid down in
2 the septic tank still?

3 MR. VENTRE: The drawing for the Section A
4 Parcel, Sunset Farms they have a schematic here. If you
5 look in the lower right hand corner you see the 3 septic
6 tanks in sequence.

7 MR. BOWLING: Yeah but normally a functioning
8 septic tank, if it's functioning properly the bacteria
9 will break the solids into liquids. You have very
10 little going into your field other than liquid.

11 MR. BOSTIAN: That's right.

12 MR. WOODWARD: The people, I'm just a surveyor
13 but the people at the health department tell me that a
14 normal septic tank has to be pumped out every 3 to 5
15 years.

16 MR. BOSTIAN: Some do and some don't.

17 MR. BOWLING: I've got one that's 36-years-old
18 and it's been pumped once.

19 MR. BOSTIAN: I had one for 10 years, the only
20 reason I pumped it was that I was selling the house and
21 wanted to be sure it wasn't any problems.

1 MR. PRICE: I'm not too far behind you. I
2 think I pumped mine twice in 30 some years.

3 MR. VENTRE: The results on this for technical
4 information a cross-section of the berm, of the BIP
5 itself and this is downstream.

6 MR. BOWLING: Well (inaudible) every once in a
7 while too.

8 MR. SCHOEPLEIN: I haven't done anything.

9 MR. DODD: The water level in the pond reaches
10 a point of equilibrium where it actually acts as a head
11 and forces the water into the soil and there is a direct
12 penetration into the ground. This county is I think if
13 we're not innovative in anything else maybe this is our
14 claim to fame. But we are I think as far as I know we
15 are well ahead of any other Eastern Shore county-

16 MR. PRICE: They don't allow it anywhere else
17 do they?

18 MR. BOWLING: They don't allow them at home.

19 MR. WOODWARD: They've got a couple in
20 Salisbury. I think they're just getting started.

21 MR. DODD: Maybe Somerset too.

1 MR. BOSTIAN: I don't think they have any.

2 MR. PRICE: I thought they'd (inaudible) I
3 mean not that they wouldn't like that but up on Kent
4 Island but they just don't allow it. I've never pursued
5 it but that's what (inaudible).

6 MR. BOSTIAN: I guess we're here to take
7 evidence or testimony on the subdivision.

8 MR. SCHOEPLEIN: This first subdivision yes.
9 Are there any comments on this first subdivision or
10 questions?

11 MR. VENTRE: The site is presently
12 (inaudible), there's some woodland on it,

13 MR. DODD: Basically ag land I think.

14 MR. VENTRE: Yeah. Deer field.

15 MR. BOWLING: I don't see a proposed site cord
16 on here.

17 MR. DODD: As long as it's within the building
18 restriction lines it we don't tell them where they have
19 to be.

20 MR. WOODWARD: For what, the house?

21 MR. DODD: Homesite.

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS
D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

1 MR. BOWLING: I see homesites laid out pretty
2 well on this. I suspect that's what these boxes are.

3 MR. BOSTIAN: You're looking at the wrong,
4 you're ahead of yourself.

5 MR. BOWLING: I'm ahead of myself.

6 MR. BOSTIAN: Yeah. We're on this first one.
7 The little one Sam to your right.

8 MR. BOWLING: All right.

9 MR. DODD: There's no homesite marked on
10 there. It's just the boundaries.

11 MR. BOWLING: I don't have any problems with
12 that other than the fact that that's an odd place to put
13 a berm right in the middle of that lot.

14 MR. WOODWARD: They have to be 300 feet apart
15 is probably, they have the same difficulty there.

16 MR. BOWLING: I look at that and I say where
17 in the hell would he put his house.

18 MR. BOSTIAN: Well they have backyard BIP.

19 MR. DODD: We're not hear to regulate taste.

20 MR. BOSTIAN: That's right. Well hearing no
21 comment on it let's go.

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS
D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

1 MR. BOWLING: Go.

2 MR. BOSTIAN: Move it along.

3 MR. BOWLING: It's his problem, not mine.

4 MR. BOSTIAN: I've got a white with a case in
5 court right now. I've got to get home.

6 MR. SCHOEPLEIN: Are there any other comments
7 on the first parcel? Not to foreclose comment. Grover
8 C. Cooper, number 619, going, going. gone. We will turn
9 to Parcel A, Sunset Farm.

10 MR. DODD: This is a 10-lot subdivision
11 located on Ragged Point Road which is right here all the
12 way down a long way from Cambridge. It's on

13 MR. WOODWARD: Right on the Chesapeake Bay?

14 MR. DODD: Chesapeake on one side. Yeah.
15 This is right on the Chesapeake Bay. High erosion area,
16 currently an RCA designation. Request for growth
17 allocation for Parcel A is 94.5 acres.

18 MR. PRICE: That's lot 1-9?

19 MR. DODD: 1 through 10.

20 MR. PRICE: 10 okay.

21 MR. DODD: And again by reference I would like

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS
D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

1 MR. SCHOEPLEIN: How many acres again on that
2 Steve, 94?

3 MR. DODD: Growth allocation is 94.5. By
4 reference I'd like to include in the record page 39 of
5 the Dorchester County Critical Area Protection Program,
6 the minutes of the March 7th, County Commissioners
7 Program, the memo dated February 2nd from the Planning
8 Commission and a letter dated March 17th to Tom Ventre.
9 We've got extras. The plat shows the property is
10 principally an agricultural, is an agricultural parcel
11 although I'm not sure it's being farmed. It's very poor
12 agricultural land. The entire parcel is not in the
13 critical area. You can see there are 2 lines that
14 bisect lots 5, 4, 3, 2 and 1 and so a portion of the
15 property is not in the critical area at all. Of course
16 we've not included that in our growth allocation. But
17 this parcel has a limited amount of tidal wetlands and a
18 limited amount of forestry land. So there will be very
19 little clearing. As I mentioned before extensive shore
20 erosion problem and

21 MR. PRICE: Without good soils, BIP type soil.

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS
D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

1 MR. DODD: Yes they're individual berm
2 infiltration ponds. This is not a shared facility.
3 Each homeowner will have his own pond and the way it
4 works in our county if you're building an individual
5 pond that can be done after the subdivision is approved
6 so if Joe Smith buys lot 10 and he wants to build in 5
7 years he can wait for 5 years to build his pond.

8 MR. BOWLING: If you build an individual pond
9 how large does that have to be?

10 MR. BOSTIAN: It's 10,000 feet here.

11 MR. DODD: 10,000. It's basically, doesn't
12 differ from the required SRA for tidal fields. Isn't
13 that the rule of thumb. You have to have--

14 MR. WOODWARD: Well yeah, except they did have
15 20,000

16 MR. BOSTIAN: Yes for 2 of them.

17 MR. WOODWARD: The same type pond will serve 1
18 or 2 houses.

19 MR. PRICE: Are these individual BIP's also
20 approved by the State Health Department. Wasn't there
21 some statement in one of those hearings that the local

1 health department could no longer approve these?

2 MR. WOODWARD: The local can approve them as
3 long as

4 MR. PRICE: Beg pardon?

5 MR. WOODARD: The local can approve up to 4
6 lots even a shared facility as long as they don't have
7 to shared transmission (inaudible).

8 MR. DODD: Why don't you identify yourself for
9 the record?

10 MR. WOODWARD: My name is Charles Woodward.
11 I'm with Davis, Bowen and Friedel and I'm representing
12 Peggy Wregle, the owner.

13 MR. SCHOEPLEIN: I have a question for
14 orientation. This is a narrow peninsula. Would that
15 explain why,

16 MR. DODD: Yes it is.

17 MR. SCHOEPLEIN: On the bottom here there's
18 water at the bottom end of the page?

19 MR. DODD: Yes.

20 MR. SCHOEPLEIN: Okay.

21 MR. DODD: In fact Parcel B is

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS
D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

1 MR. WOODWARD: Parcel B is across the road.

2 MR. DODD: Across the road and that's where
3 the critical area line derives from on the southern
4 side.

5 MR. VENTRE: Let me point out to the panel the
6 general location of these 2, they are contiguous parcels
7 but they are in this neck of land,

8 MR. DODD: Separated by a county,

9 MR. VENTRE: This is Cambridge here where we
10 are now and then you came out Route 343 all the way to
11 Ragged Point Road. This is Ragged Point itself down
12 here and on this neck of land between the Bay itself and
13 Brooks Creek is where these parcels are on Sunset Farms.
14 There's a bend in the road, there's a small community.
15 I don't know, have no idea what it's name is. Maybe
16 Ragged Farms is what it's called, cluster of houses.

17 MR. WOODWARD: Thomas

18 MR. SCHOEPLEIN: That's what we're seeing here
19 on the diagram, the small sites?

20 MR. VENTRE: I believe that is in both A and B
21 parcels are immediately adjacent to it but right now as

1 he just described some of it is forested, most of it is
2 open land, not cultivated. Maybe it was at one time but
3 presently it is not.

4 MR. BOWLING: Steve let me ask, why didn't you
5 make these in one application.

6 MR. DODD: For subdivision?

7 MR. BOWLING: Uh Huh.

8 MR. DODD: They are individual parcels of
9 record and also there are differences, the parcel B has
10 a shared facility and independent sewage system. The
11 health department would require them as independent
12 subdivisions.

13 MR. BOWLING: So on this one each one of these
14 systems would be 3 tanks?

15 MR. WOODWARD: That's correct.

16 MR. BOWLING: How much is the cost of that?
17 \$5000 a lot?

18 MR. BOSTIAN: More than that.

19 MR. SCHOEPLEIN: It's \$3000 for a regular or
20 \$2500 to \$3000 for a regular.

21 MR. PRICE: Say what \$8000, \$10,000.

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS
D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

1 MR. BOWLING: Well

2 MR. WOODWARD: (inaudible) itself is
3 between 6 and \$8000.

4 MR. PRICE: You got the pumps.

5 MR. VENTRE: Each house has to have 3 tanks.

6 MR. WOODWARD: Actually they don't necessarily
7 have to have a conventional septic tank with a pump
8 chamber. They can have just a (inaudible) pump chamber.
9 But they do have to have the 2 two-compartment tanks.

10 MR. PRICE: On your high erosion or
11 significant erosion you said about 8 or somewhere, lot 8
12 or

13 MR. WOODWARD: Number 10.

14 MR. BOSTIAN: Lot 10 must be in Parcel B.

15 MR. SCHOEPLEIN: No Lot 10's right here.

16 MR. BOWLING: They said, it's item number 10
17 over on this,

18 MR. PRICE: I'm sure that was a requirement of
19 the health department to protect the system.

20 MR. BOWLING: But you all don't,

21 MR. DODD: We don't require,

1 MR. BOWLING: Subdivision, you don't require
2 any erosion control.

3 MR. DODD: Don't require erosion control.

4 MR. BOWLING: By the landowner anyway.

5 MR. DODD: Or by the property owner when they
6 issue, when we issue permits.

7 MR. BOWLING: It's up to them if they want to
8 protect their property.

9 MR. DODD: Of course that's, I'm sure you've
10 heard the argument before. That's the way to protect
11 the property is to cut it up into relatively small
12 narrow lots so that the individual property owners can
13 afford the shore erosion control.

14 MR. PRICE: Well this parcel shows riff-raff
15 in front of the house. Lot numbers, 1, 2 and 3.

16 MR. BOSTIAN: Any further comments?

17 MR. BOWLING: I don't have any.

18 MR. BOSTIAN: I don't mean to railroad
19 anybody. I'm just trying to figure out what some of
20 these symbols are.

21 MR. SCHOEPLEIN: We will turn to Sunset Farms,

1 Parcel B.

2 MR. PRICE: This is Sunrise, Parcel B isn't
3 it?

4 MR. DODD: Oh I got you.

5 MR. SCHOEPLEIN: Okay now. Who has Parcel B?

6 MR. BOSTIAN: I have one.

7 MR. SCHOEPLEIN: Okay there's one here. Bill
8 has one.

9 MR. VENTRE: Here's another one of Parcel B
10 here, office copy if you'd like to refer to it.

11 MR. SCHOEPLEIN: Look at the wetlands. Look
12 at this.

13 MR. DODD: This is a smaller parcel and the
14 allocation requested is 13.2 acres. The parcel in
15 question is located directly across from Ragged Point
16 Road from the aforementioned Sunset Farms, Parcel A and
17 this is a 4-lot subdivision with a shared facility
18 serving all 4 lots and all of the previously mentioned
19 information pertaining to the public record goes for
20 this as well. I'm going to save some time. Again a lot
21 more extensive wetlands systems and 100 feet building

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS
D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

1 restriction line is indicated on here and if I'm
2 anticipating correctly it may save something like area
3 that's left for building is not extensive and that's
4 true. Alot of the parcels are eaten up either with the
5 wetlands or the buffer. But as long as the homesite can
6 be found as is left even though there isn't alot of
7 flexibility in where they can locate.

8 MR. BOSTIAN: Scale is 1 inch equals 100 feet
9 so,

10 MR. VENTRE: If you refer to those marginal
11 notes on the right hand side you can see the lot size is
12 indicated. The minimums per the zoning for this area is
13 80,000 square feet.

14 MR. BOWLING: I just noticed here, there's a
15 view out of your back window that's got to be beautiful.

16 MR. DODD: Of course as the buffer is a matter
17 of record a part of the recorded subdivision we feel
18 that the county has shared its burden of the
19 responsibility of notifying the purchaser of the land
20 that there will be areas that they won't be able to
21 build on and that they should be going into this with

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS

D.C. AREA 261-1902

BALT. & ANNAP. 974-0947

1 their eyes open knowing that it's, that most of the
2 parcel that they're buying cannot be built upon.

3 MR. PRICE: How about coming across these last
4 for a dock or something in a development such as this.
5 Is there water access?

6 MR. BOSTIAN: You'd have to get permission
7 from the court to dig it out.

8 MR. PRICE: I mean if not dig out but come
9 right across with a

10 MR. BOSTIAN: With a walkway? You can put a
11 walkway across without having to get a permit.

12 MR. DODD: You can put in, you can drive
13 pilings in wetlands without permits.

14 MR. PRICE: So I mean somebody bought lot
15 number 3 could go on out Brooks Creek.

16 MR. BOSTIAN: Well no. Once you go into the
17 water you have to have a permit.

18 MR. PRICE: Well I know that but I mean,
19 that's pretty standards.

20 MR. BOSTIAN: Just takes a while.

21 MR. BOWLING: Well most people (inaudible).

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS
D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

1 MR. DODD: With or without a (inaudible).

2 MR. PRICE: Keep of the wetlands with piers
3 and stuff far as you know.

4 MR. BOSTIAN: 15,000 piers all of a sudden
5 become 60,000 you catch somebody's attention.

6 MR. PRICE: I guess CMF leaning these concrete
7 (inaudible).

8 MR. WOODWARD: Correct.

9 MR. PRICE: You leave it leaning?

10 MR. WOODWARD: Pardon.

11 MR. PRICE: You leave it leaning? You don't
12 straighten it out.

13 MR. WOODWARD: Yeah. That's misleading. I
14 think there's about 5 grave stones by the road.

15 MR. BOWLING: That's a pretty good area there.

16 MR. PRICE: But there are no wells?

17 MR. BOWLING: Looks like an about an acre set
18 aside there isn't it.

19 MR. PRICE: Set aside an acre?

20 MR. BOSTIAN: Desperate for selling land.

21 MR. PRICE: Roughly 109 x 200.

1 MR. SCHOEPLEIN: Well casings must extend
2 another 2 feet above ground level. The well casing is
3 that

4 MR. BOSTIAN: Probably 2 inch wells here
5 aren't there.

6 MR. WOODWARD: Four inches.

7 MR. BOSTIAN: Down our way has to be 8 or 9
8 inches, doesn't have to be 2 feet. I don't know why it
9 has to be 2 feet here.

10 MR. PRICE: We're low.

11 MR. BOSTIAN: Maybe that's why. Maybe it's
12 just getting it over,

13 MR. PRICE: Sharing facilities. The developer
14 has to put silt in?

15 MR. DODD: Yes.

16 MR. PRICE: What do you do bond and let him
17 sell the lots or?

18 MR. DODD: No they can't sell the lots - the
19 health department.

20 MR. PRICE: Accepts the facility, until they
21 record?

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS
D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

1 MR. WOODWARD: Which has to be done in, the
2 facility has to be built on (inaudible) within 1 year of
3 final (inaudible) through.

4 MR. BOWLING: Now each one of these lots also
5 has to have the 3 tanks set up?

6 MR. WOODWARD: Correct. There's 2 more sheets
7 to those plans showing the details of the engineering.

8 MR. VENTRE: In the office copy that the
9 county sent up to us at the beginning of the process,
10 third sheet is more technical information on what's
11 involved in these on-site systems. I imagine these are
12 typical, Charles could I pick up on of those at your
13 office on next couple of days?

14 MR. WOODWARD: Sure.

15 MR. DODD: Well I guess,

16 MR. PRICE: When I'm down that way.

17 MR. DODD: Cost relative to the value of the
18 lot.

19 MR. BOSTIAN: I want to learn something from
20 it. I mean, I'm not going to

21 MR. PRICE: Trouble is later when, do you

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS
D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

1 allow the recording before the facility is approved?

2 MR. DODD: The shared facility?

3 MR. PRICE: Yeah.

4 MR. BOSTIAN: According to the plat.

5 MR. DODD: Not before it's approved but yes
6 before its constructed. Plans and the design are
7 approved prior to recordation and then

8 MR. PRICE: I just wonder how you control lot
9 sales if your plats approved.

10 MR. DODD: The shared facility agreement as I
11 understand it precludes the, there is an agreement
12 entered into by the developer and the sanitary
13 commission.

14 MR. PRICE: Yeah but maybe, missed my
15 question. If I came to Dorchester County to examine a
16 title ordinarily what I would do is go to land records
17 and see if it was approved. In fact that's where I'd
18 start. By the contract somebody bought lot number 2 of
19 Sunrise or Sunset but I would go and see if the plat's
20 recorded and if it's recorded with all these approvals
21 on here, approved by Dorchester County Sanitary and all

1 this stuff. I wouldn't stop. I'd keep right on going
2 to see about liens or judgements.

3 MR. BOSTIAN: But you wouldn't necessarily
4 pick up the fact that it's subject to,

5 MR. PRICE: I'd never pick up the fact

6 MR. BOSTIAN: To a shared facilities
7 agreement.

8 MR. PRICE: I'd go back and have settlement
9 and nothing on the record would indicate to me that, to
10 the buyer

11 MR. WOODWARD: There is an indenture recorded
12 in the courthouse between the Sanitary Commission and
13 the developer.

14 MR. PRICE: And that's recorded when the
15 plat's recorded is that,

16 MR. WOODWARD: That's right.

17 MR. BOSTIAN: An indenture?

18 MR. WOODWARD: Petition and indentures.

19 MR. BOSTIAN: I'm not familiar with indenture
20 except for servitude.

21 MR. PRICE: That'd blow the whistle if you got

1 it in there.

2 MR. BOSTIAN: Of course you could put a note
3 on the plat, that would be the most obvious thing to do.

4 MR. DODD: Well that's what we do with the
5 roads. We have a similar situation with, where you can
6 build a road after the record has a plat.

7 MR. PRICE: With your bond number?

8 MR. DODD: With your bond or some type of
9 surety or we have an alternate type of agreement where
10 you offer, you agree not to offer for sale or sell any
11 lot until the road is accepted into the county system
12 and that agreement is recorded in a reference on the
13 plat so if you were reviewing the plat you would see the
14 libre and folio number. You would be able to go to that
15 and see it.

16 MR. PRICE: I don't have any problem with
17 that.

18 MR. BOSTIAN: I don't think we have a real
19 problem with the record. The owners aren't even showing
20 up.

21 MR. SCHOEPLEIN: With regard to any of these 3

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS
D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

1 parcels are there any other comments from the audience?
2 Being none then the Dorchester County panel is adjourned
3 for this evening.

4 (Whereupon, the hearing adjourned at 8:18
5 p.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS

D.C. AREA 261-1902

BALT. & ANNAP. 974-0947

C E R T I F I C A T E

1
2
3 This is to certify that the foregoing
4 transcript in the matter of:

5 Dorchester County Growth Allocation
6 Request for Review/Approval

7 BEFORE: Dorchester County Panel

8 DATE: May 22, 1989

9 PLACE: County Administration Building
10 Room 110
Cambridge, Maryland

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

14
15
16 
17 Breta Bernstein
Free State Reporting, Inc.

18
19
20
21
FREE STATE REPORTING INC.

COURT REPORTING • DEPOSITIONS

D.C. AREA 261-1902

BALT. & ANNAP. 974-0947