

Public Hearings - Dorchester County - Growth Allocation Amendments 1989 MWA-51830-62

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CHESAPEAKE BAY
CRITICAL AREAS COMMISSION

This matter came before the public on
July 31, 1989, at 7:30 p.m.

Room 101
Dorchester County
Administration Building
Cambridge, Maryland

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CRITICAL AREA COMMISSION

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P R O C E E D I N G S

1
2 MR. PRICE: Mr. Ventre spoke to you. He's the
3 staff representative from the Critical Areas Commission.
4 My name is Robert Price and I'm a member of the Commission.
5 I'm from Queen Anne's County.

6 The gentleman to my right is Mr. Sam Bowling.
7 He's from Charles County, a member of the Commission.
8 And Mr. Tom Jarvis is from Carolina County, also a member.
9 And Mr. William Corkran from Talbot County.

10 So we act as a panel of a 254member Commission
11 to hold a hearing tonight on the Growth Allocation
12 Program amendments that have been submitted by the
13 Dorchester County Commission.

14 And tonight we have three, and we'll take them--
15 the hearing in order as they were submitted or, I presume,
16 advertised. The hearing is held in accordance with
17 Article A, Section 1809 of the Critical Areas legislation,
18 which requires any amendment to a county program that has the
19 approval of county authorities to also get the approval
20 of the Critical Areas Commission.

21 After we have this hearing tonight, we will

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1 meet with the full Commission and the power mates of the
2 court and a vote will be taken. I don't know what our
3 time element is on these, but either at the--probably at
4 the September meeting.

5 The Critical Areas Commission, when it votes on
6 this program amendment, has two charges or two options.
7 One is to return it to the county commissioners not
8 approved with reasons for it not being approved, or,
9 secondly, to approve it.

10 If it's approved, it again comes back to the
11 Dorchester County commissioners and they can enact it.
12 Or if it's not approved, it comes back to the Dorchester
13 County commissioners and they either make the changes or
14 seek some other remedy.

15 We will keep a record open on all three of these
16 matters until August the 15th, and anyone who wishes to
17 submit any written material or other material to the
18 Commission may do so.

19 And Tom I think gave you the address, or I think
20 he has it up here. The format for--The format we'll
21 follow will be for the county. On county amendments it

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1 will be for the county to review the amendments for the
2 panel, after which we'll hear from any interested persons,
3 either the landowner whose property is affected or any
4 citizen that wish to make comments.

5 I haven't seen the list of people that wish to
6 speak and I understand most of them might be on item
7 number three. And when we get to that, if it's a long
8 list, then we may very well limit the time any one person
9 speaks to five minutes or something of that type, depending
10 upon the length of it.

11 We will try to hear everybody out. And with
12 that, if there are no questions, we'll go ahead and
13 proceed with Karen Phillips, representing the Dorchester
14 County Planning Commission.

15 Ms. Phillips, if you want to take up item
16 number one, which is the Middleton Train Camelot
17 Subidivision.

18 MS. PHILLIPS: Okay. First of all, I thought
19 I'd update the panel on the status of the Growth Allocation
20 for Dorchester County. And for the interest of those in
21 the audience, we have here a Critical Area map of

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1 Dorchester County. You'll see that the map is showing the
2 majority of the county, which is in the Critical Area, as
3 being designated as a resource conservation area, all of
4 this kind of lighter colored blue color that you see here.

5 The darker blue is designated as a limited develop-
6 ment area. That's shown in the darker blue areas scattered
7 throughout, mostly located along the shoreline. And the
8 dotted matrix shown here is intensely developed area.

9 And we only have two areas of the county that
10 are mapped as intensely developed areas, and that's--We
11 also call them IDA's--that's the Vienna Power Plant, and
12 another is Spicer's Lumber located near Golden Hill.

13 MR. PRICE: Do you want to use that microphone?

14 MS. PHILLIPS: I'm going to be here most of the
15 time.

16 MR. PRICE: All right.

17 MS. PHILLIPS: Is this all right?

18 MR. PRICE: I just wondered whether people could
19 hear you there.

20 MS. PHILLIPS: Can everybody hear me?

21 AUDIENCE: No.

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1 MS. PHILLIPS: Okay, I'm going to be using this
2 microphone, so speak up if you can't--let me know if you
3 can't hear me. Okay, at the beginning of the Dorchester
4 County Critical Area Program we started with 2900 acres
5 of growth allocation.

6 That has since dwindled, with 300 acres used
7 for a municipality, they're set aside for municipalities;
8 200 acres are set aside for commercial and industrial
9 use; 320 acres have been used for subdivisions which have
10 been approved prior to Dorchester County adopting the
11 Critical Area Program; and 635 acres have been used since
12 the adoption of the Dorchester County Critical Area
13 Program in September of 1988.

14 That leaves us with a net remaining, 1445 acres
15 as of tonight. With the two, with the three Critical
16 Area growth allocation requests that we have this evening,
17 we have one coming in at 38.2 acres, that's the first
18 request.

19 The second is for 6.23 acres and the third is
20 for 2 acres. That gives us a total of 46.43 acres request
21 for this evening. And if all were granted this evening,

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1 that would leave Dorchester County with the remaining
2 1398.57 acres of growth allocation.

3 Okay. The first request that we have for growth
4 allocation has been submitted by Middleton Train Camelot,
5 Dr. Sharif (ph). It's a subdivision. It's located off
6 of Town Point Road.

7 It's a four-lot subdivision in the Critical
8 Area. The subdivision was one of the plats of 19 interim
9 subdivisions in the Dorchester County Critical Area for
10 which the Critical Area Commission formally approved a
11 categorical growth allocation land reclassification program
12 amendment in January of 1989.

13 That's located on page 39 of the Dorchester
14 County Critical Area Program. I'm sure you're probably
15 all familiar with page 39. The Dorchester County Planning
16 Commission, in a memo dated April 19th, recommended
17 approval of growth allocation request made by Middleton
18 Train Subdivision to the county commissioners.

19 At a public hearing held on May 23rd, 1989, the
20 county commissioners voted unanimously to approve the
21 request of growth allocation for the Middleton Train

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1 Camelot Subdivision. The total allocation requested was
2 for 38.2 acres. It's located on plat map 39, parcel 106.

3 And as I mentioned earlier, it's located off of
4 Town Point Road on Fishing Creek. And I'll show you, if
5 I can get to it--Well, I may have to show you here. Well,
6 maybe I can squeeze back here.

7 You might remember from earlier meetings that
8 the interim subdivisions are designated with the, the blue,
9 which is kind of, over time, looking more like green.
10 So the Middleton Train Subdivision is located with--most
11 of the dots, as you see, are located along the Little
12 Choptank, is located right here. Three copies of the plat.

13 SPEAKER: That's only one copy. That's a
14 complete set, a design plan.

15 MS. PHILLIPS: Only one copy, though.

16 MR. VENTRE: This was too big to send to each
17 of you, so this was...

18 MS. PHILLIPS: This would be Town Point Road
19 here. Here's a location map here.

20 MR. PRICE: Here's another copy.

21 MS. PHILLIPS: There's two Fishing Creeks just

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1 in Dorchester County.

2 MR. PRICE: Is that it?

3 MS. PHILLIPS: That's it.

4 MR. PRICE: Does anyone have any comments to make
5 on the Middleton Train Camelot Subdivision?

6 MR. LUDLOW: Gentleman, I'm William Ludlow.

7 MR. PRICE: Would you like to try a microphone
8 there?

9 MR. LUDLOW: I've always been told I had a big
10 mouth anyway. I'm William Ludlow. I'm the person who
11 prepared the plans for Camelot. We have gone through our
12 necessary approvals to date.

13 Right now we're at the stage of Critical Areas
14 growth, awaiting--pending for final approval. We have
15 submitted--As you saw, there were three copies of one set
16 of drawings which we have submitted to the Health
17 Department with--for a shared facility.

18 This will be a warm firmed infiltration pond
19 which has been sited, tested, etcetera. It will be
20 served--it will serve four lots through pressure pumping
21 system from pretreatment, which is your normal septic

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1 system, to this burmed infiltration pond. Each one of
2 these lots will front on the water, utilizing really I
3 think, I think approximately--I'd best look--using
4 approximately four acres of really--two -- of four acres
5 and actually about four acres of actual individual lot-
6 type area.

7 But the other two, two lots will grow in size
8 due to the configuration of the property and will be
9 approximately, I think, 12 and 18 acres.

10 MR. PRICE: Have the shared facilities been
11 approved?

12 MR. LUDLOW: It has been reviewed and has not
13 been finally approved. We're at the wire, if you want
14 to call it that. I'd be glad to answer any questions
15 that you gentlemen might have.

16 MR. PRICE: Any other members have any
17 questions?

18 UNIDENTIFIED SPEAKER: No, I have none.

19 MR. LUDLOW: Thank you.

20 REPORTER: :Sir, would you spell your name?

21 MR. LUDLOW: L-U-D-L-O-W.

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1 REPORTER: Thank you.

2 MR. LUDLOW: Thank you.

3 MR. VENTRE: Mr. Ludlow, one thing before you
4 leave the podium. Anything with regard to habitat
5 protection or matters such as those?

6 MR. LUDLOW: In the Critical Areas assessment
7 we found nothing to be of a detrimental area. It's not
8 near any fish spawning areas, I believe, and also there's
9 no endangered species.

10 And considering part of the property is wooded
11 and will remain wooded, whatever small wildlife there is
12 there, and on the surrounding property that is wooded,
13 should not really affect their habitat.

14 There's no eagle, osprey, any, anything like
15 that that might be frightened off. Thank you.

16 MR. PRICE: For the members that are here, one
17 of the reasons this type of presentation seems to go
18 rather quickly is that I suppose approximately a year ago
19 the Critical Areas Commission and the Dorchester County
20 Commission ironed out an agreement whereby at the time,
21 last August, that the Dorchester County program was

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1 adopted, there were some 19 subdivisions that were in a--
2 I think the term they used was a pipeline.

3 They had been designed and planned but in most
4 cases had not received sitation approval. The Dorchester
5 County commissioners grandfathered those and the Critical
6 Areas Commission approved that grandfathering providing
7 that all of the acreage counted against the growth
8 allocation subject to each one of them coming back and
9 getting approval. And this is what, the third or fourth--

10 MS. PHILLIPS: Fourth.

11 MR. PRICE: Fourth. I was really wondering.
12 Tonight has been--I think most of those were filed in
13 '86.

14 MS. PHILLIPS: Right.

15 MR. PRICE: And here we are in '89. The
16 pipeline's awfully slow or something. Let me ask you,
17 Karen, in view of the fact that he says the sitation of
18 shared facilities has not been approved, and it was my
19 understanding that these things all stayed in the
20 pipeline until they were approved--

21 MS. PHILLIPS: That's correct.

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1 MR. PRICE: --how did this one come to get out?

2 MS. PHILLIPS: This--

3 MR. PRICE: I guess what I'm asking is if the
4 Commission approved this, this allocation, and there is no
5 approval of the shared facilities, then--

6 MS. PHILLIPS: The final plat cannot be recorded
7 until the Health Department is ready to sign on the final
8 plat. And they won't sign until the water and sewer plan
9 amendment has been approved, which is pending.

10 MR. PRICE: But you want, you want the Critical
11 Areas Commission to go ahead and, and take its vote on it,
12 even though the shared facilities have not gotten final
13 approval?

14 MS. PHILLIPS: That's correct.

15 MR. PRICE: How long does it take to get final
16 approval on the shared facilities?

17 MS. PHILLIPS: We've gone to accepting water
18 and sewer plan amendments on a bi-annual basis. And do
19 you know, Bill, when you're up for--when you have--

20 MR. PRICE: I think previously we asked for a
21 schematic on that shared facility

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1 MR. LUDLOW: No. I haven't been notified.

2 MR. PRICE: It's not something that can be done
3 in a year?

4 MR. LUDLOW: It depends on circum--Normally,
5 normally, dealing with the shared facilities and through
6 the Health Department, I don't think you could--Saying
7 you could get one through in under a year is very slim.
8 You have to be very lucky.

9 MR. PRICE: Does anybody else have any comments
10 on the Middleton Train Camelot Subdivision?

11 MR. BOWLING: I have one related question for
12 Karen. In the last hearing, when Steve was here, there
13 was a similar shared facility design presented to us at
14 that time and Steve was going to provide the Commission
15 with copies of that design. I don't think we've seen
16 them yet.

17 MS. PHILLIPS: Okay. Was that--Do you remember
18 what subdivision that was called?

19 MR. BOWLING: No, I don't. It was one of the
20 group that we heard the last time.

21 MS. PHILLIPS: Sunset Farm?

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1 MR. VENTRE: It was the last hearing that we had
2 here, Sunset Farms.

3 MR. BOWLING: Thank you, gentlemen.

4 MR. PRICE: Do you have--I have the second one
5 as Durwood Wigglesworth item. Is that the way you have it?

6 MS. PHILLIPS: Yes.

7 MR. PRICE: Huh?

8 MS. PHILLIPS: Yes.

9 MR. PRICE: Okay. Is that the one you want to
10 take up next?

11 MS. PHILLIPS: Okay.

12 MR. PRICE: All right, the next, the next
13 application is for two acres of growth allocation and it's
14 titled Durwood R. Wigglesworth.

15 MS. PHILLIPS: This is not one of the 19 interim
16 subdivisions. This is one of the first subdivisions that
17 has been considered by the Planning Commission and by the
18 Critical Area--I mean by the County Commissioners under
19 our approved growth allocation procedure ranking system.

20 This request is coming from--near Beulah,
21 located off the Gravel Run Branch, located in the northern

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1 portion of the county, just barely in the Critical Area.
2 This request is under 20 acres, so we are not required to
3 cluster.

4 I've got extra copies. Mr. Ludlow is showing
5 a development envelope, as is outlined under Volume I,
6 Chapter 4, of our Critical Area Program. On April 5th,
7 the Planning Commission sent a favorable recommendation
8 for the use of two acres growth allocation to the County
9 Commissioners to reclassify the land from resource con-
10 servation area to limited development area.

11 On June 6th, 1989, the County Commissioners
12 unanimously approved the growth allocation request for
13 Mr. Wigglesworth and sent a favorable recommendation to
14 the Critical Area Commission.

15 The second dwelling that he is showing, the
16 proposed dwelling that he is showing here, contrary to
17 information that was sent to the Critical Area Commission,
18 this is not for his son.

19 It is for his sister-in-law, which is why the
20 Critical Area Commission is hearing the request. If it
21 were for his son, it would be handled through the

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1 immediate family transfer. I think that completes all my
2 comments.

3 MR. PRICE: Is the request just to take those
4 two acres out of the 20-acre tract?

5 MS. PHILLIPS: Yeah.

6 MR. PRICE: And convert it to limited development?

7 MS. PHILLIPS: That's correct.

8 MR. PRICE: It's my understanding on that basis
9 you could put eight houses in this two acres. Up to
10 eight houses.

11 MS. PHILLIPS: It would have to be subdivided.

12 MR. PRICE: Yeah. That's what this--

13 MS. PHILLIPS: The minimum zoning in that area
14 is one acre per lot. So the most that they could ever
15 have would be two.

16 MR. PRICE: Two, based on underlying. Is the
17 trailer that we show here already there?

18 MS. PHILLIPS: Yes.

19 MR. PRICE: Does that count as a dwelling?

20 MS. PHILLIPS: Yes.

21 MR. PRICE: So you already have one there.

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1 MS. PHILLIPS: Already have one in our 20 acres.
2 So we're asking for a second dwelling on 20 acres.

3 MR. PRICE: But you have one within this two-
4 acre envelope that you show the trailer in.

5 MS. PHILLIPS: That's correct.

6 MR. PRICE: So you can only put one more within
7 that envelope?

8 MS. PHILLIPS: Right. That's what he's
9 requesting.

10 MR. PRICE: I notice on here it says "propose
11 two dwellings, not to be subdivided." I imagine what you
12 mean by that, you mean the lot's not to be subdivided.

13 MR. LUDLOW: Right. The property is not to be
14 subdivided. According to local ordinances, you could put
15 more than one house on one dwelling if you have the
16 acreage.

17 MR. PRICE: No, one house on one lot.

18 MS. PHILLIPS: Right.

19 MR. LUDLOW: Yeah. I'm sorry. And that's
20 really what they want to do.

21 MR. PRICE: Was any locational criteria used

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1 to spot this as being adjacent to existing LDA or--

2 MS. PHILLIPS: The locational criteria only
3 falls into effect on the second 50 percent of our growth
4 allocation. And we've had a meeting with the Critical
5 Area staff last month that met with Tom--

6 MR. VENTRE: Yes, in June.

7 MS. PHILLIPS: Yeah, in June. --met with Ann
8 and--

9 MR. VENTRE: Charlie Davis, Ann Bruxton and
10 myself.

11 MS. PHILLIPS: --Charlie Davis. And we discussed
12 the criteria for locating a new LDA next to an existing LDA,
13 and we felt that, that this is one of the requests that
14 would not have to come under that consideration.

15 MR. PRICE: But doesn't your own program state
16 that--the famous page 39. It says "Approval of either
17 residential or nonresidential development projects
18 requiring a commitment of some of the county growth
19 allocation will be responsive to a series of locational
20 criteria, including, among other things, adjacency to
21 established limited development areas and availability of

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1 public and community water and sewer, good road or highway
2 accessibility, presence of appropriate physical environ-
3 mental features on the tract of land."

4 MS. PHILLIPS: Um-hum.

5 MR. PRICE: Were any of those addressed in this?

6 MS. PHILLIPS: In the ranking methodology that's
7 used for request of growth allocation, you are given
8 higher points, to describe the process, if you are con-
9 tiguous to an existing LDA.

10 Seeing as we've only had two growth allocation
11 requests, neither of which were adjacent to an existing
12 LDA, they didn't rank high. But at the time, we did not
13 have a bottom limit on point values established in order
14 to qualify for growth allocation requests.

15 So both of these qualified. However, we have
16 now since amended our growth allocation methodology to
17 establish a bottom limit, that you have to have a minimum
18 score, which takes into consideration adjacency.

19 MR. PRICE: As I read the methodology, if you
20 flunked everything, you still--

21 MS. PHILLIPS: Right.

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1 MR. PRICE: --get the highest score.

2 MS. PHILLIPS: Right.

3 MR. PRICE: Well, on this plat it doesn't
4 appear that the LDA even abutts a public road.

5 MS. PHILLIPS: That's correct.

6 MR. JARVIS: It's an isolated island of LDA?

7 MS. PHILLIPS: That's correct.

8 MR. PRICE: And the assumption is that there's
9 going to be a right of way over this existing driveway to
10 get to it? I won't say assumption, but is that--

11 MR. LUDLOW: There is an existing driveway,
12 naturally, to get back to the trailer. I mean it would
13 be that way on any lot that we subdivide and put a
14 building envelope around.

15 Probably and realistically, if you have a larger
16 lot, the building envelope might not even be contiguous
17 to the road, other than, you know, you'd still have the
18 driveway access to get from the road to the building
19 envelope.

20 MR. PRICE: Wouldn't that show on your plat?

21 MR. LUDLOW: As far as--

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1 MR. PRICE: As far as--

2 MR. LUDLOW: We show a driveway.

3 MR. PRICE: As I get it, you're treating this
4 not as a lot. Are you trying to solve a family situation?
5 Is that what this is?

6 MS. PHILLIPS: That's correct. He does not want
7 to subdivide the property. He just wants a second dwelling.

8 MR. JARVIS: That's a new one to us.

9 MR. PRICE: What's it right now, RCA?

10 MS. PHILLIPS: That's correct. It was something
11 that we couldn't handle through the immediate family
12 transfer seeing as it was for his sister-in-law.

13 MR. BOWLING: Couldn't have an adoption in here.

14 MR. PRICE: What happens if the gentleman
15 comes back and wants to subdivide the--these two acres?

16 MR. JARVIS: He's not--

17 MR. PRICE: There's no restriction against that,
18 is there?

19 MS. PHILLIPS: That's correct.

20 MR. JARVIS: And the balance of the tract, it
21 would fit the locational criteria, too, wouldn't it?

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1 MS. PHILLIPS: You want him to subdivide the
2 rest--Are you asking if he wanted to subdivide the residue?

3 MR. PRICE: No. I was asking if he wanted to
4 subdivide what you're allotting growth allocation.

5 MS. PHILLIPS: The two acres?

6 MR. PRICE: Yeah.

7 MS. PHILLIPS: He could subdivide that into
8 two lots if, for instance, he wanted to. Sell one of the
9 dwellings.

10 MR. PRICE: Does anybody wish to speak to the
11 Durwood R. Wigglesworth--Mr. Ludlow?

12 MR. LUDLOW: Let me try to explain what I know
13 about this. Mr. Durwood Wigglesworth owns approximately
14 20 acres. He has a son who is the gentleman I've been
15 dealing with, is a Phillip Wigglesworth. He is the one--

16 MR. PRICE: What?

17 MR. LUDLOW: Phillip Wigglesworth. He is the
18 gentleman who is going to put the house on the lot. The
19 sister-in-law is the sister-in-law of Phillip Wigglesworth.
20 Not to get involved anyway in too details 'cause I don't
21 totally understand it, it's the--It's not Mr. Durwood

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1 himself who is building on the lot, it is the family.

2 Exactly how Mr. Durwood actually--Mr. Phillip's
3 sister-in-law is related, God only knows, but it's
4 somewheres in the family. But anyway, it's the son who's
5 going to be putting the second house on the lot.

6 I think, Karen, you had mentioned about the
7 sister-in-law. The sister-in-law's trailer is already
8 there.

9 MR. PRICE: Whose is it now, the son?

10 MR. LUDLOW: The son is the one who wants to
11 construct a home.

12 MR. PRICE: I thought you said you were doing
13 this because--

14 MS. PHILLIPS: That was our understanding, that--

15 MR. LUDLOW: No. The son is the one that wants
16 to put the home on it.

17 MR. VENTRE: So Durwood owns the parcel?

18 MR. LUDLOW: Durwood owns the parcel, Phillip--

19 MR. VENTRE: Does not reside in the residence
20 already on the parcel?

21 MR. LUDLOW: That's right.

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1 MR. VENTRE: Which is 20 acres, approximately.

2 His son does.

3 MR. LUDLOW: That's right.

4 MR. VENTRE: But the son has an interest in
5 building a second house on the parcel?

6 MR. LUDLOW: That is right.

7 MR. VENTRE: But in the RCA classification in
8 Dorchester County, one cannot put two houses on a 20-acre
9 lot.

10 MR. LUDLOW: That is right.

11 MR. VENTRE: So he wants to create an LDA of
12 two acres.

13 MR. LUDLOW: Right.

14 MR. PRICE: Except that remain -- transfer --.

15 MR. LUDLOW: He doesn't want to subdivide.

16 MR. PRICE: Doesn't want to subdivide.

17 MR. LUDLOW: That would have simplified it.

18 MR. PRICE: He had to do that for '86.

19 MS. PHILLIPS: Pardon me?

20 MR. PRICE: He had to do that for '86.

21 MS. PHILLIPS: Right. It's a lot of record as

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1 of December 1, 1986. You understand why we're here today?

2 MR. PRICE: I guess. This is a pretty
3 expensive way to satisfy a family. I mean, that's
4 Dorchester County's rule. What you can use later on, too,
5 is for somebody to put a trailer on it.

6 MR. LUDLOW: From what I gather, he is not
7 interested in subdividing or, naturally, selling, because
8 these two, you know, properties are not to be sold.
9 You know, that's how it was explained to me. Naturally,
10 they're not being subdivided.

11 MR. PRICE: Has there been any Health Department
12 approval?

13 MR. LUDLOW: Yes. In fact, one of the systems
14 is in, the second one has been approved.

15 MR. VENTRE: And we don't--Apparently, no one
16 is clear on why Durwood Wigglesworth did not pursue it
17 into a family transfer.

18 MR. LUDLOW: I have no idea. I asked that.
19 I told them it would be simpler, they said no.

20 MR. PRICE: Did I understand you to say that
21 this came in under the rating system that you now have

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1 changed?

2 MS. PHILLIPS: That's correct.

3 MR. PRICE: Well, let me ask you, would this
4 thing qualify today?

5 MS. PHILLIPS: It wouldn't get a very high score
6 but it would pass.

7 MR. PRICE: Do you still get points for each
8 category you fail? I mean--

9 MS. PHILLIPS: You get points.

10 MR. PRICE: Yeah.

11 MS. PHILLIPS: You get higher points for
12 adjacency. Well, there's different criteria that--

13 MR. PRICE: The way I read what you had, if you
14 flunked out you get a one for flunking out in it. And
15 you've got 10 or 12 categories, so you always end up with
16 12 points. And you're saying 10 is what you need.

17 MS. PHILLIPS: Well, we have established a
18 minimum passing score.

19 MR. PRICE: Okay. What is that?

20 MS. PHILLIPS: There is an arbitrary figure that
21 has been picked.

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1 MR. PRICE: What is that?

2 MS. PHILLIPS: We're still working out that with
3 Planning Commission. That's why I can't give it.

4 MR. JARVIS: But it is definitely the son who
5 wants to build?

6 MR. LUDLOW: It is definitely the son who is
7 going to put the home on the lot.

8 MR. PRICE: Why doesn't he use a long breezeway
9 and call it one house?

10 MR. LUDLOW: Maybe you can get the answer to
11 that one, also. Basically--

12 MR. PRICE: It would solve a lot of problems.

13 MR. LUDLOW: It surely would. Basically, we
14 want--Excuse me. We went through the assessments. We
15 have not found anything detrimental. You know, it is not
16 near a fish or wildlife habitat area.

17 We do--There is some tidal wetlands but the
18 amount of--We are going to be removing approximately a
19 quarter of an acre of trees where the home site is to be,
20 and that would naturally be replanted under the ordinance.

21 Basically, I think basically we've covered

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1 everything on it. I cannot think of anything else that
2 might be pertinent. If there's anything, any questions
3 you gentlemen have, I'll be glad to answer them for you.

4 The utilities are already back to the site.
5 The well is already in the ground 'cause they will be
6 sharing one well for the two homes. Thank you.

7 MR. PRICE: Does anybody else wish to speak on
8 this Wigglesworth family situation? All right, we'll move
9 on to number three. Paul A. Tobin, 6.23 acres in a--He
10 wants a change of 6.23 acres from a resource conservation
11 to intense development.

12 Were there any other sheets except this one of
13 people who wish to speak? All right, Ms. Phillips, do
14 you want to...

15 MS. PHILLIPS: Okay. Copies of -- .

16 MR. VENTRE: Excuse me. I made, for your
17 convenience, gentlemen, a reduced copy that I had put on
18 two sheets and I indicated the match line, so you do
19 have it.

20 MR. PRICE: Okay, fine.

21 MR. VENTRE: In any case, we have two full-size

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1 plats here for your reference.

2 MS. PHILLIPS: Paul Tobin's request is located
3 on Taylor's Island, off of Bay Shore Road, somewhere
4 around there. It's a six point two three acre parcel.
5 This is also--

6 UNIDENTIFIED SPEAKER: Try to speak up. Can't
7 hear you. Can't hear, not at all back here.

8 (Off the record.)

9 MS. PHILLIPS: The Paul Tobin request is for
10 six point two three acres of land to be redesignated from
11 an RCA, a resource conservation area, to an IDA, an
12 intensely developed area.

13 The property is located off of Bay Shore Road
14 on Taylor's Island. We have here, up on the easel here,
15 a site plan of the property. This is also one of the
16 first, along with the Wigglesworth proposal, which was
17 heard under the ranking methodology which was approved by
18 the Critical Area Commission and the County Commissioners.

19 It is located in Volume I of the Dorchester
20 County Critical Area Program. On, on January 19th, the
21 Dorchester County Board of Appeals heard a request for a

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1 special exception for a fair use of an R2 property located
2 on Taylor's Island, the property in question.

3 After a discussion, a motion was made by
4 Mr. Bogg, "After all members have reviewed and signed
5 the findings of fact, I would look to move that we approve
6 the special exception with the following: a state entered
7 objection (see exhibit); work must commence within two
8 years of the Critical Area approval; the site plan must
9 return to the Planning Commission; the Highway Department
10 must approve the road through the applicant's land; and
11 no other commercial operations on excepted property are
12 permitted; subject to approval of all other affected
13 agencies; and, seven, weight limits are governed by the
14 bridge limits."

15 And it was seconded by Mr. Jones and it was
16 passed unanimously. That was on January 19th.

17 MR. PRICE: Excuse me. What was that special
18 exception for?

19 MS. PHILLIPS: A ferry use in the R2 residential
20 district.

21 MR. PRICE: And that was enumerated in special

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1 exception in that district?

2 MS. PHILLIPS: Pardon me?

3 MR. PRICE: Was that enumerated special--

4 MS. PHILLIPS: That was just determined to be
5 use similar to a public or private marina, which is a
6 special exception use in the R2 residential district.
7 Ferries are not specifically addressed in our zoning
8 ordinance.

9 MR. PRICE: And the Board has the authority to
10 make--

11 MS. PHILLIPS: That's correct. For anybody's
12 reference, the appeal case number was ten ninety-three.
13 On April 5th, the Planning Commission gave a favorable
14 recommendation on the request to the County Commissioners
15 that they grant approval subject to the limitation that
16 the ferry must basically be in the latter stages of
17 construction, and if they fail to begin within two years,
18 then the allocation is to be rescinded.

19 And on June 6th, the County Commissioners
20 unanimously approved the request and accepted the recommen-
21 dation of the Planning Commission that within two years--

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1 with the two-year restriction on the development of the
2 ferry service.

3 The ferry service is proposed as a five-roundtrip-
4 per-day ferry service with 26 cars per trips or 130
5 passengers. That would be a total, with all five roundtrips,
6 of 130 cars or 650 passengers per day. That's all I have.

7 MR. PRICE: If the--if you change the designation
8 from resource conservation to intense development, will
9 you change--the County contemplate changing the underlying
10 zoning classification from R2?

11 MS. PHILLIPS: No. The R2 zoning remains.
12 They were specifically given a special exception for a
13 public--well, for the ferry use, which is a use similar
14 to a public or private marina.

15 They would be bound by all the restrictions in
16 the R2 residential district.

17 MR. VENTRE: Except for that use.

18 MS. PHILLIPS: Except for that use, that's
19 correct. And one of the findings of the--that I just
20 mentioned of the Board of Appeals was that it was to
21 restrict any other commercial development on the property.

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1 "No other commercial operations on the subject
2 property are permitted."

3 MR. PRICE: In your, in your program it states
4 under "Waterfront Development" that "Dorchester County
5 will identify areas suitable for water dependent
6 facilities and will adopt regulations which limit all new
7 development and standard nonresidential development
8 occurring in the tidewater buffer." Has Dorchester County
9 done that?

10 MS. PHILLIPS: We have not specifically desig-
11 nated these areas on any kind of map.

12 MR. PRICE: And have you, have you adopted any,
13 any regulations over and above the zoning and subdivision
14 regulations?

15 MS. PHILLIPS: Our project--Under the zoning
16 ordinance, under the Critical Areas section, J-5, it states
17 that "new or expanded water dependent activities are per-
18 mitted in the tidewater buffer within intensely developed
19 areas and limited development areas only.

20 "Such projects must meet a recognized public
21 need or private right, and adverse effects to water quality

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1 and to plant, fish and wildlife habitat must be minimized."
2 And it was interpreted by the Planning Commission and by
3 the County Commissioners that this fell under those
4 criteria.

5 And also that it fell under section 7 for a
6 newer, expanded marina, since we are running it as a use
7 similar to a public or private marina. It's the closest
8 thing that we had existing in our ordinance.

9 MR. PRICE: Do you think marinas require an
10 LDA or an IDA? Do you have a requirement that the appli-
11 cant has to show a decrease in the water pollution?

12 MS. PHILLIPS: Yes. Under IDA, I think there's
13 a 10 percent rule.

14 MR. PRICE: Yeah. Did this applicant, did he
15 demonstrate anywhere in writing or--

16 MS. PHILLIPS: He has several proposals in
17 writing. At this time, he has not--He's working on
18 applications. I'll let Mr. Tobin speak for himself.

19 MR. PRICE: Okay.

20 MS. PHILLIPS: But he's working with applications
21 with the Army Corps of Engineers. I think that's something

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1 that can't be finalized until the permits are finalized.

2 MR. PRICE: Do you know if he has any on-site
3 water--acceptable water and sewer systems?

4 MS. PHILLIPS: I don't believe he does.

5 MR. PRICE: From the Health Department?

6 MS. PHILLIPS: Not existing.

7 MR. TOBIN: There's an existing system there for
8 the house that's there. It's not a house now, it's a
9 trailer. The house burned down. But that won't be used
10 by the ferry service.

11 We're going to have portable toilets there, to be
12 disposed of off-site.

13 MR. PRICE: Are there any plans, Ms. Phillips,
14 for this to be sewered by municipal sewer or water?

15 MS. PHILLIPS: No, there isn't.

16 MR. PRICE: And is there any existing intention
17 to develop or over-developed land close by in the
18 neighborhood?

19 MS. PHILLIPS: The closest--As I mentioned
20 before, there are only two existing IDA's in the county,
21 that being Spicer's Lumber in Golden Hill and the Vienna

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1 Power Plant. It's not that far from an existing LDA, but
2 it's not contiguous.

3 MR. PRICE: Near but not contiguous. How close
4 would it be?

5 MS. PHILLIPS: About a mile.

6 MR. PRICE: A mile? Any other--Sam, go ahead.

7 MR. JARVIS: Just out of curiosity, does your
8 ordinance require that this be IDA?

9 MS. PHILLIPS: We've required, under the recommen-
10 dation of a staff member of the Critical Area Commission,
11 that this be designated to an IDA.

12 MR. JARVIS: It would seem to be a very limited
13 intense use. That's why I was wondering.

14 MS. PHILLIPS: Let me see if I can find the
15 letter. Okay. Would you like me to read a copy of the--

16 MR. JARVIS: Please.

17 MS. PHILLIPS: This is a letter dated January 12th
18 from Abigail Roane, Natural Resources Planner for the
19 Critical Area Commission. "Dear Mrs. Phillips: This
20 letter is in response to your request for comments
21 regarding Paul Tobin's application for a special exception

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1 for Chesapeake Bay Ferry Service. As we have discussed on
2 the phone this morning, Section 15547A, Critical Area
3 Protection District of the Dorchester County Code, states
4 in Section H-3 that new commercial and industrial
5 facilities are not permitted in the resource conservation
6 areas and additional land may not be zoned for these purposes
7 unless that land is designated for intense or limited
8 development as part of the future growth of the county.

9 "Therefore, the granting of the special
10 exception must be contingent on receiving growth allocations.
11 In addition, the growth allocation applied for must be
12 to zone the property as an intense developed area with
13 a buffer exemption."

14 That's something that we omitted in our public
15 hearing ad, was that he was also requesting a buffer
16 exemption. So that is something that if the growth
17 allocation were approved by the Critical Area Commission
18 that we would have to come back and, before the County
19 Commissioners, request a buffer exemption.

20 They would then forward a recommendation to the
21 Critical Area Commission and have another public hearing.

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1 And then she closes to say that "This is to comply with
2 Section C-5 and J-5, 5 and 6, of the above referenced
3 section of the County Code.

4 "The Commissioners will respond to the technical
5 aspects of the proposed development when growth allocation
6 is applied for. Please inform us when Mr. Tobin applies
7 for growth allocation and continue to send us other related
8 materials. Thank you."

9 MR. PRICE: Let's go back over these waterfront
10 requirements from the county's program, not the Critical
11 Areas program. It says "Other regulations will restrict
12 the siting of certain new water dependent facilities and
13 tidewater buffer based on existing land use patterns,
14 including a requirement that ports and industries which
15 use water for transportation in deriving economic benefits
16 from shore access be located near existing port
17 facilities."

18 MS. PHILLIPS: You're saying near existing port
19 facilities. Well, that would restrict any new port
20 facility to be located in the City of Cambridge. That's
21 the only existing port facility in the city of--in the

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1 County of Dorchester.

2 MR. PRICE: Well, you know--

3 MS. PHILLIPS: And we're also not--I'm sorry.

4 The interpretation of the Planning Commission and the
5 County Commissioners at this point is that this is not a
6 port, it's a use similar to a public or private marina.
7 When you're looking at--

8 MR. PRICE: Yeah, I'm not going to--I guess what
9 I'm getting at is you all wrote this. And when you wrote
10 it, you knew--

11 MS. PHILLIPS: That there was only one.

12 MR. PRICE: And that--And when you wrote it and
13 sent it to the public hearing and it was adopted and I
14 just wonder why this first time that--Was any consideration
15 given this when the County Commissioners made their
16 approval?

17 MS. PHILLIPS: Well, as I said earlier, we're
18 not interpreting this to be a use similar to a port.

19 MR. PRICE: Water transportation area--

20 MS. PHILLIPS: Okay, it does qualify under water
21 transportation. In our meeting with Tom--If you recall,

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1 Tom, in June we stated that it isn't necessarily the most
2 advantageous location to locate a ferry to the Western
3 Shore, on the upper reaches of the Choptank River.

4 The most direct route would be, as you can see,
5 on the western shore of Dorchester County, which would be
6 anywhere from Taylor's Island down to Hooper's Island.

7 MR. PRICE: Those--

8 MS. PHILLIPS: Those locational criteria have
9 to be taken into consideration.

10 MR. PRICE: Those same regulations in your program
11 state the required--and say "The above will contain a
12 new expanded and redeveloped industrial or port-related
13 facilities, marinas and other commercial maritime
14 facilities, community piers, other related noncommercial
15 boat docking and storage facilities."

16 We have--Or I have a list that after I get
17 through with it, we'll give anybody else an opportunity
18 that wishes to speak. The first speaker, though, is
19 Mr. Paul A. Tobin who, I presume, is the applicant.
20 Mr. Tobin.

21 MR. TOBIN: Certainly.

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1 MR. PRICE: Do you have a Critical Areas
2 Commission in Georgia?

3 MR. TOBIN: No, sir.

4 MR. VENTRE: Paul, that's a directional mike.
5 You can raise it so it's higher.

6 MR. TOBIN: Okay.

7 MR. VENTRE: Thank you.

8 MR. TOBIN: As far as being from Georgia, I
9 bought the property at Taylor's Island in 1980 and I lived
10 out there for a while. And my wife is from Mobile,
11 Alabama, and we moved to Mobile.

12 And now we're planning on moving back to Taylor's
13 Island and building a house there, and then we'd like to
14 operate the ferryboat from the same piece of property.
15 And we plan on having a family-owned and operated business.

16 And right now I'm working in Georgia. I'm on
17 a--I'm a captain of a tugboat down there at the Navy base.
18 The service we plan on having is an auto ferry service,
19 the transportation from the Western Shore to the Eastern
20 Shore, and we feel that it would be a big benefit to the
21 county residents and it'd be a convenience--it would improve

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1 public access to the Chesapeake Bay, which there's very
2 little public access to the Chesapeake Bay in Southern
3 Dorchester.

4 And we also thought it would help as far as
5 employment goes. We're planning on having six to ten
6 employees and that would be an improvement of the employment
7 and the--Also, if it was possible to get to the other side
8 of the Bay, you might get a job over there and take the
9 ferry across and you've got better employment opportunities
10 over there.

11 We're talking about the location of the ferry.
12 In order to have a car ferry, you have to have it as short
13 as possible, as short as it is practical to have it.
14 And our property is at the end of a state road.

15 Route 16 ends on the other side of the Slaughter
16 Creek Bridge. It's fairly close to a state road, a good
17 road, and it's a good connection from there to Route 50.
18 Also, the Taylor's Island is the narrowest place in the
19 Chesapeake Bay once you get past the Bay Bridge.

20 It's five-and-a-half miles across there from
21 Taylor's Island to Cove Point, and that would be the best

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1 place for a ferry landing. We also thought that the
2 ferry service would be a fun thing for family activities.

3 We're intending on having it be, you know,
4 something--an easy way to get to a festival or something
5 like that. It would be a fun thing and it would be for
6 families to enjoy.

7 As far as the critical area, the facility is a
8 water dependent facility, so it needs to be in the critical
9 area in order to be near the water. We made the road--
10 the road in the 100-foot buffer is straight and it's the
11 shortest--It's 100 feet line, as straight as possible and
12 has the least amount of detriment to the critical area.

13 Also, the southern end of the site, this is
14 supposed to be woods here on the northern part. This is
15 a clearing. There used to be a home here that burned down
16 before I bought the property.

17 And then you see the 100-foot buffer is this
18 dashed line. We just have a road coming out here. There
19 would be a limited amount of parking here, and this was a
20 proposed additional parking here.

21 Most of the cars--We had planned on the road

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1 being a two-lane road so the cars could--Rather than taking
2 the weight on the road, there wouldn't be a whole bunch of
3 lanes there or anything.

4 Everybody would just wait in line. When the
5 other cars came and got out of the way, then they could go
6 on the boat and it wouldn't be a lot of parking down there.
7 And then I have an aerial photo that I could--I don't
8 know whether you can see it.

9 MR. RRICE: Does your road go--The road's going
10 to go up this way? You've got a 70-foot wide right of
11 way going through the Goldstein land.

12 MR. TOBIN: The second road, the lower one, is
13 a proposed alternate route. What we have talked about,
14 the other road, the original road there going up, that
15 follows the existing driveway.

16 MR. PRICE: Yeah.

17 MR. TOBIN: And what we had thought is the
18 northern part of it there--Let me show you on this one.
19 This is next to somebody else's land, which is unprotected.
20 And we thought if this was to wash away, we would have a
21 good road here on the right of way and we wouldn't be

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1 able to protect it 'cause it's somebody else's land that's
2 washing away.

3 So we had proposed this alternate route. This
4 would go straight out to Punch Island Road, and then we're
5 going to bulkhead our property here with rip-rap. Our
6 road will be protected and it'll be a more secure road.

7 So this was a proposed alternate route, and
8 that's subject to survey. This is existing right of way,
9 this is an old driveway that's in there now. We had
10 planned on raising it up and widening it on the inside
11 part.

12 But this comes out onto Bay Shore Road which is
13 a lot more congested. If we came out here on the alter-
14 nate route, it would go into Punch Island Road. That
15 connects to--Well, you direct the traffic down to Punch
16 Island Road to Robinson Neck, and then it would, it would
17 pass about a dozen houses, it would pass on the way to
18 Slaughter Creek Bridge.

19 There would be very few residences. Also, the
20 site is surrounded by woods. From here south is woods,
21 all woods. This 200-acre tract here, that's Mr. Goldstein.

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1 And then there's another 117 acres back here
2 that's Mr. Stafford's. So surrounding the whole site is
3 woods. The northern part of the site, Dr. Rankin is a
4 46-acre farm.

5 There's one farm house there. South of the site,
6 I believe you have to go about two miles down Punch Island
7 Road to come to a house going south. I have an aerial
8 photo which--This is the site here. You can see the woods
9 around it.

10 This is Punch Island Road, comes out. This is
11 Robinson Neck going out to the bridge. Houses here on
12 the--This is the house that burned down, this is the bulk-
13 head that's on that drawing, and the road to come into the
14 woods here and then out this way.

15 Also, because of the erosion, the rest of the
16 shoreline is moving back, and this is bulkheaded and then
17 it's partially rip-rapped. The water is actually getting
18 deeper.

19 So at the south end of the site, there's deeper
20 water here than there is anywhere else along the, the Bay
21 there. And you see on that photo, it sticks out there a

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1 good ways past... Also, as far as the run off goes, the
2 road would be a tar and chip surface, which is more
3 permeable.

4 And it would be ditched on both sides, and then
5 we would use an approved county method and have an approved
6 county storm water management plan. Also, the shoreline,
7 we're planning on improving the rip-rap and that would
8 control the run off into the Bay that's there now.

9 We have--About 800 feet of the shoreline is
10 protected with concrete rubble, and the remaining 400 feet
11 is not protected right now. We're planning on protecting
12 the whole 1200 feet with rip-rap.

13 And then the causeway, we had suggested several
14 different methods and the causeway was the least. We had
15 talked about sunken barges and driving over the top of
16 those, and that was not, not as good as a causeway.

17 The causeway would just be some pilings--we're
18 planning on using steel pilings. That would reduce the
19 number of pilings and also the amount of construction
20 required.

21 So it would be a minimum amount of disturbance

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1 to the water. Looking at the aerial photo, you can see the
2 amount of woods around the property there, the remote
3 piece of property.

4 The driveway is four-tenths of a mile from Bay
5 Shore Road to get into the land.

6 MR. VENTRE: What are the dates, respectively,
7 Mr. Tobin, on the photographs? The one that's unframed
8 is more recent--

9 MR. TOBIN: The aerial photo was taken in, in
10 1986.

11 MR. VENTRE: That's the unframed one?

12 MR. TOBIN: Yes, sir.

13 MR. VENTRE: And the framed one is--

14 MR. TOBIN: The framed one is at least 10 years
15 old. That was before I bought the property and that's
16 before the house burned down.

17 MR. VENTRE: Okay. So that in the framed
18 photograph, that structure was no longer there?

19 MR. TOBIN: No, sir. There's a trailer out
20 there now, a small trailer, and we're planning on building
21 a house about where that small trailer is, except back

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1 farther. Is there anyone that wants to see these pictures?

2 UNIDENTIFIED SPEAKER: Please pass that around.

3 We'd all like to see it.

4 MR. TOBIN: Okay.

5 MR. VENTRE: Is this contemplated as a seasonal
6 or a year-round--

7 MR. TOBIN: We're planning on having a year-round
8 service, so it would be more reliable, that you would be
9 able to drive down and know that the ferry would be running
10 all year.

11 If you have it seasonal, you know, you'd have
12 to worry if you got down there it might be closed for the
13 year or something. So we're planning on having a year-
14 round service.

15 And then we're probably going to start out with
16 one boat, and then we had talked about a second boat to be
17 like a back-up boat or a standby boat. More than likely,
18 we'll start with one boat to operate.

19 MR. VENTRE: And the boats would come to the
20 end of the causeway?

21 MR. TOBIN: Yes, sir. We'd have a--

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1 MR. VENTRE: On your plat it projects what, 240
2 feet or so?

3 MR. TOBIN: Yes, sir. This is a steel--There's
4 a steel deck causeway. It would have a guardrail and then
5 a ramp on the channel-ward end. And you'd have piling
6 clusters here on each side that the boat would land against.

7 And then you'd lower that ramp down onto the
8 boat and then the cars would drive off the causeway and
9 drive and go out Punch, Punch Island Road. And then the
10 boat will be about 120-foot boat.

11 So we're figuring it will be big enough--I know
12 the Bay gets kind of choppy, but we're figuring a boat
13 that long would be, you know, would be able to manage it
14 most of the time.

15 Even if it was a little bit choppy, it would--
16 Once you pushed on those pilings, it would hold itself
17 there and you would still be able to operate. And we
18 were budgeting 345-day year to allow for weather or any
19 kind of other problems that we had that wouldn't allow for,
20 you know, for 365 days of operation.

21 MR. VENTRE: Regarding egress and ingress to the

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1 site for the automobiles or light trucks or whatever, the--
2 you're considering an option to use the road farther down
3 there on the site? Is that going to be the primary means
4 of ingress and egress to the site or the secondary means
5 or what? .

6 MR. TOBIN: What we were planning is we'd either
7 have this or we'd have this. This--

8 MR. VENTRE: Oh, I see.

9 MR. TOBIN: This is the first one we had, and
10 then when we, when we got to figuring it, we thought this
11 would be better, mainly because it would be behind our
12 rip-rap.

13 And this--On this road, there's about--In some
14 places, you're less than 20 feet from the Chesapeake Bay
15 here to our right of way. And it's washed probably 20
16 feet in the last 5 years. There's a lot of erosion along
17 this section.

18 MR. BOWLING: If you use either road, you'd
19 still come over that same bridge you described a while ago?

20 MR. TOBIN: Yes, sir. The only way to get to
21 Taylor's Island is the Slaughter Creek Bridge.

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1 MR. BOWLING: What is the weight limit on that
2 bridge?

3 MR. TOBIN: I don't know offhand. I know it's
4 not very much. I had talked to one man that was trying to
5 haul stone down there to protect some of his property and
6 they said that he couldn't haul a 20-ton truck down there.

7 MR. BOWLING: Maybe 10 tons?

8 MR. TOBIN: I would guess something like that.
9 I've been down there and I haven't seen any posted weight
10 limits on it. Usually, if they have a weight limit on
11 it, it's posted. But I know it's not very, very much.

12 I don't think an 18-wheeler could cross it, and
13 I doubt if a--From what I heard the last time I talked to
14 him, he said the 20-ton truck wasn't allowed to go across
15 it. That was when they were doing some repairs to it.

16 MR. JARVIS: You don't propose to ferry that
17 sort of vehicle anyway, do you, 18-wheelers?

18 MR. TOBIN: No. Well, what we had talked about
19 is--The question was if the boat could handle it, and the
20 boat that we would have would be capable of doing that.

21 MR. JARVIS: Would be?

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1 MR. TOBIN: Yes, sir. And then the causeway
2 would be capable, but that--All the restrictions we have
3 has to do with the weight limits on the bridge and the
4 weight limits on the boat.

5 So, you know, the bridge being like it is, that's
6 not something that we're going to be doing. The main thing
7 we're going to be doing is automobiles.

8 MR. JARVIS: Well, you've described an eastern
9 terminus to us. Do you have a western?

10 MR. TOBIN: We have several sites that we're
11 looking at and we're presently negotiating one particular
12 site. And I'd rather not say exactly where that is until
13 I can finalize the--

14 MR. JARVIS: Understood. But I also realize
15 you're up against a two-year time frame.

16 MR. TOBIN: Yes, sir.

17 MR. JARVIS: So that you've got to be pretty
18 close to it?

19 MR. TOBIN: Yes, sir.

20 MR. JARVIS: How much dredging would you have to
21 do here for your causeway?

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1 MR. TOBIN: What we're planning on, what we had
2 talked about was that--is dredging or building a shallow
3 draft boat. And what we figure is we could put the money
4 into the boat and we could take the boat with us if we had
5 to.

6 But the dredging, if we put money into dredging,
7 then the dredging's going to stay there. Also, anybody
8 I've talked to about dredging in the Chesapeake Bay, it
9 always fills in again and you have a tremendous maintenance
10 cost to keep it open.

11 And also from the environmental point of view,
12 that the causeway is much, much less detrimental. And the
13 boat we'd build, it would be about a three-and-a-half foot
14 draft.

15 It would be a big boat with a shallow draft
16 that could fit in there on Taylor's Island. And like I
17 say, on that aerial photo you can see the erosion. The
18 rest of the site has washed back a good bit, and this is
19 probably 1,000 feet.

20 So if you walk out here in the water, you have
21 to go about 1,000 feet off to get into 5 feet of water.

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1 If you walk south, you get down here, you're about 150
2 feet offshore to get 50 feet of water.

3 So the deep water is moving in and passing our
4 property. And then since it's bulkheaded, it's staying
5 there and the rest of the shoals is passing it now. So
6 it's fairly deep water here where our--where we're putting--
7 proposing to put the landing.

8 If you put the landing here or someplace else,
9 you're, you know, you'd have to have a causeway 1500 feet
10 long or something like that to get anywhere near a
11 navigable amount of water. Is there any other questions?

12 MR. PRICE: All right, Mr. Tobin, how far--Will
13 this road be turned over to the county? Is this a publicly
14 maintained--

15 MR. TOBIN: We're planning on having--on building
16 the road ourselves and having it privately owned. The
17 road would be a private right of way to be used by the--by
18 the ferry, and then by the adjacent property owners.

19 MR. PRICE: Where would you join a public road?

20 MR. TOBIN: Punch Island Road.

21 MR. PRICE: And how far is that from your site?

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1 MR. TOBIN: The road will be approximately 2900
2 feet long. It's about--a little over 2,000 feet from our
3 property line to the, to the road, to the county road.
4 The part on our property would be 8 or 900 feet.

5 MR. PRICE: Do you have an approval for--I see
6 a pond on this plat. Is that a shared facility sanitation-
7 wise?

8 MR. TOBIN: That pond was dug there by the
9 previous owner and that's firm infiltration pond for the
10 sewer system for the house. We would use that for the--
11 our residence, that pond.

12 MR. PRICE: Have you gotten any approval of the
13 Health Department for--

14 MR. TOBIN: That was--Well, it would have been
15 approved at the time--

16 MR. PRICE: --the other--

17 MR. TOBIN: --it was installed.

18 MR. PRICE: --portable toilets? Has that been
19 approved by the Health Department?

20 MR. TOBIN: No. We had suggested that in our
21 application and they had comments on that.

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1 MS. PHILLIPS: Would you like me to read the
2 comments?

3 MR. PRICE: Sure. Please.

4 MR. TOBIN: This is Dorchester County Health
5 Department, Environmental Health Division, to the Planning
6 and Zoning Office from Stacey A. Bockman, Jr.

7 MS. PHILLIPS: Beauchamp.

8 MR. TOBIN: Beecham? Proposed Ferry Service
9 Site Plan, Bay Shore Road. "The Department has no objections
10 to the concept of the proposal. The following comments are
11 made to provide specific requirements as might be necessary
12 prior to final Health Department approval.

13 "The comments should not be construed as all-
14 inclusive at this time. The proposed causeway requires
15 approval by the appropriate state and federal agencies.
16 Storm water and sediment management control approvals by
17 the appropriate agency.

18 "Water supplies for the current dwellings must
19 be identified and shown on the site plan." That was done
20 on that drawing that you have. "Existing sewage systems,
21 tanks, transmission lines and other appurtenances must be

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1 shown on the site plan." That was added to the site plan,
2 also.

3 "Waste flow generation by employees must be
4 provided for in the plan. Existing sewage system is noted
5 to be a BIP system. Additional flow might be accommodated
6 by the BIP.

7 "Requires a site evaluation for determination.
8 No customer service center or food facilities permitted
9 without prior approval of plans for same." That's all.

10 MR. PRICE: What do you take that as, approval
11 for--

12 MS. PHILLIPS: Those are agency comments from
13 the Dorchester County Health Department.

14 MR. PRICE: I know, but was it specifically
15 addressed to whether or not you can use portable toilets?
16 I mean, does it seem to be--

17 MS. PHILLIPS: They are not--

18 MR. PRICE: --kind of wandering all over the place.

19 MS. PHILLIPS: They just state that the existing
20 BIP can be expanded to accommodate other use.

21 MR. PRICE: And how about environmental impact

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1 assessment, did you file one of those with--

2 MR. TOBIN: Yes, sir. I had a critical area
3 assessment that I've turned in with the original appli-
4 cation for the Board of Appeal. And I also submitted
5 additional information with the growth allocation
6 application.

7 MS. PHILLIPS: You all have been given a copy
8 of those.

9 MR. PRICE: Yeah.

10 MR. VENTRE: The file has two items that were
11 submitted, forwarded to us from the Dorchester County
12 Planning Office that were provided by Mr. Tobin. Are
13 other application--Have other applications processed for
14 other approval been initiated yet?

15 Are there other applications pending or have
16 they--

17 MR. TOBIN: I'm presently working on the
18 application for the Corps of Engineers, which is also a
19 joint application with the Department of Natural Resources
20 for Maryland.

21 I'm working on that now. That hasn't been

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1 submitted yet, no.

2 MR. VENTRE: Okay. Those would be, presumably,
3 for the title and access and dredging and whatever it is?

4 MR. TOBIN: Yes. That has to do with the, the
5 causeway--

6 MR. VENTRE: The causeway.

7 MR. TOBIN: --the concept of the causeway, and
8 also the right of way for the, you know, for widening the
9 road, making an access road.

10 MR. VENTRE: The upland side?

11 MR. TOBIN: Yes, sir.

12 MR. PRICE: Let me go back to the sewer again.
13 Have you done anything except request portable--proposed
14 portable toilet? Have you had anybody look into sewerage
15 treatment package plan or another pond, the use of this
16 pond or anything else?

17 MR. TOBIN: The only time I've checked on the
18 pond is one time we had the property on the market.
19 I asked the realtor how many people could use that pond
20 and I believe it was about 20 people, the pond was big
21 enough for that system, the existing system.

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1 Like I say, that--We're planning on using the
2 pond for our residence.

3 MR. PRICE: I mean since you, since you've filed
4 this present allocation--application. Have you support it
5 with any information from the Health Department over and
6 above this letter?

7 MR. TOBIN: No, sir.

8 MR. PRICE: Bill, do you have any questions?
9 Sam?

10 MR. BOWLING: No.

11 MR. PRICE: Thank you, Mr. Tobin. Ms. Phillips,
12 could I ask you a couple questions to put things together?
13 On this eligibility requirement for growth allocation, on
14 B-8, do you have that?

15 MS. PHILLIPS: What page are we on?

16 MR. PRICE: I'm on page B8.

17 MS. PHILLIPS: That's not the final program.

18 MR. PRICE: This is in your subdivision
19 regulations.

20 MS. PHILLIPS: I don't have a B8 under growth
21 allocation. Okay. Okay, I have the same--I go down to B5.

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1 MR. PRICE: Okay. Where it reads "Eligibility
2 required to be considered for growth allocation, you must--
3 the site must have frontage on and be accessible from a
4 public road for a private road with right of access."

5 MS. PHILLIPS: That's correct.

6 MR. PRICE: First, tell me what is a private
7 road with right of access. What does that mean? Access
8 to the site or access--

9 MS. PHILLIPS: A private road that has access
10 to a private right of way to a public road.

11 MR. PRICE: So you, so you either have to have
12 frontage on a public road or have a way to get to a public
13 road? That's what it says.

14 MS. PHILLIPS: That's what I would interpret it.
15 I don't work with this--

16 MR. PRICE: That would cover all the land in
17 the State of Maryland. And on that same page, I guess
18 it's B5 for you--

19 MS. PHILLIPS: Um-hum.

20 MR. PRICE: Up on number 1, eligibility, "The
21 site must be located in a resource conservation area

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1 within the Dorchester County critical area to be considered
2 for conversion to a limited development area, or within
3 a limited development area to be considered for conversion
4 to an intensely developed area."

5 Do you think that limits the fact that you can't
6 go from resource conservation to intense?

7 MS. PHILLIPS: Well, that was our original
8 intent. When Mr. Tobin filed for his growth allocation
9 request, we were processing it as an RCA to an LDA. And
10 that's when we got the interpretation from the staff that
11 it needed to go from an RCA to an IDA.

12 MR. PRICE: But I mean, even though the staff
13 interprets it, your own program said--it literally said
14 you can't do it. I'm not saying it's right or wrong,
15 but I'm just reading it.

16 MS. PHILLIPS: It would give that impression,
17 that you can't go from a resource conservation area
18 straight to an IDA.

19 MR. PRICE: I don't know why it would be
20 written that way.

21 UNIDENTIFIED SPEAKER: I can't hear the

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1 conversation.

2 MR. PRICE: Excuse me?

3 UNIDENTIFIED SPEAKER: We can't hear nothing.

4 MR. PRICE: All right. I was just asking her in
5 regard to what are termed eligibility requirements in the
6 Dorchester County program, the program the county
7 adopted, and they're telling property owners what require-
8 ments you need to be eligible for growth allocation.

9 And one of them says the site must be located
10 in a resource conservation area within Dorchester County
11 to be considered for conversion to a limited development,
12 or within a limited development area to be considered for
13 conversion to an intense development.

14 And what we are talking about tonight is going
15 from a resource conservation to intense. And I was asking
16 her why or for an explanation. Mr. William K. Neild.

17 MR. NEILD: Sir, we, as a large group of
18 concerned citizens, we have hired an attorney as of last
19 January. We would like for Mr. Emory Tappan to speak
20 for us at this time.

21 MR. PRICE: Sure. Yes, sir. Mr. Tappan.

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1 MR. TAMPMAN: Thank you, gentlemen. Excuse me.
2 My name is Emory Tampman. I'm an attorney for a number of
3 the people here tonight who are residents of Taylor's
4 Island and who are opposed to this--have been opposed to
5 the conversion of this resource conservation area to an
6 intense development area.

7 My address is 604 Church Street, Cambridge,
8 Maryland. Mr. Chairman, you, I think, have hit on one of
9 the primary points we have here, which is what is being
10 asked here is in violation of the county's own regulations
11 and our interpretation of the county's regulations for
12 conversion of an area, that we cannot jump from the
13 resource conservation area all the way to the intensely
14 developed area.

15 This, this is one primary technical point.
16 There are a number of other things that we feel are cer-
17 tainly pertinent to this. The county is saying that well,
18 this is a public or private marina is as close as they can
19 come to anything, as was brought out here earlier in
20 discussions with the staff.

21 It is also a port and it relates to where a port

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1 should be located within this county and whether or not
2 other activities then, which would be compatible with a
3 port, should then be located around this area, which
4 would, in turn, probably generate further requests within
5 this area.

6 To give you an example of what could be coming
7 next, once the door has been opened at this point, there
8 has been some mention of adjoining land owned by
9 Mr. Goldstein.

10 Land owned by Mr. Goldstein has recently been
11 acquired by the Simpson Land Company, whoever or whatever
12 that is, and they paid about \$2,000 an acre for it.
13 You don't pay \$2,000 an acre for land to sit on the shore
14 and go fishing.

15 They must have something in mind that they,
16 they figure is' going to be coming along with this, too,
17 and we think that this Board can look at the overall
18 impact that this is going to have within the critical
19 area, not only upon the subject parcel, but to the
20 surrounding area.

21 And in this surrounding area, you're going to

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1 have a lot of impact. And throughout all the presentation
2 up to this point, we primarily heard about, well, this
3 is just a matter of--going to be cars, it's going to be
4 a fun thing for families, maybe some people want to work
5 could use it or something.

6 But from this we have the proposal that was
7 submitted by Mr. Tobin for the ferry service for
8 Chesapeake Bay from Taylor's Island to Cove Point to the
9 Maryland Department of Transportation in February 1988.

10 That proposal was also presented to the Board
11 of Appeals in Dorchester County when the special exception
12 was granted in this case for this particular usage.
13 This proposal outlines that there would be six trips a
14 day per each boat.

15 It also talks about a second boat if needed for
16 peak periods. You don't have that big of a boat sitting
17 around in case you ever need it for a peak period for a
18 little thing for fun excursions for the family.

19 There is also included in this proposal a fee
20 schedule. The fee schedule provides for fares for car
21 and driver, pickups and vans, boats and utility trailers,

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1 motorcycles, bicycles and passengers. And it goes into
2 trucks and motor homes. Goes from 20 feet through 21
3 through 25, 26 through 30, 31 to 40, 41 to 50, 51 to 60
4 feet.

5 So you clearly have--Somebody is looking at
6 these trucks going onto this ferry. You also have the
7 question of the Slaughter Creek Bridge. The Slaughter
8 Creek Bridge does not have a posted weight limit on it.

9 It is--Therefore, has the weight limit of the
10 road servicing it. The road servicing it on one end is
11 State Route 16, which is perfectly acceptable to all
12 tractor trailers, 18-wheelers, and there is no limitation
13 on the Taylor's Island road that would prevent an 18-wheeler
14 from going there.

15 So the talk that you've heard about, well, we
16 don't think the weight limits for the bridge are adequate
17 to handle these things, therefore, I don't guess we'd be
18 handling them, we feel that the proposals that have been
19 submitted would clearly indicate that to be the case.

20 And we also feel that in terms of usage, if a
21 truck pulls up to use it, unless they're somehow banned

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1 from it, that truck's going to use it. This is going to
2 be a common carrier within the State of Maryland, this
3 ferry is, and it's going to be able to take trucks.

4 And there is a lot of truck traffic that comes
5 out of Central Virginia and goes into the Ocean City-
6 Salisbury-Delmarva area that would be--that could use this.
7 And on behalf of my group, we have gathered data which
8 indicates that this would be more economically feasible
9 than going up over the Chesapeake Bay Bridge and coming
10 back down for the trucking companies.

11 And if it's to their economic advantage, they're
12 going to use it. So we feel that you're going to this
13 ferry exact a very significant effect into the critical
14 areas here.

15 We feel there's also significant issues with
16 reference to the wildlife in this area. There are Delmarva
17 fox squirrel. It is our understanding that on the
18 adjoining property there is a eagle's nest.

19 We, we have also that questions of this service
20 requires a fuel storage facility somewhere. Where is this
21 fuel storage facility going to be? It's going to be

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1 within the critical area. If it's not on this side of the
2 Bay, it's going to be on the other side of the Bay. But
3 right now we don't know anything about the other side of
4 the Bay.

5 So if this one gets the permission for intense
6 development, the question is whether or not the other one
7 would have to have it. And they--Some way or another
8 there's got to be a fuel storage facility.

9 What provisions can be made against run off?
10 We have a ferry coming into what has been described, under
11 any circumstances, in which any easy perusal of the Bay
12 charts would indicate is a very shallow area.

13 Now all they've got to do is be shoved a little
14 bit off one way or another, and even on a shallow draft
15 boat, if you've got a low tide we have the possibility of
16 a boat running aground.

17 If it runs aground, is there any fuel spill that
18 comes with this? These are all possibilities that can
19 have significant effect into the critical area. One other
20 issue that we feel is very critical in this is a recognized
21 public need.

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1 We don't feel there's any demonstrated recognized
2 public need at this point in terms of critical areas. We
3 don't have any studies showing the need. In the proposal
4 here that was submitted earlier there was some statement
5 concerning that this would help alleviate traffic on the
6 Bay Bridge.

7 If this ferry service has any significant or
8 even noticeable alleviation of traffic on the Bay Bridge,
9 Taylor's Island is going to be a far different place and
10 this is going to be a very, very busy area where this
11 landing is.

12 We don't feel there is any public need at this
13 point. We have many citizens here of Taylor's Island.
14 We certainly don't speak for all of them, but I think
15 there are many here who would indicate they don't feel
16 they have any need of this facility.

17 That is, it's going to be of no benefit to them.
18 The roads you're talking about coming out on Punch Island
19 Road, I believe you're talking about a road that at it's
20 widest point is about 11 feet wide.

21 MR. PRICE: That's the county road you're

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1 speaking of?

2 MR. TAMPMAN: It is a county road.

3 MR. PRICE: Eleven feet wide?

4 MR. TAMPMAN: About 11 feet wide is going to be
5 it at about its widest point.

6 MR. PRICE: That's a hard surface road?

7 MR. TAMPMAN: It is a hard surface, it's tar
8 and chip.

9 MR. PRICE: Fifty-foot right of way?

10 MR. TAMPMAN: I don't think there's any 50--
11 I don't think there's any 50--

12 MR. PRICE: Macadam on 50 foot?

13 MS. PHILLIPS: Current requirement for 50-foot
14 right of way. The covered portion may only be 11 feet.

15 MR. TAMPMAN: Well, this county has a current
16 requirement for 50-foot right of way on a road. This road
17 goes way back before there was any 50-foot requirement,
18 and I don't believe there is any 50-foot right of way on
19 Punch Island Road.

20 I seriously doubt if there is any on Robinson
21 Neck Road. And then it all comes back out to Bay Shore

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1 Road and right on through it. It's a very small road on
2 which, very plainly, if these trucks meet a car, somebody's
3 got to decide to get off the road, especially in a curve.

4 Let's see, the sewage facilities they're
5 proposing are the port-a-potties. I question whether or
6 not that is appropriate in this case. And if not, what
7 would be the appropriate size of a facility that would be
8 needed.

9 You've got the question of pump-out facility
10 for what--There's certainly going to have to be some
11 facility on the boat, and I assume that would have a
12 holding tank.

13 There's got to be--Where would the pump-out
14 facility be for that holding tank, or is it going to end
15 up going overboard? You've also got the question of if
16 you've got port-a-potties, somewhere there, I assume,
17 there's got to be running water that people can wash
18 their hands or something after going to the port-a-potties.

19 I assume that's going to have to come from a
20 well on-site. These are primary areas, gentlemen, we
21 feel that must be considered by the Critical Areas

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1 Commission and that would strongly militate against an
2 allocation into an intensely developed area in this.

3 Now I am speaking for many people here. There
4 are still some members who wish to speak. If you
5 gentlemen have any questions of me, I would be glad to
6 try to answer them.

7 MR. PRICE: Tom?

8 MR. JARVIS: I was just wondering how large a
9 group you do represent tonight. The majority of those
10 here?

11 MR. PRICE: Well, you're well paid.

12 MR. TAMPMAN: No, they just get off cheap per
13 head.

14 MR. VENTRE: Mr. Chairman, I have just a
15 pertinent question. Mr. Tobin, you can answer it, or
16 perhaps you can. What is the yield on the well as far
17 as the water supply?

18 MR. TOBIN: It's a deep well there that we're
19 planning on using for the, for the residence. We're not
20 planning to use that well for anything to do with the
21 ferry boat.

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1 The sewage facilities, the portable toilet,
2 that's all there is to it and it's taken off the site by
3 a private contractor that will take it to an approved
4 facility and service it.

5 As far as the facilities on the boat, we would
6 have a Coast Guard approved marine sanitation device that
7 would, you know, treat the overboard discharge to safe
8 and sanitary levels.

9 They have a treatment tank that's like a--it's
10 a limited sewage system that treats the overboard.

11 MR. VENTRE: Actual water supply itself. Do
12 you have a figure on the flow, the flow rate, you know,
13 gallons per minute or whatever it is?

14 MR. TOBIN: No, I don't. There's a deep well
15 there. As far as the fuel storage he had talked about,
16 the site that we're looking at on the other side has a,
17 an approved additional facility.

18 If we don't use that--We had asked about using
19 that, and if we don't use that we would fill the boats
20 on the other side from, you know, from trucks that would
21 come down and fill the boat.

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1 We don't plan on putting any fuel storage on,
2 on the Eastern Shore. The site plan shows what we're
3 going to have there. Also, the road that I measured, I
4 measured Punch Island Road to be 17 feet wide--or Robinson
5 Neck Road.

6 Punch Island Road, I believe, is about 17 feet
7 wide. There's a small bridge that crosses the northern
8 end of St. John's Creek and it's about 25 feet wide where
9 it goes across there.

10 The roads--The other part of Bay Shore Road is
11 a narrow road and we're planning on routing the traffic
12 with signs out Punch Island Road to Robinson Neck. Those
13 are better roads and less populated.

14 I also wanted to ask whether -- talking about
15 being on the site.

16 MR. PRICE: Is it nearby?

17 MR. TAMPMAN: On the--We're informed on the
18 adjoining property.

19 MS. PHILLIPS: Would you like for me to read
20 a letter from the Fish and Wildlife Service?

21 MR. PRICE: Please.

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1 MR. TAMPMAN: That--We're aware of this letter
2 and the information we received was directly contrary.

3 MS. PHILLIPS: This is a letter dated
4 February 16th, addressed to Mr. Tobin from James Burdis, Jr.,
5 who's Director of Maryland Forest, Park and Wildlife
6 Service.

7 "Dear Mr. Tobin: This is in response to your
8 request for information regarding the above referenced
9 project." That's this ferry project. "There are no
10 known federal or state threatened or endangered plant and
11 wildlife species present at the project site.

12 "The Delmarva fox squirrel, an endangered species,
13 is known to inhabit the forested area of this project site.
14 After reviewing the proposed site plans, the disturbance
15 to the Delmarva fox squirrel habitat has been minimized
16 to the extent possible by the developer.

17 "We ask that the remaining forested area be
18 maintained in its present condition. If there are any
19 deviations from the present site plans, we will need to
20 reassess this project with regards to the Delmarva fox
21 squirrel.

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1 "If you have any questions regarding this matter,
2 please feel free to call."

3 MR. TAMPMAN: The only question I would have on
4 that letter was when that letter was done it's my under-
5 standing that the proposed road, which was presented to
6 the Board of Zoning Appeals hearing, was the other road,
7 not the road here.

8 That may have a more significant affect upon
9 the woods and the Delmarva fox squirrel. There was--
10 There is also a letter here from Maryland Department of
11 Natural Resources, June 26, 1989, addressed to
12 Mr. William K. Neild.

13 "Dear Mr. Neild: Thank you for your recent
14 letter regarding the proposed toll ferry landing on
15 Taylor's Island and its impact on the wildlife resources
16 to the area.

17 "I understand that Gary Taylor, our Director of
18 Wildlife, has discussed this proposal with you extensively
19 on the telephone last week. As you are now aware, the
20 proposal still has additional review in permitting the
21 procedures to go through.

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1 "I also understand that Gary provided you with
2 the telephone number of both Dr. Sarah Taylor and
3 Mr. Larry Duket. Both these agents have an interest.
4 We will continue to track the progress of the proposal
5 and comment on when and as appropriate."

6 That's as of June the 26th. DNR apparently was
7 not finished with their comments on this. That was signed
8 by Donald E. McLaughlin, Assistant Secretary, Forest, Park
9 and Wildlife Service.

10 MR. PRICE: Folks, could I ask you something
11 here now. I keep getting... Does this qualify as a site
12 plan under growth allocation amendments? Mr. Tobin
13 spoke of this as being a site plan.

14 MS. PHILLIPS: Okay. We have a site plan
15 requirement of a minimum--a site plan on a minimum scale
16 of one inch equals 100 feet, depicting the layout of all
17 roads and right of ways, individual lots, common open
18 space, storm water management, sanitary and sewer water
19 facilities, passive or active recreational facilities,
20 and any other proposed site improvements and modifications
21 to the existing natural environment.

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1 The site survey must include a critical area
2 boundary, the development area designation for the tract
3 and any required buffers.

4 MR. PRICE: This is the site plan?

5 MS. PHILLIPS: That's the site--That's not the
6 final site plan, that is a tentative site plan that was
7 reviewed by the Planning Commission and the County
8 Commissioners.

9 MR. PRICE: And the Board of Appeals?

10 MS. PHILLIPS: Was that--I wasn't present at
11 the Board of Appeals hearing. I'm not sure if that was
12 the same exhibit they reviewed.

13 MR. PRICE: If the, if the growth allocation
14 designation is approved by the Critical Areas Commission
15 and the County Commissioners, what would Mr. Tobin then
16 have to do?

17 I mean, does he still have to, to add additional
18 material to this site plan in order to get it approved?

19 MS. PHILLIPS: That would be correct. He still
20 has all the permit process to work through with the Army
21 Corp or Engineers, the State Water Resources Administration,

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1 and any other agency that would be involved in the start
2 up of a ferry.

3 These permits--I'm not even sure Mr. Tobin has
4 begun the process. He would have to answer that question.
5 However, once those--once he had all the information that
6 would be required from the permitting process, that would
7 be incorporated on a final plat, as well as the structure
8 or any final structures that would be located on the
9 property.

10 The final road plans, things of that nature,
11 would have to be present on the final site plan that would
12 be required for--that the Planning Commission has required
13 that Mr. Tobin submit before they give their final
14 approval. That was one of the conditions of their
15 approval.

16 MR. PRICE: Is there such a thing as preliminary
17 siteplan approval in Dorchester County?

18 MS. PHILLIPS: Not for a nonsubdivision project.
19 We don't have any kind of plat standard for development
20 projects at this time.

21 MR. PRICE: I guess that's one of the things I'm

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1 wrestling with in your procedure here. It would seem to
2 appear that once the Critical Areas Commission at this
3 point signed off or approved it, it just came back to
4 the County Commissioners.

5 At this stage, according to your documentation,
6 everything would be in place.

7 MS. PHILLIPS: That's correct. However, this
8 particular case was given conditions by the Planning
9 Commission. In a normal circumstance, once the Critical
10 Area Commission has given a project the designation that
11 was requested, all that would be required would be for
12 the County Commissioners to amend our maps showing the
13 new designation.

14 However, this was given an additional condition
15 by the Planning Commission that they have--Well, two
16 addition--Well, the two-year requirement that once and if
17 the Critical Area Commission gives Mr. Tobin the requested
18 growth allocation to IDA, he has two years from the date
19 that that permission is given to actually--I can't
20 remember the exact words.

21 MR. PRICE: --

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1 MS. PHILLIPS: Right. Or have pretty much
2 final approval process as far as the permits or whatever
3 is going to be involved with the Corp of Engineers,
4 etcetera. And also, there were conditions that were
5 placed on the project by the Board of Appeals, will also
6 be held in place.

7 And also the final site plan review by the
8 Planning Commission.

9 MR. PRICE: I don't know whether you can answer
10 this, but do you think the two-year limitation was placed
11 on there because this land is not suitable for any other
12 IDA use except the ferry?

13 MS. PHILLIPS: That may have been one of the
14 considerations.

15 MR. PRICE: Is there any requirement why the
16 entire six acres is used as IDA?

17 MS. PHILLIPS: There is no requirement in our
18 program. They just--I guess the Planning Commission felt
19 that--or maybe just because that was what Mr. Tobin
20 requested.

21 It wasn't bartered down to a smaller portion.

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1 I guess they felt that the degree of disturbance would
2 require that the entire parcel be given that designation .
3 And also, there is a minimum request of five acres in
4 the criteria for growth allocation.

5 So he had at least a minimum of five, and since
6 the parcel consisted of six point two three, I guess he
7 figured he might as well ask for the extra one point two
8 three to bring in the entire parcel.

9 MR. PRICE: Maybe he should have, maybe he should
10 have gone to see Mr. Wigglesworth who only had two.
11 Now I've lost my list. Mr. Donahue.

12 MR. DONAHUE: My name is Dan Donahue. I'm a
13 resident of Taylor's Island and I live on Bay Shore Road,
14 not far from Mr. Tobin's proposed site. A few issues
15 that I think need addressing.

16 Mr. Tobin has just stated that his property
17 will be bulkheaded, but he's not addressed the adjoining
18 properties and I feel that the wake from his ferry will
19 in fact accelerate erosion to all adjoining properties.

20 And if I were one of those property owners,
21 I certainly wouldn't be happy. And I think the

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1 sediment from that erosion will certainly contribute to
2 the problems of the Bay as far as settling on and killing
3 aquatic grasses and so forth.

4 On the sewage issue, I--it's--Well, Mr. Tobin's
5 original proposal called for two ferries and roughly 500
6 or so vehicles a day. If we figure an average of three
7 vehicles a day, which Mr. Tobin has confirmed here with
8 his map here on the new proposal with one ferry, 26 cars,
9 5 landings apiece, 260 vehicles a day and 650 individuals
10 I believe you mentioned.

11 So we figure 500, working with the original
12 proposal, that's 1500 individuals a day requiring sewage
13 facilities. And to back up what Mr. Tammman said, it
14 would be awfully expensive for a second vessel to be
15 sitting idle.

16 Fifteen hundred people a day using port-a-
17 potties would be a real problem, odor being number one.
18 And I think--I'm not sure where the Health Department
19 stands, but certainly any restroom facility would require
20 running water for people to wash their hands and so forth.

21 Mr. Tobin has stated they have no plans to have

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1 water available to individuals who are, are using the
2 ferry. Other issues that haven't been addressed, and
3 perhaps they have in the environmental impact study that
4 I have not seen, are air and noise pollution.

5 Mr. Tobin has stated that these would be diesel
6 powered ferries. The possibility exists for tractor
7 trailers and so forth. The Little Choptank River is a
8 major breeding ground for rockfish, striped bass which is
9 currently not quite an endangered species but there
10 certainly is a moratorium.

11 The acid rain that could result from any diesel
12 fumes, which currently there is very few vehicles in the
13 area operating with diesel power. So the impact of that
14 on a major spawning ground.

15 Noise pollution. There is an osprey next I
16 would guess perhaps three to four hundred yards from the
17 proposed landing site. Mr. Stanley Thomas has an osprey
18 next on his property, has erected a pole and has an osprey
19 nest atop that pole.

20 Would the noise of this ferry affect that osprey?
21 On the buffer, it's been stated that Mr. Tobin is looking

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1 for an exemption in the buffer zone. Would trees be
2 replanted elsewhere? And if so, looking at the pictures,
3 it's now a heavily--fairly heavily wooded area. Where
4 would those trees be replanted?

5 And it's my understanding that within critical
6 areas that is a requirement, that any trees that are cut
7 within 100 feet of the water be replanted. Other con-
8 siderations perhaps for the Commission are the long-term
9 development ramifications of approving this request in
10 terms of sewage.

11 We all are probably--I think most of us are
12 aware of the problem the Bay is having as a result of
13 pollution, primarily sewage from septic systems, and a
14 long-term ramification could certainly be a lot of
15 development on Taylor's Island.

16 A few other things that Mr. Tobin has stated,
17 I'd like to ask him some questions regarding this.
18 Mr. Tobin, you said that the--you would give public access
19 to individuals.

20 There is very little public access to the
21 Chesapeake Bay right now. Could I come down and fish

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1 and picnic and swim and hunt ducks off the end of your pier?
2 It's a private road, it's a private road, as you have
3 stated. It is private property.

4 So how does the public have access to a piece
5 of property unless they pay a toll to use the ferry?

6 MR. TOBIN: The public access would come through
7 using the ferry, at which time you can ride across the
8 Bay and you can fish the Chesapeake Bay right there next
9 to the boat.

10 MR. DONAHUE: But one can do that from the
11 Chesapeake Bay Bridge to the north, the Bay Bridge Tunnel
12 to the south. There is also cruises from Crisfield to
13 Smith Island to Tangier Island.

14 So there is quite a bit of public access to the
15 Chesapeake Bay. One can rent boats at Sandy Point, one
16 can rent boats at Matapeak, one can rent boats right on
17 Slaughter Creek at the Tideland Park Camping Ground as
18 you come across the bridge.

19 As far as your proposed routing of traffic,
20 you intend to put up signs routing traffic to Punch
21 Island and around to Robinson Neck. An individual is

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1 going to arrive early to catch the ferry back to the
2 Western Shore and have an hour or half an hour or so,
3 they may have two hours with the new schedule here at
4 five landings per day.

5 It's quite possible, feasible, that these
6 individuals would wander around Taylor's Island and would
7 very, very quickly discover that the quickest access is
8 through Bay Shore Road, which you have stated is a very,
9 very, very narrow road.

10 It's a public road. You cannot dictate where
11 an individual goes. Your signs may point in a certain
12 direction, but it's a county road and anyone using your
13 ferry would have access to any and all roads on Taylor's
14 Island.

15 Regarding the--You mentioned the possibility of
16 job opportunities for individuals. I have a fairly good
17 job, but I certainly afford \$40 a day in tolls to commute.
18 So I think that that is perhaps a consideration that
19 maybe should be discounted.

20 We're talking \$800 a month for commuting
21 expenses. A man would have to be--or a woman--would

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1 have to be making awful good money to be able to afford
2 that in order to commute to the Western Shore using your
3 proposed ferry.

4 You mentioned that with the Punch Island route
5 the closest house is about two miles down Punch Island
6 Road. Two miles from your proposed site, Mr. Tobin, puts
7 you at the end of Punch Island Road.

8 I submit to you the first house is less--perhaps
9 a little more than a quarter of a mile down the road,
10 certainly not two miles. I'm familiar, very familiar,
11 with that area and I ride my bike, I know distances, you
12 know, around the Island.

13 The--Your pier that you plan to install, will
14 this just be a pier or will it be an enclosed basin that
15 you're planning?

16 MR. TOBIN: It's going to be a steel deck
17 causeway. It'll be a straight causeway, just like on the
18 plans, 240 feet long, 20 feet wide. It'll have guardrails
19 on either side and a ramp on the end and then pilings on
20 the end.

21 MR. DONAHUE: Okay. Let's see, first, as far as

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1 the weight limit on the Slaughter Creek Bridge,
2 Mr. Tappan did address that and I'm not aware of any
3 limits, but tractor trailers, when there's logging
4 operations on the Island, do use that bridge quite often.

5 We all know the green trees weigh an awful lot.
6 The--Oh, your proposal to move the landing site to waters
7 where there's approximately a five-foot depth, do you
8 have any data to show that that is a stable or consistent
9 depth?

10 I know that it's sandy bottom there and I
11 suspect that that sand is shifting often. Would--Let's
12 say two years down the road, after the ferry is in
13 operation, would you then require dredging or would you
14 move your pier?

15 MR. TOBIN: As long as I've owned the property
16 there the water has been getting deeper every year.
17 Right now there's three feet of water at that timber
18 bulkhead.

19 There's about three feet of water right here,
20 and then it gets deeper as it goes out and it--Like I
21 say, 150 feet off here, approximately I would say it's

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1 five feet of water. As far as it shifting, the only way
2 I see it shifting would be the deep water would be getting
3 closer as the rest of the shoreline moves back.

4 MR. DONAHUE: Um-hum.

5 MR. TOBIN: On that aerial photo, if you look
6 at the shading of the water, you can get an idea how deep
7 the water is there and you can see that that south end of
8 the site is closer to the deep water by the darker water
9 on that photograph.

10 MR. DONAHUE: Well, with the, what I expect to
11 be increased erosion from adjoining properties as a result
12 of the ferry, it's quite possible that that could silt
13 in in this particular area.

14 If it came down to dredging, where would you
15 put the spoils?

16 MR. TOBIN: We're not proposing any dredging.

17 MR. DONAHUE: Okay, thank you. I believe that's
18 all. Thank you.

19 MR. PRICE: Thank you, Mr. Donahue. Michael
20 Tartle.

21 MR. TARTLE: I'm Michael A. Tartle and I don't

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1 come in here with any super intelligence or anything else.
2 I come in here with common sense. And to take on a
3 project of this size magnitude, it's just common sense.

4 What impact is it going to have on the wildlife
5 around? Everyone says there's no wildlife around, but I
6 don't see any survey that was conducted to the contrary.
7 I live out on Taylor's Island now.

8 I moved down back in November. I could have
9 moved to anyplace in this country and worked the same job
10 I work in Easton. But I moved down there to Taylor's
11 Island because I enjoy the wildlife down there.

12 And I hate to see that destroyed just for the
13 benefit of a few people that plan on getting a ferry
14 business going and profiting off of that and destroying
15 the environment for it.

16 Mr. Tobin comes in here with his project and
17 he's showing pictures that were taken back in 1986 and
18 10 years ago. Why weren't there any recent pictures
19 taken? These are some questions I have to raise.

20 What about a fire? What happens if a fire at
21 the ferry site, or even on the ferry itself, had happened?

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1 Is the fire department down on Taylor's Island capable of
2 handling such an episode? You know, common sense.
3 That's what it leads to.

4 And common sense also leads to how many cars
5 are actually going to be there waiting on the road?
6 Mr. Tobin states, though, well, the people can buy a
7 ticket and wait on the road.

8 Now I don't know exactly, but down on Ocean
9 City, any given weekend in the summertime, there's
10 probably about 200,000, 250,000 people. And how many
11 people have to get across to the Western Shore?

12 And how many people are going to say, well,
13 hey, let's just catch the ferry and go across? And
14 we're talking about hauling 600 cars a day. There's no
15 saying that 2,000, 5,000, 10,000 cars won't end up on
16 Taylor's Island waiting to go across on the ferry.

17 Also waiting to use the port-a-potties. I
18 think a proposal of this magnitude would destroy the
19 lifestyle of not only the wildlife down there, but the
20 lifestyle of the people that have been born and raised
21 down there.

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1 I would hate to see that happen tonight with a
2 decision for--in favor of the ferry. Mr. Tobin states
3 that it's going to be a family owned business. I was
4 wondering, a business of this magnitude, what family is
5 he talking about?

6 Is he talking about Louie Goldstein and
7 Simpson's Land Company family, also?

8 MR. TOBIN: No. We're planning on trying to
9 raise the capital through relatives of mine and my wife's.
10 And then the rest of the finance will be from a bank.

11 MR. TARTLE: What about the car and noise
12 pollution and trash that's going to accumulate at the site?
13 Has any consideration been taken for that?

14 MR. TOBIN: Any noise pollution I know of, the
15 boats are going to have proper mufflers on the engines
16 that would control the amount of noise. As far as the
17 wake and all that, there are boats down there that catch
18 crabs and things that ride around down there and throw
19 wakes on this land.

20 The land is washing regardless of boats.
21 There's waves that come in there off the Chesapeake Bay

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1 that are washing the land away at any moment. The noise
2 from the cars, there's cars that go by on the road every-
3 day at this time.

4 Also, the noise we're talking about, this is--
5 our site is surrounded by a 200-acre tract, and behind
6 that is a 117-acre tract and all forest. Behind it
7 there's--the closest thing I know of is the hog farm
8 that's behind it that has conveyor belts and things
9 running.

10 I don't know of any, you know, objectionable
11 amount of noise that anyone would really be able to hear
12 down there in the woods.

13 MR. TARTLE: Are you comparing conveyor belts
14 to a ferry diesel engine, the same noise magnitude?

15 MR. TOBIN: Like I say, it's going to have a
16 muffler on it and it's not a, it's not a lot of noise
17 coming from it. It's not a big diesel engine and it's
18 got a muffler on it.

19 That would control the amount of noise to
20 acceptable levels.

21 MR. TARTLE: Let's just say 3, 4, 5,000 people

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1 show up one weekend to catch the ferry across. What will
2 the people on Taylor's Island do then?

3 MR. TOBIN: I would think that most people--if
4 that many people came down there and waited that long,
5 they'd all turn around and go back. What we had planned
6 on doing is at the main road, like at Route 50, is have
7 some kind of a sign or something that we could indicate,
8 you know, the capacity of the boat, how many people was
9 waiting or something, where people would have some kind
10 of indication before they go down there if they are going
11 to be able to get on or not.

12 So if we have people waiting that long, I would
13 think we'd be losing business because they would turn
14 around and have to go back. It wouldn't be practical to
15 have that many people waiting.

16 We're talking about 26 cars waiting and that
17 would be, you know, a lot less than 4 or 5,000.

18 MR. TARTLE: But do we know that for sure or
19 are we just guessing here?

20 MR. TOBIN: I'm going by other, other ferry
21 services that have people waiting. You're only going to

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1 wait so long and drive down to the ferry. Then you're
2 going to go the other way. I don't know how you would
3 stay there, exactly how long people would wait.

4 MR. TARTLE: Other ferry services located
5 throughout resort areas such as Ocean City where you do
6 have situations where 200,000 people, 250,000 people go
7 down for a weekend?

8 And they have to go--Maybe even half of them
9 have to get back across the Western Shore?

10 MR. TOBIN: Well, the idea of the ferry is to
11 put it where it's needed so that we can have people that
12 would want to ride them. So we figure there's going to
13 be a demand for it because of the traffic patterns and
14 because it is the narrowest place on the Chesapeake Bay.

15 So we would want it to be a need for it so we
16 can, you know, have it be a going business. I know
17 there's other ferries that we've studied. There's the
18 Delaware ferry that crosses the Delaware Bay that carries
19 a lot of cars in the summertime, not very many in the
20 wintertime.

21 And then, you know, they have boats that are

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1 suitable for carrying the traffic that they have -- .
2 Also, the--you talked about the fire hazard. The boat
3 will be equipped with Coast Guard approved fire fighting
4 systems that are--fixed fire fighting systems that can
5 control any fire that occurred on the vessel.

6 And then the limited amount of development we
7 have planned, it's just a ticket office and the parking
8 area. That would be a normal thing that the county would--
9 or the volunteer fire department would protect, just like
10 it does the other houses.

11 It wouldn't be any more hazardous than any other
12 house that's on Taylor's Island.

13 MR. TARTLE: What about the woods during the
14 wintertime when they're pretty dry, dry leaves? Sparks
15 from the diesel?

16 MR. TOBIN: There's woods on Taylor's Island
17 and there's cars driving on Taylor's Island everyday, and
18 it wouldn't be any more hazardous than it is now.

19 MR. TARTLE: Are ferries no more hazardous than
20 a car running down the road?

21 MR. TOBIN: Like I said, the ferry would have

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1 acceptable mufflers on it that are also spark arresters.
2 You have sparks coming out of your exhaust and you have a
3 problem, it's not a normal operating condition.

4 MR. TARTLE: Um-hum. You know, what it boils
5 down to is common sense. I'm sure the same people, the
6 same people that proposed hauling oil up to Alaska before
7 they had the oil spill was in here saying, Hey, look,
8 nothing's going to happen, either, you know.

9 They've got boats running up there all-the
10 time, the wildlife's always going to be there. We saw
11 what happened after we saw the oil spill up in Alaska.
12 I hate to see the population of the wildlife down on
13 Taylor's Island destroyed.

14 Another thing to think about is how much wild-
15 life do you see when you drive across Kent Island now
16 that that's being developed? Now I drive across there at
17 least four times a week and I never see a blue heron,
18 any kind of squirrel, even if it's a Delmarva grey fox
19 squirrel, any wildlife.

20 And I know just from living down there since
21 November that there are bald eagles that live approximately

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1 a half a mile from your planned site.

2 MR. TOBIN: Also, I'd like to say on that,
3 Mr. Donahue mentioned there's an osprey nest three or four
4 hundred yards from our property. I don't know who the
5 property owner was.

6 It wasn't the adjacent property owners. I didn't
7 recognize the name. If you look on the aerial photo, I
8 know the--

9 MR. TARTLE: This is the aerial photo, six
10 years--

11 MR. TOBIN: This is from '86. It's what I had
12 available and this is what I'm using. This is--Stafford's
13 property comes down to here, and the Goldstein property
14 then follows right across this way and it comes up this
15 way and then down like this.

16 There's 117 acres, Mr. Goldstein's 100 acres.
17 There's a 46-acre farm. Now this is Rankin's, this is
18 Stafford's and this is Mr. Goldstein's. I don't know if--
19 Mr. Thomas I think is 3 or 400 yards from that because
20 it's -- .

21 MR. PRICE: We've got a couple more speakers

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1 and I don't want to...

2 MR. TARTLE: All right. Just one last question.
3 Are you a member of--I'd like to know if you'd go on
4 record for this--Simpson Land Company? Or know anyone
5 involved with Simpson Land Company?

6 MR. TOBIN: No, I don't.

7 MR. PRICE: Mr. John Billheimer. Mr. Tobin, if
8 I may say, kind of the format we have, I think your answers
9 have been very responsive, but you really don't have to
10 answer any questions.

11 I think people certainly appreciate your
12 answering them, but...

13 MR. BILLHEIMER: Mr. Chairman, my name is
14 Johnny Billheimer and I live on Taylor Island and I'm a
15 new implant down there. I've only been there 10 years,
16 but I do enjoy it.

17 And I think everyone has just about covered
18 everything that I could even think of to say, with this
19 exception. The citizens and the residents of Taylor's
20 Island that are represented here do not want a ferry
21 coming in there.

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1 It's just that simple. And I think the citizens
2 have some, I don't say rights 'cause that's not the correct
3 answer, they should have some consideration. It's not to
4 their interest or the interest or benefit to the area to
5 have a ferry coming in. Thank you.

6 MR. PRICE: Ronny Reynolds.

7 MS. REYNOLDS: My name is Ronnie Reynolds and
8 I'm from the town of Church Creek, and I'm a commissioner
9 as well as vice president of the fire company. So we had
10 a couple questions on this.

11 There's been three different amounts of cars
12 given, 600, 130 and 1,500. Our road is also small, going
13 through our village, with half of it out 10 feet from the
14 main highway.

15 We have a 30-mile speed limit now. With all
16 these cars coming through, they're going to drop down to
17 30 miles an hour? I can't see that. And then another
18 thing on the fire department, if you park 600 cars, how's
19 our equipment going to get through to any emergencies?

20 I drive the ambulance and it's not easy on
21 small streets to get through. And then is the county or

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1 state going to give us any more money for necessary
2 equipment to handle, you know, large boats, major fires?

3 Madison had a fire the other day. Church Creek
4 responded. It's usually, you know, you pay up. But
5 another thing, Taylor's Island, I don't think, they don't
6 have any EMT's to respond to any emergencies.

7 So if you think this is all volunteer, the next
8 little town is Madison and then Church Creek. How long
9 before we get there? And you're relying on daytime people.
10 And another thing, with the sewage treatment that he's
11 talking about on the Bay, how's all the chemicals going
12 to affect the Bay down the line?

13 And one thing from the Mayor of Church Creek.
14 He wants to know if there's a bypass planned 'cause we
15 don't want them through our village.

16 MR. PRICE: Thank you. That's the end of the
17 list of people that--

18 MR. NEILD: Sir, could I say something?

19 MR. PRICE: You certainly may. Identify
20 yourself.

21 MR. NEILD: Bill Neild, Taylor's Island.

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1 I skipped my turn a while ago 'cause we do have an
2 attorney, which--

3 MR. PRICE: You assigned it to an attorney.

4 MR. NEILD: I think a lot of people are wondering
5 if I was for real or not. I think I've been kind of the
6 heart of this endeavor here. I won't take any credit
7 'cause I had a lot of people help me.

8 I'm sorry I haven't had the opportunity to meet
9 with Mr. Tobin. I haven't had much opportunity to get to
10 Georgia, but certainly he's been on Taylor's Island a few
11 times and he's been welcome at my house but I haven't seen
12 him.

13 Anyway, I'd like to raise a couple questions.
14 We let our attorney speak for us as far as the facts as we
15 know them. So all I want to do is raise a couple questions.
16 There seems to be a little misunderstanding as far as the
17 width of the roads on the island.

18 It was stated that Punch Island Road where the
19 traffic would go is 17 feet wide. Punch Island Road in a
20 17-foot width runs maybe 250 to 300 yards. And at each
21 end of that stretch it narrows down to about 12 feet wide.

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1 And anybody that lives on the island is well
2 aware of that. The other thing that bothers me is that
3 the environmental impact survey that was done last year,
4 I was led to believe by Mr. Gary Taylor of the Forest and
5 Wildlife Service that there was a survey done, there were
6 eagles' nests.

7 He didn't specify how many. There were fox
8 squirrels. And at least I was led to believe that that
9 was the reason for Mr. Tobin's rearrangement of his--or
10 rerouting of his traffic in the proposal, because he was
11 told by these people that he would have to remove too much
12 timber and it would disturb the habitat.

13 So these are things that concern me in my con-
14 versations with these other agencies. The--What was told
15 to me, the original proposal, the original survey, the
16 proposal was refused.

17 And, therefore, the traffic was rerouted through
18 the existing fire break, which is behind the hog farm or
19 whatever, which used to be the Sam Atkin property and I
20 have no idea who owns it at this point, and I don't think
21 anybody does. The Simpson Land Company or whoever.

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1 And this comes from a Mr. Larry Duquette at the
2 State Planning Office. The other thing that concerns us,
3 of course, is the ferry landing and leaving. When a ferry
4 of this size comes into a port, the first thing they do,
5 just like any large boat or a jet plane or anything else,
6 they reverse their engines, and the silt has to go
7 somewhere.

8 I think one of the important things is that
9 we're not saying that a man's proposal should hinge around
10 an eagle's nest or a squirrel's nest or how many deer live
11 on the property.

12 What we're saying is there has to be some con-
13 sideration and some contact with the local people, which
14 there has not been to this point, except for maybe two or
15 three people who say they're in favor of this ferry.

16 There has to be some consideration of local
17 natives. And as to traffic flow with the roads, the
18 condition of the bridges and the overall safety and
19 environmental impact of the area. That's all I have to
20 say. Thank you.

21 MR. PRICE: Anyone else? Yes, sir? Would you

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1 come up and give us your name?

2 MR. PHILLIPS: My name is Paul Phillips.
3 Twenty-four years ago I did the economic study for the
4 lower Bay Bridge. And, you know, I've been working on it
5 ever since.

6 At that time, the Griner Company, reputable
7 engineers, did the study and published the book, it's
8 all available to you, as far as the lower Bay Bridge and
9 the upper Bay Bridge.

10 One of the considerations of the lower Bay Bridge
11 was the fact that there's shallow water on this side and
12 they could run the causeway out quite a long distance.
13 It's all available for you. State Roads Commission has
14 this.

15 I am concerned about two or three things. It
16 is very, very difficult in a situation like this for
17 private capital to compete with state or federal capital.
18 It's also very difficult for a ferry--it's nearly
19 impossible--for a ferry to compete with a bridge.

20 You have to have a great advantage. Now when
21 you combine the two, private capital and a ferry, competing

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1 with state money and a bridge, you're going to have
2 difficulty in turning a profit here. So let's look down
3 the road here a ways.

4 We don't know what's going to happen in the
5 future. Man has told us that he can sail his boat away
6 and leave the rest of it. It'll be a calculation.
7 There'll be taxes on that. It's going to be privately
8 owned.

9 Now what are you going to do with that thing,
10 what is the county going to do with that, what are you
11 going to set up for the county to do with that particular
12 thing with steel pilings into it?

13 There is a recent plan and it seems to be very
14 favorable. The press, I want you to listen very
15 attentively. The proposal of building both the lower
16 span and the upper span at the same time and the toll for
17 the three crossings, the present crossing and the other
18 two, would be the same.

19 So that there would be no competition between
20 the two or the three crossings. This, of course, would
21 run into some opposition from Calvert County, Kent County

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1 and some Dorchester County. But by and large, it's
2 believed that the entire state would buy this. So this
3 is what's into the future here now.

4 Whether or not, whether or not a private boat
5 running back and forth would jeopardize this or not, I
6 don't know. I'm not going to get involved into the
7 environment.

8 I'm involved into it. The tide comes all the
9 way around my house once a year. Oh, I'm involved into it,
10 I know about it. Not too happy with it, not too happy
11 with the way the critical areas was written. Very few
12 people are.

13 They know it's going to be amended, it's going
14 to be changed. I would suggest to you folks, and you
15 have the money to do this, you have the money to do this,
16 that you may want to join with some other county agency,
17 get a little economic study done for you, for you, not
18 pro or con.

19 But I suggest that you do something like that.
20 This thing here, so far as traffic is concerned, our
21 good life, we're going to have to face the facts that it

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1 is going to change. I don't want to see it come. I live
2 there now. When I worked on the lower Bay Bridge proposal,
3 and we got it through the lower House, and part of the
4 right of way has been bought from Taylor's Island to
5 Church Creek.

6 I've lived in Mardella and now I live in Woolford
7 and, you know, I'm not too happy with all of this. I
8 could talk here, since I've been involved in this thing,
9 about 12 or 14 years ago they were flying me back and
10 forth across the Chesapeake Bay and I was scared half to
11 death of that low ceiling that Patuxent Naval base made
12 us carry while crossing from Crisfield to Virginia.

13 There is a possibility that Northumberland County
14 Calvert County and Dorchester County might operate a
15 three-point ferry sometime. If private industry could
16 do it, they would do it, 'cause it'd be a lot of tax
17 money put into it in the beginning.

18 This may be possible. We do know, too, that
19 the traffic is going to increase. They're talking about
20 now putting another bridge tunnel down to Norfolk. This
21 is possible.

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1 So we're going to have this extra traffic, but
2 be real careful about this. I think that's all I want to
3 say. I have no questions for this gentleman. I have no
4 questions for this gentleman.

5 In my judgment, after working on this so long,
6 and I have a rather long and elaborate--I started off
7 with 22 points and I ended up with about 27 factors.
8 Factors have a way of changing as time goes by.

9 The factor of convenience in today's world for
10 the younger people has a much higher priority on the totem
11 pole than I would give if I was to do it now as to what
12 I did when I did it 24 years ago.

13 I don't believe that this thing'll ever be
14 built. I can't see how anybody's going to ever say that
15 this is going to be possible. But that's just my
16 judgment. Thank you.

17 MR. PRICE: Thank you, Mr. Phillips. I would
18 like to make a comment that these Commission members up
19 here are all very well dressed and look wealthy, but we're
20 all paid volunteers in the job we're in and we don't have
21 access to any state monies or so forth.

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1 MR. PHILLIPS: The state has money. There's
2 money available. The county has money.

3 MR. PRICE: Anybody else like to make any
4 comments? Ms. Phillips, do you want to make any comments?

5 MS. PHILLIPS: I think I might want to make some.
6 I think it's important to remember that--

7 UNIDENTIFIED SPEAKER: -- one way or another?

8 MS. PHILLIPS: No, no. I want to state off of
9 that that the Planning and Zoning Office is the staff to
10 the Planning and Zoning Commission and the Board of Appeals.
11 We remain a neutral body.

12 We simply process applications for building
13 permits, subdivisions, growth allocation. Remain a
14 neutral body. So I think it's important to remember that
15 even if Mr. Tobin is granted his growth allocation request
16 that the underlying zoning would prohibit a great deal of
17 many things, and it would require a rezoning of the
18 underlying zoning to actually utilize the IDA designation
19 for any other use other than the ferry.

20 The Board of Appeals is very strict in what they
21 allowed in their January 29th hearing.

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1 MR. PRICE: Thank you. Mr. Tobin, do you have
2 anything further?

3 MR. TOBIN: I have some other letters that I
4 had forgot about, but I wanted to show you. We were
5 talking about the public need for or the public desire for
6 the ferry service.

7 I have a letter that was from a woman in Berlin,
8 Maryland, talking about that she's afraid of the Bay
9 Bridge, to drive across it, and she was hoping the ferry
10 would be approved.

11 And there was other people that was also afraid
12 to drive across the Bay Bridge and she was hoping that it
13 would be -- . Also, I have a letter from the Dorchester
14 Chamber of Commerce to Calvin Travis, President, and the
15 Dorchester County Commissioners.

16 "This letter is in support of the proposed car
17 ferry service between Taylor's Island and Solomon's
18 Island. According to Mr. Tobin's proposal, it will be a
19 family owned and operated business.

20 "Although he anticipates hiring approximately
21 10 people. The car ferry service will provide five

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1 round trips per day, increasing during peak seasons. The
2 only construction required on the site will be a steel
3 pier and causeway ramp, tar and chip roadway and ticket
4 building.

5 "He does plan to build a home for his family on
6 the property. With the above in mind, it is clear that
7 Mr. Tobin's plans will not have a disruptive effect on
8 the community of Taylor's Island.

9 "It will only promote tourism for Dorchester
10 County which is beneficial to all county residents. In
11 support of the economic growth and promising tourism
12 potential, the Chamber feels that this service can only
13 be a step forward."

14 It's signed by Donald K. Heintzman, President.
15 I also have a letter that's from the Dorchester County
16 Economic Development Office. We had a meeting at their
17 forum, which was last September, where I talked about the
18 ferry service proposal.

19 And at that time, we had people from Taylor's
20 Island that was in favor of it. We weren't aware at that
21 time that there was people that was against it from

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1 Taylor's Island. This is from the Dorchester County
2 Economic Development Office to Paul Tobin. "Dear Mr. Tobin:
3 This is to advise you that at the regular meeting of the
4 Dorchester County Economic Development Commission on the
5 above date it was decided to approve your project
6 regarding a ferry boat service between Dorchester and
7 Calvert Counties in the form as outlined by you at our
8 public meeting held on September 26th.

9 "As a condition of approval, the Commission asks
10 that all necessary road improvements to the ferry site
11 be upgraded to accommodate the increased traffic flow and
12 that you provide adequate parking for those vehicles
13 awaiting the use of your service. Sincerely, Joseph
14 Wilkie, Acting Director."

15 Also, we talked a lot about the roads. The
16 county Highway Department commented on the proposal and
17 the site plan before it went before the Board of Appeals,
18 and they had said at the time that--they said if the
19 service gets going, if there's a problem with the roads
20 they'll take steps to alleviate the problem or solve the
21 problem.

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1 So we know the roads are small roads. What we
2 had talked about was a service--The ferry boat only comes
3 in about every hour and 15 minutes. If we have one boat,
4 it would be every two hours and a half.

5 You'd have 26 cars that would drive on the road
6 and then there would be a pause while, you know, cars would
7 trickle in to go on the ferry again. That's also assuming--
8 all these numbers of cars is assuming 100 percent capacity,
9 which, you know, would be an ideal condition.

10 We're not expecting--planning for 100 percent
11 capacity, so the figures are going to be somewhat less.
12 The traffic flow is going to be spread out during the whole
13 12-hour day and it's going to be intermittent amount of
14 traffic.

15 MR. PRICE: Do you have any questions of
16 Mr. Tobin? Ms. Phillips, does the Dorchester County
17 comprehensive plan, it's transportation element, does it
18 have any reference to ferry service?

19 MS. PHILLIPS: I don't think I could tell you
20 right off the bat.

21 MR. PRICE: Does anyone--Yes?

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1 MR. TAMPMAN: I don't want to belabor things,
2 but in--

3 MR. PRICE: Last word.

4 MR. TAMPMAN: No, just in reference to two things
5 Mr. Tobin just brought up. First of all, this letter from
6 the Dorchester County Chamber of Commerce. I'm a member
7 of that board of directors and at the time that letter
8 was written the board did not have all the facts that have
9 since come out with reference to service and the potential
10 that it has for other than tourists.

11 And as such, I don't know what its current
12 position would be and I cannot speak for it, but I can
13 just say it did not at that time have all the facts.
14 And, number two, concerning the statement as alleged to
15 have been made by the county roads board.

16 It has been the policy of this county
17 historically, that policy was reiterated to me directly
18 on Saturday by Mr. William Wingate, a member of our county
19 commissioners, that this county has never and will not
20 and does not plan to change their policy in the future
21 of taking any land by condemnation.

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1 So if any property owner along that road will
2 not willingly give the right of way for the widening of
3 that road, the County of Dorchester will not take it and
4 will not widen that road.

5 MR. PRICE: Anyone else?

6 MS. SPICER: My name is Lillian Spicer. I've
7 lived on Taylor's Island for 42 years. On the entrance to
8 Taylor's Island there is a speed limit sign that says 30
9 miles an hour.

10 Here comes a car over the bridge. Oh, we've
11 got to make the ferry, hurry up. Are they going to go 30
12 miles an hour? And Mr. Tobin said he would have a yearly
13 basis of travel.

14 He don't know the Bay when the ice gets there.
15 Thank you.

16 MR. PRICE: All right. Anybody else? You can
17 stay right there if you want to.

18 MS. DONAHUE: Mr. Tobin, I'm Dorothy Donahue and
19 I'm a resident of Taylor's Island. Mr. Tobin, I don't
20 know how you could possibly have those roads widened.
21 I live on Punch Island Road.

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1 Our road was very narrow, often flooded with just
2 rain, not tides. And it took me over two years working
3 with County Roads to get most of Punch Island widened.
4 But a few residents would not give them 25 feet of their
5 land.

6 So I don't know how you can think that the
7 county roads will do this for you when we are residents
8 and travel those roads daily.

9 MR. PRICE: Thank you. Anyone else?

10 MR. DONAHUE: If I may, just one other question.
11 And if, if by any chance they were to widen the roads, I
12 don't want it done with my money, and that's how it would
13 be done, with tax money.

14 And I'm opposed to spending money to finance
15 or subsidize your operation. Thank you.

16 MR. PRICE: With that, that'll conclude our
17 hearing. And if you have any written comments, we'll keep
18 the record open until August the 15th. And Mr. Ventre
19 will give you the address where to send those comments.
20 Thank you all very much.

21 (Whereupon, the meeting was adjourned at 10:08 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: CRITICAL AREAS COMMISSION

BEFORE: Robert Price, Jr., Thomas Jarvis, Samuel Bowling,
and William Corkran

DATE: July 31, 1989

PLACE: Cambridge, Maryland

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

Breta Bernstein
Breta Bernstein, Reporter

Barbara J. Becker
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