

Public Hearings - Elkton - Hearing For Map Amendment in Elkton Critical Area 1989 MSA-S1830-64

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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IN RE: *
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HEARING FOR MAP AMENDMENT *
IN THE TOWN OF ELKTON *
CRITICAL AREA *
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The above-captioned hearing was held on
Thursday, November 16, 1989, at Elkton Town Hall, 107
North Street, Elkton, Maryland, commencing at 7:05 p.m.
before Jaye E. Hanna, Notary Public.

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BETZ & STROUSE, INC.
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Baltimore, Maryland 21201
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A P P E A R A N C E S

COMMISSIONERS:

RONALD HICKERNELL

KAY LANGNER

JAMES E. GUTMAN

PRESENT:

JOHN CONWELL, Director of Engineering and Planning, Town of Elkton

JANET GLEISNER, Director of Planning and Zoning, Cecil County

ANNE HAIRSTON, Staff Representative for Critical Area Commission

MELISSA B. COOK, Administrator
Town of North East

P R O C E E D I N G S

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MS. HAIRSTON: I'd like to welcome everybody to the hearing on the map amendment for the town of Elkton. Does somebody care to serve as chairman?

MR. GUTMAN: There was a secret ballot that I was excluded from, so I guess it's me.

MS. HAIRSTON: Introducing our Commission panel tonight, we have Mr. James Gutman from Anne Arundel County, Miss Kay Langner from Cecil County, and Mr. Ron Hickernell from Baltimore County. With that, Jim, I think I'll let you at least start things up, and then we'll have a presentation from Mr. Conwell on the issue itself.

MR. GUTMAN: All right. I think I just ought to say this is a hearing on a map amendment to the program of the town of Elkton that has been advertised. The hearing is conducted by the Critical Area Commission for the Chesapeake Bay and we have with us, just for the record, Miss Kay Langner and Mr. Ron Hickernell who make up the members of the panel.

We'll first have a presentation from the town concerning the two portions of the property that are the

1 topic of the proposed amendment. Who will care to go
2 first?

3 MR. CONWELL: I will.

4 MR. GUTMAN: All right. If you would, please
5 introduce yourself and give your title, as well.

6 SKWRAO: John Conwell, Director of Engineering
7 and Planning for the Town of Elkton. This is a request
8 for a land use management classification amendment, and
9 it's based on the ground that we feel there was a mistake
10 made in the initial classification. The two -- well,
11 there is actually three parcels of ground, two parcels
12 owned by the town, and the site is used as a wastewater
13 treatment plant for the Town of Elkton. The third parcel
14 is owned by the County Commissioners of Cecil County. The
15 County depends on the center, it's located on that area.

16 Together the three parcels make up a total area
17 of -- think it's approximately 26 acres. And both those
18 uses are water -- categorized as water utilities, or
19 institutional uses. The definition in the program that
20 the town adopted under IDA, I believe, calls for in the
21 definition of IDA for intensely developed areas, it's in

1 Program 2, Section 2, also adopted in there, but it says,
2 "intensely developed areas, as defined by the criteria
3 have at least one of the following features as of December
4 1, 1985." Under there is a section that says,
5 "industrial, institutional, or commercial uses are
6 concentrated in the area"; and says, "in addition, these
7 features shall be concentrated in an area of at least 20
8 adjacent acres." And that's basically the basis for our
9 request for an amendment to the map.

10 MR. GUTMAN: Any questions from the panel of Mr.
11 Conwell?

12 (No response.)

13 MR. GUTMAN: Thank you very much. I believe
14 Miss Gleisner wishes to follow up with a further
15 statement.

16 MS. GLEISNER: Thank you. Janet Gleisner,
17 Director of Planning and and Zoning for Cecil County. I
18 think John has very well summarized the issues in front of
19 the Commission. I'd like to note for the record the
20 detention center been in place since 1974. For your
21 records, I'd like to give you -- if you don't have any

1 questions you'd like to ask, I'll give you a breakdown of
2 the parcels that are in question. Parcel designated 2004
3 is the one owned by the County Commissioners and now
4 houses a detention center. The two other parcels here are
5 owned by the town of Elkton and now house a sewage
6 treatment plant. The rest of the area is currently in
7 agricultural use. I brought a large scale air photo if
8 you would like to look at it. If you have any questions,
9 I'll be happy to answer them.

10 MR. HICKERNELL: The designation presently of
11 these parcels is what?

12 MS. GLEISNER: LDA.

13 MR. HICKERNELL: And that was as submitted to
14 the Commission by the town?

15 MS. GLEISNER: I am not sure. I was not -- I
16 think originally it was submitted as an IDA, there was a
17 motion between the Commission and the town because of some
18 issues that were ongoing at the time.

19 MS. HAIRSTON: If I might add a bit --

20 MR. GUTMAN: Anne, identify yourself for the
21 record.

1 MS. HAIRSTON: Anne Hairston, staff
2 representative for the Critical Area Commission. And my
3 understanding of the history of this area is that there
4 has been previous debate on what the land use designation
5 was to be previously. There was debate as to whether it
6 should be RCA or LDA because of that area of agricultural
7 fields.

8 Now, the agricultural fields are not under
9 question tonight. They have been given a designation of
10 LDA, it's, you know, an undeveloped piece of property, but
11 it's adjacent to a fair bit of other development as well
12 as Route 40. So the parcels in question tonight are only
13 the parcels with institutional uses on them, which, if you
14 can see on the rather rough xeroxes, there's two parcels
15 which are clearly identified by the development on them,
16 this is the area we're talking about (indicating).

17 MR. GUTMAN: I think we'll have these two photos
18 entered as exhibits, so maybe if you will, when you refer
19 to that map, refer to -- if you could refer to them by the
20 size of them, the acreage is different, so maybe you could
21 refer to those by acreage, then the conversation might be

1 more clear.

2 MS. HAIRSTON: Okay. All three parcels do seem
3 to be developed looking at the aerial photo. There is one
4 that's 10.56 acres, one that is 2.24 acres. Does that
5 hold the main part of the treatment plant?

6 MS. GLEISNER: That's where they store the
7 sludge material.

8 MS. HAIRSTON: That's storage. Then the main
9 treatment plant and all the plants are on 13.72 acres, and
10 those are parcels 2004, 2007, and 1477, respectively. So
11 that is what is under question tonight for map change by
12 mistake. Now, we can't claim that this area was
13 overlooked, because it certainly was not overlooked by any
14 means, but that doesn't say that there might not have been
15 a mistake in the classification.

16 MR. HICKERNELL: Understood.

17 MS. HAIRSTON: As Mr. Conwell mentioned, I
18 looked in the program and the only place where it
19 specifically listed the institutional uses was under the
20 intensely developed areas, and I sent Joe a copy of that
21 in the packet.

1 MR. CONWELL: One other thing, there is really
2 only one contiguous property other than the town itself,
3 it's Carlton M. and John M. Young, 906 West Bayview Avenue
4 in Delaware. We sent a letter to them notifying them of
5 the public hearing by registered letter. I have a copy of
6 that. Mr. Carlton Young did call me, I explained what the
7 request was about, and that it did not affect any of his
8 property, and he had no objection to that.

9 I wanted to add one more point, that the thing
10 that brought this up was that the County was considering a
11 small addition, very small addition, I understand, to the
12 detention center, and Barry Belford, Director of Public
13 Works, he checked on the designation and Janet had him
14 come over and see me, and said I believe it better be IDA.

15 MS. LANGNER: I believe the addition was planned
16 in '84.

17 MR. CONWELL: What we started to realize was
18 that any time we wanted to do any sort of work other than
19 routine maintenance we'd have to be getting variances, so
20 we felt it made more sense to correct it in this way.

21 MR. GUTMAN: One question. Will these changes

1 that are being requested in any way serve as a precedent
2 to make additional changes to those farm fields?

3 MS. GLEISNER: It would be my feeling that it
4 would not, because these were existing uses prior to the
5 program adoption, and by their definition they really
6 should have been IDA areas. And certainly the surrounding
7 land is agricultural use and would not be classified as an
8 IDA, so there would be no justification for it.

9 MR. GUTMAN: So to the best of your knowledge
10 there have been no applications or discussions of any kind
11 relating to those farm fields up to this point?

12 MR. CONWELL: I spoke to the owner of the farm
13 fields and he has no problem to change the designation.
14 He merely questioned what we were doing and why and I
15 explained about the nonconforming uses. It doesn't affect
16 any of the corn fields, none of this land is in any
17 agricultural use right now.

18 MR. GUTMAN: All right. I think for the record
19 I'd like to ask that this be Exhibit 1, and it has been
20 referred to as the xerox copy of the aerial photo, make
21 that as Exhibit 1, and we now have another drawing which I

1 think we could call Exhibit No. 2, and on that drawing
2 you'll find that acreage mentioned for the three parcels
3 we're discussing.

4 (Exhibits Numbers 1 and 2 were marked for
5 identification.)

6 MR. GUTMAN: Again I'll ask if there are any
7 questions by the other members of the panel. Mr.
8 Hickernell?

9 MR. HICKERNELL: No additional questions.

10 MR. GUTMAN: Ms. Langner, have you any questions
11 or comments?

12 MS. LANGNER: No.

13 MR. GUTMAN: Anyone from the audience care to
14 inquire further, or from the staff of Elkton and Miss
15 Hairston, anything further you'd like to represent from
16 the staff of the Commission?

17 MS. HAIRSTON: I think I've summarized what the
18 previous history of the debate over that parcel was and
19 the uses seem appropriate to IDA. The only -- all you
20 could ever find with this sort of thing is if having an
21 IDA there would give adjacency if somebody wanted to use

1 growth allocation on an adjoining parcel, but considering
2 the nature of the area, I don't think that's anything that
3 goes against program goals.

4 MR. CONWELL: They already had adjacency to IDA,
5 the land on the other side of Route 40 is IDA.

6 MS. HAIRSTON: So there is not even that.

7 MR. GUTMAN: All right. I think it's customary
8 to keep the hearing record open for several days after the
9 public hearing, and if there is no objection I think I'll
10 set the closing date for the hearing on this amendment
11 this coming Wednesday, which would be the 22nd of
12 November, or the day prior to the holiday. The panel will
13 meet prior to the next meeting of the full Commission
14 which takes place on the 6th of December, and at that time
15 the panel will provide for the full Commission a
16 recommendation for the final action of the Commission on
17 this proposed amendment. All right. Seeing no one else
18 wishes to make any statements on the record, I now declare
19 the hearing closed.

20 (Thereupon, at 7:25 p.m., the hearing was
21 concluded.)

1 State of Maryland,
2 City of Baltimore, to wit:

3 I, Jaye E. Hanna, a Notary Public of the State
4 of Maryland, do hereby certify that the within-named
5 witness personally appeared before me at the time and
6 place herein set out, and after having been duly sworn by
7 me, according to law, was examined by Counsel.

8 I further certify that the examination was
9 recorded stenographically by me and this transcript is a
10 true record of the proceedings.

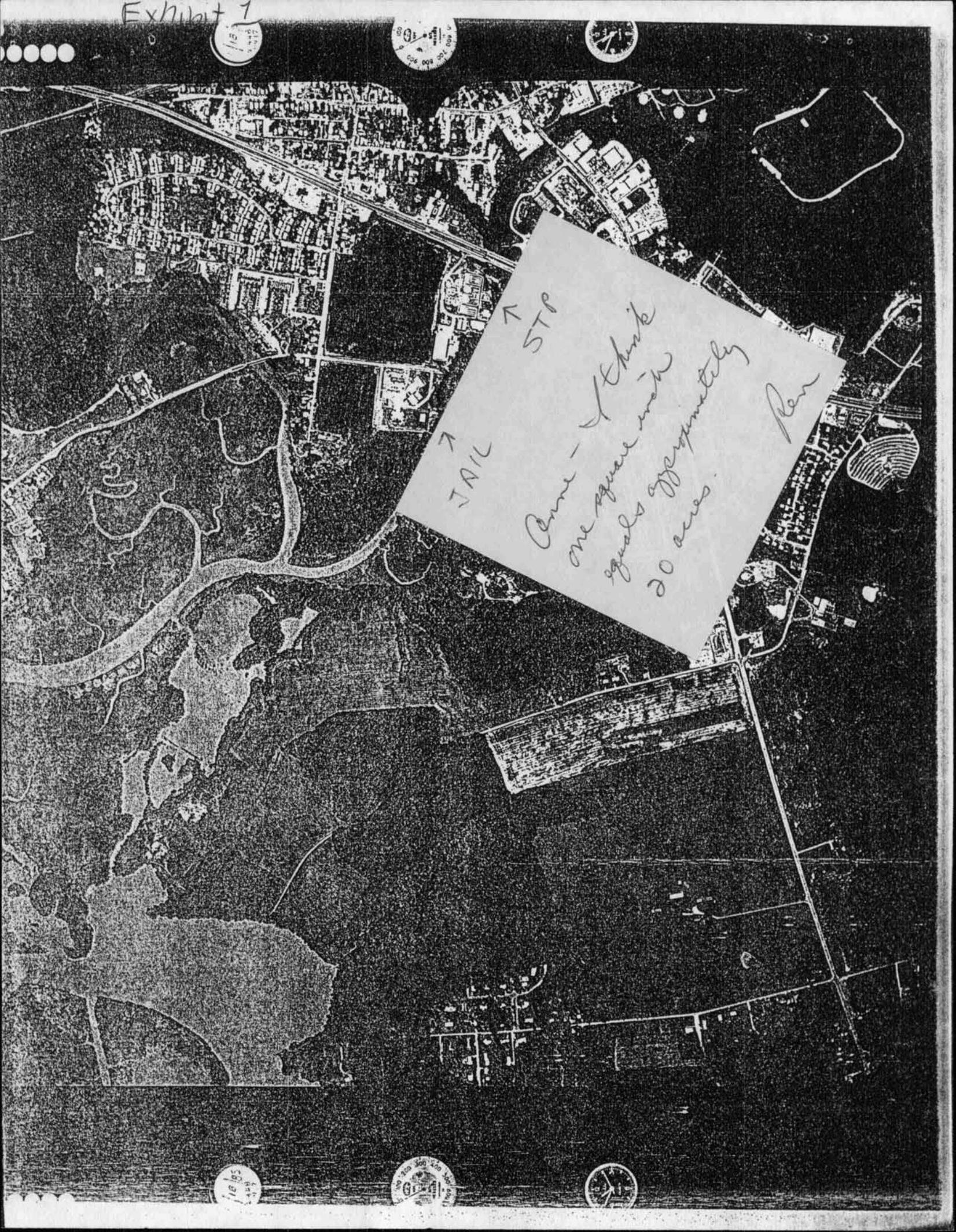
11 I further certify that I am not of Counsel to
12 any of the parties, nor an employee of Counsel, nor
13 related to any of the parties, nor in any way interested
14 in the outcome of this action.

15 As witness my hand and Notarial Seal this
16 4th day of December, 1989.

17 Jaye E. Hanna
18 Jaye E. Hanna
19 Notary Public

20 My commission expires: 7/1/90

21



JAIL →

↑ STP

Area - I think
one square mile
equals approximately
20 acres.

Pen

**DEPOSITION
EXHIBIT**

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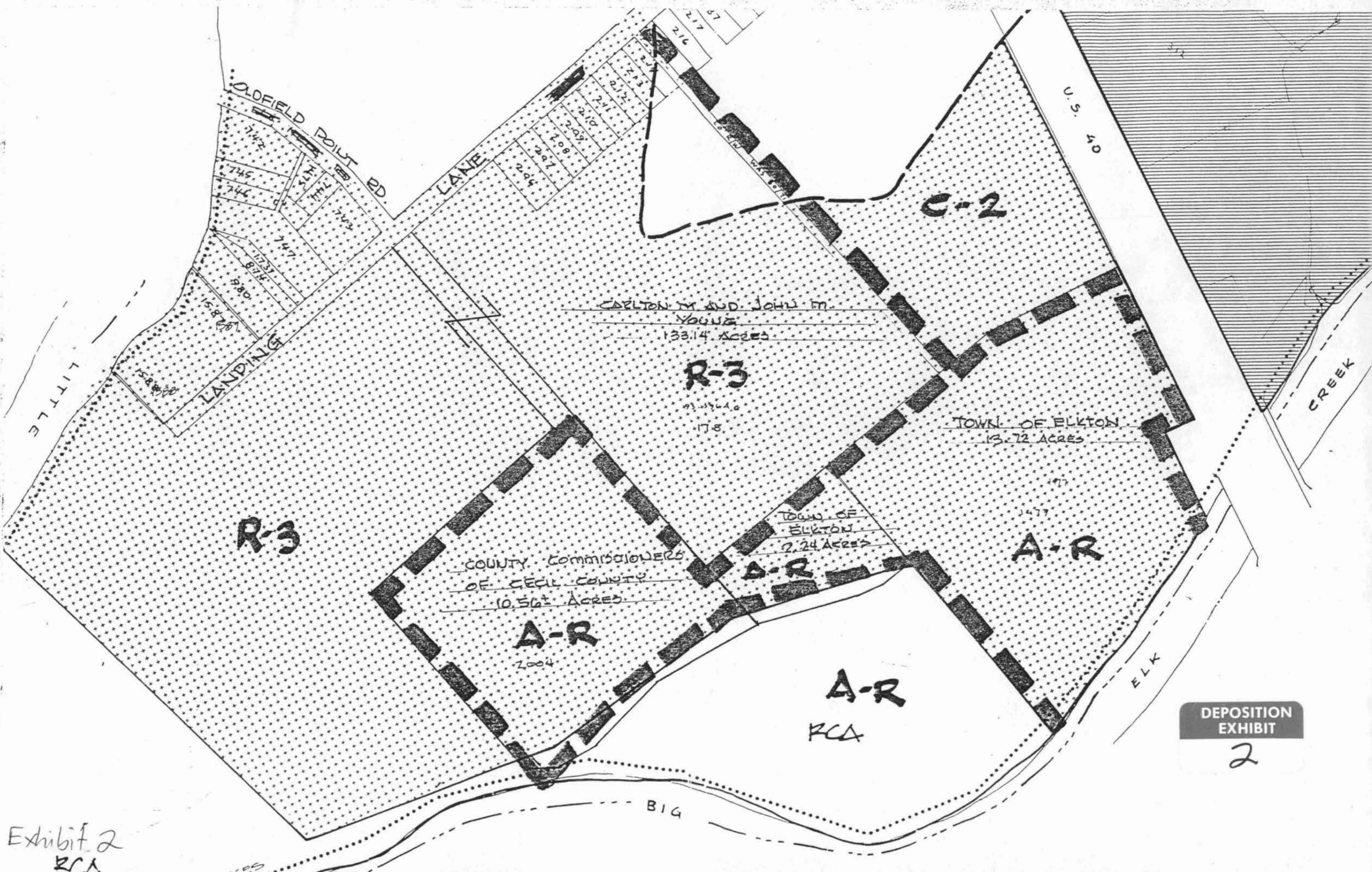


Exhibit 2
RCA

DEPOSITION EXHIBIT
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