

Public Hearings - Hartford County - Critical Area Amendments 1989-1 MSA_51830-65

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CRITICAL AREA AMENDMENTS
FOR HARFORD COUNTY

February 13, 1989

7:00 P.M.

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D.C. AREA 261-1902
BALT. & ANNAP. 974-0947

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DNR
CRITICAL AREA COMMISSION

1 APPEARANCES:

2 Bob Perciasepe, CAC

3 Shepard Krech, Jr., CAC

4 Andy Mayer, Harford County P&Z

5 Anne Hairston, CAC Staff

6 Donna Hausmann

7 Helen M. Richick

8 Robert Dillon

9 Gary Strabecki

10 Glen Redman

11 Victor Butanis

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P R O C E E D I N G S

1
2 MR. PERCIASEPE: Today, or this evening, we're
3 going to have a Public Hearing on an Amendment to
4 Harford County's Critical Area Program. There's a three
5 member panel of the Critical Areas Commission here
6 tonight. Victor Butanis from Harford County, myself,
7 Bob Perciasepe, and Shep Krech from which county?

8 MR. KRECH: Eastern Shore.

9 MR. PERCIASEPE: Eastern Shore at Large. Who
10 drove 2 and a half hours to be here tonight.

11 The way we're going to conduct this hearing
12 because of the size, I normally am kind of formal when I
13 do these things, but the way we're going to do this
14 because of the size of the group, the massive size of
15 the group, is I'll have Andy briefly--Andy from the
16 Planning Department in Harford County, go through--Andy
17 Mayer, right?

18 MR. MAYER: Right.

19 MR. PERCIASEPE: Go through the--briefly
20 through the amendment to the program, then I'm going to
21 open it up for discussion for 20 minutes, since there
22 are only five people here from the public, rather than

1 limit each person to three minutes, and if there's no
2 discussion of course, we can be done quickly.

3 But we're going to limit the discussion of the
4 hearing itself to this particular amendment, the purpose
5 of us being here tonight is for us to know whether or
6 not there was any other public concern that we ought to
7 be taking into account when they bring this before the
8 full commission sometime in the near future, and which
9 we as a Panel will have to make recommendations to the
10 full commission.

11 So any other subject will be fine after the
12 hearing, but during the hearing we're just going to talk
13 about this particular amendment. So with that, I think
14 I'll turn it over to Andy, unless any of the other Panel
15 members have anything to say, and let him take us
16 through the intent and purpose and the scope.

17 MR. MAYER: Okay. Well, the scope as you can
18 see is actually rather small. What this amendment was
19 designed to address for want of another expression, I
20 guess I'll call it "Clean Up Legislation," at the time
21 that the County approved its critical area program,
22 including its overly desperate staff put into effect the

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1 regulations governing the critical area.

2 We had in the program a section that would
3 allow the construction of accessory structures on
4 certain lots in IDA and LDA areas, within the 100 foot
5 buffer. The accessory structures which were allowed
6 were small, they were limited to less than 1,000 square
7 feet in size, and there had to be certain water quality
8 protection and enhancement measures that had to be
9 installed along with the construction of any accessory
10 structure in order to maintain water quality, and
11 hopefully enhance water quality in terms of any run off
12 that would come from that structure.

13 The time that we took that to the Commission
14 as a part of our total package, the Commission and then
15 our council approved that. But when we actually got in
16 to implementing the program, we found that the way that
17 our ordinance code worked, it--and it's one of those
18 things that it's easy to think after the fact we should
19 have seen it, but we didn't at the time. We had deleted
20 the whole class of minor additions.

21 Anybody who wanted to construct a small deck
22 on the back of their house, within that same kind of

1 limit as the accessory structures, were essentially
2 required to go get a variance, or if somebody wanted to
3 construct a detached accessory structure, large in scale
4 in fact than a minor addition, they were permitted. And
5 so we ended up getting into a real catch 22 situation
6 and we felt that needed to be addressed by an amendment,
7 that would look at accessory structures and minor
8 additions on an equal footing.

9 And so what we have proposed is amendments to
10 our overly district dealing with accessory structures
11 that will add a class of approved minor additions that
12 would be allowed within the 100 foot buffer basically
13 from 50 feet to 100 feet out. Anything from 50 feet to
14 the edge of the water is still not permitted.

15 As long as such additions meet the same
16 requirements as the original legislation in terms of
17 accessory structures, that is that they're limited to no
18 more than an aggregate of 1,000 square feet in total
19 area, and that we have the same type of plantings and
20 landscape plan that be installed along with them to
21 protect against water quality.

22 And they are limited to IDA, LDA areas. We're

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1 not looking to proving those kind of things in forested
2 areas, -- areas within the County's critical area.
3 That's pretty much it.

4 And like I say, it's very much a minor piece
5 of clean up to try and deal with what we felt was an
6 unfair situation that had been created.

7 MR. PERCIASEPE: Just a point of
8 clarification, this is to--these are accessory
9 structures and minor additions to existing--

10 MR. MAYER: Primary Structures.

11 MR. PERCIASEPE: --structures in the buffer?

12 MR. MAYER: Correct.

13 MR. PERCIASEPE: Anything else to add?

14 MR. MAYER: That's it.

15 MR. PERCIASEPE: Do you have anything else to
16 add?

17 MR. KRECH: No.

18 MR. PERCIASEPE: All right. Did you have
19 enough of these to hand out?

20 MR. MAYER: I didn't make enough for everybody
21 who was here, but I think that there have been--did you
22 get a chance to take a look at it?

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1 MR. PERCIASEPE: You didn't underline the part
2 about adding on. Was that supposed to be underlined
3 also? The Capitalized minor additions and capitalized
4 add additions to existing structures, and capitalize
5 more additions.

6 MR. MAYER: I guess in a way our legislative
7 format works, I think that should just be dealt with as
8 capitalization.

9 MR. PERCIASEPE: Okay, it's underlined?

10 MR. MAYER: It's underlined further on, you're
11 correct.

12 MR. PERCIASEPE: The B part, the replacement B
13 part is underlined.

14 MR. MAYER: Right.

15 MR. PERCIASEPE: It doesn't really matter, but
16 I want to make sure that those also are--

17 MR. MAYER: The capitalized sections are
18 additions in pre-existing legislation.

19 MR. BUTANIS: I think the part that's
20 underlined would have been amended by the County
21 Council, the way that that--

22 MR. REDMAN: The way the format works.

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1 MR. BUTANIS: The way the format works, this
2 was not the bill as originally submitted.

3 MR. REDMAN: Underlining indicates language
4 edit by amendment.

5 MR. BUTANIS: Yeah, Council would have amended
6 it.

7 MR. REDMAN: Right.

8 MR. BUTANIS: It indicates they are amended,
9 that's why this isn't underlined.

10 MR. PERCIASEPE: Okay. Are there any other--
11 are there any general discussion items or comments that
12 anybody would like to make at the hearing? Since no one
13 signed in to testify, would you identify yourself when
14 you speak?

15 MS. RICHICK: Yes, my name is Helen Richick,
16 and I live in Joppa. My question is you three members,
17 you review this tonight, and then does it go before the
18 complete--all of the members, and could you tell me the
19 process how it's put into--

20 MR. PERCIASEPE: First we have it approved
21 Harford County Program.

22 MS. RICHICK: Right.

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1 MR. PERCIASEPE: And you stop me when I'm
2 wrong. That we already had hearings on and lots of work
3 on with the planning and our group, we went out on site
4 visits, and we've approved a program for the county, and
5 they are implementing it.

6 Now, whenever they want to amend the language
7 in any of their enabling--any of the enabling
8 legislation or regulations that they enacted in
9 implement the program that we approved, that too must be
10 approved by the Commission, they cannot start amending
11 it without commission approval. And you can see the
12 reasons for that.

13 So the regulations that the Commission have
14 adopted include that there will be a public hearing on
15 any of those proposed amendments. What we will do as a
16 panel is hear what public testimony there may be about
17 these amendments, we will then also have staff who is
18 here, who I didn't identify before, and Harrison, from
19 the Critical Areas Commission, he's a staff person who
20 works for the Department of Natural Resources, who will
21 also review these to make sure that they are not in
22 conflict with our regulations, and if they are not--so

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1 with that information, I won't say if anything, but with
2 that information and recommendations of staff, with our
3 knowledge of what we hear at public hearing, we as a
4 panel will make recommendation to the full commission, I
5 think we'll probably planning come down, I'm not sure,
6 on something like this, we may not, Anne may just make
7 the presentation.

8 And at some future full commission meeting,
9 maybe the next one, or the one after, we'll probably
10 leave the record open on this a little bit. We'll hear
11 either from Anne or from the county, they'll summarize
12 it again, and then the Chairman will turn probably to me
13 as Chairman of the Panel, and say "Well, did you have a
14 public hearing?" I'll say, "Yes, we did." And what do
15 you think? I'll say the staff recommends this, and we
16 heard this, and we recommend that this be either
17 approved or denied or sent back for more information or
18 whatever.

19 And in which case, after the Commission
20 approves, then if there's any other legislative process
21 that the County has to go through, if they have to take
22 this to the council, they'll have to do that on their

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1 own after--

2 MR. BUTANIS: Council has already approved it.

3 MR. PERCIASEPE: Right.

4 MR. BUTANIS: The only thing necessary is for
5 the Commission to--

6 MR. PERCIASEPE: Right, so then it would
7 become part of the program once we approve it. Now, if
8 we have a problem with any part of it, they'll have to
9 go back to the council and have the council make those
10 amendments.

11 MS. RICHICK: Oh, I see.

12 MR. KRECH: What is the length of time between
13 this hearing and public input that come to the
14 Commission, if any, is it 40 days for an amendment?

15 MR. PERCIASEPE: I'm not sure.

16 MR. KRECH: Is it kept open?

17 MR. PERCIASEPE: Well, I think we typically
18 have kept the record open for public appearance for ten
19 days.

20 MR. KRECH: Ten days it is.

21 MR. PERCIASEPE: That's been our--

22 MR. KRECH: And I doubt if there will be any

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1 public comments from this.

2 MR. PERCIASEPE: Well, that's what we--I mean I
3 should state here for the record that the record will be
4 kept open for ten days, if somebody wants to write to
5 the--

6 MR. KRECH: To the Commission.

7 MR. PERCIASEPE: --the Commission with their
8 written comments, if they don't have any tonight. Does
9 that answer the question on the process?

10 MS. RICHICK: Yes.

11 MR. PERCIASEPE: Did I get it right?

12 MR. REDMAN: -- any better, well schooled.

13 MR. PERCIASEPE: Beaten into submission more
14 like it.

15 MR. PERCIASEPE: Yeah. Are there any other
16 comments? Yes, make sure you identify yourself.

17 MR. CARSON: I'm Robert Carson from Edgewood.
18 This, as I understand, is the same bill that passed in
19 early December, and was to go into effect tomorrow?

20 MR. MAYER: Under the existing county
21 ordinances, the County Executive--well, the ordinance
22 would go into effect, in most instances, 60 days after

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1 the County Executive signs it. After Council has
2 approved it. So you're correct in saying that it was
3 signed back in December. And theoretically under the
4 normal process, it would go into effect as of tomorrow.
5 But because the Critical Area Commission needs to
6 approve it, that will essentially hold things up until
7 such time as they deal with it. But as soon as they
8 deal with it and pass it, then it will become law.

9 MR. PERCIASEPE: I'm not going to beat a dead
10 horse here, but does anyone else have any other--

11 MR. DILLON: I've got a question, it's really
12 not pertaining to this particular piece of amendment
13 here, but it does pertain to an area that is now being
14 considered by the State of Maryland as a Rubble Fill.
15 And we've--Andy knows pretty well the story on this.

16 MR. PERCIASEPE: Well, we could talk about
17 that after this hearing if you want.

18 MR. DILLON: Okay.

19 MR. PERCIASEPE: I mean it really--I don't
20 think this has any effect on the rubble fill, or
21 anything else. But we'd be happy to hear some of your
22 thoughts for a few minutes after the meeting.

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1 MR. DILLON: Sure.

2 MR. PERCIASEPE: Okay, if there are no other
3 comments from people who have come tonight, I want to
4 thank everybody for coming tonight. I know that
5 sometimes these things seem short, but they are
6 necessary and we must have, you know, an opportunity for
7 people to comment on them. Some of us have driven a
8 long way to be here, and we do appreciate you all
9 coming, coming to give us your thoughts on it.

10 With that, I will close--wait a minute, wait a
11 minute.

12 MR. CARSON: Well, I didn't finish to say that
13 I was here in favor of the changes.

14 MR. PERCIASEPE: Oh, well, thank you very much
15 for letting us know. With that I will close the formal
16 hearing on this proposed amendment and the public
17 hearing part, the books will be open for ten day, and
18 Anne will be the recipient of any letters or
19 correspondence that anybody may want to send to the
20 Commission.

21 Your address is, a new address?

22 MS. HAIRSTON: The new address is 275 West

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1 Street, Suite 320, that's the West Garrett Building,
2 Annapolis, Maryland, 21401.

3 MS. RICHICK: I have a question, is it too
4 late to ask?

5 MR. PERCIASEPE: Go ahead.

6 MS. RICHICK: I would be interested in reading
7 the plan that you have okay'd from Harford County on
8 Critical Area. Where can I locate that?

9 MR. PERCIASEPE: This is the girl.

10 MS. RICHICK: Do you have a copy of that that
11 I can comment, review and read?

12 MR. PERCIASEPE: We have copies that we'll
13 sell you. There's copies available in the library, we
14 had draft copies available when the thing was being
15 done. But we've now gone into the phase of, you know,
16 it's no longer draft, so we have to reproduce it at
17 cost.

18 MS. RICHICK: Okay.

19 MR. PERCIASEPE: But anyway, we have copies
20 available in the Overly District though, and some of the
21 other definitions that we can give you, but in terms of
22 the overall program, we have to sell them to you.

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(not correct speaker) MS# 2-27-89

1 MS. HAIRSTON: Anything in Harford County costs
2 you.

3 MR. PERCIASEPE: Well, then this hearing will
4 be concluded in this phase, and like I said, the
5 comments can come in for ten more days, if anybody wants
6 to. And so I'm going to close this part of the hearing.
7 thank you all for coming. Particularly the Recorder.

8 (Whereupon, the public hearing adjourned.)
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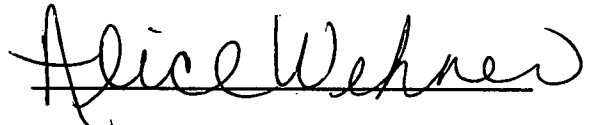
C E R T I F I C A T E

This is to certify that the foregoing transcript in
the Matter of: Public Hearing, Critical Area Amendments
Harford County

BEFORE: Critical Area Commission Panel.

DATE: February 13, 1989, 7:00 p.m.

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



Alice Wehner
FREE STATE REPORTING, INC.

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