

Public Hearings - Somerset County

1989

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CRITICAL AREAS COMMISSION HEARING

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DNR
CRITICAL AREA COMMISSION

Somerset Court House
Corner of Prince William Street
and Somerset Street
Upper Floor
Princess Anne, Maryland 21853

May 11, 1989, Thursday

1/11/89

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D.C. AREA 261-1902

BALT. & ANNAP. 974-0947

1 APPEARANCES:

2 COMMISSION:

- 3 Robert Price, Chairman
- 4 Ronald A. Karasic
- 5 Russell W. Blake
- 6 Shepard Krech
- 7 Thomas H. Ventre, Staff

8 CITIZENS PRESENT:

- 9 Dana Simson, Box 16, Frenchtown, MD 21867
- 10 John F. Orth, Box 16, Frenchtown, MD 21867
- 11 Randy Stadler, Box 33 Manokin, MD 21836
- 12 John Rafter, Rt. 1, Box 245, Mt. Vernon, MD 21853
- 13 Fred Ford, Rt. 1, Box 301, Marion Station, MD
- 14 Nevette Muir, Upper Fairmount, MD 21867
- 15 Atwood S. Barwick, Upper Fairmount, MD 21867
- 16 Karl H. Zickrick, Upper Fairmount, MD 21867
- 17 Bettie H. Zickrick, Upper Fairmount, MD 21867
- 18 Howard E. Stone, Box 933, Upper Fairmount, MD 21867
- 19 Virginia A. Stone, Box 233 Hall's Creek Rd. Upper Fairmount
- 20 Mike Keene, Rumbly, MD
- 21 Al Goetze, Rt. 5, Box 764, Easton, MD 21601
- 22 Lee Quinn, Rt. 1, Box 142, Princess Anne, MD 21853
- Robert L. Ditzel, Rt. 3, Box 145, Princess Anne, MD 21853
- Gordon T. Hungerford, Box 25 Rumbly, Westover, MD 21871
- Joey Hungerford, Box 25 Rumbly, Westover, MD 21871
- James W. Hungerford, Box 204, Fairmount, MD
- Jackson Lee Cook, Upper Fairmount, MD 21867
- John J. Jordan, Box 52, Westover, MD
- Bobbi Stadler, no address given

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1 TESTIMONY OF:

2 Donna Simson 24

3 John Orth 27

4 Randy Statler 28

5 John Rafter 34

6 Atwood Barwick 37

7 Mike Keene 40

8 Howard Stone 44

9 Al Goetze 46

10 Lee Quinn 51

11 Fred Ford 57

12 Bobbi Stadler 52

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P R O C E E D I N G S

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CHAIRMAN PRICE: Ladies and gentlemen, I think we can get started. We've got a tape recorder rather than court stenographer. My name is Robert Price and I'm a member of the Critical Areas Commission from Queen Anne's County. To my right is Ron Karasic from Baltimore City and Mr. Russell Blake from Pocomoke to my left and Doctor Shepard Krech --.

I may add that Mr. Ron Adkins is also a member of the Commission from Somerset County -- position. We are a panel of the Critical Areas Commission that has been appointed -- member that could not attend. We have been appointed by the Commission to hold this public hearing on a program amendment for -- been submitted by Somerset County. Now this is a hearing that's required by Section 8-509 of the Natural Resource Article of the Maryland Code. Tom Ventre of the Critical Areas staff, who's seated over...

MR. ADKINS: Excuse me, Mr. Chairman --.

CHAIRMAN PRICE: Why don't we continue while he sets up if that's all right. The purpose of tonight's hearing is to hear public comment on the proposed amendment

RRR/SS

1 submitted by Somerset County. Following tonight's meeting,
2 this panel will report to the full Commission at a meeting
3 that is scheduled for May the 24th, at which time it's
4 anticipated as I understand it, that a vote will be taken
5 on the approval of this program amendment.

6 In view of our rather short time, any written
7 comments that anyone would wish to submit should be in the
8 Commission's office prior to the May the 24th date. Mr.
9 Ventre can give you the address as to where these comments
10 should be forwarded after the hearing. The format of the
11 meeting will be that Mr. Adkins will review the program
12 amendment as approved by the -- of Somerset County.

13 And following his presentation, any member of the
14 public that wishes to make a statement will be heard by the
15 panel. We'd like to keep statements to maybe a limit of 5
16 minutes. And if there are no questions, we'll commence
17 with Mr. Adkins. Does anybody have any questions at this
18 time? Go ahead.

19 UNIDENTIFIED SPEAKER: Does he have --
20 (inaudible).

21 CHAIRMAN PRICE: I do not know. He's going to
22 make a presentation and we'll hear it along with you.

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UNIDENTIFIED SPEAKER: All right.

CHAIRMAN PRICE: You want to turn it on?

MR. VENTRE: Gentlemen, for the record my name is Ron Adkins. I'm the County's Department of Technical and Community Services Administrator. Essentially that equates to Planning and Zoning Director, that might be what you're more comfortable hearing in term.

I've been asked to present the County's position on the growth allocation request to award 222 acres of growth allocation of Somerset County's, a variable growth allocation in FY 1988, excuse me, calendar year 1988 to a location in Fairmount, specifically noted in a case report that has been previously submitted to the Commission but I'll go over them again.

For the record I'd like to say that the County's position is one that this is a hearing that would consider how the County gave that growth allocation subsequent to or pursuant to the Code of Maryland's Comar 1415.02.06 which directs jurisdiction in how they should locate future growth expansion in a critical area.

We are not here tonight, nor has the county taken a position favorably or negatively on the merits of the

1 specific proposal of Somerset Springs as a development
2 project. I want to make sure the record reflects that we
3 have acted positively in awarding our growth allocation to
4 this specific site and have not had any action, nor have we
5 had any proposal for action in the way of an application,
6 for a development activity in this point in time.

7 Secondly, I'd like to make sure for the record
8 that the letter submitted by Philip L. Gerald, President of
9 the Somerset County Commissioners dated January 11, 1988,
10 that holds out the County's position and references what
11 I'm about to present. To reiterate for the record, it is
12 in the case file. We would like to make sure that that is
13 reflected.

14 As you noted earlier, it's sort of a unique
15 position to be put in. When you're a member of the
16 Critical Areas Commission you also serving your employers,
17 which, which is Somerset County. So obviously for this
18 instance I am a Somerset County employee and don't pretend
19 to portray a Commission member.

20 Now, more to the meat of the issue. Somerset
21 County within its Chesapeake Bay Critical Area program,
22 laid out a procedure and methodology for giving the growth

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1 allocation, which we felt we were enhancing the section of
2 Comar I just cited to you. What I would specifically point
3 to you is some of the goals of the program is to
4 concentrate development next to development, not into
5 agricultural lands or sprawling out into resource
6 conservation areas.

7 In doing so, we acknowledge the intent within our
8 program to have new growth allocation, new development that
9 could occur by the use of growth allocation, to occur next
10 to growth centers of community centers that are designated
11 in our comprehensive plan.

12 Having said that, I would like to at both the
13 location features that I mentioned earlier, locating it
14 next to LDA's that the criteria require, not within habitat
15 protection areas, at least 300 feet away from tidal
16 wetlands and tidal waters.

17 This regulation or this requirement was in
18 addition to those and the County considered that when
19 information was being discussed and decisions were being
20 made back in late December on whether the growth allocation
21 should be awarded.

22 What I'd like basically to say to you is this

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1 specific proposal is located on County Tax Map 39 and
2 involves a number of parcels on 39 as well as a number of
3 parcels on 48. Not all of those require growth allocation.
4 Tax Map 39 involves parcels 154, 118 and 183. On Tax Map
5 48 involves parcel number 2.

6 The present zoning at the site is maritime
7 residential commercial, which by its nomenclature would
8 indicate that it's a mixed use type of possibility there.
9 Also, there's a conservation 1 zoning on some of the lower
10 lying wetland and not wet, not tidal wetland areas.

11 The County followed in its program the public
12 hearing process. This process was not mandated by the
13 Critical Areas criteria. It was never mandated by law.
14 However, the County program which was passing the ordinance
15 felt that it was important to have the public process in
16 giving out growth allocations.

17 Therefore we, we established the public hearing
18 requirement that would be treated similar to how we treat
19 rezonings in our county. Where the Planning Commission, if
20 given an opportunity to hear comment in a public hearing
21 format and give its recommendation to the County
22 Commissioners who in turn also act based upon that. On

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1 December 27th, I believe it was of last year, County
2 Commissioners and the County Planning Commission did
3 conduct a joint public hearing on the specific issue that
4 is on the table this evening. And pursuant to the
5 testimony they received and to the direction that was given
6 in the program, the Planning Commission did recommend to
7 the County Commissioner to conditionally, to conditionally
8 award growth allocation at this specific site.

9 And just what I'd like to do rather than dominate
10 time for people to discuss their interests or concerns
11 either pro or con on this specific topic, I would like to
12 read into the record what the conditions were and what some
13 of the factors were that were considered by the Planning
14 Commission before the ensuing embodiment of the County
15 Commissioner's opinion.

16 The County Planning Commission found 5 items in
17 its findings dated December 30th, 1988. And those 5 items
18 were based upon receiving written testimony and exhibits in
19 public testimony at the hearing on December 27th. Those 5
20 findings are 1) The opposition presented to the Commission
21 by adjoining property owners and members of the public.

22 CHAIRMAN PRICE: This is prior to the

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1 Commission's findings?

2 MR. ADKINS: Prior to the Commission's findings
3 that were embodied by the County Commissioner and accepted
4 by the County Commissioner. So it represents both bodies.
5 2) The request by the Applicant was for 222 acres, more or
6 less, a growth allocation for the 1988 growth allocation
7 that was available in Somerset County and that it would be
8 assigned to the project known as Somerset Springs.

9 Three, that the Planning Commission know the
10 impact of the project on the area. Both, I might add,
11 negatively and positively. Four, that the Planning
12 Commission consider the testimony regarding the existing
13 development and characteristics of the area.

14 And five, that the Zoning Commission took notice
15 of the fact that various impact studies and reports as well
16 as compliance with all local, state and federal regulations
17 must be complied with. For these reasons the request for
18 the designation of growth allocation is hereby recommended
19 to be conditionally granted from the following: Condition
20 #1: That the developer shall replace the existing -- land
21 -- clearing on at least an acre by acre basis. Condition
22 2: That the developer shall provide special replanting

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1 procedures for removal of greater than 20% of the forested
2 land. These provisions are as follows and are as outlined
3 in the critical area criteria in the Somerset County
4 program. If they remove from 20% of the site in trees,
5 they have to replant on a one to one basis. And 20-30% of
6 the trees, and that ratio of trees, the ratio of replanting
7 is 1:1 1/2. Wherever trees are cleared, you have to plant
8 one and half trees. And greater than 30% obviously points
9 to 3:1.

10 Condition 3: The developer shall limit and --
11 service of the project site to 15% of the critical area
12 portion of the parcel. Condition 4: The developer shall
13 maintain or reduce storm water run off to down stream
14 properties, water forces, channels or conduits to the rates
15 and -- that will be resulted from a ten year pre-
16 development storm --.

17 Condition #5: The developer shall construct all
18 roads, bridges and utilities outside of any habitat
19 protection area unless no feasible alternative exists.

20 Condition #6: The developer shall use cluster development
21 techniques when practical to reduce impervious surface
22 areas and to preserve fish, plant and wildlife habitat.

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1 Condition #7: The developer shall incorporate a
2 wildlife corridor system which connects adjacent land.

3 Condition #8: The developer shall limit densities to 3.99
4 unit per acre or less. Condition #9: The developer shall
5 comply with the Chesapeake Bay Critical Area criteria, both
6 local and state programs.

7 Condition #10: That all impact studies, reports
8 and findings regarding the proposed development be timely
9 submitted to the Planning and Zoning Commission and the
10 Department of Technical and Community Services for review.

11 Condition #11: That the Planning and Zoning Commission and
12 the Department of Technical and Community Services shall
13 use these items (meaning the reports) within 30 days to
14 determine any negative impact.

15 Condition #12: That determined there will be a
16 negative impact from any of these studies or reports, the
17 Applicant will have 90 days to rectify the situation, and
18 provide a viable alternative proposal. Condition #13:
19 Should the Applicant fail to comply with any of these
20 conditions, the allocation will be automatically withdrawn
21 and forfeited. Condition #14: Comply, he must comply with
22 the conditions of approval for growth allocation -- the

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1 Somerset County Critical Area Program and zoning ordinance.
2 And finally, the last condition, project must be
3 substantially completed from 3 years of the date of the
4 approval. If not substantially completed as determined by
5 the Planning and Zoning Commission the growth allocation
6 shall be withdrawn.

7 Those are the conditions on which the Planning
8 Commission recommended and the subsequent action of the
9 County Commissioners embodied. I guess there's two other
10 points I'd just, just like to make to you gentlemen
11 tonight.

12 And basically that is again that we are not
13 asking approval of the Somerset County Springs development
14 project. The County has not given approval of the Somerset
15 County Springs development project. In fact, the current
16 zoning designations there would require at least 2 or 3
17 public hearings by the Board of Zoning Appeals to discuss
18 varying issues of land use as well sa a subdivision review
19 process for whatever amount of subdivision plats that are
20 proposed by the developer in the future.

21 Therefore, the County has not received, nor have
22 they given their blessing for the project. They have given

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1 their blessing for growth allocation to be there to support
2 the project should it become a feasible thing to do based
3 upon the studies and ultimate review of the project. The
4 other item that I wanted to reiterate was that the County's
5 program was above and beyond what the criteria required for
6 us to do in treating the growth allocation.

7 Somerset County saw growth allocation as a finite
8 item. They saw that as a resource that was not renewable.
9 Therefore, we treated it as such in our growth allocation
10 section of our program requiring growth allocation to be
11 limited to a certain percentage each year.

12 There was a unique opportunity that was available
13 in 1988. Since the County had had a moratorium in effect,
14 in 1988, for most of the year, when the program was written
15 we felt that there would be a lot of pent up interest from
16 the jurisdiction from developers who would have liked to
17 have developed but could not of because we had moratoriums
18 in effect.

19 Therefore, there was an additional amount of
20 growth allocation available in 1988, for the calendar year,
21 that would not be available in any ensuing year based upon
22 our program. The other item pursuant to our growth

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1 allocation process is that you may hear some testimony in
2 regard to how the growth allocation process required site
3 plans and health department approval prior to hearing
4 growth allocation requests. This specific development
5 activity, as you can well recognize by seeing the county,
6 is not typical of Somerset County, nor is it typical of the
7 Eastern Shore in general.

8 The typical development that we experience is
9 that of single family residential, relatively large lot
10 development but is predicated on the health department
11 being able to perk the lots to be able to allow septic
12 systems to occur there. Therefore, the program is written
13 in that manner.

14 In reviewing the request for growth allocation
15 the Department determined that it was inappropriate to
16 require major departmental approvals before you -- whether
17 you should or shouldn't even give any indication of support
18 to a project.

19 In this instance, this specific project will
20 require approval from the Department of Environment for
21 water appropriations, for discharge permits and for the
22 creation of an additional, addition to or new sewage

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1 treatment plant. There will also be many other permits
2 that are not necessarily related to health department, but
3 the developer will have to insure to the County that he has
4 acquired. The point being that I'd like to raise to you
5 the reason the health department issue was raised was
6 because it seemed like it was a chicken head situation and
7 one that didn't necessarily fit to what the County had
8 envisioned as typical development standards.

9 Therefore, the county did not require health
10 department approval, in fact, health department approval in
11 its own local sense is not really a major part of the,
12 plays a major part in this role. It's the Department of
13 Environment's approval that is essential for the developer
14 in order to meet the -- issue.

15 Again, the County is in a position to ask you to
16 look at the locational features that we are required to
17 look at. We believe we have done that, we believe we have
18 located it next to our community center in our plan, next
19 to existing LDA, we believe that the growth allocation
20 itself has been appropriately placed and handled
21 appropriately under our plan. And again, we are not
22 asking, nor are we in a position ourselves to say we have,

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1 given a blessing on the project as it stands right now,
2 because there are many questions we want to see answered
3 before we give the final, final seal of approval and
4 permits that are issued. Thanks for that and I'll be glad
5 to answer any of your questions.

6 MR. KRECH: Question, Ron. The final condition
7 that you mentioned...

8 MR. ADKINS: Uh huh.

9 MR. KRECH: The growth allocation shall be
10 withdrawn at the end of the three year period if it's not
11 completed. What happens to that growth allocation that is
12 withdrawn?

13 MR. ADKINS: I guess I didn't do a good job of
14 explaining to you. We do have, we treat growth allocation
15 as a resource, therefore we're managing it. And any given
16 year up to 5% of growth allocation can occur.

17 MR. KRECH: That's tacked on to the following
18 year?

19 MR. ADKINS: So therefore if we had only a
20 portion of that project that would come to be a reality...

21 MR. KRECH: Uh huh.

22 MR. ADKINS: For growth allocation, we would

1 request an amendment back to this Commission...

2 MR. KRECH: Right.

3 MR. ADKINS: ...and say we are amending the maps
4 not to allow further development at that specific site.

5 MR. KRECH: Uh huh.

6 MR. ADKINS: And redeposit that growth
7 allocation.

8 MR. KRECH: You redeposit it?

9 MR. ADKINS: Back into the system.

10 MR. KRECH: Okay.

11 MR. ADKINS: Yes, sir. Yes?

12 MR. BLAKE: Mr. Chairman. Ron, I take it that if
13 growth allocation is approved for this that there would be
14 a series of other hearings where the public would
15 additionally have input, is that correct?

16 MR. ADKINS: That, that's true. As would the
17 Commission.

18 MR. BLAKE: (Inaudible)

19 MR. ADKINS: As would the Commission in terms of
20 its project review. The Board of Zoning Appeals would be
21 the authority under the current zoning ordinance that would
22 hear the proposal for a marina or a hunt marina type of

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1 concept. There are two concepts as I understand it for the
2 site now. The Board of Appeals would be the entity that
3 would hear any civic center or institutional type of use,
4 any commercial type of use, and any type of multi-family
5 use.

6 All of those would require individual public
7 hearings and a certain set of standards that would have to
8 be approved in order to allow those uses to be there. The
9 Planning Commission on the other hand, would be the body
10 that would be involved with approving any subdivision
11 activity that would occur there on a single lot basis.

12 That does not follow a public hearing, but it
13 does follow an open meeting process. So those would be the
14 format, that we would process the application under the
15 current zoning law.

16 The Commission itself would have knowledge and
17 interaction based upon the project notification regulations
18 of any development activity proposed there and of course
19 it's the law gives the Commission, they have the
20 intervention authority at any time based upon that.

21 CHAIRMAN PRICE: Can you tell me something about
22 Fairmount?

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1 MR. ADKINS: Well, I'm not nearly as qualified to
2 talk to you about Fairmount as some of the people that are
3 here. It's certainly their community and their community
4 they know better than I.

5 CHAIRMAN PRICE: What I meant, you referred to
6 this project being next to a limited development area.

7 MR. ADKINS: Uh huh.

8 CHAIRMAN PRICE: Could you show me...?

9 MR. ADKINS: Yeah, I can. I can show you.
10 Fairmount...

11 CHAIRMAN PRICE: And whether they have sewer and
12 water is what....

13 MR. ADKINS: Fairmount is, is, is a very nice
14 community that really has an historic district core and had
15 water and sewer introduced to it in the late or early, mid
16 '70's I guess it was. This is 361, this is the state
17 highway that carries you to Fairmount.

18 Fairmount stretches from this point that is
19 commonly known as Upper Hill, all the way through Upper
20 Fairmount, on down to a southwesterly point that is not
21 shown on this map that is Lower Fairmount. All of this
22 community is served by water and sewer and currently the

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1 sewage treatment plant there is not at its total capacity.
2 In fact, one of the issues over the years has been that
3 it's been awfully expensive to, to, for the present
4 property owners to pay the operational costs for an under
5 capacity, under utilized plant.

6 The Critical Area boundary weaves in and out
7 here. This specific project is not entirely in the
8 Critical Area, in fact, only a portion of it is. But the
9 community is fairly densely populated in older homes
10 throughout served by water and sewer and it's a pleasant
11 community to be in.

12 It's a community center in our comprehensive
13 plan. It's not a, the full scale level would be a growth
14 center such as Princess Anne, it's a community center in
15 our plan and we encourage development, residential
16 development next to it.

17 I don't know what else to explain to you other
18 than I can tell you there's a mixture of housing there,
19 both new housing and older turn of the century housing and
20 there is a couple of historic sites that have been put on
21 the historic register. Further down from this location the
22 academy and another farmhouse, I can't remember the proper

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1 name of it.

2 CHAIRMAN PRICE: Is Fairmount incorporated as a
3 town?

4 MR. ADKINS: No sir. If it was then you would be
5 dealing with Fairmount City Council and you wouldn't be
6 dealing with me.

7 CHAIRMAN PRICE: How about the, you mentioned it
8 has a water system?

9 MR. ADKINS: It has a water and sewer system.
10 The sewer system is a vacuum system. The water system is a
11 central supply system. I believe one of the issues that
12 came out of the earlier hearing was the Accofer was
13 inadequate to handle it. We're not 100% sure whether the
14 Accofer is adequate to handle it or not, but I can tell you
15 that it's not the same Accofer that Somerset County or the
16 jail here in Somerset County is accessing. That is the
17 Minoken, and this I believe is accessing the Magothy
18 Accofer, which is about 80 to 100 feet deep in the ground.

19 CHAIRMAN PRICE: There's no potential development
20 land in the area?

21 MR. ADKINS: No, no.

22 CHAIRMAN PRICE: Limited development?

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1 MR. ADKINS: Limited development and resource
2 conservation areas.

3 MR. VENTRE: We do have, excuse me your Ron, we
4 do have a Critical Area overlay for that portion of the map
5 if you would like. We can mount it up.

6 CHAIRMAN PRICE: Thank you. Dana Simson? Would
7 you like to...

8 MS. SIMSON: Sure.

9 CHAIRMAN PRICE: The people who speak, do they
10 have to come forward?

11 COURT REPORTER: Just a little bit.

12 CHAIRMAN PRICE: Just a little bit. There's a
13 microphone where, right, right there?

14 MS. SIMSON: I think the problem with the amount
15 of the growth allocation that really bothers me is that it
16 really overwhelms the community. Fairmount is really not
17 very large. I think probably the population might be 450
18 people.

19 We can't really get a straight answer out of the
20 developer about how many units he is indeed going to put
21 in, but 1,000 units was mentioned. We're talking it would
22 severely overwhelm our community and it's a historical

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1 community, people wave at one another when they go up and
2 down the road and I think that the culture would also be
3 overwhelmed. There's a lot of watermen, there's already a
4 shortage of slips out at the Roman Marina. There's a
5 shortage of, I don't know, sometimes I think there's a
6 shortage of water.

7 I, I don't know about the, the real stats on the
8 sewer, but it's quite common for all of our water to start
9 rushing and there's something funny with the airlock or
10 something like that and also our electricity will dim and
11 go on and off, so I have some worries myself about how the
12 different utilities will handle this increased population.

13 My main concern is that I feel that the growth
14 allocation in its implied development is really in
15 opposition to all the, our community stands for. Many of us
16 have come there from other places to try to escape this
17 kind of development and the people who were there are very
18 fond and proud of the community that is still existing, and
19 there's not very many places that are existing, like what's
20 down in our community.

21 I think that with all developments responsible
22 thinking is in order, and Somerset County is one of the

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1 last large areas that's left culturally and ecologically
2 intact. We see bald eagles and egrets and herons and all
3 kinds of wildfowl, and I really wonder if we continue to
4 push into all these remote, undeveloped areas what's going
5 to be left. You know, we can develop everything.

6 I'm sure you can turn a buck out of any piece of
7 property in a good number of areas, especially near the
8 water. My question is what's the point? Who's it really
9 going to benefit? I think it's important now that this
10 point in our lives coming, coming to this point in this
11 century when, you know, we've have worries about the
12 greenhouse effect, we have worries about the lumber, we
13 have many, many worries that we need to now look to the
14 future and short term is only short term.

15 And I don't really see any long term benefits out
16 of this community. It's to benefit rich people who are
17 going to come here from who knows where. There are condo
18 resorts that were built in Salisbury and Cambridge and
19 those were not sold. This does not have water view, and
20 it's going to be much more expensive.

21 I don't see any benefits from the surrounding
22 community, it's going to run people out of their homes with

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1 high taxes and you know, basic over-development. I think
2 the only people who are going to benefit are the
3 developers. I think that's pretty much what I have to say.
4 I just feel it's very important to look long term and I
5 don't feel that this is at all beneficial long term. Thank
6 you.

7 CHAIRMAN PRICE: Thank you. Mr. John Orth.

8 MR. ORTH: I guess the meaning of this hearing is
9 to talk about the growth allocation. I find it very
10 difficult to separate the growth allocation from the
11 project. I know that we're supposed to be focusing on the,
12 the implications and significance of laying out of the
13 growth allocation for this particular piece of property.

14 I view the granting of the growth allocation as
15 being just this side of giving the developer, Mr. Dahlman,
16 basically carte blanche to further develop, bring his ideas
17 out. He hasn't, I don't believe he's given us specific
18 ideas, or specific enough ideas on what he has planned
19 there.

20 So I, I guess I'm just registering my skepticism
21 about the intentions of the developer and his
22 communications about what is going to go on there. So I am

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1 skeptical about supporting the growth allocation. I, I
2 don't, I don't support a no growth policy or I don't want
3 to quash a project before it has a chance to come about,
4 but I'm skeptical of that, that we give out the growth
5 allocation without further information. We'll be opening
6 the door for who knows what.

7 CHAIRMAN PRICE: Thank you. Mr. Staller?

8 MR. STATLER: Statler. I'd like to say that no
9 acreage should be used for -- growth allotment of this
10 project, Somerset Springs. If we knew the facts, we could
11 see that this project is doomed by Mother Nature. But we
12 do not have the facts, because the growth allotment process
13 has been circumvented by officials in their haste to avoid
14 the truth.

15 We people decided this decade to clean the
16 Chesapeake Bay. Our lawmakers, including the County
17 Commissioners, have made a few laws to help us. Let me
18 point out the process. We are gathered here as part of
19 this process, but before we gathered here, I quote
20 "Applications for growth allocations shall apply to County
21 Commissioners for consideration. An application shall
22 include site plans or subdivison plats as per the

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1 requirements of the Somerset County building ordinance or
2 subdivision regulations." What did we get for site plans?
3 Two pages. That was it. How are we supposed to make a
4 decision when we only have two pages or nothing? We're
5 supposed to be giving out 15% or more, it depends upon how
6 you calculate of all, all 20 years worth of growth
7 allotment in this one project.

8 According to the subdivision regs., pages 1037 to
9 1023 of our Critical Areas Plan, Somerset County Critical
10 Areas Plan, there is this much information including the
11 site plan. I'd like to review what is not here. What we
12 do have an area of vicinity map.

13 What we could not get was the boundary survey
14 plat, one inch equals 100 feet, which is pretty detailed,
15 which includes the topographical map existing in a proposed
16 regrading surface of the land, it is the end of that,
17 location of natural features, flood plain boundaries, 100
18 year flood plain.

19 This is going to be a very important one for this
20 project. I'll tell you about it in a minute. Location and
21 extent of all sterile -- septic limitations, wet soil,
22 hydric soil and soils with hydric property was shown in

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1 Somerset County survey. They didn't want to have the soils
2 mapped. But let me tell you what's in the soils map of
3 this project. Soil type OM which is Othello silty loam, by
4 the Somerset County soil survey, classified as 5W-1. 01
5 being not too wet, going on down, it's very wet.

6 This means that slowly or very slowly permeable
7 subsoil and it's poorly drained. Because it is almost at
8 sea level, it's subject to occasional flooding by high
9 tides. I live next to this piece of property and I'll
10 vouch for that.

11 Loblolly pine, the only important forest tree,
12 grows slowly. It is frequently damaged and sometimes
13 killed by salt water. The other soil type on this project,
14 Othello silty clay loam, classified as 6W-2, meaning that
15 this, this is a quote from our bureaucracy, the Department
16 of Agriculture.

17 "These soils are so wet, so difficult to drain,
18 and so difficult to work that they cannot be easily
19 cultivated. They can be worked only within a very narrow
20 range of moisture content and within this range they are
21 intractable and tough. The subsoil of these soils is so
22 finely textured and so impermeable that drainage is

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1 generally impractical." If I had the site plan from the
2 Technical Director, I mean, if it had been presented, I as
3 the Technical Director would have thrown it out because the
4 soils of all the project are these two main types.

5 Then we're supposed to have had detailed drawings
6 showing the location, proposed use and height of each
7 building. We got something. Location of all parking and
8 loading areas, we got a little bit of that. Location and
9 type of recreational areas, we got a lot of that.

10 Location of all existing or proposed site
11 improvement, improvement and storm drains etc., etc., we
12 didn't get any of that. Now the big one, description
13 method and location of water supply and sewage disposal
14 facilities.

15 And Mr. Adkins has glossed over that saying this
16 project is so big it doesn't need it, it's going outside
17 the bounds of the health department. We have seen nothing
18 related to our water supply. I mean, it could be affecting
19 the town. He said the town sewage system is under
20 capacity, yes it is. By 100 units. This project wants
21 1,000 units. Hall's Creek is a really just a tidal
22 estuary. It's not a flowing body of water. The town

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1 sewage comes into that, Hall's Creek. There is no more
2 room for 1,000 units of sewage. So where is that sewage
3 going to go is a very important question. Why would we
4 have to sit at a meeting like today when it could have been
5 handled earlier in the preliminary site plan?

6 We should also have site plans in relation to the
7 Critical Areas of the district. So the Critical Areas
8 overlay district boundaries, the -- areas and forested
9 areas, we didn't see any of that. The landscaping plan,
10 nothing.

11 Location of -- habitat protection rules, no.
12 Location of all continuous forested areas adjacent to the
13 site, no. Location of agricultural fields, no. Location of
14 tidal and non-tidal wetlands on the site, here's another
15 big one. The soil as you have heard, are wet, wet, wet.

16 The forest type is forest with some, a fair
17 percentage of housing forest wetlands. Due to forest, plus
18 the forest types, most likely this whole thing is non-tidal
19 wetlands. Governor Schaeffer has come out in support of
20 saving non-tidal wetlands and here you'll have a project
21 which we are giving up 222 acres that will probably be all
22 non-tidal wetland. Why was that not mapped before we even

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1 had to gather here? Okay, we did get some computations in
2 these two pages. We didn't get the total lot area, we
3 didn't get the floor area for each type of use, we didn't
4 get the -- and ground coverage percentage of the whole
5 project, we did not get anything about the road area, which
6 would be very important.

7 We didn't get anything about off street parking
8 and loading --. Open space areas, there are going to be
9 lots of open space areas, but no calculations for it. It
10 goes on and on and on of what we did not get.

11 Along with the site plan the developer should
12 have done a forest management plan, a habitat protection
13 plan, a soil conservation plan, a storm water plan, a
14 sediment erosion control plan, a planting plan, with
15 comments from all the various agencies so that before we
16 even have to give a growth allocation the project is either
17 yeah or nay.

18 I say that Mother Nature is such that our County
19 Commissioners did not want to see it, wanted to give out
20 the growth allotment and that it should not even be
21 considered. Thank you.

22 CHAIRMAN PRICE: Mr. John Rafter?

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1 MR. RAFTER: I'm speaking for the concerned
2 citizens, although I work for the Department of Environment
3 and I have -- I'm not speaking for --. I can say that for
4 8 years I've been riding around the Eastern Shore admiring
5 the beauty of this place and I've been seeing many villages
6 with ghost town, ghost town effects. There's lots, lots of
7 beautiful homes here.

8 If somebody wants to come and move to the Eastern
9 Shore, fine. I think, think some of the people that love
10 the Eastern Shore the most are outsiders that really
11 appreciate it. There's plenty of old homes with paint,
12 peeling paint and if someone wants to move here, please
13 come and do it, take care of these old houses.

14 And I've seen, I've seen the Eastern Shore become
15 the playground for the rich. The poor in the county, I
16 don't know where the poor people in this county go after
17 the rich take over here. I've seen sediment choke out
18 streams, swamps, marshes.

19 I've seen 5th and 6th and 7th generation Eastern
20 Shore people that can no longer live in the villages. I've
21 seen marinas become so dense and side by side that you
22 could walk from boat to boat all day long. And I really do

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1 feel that this is a special place. I was born and bred
2 here. Moved away for a long time, travelled around the
3 world and came back and settled in, in a handyman's special
4 in a little oyster village near here.

5 And the Eastern Shore is a unique place and to
6 see, see it change so drastically so quickly I think is
7 unwise. You know, I travelled some and I vacationed some
8 in South Carolina, I seen these projects in South Carolina
9 and it's a nightmare. I don't know many people that play
10 golf, I don't want to play golf. You know, I can't afford
11 a condo.

12 It was more -- of thousands a dollars a month.
13 And these are part time homes for people. I'd rather see
14 people who are going to live on the Eastern Shore and
15 appreciate its beauty and quality of living here. Live
16 here and help us, help us take care of some of these little
17 places, help us take care of some of these little houses
18 that are going to fall down and be bulldozed if they're not
19 attended to.

20 The village I live in half of Main Street could
21 be bulldozed tomorrow, you know. It's kind of sad to see
22 it. All up and down the Eastern Shore I ride around and

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1 see, one day you're looking up and I saw three eagles
2 yesterday in Dorchester County. I talked to the local
3 people who live there and it's a sad situation. The water
4 went up against a brick wall. But I'm not sure projects
5 like this is what they want as an alternative. I think
6 they'd rather have the Eastern Shore try to bounce back.

7 I think they'd like to see the bays and rivers
8 have a chance at survival. Projects like this to me is
9 anti-survival. This is anti Eastern Shore, this is anti-
10 common sense for a quiet little area like this. And I've
11 seen the highways of the Eastern Shore become so choked up
12 that, I was in a restaurant one day and this old 90 year
13 old man came in and gave his car keys to his son and said
14 look, I can't drive here anymore, it's too dangerous for me
15 to drive, take my car.

16 You know, stop lights. How many stop lights are
17 you going to get a year out here on the highway here?
18 They're talking about making it, in the paper they're
19 talking about making a double span over the Chesapeake Bay
20 Bridge tunnel, which means more and more traffic, more and
21 more people coming through here. And I'm not anti-growth,
22 but I'm just, just go slow and take things easy and

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1 remember what the Eastern Shore is all about, remember the
2 heritage of this place. It's a sacred -- hole. We don't,
3 we don't develop places to get rich, we're just passing
4 through this life. Let's leave it in a sense to our, our
5 grandchildren who'll know what the Eastern Shore used to
6 be, and what it is. Let's keep it the same. That's all.

7 CHAIRMAN PRICE: Thank you. Mr. Barwick?

8 MR. BARWICK: My name is Atwood Barwick. I'm a
9 resident of Fairmount and I have a specific point to make
10 and I'll start off with that. There are a couple points
11 based on Mr. Adkins testimony that I think need
12 clarification.

13 First of all, I agree with the previous testimony
14 that I don't think you can separate the intended use of the
15 land from the allocation is I think germane. I don't think
16 this, you should give an allocation unless you know what
17 the allocation's for.

18 What the final purpose is going to be. In that
19 vein it is implied that this allocation was based on the
20 fact that the Fairmount area was designated as growth area
21 on the plan. Well, Upper Fairmount's a village, it's not a
22 commercial town. It's very small. The commercial

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1 activities consist of a small commercial -- processing
2 plant and general store. And it's also been designated as
3 a natural, a historic district, submitted as a national
4 registered property. The other two national registered
5 properties on that area are the School Ridge Farm and the
6 Fairmount Academy.

7 They're located close to the development and
8 School Ridge Farm, which is an early plantation, is
9 adjacent to the development property. In fact, it's
10 adjacent to the area that's to be attempted to develop
11 right along the water there on Back Creek, on Hall's Creek.

12 So I don't think you can look at this allocation
13 as being an area that's looking for growth and needs the
14 opportunity to expand. I don't think Upper Fairmount is
15 looking for the opportunity to expand. Secondly, the plan
16 that was sent out by the County on the Critical Areas, the
17 reason they designated this -- area was because the water
18 and sewer system.

19 At that time they indicated that the sewer system
20 had the capacity for an additional 60 dwellings and that
21 the water capacity had zero additional capacity. So based
22 on that you could put in 60 more houses and have sewer

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1 facilities and you could put no more houses in -- exists.
2 My main point which upsets me the most is that the state of
3 Maryland has made a great deal of, of noise nationally
4 about the impact of the Shane's Donna Bay and the --Coseco
5 Bay and this Critical Areas plan was intended to be a major
6 growth step toward that and to me to take mischief like
7 this before the Inks Fairview Line in the Somerset Critical
8 Areas plan, and encourage the development of a large tract
9 of this land for the purpose that's intended to benefit
10 nobody in Somerset County.

11 It's intended to benefit people from not even
12 necessarily from this country. And it's going to be an
13 exclusive resort, that means guarded gates. It's going to
14 be using facilities, golf courses, a small bay, Eastern
15 Shore village and other things in there that are not needed
16 and do not have to be built on Critical Areas land and
17 there's essentially no good reason I can think of for
18 putting these sorts of facilities on wetlands.

19 There's plenty of other land that could
20 accommodate that. If Mr. Dahlman's original plan to make
21 this strictly a hunting resort were the basis for this, I
22 think you probably wouldn't find a lot of testimony because

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1 people here understand hunting. To use these wetlands for
2 residential development, for golf courses, and for other
3 kinds of resort facilities, I think it's going to send a
4 very bad signal out not only to Marylanders but to the
5 country about how deeply committed we really are to save
6 the bay. Thank you.

7 CHAIRMAN PRICE: Mr. Keene?

8 MR. KEENE: My name is Mike Keene. I guess I'm
9 appearing here tonight as a concerned citizen in opposition
10 to the allocation as -- hard to separate the project. I
11 have a house in Rumly, which is 3 miles, 3 miles away from
12 this and I had intentions of opening a branch office of --
13 my family business across the street here and back of
14 McDonald's.

15 I was supposed to open that business the first of
16 April. But because of the soil content and the non-tidal
17 wetlands that that piece of property is, I have to go in
18 and get a bulldozer in there to start it. We're talking
19 about today it may be the middle of July we can put that
20 4,000 square foot warehouse in there.

21 Now I've been down to this piece of property and
22 I've been all around it with the boat, and I can tell you

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1 right now we can cut this thing short, you fellas just get
2 in the car and take a ride down there and look at it. It
3 just doesn't fit any type of development. I've been
4 hunting down here, I've been running charter on the
5 Chesapeake Bay for 30 years.

6 I started out in Annapolis, South River, Castle
7 Marina, Kent River, Queen Anne, Tilghman, Somerset Marina,
8 Cape Charles, Virginia, and Ocean City, Maryland. My
9 concern is the seafood industry of Somerset County. Blue
10 crab is the only thing they got going. It's a very, very
11 fragile system here.

12 I was in Tampa, Florida the other day at a
13 restaurant in the Hilton that Maryland soft crabs were on
14 the menu. And I walked back in the kitchen and --. This
15 is a very fragile ecology. The habitat can't stand another
16 beer can, much less an oil spill of something in the nature
17 of the Exxon accident.

18 I had a whole lot that I wanted to say and it
19 sort of doesn't fit here, except that I've been very
20 involved in the fisheries of the Chesapeake Bay and I've
21 seen it decline and it's horrendous and the only thing we
22 have left is, one of the only things we had is Somerset

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1 County. The big thing Somerset County can't stand is 3,000
2 people, another 1,000 boats and another 1,000 automobiles.
3 That's the impact that this area may see. There's wetlands
4 there, Tory Brown's been sweating over this duck that's --
5 and Upper Fairmount adjacent to this property there's a big
6 dike and research project and public hunting area that he's
7 been worried about and pouring money into for a long time.

8 Them ducks aren't going to come in there if that
9 wetlands section is backed up to a parking lot and
10 convention center. That's just ridiculous. What I
11 haven't told you is that I'm a member of the Mid-Atlantic
12 Fisheries Council. I was appointed to that council back of
13 Jim Colter who was Secretary of Natural Resources.

14 In fact, Jim and Louie Phipps came down here to
15 run the fishing on the charter. Colter got out of the car
16 and he looked around and he said where in the hell are we?
17 And Louie said don't worry about it boss, we -- on a map
18 when we left.

19 And that's just great, because we still have an
20 area like that that not everybody knows about. We've got
21 the only duck population in the state right around this
22 area here. And we're very carefully managing this, proper

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1 management of resources. We just can't stand 3,000 people
2 in Upper Fairmount. Basically that's --. The other part
3 of my business is a building business. We sell, we have --
4 builders and contractors and I've been doing that on the
5 Eastern Shore for 30 years. And I've seen what happened to
6 Ocean Pines.

7 And I've seen contracts that we wrote to people
8 that had to move away or they went bankrupt because of the
9 big buildings. I've got a warehouse and showroom in Easton
10 right now, on Billby Road, a big building. You probably
11 know where it is. I had the developer call me into a real
12 estate office the other day and inform me what he was going
13 to do with the other 100 acres around me and how I fit into
14 his plans.

15 I can recall -- . When is this going to stop?
16 That's one of the things I never mentioned to you that the
17 Mid-Atlantic Fisheries Council has a habitat committee.
18 It's -- incidentally, that's responsible to the Secretary
19 of Commerce.

20 This is the Blue Fish management plan that you
21 may have heard about or read about where we're proposing a
22 10 fish limit on recreational fishermen and a cap on all

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1 commercial fishes. I'll be holding -- in Florida and Maine
2 probably in September. Habitat's right out here. For the
3 flounder, we've got flounder planted in the Bay. We've got
4 Blue Fish planted in the Bay. This give our council some
5 interest in what happens right here in this project right
6 here in Somerset County. We're going to stay right on top
7 of this.

8 This isn't the only project we're looking at.
9 Long Island's of them, you mentioned South Carolina,
10 they're all up and down the coast. The fact remains that
11 no net loss is what we've got to have in habitat fisheries.
12 There's no Blue Fish in the Bay now. I called Cape Charles
13 this morning and -- guys who charter those guys.

14 There's no Blue Fish. There's been two Black
15 Drum caught and no Blue Fish. Blue Fish are offshore about
16 15 miles. They're not coming into the Bay. So we've got a
17 problem.

18 CHAIRMAN PRICE: Mr. Howard Stone?

19 MR. STONE: I don't have a prepared speech like
20 the rest of these boys, but I moved here from Baltimore, I
21 spent 32 years up there and it was a rat race up there. I
22 found a peaceful haven, Fairmount. You laugh, you don't

1 know Fairmount.

2 CHAIRMAN PRICE: Upper Fairmount.

3 MR. STONE: Upper Fairmount, Fairmount, Lower
4 Fairmount. Sounds like a big place! You're talking about
5 500 people. Now let me tell you something about, you
6 people say, the man just said we have a water system, we
7 got a sewer system.

8 That sounds great. Let me tell you something, I
9 worked on that system part time. That sucker don't work.
10 And they said they have 80 more houses or 60 more houses to
11 add on, they'd better hook up the other 100. That gives
12 them -- on there yet that the sewage system will not cover.

13 The water dumps into Hall's Creek. If you all
14 had a set of Waist Waders, you might be able to get across
15 the water that's this deep, that's how much sludge is in
16 there. This water does not flow away. Hall's Creek Road,
17 which is higher than this man's property, I have waded knee
18 deep in water on a high tide.

19 I live on Hall's Creek Road, I back up to this
20 gentleman's playground that he wishes to make, I've hunted
21 across it. You can't get across it without a set of Waist
22 Waders. There's a lot of wildlife. It's something that's

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1 very rare. I've hunted Maine to Florida, I've fished all
2 over the east coast and that is why I am here. And it's a
3 very special place. And of all the people who are here
4 tonight, we have three local people from Fairmount here,
5 all the rest of us are come here's as they call us. The
6 people that are here don't realize what they have. The
7 local waterman doesn't realize what all the -- life
8 anyplace else. And that's why we got to think twice before
9 you give the country away. Especially to a foreigner.
10 That's it.

11 CHAIRMAN PRICE: Thank you, Mr. Stone. Mr. Al
12 Goetze?

13 MR. GOETZE: Thank you, Mr. Chairman, members of
14 the Commission. I'm Al Goetze and I'm from Easton,
15 Maryland. We'd like to say in reference to Somerset County
16 in the 60's and 70's I lived on Great Fox Island for many
17 months, many years as a member of the Fox Island Gun Club
18 and also as a fisherman and I know the marshes of Tangier
19 and Pocomoke Sound.

20 I've been there many times and I've lived there
21 for an earlier portion in my life. I serve today for
22 Maryland as a Commissioner on the Atlantic State Marine

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1 Fisheries Commission. I also serve with Mike Keene, and I
2 don't want to be repetitious because he said a great deal,
3 I serve on the Mid-Atlantic Fishery Management Council. I
4 would like to direct, direct your attention to the matter
5 of not just whether we have fish or crabs, but whether we
6 have industry in Maryland.

7 The industry I'm referring to of course, that
8 industry that relates to the commercial fishery and a very
9 important part of it, the recreational fishery. It is a
10 big part of the Maryland economical base for what this
11 state is economically.

12 Today we should all know this, the Chesapeake Bay
13 program directs that we have three basic Bay-wide FMP's,
14 Fishery Management Plans. They are oysters, shad and river
15 herring and blue crab. And I hope all of us realize that
16 two of those -- or two of those plans are addressing
17 species that are in a state of complete collapse.

18 Oysters are a disaster. How can anyone say
19 otherwise? And shad river herring are almost extinct. So
20 we're looking at blue crabs, and how appropriate for this
21 discussion tonight to suggest that blue crabs could
22 possible be endangered also and this particular area we're

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1 discussing is not only for Maryland and Virginia, but for
2 the entire coast of the United States. The fishery, the
3 nursery grounds for the blue crab. This is where they grow
4 up, this is where the food chain takes place, this is where
5 the crabs really come from. Otherwise we couldn't have the
6 harvest we have at Crisfield's, Smith Island, Tangier and -
7 -.

8 I don't want to take up making a lot of speeches,
9 but I just want to reference as things go on, as a
10 Commission member and as a council member, our charge is to
11 conserve and restore the fisheries for the commercial and
12 recreational industry. Critical Area law, and I can't tell
13 you this, has very specific language in it and I have it
14 here and I will submit it a written report.

15 I won't belabor it by reading it back to you, but
16 I'd like to read some other statements of state and federal
17 as it relates to this issue. The Chesapeake Bay program,
18 final Chesapeake Bay wetland policy statement which is just
19 hot off the press, if you don't have it I certainly advise
20 that you should read it, it says in one paragraph, "The
21 signatories, who are of course all three governors, Thomas
22 from E.P.A., Washington, D.C. and the Commission. The

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1 signatories will use existing programs and develop new
2 program to limit permanent and irreversible, direct and
3 indirect impacts to wetlands. Direct and impact, and
4 direct and indirect impacts to wetland. Only in rare
5 instances will losses of wetland acreage or function be
6 allowed or considered justified."

7 That seems pretty direct to me. Also on a
8 national scale, the head of E.P.A. asked, this is a report
9 that I also would highly recommend to you, asks that we
10 have the governor of New Jersey conduct a national wetlands
11 policy and very briefly again, they finalized it in two
12 very brief statements.

13 The interim goal of the policy to achieve no
14 overall net loss of the nation's remaining wetland base and
15 long term goal is to increase the quantity and quality of
16 the nation's wetland resource. And finally, the council
17 which I serve on and National Marine Fishery Service and
18 NOAA are dedicated to the policy, and we are in the process
19 right concurrently, next week we will be voting up I hope,
20 I believe it's going to happen, a policy.

21 And the policy states again, trying to say it as
22 briefly as possible, the policy shall be supported by three

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1 policy objectives which are: Maintain the current quantity
2 and productive capacity of habitats supporting important
3 commercial and recreational fisheries, including their food
4 bays. This objective will be implemented using a --
5 principle of no net habitat loss.

6 What I'd like to close up with is to say this.
7 From what I see of it, and there are many other species by
8 the way, besides the two that I've mentioned, which like
9 oysters, shad and river herring which are on the decline,
10 think of for example striped bass.

11 But from what serving, this is my 7th year on the
12 Commission, serving with these, with a group that's charged
13 with the responsibility to do this, to conserve and to
14 restore, restoration is an enormous, enormous task that
15 nobody really has come to grips with and said we're doing
16 it.

17 Contrary to what you may read in the papers, we
18 are not restoring. The striped bass population in the bay
19 is such that the -- remains after 4 years of no fishing at
20 3.1. Our goal before we can even think of opening up and
21 down the coast for the whole fishery is 8. This year
22 there's very little hope that it's going to be much higher

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1 than 3.1. So I thank you for your consideration.

2 CHAIRMAN PRICE: Mr. Lee Quinn?

3 MR. QUINN: Mr. Price and members of the
4 Commission, I'm a resident of Somerset County and I don't
5 have a prepared speech, I just have a bad memory when I
6 stand up so I wrote a couple things down that I wanted to
7 focus on because I'm really amazed that as many people are
8 here that have come tonight.

9 There was a real dearth of information about this
10 hearing and a -- verification that to me is unbelievable.
11 I don't see how without notification and information anyone
12 can come to a hearing and speak intelligently without
13 knowing what's going on until someone sits down and says
14 this is why we're here.

15 Now I subscribe to the local paper, the Salisbury
16 paper, I listen to the radio, watch the local T.V.
17 programs, the news. And I usually try to get a Baltimore
18 Sun and I saw only one little fine print notice about this
19 meeting tonight.

20 And that just doesn't seem reasonable to me in
21 terms of the process of what we're involved in. I consider
22 essentially the horrible possibility that the work of the

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1 Commission is considered insignificant. And the results of
2 this meeting are inconsequential. But I don't think that's
3 the way it should be. I think what you're doing should be
4 important and I think the results of these hearings and
5 what happens in this development is going to affect the Bay
6 all the way from Baltimore to Norfolk.

7 And I guess my question or my request, because
8 I'm not knowledgeable about the technicalities, I do have
9 some sympathy for the people who are trying to deal with
10 them in the absence of information, is it possible that
11 you can have some effort either as a Commission or the
12 local government or the local press, the electronic media
13 somehow or other to let people know what's going on. And
14 that's my concern this evening. I am obviously concerned
15 about the Bay and the water. If you could help us on this
16 it would be very much appreciated.

17 CHAIRMAN PRICE: Let me, the list that I have of
18 persons that wish to testify. I think there aren't any
19 more that signified they did, but in view of the, what
20 we've heard, would anybody else like to, yes ma'am?

21 MS. SANDLER: I'm Bobbi Sandler. I'd like to --.

22 CHAIRMAN PRICE: Beg your pardon?

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1 MS. SANDLER: My name is Bobbi Sandler, I'd like
2 to make a couple of...

3 CHAIRMAN PRICE: Yes, would you come forward?

4 MS. SANDLER: Okay. Okay, I have a couple of
5 questions to raise and one is with the growth allocation
6 process itself. The method that Somerset County came up
7 with for computing its growth allocation was on a square
8 foot basis.

9 This method itself has come under some question
10 from the Critical Areas Commission and it seems to me that
11 this needs to be straightened out first if the process of
12 continuing the growth allocation hasn't been finalized of
13 that growth allocation be given out.

14 Another concern that I have is for the actual
15 growth allocation meetings of the Somerset Springs
16 development. If we assume for a moment that the square
17 foot method will be approved, gives guidelines for
18 assessing the various development types, from a single
19 family home requiring 20,000 square feet of growth
20 allocation to a townhouse of only 6,000 square feet.

21 At a public hearing held here in the last days of
22 December, this method was used to to show the total growth

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1 allocation needed for Somerset Springs. The various
2 parcels of the development were described unit by unit
3 showing the total square foot requirements. This method
4 came up with a figure close to the 222 acres that were
5 asked for in growth allocation, so it was made to seem that
6 if this was given to a developer his growth allocation
7 needed to be met.

8 The trouble is that this is not the case at all.
9 The development category designated as non-residential is
10 to be computed from square foot needs as "variable
11 depending on the area of disturbance". In the case of
12 Somerset Springs this disturbance is extensive.

13 It would have to include the ponds projected to
14 be dredged in the non-tidal wetland area and also the
15 surrounding golf course. The roads and pavement connecting
16 all together. At the hearing in December this non-
17 residential development was glossed over and said not to
18 have been computed yet and inappropriately it was given the
19 figure of zero instead of the several hundred acres that it
20 actually would encompass.

21 Not adding this extensive disturbed area into the
22 final growth allocation needs, gave a false indication of

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1 need to the project. My point is that the 222 acre growth
2 allocation in question would not be adequate for the
3 project to be completed as planned. It is only this first
4 year that 20% of the growth allocation is to be given out.
5 After that it's at the rate of only 5% a year.

6 The actual need for Somerset Springs as planned
7 can tie up the growth allocations for the county for years.
8 This would be at the expense of anyone else that might want
9 to use it and is both unfair and poor planning. The main
10 problem with a project like this in Somerset County is its
11 sheer size.

12 Growth allocation in the Critical Area was meant
13 to allow for normal growth of a community, spring out and
14 normal growth pattern. Something like this comes along and
15 focuses the entire growth of the county into one area. I
16 think this would have a detrimental effect on the county as
17 a whole and certainly in this one area that would be so
18 intensely developed.

19 This area along the Annapessex River had been
20 designated a natural area by the Maryland Outdoor
21 Recreation and Open Space Plan. And this intense
22 development really goes against the County's long range

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1 plans for the area. I also had a few comments that, that
2 I'd like to make and one is that we have a wonderful rural
3 area here and I think we all have a sense that it's going
4 to last forever, and probably the people who saw the flocks
5 of passenger pigeons would be amazed that they're all
6 extinct today.

7 The change can occur and it can occur very
8 rapidly and once that happens there's no going back.
9 There's an article in a national newspaper just the other
10 day that talked about the over-development of the South
11 Carolina coastline, that's been referred to here also.

12 One resident in that area who is 36 years old
13 said that as a boy he's sit at his father's gas station and
14 watch a car go by one every 10-15 minutes. Today that same
15 gas station has 24, 4,600 cars a day crawling past it.

16 The traffic there is threatening to strangle the
17 entire area. And the article went on to say that
18 everyone's mad dash to live by the water is killing off the
19 fish nursing areas and we've had some people talk that
20 certainly know more than I do about this, but I have a few
21 statistics I'd like to share with you.

22 The shellfish and larval stage fish can't move

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1 away from disturbances that are caused by development and
2 more than 20% of North Carolina's shellfish waters are now
3 closed because of pollution. And in South Carolina 32% are
4 --. The State Marine Fisheries Division in North Carolina
5 says the commercial seafood catches along its coast have
6 dropped from 432 million pounds in '81 to 191 pounds in
7 1988. These aren't the directions we want to see Somerset
8 County go in.

9 I think a development the size and scope of
10 Somerset Springs is just the beginning of the end and I
11 just really urge that this kind of growth allocation --
12 this project be denied. Thank you.

13 CHAIRMAN PRICE: Thank you. Did anyone else wish
14 to make any comment? Yes, sir.

15 MR. FORD: My name is Fred Ford. I live in
16 Marion. I was born and raised in Upper Fairmount. I made
17 up my mind tonight I wasn't going to say anything, but I
18 have to. I share with a gentlemen who got up there and
19 said he didn't know about this meeting and I think that's
20 pretty sad. I didn't either. Somebody called me and told
21 me about it.

22 A little piece in the paper about this big. I

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1 also didn't know about the initial meeting until that was
2 broadcast. I resent the fact that that meeting was held 2
3 days before a decision had to be made by the Commissioners
4 and it was my understanding that there had to be 3 public
5 meetings and I heard the gentleman's explanation of that
6 and I don't buy a nickel's worth of it. But what I'm
7 concerned about is I'm a native of this place.

8 Most of these people have moved in there and I
9 keep hearing the remarks that we're the only people that
10 are really concerned about this are people who have moved
11 down here from the city. Well, I've lived on the Eastern
12 Shore all my life. I lived on the upper shore, I worked
13 there and I came back down here to retire.

14 I lived in New York for about 2 years. I saw
15 what development did to a quiet, nice little town in Nasaw
16 County. We had a German butcher shop with wood shavings on
17 the floor. We had a Polish delicatessen. We had a Jewish
18 jewelry store.

19 Everybody knew everybody else and they, we never
20 locked out house. And one day we went out to a former
21 place to get a bag of potatoes, a place just like Mr.
22 Dryden, in fact, the house looked just like it and we got

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1 out there and voila, there was -- town. And gentlemen, I
2 can tell you in 6 months the whole complex of that little
3 town changed. The taxes, since I lived there have gone up
4 400%. There are elderly ladies living there, I have my
5 wife's aunt living up there who's having great difficulty
6 paying her taxes. The Mafia took over the -- bar, it was
7 run by a little Irishman. It's a dope distribution center
8 for eastern New York State. Those are my concerns.

9 I'm concerned about the water --. I'm not sure
10 we got enough water for this place. I'm concerned about
11 the sewage disposal. I'm concerned about the landfill and
12 I think that's going to be a real problem. I'm concerned
13 about the very way of life that people down in Fairmount
14 live.

15 The whole, the whole place is going to change and
16 I know it's going to change and I'm concerned about it. I
17 was a Scoutmaster down in Fairmount many years ago. And I
18 can remember seeing small otters sliding down the ditch
19 bank in the same area on the same land that this
20 development is being proposed.

21 I've seen bald eagles down there. I probably saw
22 the last big flight of canvas back duck that ever took off

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1 during the war. I was down there in a duck blind, we
2 scrounged a few shells and I have never seen the skies
3 darkened by ducks since. Before or since, for that matter.
4 And I'll bet you now the Chesapeake Bay, there may be 1,000
5 canvas backs. The black duck population still exists but
6 it's greatly down.

7 There's so many reasons that I oppose this that I
8 didn't prepare a speech and I didn't get up here and make
9 notes about it. But I can tell you this. The way of life
10 in Somerset County is getting ready to change.

11 In the northeast corridor, and I speak about
12 Richmond and Washington and Philadelphia and New York, this
13 is probably the last, the last county that is rural in many
14 respects. I know that the Big Annamessex River is the last
15 pristine river in the state of Maryland.

16 I work for a utility. We pulled cables across
17 rivers on the upper shore where there were marinas on both
18 sides of the river and on up the rivers. And I can tell
19 you for a fact the bottoms of those rivers were cesspools
20 and I mean exactly that, cesspools.

21 We buried cable in 3 feet of human waste. It's
22 still there. Ask the marina fisherman who take the Sassmus

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1 River and the Bohemian River and just ride over the
2 Chesapeake Bridge, Chesapeake Bay Bridge and look at all
3 the boats. At some point in time we're going to have to
4 limit the number of marinas on the Chesapeake Bay and we're
5 going to have to limit the number of boats license. Here's
6 a man who wants to put a development and build two marinas.
7 And the Bay cannot stand that.

8 We have a lot of nerve to go to the federal
9 government and ask them for millions and millions and
10 millions of dollars to clean up the Chesapeake Bay when our
11 political subdivision down here don't have the guts to do
12 it or to take any part in it. And that is a fact. I
13 really believe that most of the local political
14 subdivisions are trying to find ways to circumvent the
15 Critical Areas law. If I'm mistaken, then I don't read the
16 newspapers very well. Gentleman, I thank you.

17 CHAIRMAN PRICE: Thank you. Was there anybody
18 else that wished to make a statement? Yes, sir.

19 MR. ZICKRICK: I'm Karl Zickrick, I live in Upper
20 Fairmount and I want to be on the record as being opposed
21 to the allocation. Also would like to ask Mr. Adkins a
22 question regarding the Condition 13 on -- development --.

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1 What are we basing that on? What, what plan are we basing
2 that on? What is significant development for completion?

3 MR. ADKINS: The decision, you want me to answer
4 that?

5 CHAIRMAN PRICE: Just try one question, go ahead.

6 MR. ADKINS: The decision on what is and isn't it
7 is based, the rest of the Planning Commission in Somerset
8 County -- myself and the County Commissioners. In terms of
9 when does it start, approval itself hasn't been given,
10 finalized yet so obviously it hasn't started as of this
11 moment. But it would seem to me they'd get started once
12 that had been formalized.

13 MR. ZICKRICK: Well let me clarify my question.
14 Based on what we saw at the December meeting what Mr.
15 Dahlman had proposed, is that whole development part of
16 this, what would be considered?

17 MR. ADKINS: The whole development is part of the
18 growth allocation action, it's based on the --.

19 MR. ZICKRICK: Thank you.

20 CHAIRMAN PRICE: Does anybody have anything
21 they'd like to tell the panel? Tom, you want to give an
22 address, or anybody who wishes to make any written comment

1 if you would stop over and see Tom Ventre, he can give you
2 the address of the...

3 MR. VENTRE: Thank you, Mr. Price. I can give it
4 to you and again I'll point out that on top of that
5 ballister over there are small sheets of paper with the
6 Commission's mailing address in Annapolis and its telephone
7 number so you can reach us through either means.

8 CHAIRMAN PRICE: Okay.

9 MR. VENTRE: And as far as that goes, Mr.
10 Chairman, what about the record opens, did you inform the
11 audience, the 2 weeks?

12 CHAIRMAN PRICE: Yes, prior to May 24th. Does
13 any member of the panel wish to make any comments? No?
14 Not being any further comments then we thank you all for
15 your attention and testimony and with that we'll adjourn
16 the meeting.

17 (Whereupon, at 8:42 p.m. the hearing was
18 adjourned.)

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This is to certify that the foregoing transcript
In the matter of:

CHESAPEAKE BAY CRITICAL AREA HEARING

BEFORE: Robert Price, Chairman

DATE: May 11, 1989

PLACE: Somerset Court House, Corner of Prince William
Street and Somerset Street, Upper Floor, Princess
Anne, Maryland 21853

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

Kevin Reppenhagen
Kevin Richard Reppenhagen
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