

Public Hearings - Dorchester County - LA - 1990 MSA - S1830 - 77





1 the panel's recommendation, or considering the panel's  
2 recommendation at least, will make the recommendations  
3 to the commissioner. And the commission then will vote  
4 at that time.

5 I'm going to introduce the chairman of this  
6 panel, the Dorchester Amendments Panel, who is Dr.  
7 Robert Schoeplein, who is the director of research for  
8 the State of Maryland, Department of Economic and  
9 Employment Development. And he, in turn, will introduce  
10 the other members of the Dorchester panel. Bob?

11 CHAIRMAN SCHOEPLEIN: Thank you, Tom.

12 On my left is Dr. Shepard Krech. On my right,  
13 Sam Bowling, and to his right, Bill Bostian. The four  
14 of us comprise a quorum of the Dorchester County panel.  
15 Tom, would you introduce us to the first of the  
16 projects.

17 MR. VENTRY: Okay. Three projects tonight.  
18 The first one, which we have labeled DC-A No. 15, which  
19 is a subdivision known as Beagle Run. What is proposed  
20 at Beagle Run is a subdivision of land into four lots,  
21 two of which lie entirely within the critical area,



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1 which is demarcated here on this plat by the yellow  
2 line. It straddles the upland boundary of the critical  
3 area.

4 The second and third lots, only a portion of  
5 one of them falls within the critical area. The fourth  
6 one is completely outside, so technically it is not  
7 covered by our regulations at all.

8 Now, just before the session began I spoke  
9 with a gentleman in the audience, and he informed me  
10 that they have replatted this subdivision. Perhaps  
11 Steve Dodd will give us -- shed more light on that for  
12 us.

13 And we have been given, just this evening,  
14 this plat showing only the two lots that are within the  
15 critical area. Apparently the other two lots will be  
16 submitted as a separate section of this subdivision.

17 I sent to each of you, and you have some of  
18 the copies with you, some background on this site, which  
19 the staff did visit and consulted other documentation  
20 that was available.

21 It's an old farm -- or until recently was a



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1 farm. And the -- it has not been farmed, I can't tell  
2 for how long. But in any case, it is not now an active  
3 farm.

4 To quickly review what is involved here at  
5 Beagle Run, there was a request for 6.3 acres of growth  
6 allocation and to reclassify the acreage from RCA, or  
7 the Resource Conservation Area, to LDA, or Limited  
8 Development Area. And this is, of course, to allow  
9 residential development at higher densities than the  
10 Dorchester County Critical Area Program presently  
11 allows for that location.

12 This is one of the 19 interim subdivisions  
13 with which we are all familiar here on the panel.

14 This is approximately four and a half crow  
15 flight miles west of the city limits of Cambridge. It's  
16 a rural area of farms, wood lots, and some scattered  
17 houses. There is other residential development underway  
18 in the general vicinity. Not immediately adjacent to  
19 this site, but in the general vicinity.

20 I'm reading now from my notes that you have in  
21 your briefing packet. The site is, or was until



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1 recently, a farm. The uplands site straddles the  
2 critical area upland line, demarcated from the waters of  
3 Smith Cove, a tributary of the Little Choptank River.

4 Four lots are proposed. Two of these and a  
5 corner of the third lie within the critical area.  
6 Average size of the lots -- that is, of all four lots --  
7 all my information here and what I saw in the field was  
8 based on this plat. Average size of the lots is 3.13  
9 acres.

10 There are no forests or woodlands on the site,  
11 although there is forest immediately adjacent on the  
12 north and east sides, which would be up here and over in  
13 that area.

14 There are no apparent habitat protection  
15 areas. There is no buffer, as the site does not lie on  
16 the water at all. No nontidal wetlands, no documented  
17 habitat that we could verify in any of the state  
18 documentation.

19 Our site visit was on Friday morning, June the  
20 1st, 1990.

21 If there is any other information, we can



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1 defer to Steve Dodd on that, or other members of the  
2 general public.

3 By the way, my apologies. I had to leave  
4 Annapolis so quickly today, I forgot my sign-up sheets.  
5 I will put one up here so that anyone who wishes to  
6 speak, when they are called by the chairman, Dr.  
7 Schoeplein, they may come forward to do so. I will just  
8 leave this up here at the speaker's table. And then  
9 I'll turn it back over to Dr. Schoeplein to get us  
10 underway.

11 Another matter of procedure. Typically we  
12 keep the public record open after these public hearings  
13 for approximately two weeks, or whatever may be a  
14 reasonable amount of time, to get additional written  
15 comments if people wish to make them and submit them to  
16 the Critical Area Commission office in Annapolis. And I  
17 could give people that address later on in the evening.  
18 Bob?

19 CHAIRMAN SCHOEPLIN: Steve, could you speak  
20 to the submission tonight? Is it the same?

21 MR. DODD: Steve Dodd, Planning Director,



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1 Dorchester County. Let's see.

2           The submittal of the growth allocation request  
3 was for -- was intended to be only for those lots which  
4 are in the critical area. This section of the  
5 subdivision which lies substantially outside of the  
6 critical area has already been recorded. We required a  
7 restriction on the deed that would prohibit any  
8 development in that portion in the critical area.  
9 Therefore, we felt no growth allocation was requested --  
10 was required. It's not part of this request tonight.

11           This portion in the middle -- again, keep in  
12 mind, this was all originally one tract of land. These  
13 are the four lots coming out.

14           The portion in the middle, which is not being  
15 subdivided, was the original -- represents the original  
16 development on the farm; the house and some accessory  
17 buildings on the property. That will remain as part of  
18 the residue. That is not being subject to subdivision.

19           So, really all we are looking at is lots  
20 number one and two tonight, which --

21           CHAIRMAN SCHOEPLEIN: That's what they just



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1 gave us.

2 MR. DODD: Right. I have a copy of that. And  
3 Tom has done an excellent version of what I was just  
4 going to do, describing the parcel and the fact that it  
5 is not -- does not abut a body of water or tidal  
6 wetlands. It is predominantly open, with woodland  
7 around it. We will require afforestation for anyone  
8 building on these lots, 15 percent of each parcel.

9 MR. VENTRY: And that's required by the  
10 Dorchester program, by the way, for development in their  
11 ordinance.

12 MR. DODD: A note to that effect will be  
13 placed on the plat, and we will not issue building  
14 permits until it's been satisfied.

15 Just by general reference, I'd like to mention  
16 that we are operating under the interim rules, and those  
17 rules are outlined in the Dorchester County Critical  
18 Area Protection Program, page 39. And I'd like to enter  
19 that into the record by reference.

20 Also to be entered into the record is a copy  
21 of the minutes from the March 20th, 1990 county



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1 commissioner public hearing on this growth allocation  
2 request. The minutes indicate that the request was  
3 approved by the county commissioner.

4 And I have from the Planning Commission the  
5 May 4th, 1988 minutes.

6 MR. BOSTIAN: Wait a second, Steve. Could you  
7 go back and give me the date on that?

8 MR. DODD: March 20th, 1990. This is for --  
9 this is your copy, for the record.

10 MR. VENTRY: The commissioners may have a copy  
11 of that because I usually send -- whatever Steve sends  
12 me, I duplicate and send off to the --

13 MR. DODD: I'm not sure if I sent you that,  
14 Tom.

15 Also from the May 4th, 1988 Planning  
16 Commission, Dorchester County Planning Commission  
17 meeting, I have minutes which indicate that the critical  
18 area assessment, which the county required as part of  
19 being classified as an interim subdivision, that the  
20 critical area assessment was approved on that date by  
21 the Planning Commission.



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1           Now, I should indicate that the name of the  
2 plat at that time was under Robert F. Farnell, trustee;  
3 Chuck Walls, prospective buyer. So, the ownership has  
4 changed since the assessment was approved. And just to  
5 prevent any type of confusion over that, we'd like that  
6 as part of the record.

7           I also have a record from the Dorchester  
8 County Health Department, dated March 26th, 1990, that  
9 reads: "The plat is acceptable and the plan requires the  
10 following additions or corrections."

11           They are basically design in nature. I'll  
12 enter this into the record. The point being, the health  
13 department has given a preliminary approval to the plan.

14           And I also have, from the Army Corps of  
15 Engineers, a letter dated June 22nd, 1988. This is to  
16 Elizabeth Zucker from McCrone, Incorporated, who was the  
17 engineer working on the project at that time. And the  
18 letter reads, "I am replying to your letter, dated 16  
19 March '88, concerning Department of the Army's  
20 jurisdiction of -- for the -- for property owned by Mr.  
21 Charles Walls indicated on the enclosed tax map.



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1           "Based on an on-site inspection conducted by  
2 Mr. Rod Schwarm of this office, it has been determined  
3 that the subject property is not waters of the United  
4 States. Therefore, no Department of the Army  
5 authorization is required, pursuant to Section 10 of the  
6 River and Harbor Act of 1899, or Section 404 of the  
7 Clean Water Act."

8           I'll enter a copy of that into the record.  
9 And you already have a copy of the plat.

10           Gentlemen, we have a representative from -- of  
11 the property. We have the current surveying firm and  
12 the current property owner here. If you have any  
13 questions about the site itself, I'm sure they can help  
14 you. It is a shared facility. It will be a shared  
15 pond, serving lots one and two. I think that's  
16 indicated on the plat. These are berm ponds; one berm  
17 pond sharing -- serving both lots.

18           CHAIRMAN SCHOEPLEIN: I don't think it's on  
19 the plat.

20           MR. DODD: It indicates the outline of it.  
21 You're right. This is a revised plat, gentlemen.



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1 Am I correct in that, Tim? It is berm pond?

2 MR. MARSHALL: Yes.

3 MR. BOWLING: That is a large pond for those  
4 two lots. That's a substantial -- look at the size of  
5 -- you're talking about a pond. It looks like an acre.

6 MR. DODD: I can't explain why it is the size  
7 that it is. Perhaps the surveying firm can.

8 MR. BOWLING: It's a large piece of land.  
9 Usually if you get something like that, you've got five,  
10 six, eight, 10 lots.

11 MR. BOSTIAN: Well, don't they have a minimum  
12 of 10,000 square feet?

13 MR. BOWLING: Maybe that -- maybe you only get  
14 the berm within that area and --

15 MR. BOSTIAN: It looks like it's 30,000 square  
16 feet.

17 MR. BOWLING: That's three-quarters of an  
18 acre. For two houses?

19 MR. MARSHALL: That's the normal size for a  
20 berm pond. 10,000 square foot is the minimum.

21 CHAIRMAN SCHOEPLIN: Tim, identify yourself



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1 for the record, for these gentlemen.

2 MR. MARSHALL: Tim Marshall of Tim Marshall  
3 and Associates.

4 The 10,000 square foot is for the pond itself.  
5 The shared facility has to be a minimum of 20,000 square  
6 feet, normally, for two lots. I believe it is  
7 considerably a little bit more than that. That was due  
8 to the size of the berms and what not. But it's nothing  
9 out of the ordinary as far as overconstructed, in my  
10 opinion. It should take care of the two lots, anyway.

11 CHAIRMAN SCHOEPLEIN: Thank you.

12 MR. VENTRY: Mr. Marshall, excuse me. Could  
13 you -- when you were describing to me what the new --  
14 the revised plat shows --

15 MR. MARSHALL: I've got more copies here, too,  
16 that --

17 CHAIRMAN SCHOEPLEIN: We need one copy for the  
18 record.

19 MR. MARSHALL: Okay.

20 CHAIRMAN SCHOEPLEIN: Give it to Mr. Ventry  
21 there.



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1 MR. VENTRY: Could you explain for the benefit  
2 of the panel, as well as for yours truly, what -- about  
3 the road along the west side here?

4 MR. MARSHALL: The road along the west side is  
5 basically for access to the residue, the 50-some-odd  
6 acres in the rear. Due to, you know, Planning  
7 Commission regulations, that's needed for access to the  
8 rear.

9 Ultimately, the three-acre home site that has  
10 the existing dwelling on it that goes with the portion  
11 will still be part of that farm.

12 At the present it is a life estate for the  
13 person living there. So, to make the best out of the  
14 situation, they put a 50-foot access in until such time  
15 that that reverts back to the residue.

16 MR. BOSTIAN: That was required by the  
17 Planning --

18 MR. DODD: Yes.

19 MR. MARSHALL: Yes.

20 CHAIRMAN SCHOEPLIN: Now, is that an easement  
21 or is it going to be a paved road?



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1 MR. MARSHALL: It's a 50-foot right of way.

2 It's an easement. It's not paved at the moment.

3 MR. VENTRY: Steve, if that rear, or the north  
4 portion, is residue, as well as that middle lot, where  
5 the residence now is, why did the county require --  
6 since it already had direct access to the public road,  
7 why did it require a second road to go into the rear?

8 MR. DODD: In anticipation of that lot being  
9 -- coming off of the residue. In other words, we do not  
10 allow subdivisions along a county road which leave a  
11 rear property landlocked.

12 MR. VENTRY: Thank you. I have no further  
13 questions of Steve or Mr. Marshall.

14 CHAIRMAN SCHOEPLEIN: Any other questions?

15 MR. KRECH: No. I have none. It's very  
16 straightforward.

17 MR. VENTRY: Gentlemen, if you have any  
18 questions about the site, you could ask me. I'll  
19 attempt to answer them. I did visit it and stay there  
20 for a little to pick some ticks off of us.

21 MR. BOWLING: Seems pretty straightforward.



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1 MR. KRECH: Yes.

2 VOICE: Is this more or less cleared up?

3 CHAIRMAN SCHOEPLEIN: Any other questions or  
4 comments on this Beagle Run property?

5 THE AUDIENCE: (No response.)

6 CHAIRMAN SCHOEPLEIN: For the record, it  
7 should be noted that the first item under consideration,  
8 internal Critical Areas Commission File No. DC-A15. We  
9 have just considered DCA-15.

10 Any other comments regarding this parcel of  
11 land?

12 THE AUDIENCE: (No response.)

13 CHAIRMAN SCHOEPLEIN: Again, the record will  
14 be open for written submission of information.

15 Let's turn to the second item of business this  
16 evening, identified as internal Critical Area Commission  
17 File No. DC-A16 and identified as the Fry-Sherman's  
18 Landing, request for reclassification.

19 This is a request for a growth allocation of  
20 30.58 acres, and the reclassification request is from  
21 RCA to LDA.



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1 Steve, would you want to introduce us to  
2 this --

3 MR. DODD: Sure. This is a four-lot  
4 subdivision on the Choptank River. It contains one  
5 existing home site, and there are three proposed home  
6 sites to be located on the parcel. A total of 30.58  
7 acres is requested. That's the total acreage in the  
8 critical area, minus the acreage in tidal wetlands.

9 Individual wells and septic. It's primarily  
10 open space with -- you can see a row of trees around two  
11 of the lots. There are some tidal wetlands along the  
12 edge of the water. They do require the 100-foot  
13 setback, of course.

14 You'll note that on lot number three, the  
15 current home site is within the tidewater buffer. That  
16 home site -- gentlemen, I'm not sure of the age of the  
17 home, but I'm certain it's been here before the critical  
18 area law.

19 MR. FRY: I'm back here, Steve.

20 MR. DODD: Okay. Toby?

21 MR. FRY: Yes.



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1 MR. DODD: Can you give us the age of the  
2 home?

3 MR. FRY: This is my subdivision. The main  
4 part of the home is 1790 to 1810, with normal  
5 telescoping type additions to it. And there is one  
6 separate housing there that -- this development was  
7 originally part of the original county Indian land  
8 grants, which go back into the 1600s. And it was  
9 originally -- I think lot two off of that -- I think  
10 there were seven lots that ran from Indian Creek around  
11 the Secretary. And one of the buildings that's still  
12 standing on the property is believed to be built by a  
13 white man prior to the landing, turned over to the  
14 Indians in a reservation type of thing.

15 We're still trying to get further information  
16 on it. We've had a couple of historians down to look at  
17 it and things like this. They range from 1680 to 1750  
18 to '70 on the building, but no conclusive dates. It's  
19 not a habitable building as it is, but it's certainly  
20 historical still. And we're trying to be able to do  
21 that to that building.



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1           Like I say, the original parcel, up until '62,  
2 was 111 acres. And in '62, this parcel got spun off  
3 from that, down to -- it was actually, when they spun it  
4 off, it was closer to 40 acres, and erosion has taken it  
5 back to about 38 now.

6           MR. DODD: Okay. As far as the --  
7 procedurally, the county's actions on this proposal has  
8 followed the same course as the one previously submitted  
9 to you, but for the record we'll enter it again.

10           March 20th, 1990, the county commissioners  
11 approved at a public hearing the request for growth  
12 allocation. A copy of those minutes.

13           May 4th, 1988 the Planning Commission minutes  
14 indicate that approval was granted for Mr. and Mrs. Fry,  
15 also known as Sherman's Landing.

16           I have a letter from the health department  
17 indicating that the plat is basically acceptable and,  
18 again, it's typical of a preliminary approval letter,  
19 indicating what technical or design changes have to be  
20 made prior to final plat approval.

21           I also have a copy of the critical area



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1 assessment, which was approved by the Planning  
2 Commission at their May 4th, 1988 meeting, which  
3 indicates the engineering firm at the time, McCrone, did  
4 an on-site investigation, looking for habitat protection  
5 areas and threatened and endangered species. And this  
6 is, in effect, the environmental assessment we require  
7 for each applicant for growth allocation. A copy of the  
8 findings are included with the -- as part of the record.

9 Any other questions, gentlemen? It is on-  
10 site -- as Mr. Bostian pointed out, on-site septic.  
11 Septic tanks.

12 CHAIRMAN SCHOEPLEIN: I have two questions.  
13 The existing lot, lot three -- if I could see that far,  
14 I could probably answer my own question -- is that  
15 bulkhead?

16 MR. DODD: Yes, it is.

17 CHAIRMAN SCHOEPLEIN: Okay. And lot four is  
18 on the Choptank without wetlands. And that's not  
19 bulkheaded?

20 MR. VENTRY: No. The -- if I may, Steve.

21 MR. DODD: Sure.



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1 MR. VENTRY: The -- as I indicated in my  
2 notes, there are about 1,300 feet of structural timber  
3 bulkheading at that point here on lot three.

4 By the way, on this plat up here, gentlemen,  
5 the green line is the buffer line, and the yellow line  
6 here is the critical area line up at that end. You see  
7 the apex of this triangular parcel is outside the  
8 critical area.

9 Except for that point that's indicated on the  
10 plat, and referred to in my notes to you, there is no  
11 bulkheading, or no shore erosion control, other than at  
12 that -- at the point of the timber bulkhead.

13 The terrain is very low and very flat. There  
14 is some mild erosion. It does not appear to me to be  
15 severe at all. In fact, it looks as though there may be  
16 some grasses re-establishing themselves along the beach.  
17 I did walk along the beach a little bit when I was out  
18 there on June 1st.

19 It's a rather nice site. It's at the bend of  
20 the Choptank River. You can look downstream and see  
21 Cambridge down in the distance. I didn't get an



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1 approximate mileage of it.

2 An old farm again. There are several of them  
3 in the immediate vicinity. At least one on the adjacent  
4 or the south side here.

5 There is no forest lands or no woodlands at  
6 all on the site, except for this ribbon of trees that  
7 Steve referred to in his remarks, the ones here to the  
8 south of the existing house, towards the shore, along  
9 the shore, and then back in, paralleling the southern  
10 property line. And that also pretty much follows the  
11 nontidal -- or rather the tidal wetlands, which are  
12 here, indicated on the plat now before you. Those are  
13 the only natural trees, and they're not particularly  
14 sizable.

15 There is a fine row of trees along the  
16 driveway, a double row of trees flanking it, but those  
17 are obviously cultivated and are not natural. Other  
18 than those, there are -- those are the only trees on the  
19 site. Otherwise, the fields have reverted to grass and  
20 weeds, or whatever else it is.

21 No apparent habitat -- upland habitat



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1 protection areas.

2 The other HPA's that -- with which we are  
3 concerned, namely the buffer, the building lines are all  
4 back from the buffer, except the existing house and a  
5 couple of sheds that, as Mr. Fry just indicated to us,  
6 are much older than our regulation and have been there  
7 for many, many years.

8 There is another existing older house back  
9 here. It's all overgrown and everything. That's well  
10 back from the shoreline. Certainly out of the buffer  
11 area.

12 No sensitive areas that I could see. From  
13 what I could see walking down the shore and into the  
14 wetlands and so on, it's well demarcated on the plats  
15 here and apparently well protected by the building  
16 restriction line, which is coincident with our 100-foot  
17 buffer line in this case, in Dorchester County.

18 MR. KRECH: Is that the current SRA in lot  
19 three --

20 MR. VENTRY: Yes. It's just --

21 MR. KRECH: -- that lies within the buffer?



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1 MR. VENTRY: Yes. It's already --

2 MR. KRECH: That's the current one, is it,  
3 Steve?

4 MR. DODD: The current one. Yes.

5 MR. KRECH: And that's been in for years.

6 MR. BOWLING: Steve, this is one of the better  
7 drawings that we've had presented to us, and it shows  
8 elevations and things that we frequently do not see on  
9 these drawings. This is an excellent drawing.

10 MR. DODD: I'll have to tell the surveyor.

11 MR. BOSTIAN: I suspect that it should be said  
12 to Mr. Fry.

13 MR. BOWLING: Well, to whomsoever. It's a  
14 better drawing than a lot of them we see. It's got a  
15 lot more information on it.

16 MR. FRY: Well, it was a matter of coming into  
17 like Steve's office and -- of course, I was concerned  
18 way before the -- all the laws came about, about what  
19 the soil types were of the things we had. And everybody  
20 said, "Well, while you're going down there, you might as  
21 well get your elevations put in, and the health



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1 department is probably going to want it, too."

2 And I think Steve pumped that information to  
3 me, so when we did the original -- you know, the  
4 original work, we had that done. We saved a lot of  
5 aggravation on it.

6 MR. BOWLING: I think frequently they are  
7 done, we just don't see them. But here we are seeing it  
8 all together, and it's much more helpful this way.

9 MR. FRY: The land is quite high, and it's --  
10 as you go to the -- I don't know how familiar you are  
11 with the county. But basically, when you leave Route 50  
12 going north, up 16, just a little way up there you get  
13 out of the nontidal wetland soils and you get your sandy  
14 loam soils there in the county. And I was down north of  
15 that also, so --

16 (Whereupon, there was a discussion off  
17 the record.)

18 CHAIRMAN SCHOEPLEIN: Are there any other  
19 questions regarding Sherman's Landing?

20 THE AUDIENCE: (No response.)

21 CHAIRMAN SCHOEPLEIN: Any other comments?



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1 THE AUDIENCE: (No response.)

2 CHAIRMAN SCHOEPLEIN: Again, the record will  
3 stay open.

4 The third and last -- yes? A comment?

5 MR. FRY: In the presentation of the gentleman  
6 on the left here, he made a statement that obviously the  
7 public can submit written comments regarding our  
8 proposals. Do we get to see those comments and respond  
9 to them, if they are submitted?

10 MR. VENTRY: I frankly don't know. That has  
11 -- typically in the past, we just put them in the file.  
12 They do become a part of the public record. Others can  
13 have access to them. We do not routinely duplicate them  
14 and send them to other interested parties, if that was  
15 your question.

16 MR. FRY: Well, I would assume that,  
17 obviously, if somebody submits a public comment, it may  
18 be a reason against it. How do you counter it, if it  
19 comes after the fact of the meeting here?

20 MR. VENTRY: The ones who receive them are the  
21 members of the panel, and if there are -- I can't recall



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1 that it has happened in my experience, where they --

2 MR. BOSTIAN: If it happens, we'll be sure to  
3 get you a copy.

4 CHAIRMAN SCHOEPLEIN: Yes, we will.

5 MR. BOWLING: Particularly if --

6 MR. FRY: I as just curious.

7 MR. BOWLING: If it would impact you in a  
8 negative manner, Mr. Fry, we'll get you a copy. Okay?

9 MR. VENTRY: It certainly is a matter of  
10 public record.

11 MR. BOSTIAN: I don't expect too many.

12 MR. FRY: Well, I didn't know. I mean, this  
13 is the first time --

14 CHAIRMAN SCHOEPLEIN: Well, I can appreciate  
15 your question. I think it is well taken, and we will  
16 get in touch with you if necessary.

17 MR. BOSTIAN: Well, we might -- maybe we  
18 should set up a formal procedure.

19 CHAIRMAN SCHOEPLEIN: It's an open process.  
20 We just haven't received communications.

21 MR. FRY: Well, I just didn't know, you know,



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1 how these things went and whether you do get a lot of  
2 comments or not.

3 CHAIRMAN SCHOEPLEIN: The last item in our  
4 file is identified by internal records as File Number  
5 DC-A17. And it is further identified as the Spiros  
6 Pallas --

7 MR. VENTRY: Yes. That's correct.

8 CHAIRMAN SCHOEPLEIN: -- property. And it's a  
9 request for allocation, growth allocation, of 30.5  
10 acres. The reclassification request will be from RCA to  
11 LDA.

12 MR. VENTRY: Okay. Gentlemen, this is for --  
13 this is a similar situation to the two preceding. An  
14 old farm, or until recently a farm.

15 The proposal is for a four-lot subdivision  
16 just off the Little Choptank River in northwestern  
17 Dorchester County off Hooper Neck Road.

18 Now, as you are becoming familiar with the  
19 geography of Dorchester County, Hooper Neck is nowhere  
20 near Hooper's Island. So, we are in this case in the  
21 extreme northwestern corner of the county. Well, not



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1 quite the extreme northwest, but we're out in that  
2 direction.

3 It's a very straightforward site. There are  
4 no apparent HPA features or issues at all on the site.  
5 An old farm, in the middle of which is an existing two-  
6 story frame dwelling, vacant. It has been vacant for --  
7 well, just -- only relatively recently perhaps.

8 I walked the -- well, I walked quite a bit of  
9 the site. I couldn't drive onto it because the one  
10 access road was gated and padlocked.

11 Completely cleared. Completely flat. A few  
12 -- an alley of trees down the main driveway, a gravel  
13 driveway, or perhaps it was oyster shells.

14 On the west side, and paralleling, and the  
15 same as the western property line, is an agricultural  
16 drainage ditch. At least down towards the Hooper's Neck  
17 Road end, wherever I could see it, it's an agricultural  
18 drainage ditch. It did appear to carry all the way  
19 through, because there was a line of low trees and  
20 wetland type growth on there. But again, this is  
21 typical of what we would find along agricultural



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1 drainage ditches, certainly in Dorchester County and  
2 elsewhere on the lower shore.

3 Out at the water's edge, you can see here  
4 immediately, it's -- there is some erosion on the  
5 shoreline but it is very, very localized in my opinion.  
6 And where there was erosion, you could also look a few  
7 inches, or a few feet, in either direction, and you  
8 could readily see the accretion -- at least what to me  
9 was accretion.

10 There is a duck pond indicated on the plat. I  
11 did not see that. There were no ducks. There were lots  
12 of toads and other small critters here and there on the  
13 property.

14 Again, I see no particular issues with habitat  
15 protection areas, including in the buffer. The green  
16 line here is the buffer. The yellow line is the  
17 critical area line. Everything is proposed, certainly  
18 out of the buffer. The sewage reserve areas and so on.  
19 They do come right up to the line, but they do not cross  
20 the line.

21 There are some -- I saw at least two old, if



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1 not derelict, duck blinds here at this end of the  
2 property, but they were all -- well, I suppose duck  
3 blinds should be overgrown.

4 That did suggest to me, perhaps, an offshore  
5 waterfowl staging or concentration area. But again,  
6 going to the state's books, I found no indication of  
7 that, or no documentation of that.

8 MR. BOWLING: The elevation of this, Tom?

9 MR. VENTRY: Pretty low. In fact, it didn't  
10 seem to be high enough as well. Similar, perhaps, to  
11 the preceding property we just discussed.

12 MR. BOWLING: I mean, there is no indication  
13 on here of flood plain area --

14 MR. DODD: I think there is a note, Mr.  
15 Bowling. Number one note. Note number one. Totally  
16 within -- is within A-4. That's the hundred-year  
17 flood plain elevation.

18 Is it six down there, Bill?

19 MR. LUDLOW: Yes.

20 MR. DODD: It's six -- six-foot elevation.

21 MR. BOWLING: Okay.



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1 MR. DODD: Apparently some of the lots are  
2 high enough to get a perc test approved, so I don't know  
3 what conclusions we can draw from that.

4 MR. VENTRY: The whole site seemed to me  
5 certainly high enough, except at the very, very river  
6 site.

7 MR. BOWLING: An interesting position for  
8 that if -- it would be in his front yard. I think I'd  
9 want it the other way. It looks like these would  
10 probably be subsurface.

11 CHAIRMAN SCHOEPLEIN: These are septic tanks.

12 MR. BOWLING: The other two groups --

13 MR. DODD: Right. It is a combination of two  
14 berms and two septic tanks. Lot 2C has an existing  
15 sewage reserve area for a septic tank, and of course an  
16 existing home site. The other three would be for new  
17 building sites.

18 Again, gentlemen, for the record, the county  
19 commissioners approved the request at their March 20th  
20 meeting. The Planning Commission approved the growth  
21 allocation request in May 1988. Here is a copy of the



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1 critical area assessment, which was approved for the  
2 site, for the record.

3 A letter, dated 5/9/90, from the Dorchester  
4 County Health Department. "The plat is acceptable as  
5 proposed." And then some minor language about some  
6 technical changes that need to take place before plat  
7 recordation.

8 And then I have a letter dated May 26th, 1988  
9 from Jim Burtis, Maryland Forest, Parks, and Wildlife  
10 Service. And the letter reads, "This is in response to  
11 your request of April 22, '88 for information regarding  
12 the above-referenced project. There are no known  
13 federal or state threatened or endangered plant or  
14 wildlife habitat present at this project site." And  
15 there's copies of those into the record.

16 MR. VENTRY: That was from Jim Burtis?

17 MR. DODD: Jim Burtis. Yes.

18 Again, I believe there is a representative of  
19 the engineering firm here to answer your questions about  
20 the site design. There are no internal roads to be  
21 built at all. It's facing an existing county road.



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1           They are in the flood plain. It will require  
2 an elevation -- it will require all the homes to be  
3 elevated, their first floors to above the base flood  
4 elevation of six feet.

5           And as you can see, all construction will take  
6 place out of the tidewater buffer. There is a note on  
7 the plat indicating an afforestation requirement for  
8 each parcel.

9           And I believe that is all I have, unless you  
10 have any questions of me.

11           MR. VENTRY: Yes. I have no further comments.  
12 If you have questions -- from what I did see, I think  
13 I pretty much described what I saw.

14           CHAIRMAN SCHOEPLEIN: I have none. Are there  
15 any comments from the audience regarding the Spiros  
16 Pallas --

17           MR. LUDLOW: I'm Bill Ludlow from William W.  
18 Ludlow and Associates. One little thing, just to  
19 elaborate a little bit more.

20           The existing house, for your information, is  
21 out of the critical areas. I don't know whether you



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1 might have noticed that. Unfortunately the sewage-  
2 served area is in the critical areas, though. And the  
3 buffer zone is 150 feet for any sewage-served area.  
4 It's further back than 100.

5 CHAIRMAN SCHOEPLEIN: Thank you.

6 MR. LUDLOW: And I think, as Steve said, it's  
7 a mixture of bermed infiltration ponds and conventional  
8 systems, and that duck pond is on the site. It's about  
9 a six inch -- it's a very shallow, walkable with boots,  
10 pond.

11 MR. BOWLING: The placement of these two  
12 berms, the infiltration ponds, it would almost appear  
13 that they are going to wind up in the front yard of --  
14 between the house and the water if you build a home back  
15 outside the buffer.

16 MR. LUDLOW: You'll have to -- well, you've  
17 got a very good point.

18 MR. BOWLING: It doesn't seem to be very  
19 desirable to me, that's all.

20 MR. LUDLOW: Well, to be honest with you, it  
21 might not be for me either. But one thing I must stress



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1 is, the client took care of getting health department  
2 approval, and that's where he decided to put them. I  
3 wish I could give you a better answer than that.

4 MR. BOWLING: That's good enough.

5 CHAIRMAN SCHOEPLEIN: That's a fine answer.  
6 Are there any other comments regarding this?

7 THE AUDIENCE: (No response.)

8 CHAIRMAN SCHOEPLEIN: Tom, the records will be  
9 open until what date?

10 MR. VENTRY: Typically we keep them open for  
11 two weeks. So, two weeks from today would be July the  
12 -- or

13 CHAIRMAN SCHOEPLEIN: The 25th. June 25th.

14 MR. VENTRY: June 25th.

15 CHAIRMAN SCHOEPLEIN: The formal record will  
16 be open until Monday, June 25th, at the offices of the  
17 Critical Area Commission. Mr. Ventry will have the  
18 address for anyone who is interested.

19 Are there any other comments?

20 THE AUDIENCE: (No response.)

21 CHAIRMAN SCHOEPLEIN: If not, the Dorchester



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1 County Panel is adjourned. Thank you.

2 (Whereupon, at 8:20 p.m., the hearing was  
3 concluded.)

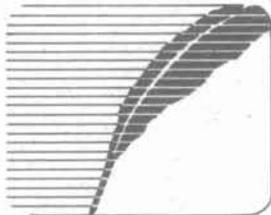
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RE: Hearing in the matter of Dorchester County Local Public Hearing,  
dated June 11, 1990

Dear Mr. Ventry:

Enclosed please find the Certificate of Notary sheet for the  
above-referenced hearing. Please attach it to the original transcript.

Thank you.

Very truly yours,

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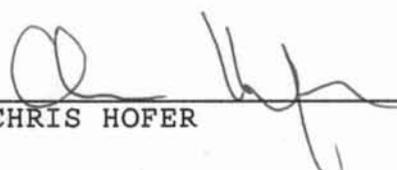
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