

Public Hearings - Port Deposit

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Public Hearing  
regarding the Proposed  
Maritime Zone Amendment  
in the Town of Port Deposit

Charlotte Simms

May 29, 1990

**RECEIVED**

JUN 14 1990

DNR  
CRITICAL AREA COMMISSION

BETZ & STROUSE, INC.  
114 West Mulberry Street  
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A P P E A R A N C E S

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On behalf of Chesapeake Bay Critical Area  
Commission:

- Kay Langer
- Vick Butanis
- James E. Gutman
- Ann Hairston
- Richard Naylor

P R O C E E D I N G S

1  
2 MR. GUTMAN: Good evening. Welcome to a  
3 hearing. This is a public hearing on the Maritime  
4 Zone Amendment to the Port Deposit Critical Area  
5 Program. And this hearing is being conducted by the  
6 Critical Area Commission. We're anxious to have  
7 input from the public regarding the proposed  
8 amendment. We'll have a recording made of all the  
9 remarks, and I would ask that for those of you who  
10 do speak, please do give your full name and where  
11 you are from, as well as any affiliation, if you're  
12 speaking on behalf of some other organization.

13 It is not essential that you provide  
14 testimony. We'll certainly accept verbal testimony  
15 this evening, but there is also the opportunity, if  
16 you care to, to send this in writing to the  
17 commission office no later -- it must be received no  
18 later than June 5th for any written testimony of any  
19 kind. That means it must be in the office of  
20 Annapolis for consideration before the commission  
21 meets the following day. So, it's important to bear

1 in mind this date when the record will close. That  
2 would be at noon time on June 5th, 1990. Written  
3 correspondence should be sent to the chairmen of  
4 commission, and that's Judge John C, North, the 2nd,  
5 Chairmen, Critical Area Commission, 275 West Street,  
6 Suite 320, Annapolis, Maryland, 21401. And for  
7 those who are making a note, let me just go through  
8 it once again, quickly.

9 MS. HAIRSTON: They all have it written on  
10 their sheet.

11 MR. GUTMAN: We do not have a very large  
12 group tonight, but I would ask that you be  
13 considerate of others. If you have a long report to  
14 provide, you may wish to abbreviate it. I'd like to  
15 hold comments down to no more than ten minutes, if  
16 possible. I don't think it's essential to review  
17 any of the other formalities. So, let's just begin  
18 by having the members of the commission introduce  
19 themselves as well as staff. I'm going start over  
20 here to my right, your left. Quickly, would you  
21 please state your names.

1 MR. NAYLOR: I'm Richard Naylor, assistant  
2 secretary with Maryland Department of Environment,  
3 and I serve on the Critical Area Commission.

4 MS. LANGER: I represent Cecil County on  
5 the Critical Area Commission.

6 MR. BUTANIS: I represent Harford County.

7 MS. HAIRSTON: I'm Ann Hairston, regional  
8 planner to Port Deposit, and I'm staff to the  
9 Critical Area commissioner.

10 MR. GUTMAN: Thank you. My name,  
11 incidently, is James E Gutman. I'm also a member of  
12 the Critical Area Commission, and serving as  
13 chairmen of this panel.

14 All right. We'll begin things by asking  
15 you just to describe this amendment a bit for those  
16 others.

17 MS. HAIRSTON: The purpose of this hearing  
18 tonight is to get your input to the panel, and thus  
19 to the full commission on the merits or drawbacks of  
20 the proposed Maritime Zone Amendment to the Port  
21 Deposit Zoning Board. The reason that this is

1 before the Critical Area Commission is because it is  
2 an amendment to a zone in the critical area, in all  
3 the towns in the critical area, and the zoning  
4 ordinance is part of the critical area program. The  
5 program is implemented through the zoning  
6 ordinance. So, we're having to treat the amendment  
7 to the zoning ordinance and the admendment to the  
8 Critical Area Program, and that is the procedure  
9 that we'll following tonight. We expect that we'll  
10 be able to have a vote on the proposed amendment at  
11 the next commission meeting, Wednesday, June 6th.

12 I'll briefly go over some of the types of  
13 critical area requirements which are not really part  
14 of the proposed zone, but will be requirements. If  
15 any development is to occur within the zone in the  
16 critical area, the proposed area is an instensively  
17 develop area, and it is also a buffer exemption  
18 area. The buffer exemption area is merely following  
19 different rules than nonexempt areas. They don't  
20 have to maintain a full one hundred foot buffer to  
21 shore the line. They, instead, follow some

1 different program, perhaps relating to planting of  
2 vegetation, storm water treatments, which are trying  
3 to accomplish the same goals as to maintaining a one  
4 hundred foot buffer.

5           The Critical Area Requirements for this  
6 zone will be implemented through an overlay zone  
7 process, which means you have the Maritime property  
8 there, but then it has an intensely developed zone  
9 on top of it; which has requirements like having to  
10 make a ten percent improvement in the water quality  
11 from the water running off the site after a project  
12 has been developed. Other requirements which are  
13 made of every water dependent facility, which a  
14 Marina would be is to look at the impact on water  
15 quality and of the aquatic resources, like shellfish  
16 areas, <sup>anadromous</sup> ~~as in hatch~~ fish <sup>spawning</sup> ~~spotting~~ <sup>ASH</sup> areas to see if  
17 there are any adjacent wet lands. So, any proposal  
18 having to address impacts to those resources. There  
19 is also a requirement that any new marina has a pump  
20 out facility. That's not only within the critical  
21 area requirement. There is another state law which

1 requires a pump out facility.

2 A couple of things mentioned in the zoning  
3 ordinance were a requirement for consideration of  
4 all applicable federal, state and local laws,  
5 although no <sup>examples</sup> ~~exemptions~~ <sup>ABH</sup> were given in zoning  
6 language.

7 There is also a procedure for site  
8 planning review; and the Critical Area Commission  
9 regulation may require for a project of this size  
10 that you send the project in for review. Applicable  
11 projects would be anything that is within the one  
12 hundred foot buffer, even in a buffer exemption  
13 area, or a project that extends more than 15  
14 thousand square feet.

15 Are there any questions about the Maritime  
16 amendment? I realize all of you have discussed the  
17 issue before in the town.

18 Does the panel any any questions on the  
19 Maritime zone permit? Do you want to open it to  
20 public testimony?

21 MR. GUTMAN: Yes. I'm sorry. I forgot to

1 introduce another staff member to the commission.  
2 The circuit rider for this area, <sup>Roby ABH</sup> ~~Robbie~~ Hurley.

3 All right. And likewise, I neglected to  
4 ask whether any appointed or elected officials of  
5 either the county or town are with us tonight.

6 I'm Erma Keately, Mayor of Port Deposit  
7 Clifton Blackburn, counsel.

8 Clyde Longmaker, councilmen.

9 William B Stewart, councilmen.

10 Marial Touchstone, Historic District  
11 Commissioner.

12 Jean Schaffer, Historic District  
13 Commission.

14 Paul <sup>Kozloski ABH</sup> ~~Kessel~~, Town Administrator.

15 MR. GUTMAN: Anyone Else that is either an  
16 appointed or elected official of the town or county?  
17 I apologize for not doing that in the right  
18 sequence. All right. Unless there be a question at  
19 this point, I would ask if there is anyone who  
20 wishes to testify on the record, this is the  
21 opportunity to.

1 MS. TOUCHSTON: Well, I'm from the Historic  
2 District Commission. T-O-U-C-H-S-T-O-N. I am on  
3 the Historic District Commission for the town, and  
4 we do work under the state. And we've had splendid  
5 cooperation from the people of the town, regarding  
6 improvements they have had on property and plans  
7 that they have selected; and we are very proud of  
8 what we have been able to see grow out of this.

9 Well, we like the idea of marina, but  
10 we're hoping for something that will coordinate with  
11 what we're doing in the town. In other words, it  
12 will not be overwhelmed with a marina, that it will  
13 coordinate, the two work together on this. The  
14 plans were mentioned for planting that might be  
15 made. Would it be possible to screen the marina to  
16 plant some where down near the railroad, or close to  
17 the edge of there. To screen the marina so they  
18 don't conflict with the out-structures of the town.  
19 We're a 19th century town. We like the idea of  
20 parking a lot, such as we have now, that will absorb  
21 water rather than a hard surface parking that would

1 have run-off water. We would hope that there would  
2 be fences that would protect from train derailment,  
3 or at least minimize train derailments, such as we  
4 have had a few weeks ago. If a marina was put in,  
5 the heavy part of maintaining the -- shall I say,  
6 the ambiance of the town would rule out heavy noises  
7 and pollution from ship repair work or boat repair  
8 that might be going on. If pollution controls could  
9 be considered in this, as well as noise control.

10 I'm sure you are all interested, and we are in  
11 protection of erosion along the water front so that  
12 we do not lose any more space between the hill and  
13 the river that we already have.

14 We would also hope that when plans were  
15 finally drawn up that there would be people who  
16 would be qualified, technically, who would be able  
17 to look over the plans, and develop plans, and see  
18 that they do really meet the needs of our town or  
19 traffic wise, parking wise, the whole thing. Thank  
20 you.

21 MR. GUTMAN: Thank you, very much. Anyone

1 else who would now like to testify either for or  
2 against the proposed amendment. Again, I would ask  
3 if there is anybody who wishes to speak, I'll be  
4 glad to recognize them at this time.

5 Let me ask next if there is any member of  
6 the panel who would care to either ask any questions  
7 or make a statement. So, I'll start on my right.  
8 Rick, is there anything you would care to say at  
9 this time?

10 MR. NAYLOR: No.

11 MR. BUTANIS: No.

12 MS. LANGER: No.

13 MR. GUTMAN: We've got a very retiring  
14 commission panel, I must say. I'll ask for the last  
15 time, if there is anybody who cares to speak  
16 regarding this amendment, making any statement to  
17 the commission, we'll be glad to entertain your  
18 prospects at this time. And if not, I would remind  
19 you that the commission office keeps the record open  
20 until noon time June the 5th, for any written  
21 comments any of you or your neighbors would care to

1 provide. And if there be no further objection at  
2 this time, I would declare that this hearing is  
3 adjourned.

4 (Thereupon, at 7:55 p.m., the hearing was  
5 adjourned.)

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