

Public Hearings - Somerset County

1990

MSA-51830-87

BEFORE THE CHESAPEAKE BAY CRITICAL AREA COMMISSION

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PUBLIC HEARING
CHESAPEAKE BAY CRITICAL
AREA COMMISSION

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:
FILE NO. SO A-2 (Ussey G.A.)
:
:

SO 1-3 (Program Amendment)

Monday, July 9, 1990

Pursuant to Notice, the above-entitled hearing was held before RUSSELL W. BLAKE, ACTING CHAIRMAN, at the Municipal Building, Princess Anne, Maryland 21853, commencing at 7:15 p.m., there being present on behalf of the respective parties:

ON BEHALF OF THE COMMISSION:

G. STEELE PHILLIPS
RUSSEL W. BLAKE
WILLIAM J. BOSTIAN

ALSO PRESENT:

TOM VENTRE
RON ADKINS
CLAUDIA JONES

REPORTED BY: CHRIS HOFER

- - -

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CRITICAL AREA COMMISSION



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1 and all of the members of the panel at the time were the
2 two -- resolved, finally, the issue that was still
3 sticking, namely the growth allocation. At that time,
4 it is was resolved to the satisfaction of the panel.
5 I'll get back more into that detail when that
6 subdivision item comes up.

7 Russ, I understand you're the acting chairman
8 tonight.

9 MR. BLAKE: By default. Now I should say that
10 I'm not sure I'm going to be attend Wednesday now, in
11 Easton. I was planning to until something came up
12 Friday, and now I don't know if I'm going to be able to
13 leave town in time to get there to make it worthwhile or
14 not.

15 MR. VENTRE: Okay. Well, if anyone who is
16 here -- Bill is a regular member of the panel, and
17 perhaps --

18 VOICE: Shep Krech is out of town, as you may
19 know, for the whole month of July, and Bob Price could
20 not be --

21 VOICE: I'd be happy to cover for you.



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1 VOICE: Okay.

2 MR. VENTRE: The panel is --

3 VOICE: No, I'm planning on it.

4 VOICE: I am too, but I just can't promise you
5 right now that I can.

6 MR. VENTRE: The panel is one short in any
7 case because with Ron Karasic one -- but we will take
8 notes tonight, and we will be able to relay anything
9 directly or through Bill and Steele to the commissioners
10 at their regular monthly meeting this coming Wednesday.

11 The reporter has already begun. I will start
12 on behalf of the staff with regard to the Vessey
13 property. You have information. I brought extras if
14 you would like copies of those. Steele, why don't I
15 just give that to you.

16 MR. BOSTIAN: What's the scale of the map up
17 there? I can't see. It's small.

18 MR. VENTRE: Oh, I'm sorry. This scale is one
19 inch to 60 feet. The Vessey farm, also known as Vessey
20 Orchards, is in the very southeastern part of the county
21 right here at this bend in the Pocomoke River,



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1 approximately five miles or so below Pocomoke City.

2 It's a lovely spot as is that whole area of
3 the county. This is just the area immediately around --
4 well, the growth allocation itself. This entire area
5 surrounding here is the Vessey farm and orchards,
6 peaches, tomatoes, other kinds of crops. Lovely spot.
7 All upland.

8 The particular site here is all upland here
9 except for right along, or what is likely, most likely,
10 the buffer slope. Heavily forested, undisturbed,
11 including some very handsome, mature specimens of
12 cypress trees just very --

13 MS. JONES: I got some pictures.

14 MR. VENTRE: Very nice to look at. Claudia
15 took pictures the day we were in the field on June 13th.
16 So, it's all there if you would like to look at them.

17 MS. JONES: This is the site looking in this
18 direction.

19 MR. PHILLIPS: When you ran your hand over
20 there, the slope, you were kind of deep in the lot. You
21 didn't --



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1 MR. VENTRE: Yes, I was just --

2 MS. JONES: And that's looking across the was
3 at the --

4 MR. PHILLIPS: You went deeper than they
5 actually are?

6 MR. VENTRE: Yes.

7 MR. PHILLIPS: Okay.

8 MS. JONES: It looks like a nice place to --
9 and this is part of the site too.

10 MR. VENTRE: It's all like this. It's all
11 upland. According to information on the USGS quad sheet
12 that covers the area, which is the Kingston quad for
13 Somerset County, this area is at an elevation of 15 feet
14 above sea level. It's very high, very dry, very nice.
15 We are talking about a cultivated field here. It has
16 been worked over the years. I believe there was
17 something planted in it the day we were there, or at
18 least in part of the field there was something planted.
19 The only natural thing on the site was right along the
20 riverbed down here as well as a row of trees and shrubs
21 on this western side of the property.



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1 The request is for 20,000 square feet of
2 growth allocation. Now, as you recall in the original
3 program that was made operational by act of law -- by
4 operation of law, rather -- for Somerset County, that is
5 how their growth allocation procedure worked. That it
6 was not necessary in Somerset County to deduct the
7 entire acreage of the parcel, but only a disturbed area
8 that had a certain size. Now, Ron can elaborate on this
9 in his remarks.

10 That is what we are considering. This growth
11 allocation is being considered under the current terms
12 of the Somerset program. Okay. This will change later
13 on this evening on another matter, but the operative
14 program tonight is the original program submitted by
15 Somerset, and that's what applies here. So, the request
16 is for 20,000 square feet.

17 MR. BLAKE: Maybe we ought to take these in
18 the opposite order. Who set the agenda?

19 (Laughter.)

20 MR. VENTRE: Again, to familiarize, this is a
21 very active farm. There is a house right here where one



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1 of the Vessey children, who is approximately our age, or
2 my age -- I don't know about you guys -- approximately
3 my age -- is here. There are houses downstream farther
4 here that you can see. In fact, one of them shows up in
5 one of the photographs. And then farther down to the
6 southwest is the village of Rehobeth, which is
7 classified as LDA by Somerset County. I would say
8 approximately a mile and a half, maybe two miles away
9 farther down the road on this map, downstream.

10 The staff raises no issues at all with this
11 site. It is upland. There are no wetlands on the site.
12 There are no HPAs on the site, although directly across
13 the Pocomoke, which this point is at least 200 feet,
14 maybe 300 feet wide, is a designated Natural Heritage
15 Area designated by the Heritage program of the Maryland
16 Forest, Park, and Wildlife Service. It is the Hickory
17 Point Cypress Swamp.

18 As a matter of fact, a small piece of the
19 Vessey farm, but not here in question, not close to
20 this, is within that designated HPA, and here on your
21 maps I have it outlined in yellow. That is the HPA,



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1 and you see where that red "X" is up there is where the
2 property is that we're considering tonight.

3 This is its relation to the HPA, across the
4 river from it and only to that extent adjacent. There
5 are no habitat issues per se on the site in question.
6 The buffer is intact. It's undisturbed, full of trees
7 and shrubs, including those mature cypress trees. And
8 the upland portion is flat. There are no wetlands. It
9 has been a farm for many years. We have no concerns
10 from the staff from a technical point of view on the
11 Vessey request.

12 MR. BLAKE: Any comments from the audience?

13 MR. BOSTIAN: I move that we approve the -- we
14 don't approve of that. I'm sorry.

15 MR. BLAKE: We would recommend, wouldn't we,
16 to the --

17 MR. VENTRE: At this point, the panel is only
18 taking comments from the general public from the
19 interested parties. Ron, for the record, I'd like to --

20 MR. ADKINS: Yes. Are you taking comments now
21 from the general public?



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1 MR. VENTRE: Well, there are these school
2 buses circling around outside as we came in.

3 MR. PHILLIPS: Ron, we thought you'd have a
4 packed house here.

5 MR. ADKINS: Did you really?

6 MR. BLAKE: I thought we'd have dinner.

7 MR. ADKINS: Well, gentlemen, I guess I would
8 like to offer for the record, I believe that Mr. Ventre
9 did a wonderful job in describing the scene of the
10 proposed growth allocation and the setting around it.

11 Just a couple of other minor things. I guess
12 it would be southwest of this site, down river from
13 where the proposal is, there was an interim subdivision
14 prior to December -- excuse me -- prior to December 1st,
15 1985, platted and filed, creating six lots.

16 The county mapped that RCA in its mapping
17 because the development itself was not there as of that
18 time frame, and there was an inter-family transfer
19 occur, I believe, and prior to the program or right
20 after the program approval that it created an additional
21 two lots. And I just wanted to point that out, and that



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1 while there are not LDAs adjacent to the property, it is
2 developed and has a density adjacent to it that may be
3 LDA water. And I think you'd probably confirm that in
4 that there's houses all along the Pocomoke adjacent to
5 the site.

6 I think that Mr. Ventre also provided you in
7 your packet the finding of fact that the county
8 commissioners made on the audit proposal for growth
9 allocation. I won't go into any particular detail about
10 that, but I think it addresses all of the issues that
11 Somerset County's growth allocation as well as the
12 criteria would have us address in considering any growth
13 allocation proposal.

14 We've had only one other growth allocation
15 proposal from this county. So, there is nothing but
16 plenty of growth allocation available. As you know, we
17 divided it up so that we would give it out one-twentieth
18 of the growth allocation in any given year except the
19 first year. The first year you were allowed to give out
20 one-fifth. I believe that's correct, isn't --

21 VOICE: That's right.



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1 MR. ADKINS: This year, I don't recall the
2 exact acreage, but there was some 60-some acres of
3 growth allocation available to be given out. This is
4 the only -- well, we have one other pending application,
5 but it has not got very far. It's the only application
6 we have on the table at this point in time. Growth
7 allocation, as you say, is one lot above the density
8 that would be allowed in a resource conservation area.

9 He only has a small percentage of his farm in
10 the critical area. This particular section of his farm
11 is sectioned off from the rest of the farm by a county
12 road, and it, in itself, is just a very small field as
13 I indicated right now.

14 In regard to the proposal, it has received
15 preliminary plat approval from the county, and it has
16 received health department approval from the Somerset
17 County Health Department. I think the farm and the fact
18 would indicate when the preliminary plat was approved
19 -- the health department approval came in a letter dated
20 February 12th, 1990, from an acting environmental health
21 director.



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1 With that, we believe it has gone through the
2 appropriate procedures to be approved, and we believe
3 that it, in itself, represents one of our better
4 opportunities to have development in some of our best
5 soils that we offer in our county, some of the highest
6 elevations that we offer up off of one of the prettiest
7 rivers that we have in the state.

8 It is unlike most development that we have in
9 the county in that we would not be allowed to have
10 densities at one unit per acre in most areas because of
11 the soil types and the higher ground level. This
12 particular proposal would allow one unit per acre,
13 whereas most that you would feel in the future you would
14 have one unit per two acres. That's really the theme
15 and theory behind the growth allocation debiting system
16 that we have now in our program and what we've agreed to
17 change in county amendment.

18 So, I guess I would just be here to answer any
19 questions you may have of the site. It's a very benign
20 proposal. It's not one of major proportions as the last
21 one. I guess it goes from one end of the scale to the



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1 other, and I'd be glad to answer any questions you all
2 may have.

3 MR. BOSTIAN: Why didn't he just split it in
4 half and go all the way to the road?

5 MR. ADKINS: I don't know why he didn't. At
6 this point in time, he would have to create a right of
7 way here, whereas he has a county road now. We asked
8 him to consider that, and we hope that he does still, at
9 some point, consider it because it, in itself, would
10 create much less disturbance and make much more sense.

11 But at this point in time, that's the approved
12 preliminary plat from Mr. Vessey. And maybe just noting
13 the elevation, maybe it should have been named Megan's
14 Hill because that's about as high as we get here in the
15 county. We don't get much higher elevation --

16 VOICE: That was awful high.

17 MR. ADKINS: -- than about 15 feet. Actually,
18 I think, well, maybe 28 feet is the highest, somewhere
19 in that vicinity.

20 MR. VENTRE: It shows clearly on the contour.
21 The 15-foot contour is at the top of this rising and



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1 clear back, and I think way beyond the road and it just
2 goes on and on and on. It's a 15-foot elevation.

3 MR. ADKINS: The site -- one other last thing
4 I would add is that it's my understanding from the owner
5 this particular thing is -- he has a phased approach for
6 using his farm. He intends to subdivide this parcel
7 here. And the remainder of the farm, it is my
8 understanding, he wants to establish a AG preservation
9 district. The method to the madness is that you buy off
10 development rights when you buy the easement value.

11 On a farm, and if you don't have development
12 nearby, then you don't show development pressure; and,
13 therefore, the rates are much lower. And it, in itself,
14 he would be creating his own development pressure by
15 subdividing the parcel adjacent to what he would be
16 putting in the easement. That's the overall plan of the
17 farm as I understand it.

18 MR. PHILLIPS: Do you think that's going to
19 work?

20 MR. ADKINS: Well, I don't think it would
21 hurt. He may not get top dollar, but he may do better



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1 than if it wasn't divided and developed, but that's
2 his --

3 MR. BOSTIAN: I suspect it will have to be
4 transferred for it to really have an effect.

5 MR. ADKINS: I suspect it will be too, but I
6 think it could be transferred. I don't believe he'd
7 have difficulty selling it. It would depend upon the
8 price.

9 MR. BOSTIAN: He doesn't want to.

10 MR. ADKINS: Yes. Yes, right.

11 MR. BOSTIAN: You can't have it both ways.

12 MR. ADKINS: Yes, that's true.

13 MR. VENTRE: Ron, Claudia and I did have a
14 question about the buffer, and it's more a
15 clarification. We didn't have any transits or any kind
16 of measuring instruments. We didn't know how far back
17 -- if the 100-foot demarcation captures the entire
18 slope, in other words, as proposed to the top of the
19 slope and beyond it or what. We couldn't even determine
20 where that 100-foot line falls.

21 MR. ADKINS: We went out and tried to follow



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1 the slope standards because we thought possibly the
2 buffer might need to be extended.

3 MR. VENTRE: I understand. We have the same
4 question.

5 MR. ADKINS: And we didn't carry a transit
6 either. But, in investigating it, and we checked with
7 our soil conservation service as well, it didn't --
8 short of where the drop itself is, the slope didn't
9 exceed the 10 percent. It didn't slope -- now, but it
10 didn't exceed the slope requirements for extending the
11 buffer to the extent of --

12 MR. BOSTIAN: The slopes that I'm familiar
13 with in that area are very gentle to until you get right
14 down and then --

15 MR. VENTRE: Yes, this is more like this. It
16 was heavily overgrown. You couldn't really tell. You
17 could see the --

18 MR. BOSTIAN: They're very close to the river.

19 MR. ADKINS: It was a very gradual slope
20 until you got to the side of the river, the riverbank,
21 and then it probably was a drop of 15 feet. Very



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1 dramatic.

2 MR. VENTRE: And then thinking of, as we said,
3 the upland area was cultivated, and it was planted. And
4 seeing just where the tractors -- and that there was an
5 edge of grasses and weeds and stuff like that from the
6 top of the slope back into the field itself. So, if --
7 what I'm saying is, if the slope is entirely within the
8 buffer, then it is protected and there is certainly no
9 issue, and probably would not have to be extended
10 according to the regulations.

11 MR. ADKINS: We didn't believe it did. We
12 thought that the full extent of most of the slope was
13 the riverbank itself. It was a very, very gradual
14 change in contour.

15 MR. VENTRE: So, we have no problem with that.

16 MR. PHILLIPS: Where do you start your measure
17 of your 100-foot buffer in a situation like this?

18 MR. ADKINS: Well, we'll probably be concerned
19 in a situation like that. You measure it from the top.

20 MR. PHILLIPS: The top?

21 MR. ADKINS: Yes, I don't think it serves as



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1 much purpose --

2 MR. PHILLIPS: From the top of the riverbank?

3 MR. ADKINS: Yes, to go down to actually
4 the --

5 VOICE: Mean high water line.

6 MR. ADKINS: -- mean high water line. So,
7 we'll measure it from the top of the embankments.

8 MS. JONES: So, when they come in, if they
9 should come in for a building permit, then, that would
10 be actually for the --

11 MR. ADKINS: Yes, we've sort of established
12 that now after a few people not having their buffer just
13 right, of going out and measuring the buffer for each
14 permit and also each area's request.

15 MR. PHILLIPS: Ron, how much -- you say he's
16 subdividing this all, but he's going to put the rest of
17 the farm in AG district.

18 MR. ADKINS: That's his master plan, yes.

19 MR. PHILLIPS: How much is left?

20 MR. ADKINS: Of his farm?

21 MR. PHILLIPS: Of the farm?



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1 MR. ADKINS: Well, he has two or three tracts
2 there. I suspect together they may add up to over 500
3 acres or more. This particular tract has over 200, but
4 only a small portion --

5 MR. PHILLIPS: This portion of tract was 200
6 acres?

7 MR. ADKINS: Yes, but only a portion of it --
8 -- 200. I believe it is. Only a portion of it, maybe
9 some 35 or so acres of it, was in the critical area. It
10 was under 40 acres is the problem. The critical area
11 line, since this is upland and tidal waters, is actually
12 a thousand feet and doesn't come a thousand feet plus
13 wetland. And it only comes into the parcel in here
14 somewhere, and the parcel itself extends for several
15 more acres and towards the highway, which is up here.

16 I don't have the exact figures memorized, but
17 it was less than 40 acres in the critical area of this
18 parcel. He had two other parcels as well, one of which
19 is wetter, and I think the state has an interest in
20 buying.

21 MR. VENTRE: This one whole piece of this



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1 farm, it's entirely undisturbed forest.

2 MR. ADKINS: Yes, and I think the state has an
3 interest in buying it.

4 MR. VENTRE: That is the portion that is
5 within -- I'll call your attention to the Somerset
6 County map there around to your left. You see down in
7 that -- to the lower left there in that square. That's
8 it. Go down stream a little bit more. Right there is
9 were the property you questioned is on the Somerset
10 side.

11 MR. ADKINS: But this is Worcester.

12 MR. VENTRE: That's correct. That's the
13 Worcester side. Now, put your finger there where there
14 is that little -- go back up, right there. That is also
15 Mr. Vessey's property. And that, at least from the
16 latest information we saw, is still, including being in
17 the field, is still heavily wooded, undisturbed.

18 MR. BLAKE: That was in that --

19 MR. VENTRE: That is with the --

20 MR. BLAKE: -- the yellow.

21 MR. VENTRE: -- the NHA, the Natural Heritage



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1 Area.

2 MR. BLAKE: 'Cause that's where the river kind
3 of comes back in.

4 MR. ADKINS: In reviewing the plat, locally,
5 we checked with the Heritage people for comment, and,
6 basically, their comment was just don't disturb the
7 buffer --

8 MR. VENTRE: Did they just give that orally or
9 verbally?

10 MR. ADKINS: No, we have a letter from them.

11 MR. VENTRE: Oh, you do, okay.

12 MR. ADKINS: We have a letter from them.

13 Jonathan McKnight. I believe that's the fellow's name,
14 or Wayne Towel -- Wayne Timble.

15 MR. VENTRE: Wayne Timble. Okay.

16 MR. ADKINS: May 5th, 1989.

17 MR. VENTRE: 'Cause that was referred to. I'm
18 glad you mentioned that one because that was referred to
19 in both the commissioner's minutes and the planning
20 commission's minutes. That there had been the comment
21 received from -- unfortunately, it wasn't in the



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1 material that Ron's office had sent up. So, I did
2 wonder about that. Thank you.

3 MR. ADKINS: Okay. But in terms of giving an
4 acreage of how much he plans to put in, he had not filed
5 a district proposal yet. I suspect it could be several
6 hundred acres -- any other questions I can answer for
7 you?

8 MR. BLAKE: It must be -- Paul and Mary's.

9 MR. ADKINS: It is. About thousands and
10 thousands -- the Ramseys are in between. They have a
11 the swinery across the road.

12 MR. BOSTIAN: I understand that. There used
13 to be anyway, cattle --

14 MR. ADKINS: Maybe years ago.

15 MR. BLAKE: I've seen the cattle along the --

16 MR. ADKINS: No, I think Mahan has some up
17 here at the store. Where Mahan's grocery store is. He
18 has cattle.

19 MR. VENTRE: Okay, gentlemen, if there are no
20 other comments, we'll turn to the next item.

21 MR. ADKINS: Well, I'm going to leave unless



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1 you feel the need for me to stay?

2 MR. VENTRE: Why don't you stay --

3 MR. ADKINS: I'll be glad to.

4 MR. VENTRE: -- just to answer questions,
5 although I'm sure your panel -- it has been a while, but
6 the panel is familiar with the issue. Treading out to
7 the next item on the agenda tonight.

8 MR. ADKINS: Do you want to record this?

9 MR. VENTRE: What?

10 MR. ADKINS: Do you want to record this?

11 MR. VENTRE: As you know, the Somerset County
12 program has had a very long history, and perhaps
13 somewhat troubled at times, with the commission. We
14 have reached our resolution. I do regret that it has
15 taken as long as it's taken, and I will take the
16 responsibility for that. We did go through the seven
17 principal items at the staff level that the commission
18 had directed us to negotiate when the commission gave
19 tentative approval to the remaining sections of the
20 Somerset program back in 1988.

21 Over time, mostly in 1989, I worked with Ron



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1 and his staff here at Princess Anne to make sure that
2 those points were taken care of and resolved. I am
3 satisfied that they were. I did not detail them here
4 tonight for you in this very, very short memorandum.

5 They had to do, as I indicate in this
6 memorandum, of the seven areas. They were everything
7 ranging from just language changes, stylistic changes --
8 some word choices here where "recommendations" should
9 have been "requirements," and things of that nature --
10 all the way to more substantive issues, and the foremost
11 among those was the method of deducting for growth
12 allocation.

13 Again, as you recall, we finally brought that
14 to resolution last year here in a meeting in this room
15 with Chairman North present as well. And the decision
16 at that time was, in effect, letting Somerset County
17 change its growth allocation deduction method in a way
18 that met what it strongly believed to be its purpose, or
19 its needs, I should say, because of the development
20 situation here in Somerset County, the need for very
21 large lots only, typically things of that nature, and



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1 taking a cue also from what other jurisdictions had done
2 in already approved programs.

3 Based on those principal factors, Ron worked
4 out, to our satisfaction, a format for calculating the
5 deduction. What it does, the principal feature of that,
6 is it eliminates this reference that we just dealt with
7 to a 20,000 square foot minimum, and it goes to a one
8 acre minimum. And Ron, if you want to take over now,
9 please go right ahead.

10 MR. ADKINS: What it does is it allows for
11 when we have on-site septic and wells, single-family
12 subdivision -- as I indicated earlier, it's typically
13 two-acre lot sizes. And the fear in our county was that
14 that really was, if we counted raw acreage when we had
15 that setting, it was really taking our growth allocation
16 and cutting it in half because we would get literally
17 very few homes compared to a jurisdiction that could
18 have higher densities because of -- water and sewer.

19 So, we left that -- that was our particular
20 issue that we had. We wanted to protect that right to
21 count less than the raw acreage. For all other types of



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1 development -- commercial, industrial, multi-family,
2 single family, water and sewer subdivisions -- we
3 allowed that to be determined on a case-by-case basis in
4 consultation with the commission and staff.

5 In regard to the debiting of less than the raw
6 acreage for the on-site septic and well, what was
7 negotiated was basically a one-acre debit instead of
8 20,000 square feet for each single-family dwelling and
9 a deep covenant of limiting the development on the path
10 to our own -- 20,000 square feet. So, we were actually
11 still going to keep the development minimal within that
12 two-acre tract, but double the amount of debiting from
13 that which was disturbed, 20,000 square feet. I think
14 that probably captures the overall growth allocation
15 changes.

16 MR. BOSTIAN: Did you have to advertise all
17 that?

18 MR. ADKINS: Yes, we've had a hearing on --

19 MR. VENTRE: It was advertised, and the county
20 commissioners have heard it. In fact, their hearing was
21 in April.



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1 MR. ADKINS: Yes, we submitted --

2 MR. BLAKE: Any controversy then?

3 MR. ADKINS: No, none at all.

4 MR. VENTRE: So, the changes --

5 MR. BOSTIAN: How long is your growth
6 allocation going to last you?

7 MR. ADKINS: Well, I haven't rethought how
8 many acres that means, but it could last for some time.
9 The problem there is, though, where do we put it. With
10 all the wetland, I'm tired of wetland.

11 MR. BOSTIAN: Who's going to use it?

12 MR. ADKINS: Where do we put it? That's yet
13 to be seen. It depends really on what the court is
14 going to allow.

15 MR. PHILLIPS: You said you've limited to 60
16 acres a year?

17 MR. ADKINS: Right now we have, yes. And that
18 thought was still to stay the same for the time being.

19 MR. PHILLIPS: Well, what do you do when a
20 subdivision comes in that is over? Or you have two of
21 them come in?



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1 MR. ADKINS: Well, we only may be able to
2 award a section of it to growth allocation, or they may
3 have to wait until another year, or we may have to
4 rethink our policy. The policy was one that we didn't
5 want to give it all away suddenly, and then have a good
6 development occur five years down the road, and we have
7 no way of -- 10 or whatever, and have any way of
8 maximizing it.

9 It's the county's strong belief that the
10 commission's intention is not to give you five percent
11 every so often, but to give you five percent. And
12 that's what we have to deal with. So, we want it to
13 last us for a while. So, that's why we have the 60
14 acres, which was one-twentieth of the -- and that was
15 based on the debiting of the 20,000 square feet of this
16 development. This would have meant quite a few homes,
17 and, of course, we didn't change the cap of 60 acres,
18 but we would be changing the debit to one acre.

19 So, instead of 120 potential homes per year,
20 due to allocation, it would only be 60 if we had the --
21 individual lots --



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1 MR. VENTRE: And there is the, as Ron did
2 mention, another key factor in that was that the
3 remaining area would be covenanted, or there would be
4 some restriction in keeping with the commission's policy
5 which it adopted in February of 1988, when the issue was
6 raised initially on the policy level.

7 So, we are satisfied. The chairman is
8 satisfied. This panel has been satisfied. This is now
9 the redrafted Somerset program in this document, and
10 there it is. Any other questions?

11 MR. BLAKE: What are we supposed to do with
12 that tonight?

13 MR. BOSTIAN: Hear public comment on it.

14 MR. VENTRE: That's it. There being no
15 further comments?

16 MR. BLAKE: No other comment. The hearing is
17 closed.

18 MR. VENTRE: Thank you very much.

19 (Whereupon, at 7:45 p.m., the above-
20 entitled hearing was adjourned.)

21

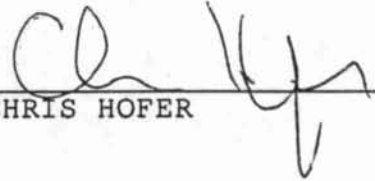


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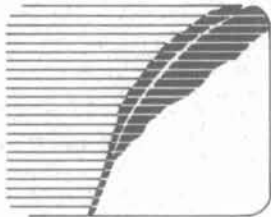
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Ms. Peggy Mickler
Critical Area Commission
275 West Street
Suite 320
Annapolis, MD 21401

Ray

RE: Public Hearing Chesapeake Bay Critical Area Commission
dated July 9, 1990, File No: SO A-2

Dear Ms. Mickler:

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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Cynthia G. Knutsen

CYNTHIA G. KNUTSEN
Secretary

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