

Public Hearings - Worcester County - Growth Allocation / Land Reclassification

1990 MSA-51830-89



HUNT REPORTING

September 27, 1990

301 766-HUNT (4868)
800 950-DEPO (3376)
Critical Area Commission
275 West Street
Suite 320
Annapolis, MD 21401
ATTN: Thomas H. Ventre

RE: Hearing in the matter of Growth Allocation/Land Reclassification
Worcester County Critical Area, September 10, 1990

Dear Mr. Ventre:

Enclosed please find Certificate of Notary sheets for the
above-referenced hearing. Please attach them to the transcripts
of that hearing.

Thank you.

Very truly yours,

HUNT REPORTING COMPANY

CYNTHIA G. KNUTSEN
Secretary

CGK
enc

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CRITICAL AREA COMMISSION

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BEFORE THE PANEL OF CHESAPEAKE BAY
CRITICAL AREA COMMISSION

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IN THE MATTER OF: :
GROWTH ALLOCATION/LAND :
RECLASSIFICATION, :
WORCESTER COUNTY CRITICAL AREA :

Monday, September 10, 1990

Pursuant to Notice, the above-entitled hearing was held before WILLIAM J. BOSTIAN, PANEL CHAIRMAN, at Worcester County Court House, Room 112, Snow Hill, Maryland 21863, commencing at 7:10 p.m., there being present on behalf of the respective parties:

ON BEHALF OF CHESAPEAKE BAY CRITICAL AREA COMMISSION:

THOMAS H. VENTRE
and
CLAUDIA JONES
275 West Street, Suite 320
Annapolis, Maryland 21401

ON BEHALF OF WORCESTER COUNTY:

KELLY L. HENRY, PLANNER
Planning Permits and Inspections
Room 116 Court House
Snow Hill, Maryland 21863

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CERTIFICATE OF NOTARY

I, VALERIE HENDRIX, the officer before whom the hearing was held, do hereby certify that the testimony was taken by me by magnetic tape and thereafter reduced to typewriting by me or under my direction; that said testimony is a true record of the testimony given; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this testimony is taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

Valerie Hendrix

VALERIE HENDRIX
Notary Public in and for
the State of Maryland

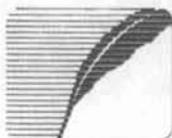
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Valerie Hendrix

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Notary Public in and for
the State of Maryland

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BEFORE THE PANEL OF CHESAPEAKE BAY
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ALSO PRESENT:

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WORCESTER COUNTY PANEL MEMBERS:

VICTOR K. BUTANIS, ESQUIRE, County Attorney,
Commissioner Harford County
RUSSELL BLAKE, Commissioner Pocomoke City
ED HAMMOND

MEMBERS OF PUBLIC:

BELL REDDEN, Teacher at Christian Nursery School
TOM CANE, President, City Council, Pocomoke
ANNE TAYLOR, Board of Directors, Snow Hill
Christian Nursery School Foundation
R.L. HOWE, President, Snow Hill Ministerial Assn.
KAY RUSSO, Director of Snow Hill Christian Nursery
School Foundation
BOB GEARHART, Chairman of Board of Snow Hill
Christian Nursery School Foundation
ANTHONY DUPOLO, Acting Bay forester Worcester
County
PALMER GILLIS, Gillis, Kilkerson Construction
A.W. OWENS,
VERNON JONES,
SUSAN MCKEEN,

REPORTED BY: VALERIE HENDRIX, NOTARY PUBLIC

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P R O C E E D I N G S

1
2 MR. VENTRE: Ladies and gentlemen, thank you
3 very much for coming out tonight in Snow Hill. My name
4 is Tom Ventre. I'm a member of the technical planning
5 staff of the Chesapeake Bay Critical Area Commission up
6 in Annapolis. We had a lovely ride down. It's nice to
7 be here in Snow Hill, as always.

8 Tonight we are here at an advertised public
9 hearing of a panel of the Chesapeake Bay Critical Area
10 Commission. The purpose of this hearing, which is for
11 the panel to take comment from the public, as well as
12 from Worcester County, with regard to a request to the
13 county government for growth allocation -- a deduction
14 from the county's growth reserve -- and the
15 reclassification of certain lands in order to permit
16 certain uses and activities to take place on those lands.

17 On the panel tonight, that is the Worcester
18 County panel, seated in the middle and acting as
19 chairman tonight is Mr. William Bostian, Chesapeake Bay
20 commissioner from Wicomico County. To his right and to
21 your left, in the blue jacket, is Mr. Russell Blake,



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1 commissioner from Pocomoke City. And on the chairman's
2 left and to your right is Mr. Victor Butanis,
3 commissioner for Harford County. My colleague with me
4 tonight is Ms. Claudia Jones, also of the technical
5 staff in Annapolis.

6 This proceeding is being recorded. There will
7 be a transcript prepared. The record will be kept open
8 for ten days to two weeks, which is typically what we
9 do, for anyone who wishes to submit additional comment
10 in writing to the chairman of the Chesapeake Bay
11 Critical Area Commission. After two weeks, the public
12 record will close.

13 The procedure is that after the hearing
14 tonight, the panel will take its hearing record and will
15 report back to the full commission in Annapolis, most
16 likely at the next commission meeting, which is the first
17 Wednesday in October. And, at that time,
18 recommendations will be made by this panel to the full
19 commission, with the benefit of input from the technical
20 staff; Claudia Jones and yours truly.

21 Now, with that, we will get under way. The



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1 usual procedure we have is that the county will present
2 its information first, and then the chairman will open
3 the proceeding to additional comment from that.

4 The court reporter has asked me to pass on to
5 you, if you do come up to the microphone or if you
6 choose to stay in your place to speak, to please speak
7 as loudly and as clearly as you can so that the
8 recording devices may pick up all the information,
9 because it will be transcribed into a typewritten text
10 after the hearing tonight.

11 Thank you again. By the way, when you do
12 leave, I have some public information for anyone who is
13 interested. Obviously, I did not bring enough. It's a
14 little pamphlet called "The Chesapeake Bay Critical Area
15 Program and How it Affects You." I will have them at
16 the corner of the court reporter's table. Please feel
17 free to take one for yourselves. If you would like more
18 you can get in touch with our office in Annapolis.
19 Thank you very much. Mr. Chairman.

20 CHAIRMAN BOSTIAN: Thank you very much, Tom.
21 Thank you all for coming this evening, and it's our



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1 privilege to be here. Kelly, would you like to proceed
2 with the hearing?

3 MS. HENRY: Okay. I'm Kelly Henry and I'm
4 with the Planning Permits and Inspections Office. The
5 site is located on Tax Map 55, Parcel 23. It is
6 northwest of Snow Hill, approximately 800 feet from the
7 Pocomoke River.

8 CHAIRMAN BOSTIAN: Can everybody hear in the
9 back?

10 (Whereupon, there was a discussion off
11 the record.)

12 MS. HENRY: The site contains 10.75 acres.
13 10.53 acres of the property is located within the
14 Chesapeake Bay critical area. Currently, the site is
15 zoned B2 General/Commercial with a critical area overlay
16 zone of Resource Conservation area. The site currently
17 is a fallow field void of any forest and woodland. The
18 property has previously been tilled for many years with
19 grain crops. The drainage is to the front and to the
20 southerly rear.

21 The project itself, including a building of



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1 7000 square feet of disposal area, associated parking,
2 driveway and all areas is estimated to only disturb 2.7
3 acres of the original 10.75.

4 The planning commission made a findings of
5 fact on June 7th, 1990, and made a recommendation to the
6 county commissioners to recommend that 2.7 acres be
7 deducted from the county's growth allocation, which
8 currently includes 408 acres.

9 The county commissioners, on July 3rd, then
10 held a public hearing and concurred with the planning
11 commission's findings of fact that they also saw that
12 2.7 acres should be deducted -- not the full 10.75.

13 Both bodies, the planning commission and
14 Worcester County commissioners, see this project as a
15 economic and beneficial facility for the entire county
16 and especially for the residents of the Snow Hill area.

17 Do you want me to point to the exhibits?

18 MR. HAMMOND: Yes. We're going to leave these
19 exhibits with them. Do they have exhibits in their --

20 CHAIRMAN BOSTIAN: Tom, do you have maps?

21 MR. VENTRE: We have a map here on the board,



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1 as well as any copies of maps that you have. They're
2 all original materials, so, we do have maps --

3 MR. HAMMOND: Okay, that's fine. Just so
4 they're in the evidence in this record.

5 MR. VENTRE: Yes.

6 MS. HENRY: It has been brought to our
7 attention that there is a possibility that the critical
8 area commission may want to deduct the full .10 acres
9 from the growth allocation. We have received comment
10 from Anthony Dupolo, who is the acting Bay forester from
11 Worcester County. He evaluated the site for a possible
12 aforestration project in the remaining seven acres.
13 And his conclusion is: "In my opinion, is that the
14 conversion of the seven acres from agricultural tillage
15 to woodland will actually create greater benefits to the
16 water quality of the Pocomoke River and Chesapeake Bay.
17 They will be realized if the nursery project were not
18 completed and the area were to remain in agricultural
19 production."

20 At this time, I would like to enter this in
21 evidence because I don't believe it was sent to the



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1 commission members.

2 (Whereupon, the document was marked for
3 identification Exhibit No. 1.)

4 CHAIRMAN BOSTIAN: Thank you, Kelly.

5 Anything you'd like to add?

6 MR. HAMMOND: That's our case, basically. I
7 mean, the only question here -- I cannot imagine that
8 this won't be approved to take up part of our growth
9 allocation -- but the only question is how much, and the
10 county feels very strongly that it's at 2.7 and I think
11 that that's reasonable. I mean, that's what is going to
12 be disturbed and if the developer or the "school" --
13 that's called in this case as opposed to the
14 conventional term "developer" -- if the school is
15 willing to, you know, reforest that area and it's going
16 to be better for the river and then better for the bay,
17 it doesn't make sense for us to, then, use that
18 additional 7 acres or so as a part of our growth
19 allocation.

20 I mean, to say that we're disturbing 10 acres
21 is the same as saying that if we had a 10 acre



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1 industrial site and cleaned up 2.7, that we cleaned up
2 10. So, you know, if you can have it one way, you know,
3 that's the way we want it, the 2.7. So, I'm sure that
4 the school, and they have various representatives here,
5 I'm sure the school wants to have something to say and
6 there are members of the public here, also.

7 CHAIRMAN BOSTIAN: Thank you very much, Ed.
8 We are somewhat constrained by Mr. Blake's schedule
9 tonight so we would like to have people keep their
10 comments fairly brief. What I'd like to do now is
11 recognize Bob Gearhart and, Bob, if you'd make your
12 presentation, I'd appreciate it.

13 MR. GEARHART: I will make it very brief. I'm
14 chairman of the board of the Snow Hill Christian Nursery
15 School Foundation, the group that will be responsible
16 for the design, and building, and furnishing of the new
17 facility. These people, of course, are all here in
18 support of this project, and this is a community project
19 with overwhelming support for which we believe there is
20 little or no impact to the environment. In fact, I
21 think from all the different evidence that is provided,



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1 you'll find it's probably better off by building a
2 school here than by leaving it with pesticides and so
3 forth.

4 I would like to begin -- can I just sort of
5 add a little flow here --

6 CHAIRMAN BOSTIAN: Certainly.

7 MR. GEARHART: -- by asking Kay Russo, who is
8 the director of the nursery school, just to inform you
9 folks a little bit about the operation of the facility,
10 presently.

11 CHAIRMAN BOSTIAN: Kay, if you'd introduce
12 yourself and give your address for the court reporter,
13 please.

14 MS. RUSSO: Okay. My name is Kay Russo. I'm
15 the administrator of the Snow Hill Christian Nursery
16 School. My address is 110 West Martin Street, Snow
17 Hill.

18 The Snow Hill Christian Nursery School is a
19 non-profit, ecumenical preschool that has been in
20 existence since 1976. At that time, it was established
21 with eight students. We currently have 80 students and



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1 it is growing each year. Right now our classes are
2 split between two churches. Two of our classes meet in
3 the basement of a church. The rest of our classes meet
4 on the second floor of an educational building of our
5 church -- of a church.

6 If we were not receiving this generous gift
7 from Mr. and Mrs. Charles Fulton, we would never see a
8 building of our own. We look at this as our only chance
9 to ever have a building to house this school. And, I
10 can say that there are very few people in the Snow Hill
11 area that at some time have not had a connection with
12 this nursery school. And it is a thriving, growing
13 school. We look for nothing but better things by having
14 this building.

15 CHAIRMAN BOSTIAN: Terrific. Thank you very
16 much.

17 MR. GEARHART: I'd like to introduce Palmer
18 Gillis of Gillis, Kilkerson Construction to just briefly
19 describe the site.

20 MR. GILLIS: I'm Palmer Gillis, live in
21 Salisbury, Maryland. We're the general contractor for



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1 the project. The project is a fairly simple building.
2 It's low-rise, blends into the residential area that
3 surrounds it. The total site that Mr. Fulton is deeding
4 to the school is a little over 10 acres. The county has
5 deemed 2.7 acres to be subtracted from the critical
6 areas, primarily from the standpoint as that is the
7 maximum amount of area that we will touch. Which means,
8 when the project is completed, there will be less than
9 an acre -- probably less than three-quarters of an acre
10 of hard surface, meaning: roof of building and/or
11 parking lot. The remaining area will be comprised of
12 landscaped area, grass area and the disposal area. So,
13 as far as the end result of the finished building, there
14 will be less than three-quarters of an acre surfaced on
15 the site. So the remaining acreage, again, will be left
16 open for landscaping and vegetation, and recreational
17 areas for the children.

18 So we have the remaining acreage that the
19 Fulton's have agreed to actually set aside and take out
20 of use, which means: it will not be considered for any
21 further residential development, agricultural use,



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1 commercial or industrial use.

2 So, I think, in fairness to the residents of
3 Worcester County, it's more than generous to take away
4 2.7 acres as opposed to the 10 acres because that can be
5 set aside for further deductions from the critical areas
6 plan. So, again, the end result will be less than
7 three-quarters of an acre for a hard surface for the
8 project. Again, the project blends into the
9 neighborhood. It's a one-story building and it will
10 have extensive landscaping around the site.

11 Any questions about the nuts and bolts of the
12 building?

13 MR. BUTANIS: Has Mr. Fulton conveyed the
14 property yet?

15 MR. GEARHART: Not yet.

16 MR. BUTANIS: Is the conveyance contingent on
17 obtaining all approvals necessary?

18 MR. GEARHART: Yes.

19 MR. GILLIS: Is that it?

20 CHAIRMAN BOSTIAN: Thank you. Russ, do you
21 have any questions?



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1 MS. RUSSO: Okay, at this time I'd like to
2 introduce Mrs. Anne Taylor, who will also be serving on
3 the board of directors of the Snow Hill Christian
4 Nursery School Foundation.

5 MS. TAYLOR: My name is Anne Taylor and I live
6 at 111 South College Street, Snow Hill, Maryland. As
7 she has already said, I am a member of the board of
8 directors for the Christian school. We hope that you
9 will see fit to follow the recommendation of the 2.7
10 acres set aside. This project is very important to the
11 children who are enrolled at the present time and for
12 future generations. It will be the first school of its
13 kind here in Worcester County. And it really serves a
14 need. If you could see the facilities that they are in
15 now as compared to the facilities that will be available
16 to them, there is no comparison. We ask you to please
17 favorably grant us the 2.7 acres set aside.

18 CHAIRMAN BOSTIAN: Thank you, Mrs. Taylor.

19 MR. HOWE: My name is Reuel -- which is
20 spelled R-E-U-E-L -- L. Howe. My address is 101 West
21 Market Street in Snow Hill and I'm the president of the



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1 Snow Hill Area Ministerial Association. And all these
2 good folks in this room, as well as a whole hall full of
3 people, many of whom you haven't seen yet because
4 they're still coming in the doors, are here because of
5 the ecumenical nature of Snow Hill. The primary way
6 in which we announced this meeting tonight was through
7 the churches, and you see in front of you the response
8 that we have.

9 The kind of blended ecumenical ministry that's
10 found in Snow Hill is the kind of thing that you usually
11 only find in textbooks and seminaries. It doesn't exist
12 in the real world for most places. But when it is
13 necessary for this community to pull together for
14 something worthwhile, they pull together like no place
15 I've ever seen and it's one of the things that makes
16 this town such a great place in which to live.

17 I know everybody that's here is in support of
18 this. We certainly hope you're going to grant the
19 recommendation on the 2.7 acres and that we can get
20 along with this project and get these kids into this new
21 building some time early next year. Thank you very



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1 much.

2 CHAIRMAN BOSTIAN: That's the presentation
3 from the school.

4 MR. GEARHART: From the foundation.

5 CHAIRMAN BOSTIAN: From the foundation.

6 MR. GEARHART: There will be testimony from
7 others but that's up to you.

8 CHAIRMAN BOSTIAN: Well, of course, we'd like
9 to have as much testimony as we can take.

10 MS. REDDEN: Well, maybe one more won't hurt.
11 I'm Bell Redden and I have taught at the Christian
12 Nursery School for about 13, 14 years.

13 MR. VENTRE: Excuse me, ma'am. Could you
14 start again with your name and your place of residence?

15 MS. REDDEN: Sure. I'm Bell Redden and I'm
16 from a wonderful town called Girdle Tree. And I've
17 taught at the Christian Nursery School for about 13
18 years. Not only does this school reach this county,
19 this town, but we have taught children as far away as
20 Greenbackville, Virginia, because there was nothing
21 available for those children. And I just want to tell



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1 you how far-reaching the influence of this school is.

2 Thank you.

3 CHAIRMAN BOSTIAN: Thank you very much. I
4 didn't mean to suggest that we weren't going to allow
5 anyone else to talk, by any means. What I was going to
6 suggest was that if there was anyone who was going to
7 speak in opposition, that they dare to come forward,
8 because we'd like to know if there is some, quite
9 honestly, because so often there are two sides of every
10 coin, but I doubt that there is one here.

11 We have 20 minutes so we have plenty of time
12 for several people to get up and talk should there be
13 anyone so disposed, so don't be shy and come on up and
14 identify yourself and give your place of residence.

15 MR. JONES: I'll make a comment. My name is
16 Vernon Jones, 306 Park Road, Snow Hill. I have a 12-
17 year old and a 10-year old. The 12-year old attended
18 the school three years and the 10-year old, two years,
19 which was normal. These children were well-prepared to
20 go on to Worcester Country School quite successfully and
21 are now in the Snow Hill Middle School. I'd almost like



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1 to say that if the County school system prepared the
2 children as well, at each level, as these people did --
3 and that lady who was just here, Ms. Bell Redden, known
4 by everybody as Miss Bell, we have a whack of a school
5 system. So this is an opportunity -- a one-shot deal --
6 and we appeal to all the support we can get from
7 whatever the source may be. Thank you.

8 MR. CANE: Good evening. My name is Thomas
9 Cane. I'm president of the city council in Pocomoke,
10 but I'm concerned about the gathering of the
11 constituents that is near me and they have shown their
12 feeling of wanting such, and I support it whole-
13 heartedly.

14 CHAIRMAN BOSTIAN: Mr. Cane, would you spell
15 your last name for the court reporter, please?

16 MR. CANE: Cane. C-A-N-E.

17 CHAIRMAN BOSTIAN: Thank you. Randy, would
18 you like to check outside and see if there's anyone you
19 can find that's in opposition? Mr. Owens?

20 MR. OWENS: My name is A.W. Owens. I live at
21 5306 Nasaloggo Road in Snow Hill. I am the son-in-law



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1 of Chuck Fulton and I just wanted to say, since he's not
2 here, that the reason that he's doing this is because
3 he's been blessed. And the area of Snow Hill, Worcester
4 County, and the Eastern Shore of Maryland has been
5 fantastic to him and his family. And he just felt that
6 he looked around to see something that he could do to
7 partially pay back the community for the good that
8 they've done to him, and, in his mind, this was one of
9 the -- I mean, this stood out as being one way that he
10 could help out and, also, he has seen the results of the
11 school. I have a son and a daughter, but my son
12 attended the nursery school and they did a fantastic job
13 of teaching him, not only educational aspects, but
14 discipline, and things like sharing. It's just a
15 wonderful school. The people are wonderful and we
16 really do need the thing. Right now it's spread all
17 over the place and this will allow all their facilities
18 to be pooled into one location and it's needed and we
19 hope that you will think so. Thank you.

20 CHAIRMAN BOSTIAN: Well, should there be any
21 further comment, and I don't mean to close that off at



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1 this moment but just to fill a pause, if you wish to
2 write in support of the project, you'd write the
3 Chairman, Judge John C. North of the Chesapeake Bay
4 Critical Areas Commission. Mailing address is 275 West
5 Street, Suite 320, in Annapolis, Maryland. The ZIP
6 there is 21401, and should anyone need that, that will
7 be generally available.

8 MS. HENRY: They could call our office.

9 MR. BOSTIAN: Excuse me?

10 MS. HENRY: They could call our office.

11 MR. BOSTIAN: Call Kelly's office.

12 VOICE: Could you repeat the address? Some of
13 the people in the back couldn't hear.

14 MR. BOSTIAN: Yes.

15 VOICE: Thank you.

16 MR. BOSTIAN: Chairman is Judge John C. North.
17 He's chairman of the Chesapeake Bay Critical Area
18 Commission at 275 West Street, Suite 320, in Annapolis,
19 Maryland. The ZIP is 21401. However, I want to urge
20 you that the panel will convey the feelings of this
21 gathered group here, and, I imagine that we will not



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1 have any problem with this, although I'm going out on a
2 limb by saying that at this hearing. However, I do want
3 to pass that along because I understand, as a private
4 citizen, how important this is to the general community
5 and I will do all that I can help, and I suspect that
6 the two gentlemen attending this hearing will as well,
7 as well as the staff.

8 Well, then, I'd like to thank you all very
9 much for coming. Your support is very widespread. I
10 wish you luck in the project and we'll do our best not
11 to slow you down any further.

12 (Whereupon, at 7:30 p.m., the above-
13 entitled hearing was adjourned.)

14 (Exhibits not attached.)
15 .
16 .
17 .
18 .
19 .
20 .
21 .



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