

Public Hearings - Dorchester County - Amendment to Dorchester County Zoning Ordinance 1991 MSA 51830-94

BEFORE THE CHESAPEAKE BAY CRITICAL AREA COMMISSION

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IN THE MATTER OF:

PAUL A. TOBIN : Application No. 184-1-90
Application for Text :
Amendment to Dorchester :
County Zoning Ordinance. :

Monday, September 30, 1991

Pursuant to Notice, the above-entitled hearing was held before ROBERT N. SCHOEPLIN, Ph.D., CHAIRMAN of the Dorchester Panel of the Chesapeake Bay Critical Area Commission, at the Dorchester County Office Building, Room 110, Cambridge, Maryland 21613, commencing at 7:30 p.m., there being present on behalf of the respective parties:

ON BEHALF OF THE APPLICANT:

PAUL A. TOBIN
Box 104
Taylors Island, Maryland 21669

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CRITICAL AREA COMMISSION



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ON BEHALF OF THE CHESAPEAKE BAY
CRITICAL AREA COMMISSION:

THOMAS VENTRE
Chesapeake Bay Critical Area Commission
275 West Street
Annapolis, Maryland 21401

ON BEHALF OF DORCHESTER COUNTY
ZONING ADMINISTRATION:

JAMES MICHAEL
P. O. Box 307
Cambridge, Maryland 21613

ALSO PRESENT:

FRANCES POPEJOY

REPORTED BY: ELAINE J. REICHENBERG, NOTARY PUBLIC

- - -



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CHAIRMAN SCHOEPLEIN: The meeting of the
Dorchester County Panel of the Critical Area Commission
will come to order. We will introduce ourselves and I
will have some opening comments and then we'll go into
testimony.

I'm going to introduce myself and then ask Bob
and Shep and Sam if they would introduce themselves.
I'm Bob Schoeplein and I represent the Department of
Economic and Employment Development on the Critical
Area Commission.

Bob?

MR. PRICE: I'm Bob Price and I represent
Queen Anne's County.

MR. BOWLING: I'm Sam Bowling and I represent
Charles County.

MR. KRECH: I'm Shepard Krech and I represent
the lower Eastern Shore at large.

CHAIRMAN SCHOEPLEIN: And we have with us Tom
Ventre, a professional staff member of the Critical
Area Commission.



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1 The proceedings are being transcribed by a
2 court reporter this evening. This panel needs to hear
3 testimony and comments. We are here to understand the
4 issues and to take in commentary regarding all aspects
5 of the issue.

6 The panel this evening makes no decision or
7 recommendations. Rather, the procedure is such that the
8 panel returns to the commission at large. The panel
9 will make a recommendation to the 26-member commission
10 at large.

11 The commission will pass on the issue before
12 us this evening. The panel will not. The commission is
13 free in their deliberations to go in any direction they
14 choose. They listen to the recommendations and the
15 arguments of this panel and of the professional staff of
16 the commission.

17 I also want to reiterate what Tom Ventre has
18 indicated to you this evening, and that is the issue
19 before us. It is a narrow issue. It relates to a
20 request by Dorchester County to amend the language in
21 their ordinance that addresses the critical area. This



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1 is not a request by Dorchester County for consideration
2 of growth allocation regarding one or another parcel of
3 property. Therefore, what we are considering this
4 evening is language that relates to potentially all
5 parcels of property within the Critical Area Commission.

6 So we are going to speak to the proposed
7 change of language. We will not entertain comments
8 regarding any specific parcel or parcels of land this
9 evening, because they are not specific to the issue at
10 hand.

11 In the process and procedure, any additional
12 requests for growth allocation by Dorchester County may
13 or may not present before this panel and the commission
14 a specific parcel or parcels for consideration.

15 Did I clarify or did I muddle the issue?
16 Let's see how we do. I'm going to ask Dorchester County
17 if they would initially make a presentation regarding
18 arguments for change to the ordinance.

19 MR. MICHAEL: Good evening, gentlemen and
20 lady. My name is Jim Michael. I'm the zoning
21 administrator for Dorchester County Planning and Zoning.



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1 I have with me two requests. One is a request for a
2 text amendment change to our zoning ordinance. The
3 other is a request for a text amendment change to the
4 subdivision regulations. Specifically, they are 184-1-
5 90 that is under the zoning ordinance. The section of
6 the Dorchester County zoning ordinance text proposed for
7 change is chapter 155 -- section 155-47.1 and (1) (a).

8 Gentlemen, I will give to you the attachments
9 for the zoning change. That's for the subdivision
10 change.

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

13 MR. BOWLING: So these are -- to change the
14 subdivision regulations?

15 MR. MICHAEL: That's correct.

16 MR. BOWLING: Okay. They were done by
17 petition, in other words?

18 MR. MICHAEL: That is correct. They were done
19 by petition through public hearing, which is our
20 procedure with all text amendments to the text, which is
21 incorporated in this here.



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1 I know that the public hearing was scheduled
2 by the Critical Area Commission and all standard
3 procedures have taken place. I will not go into the
4 process for that public hearing, but I will enter into
5 the record the following.

6 The brief application form, specifically -- if
7 you don't mind, can I refer to both of these sections as
8 I proceed? Is that okay, since it all is incorporated
9 in one change?

10 Under the zoning section again, 184-1-90, I
11 enter this into the record, the application and the
12 attachment "A," on which I will go into detail.

13 (Whereupon, the documents were marked for
14 identification Dorchester County Exhibit No. 1.)

15 MR. MICHAEL: "It is requested that the
16 proposed change be as follows: Replace in its entirety
17 Paragraph (a) Section 155-47.1 N. Growth Allocation.
18 New wording is to be as follows:

19 "(1) Eligibility Requirements. To be
20 considered for allocation, a proposed development
21 project shall meet the following criteria:



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1 "(a) The county shall use the following
2 guidelines when considering requests for growth
3 allocation:

4 "(I) New Intensely Developed Areas should
5 be located in Limited Development Areas or adjacent to
6 existing Intensely Developed Areas;

7 "(II) New Limited Development Areas
8 should be located adjacent to existing Limited
9 Development Areas or Intensely Developed Areas;

10 "(III) No more than one half the
11 allocated expansion may be located in Resource
12 Conservations Areas; [however, if the county is unable
13 to utilize a portion of the growth allocation within or
14 adjacent to existing Intensely Developed or Limited
15 Development Areas, then that portion of the growth
16 allocation which cannot be allocated may be located in
17 the Resource Conservation Area in addition to the
18 expansion allocated in this section.]

19 "(IV) New Intensely Developed and Limited
20 Development Areas should be located in order to minimize
21 impacts to Habitat Protection Areas as specified in



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1 COMAR 14.15.09 and in an area and in a manner that
2 optimizes benefits to water quality;

3 "(V) New Intensely Developed Areas should
4 be located where they minimize their impact to the
5 defined land uses of the Resource Conservation Area;

6 "(VI) New Intensely Developed Areas and
7 Limited Development Areas in the Resource Conservation
8 Area should be located at least 300 feet beyond the
9 landward edge of tidal wetlands or tidal waters."

10 Again, I would enter into the record the
11 letter from Mr. Ventre to Mr. Dodd and the attached
12 section of January 9, 1990, specific to this request
13 which brought us to this point.

14 I will enter for the record a letter, dated
15 August 13, 1990, from the Chairman of the Economic
16 Development Commission here in Dorchester County.

17 "Dear Mr. Dodd. The Dorchester County
18 Economic Development supports and endorses Mr. Tobin's
19 request to allow conversion from an RCA to an IDA for
20 growth allocation under the county's critical area
21 plan. This will expedite Mr. Tobin's development plans



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1 for his property and ultimately create employment
2 opportunities for our local labor force."

3 I know that this is not directly involved with
4 Mr. Tobin, but it does have an impact on his request.

5 I would enter into the record a letter, dated
6 August 8, 1990, from Karen Hales to the various
7 departments requesting comments, and a comment, dated
8 August 15, 1990, entered for the record from the County
9 Highway Department. They have no comments either of
10 this text amendment at this time.

11 And a memo, dated August 21, 1990, from the
12 Dorchester County Health Department regarding this
13 request; I also enter this into the record. They have
14 no comment on either of these requests, 184-1-90, which
15 I'm reading. And also, 185-2-90.

16 In a letter, dated September 4, 1990, from
17 Robert Woodard, President, Dorchester Chamber of
18 Commerce -- again, this is in reference to Mr. Tobin's
19 request for their specifically supporting this change.

20 And finally, you have in your briefing
21 material and also for the record, the information



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1 regarding the Planning Commission's decision, their
2 findings. Maybe you don't have that in your briefing
3 material. I'm sorry.

4 MR. VENTRE: I believe we do.

5 MR. MICHAEL: And finally with regard to this
6 request is the letter from the county commissioners to
7 Mr. Dodd, director of planning, advising Mr. Dodd that
8 184-1-90 and also 185-2-90 were approved by the county
9 commissioners on July the 2nd of this year, and for the
10 Planning Office to take the necessary steps to approve
11 this request.

12 I will proceed on to the next part --

13 MR. KRECH: Can I ask a question about this
14 first?

15 MR. MICHAEL: Certainly.

16 MR. KRECH: How is Mr. Tobin going to
17 ultimately create employment opportunities for the local
18 labor force?

19 MR. MICHAEL: Me, specifically -- should I
20 answer that?

21 MR. KRECH: Yes.



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1 MR. MICHAEL: I'm just commenting from what
2 I'm reading, sir. Certainly, that's somebody else's
3 opinion. That's not my opinion.

4 MR. VENTRE: Perhaps you could address that
5 later.

6 MR. KRECH: Yes, I'll address it later.

7 MR. MICHAEL: If I can, I will move on to the
8 section regarding the subdivision regulations, or
9 subdivision ordinance as some people refer to it.
10 Again, this is 185-2-90. Again, this is to allow the
11 conversion of a Resource Conservation Area to an
12 Intensively Developed Area for growth allocation under
13 the Dorchester County Critical Area Plan.

14 Again, I will enter the application for the
15 record and the Attachment "A," which I will read.

16 (Whereupon, the documents were marked for
17 identification Dorchester County Exhibit No. 2.)

18 MR. MICHAEL: "It is requested that the
19 proposed change be as follows: Replace in its
20 entirety, Paragraph (1) Section 140-51.B Growth
21 Allocation. New wording to be as follows: Section



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1 140-51. Growth Allocation. B. Eligibility requirements.

2 To be considered for growth allocation a proposed
3 development project shall meet the following criteria:

4 "(a) The county shall use the following
5 guidelines when considering requests for growth
6 allocation:

7 "(I) New Intensely Developed areas should
8 be located in Limited Development Areas or adjacent to
9 existing Intensely Developed Areas;

10 "(II) New Limited Development Areas
11 should be located adjacent to Existing Limited
12 Developed Areas or Intensely Developed Areas;

13 "(III) No more than one half of the
14 allocated expansion may be located in Resource
15 Conservation Areas; [however, if the county is unable
16 to utilize a portion of the growth allocation within or
17 adjacent to Existing Intensely Developed or Limited
18 Development Areas, then that portion of the growth
19 allocation which cannot be allocated may be located in
20 the Resource Conservation Area in addition to the
21 expansion allocated in this section;]



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1 "(IV) New Intensely Developed Areas and
2 Limited Development Areas should be located in order to
3 minimize impacts to Habitat Protection Areas as
4 specified in COMAR 14.15.09 and in an area and in a
5 manner that optimizes benefits to water quality;

6 "(V) New Intensely Developed Areas should
7 be located where they minimize their impacts to the
8 defined land uses of the Resource Conservation Area;

9 "(VI) New Intensely Developed Areas and
10 Limited Development Areas in the Resource Conversation
11 Area should be located at least 300 feet beyond the
12 landward edge of tidal wetlands or tidal waters."

13 Again, what I have entered for the record for
14 184-1-90, I also wish to stand for 185-2-90; also a
15 letter to Mr. Tobin. Again, this is in the record, dated
16 August 10, 1990, with regard to a notice for public
17 hearing. A letter, dated August 13, 1990, to Steve Dodd
18 from Amos Meredith, I referred to earlier, I will enter
19 into the record.

20 A letter from Ms. Hales, assistant planner to
21 the various agencies in the county, to comment. I refer



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1 to the comment from the Health Department which is the
2 same comment. I referred to the comment from the county
3 commissioners, which stated that on July 2nd of this
4 year, the commissioners approved these text amendments.

5 The letter to Mr. Ventre, dated July the 9th of
6 this year, which gave him the documentation regarding
7 this hearing, and all other supporting documentation
8 which I've referred to. I believe that's all I have,
9 unless anybody has any questions. I'll be glad to try
10 to answer them. Sorry for my cold.

11 MR. VENTRE: If you can talk anymore, Jim.

12 MR. MICHAEL: It's one of those days.

13 MR. BOWLING: This language seems to bring us
14 into conformance with the criteria.

15 MR. VENTRE: This is just about a verbatim
16 adoption of the language that is in the regulations at
17 the place cited by Jim Michael just now, namely,
18 14.15.02.06 (b), which is that language pertaining to
19 growth allocation. The requirement in our regulations
20 that the local jurisdictions consider this language and
21 then, the language of the six guidelines as they are



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1 called in the regulations, as far as the locational
2 aspects of growth allocation and the water quality
3 aspects. It is practically verbatim.

4 MR. PRICE: As I understand it, you've got an
5 amendment for the zoning ordinance?

6 MR. MICHAEL: Correct.

7 MR. PRICE: Not really an amendment, an
8 addition to the zoning ordinance?

9 MR. MICHAEL: Well, it is an amendment in the
10 sense that you're changing the existing section. We
11 call it text amendment, which essentially changes the
12 text of it. That's correct.

13 MR. PRICE: An amendment to the subdivision
14 ordinance which corrects it?

15 MR. MICHAEL: Yes, which makes it consistent.

16 MR. VENTRE: If I may, presently the
17 Dorchester zoning ordinance is the only ordinance that
18 has any language addressing the growth allocation.
19 Currently the subdivision regulations are silent on
20 growth allocation in Dorchester County.

21 MR. PRICE: Or the other way around?



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1 MR. VENTRE: I beg your pardon. No.

2 You're right, Bob. It's the subdivision
3 ordinance that has the language and the zoning ordinance
4 that is silent.

5 MR. PRICE: Well, let me ask you -- with
6 those, has there been an amendment to the program?

7 MR. MICHAEL: Well, the program -- in essence,
8 the program was adopted with the enactment and changes
9 to the ordinance. We've had several new ordinances that
10 we applied, plus the changes to the subdivision
11 regulations and the zoning ordinance. So the program by
12 your definition has been changed already, and
13 incorporated with our local laws. What this does is
14 change our local laws to conform, as Mr. Ventre has
15 said, with the original intent of the critical area
16 guidelines.

17 MR. PRICE: Okay, but you've got a program
18 which was apparently adopted on the 23rd of August, '88,
19 in your program book?

20 MR. MICHAEL: That's correct.

21 MR. PRICE: And your subdivision ordinance,



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1 and your zoning ordinance, as I understand it, implements
2 your program?

3 MR. MICHAEL: That's correct.

4 MR. PRICE: And your program has the same
5 problem with it that your subdivision ordinance has?

6 MR. MICHAEL: Well, the program doesn't have
7 the force of law whereas the ordinances do. And again,
8 I'm speaking from my opinion. I'm not speaking from a
9 legal point of view, but I'm saying that our
10 ordinances have specified what we used specifically
11 in the daily operation of our Planning and Zoning
12 Office.

13 I think maybe what you're suggesting is that
14 the original program plan -- this section right here,
15 what you're referring to, the Planning Commission
16 reviewed, along with all this other information, and
17 felt they made an error at that time in enacting the
18 laws that they did -- enacting the changes to the sub
19 regs and not having the information in the zoning
20 ordinances.

21 I don't know if that answers your question,



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1 but I think that's the opinion.

2 MR. PRICE: Well --

3 MR. BOWLING: If I -- I'm sorry.

4 MR. PRICE: Go ahead.

5 MR. BOWLING: If I hear you right, what you're
6 saying is you need to change the program, too?

7 MR. PRICE: I would think they'd have to start
8 with the program and carry right on down through the
9 ordinances in the subdivision. That would be at least
10 my initial thought.

11 MR. BOWLING: All three places.

12 CHAIRMAN SCHOEPLEIN: But not done
13 simultaneously.

14 MR. PRICE: I haven't really thought about it
15 that much.

16 MR. MICHAEL: Again, I haven't addressed this.
17 To be honest with you, sir, I don't typically handle
18 this end of it. I would obviously have to advise our
19 director to seek some sort of legal counsel as to
20 whether or not we could even change what you're
21 referring to.



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1 CHAIRMAN SCHOEPLIN: You can request a
2 change, and that's precisely what you would do.

3 MR. MICHAEL: Perhaps. I don't know what sort
4 of vehicle it would take to do it. I just know that in
5 the process we're in, you can make text amendment
6 changes to the zoning ordinance and you can make map
7 amendments to our zoning maps, for that matter, through
8 the public hearing process. That, I do not know the
9 answer to.

10 CHAIRMAN SCHOEPLIN: Let's continue with
11 questions regarding the content of the proposed changes
12 to the zoning ordinance and the subdivision ordinance.

13 MR. VENTRE: The members of the panel have a
14 copy of the existing ordinance language that is being
15 amended.

16 CHAIRMAN SCHOEPLIN: That's the one with the
17 large print?

18 MR. VENTRE: Right, the item in the large
19 print.

20 And I regret that, I realize after this --
21 realized, rather, after this was distributed that my



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1 format here may be slightly misleading in that all
2 that is being proposed to change is this one section
3 here -- (1).

4 MR. PRICE: First paragraph.

5 MR. BOWLING: Yes.

6 MR. VENTRE: The first paragraph. Okay. Not
7 the remaining items in the existing subdivision
8 regulations. And of course, the same language as Jim
9 Michael indicated will go into a new section labeled
10 subsection "N," letter "N," of the zoning ordinance
11 which now stops at "M," with it's subsection.

12 MR. PRICE: Let me just ask you another
13 question. What is a private road with right of access?

14 MR. MICHAEL: What is a private road with
15 right of access?

16 MR. PRICE: I mean, you say a site must have
17 frontage on it and be accessible from a public road,
18 or a private road with right of access?

19 MR. MICHAEL: Well, it would be a private
20 road, essentially, that -- the way I see it as a
21 subdivision or any type of other use wherein you have an



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1 interior lot and you have most likely either -- you may
2 not own the road, but you may have a right of way or an
3 easement across somebody's property, to gain access to
4 your property.

5 CHAIRMAN SCHOEPLIN: It is not maintained by
6 the county?

7 MR. MICHAEL: No, it would be a private road,
8 a private driveway.

9 MR. PRICE: Actually, the words "with right
10 of access" are kind of redundant, aren't they, if you
11 have a private road?

12 MR. VENTRE: Perhaps that suggests some
13 permission from another owner to use that.

14 MR. PRICE: Well, I just wondered --

15 MR. BOWLING: I'd say probably that you just
16 use the right of way, but you don't own the land?

17 MR. MICHAEL: That's right. That's right.

18 MR. BOWLING: You have a metes and bounds
19 right of way, but you don't really own the land. You
20 only have the right to utilize that portion as an access
21 road. I don't think that's unusual at all.



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1 MR. MICHAEL: It's not. It's very common.

2 CHAIRMAN SCHOEPLIN: Are there any other
3 comments regarding the substitute language? Is it
4 wholly the language?

5 MR. VENTRE: I do want to point out, if you
6 haven't noticed it already, the bracketed items in the
7 proposed language, that material comes from the 1986
8 amendment, which is statutory.

9 CHAIRMAN SCHOEPLIN: Right, but it's still
10 part of our language.

11 MR. VENTRE: Perhaps you recall the history of
12 that. The regulations themselves, as they applied with
13 the guidelines, made it somewhat difficult, or at least
14 it was perceived as creating a problem, perhaps, for the
15 rural jurisdictions in the critical area, Dorchester
16 among those.

17 And so in the 1986 amendment, the General
18 Assembly specified for those 12 jurisdictions, and it
19 named them in the law, and it included Dorchester, that
20 there were other conditions that would apply in the
21 growth allocation context only, as far as locating new



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1 growth. That the rural counties were not tightly bound
2 by the guidelines as far as the location went.

3 MR. PRICE: I think in the law though that
4 there was a requirement that you cluster.

5 MR. VENTRE: Correct.

6 MR. PRICE: It's not in this --

7 MR. VENTRE: That is in Dorchester's ordinance
8 in other places.

9 MR. PRICE: It was not in these guidelines?

10 MR. VENTRE: Not in these, but the clustering
11 requirement is elsewhere in Dorchester's ordinance.

12 MR. PRICE: I see.

13 MR. VENTRE: So that was the bracketed item in
14 the proposed legislation -- or the proposed amendment.

15 CHAIRMAN SCHOEPLEIN: And we have the advice
16 from our then counsel, Lee Epstein, regarding the
17 changes of the language.

18 MR. VENTRE: Correct. Now, I'll go back into
19 some history here to 1989 when this issue first arose
20 here in Dorchester, and as we came to call it at this
21 panel and at the commission the "leapfrogging issue."



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1 Because of the language that Dorchester originally
2 adopted in its subdivision regulations, the only land
3 that could go to IDA was land that was already
4 classified as LDA. There was a sequential stepping-up
5 of intensity, which our regulations did not in fact
6 require, nor did the statute require such a stringent
7 sequence.

8 So in view of the discussion at the time in
9 1989, which was raised by the proposed Trans Bay Ferry
10 Service, the commission did note that language, that
11 unusual stringency about leapfrogging from RCA to IDA,
12 which Dorchester literally did not permit.

13 And subsequent to that, we received inquiries
14 from Dorchester staff about what could be done and the
15 various things -- not really various things -- there was
16 only one thing they had to do -- simply to change their
17 ordinance language to bring it into conformance with the
18 regulations.

19 Of course, they had the option to just keep
20 it as it was. There was legislation locally, well
21 before this, that came and then it sort of died, for



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1 what reasons, I don't know, but I wasn't in contact with
2 the local staff about language and so on and so forth.
3 And to be sure, I did convey a lot of Steve Dodd's
4 questions to the commission counsel, at that time Lee
5 Epstein. And he did point out the requirements of the
6 regulations as well as the law.

7 So it was based on that that the county chose
8 to -- if it was going to change its language, it was
9 going to follow that to the letter, which is what is
10 done and now before us.

11 CHAIRMAN SCHOEPLEIN: Are there any other
12 questions of Mr. Michael?

13 AUDIENCE: (No response.)

14 CHAIRMAN SCHOEPLEIN: Thank you, sir.

15 MR. MICHAEL: Certainly.

16 CHAIRMAN SCHOEPLEIN: Do we have anyone else
17 who would like to speak to the panel regarding the issue
18 at hand?

19 Sir, would you come forward and sign in and
20 then introduce yourself, please.

21 MR. TOBIN: Good evening, gentlemen. My name



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1 is Paul Tobin of Taylors Island. I already signed the
2 paper earlier.

3 Most of the comments I had, Jim Michael just
4 covered with the letters. I wanted to read those
5 letters into the record, and he mentioned most of them
6 that I have.

7 I have one other letter that he didn't read,
8 which was from the Dorchester County Tourism Office.
9 I'll leave a copy of this with you. Part of the letter
10 refers to our project in particular, and then part of it
11 refers to the text amendment. I'll just read the part
12 that refers to the text amendment. This is from
13 Dorchester County Tourism.

14 "To whom it may concern. In addition, I would
15 support any appropriate and responsible measures
16 undertaken to achieve the realization of this project
17 including, but not limited to, the conversion of RCA to
18 IDA for growth allocation under the Dorchester County
19 Critical Area Plan 184-1-90, Dorchester County zoning
20 ordinance, and 185-2-90, Dorchester County subdivision
21 regulations. Sincerely, Lisa Dulaney, Director of



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1 Tourism, Dorchester County."

2 That was one letter that he didn't mention.
3 The other letters I have were the Chamber of Commerce
4 and the Economic Development Commission that referred
5 specifically to the text amendment.

6 CHAIRMAN SCHOEPLIN: Mr. Tobin, as I
7 indicated, we're aware as to how the changes in the
8 ordinance may affect your reconsideration for growth
9 allocation. But what we are considering this evening is
10 a change to the ordinance of Dorchester County that
11 potentially could affect any and all parcels of
12 property. So that's what is before us now.

13 MR. TOBIN: Yes, sir.

14 MR. BOWLING: Even though it apparently began
15 with your petition to change it.

16 MR. TOBIN: As far as the text amendment
17 itself goes, from what we discussed with Mr. Ventre,
18 Dorchester County was the only county that had the
19 language that was as strict as it was in Dorchester
20 County. There wasn't any other county in Maryland that
21 was that strict.



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1 So I would be in favor of this text amendment
2 in order to make Dorchester County's rules equal with
3 the other counties in Maryland. And then there's still
4 sufficient controls and sufficient regulation to control
5 the growth and to protect the quality of the environment
6 and all the things that -- you know, that's the goal of
7 the commission.

8 I believe this rule change would be an
9 advantage to the county and it would be an advantage to
10 the plan.

11 CHAIRMAN SCHOEPLIN: Thank you, sir.

12 MR. TOBIN: One other comment I had was on the
13 -- as far as changing the ordinance, this is what we
14 were told, that the text amendment was a way to change
15 the program. That question was raised. I believe that
16 has been done before. There was one other text
17 amendment that I saw that was in this particular rule
18 that had been changed already. One sentence was
19 inserted in there. I believe that's been done before.

20 CHAIRMAN SCHOEPLIN: Very good.

21 MR. TOBIN: Thank you.



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1 CHAIRMAN SCHOEPLEIN: Thank you.

2 Are there any other individuals who would wish
3 to testify regarding the proposed changes to the
4 ordinances?

5 MS. POPEJOY: Is there going to be any
6 informal comments after your official meeting? I
7 thought the introductory remarks indicated they might be
8 informal rather than testimonial.

9 CHAIRMAN SCHOEPLEIN: Well, if it's addressed
10 to the issue of changing the ordinances of Dorchester
11 County, it should be a matter of the record, really.

12 MR. VENTRE: I beg your pardon, ma'am, if I
13 misled you. I certainly didn't intend to do that. I
14 should have said that if you wish to speak for or
15 against, you're welcome to come up and speak, but there
16 would be no informal meeting or discussion afterwards.
17 As Chairman Schoeplein indicated --

18 MS. POPEJOY: Well, I'd like to say a couple
19 of words if I might.

20 CHAIRMAN SCHOEPLEIN: Please come forward,
21 because that way you can introduce yourself for the



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1 court reporter.

2 MS. POPEJOY: Yes. My name is Frances
3 Popejoy.

4 MR. VENTRE: The last name again, please, ma'am?

5 MS. POPEJOY: Popejoy.

6 MR. VENTRE: Okay, thank you.

7 MS. POPEJOY: We came just to listen to this.

8 In no way am I prepared to speak technically or
9 otherwise, except for maybe a little bit of history,
10 beginning with a little bit of history.

11 I'm amazed that there's nobody here. Two
12 years ago, we attended the Critical Area Commission
13 meeting in this room, a little over two years ago, when
14 this issue first came up, Mr. Tobin's ferry. Now, I
15 realize that all of this is technical and has no part of
16 a specific parcel, but there have been two heavily
17 attended meetings of the county commissioners. They
18 voted. Speculating political pressure, they revoted,
19 which is most unusual, on this text amendment.

20 This text amendment refers to and was
21 precipitated by and is for the benefit of one parcel of



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1 land. I think that all of you gentlemen, if you're not
2 local, should be aware that there is much more to it
3 than this.

4 CHAIRMAN SCHOEPLIN: We are. We are.

5 MS. POPEJOY: That's really the only thing I
6 wanted to make sure that you realized.

7 CHAIRMAN SCHOEPLIN: Yes. Because in the
8 procedures of the commission, should through the
9 deliberations of the commission, the request of
10 Dorchester County regarding the technical amendments be
11 adopted, then Dorchester County through local procedures
12 would have to petition for a growth allocation
13 consideration again for a parcel of property. And at
14 that time, the merits of that parcel and the arguments
15 will be heard.

16 MS. POPEJOY: At the commissioner's meetings,
17 there were some gentlemen who are knowledgeable, who
18 speak very well and have a lot of history of
19 association with all of the development of these. They
20 spoke and they spoke very well. None of them are here
21 tonight, including one gentleman who was on the original



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1 board that drew up this stringent regulation which Mr.
2 Tobin and others have said was a mistake, and he said no
3 way was it a mistake. It was on purpose that you cannot
4 go from RCA to IDA. A real good reason.

5 If -- all of you gentlemen at least have
6 reached the age of reason, and I'm sure that you can
7 perhaps see that there is a great deal more behind this
8 sudden jumping for a seven-acre parcel out on Taylors
9 Island to suddenly go IDA. I'm sure you all know what's
10 behind it, that there's a great deal behind here. And
11 if you lose it, it's gone forever. Now, if you all went
12 out to southern Dorchester County, why, it's a real,
13 nice place. But once it's gone, it's gone, and there
14 won't be another one. Whatever. I think that's all I
15 have to say.

16 CHAIRMAN SCHOEPLEIN: Sure. Thank you.

17 MR. VENTRE: Thank you.

18 CHAIRMAN SCHOEPLEIN: Are there any other
19 individuals who would wish to speak to the issue before
20 us this evening?

21 AUDIENCE: (No response.)



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1 CHAIRMAN SCHOEPLIN: If not, the record will
2 remain open until twelve noon, this Wednesday, October 2nd,
3 at the Critical Area Commission on West Street in
4 Annapolis. I have the address here. I'll read it in
5 for the record if you want to note it down quickly, or
6 you can copy it down before the meeting is adjourned.

7 Our address in Annapolis is Chesapeake Bay
8 Critical Area Commission, 275 West Street, Suite 320,
9 Annapolis, Maryland 21401. And in consideration of the
10 time constraint between this evening and noontime this
11 Wednesday, October 2nd, you may use the fax telephone
12 number of the Critical Area Commission to fax material
13 for the record, which will be entered into the record.

14 This is not on the stationery, so I'll give it
15 to you slowly. The fax phone number for the Critical Area Commis
16 All material received before noon on this Wednesday,
17 October 2nd, will be entered into the record for
18 consideration.

19 Now, are there any other final comments? If
20 not, then --

21 Excuse me. Mr. Tobin?



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1 MR. TOBIN: The meeting on Wednesday -- is
2 that of the full commission?

3 CHAIRMAN SCHOEPLEIN: That is a full
4 commission meeting. It is Wednesday, at one p.m., at
5 our West Street address.

6 If there are no other comments, then this
7 panel -- this meeting of the Dorchester County panel is
8 hereby adjourned.

9 Thank you for your attendance.

10 (Whereupon, at 8:09 p.m., the above-
11 entitled hearing was adjourned.)

12 (Exhibits attached.)

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21 C O N T E N T S



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1	<u>SPEAKER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
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A T T A C H M E N T S

7	<u>DORCHESTER COUNTY</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
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10		- - -	

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CERTIFICATE OF NOTARY

I, ELAINE REICHENBERG, the officer before whom the foregoing testimony was taken, 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.

E. Reichenberg
ELAINE REICHENBERG
Notary Public in and for
the State of Maryland

My Commission Expires:
7/1/94



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APPLICATION FOR TEXT AMENDMENT
TO DORCHESTER COUNTY
ZONING ORDINANCE

Application No. 184-1-90
Date Referred from County Commissioners: _____

I, the applicant PAUL A. TOBIN
do hereby respectfully make application to and petition the County
Commissioners of Dorchester County, Maryland for a text amendment
to the Dorchester County Zoning Ordinance as hereinafter requested.
In support of this application, the following information is given:

1. The applicant(s) has (have) a committed financial, contractual
or proprietary interest in real property located within the County's
zoning jurisdiction, that interest being 6.23 acres on Taylor's
Island, Tax map 67, Block 6, Parcel 1 owned by applicant.

2. The Section(s) of the Dorchester County Zoning Ordinance text
proposed for change is: Chapter 155 Section 155-47.1 N. (1) (a)

3. It is requested that the proposed change be as follows: _____
See Attachment A

4. Purpose of the Proposed Change: To allow conversion of Resource
Conservation Area (RCA) to Intensely Developed Area (IDA) for
Growth Allocation under Dorchester County Critical Area Plan.

Signature of Applicant Paul A. Tobin Date 28 April 1990

Address 404 Wheeler St. St. Mary's, Ga. 31558

Phone (912) 882-4163 Date Fee Paid N/A annual Amount N/A
review

ATTACHMENT A (rev.)

3. It is requested that the proposed change be as follows:

Replace in its entirety Paragraph (a) Section 155-47.1 N. Growth Allocation.

New wording to be as follows:

Section 155-47.1

"N". Growth Allocation

- (1) Eligibility requirements. To be considered for growth allocation a proposed development project shall meet the following criteria: (note- conversion from a higher to a lower development zone shall not require growth allocation.)
 - (a) The county shall use the following guidelines when considering requests for growth allocation:
 - (I) New Intensely Developed Areas should be located in Limited Development Areas or adjacent to existing Intensely Developed Areas;
 - (II) New Limited Development Areas should be located adjacent to existing Limited Development Areas or Intensely Developed Areas;
 - (III) No more than one half of the allocated expansion may be located in Resource Conservation Areas; [however, if the county is unable to utilize a portion of the growth allocation within or adjacent to existing Intensely Developed or Limited Development Areas, then that portion of the growth allocation which cannot be allocated may be located in the Resource Conservation Area in addition to the expansion allocated in this section.]
 - (IV) New Intensely Developed and Limited Development Areas should be located in order to minimize impacts to Habitat Protection Areas as specified in COMAR 14.15.09 and in an area and in a manner that optimizes benefits to water Quality;
 - (V) New Intensely Developed Areas should be located where they minimize their impacts to the defined land uses of the Resource Conservation Area;
 - (VI) New Intensely Developed Areas and Limited Development Areas in the Resource Conservation Area should be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.

[] - indicates revised language



1990
ANNUAL
P-TOBIN

JOHN C. NORTH, II
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION
WEST GARRETT PLACE, SUITE 320
275 WEST STREET
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2426

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

COMMISSIONERS

January 9, 1990

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Mr. Steve Dodd
Dorchester County
Office of Planning and Zoning
P.O. Box 307
Cambridge, MD 21613

Dear Mr. Dodd:

This letter concerns our recent correspondence on a proposed amendment to the Dorchester County Code at 140-51(B)(1), recently considered by the Dorchester Planning Commission, and perhaps still being considered and discussed by that body. The amendment proposed a change in ordinance language to enable the direct reclassification of critical area lands from Resource Conservation Areas (RCA's) to Intensely Developed Areas (IDA's). The present ordinance language allows only Limited Development Area (LDA) lands to be reclassified to the IDA classification.

My earlier response, in a letter dated December 5, 1989, gave you our preferred wording for an amendment concerning locational criteria for growth allocation eligibility, wording taken directly from the regulations themselves. I indicated why that particular language would be preferable, and more acceptable to the Commission.

Since that letter I have been advised by Commission Counsel Lee Epstein that it is not merely "more acceptable" or "preferable" for the County to amend its ordinance to include language substantially similar to that in COMAR 14.15.02.06.B.(1) through (6) inclusive, but that its inclusion is mandatory. The mandate for the

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Mr. Steve Dodd
January 9, 1990
Page Two

jurisdictions to use the language is also stated in the Critical Area statute itself, as amended at NRA 8-1808.1.(B).

The statutory language clearly states that "...local jurisdictions shall use the...guidelines..." when locating new IDA's and LDA's. Moreover, the locational "guidelines" are themselves deemed requirements, according to a 1986 Attorney General's Opinion.

Please call this to the attention of the Dorchester Planning Commission. You may want to contact Mr. Epstein (at 301-974-2252, in Annapolis) if you or the Planning Commission have questions or need clarification on this matter.

Sincerely,



Thomas H. Ventre

THV:msl

cc: Judge John C. North, II
Sarah J. Taylor, Ph.D.
Lee R. Epstein, Esquire
Ms. Patricia Pudelkewicz

jurisdictions will have to meet in planning for and permitting certain types of new development in certain portions of the Critical Area; requiring certain clustering of development in certain areas of the Critical Area; and generally relating to the growth allocation in the Resource Conservation Area of the Chesapeake Bay Critical Area.

BY adding to

Article — Natural Resources
Section 8-1808.1
Annotated Code of Maryland
(1983 Replacement Volume and 1985 Supplement)

Preamble

HOUSE BILL No. 1434

WHEREAS, To protect the Chesapeake Bay, the General Assembly enacted Chapter 794 of the Acts of 1984; and

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article—Natural Resources
8-1808.1

(A) THIS SECTION IS INTENDED TO ESTABLISH CONDITIONS FOR DEVELOPMENT IN THE CHESAPEAKE BAY CRITICAL AREA IN ADDITION TO THOSE ESTABLISHED IN CRITERIA OF THE COMMISSION. HOWEVER, IN THE EVENT OF ANY INCONSISTENCY BETWEEN THE CRITERIA AND THE PROVISIONS OF THIS SECTION, THIS SECTION SHALL CONTROL.

✓(B) WHEN LOCATING NEW INTENSELY DEVELOPED OR LIMITED DEVELOPMENT AREAS, LOCAL JURISDICTIONS SHALL USE THE FOLLOWING GUIDELINES:

(1) NEW INTENSELY DEVELOPED AREAS SHOULD BE LOCATED IN LIMITED DEVELOPMENT AREAS OR ADJACENT TO EXISTING INTENSELY DEVELOPED AREAS;

(2) NEW LIMITED DEVELOPMENT AREAS SHOULD BE LOCATED ADJACENT TO EXISTING LIMITED DEVELOPMENT AREAS OR INTENSELY DEVELOPED AREAS;

(3) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, NO MORE THAN HALF OF THE EXPANSION ALLOCATED IN THE CRITERIA OF THE COMMISSION MAY BE LOCATED IN RESOURCE CONSERVATION AREAS;

(4) NEW INTENSELY DEVELOPED OR LIMITED DEVELOPMENT AREA TO BE LOCATED IN THE RESOURCE CONSERVATION AREA SHALL CONFORM TO ALL CRITERIA OF THE COMMISSION FOR SUCH AREAS AND SHALL BE DESIGNATED ON THE COMPREHENSIVE ZONING MAP SUBMITTED BY THE LOCAL JURISDICTION AS PART OF ITS APPLICATION TO THE COMMISSION FOR PROGRAM APPROVAL OR AT A LATER DATE IN COMPLIANCE WITH §8-1809(G) OF THIS SUBTITLE; AND

(5) IN CALVERT, CAROLINE, CECIL, CHARLES, DORCHESTER, KENT, QUEEN ANNE'S, ST. MARY'S, SOMERSET, TALBOT, WICOMICO, AND WORCESTER COUNTIES. IF THE COUNTY IS UNABLE TO UTILIZE A PORTION OF THE GROWTH ALLOCATED TO THE COUNTY IN PARAGRAPHS (1)

AND (2) OF THIS SUBSECTION WITHIN OR ADJACENT TO EXISTING INTENSELY DEVELOPED OR LIMITED DEVELOPMENT AREAS AS DEMONSTRATED IN THE LOCAL PLAN APPROVED BY THE COMMISSION, THEN THAT PORTION OF THE ALLOCATED EXPANSION WHICH CANNOT BE SO LOCATED MAY BE LOCATED IN THE RESOURCE CONSERVATION AREA IN ADDITION TO THE EXPANSION ALLOCATED IN PARAGRAPH (3) OF THIS SUBSECTION. A DEVELOPER SHALL BE REQUIRED TO CLUSTER ANY DEVELOPMENT IN AN AREA OF EXPANSION AUTHORIZED UNDER THIS PARAGRAPH.

(C) IN CALCULATING THE 1-IN-20 ACRE DENSITY OF DEVELOPMENT THAT IS PERMITTED ON A PARCEL LOCATED WITHIN THE RESOURCE CONSERVATION AREA, A LOCAL JURISDICTION MAY PERMIT THE AREA OF ANY PRIVATE WETLANDS LOCATED ON THE PROPERTY TO BE INCLUDED, UNDER THE FOLLOWING CONDITIONS:

(1) THE DENSITY OF DEVELOPMENT ON THE UPLAND PORTION OF THE PARCEL MAY NOT EXCEED 1 DWELLING UNIT PER 8 ACRES; AND

(2) THE AREA OF PRIVATE WETLANDS SHALL BE ESTIMATED ON THE BASIS OF VEGETATIVE INFORMATION AS DESIGNATED ON THE STATE WETLANDS MAPS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 1986.

DORCHESTER COUNTY ECONOMIC DEVELOPMENT OFFICE

P.O. Box 26

Cambridge, Maryland 21613

301-228-0155



August 13, 1990

Mr. Steve Dodd, Director
Dorchester County Planning & Zoning Office
P.O. Box 307
Cambridge, Maryland 21613

RE: County Planning and Zoning Text Amendment;
Mr. Paul Tobin Application #184-1-90 and 185-2-90

Dear Mr. Dodd:

The Dorchester County Economic Development Commission supports and endorses Mr. Tobin's request to allow conversion from an RCA to an IDA for growth allocation under the County Critical Area Plan. This will expedite Mr. Tobin's development plans for his property, and ultimately create employment opportunities for our local labor force.

Very truly yours,

A handwritten signature in cursive script, reading "Amos Meredith".

Amos Meredith
EDC Chairman

DORCHESTER COUNTY PLANNING & ZONING OFFICE

P. O. Box 307
CAMBRIDGE, MARYLAND 21613
PHONE: 228-3234

DIRECTOR
STEVE DODD, AICP

ASSISTANT PLANNER
KAREN HALES

PLANNING SECRETARY
JULIA T. HENRY



ZONING ADMINISTRATOR
JAMES H. MICHAEL

ZONING INSPECTOR
ALLEN TOLLEY

ZONING SECRETARY
MARNE COPPINGER

August 8, 1990

MEMORANDUM

TO: DORCHESTER COUNTY HEALTH DEPARTMENT
DORCHESTER COUNTY COMMUNITY RESOURCE DEVELOPMENT
DORCHESTER COUNTY HIGHWAY DEPARTMENT

FROM: DORCHESTER COUNTY PLANNING AND ZONING

RE: 1990 ANNUAL REVIEW-TEXT AMENDMENTS

Please review the enclosed text amendment applications. I would appreciate it if you could send any comments on or by September 5, 1990.

Thank you.

Karen Hales
Assistant Planner

KH:sb

Enclosures

DORCHESTER COUNTY HIGHWAY DEPARTMENT

5435 HANDLEY ROAD
CAMBRIDGE, MARYLAND 21613
301 - 228-2920

*Rec'd
10/1/90
Kit*

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ARLENE MEREDITH
OFFICE SUPERVISOR

August 15, 1990

Ms. Karen Hales
Dorchester County Planning & Zoning
P.O. Box 307
Cambridge, Maryland 21613

Dear Ms. Hales;

This is in response to your request for comments dated August 8, 1990, concerning certain text amendment applications.

We have no comments concerning either of the text amendments at this time.

Sincerely,


Elvin D. Thomas,
Administrator

EDT/cvt

TRANSMITTAL SHEET

DORCHESTER COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION

Telephone: 228-1167

751 Woods Rd
Cambridge, Md.
21613

LeeRoy Jones MD. MPH
Health Officer

To: Planning and Zoning Office
Attn: Karen Hales

Date ___ August 21, 1990 ___

From: Stacy A. Beauchamp Jr., RS *SAB*
Director
Division of Environmental Health

Re: 1990 Annual Review-Text Amendments

Application Number

184-1-90	No Comment
185-2-90	No Comment
187-4-90	No Comment
188-5-90	No Comment
189-6-90	No Comment
191-8-90	No Comment

SAB:

cc:

Recvd ~~Sept~~ 5.90
KH

DORCHESTER CHAMBER OF COMMERCE, INC.

203 Sunburst Hwy., Cambridge, MD 21613

(301) 228-3575

September 4, 1990



Dorchester County Planning Commission
P.O. Box 307
501 Court Lane, Room 107
Cambridge, MD 21613

Dear Sirs:

The Board of Directors of the Dorchester Chamber of Commerce has been contacted by Mr. Paul Tobin regarding the "Text Amendment" being presented at your September 5, 1990, hearing.

After researching the matter of RCA, LDA and IDA designations, and how development is effected here in Dorchester County, the Chamber would like to go on record as being in favor of this "Text Amendment."

Your approval of this adjustment would allow the necessary growth within the County, while, at the same time, continue to control the growth by existing zoning laws as well as Critical Areas and Non-Tidal Wetlands restrictions. The current procedure of movement from RCA to IDA both encumbers appropriate development as well as affects the area's growth allocations.

It is the opinion of this body that this would be a positive step toward facilitating desired development.

Sincerely,

Robert A. Woodard
President

cc: Paul Tobin

Findings of the Dorchester County
Planning Commission

Text Amendments 184-1-90, 185-2-90

As a result of testimony presented at their public hearing on Wednesday, September 5, 1990, the Dorchester County Planning Commission finds the following:

1. When originally drafted, the Planning Commission made an error in their interpretation of the Criteria established by the Critical Area Commission. Therefore, the County Critical Area Protection Program is unduly restrictive, in that, it does not allow the conversion of a Resource Conservation Area to an Intensely Developed Area.
2. Currently an applicant must request growth allocation twice to achieve the IDA classification. Therefore, depleting the County's Growth Allocation allotment unnecessarily.
3. Allowing conversion of a Resource Conservation Area to an Intensely Developed Area in one step, would still retain the public hearing process and the discretionary authority of the County Commissioners.
4. Amendment 184-1-90 and 185-2-90 are supported by the Dorchester County Chamber of Commerce and the Dorchester County Economic Development Office.



J. Michel DuBuque, Chairman Date

Dorchester County Planning Commission

THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY

COUNTY OFFICE BUILDING
P. O. BOX 26
CAMBRIDGE, MARYLAND 21613
PHONE 228-1700

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DORIS GOSLIN
ADMINISTRATIVE ASSISTANT
E. THOMAS MERRYWEATHER
COUNTY ATTORNEY
RICHARD D. HARRINGTON
DEPUTY ATTORNEY

July 5, 1991

Mr. Steve Dodu
Dorchester County Planning & Zoning
County Office Building
Cambridge, Maryland 21613

Dear Steve:

On June 25, 1991, the County Commissioners of Dorchester County conducted a public hearing to consider adoption of text amendments No. 184-1-90 and 185-2-90. On July 2, 1991, the Commissioners approved these text amendments.

Please take necessary steps to include these changes in the County's zoning regulations.

Very truly yours,

THE COUNTY COMMISSIONERS
OF DORCHESTER COUNTY

Doris Goslin
Administrative Assistant

DG/sfj

DORCHESTER COUNTY PLANNING & ZONING OFFICE

P. O. Box 307
CAMBRIDGE, MARYLAND 21613
PHONE: 228-3234

DIRECTOR
STEVE DODD, AICP

ASSISTANT PLANNER
KAREN HALES

PLANNING SECRETARY
JULIA T. HENRY



ZONING ADMINISTRATOR
JAMES H. MICHAEL

CHIEF ZONING INSPECTOR
ALLEN TOLLEY

ZONING SECRETARY
MARNE COPPINGER

July 9, 1991

Mr. Tom Ventre
275 West Street
Suite 320
Annapolis, Maryland 21401

Dear Tom,

Enclosed are two text amendments approved by the County Commissioners on July 2, 1991 following their June 25th public hearing. The text amendments would amend the guidelines for growth allocation in the zoning and subdivision regulations. Therefore, I am requesting on behalf of the County Commissioners that the requirements for growth allocation be amended. Please appoint a panel to conduct a local hearing and contact me if you need further information.

Sincerely,

Karen Hales,
Assistant Planner

KH:jh

Enclosures

APPLICATION FOR TEXT AMENDMENT
TO DORCHESTER COUNTY
SUBDIVISION REGULATIONS

Application No. 185-2-90
Date Referred from County Commissioners: _____

I, the applicant PAUL A. TOBIN
do hereby respectfully make application to and petition the County
Commissioners of Dorchester County, Maryland for a text amendment
to the Dorchester County Subdivision Regulations as hereinafter
requested. In support of this application, the following information
is given:

1. The applicant has a committed financial, contractual or pro-
prietary interest in real property located within the County's
jurisdiction, that interest being 6.23 acres on Taylor's Island,
Tax map 67, Block 6, Parcel 1 owned by the applicant.

2. The Section of the Dorchester County Subdivision Regulations
text proposed for change is: Chapter 140 Section 140-51.B (1)

3. It is requested that the proposed change be as follows: _____
See Attachment A

4. Purpose of the Proposed Change: To allow conversion of Resource
Conservation Area (RCA) to Intensely Developed Area (IDA) for Growth
Allocation under Dorchester County Critical Area Plan.

Signature of Applicant Paul A. Tobin Date 28 April 1990

Address 404 Wheeler St. St. Mary's, Ga. 31558

Phone (912) 882-4163 Date Fee Paid N/A annual Amount N/A
review

ATTACHMENT A (rev.)

3. It is requested that the proposed change be as follows:

Replace in its entirety Paragraph (1) Section 140-51.B Growth Allocation.

New wording to be as follows:

Section 140-51. Growth Allocation.

B. Eligibility requirements. To be considered for growth allocation a proposed development project shall meet the following criteria: (note- conversion from a higher to a lower development zone shall not require growth allocation.)

(a) The county shall use the following guidelines when considering requests for growth allocation:

- (I) New Intensely Developed Areas should be located in Limited Development Areas or adjacent to existing Intensely Developed Areas;
- (II) New Limited Development Areas should be located adjacent to existing Limited Development Areas or Intensely Developed Areas;
- (III) No more than one half of the allocated expansion may be located in Resource Conservation Areas; [however, if the county is unable to utilize a portion of the growth allocation within or adjacent to existing Intensely Developed or Limited Development Areas, then that portion of the growth allocation which cannot be allocated may be located in the Resource Conservation Area in addition to the expansion allocated in this section;]
- (IV) New Intensely Developed Areas and Limited Development Areas should be located in order to minimize impacts to Habitat Protection Areas as specified in COMAR 14.15.09 and in an area and in a manner that optimizes benefits to water quality;
- (V) New Intensely Developed Areas should be located where they minimize their impacts to the defined land uses of the Resource Conservation Area;
- (IV) New Intensely Developed Areas and Limited Development Areas in the Resource Conservation Area should be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.

[] - indicates revised language

DORCHESTER COUNTY ECONOMIC DEVELOPMENT OFFICE

P.O. Box 26
Cambridge, Maryland 21613
301-228-0155



August 13, 1990

Mr. Steve Dodd, Director
Dorchester County Planning & Zoning Office
P.O. Box 307
Cambridge, Maryland 21613

RE: County Planning and Zoning Text Amendment;
Mr. Paul Tobin Application #184-1-90 and 185-2-90

Dear Mr. Dodd:

The Dorchester County Economic Development Commission supports and endorses Mr. Tobin's request to allow conversion from an RCA to an IDA for growth allocation under the County Critical Area Plan. This will expedite Mr. Tobin's development plans for his property, and ultimately create employment opportunities for our local labor force.

Very truly yours,

A handwritten signature in cursive script, reading "Amos Meredith".

Amos Meredith
EDC Chairman

DORCHESTER COUNTY HIGHWAY DEPARTMENT

5435 HANDLEY ROAD
CAMBRIDGE, MARYLAND 21613
301 - 228-2920

Handwritten notes:
K...
out K...

BOARD MEMBERS

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PRESIDENT

CALVIN TRAVERS
VICE PRESIDENT

LEMUEL D. CHESTER

JACK C. COLBOURNE

CHARLES E. DAYTON

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ADMINISTRATIVE ASSISTANT



ELVIN D. THOMAS
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HIGHWAY ENGINEER

JAMES GRINDLE
HIGHWAY ENGINEER

JOHN MATTHEWS III
HWY. MAINT. SUPR.

ARLENE MEREDITH
OFFICE SUPERVISOR

August 15, 1990

Ms. Karen Hales
Dorchester County Planning & Zoning
P.O. Box 307
Cambridge, Maryland 21613

Dear Ms. Hales;

This is in response to your request for comments dated August 8, 1990, concerning certain text amendment applications.

We have no comments concerning either of the text amendments at this time.

Sincerely,


Elvin D. Thomas,
Administrator

EDT/cvt

TRANSMITTAL SHEET

DORCHESTER COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION

Telephone: 228-1167

751 Woods Rd
Cambridge, Md.
21613

LeeRoy Jones MD, MPH
Health Officer

To: Planning and Zoning Office
Attn: Karen Hales

Date ___August 21, 1990___

From: Stacy A. Beauchamp Jr., RS *SAB*
Director
Division of Environmental Health

Re: 1990 Annual Review-Text Amendments

Application Number

184-1-90	No Comment
185-2-90	No Comment
187-4-90	No Comment
188-5-90	No Comment
189-6-90	No Comment
191-8-90	No Comment

SAB:

cc:

THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY

COUNTY OFFICE BUILDING
P. O. BOX 26
CAMBRIDGE, MARYLAND 21613
PHONE 228-1700

SHIRLEY G. McWILLIAMS, PRESIDENT
THOMAS RUARK, VICE PRESIDENT
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JACK C. COLBOURNE
ROBERT A. MURPHY



DORIS GOSLIN
ADMINISTRATIVE ASSISTANT
E. THOMAS MERRYWEATHER
COUNTY ATTORNEY
RICHARD D. HARRINGTON
DEPUTY ATTORNEY

July 5, 1991

Mr. Steve Doda
Dorchester County Planning & Zoning
County Office Building
Cambridge, Maryland 21613

Dear Steve:

On June 25, 1991, the County Commissioners of Dorchester County conducted a public hearing to consider adoption of text amendments No. 184-1-90 and 185-2-90. On July 2, 1991, the Commissioners approved these text amendments.

Please take necessary steps to include these changes in the County's zoning regulations.

Very truly yours,

THE COUNTY COMMISSIONERS
OF DORCHESTER COUNTY

Doris Goslin
Administrative Assistant

DG/sfj

DORCHESTER COUNTY PLANNING & ZONING OFFICE

P. O. Box 307
CAMBRIDGE, MARYLAND 21613
PHONE: 228-3234

DIRECTOR
STEVE DODD, AICP

ASSISTANT PLANNER
KAREN HALES

PLANNING SECRETARY
JULIA T. HENRY



ZONING ADMINISTRATOR
JAMES H. MICHAEL

CHIEF ZONING INSPECTOR
ALLEN TOLLEY

ZONING SECRETARY
MARNE COPPINGER

July 9, 1991

Mr. Tom Ventre
275 West Street
Suite 320
Annapolis, Maryland 21401

Dear Tom,

Enclosed are two text amendments approved by the County Commissioners on July 2, 1991 following their June 25th public hearing. The text amendments would amend the guidelines for growth allocation in the zoning and subdivision regulations. Therefore, I am requesting on behalf of the County Commissioners that the requirements for growth allocation be amended. Please appoint a panel to conduct a local hearing and contact me if you need further information.

Sincerely,

Karen Hales,
Assistant Planner

KH: jh

Enclosures