

Public Hearings - Hartford County - Residential Growth 1991 MJA_51830-97

1 BEFORE THE CHESAPEAKE BAY CRITICAL AREA COMMISSION

2 -----
3 IN THE MATTER OF: :

4 RIVERSIDE SOUTH 40 :
5 RESIDENTIAL GROWTH :
6 PUBLIC HEARING :
7 -----

8 Tuesday, November 5, 1991

9 Pursuant to Notice, the above-entitled hearing
10 was held before ROBERT PRICE, CHAIRMAN, at 220 Main
11 Street, Second floor, Bel Air, Maryland 21014,
12 commencing at 7:10 p.m., there being present on behalf
13 of the respective parties:

14 ON BEHALF OF THE CRITICAL AREA COMMISSION AND HARFORD
15 COUNTY PANEL MEMBERS:

16 ANNE HAIRSTON, Critical Area Commission staff
17 DAWN MCCLEARY, Critical Area Commission staff
18 RICHARD HALL, Department of Planning and Zoning
19 RONALD YOUNG, Office of State Planning
20 RONALD HICKERNELL, Baltimore County
21 PAUL GILBERT, President of BLC Properties.
ANDY MEYER

REPORTED BY: JOYCE M. DANIELS, NOTARY PUBLIC



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P R O C E E D I N G S

CHAIRMAN PRICE: We're back live again for a while. This is a Critical Area Commission panel hearing. I'm Robert Price, panel member from Queen Anne's County, chairman of this panel. The other commission members are Ron Young from the Office of State Planning, and Ron Hickernell from Baltimore County. Dawnn McCleary, a Natural Resources Planner is a Critical Area staff person, and Anne Hairston, also from the Critical Area Commission's staff is in attendance.

The hearing tonight is on a growth allocation amendment requested by Harford County to its program allotting growth allocation for a project termed "Riverside South 40 Residential Growth."

The ground rules tonight are going to be that anyone in favor of the project, including Harford County, will make a presentation and speak in favor or it, and, thereafter, those people who are either opposed or those who have comments will have an opportunity to testify.



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1 We have one of them sitting in the chair,
2 can the gentlemen stand and speak. So, anyone that
3 wishes to testify can get close to the microphone on
4 the chair.

5 We'll keep the record open on this hearing
6 until November the 19th for any written comments or any
7 other material anyone wishes to submit, and that would
8 be sent to the Chesapeake Bay Critical Area Commission
9 office in Annapolis.

10 And unless there are any other comments, I
11 think Mr. Hall, if you want to identify yourself and
12 then go ahead and make the presentation.

13 MR. HALL: My name is Rich Hall and I work
14 with the Department of Planning and Zoning. Last spring
15 we received three applications for growth allocation,
16 one of which made it through to local level, meaning it
17 was approved by our county council.

18 This map here shows the county's critical
19 area, and just to give you a sort of regional
20 perspective the area we're talking about here tonight,
21 Riverside South 40 Residential application, is down in



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1 this area here. To give you more of a site specific
2 view here, the application is for 23 acres. As you can
3 see here in the gray tone, it's part of an 111 acre
4 tract and, basically, what we have here is open forest,
5 two open forests -- two open fields -- I think,
6 previously agricultural in use, separated down here by a
7 stream and wetland system. So, therefore, you have two
8 pods here seeking the growth allocation award and, like
9 I said, that equals 23 acres.

10 As far as what is being developed, all of this
11 in open land except for one acre which is going to be
12 reforested on site. We have approximately .28, a little
13 more than a quarter of an acre, of wetland disturbance
14 proposed for this roadway across here. It will
15 transverse a small stream and wetland system.

16 Previous applications, previous versions of
17 this growth allocation that the applicant made, we have
18 more disturbance here than they proposed across more
19 through down here which was durable wetland, so this
20 year, they brought it up to here, making less
21 disturbance in the wetland areas. And, of course, come



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1 time for actual -- plan submittal, the appropriate
2 permits will have to be obtained and mitigation and
3 those type activities, but as far as the growth
4 allocation is concerned, we do not have a problem with
5 this limited disturbance. It's close to the all ready
6 Route 40 -- this is Route 40 going across here -- which
7 is a dual lane highway and it's very close to that area,
8 so we don't view that as being anything significant.

9 The amount of units proposed are somewhere
10 between 240, 270 -- 265 to 270 units and townhouse and
11 apartment type configuration. There is no disturbance
12 of habitat protection areas other than the wetland area
13 here. There are some highly -- soils. The
14 consultant did a study. It showed that they are below
15 the K-factor that's mentioned in our regulations. That,
16 upon -- plan's submittal, we'll look into that
17 some more, but as far as the growth allocation is
18 concerned, that's not a --we don't consider that an
19 issue.

20 That's a real general overview of what we have
21 here. I'll be glad to take any questions now or as we



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1 progress through this hearing.

2 CHAIRMAN PRICE: Any questions? I had a
3 couple of questions I wanted to ask. Is it serviced by
4 sewer and water?

5 MR. HALL: That's right. It's along the
6 highway here. Provision of sewer and water -- that was
7 one of the criteria in our growth allocation that we
8 look for when we go through our growth allocation review
9 process and the infrastructure here is in place as well
10 as the roads. The applicant is -- it's Riverside --
11 they've built quite a few other projects and, because of
12 that, now they are being required to construct an
13 overpass over Route 40, which will come down over here
14 and this is part of what's driving the need for that
15 overpass. So, as far as infrastructure, the applicant
16 is satisfying that criterion.

17 CHAIRMAN PRICE: This is resource conservation
18 now?

19 MR. HALL: That's right.

20 CHAIRMAN PRICE: You've got a limited
21 development?



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MR. HALL: The application is from RCA to IDA.

CHAIRMAN PRICE: What's on the -- I don't want to call it south -- on the left?

MR. HALL: Over here?

CHAIRMAN PRICE: Yes.

MR. HALL: We have another similar stream/wetlands system similar to this one here, but right here is an intensely developed area. This is the beginnings of the Bata Shoe Factory complex. And down here, I failed to mention, is the Church Creek system right around here. This is where it goes under Route 40 and then it comes out down this way.

CHAIRMAN PRICE: I guess what I was trying -- where would the total 111 acres be? What you spoke of as --

MR. HALL: Okay. It's a 111 acre tract. I believe that this tract, it's a large tract, it even goes across the highway here and it takes up land over here as well. The only part that is being applied for allocation is the 23 acres here highlighted in the gray, but the tract itself --



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1 MR. YOUNG: Is that also on the map?

2 MR. HALL: Yes, this map will probably give
3 you a feel for -- okay -- this area here is the,
4 basically this is the area that's gray on the previous
5 map and, I believe, the property line -- Paul, you may
6 need to help me here a little bit -- comes up over here
7 and then goes over here or something like that.

8 MR. GILBERT: It's really everything south of
9 40 that's in yellow, dark green or light green, stopping
10 right at the overpass. It's outlined. It's everything
11 that's --

12 CHAIRMAN PRICE: Is the 111 acres all resource
13 conservation?

14 MR. HALL: No.

15 MR. MEYER: In fact, all 111 acres aren't in
16 the critical area, correct?

17 MR. HALL: That's true.

18 MR. YOUNG: I'm still following the tract. If
19 that yellow is 23 acres, that green certainly isn't 80.
20 Where else does it go?

21 MR. HALL: It comes up, it goes over here, up



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1 across on this other side of Route 40. This is Route 40
2 here. The tract would come over here. It comes down
3 over here and the tract doesn't -- I think it matches up
4 along here. You see, this is the stream system, the
5 wetland system, that is separating it from the old Bata
6 Shoe Factory complex, but it does come over here. It
7 sort of meanders around. If you're really interested,
8 I can get a tax map out and show it to you, but --

9 MR. GILBERT: Rich?

10 MR. HALL: Yes.

11 MR. GILBERT: That map was never intended to
12 really show the 23 acres.

13 MR. HALL: Right, we have that --

14 MR. GILBERT: Don't anybody try to put that
15 together with the scale.

16 MR. HALL: The 23 acres is accurately depicted
17 on this previous map.

18 MS. MCCLEARY: But this map also shows all the
19 other two phases of the project when it first --
20 when the whole Bata land first started. It includes the
21 Riverside South 40 and the two other projects over here.



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1 MR. YOUNG: But that's not part of the 111?

2 MS. MCCLEARY: No.

3 MR. YOUNG: We're trying to picture where the
4 111 acres is.

5 MR. HALL: It's hard to get this --

6 MR. MEYER: Why don't I go pull a copy of the
7 tax map.

8 MR. HALL: Okay. It's a relevant question,
9 and I'm not trying to put it aside, but I think the
10 issue here is the 23 acres that's being applied for
11 growth allocation.

12 CHAIRMAN PRICE: That's true, but I'd also
13 like to know what's going to happen to the other 111 or
14 the remaining 80 or 90. Whether it's going to be deed
15 restricted for future growth.

16 MR. HALL: The lands down here will be in a
17 homeowner's association. The applicant has talked to us
18 before about -- like you saw on the previous map, they
19 have other projects directly adjacent to this, some from
20 previous growth allocations, and there's been talk about
21 sort of combining all those remaining lands and bringing



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1 all of those into one sort of environmental trust, if
2 you will, just for that area, but the remaining lands
3 are all environmentally restricted, obviously, around
4 the 23 acres for allocation here, and they will be put
5 into, at least at first, into a homeowner's association.
6 And that is one of the conditions for approval in the
7 county's staff report, that such lands are laid in some
8 sort of easement of similar protective device, if you
9 will.

10 CHAIRMAN PRICE: But you don't know how much?
11 Again, the acreage, it's got to be big, I mean, it's not
12 that you're saying that the 23 acres becomes IDA and
13 the balance is restricted resource conservation or is
14 that what you're saying?

15 MR. HALL: For down here, these areas here
16 will be -- they will remain RCA land and they will have
17 some sort of easement on them.

18 MS. MCCLEARY: It will be a conservation
19 easement?

20 MR. HALL: Right.

21 MR. YOUNG: The other 88 acres will be



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1 restricted and they can't be developed?

2 MR. HALL: That's right.

3 MR. HICKERNELL: Question --

4 THE REPORTER: Sir, I can't hear you.

5 MR. HICKERNELL: A question on the county's
6 regulation of converting RCA into IDA land. Do you have
7 any policy at all in making the transition from RCA to
8 IDA without going through LDA?

9 MR. HALL: No. Do you mean is it --

10 MR. MEYER: Can you make a direct allocation
11 for RCA to IDA without dealing with the LDA?

12 MR. HICKERNELL: Yes.

13 MR. MEYER: Yes, sure. There's nothing in the
14 county's program that would restrict that.

15 MR. HICKERNELL: Have you done it before
16 elsewhere?

17 MR. HALL: Yes.

18 MR. MEYER: Oh, yes. In fact, twice
19 previously --

20 MR. HICKERNELL: On this site?

21 MR. MEYER: Not on this site but on the



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1 overall Bata project -- previous allocations --

2 MR. HICKERNELL: Thank you.

3 CHAIRMAN PRICE: Do either of those pods, do
4 they abut up against any other IDA or LDA land?

5 MR. HALL: Well, not physically directly. I
6 mean, IDA land across here on the other side of Route 40
7 and then this is all IDA land here. This is all marsh
8 and tidal wetlands in Church Creek here. I can show you
9 on this other map --

10 MR. MEYER: Mr. Chairman, maybe I can address
11 that.

12 CHAIRMAN PRICE: Yes, sure.

13 MR. MEYER: This is the third, at least the
14 third time which this specific project has come to the
15 county for an allocation request. This, what you
16 mentioned, was an issue when we first considered this
17 project and discussed it with the commission's staff.
18 The project that we're talking about now is separated
19 from an IDA area by a sensitive natural feature and, in
20 talking with Dr. Taylor and his staff some years ago, we
21 basically reached the conclusion that it was not in the



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1 best interest to try to protect the resource if we
2 looked at literally creating some kind of a physical way
3 in which the two were immediately abutted.

4 We even, at one time, the applicant had shown
5 a dog-leg portion of the project to receive an
6 allocation so that there would be a physical connection
7 between the two, but that doesn't protect the resource
8 that's in between as well. So, basically, for intent
9 purposes, there's not that much of a distance that
10 separates them, and what does separate them we wanted to
11 remain as RCA. So that's why the area, while physically
12 not immediately contiguous to another IDA area has
13 always been considered to generally be contiguous as far
14 as the intent of the allocation is concerned.

15 CHAIRMAN PRICE: I guess what's a little bit
16 confusing in my mind, and I've read some of the
17 background to the extent that this was the third of a
18 sequence, but is there any picture that shows how these
19 things fit together, and after what's left over, exactly
20 what's going to be in a restricted open space? I can
21 appreciate what you're saying if it all works kind of



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1 as one unit. Do you follow what I'm saying?

2 MR. MEYER: I don't know. Are you talking
3 about of the remainder of this tract itself?

4 CHAIRMAN PRICE: Well, as I understand it, the
5 remainder of the tract is going to be deed restricted
6 for open space uses or whatever you would refer to it.

7 MR. HALL: The part I'm -- it isn't for the
8 whole tract that we have on this map underneath here,
9 but it is labeled on this map, the site plan here, to
10 open space areas, and all the areas within the critical
11 area here, the critical area being south of this yellow
12 line here that are not in the gray here where other
13 spaces here, and these areas are referred to as a
14 condition in our staff report to be easement areas.
15 That will be all these areas here.

16 MS. MCCLEARY: Did you want to see the whole
17 tract with the other --

18 CHAIRMAN PRICE: I don't really care about the
19 first two if someone can show exactly what the present
20 parcel is.

21 MS. HAIRSTON: This is the best map that we



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1 have for showing the relationship, the current growth
2 allocation to the other growth allocations. There is
3 IDA granted on this side of Route 40. So you can see
4 that IDA here would be essentially contiguous to that.
5 This is the Bata Shoe Factory, which was an IDA to begin
6 with. And this is the other area that's received growth
7 allocation to IDA. The area that would be deed
8 restricted is essentially all of this in here, which is
9 adjacent to Bush River and this Church Creek wetland
10 system. So, it would be a deed restricted area adjacent
11 to existing wetlands.

12 MR. YOUNG: All that's confusing me is that
13 can't be 88 acres.

14 CHAIRMAN PRICE: But there's not any --

15 MR. MEYER: It's probably not. The tract, if
16 you actually look at the zoning maps, the tract appears,
17 in fact, coming over in this area as well. I guess what
18 we're getting hung up on is how much we have as a
19 remainder -- right, exactly. And that may not, 111 may,
20 in fact, not be the number that we're talking about
21 minus 23.



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1 MR. HALL: Right.

2 MR. MEYER: In fact, it may be different. I
3 mean, what we may be talking about is the fact that 23
4 are going to be allocated and the remainder from this
5 stream system centerline on over all the way up to Route
6 40, all of this within the critical area, that remainder
7 will, in fact, be deed restricted.

8 MR. YOUNG: I read it quickly, but that's not
9 what I was reading. I was reading that it' 111 acres,
10 23 is to be changed and the rest remains, and if that's
11 not the case, I'd just like to know.

12 MR. HALL: I mean, that's not the complete
13 picture, I guess, is what we're getting at here.

14 CHAIRMAN PRICE: Let me just go back as to why
15 I was asking the question, and I don't know anything
16 about Harford County's program but, as I understand it,
17 to me this would be an application for -- if you want to
18 call it the envelope theory of growth allocation --
19 that is you're taking a piece of it and concentrating
20 your IDA in there and you're leaving the rest out and
21 not going to count it against your growth allocation --



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1 MR. MEYER: Correct.

2 CHAIRMAN PRICE: -- and I really haven't gone
3 back and checked, and I can't quote to you, but it's my
4 thought that this space that is not being changed has to
5 come under certain -- both the buffer areas and other
6 parts of it -- come under certain type restrictive --
7 either clauses or covenants, and that's what I was kind
8 of getting at.

9 I understand what you're going to do here, but
10 I was just trying to get clear in my mind what's going
11 to happen to the balance and whether it's just going to
12 remain RCA and someday maybe be part of an additional
13 growth allocation or whether it's not.

14 MR. MEYER: That was not the intent.

15 MR. HALL: I guess, basically, whatever's not
16 -- out the 111 acre tract, whatever is not applied for
17 allocation, and whatever is not buildable is already
18 built on, I guess, so we either have the allocation out
19 of the 111 acres application, nonbuildable lands, or
20 lands that are already developed because, I believe,
21 does that tract come up -- is this the property line?



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1 MR. MEYER: Yes.

2 MR. HALL: Where it comes over to here.

3 MR. MEYER: I think if you look at the zoning
4 map, the fact that the property line crosses over here.

5 MR. HALL: And then it comes up over here too.
6 It's a weird lot.

7 MR. MEYER: But I guess, I don't know, I
8 guess my point is that maybe we shouldn't be caught up
9 in the 111 acres as a number --

10 CHAIRMAN PRICE: I don't care if it's 80.

11 MR. MEYER: Right. But instead, what we're
12 looking at is basically these two areas receive
13 allocation and the remainder of this area adjacent to
14 the project from this on over will, in fact, is intended
15 to be restricted.

16 CHAIRMAN PRICE: It's a matter that we don't
17 have any plat that shows kind of what's in and what's
18 out. I mean, we have this kind of plat --

19 MR. HALL: As far as the piece of -- I don't
20 know, I've tried to answer this question once myself a
21 long time ago and I had to look at four different tax



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1 maps because it's a very large parcel and it goes all
2 the way over here, it comes over here, and it comes over
3 here, and so that getting back to what I said before,
4 it's either already developed, a lot of which is outside
5 of the critical area -- this is the critical area along
6 here -- or it's applied for allocation here or it's
7 going to be what's going to be put into the easement for
8 this specific growth allocation, which is going to be
9 this land over --

10 CHAIRMAN PRICE: Let's forget about the
11 acreage. Is what you're saying that all the remaining
12 land --

13 MR. YOUNG: I just think it's --

14 THE REPORTER: I'm sorry. I can only pick up
15 one at a time.

16 CHAIRMAN PRICE: Sorry. Go ahead.

17 MR. YOUNG: I'm not trying to be difficult. I
18 just think that's a very simple question and it ought to
19 be easily answered. What makes up the 111 acres?

20 MS. HAIRSTON: Rich, would you be able to
21 get us a figure by the December meeting?



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1 MR. HALL: Yes. We can generate that.

2 MS. HAIRSTON: I think that's all we're
3 interested in at that point.

4 MR. HALL: Okay.

5 CHAIRMAN PRICE: And I'd be interested in
6 whether it is going to be deed restricted. You
7 mentioned a possible homeowner's association or some
8 plans for it, or deed restriction, or it's not usable.
9 I don't think either one of them -- I just want to know
10 which one it's going to be. You know, how it's going to
11 be handled.

12 MS. HAIRSTON: How does the county's condition
13 read?

14 MR. HALL: Okay, it's part of condition number
15 two and it states -- it's on page 7 of the County Staff
16 Report, number one under number two: Restrictive
17 covenants which will specify exactly when and where and
18 how on-site clearance operations and other -- to be
19 managed down here -- stormwater management -- let's see,
20 it's in here. Okay. The way it works out is "Any
21 preliminary development plan prepared for the



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1 development of projects receiving a growth allocation
2 shall include all critical area protection measures and
3 features as specified within the critical area
4 assessment reports." Which, this is part of the report,
5 technically, and as open space is listed on there, will
6 be put into easements. Seeing if it's addressed
7 anywhere else.

8 MR. MEYER: Is the panel's concern basically
9 to understand the fact of how the county intends to deal
10 with the remaining lands not granted in allocation but
11 within the parcel, so to speak?

12 MR. YOUNG: I'd also like to know are there
13 other lands in there that have been granted allocations?
14 I'd just like to know what the -- it appears not to be
15 the case.

16 MR. MEYER: The areas that received previous
17 allocations, I believe, are in a separate parcel, but we
18 can establish that.

19 MR. YOUNG: There's just not, unless these
20 scales are totally off, there's not 88 acres of land in
21 that resource area, so there's some land some place



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1 else.

2 MR. HALL: Right. It's over here.

3 CHAIRMAN PRICE: My concern would be that and
4 maybe we've run into this main jurisdictions, that
5 jurisdictions and property owners and, for their own
6 good reason, are taking a piece out of a large parcel
7 and saying "There's my growth allocation." Some of it
8 -- one acre out of 40 right in the middle of the thing.
9 And they're supplying these things all around and we
10 have these policies on so-called envelope -- if you do
11 certain things, then you don't count all your parcel and
12 your buffer and, frankly, most of them that I've seen
13 come with a plat of the entire property that shows the
14 buffer, it shows a kind of a layout of the 23 acres, and
15 it may be similar to that, but --

16 MR. MEYER: If it had some defined property
17 boundary lines.

18 CHAIRMAN PRICE: Property boundaries, and this
19 is going to be open space and this buffer is going to be
20 preserved, or this is going to be subject to some kind
21 of a forestry plan. That type thing. But I'm just



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1 trying to get an understanding here as to, I guess, as
2 to where you're coming from because I can see you've got
3 two nodes that you say total 23 acres and I just wonder
4 where's the rest of it and what's to become of it.

5 MR.MEYER: What specific conditions relate to
6 the remainder of the area.

7 MR. HALL: To get back to this, I missed it.
8 There's a specific -- number five, condition number five
9 on page eight in the County Staff Report states that
10 "All lands designated as buffer or open space shall be
11 dedicated to the project's homeowner's association and
12 shall be left undisturbed." So, we do have a specific
13 condition for approval.

14 MR. YOUNG: But it doesn't spell out what that
15 is.

16 MR. HALL: You mean designated as buffer --

17 MR. YOUNG: Yes. I mean, is that one acre or
18 is that 88 acres?

19 MR. HALL: No, that's not an acreage measure
20 of that. No.

21 MS. HAIRSTON: It's identified on the map.



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1 MR. HALL: Identified on this map here though.

2 MR. YOUNG: Where is it and how much is it?

3 MR. HALL: I don't know how many acres it is
4 but there's open space here, here, and here.

5 MR. MEYER: Rich, isn't some of that material
6 on the end?

7 MS. MCCLEARY: It should be on this particular
8 map. It's a more recent map. Here are the total areas
9 within the 1,000 -- 111 acres, 55 acres in forest cover
10 and 27 acres in wood and field, and 29 acres in marshes,
11 and --

12 THE REPORTER: Could you please speak up. I
13 can hardly hear you.

14 MS. MCCLEARY: The total area within the 1000
15 -- line is 111 acres. 55 acres of forest cover, 27
16 acres of open field, and 29 acres of marshland, and --

17 MR. YOUNG: But you can't tell us where that
18 is.

19 MS. HAIRSTON: These are --

20 MR. YOUNG: I understand those there. I want
21 to know where the other 88 acres is and nothing



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1 specifically says that. I want to know for my own
2 information is that 88 acres being reserved or is part
3 of it in an allocation and I don't know.

4 (Whereupon, there was a discussion off
5 the record.)

6 MS. HAIRSTON: It might be simplest, at this
7 point to request confirmation of that information.

8 MS. MCCLEARY: That's a 300 foot buffer
9 setback.

10 MR. MEYER: Maybe I can lend some clarity to
11 this issue here. When Paul Gilbert, who is intimately
12 familiar with the Bata project, looked at the map,
13 basically, we know that this site here, -- site is 20
14 acres in size and that's physically what it is on the
15 ground. So, in fact, if you take this area and look how
16 that relates to the area within this dashed line here,
17 what we have here is 135 acres. If you, in fact, take
18 out that portion which is outside of the critical area,
19 I believe what we're left with within this line here is
20 111 acres.

21 MR. HICKERNELL: Is 111 acres..



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1 MR. MEYER: Right, which includes some water
2 area, which includes some marsh area, which includes --

3 MR. HICKERNELL: But the delineation of that
4 boundary is this line?

5 MR. GILBERT: Yes.

6 MR. MEYER: Down to the centerline of the
7 steam --

8 MR. HICKERNELL: And this line --

9 MR. MEYER: And up here -- Yes.

10 MR. HICKERNELL: 111?

11 MR. MEYER: 111, that's correct.

12 MR. HICKERNELL: And this line.

13 MR. MEYER: That's right. The county
14 critical area.

15 MR. HICKERNELL: And this is 111?

16 MR. MEYER: That's correct.

17 CHAIRMAN PRICE: And the yellow is the 23.

18 MR. GILBERT: No.

19 MR. MEYER: No, that's not correct. 23 would
20 exclude --

21 VOICE: Outside of the critical area.



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1 MR. MEYER: -- would not include that area
2 outside of the critical area.

3 CHAIRMAN PRICE: But what's in the critical
4 area?

5 VOICE: What's down there.

6 THE REPORTER: Here we go again. I'm not
7 getting a clear record with everyone speaking at one
8 time. I'm sorry.

9 MR. MEYER: This would be the 23,
10 approximately. I mean, what you've got to refer to is,
11 in fact, the site plan map. This is a general concept.

12 MR. YOUNG: You're saying the property line is
13 here and this is not in 111 acres?

14 MR. MEYER: No. This is not a property line.
15 The property line is, in fact, here. The 111 acres is
16 that portion of the tract which is within the critical
17 area. There is this area outside of the critical area.
18 This.

19 MR. YOUNG: Okay. That's --

20 MR. MEYER: That's not a part of anything.

21 MR. YOUNG: We're talking about a 135 total --



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1 MR. MEYER: Right.

2 MR. YOUNG: -- that's an extra 24 acres.

3 MR. MEYER: Correct.

4 MR. YOUNG: Okay. That's beginning to make
5 more sense.

6 MR. MEYER: Okay.

7 CHAIRMAN PRICE: We can clarify this. In
8 speaking of the land that is within the critical area,
9 that portion that is going to remain resource
10 conservation, is it going to be subject to deed
11 restrictions, open space restrictions or whatever you
12 want to call it?

13 MR. MEYER: As specified in the conditions in
14 our report, yes.

15 CHAIRMAN PRICE: So, you'd really have
16 restricted resource conservation on one part and the two
17 --

18 MR. MEYER: And the two areas addressing
19 allocation, a total of 23 acres. That's correct.

20 MR. YOUNG: And the 88 acres, then, is going
21 to be deed restricted --



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1 MR. MEYER: Right. To the degree that you're
2 going to deed restrict water area, but -- that's good,
3 that's correct. It will not be developed.

4 MR. YOUNG: If that's correct, that answers my
5 question.

6 MR. MEYER: Okay.

7 CHAIRMAN PRICE: Any other questions? Do you
8 wish to add to what we've quizzed you on?

9 VOICE: I think I'll leave it where it is.

10 CHAIRMAN PRICE: Does anyone else wish to
11 speak on the proposed allocation? Yes, sir. Do you
12 want to come up and get close to the -- if you'd give us
13 your name.

14 MR. GILBERT: Yes. Paul Gilbert. I'm
15 president of BLC Properties. We're the developer of the
16 Riverside project. I just want to say a few comments
17 that I think may even further clarify some of the
18 earlier confusion. The original holdings, which include
19 this area, equaled almost 1500 acres. We have always
20 dealt really with some very broad acreages as we've gone
21 through planning the project. And as I mentioned to



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1 Andy, up there, much of that acreage is in marshland,
2 it's in streams, and other obviously sensitive areas.

3 If, in fact, the number, and I would say that
4 it is because of the people who prepared the
5 application, if that 111 acre figure is correct, then of
6 that 111 we would be talking about 23 acres for
7 conversion from RCA to IDA. That's just one small
8 component of the larger Riverside project, which some of
9 you may or may not be familiar with, but the original
10 1500 acres was master planned as a mixed use community.
11 It's an area where virtually all of the infrastructure
12 for growth was in place. Where it wasn't in place, BLC
13 Properties, formerly Bata Land, put it in place in terms
14 of roads, sewers, pumping stations, to make that growth
15 occur.

16 As part of the program we will ultimately
17 develop approximately 2700 residential units. They
18 will be a combination of condominiums, townhouses and
19 single-family residences. We are also in the process of
20 developing a 300-acre business park by the name of
21 Riverside Business Park, and we've just gotten approval



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1 from the county for another 100-acre development up in
2 this area south of Route 7 that we're calling right now
3 the Riverside Corporate Center, hoping for a higher end
4 industrial/commercial use.

5 One of the main components of the project, to
6 provide retail services to the residents and the
7 businesses, is the development of a shopping area
8 centrally located, pretty centrally located to the
9 community right near the \$20,000,000 interchange that
10 the state constructed and opened about a little over a
11 year ago.

12 The growth allocation for the South 40 is
13 really important for a couple of reasons and one is that
14 the original approval for the project, in 1976, because
15 at that time there were 600 units planned for this area
16 because in 1976 there was no Chesapeake Bay Critical
17 Area Management Program, and we were required to develop
18 the overpass, construct this overpass so that these
19 things could happen.

20 We're now in a position where, because of a
21 number of factors, one, obviously being the critical



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1 area program, we, two years ago, committed to the
2 Department of Planning and Zoning and the State Highway
3 Administration that there would be no more than 300
4 units constructed on those two poDS.

5 Our first application that was submitted at
6 the end of 1988, I think had about 31 plus or minus
7 acres for growth allocation. That included about nine
8 acres of forest clearing. It was really, and I don't
9 mean to speak for planning and zoning, but they
10 recommended against it at that time because of timing
11 issues with respect to the overpass, primarily, that we
12 couldn't develop the property within the time frames
13 that they had established as county policy.

14 The following year we came back in after
15 having looked at the project and we were down to 29
16 acres of growth allocation request with eight acres of
17 forest clearing. Again, I think the overpass was the --
18 and the timing, was the primary issue and the
19 disposition was for denial at that time.

20 We came back in this time. I really beat on
21 the planners and designers and I said intuitively, "If



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1 we flip these pods, I know we can get the same number of
2 units and we can drive that request down." So, we're
3 now down to 23 acres with just about one acre of forest
4 clearing.

5 So, if you look at this request in sort of a
6 longitudinal way, I think we have done exactly what the
7 intent of the critical area program was. We certainly
8 tried to anticipate the intent of the state's forest
9 conservation program and the county's forest
10 conservation program by reducing eight and nine acres of
11 forest clearing down to one.

12 The wetlands crossing that would be required
13 to link these two particular pods, in our minds, is
14 optional. The linkage does not really have to be made
15 because each pod has access, approved by the State
16 Highway Administration, properly spaced from Route 40.
17 So, we really don't have to make that connection.

18 It sort of goes without saying that we are
19 prepared to place a deed restriction on the balance of
20 the property. That would be the RCA property remaining
21 in that 111 acres parcel after the growth allocation,



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1 that that be restricted from development. Moreover,
2 this past summer, in sort of a completely unrelated kind
3 of effort, I have really pledged to the president of the
4 county council and the Harford county council, and we
5 have had a couple of preliminary meetings with Grantha
6 Hart and the environmental trust, but it's our intention
7 to take all of basically the drainage area within
8 Riverside and the environmentally sensitive areas and
9 put that into the Maryland Environmental Trust. That
10 was a project that came along apart from this. And I
11 can remember when Rich said "Although we can link those
12 up and make that a condition" -- and I said, "For God's
13 sake, no. Let me do something nice for a change instead
14 of holding a stick over my head." So, that is our
15 intention and we are moving in that direction. The
16 state of the economy has probably slowed us down a
17 little bit because we've been attending to other things
18 but, nevertheless, I've given the county council and the
19 council president that commitment.

20 The other thing that I would mention is that
21 in connection with the past growth allocation that we've



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1 received in connection with General Electric, which is
2 an 800,000 square foot industrial building in this area
3 of Riverside Business Park, we've completed the
4 reforestation of about 15 acres with respect to forest
5 clearing that was required to implement that project.
6 Additionally, we have done some substantial mitigation
7 in connection with the construction of Riverside
8 Parkway -- we have a small wetlands crossing we needed
9 right there -- and with Brass Mill Road. In this area,
10 which is the stormwater management pond for this
11 residential area, we created a washboard effect that
12 would retain water and the whole area would simply
13 become wet. There's indications that that's going to
14 reforest, revegetate itself naturally, in fact, that is
15 occurring now. So, we were working with the Maryland
16 Department of the Environment to create almost two acres
17 of wetlands in that area. We were only required to
18 create just a little less than one acre, so we had, in
19 effect, created a credit for ourselves if, in fact, we
20 have to go for some mitigation for a road that would
21 link these two pods.



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1 The final thing that I'm going to say is that
2 there are a couple of different ways that we could have
3 handled the construction of this overpass, but because
4 there was some merit to it, we are creating in the
5 infield area a stormwater management pond. As Andy and
6 Rich probably are aware, stormwater management,
7 stormwater quantity management has been waived for much
8 of Riverside because there is no downstream development
9 to affect. We don't need stormwater management,
10 stormwater management quantity management here, but
11 we're going to build it anyway, and we're going to do
12 some -- while we have the easy opportunity we're going
13 to do some planting in the bowl of that stormwater
14 management pond and probably, in that process, create
15 maybe three to five acres of additional wetland area.
16 The thing I like about that is nobody said, "Hey, do
17 this." We had an opportunity to sneak that in without
18 anybody extracting it from us.

19 We think that over the last three years we've
20 made an effort to tighten up this project, to be as
21 sensitive to the environment in this area as possible,



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1 and I think there is a consistency with respect to what
2 we're doing elsewhere in the development of Riverside.
3 I appreciate the county's support that they've given us
4 over the years on this project and I'm, I guess, with
5 the Department of Planning and Zoning's support and the
6 administration's support, there was a point in time I
7 was wondering whether we would get the council's support
8 just because the administration supported it, but when I
9 went over there we ended up with a 7-0 vote in favor of
10 it and largely I think that's because the county council
11 has recognized that Riverside is probably one of the few
12 areas in Harford County that has been planned, that has
13 been thought out. And I know the county executive would
14 say if she could get one thing back, it would be the
15 Route 24 corridor because it's not planned. There is no
16 landscaping plan, there are no consistent covenants to
17 make it look like a lot of the areas that we've been
18 able to make Riverside look.

19 So, I would just suggest that we have done
20 just about everything that we know to be state-of-the-
21 art protection for these environmental areas and we



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1 think that it's consistent with the early approvals of
2 Riverside that occurred back in 1976.

3 The last comment that I would make would
4 really address, I think, a statement that Andy made
5 earlier about one of the problems that we had with the
6 application of a broad program in a very specific way.
7 We resolved this with Sara two and a half years ago, and
8 I think Anne was in on the meeting too, but there are
9 things that you just can't pick up when you put
10 together a program of this magnitude, and one of those
11 things had to do with the contiguity of the RCA area
12 with respect to IDA.

13 Andy pointed out that in one of the early
14 applications, we actually created a panhandle of sorts,
15 and I think early on that was at the recommendation of
16 the state and county staff, but I can remember the
17 meeting that we had with Sara because to make it
18 contiguous to IDA we, basically, had to go all the way
19 down here and include in that area for conversion to
20 IDA, an area right in here, which is a natural lily pond
21 and beaver pond. Our point to her was how crazy to



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1 upgrade that to IDA. So, I think she saw the problems
2 that we had in dealing with this contiguity issue when
3 you were looking at a practical application of the
4 program. But all of these areas were immediately
5 adjacent to, if not IDA areas, than areas that were
6 obviously outside of the 1000 foot boundary and which
7 were not subject to the critical area program.

8 So, I hope that given the support that we've
9 had for this at the community level, the county
10 administration and county council levels that we can
11 continue that streak and get the support from the
12 commission. Thank you.

13 CHAIRMAN PRICE: Mr. Gilbert, on the land
14 that's outside the critical area, there in yellow, is
15 that included in the 270 units that you spoke of
16 earlier?

17 MR. GILBERT: No.

18 CHAIRMAN PRICE: What would be your total --

19 MR. GILBERT: The area in here, I don't know
20 the specifics, but let's just say there are about 265,
21 270, the area outside would be 300 minus that. So, it



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1 would be maybe 30.

2 CHAIRMAN PRICE: Does anybody else have any
3 comments? That will adjourn the meeting.

4 THE REPORTER: 10 day delivery?

5 MS. HAIRSTON: No rush.

6 THE REPORTER: Who should I send it to?

7 MS. HAIRSTON: Veronica Nichols.

8 THE REPORTER: And she's at the CAC?

9 MS. HAIRSTON: Yes. 275 West Street, Suite
10 320.

11 (Whereupon, at 8:00 p.m., the above-
12 entitled hearing was adjourned.)

13 (Exhibits - none.)

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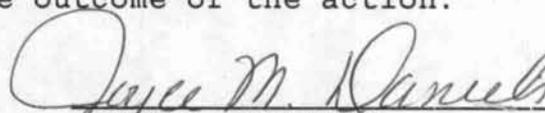
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CERTIFICATE OF NOTARY

1 I, JOYCE M. DANIELS, the officer before whom
2 the foregoing testimonies were taken, do hereby certify
3 that the witnesses whose testimonies appear in the
4 foregoing transcript appeared before me; that the
5 testimonies of said witnesses were taken by magnetic
6 tape and thereafter reduced to typewriting by me or
7 under my direction; that said testimonies are a true
8 record of the testimonies given by said witnesses;
9 that I am neither counsel for, related to, nor employed
10 by any of the parties to the action in which these
11 testimonies are taken, and, further, that I am not a
12 relative or employee of any attorney or counsel
13 employed by the parties hereto, nor financially or
14 otherwise interested in the outcome of the action.

15 
16 JOYCE M. DANIELS
17 Notary Public in and for
18 the State of Maryland

19 My Commission Expires:

20 May, 1992
21



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