

Public Hearings - Leonardtown - Map Amendment 1991 MSA - S1830-99

BEFORE THE MARYLAND
CRITICAL AREA COMMISSION

: IN THE MATTER OF: :
: :
: LEONARDTOWN MAP AMENDMENT :
: :

Thursday, February 28, 1991

Pursuant to Notice, the above-entitled hearing was held at 206 Tudor Place, Tudor Hall, Leonardtown, Maryland, before Sam Bowling, Chairman, Critical Area Commission, commencing at 7:03 p.m., there being present on behalf of the respective parties:

ON BEHALF OF THE APPLICANT:

GLENN GAS
NORRIS, GAS & OAKER
LEONARDTOWN, MARYLAND

ON BEHALF OF THE TOWN:

DAVE CULVER
TOWN COUNSEL
TOWN OF LEONARDTOWN
LEONARDTOWN, MARYLAND

ALSO PRESENT:

SKIP ZAHNISER
MICHAEL WHITSON
CAROLYN WATSON
ANNE HARRISON
STEPHEN RALEY
RAY KEENEY
JOAN BOWLING

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REPORTED BY: DEBORAH J. TURNER, NOTARY PUBLIC

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P R O C E E D I N G S

1
2 CHAIRMAN BOWLING: Ladies and gentlemen, I'd
3 like to call this meeting to order. This is a hearing
4 of the Critical Areas Commission Panel, to take public
5 comment on a proposed addition to the Leonardtown
6 Critical Areas.

7 It's actually an omission, I believe, between
8 the county and the town, where a piece of property got
9 lost between the adoption of two plans, and was not
10 zoned in either --

11 MS. HARRISON: During the annexation process.

12 CHAIRMAN BOWLING: During the annexation
13 process.

14 I'd like to note that this takes place under
15 Section 8.1809 of the Critical Area Law, and I'd like to
16 introduce my fellow panel members: Mike Whitson, from
17 St. Mary's County; I am Sam Bowling, from Charles
18 County; on my right, Skip Zahniser, from Calvert County;
19 and Carolyn Watson, from Prince George's County.

20 We will accept written comments about this
21 hearing tonight, up until the fifth of next month. At



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1 that time -- that's the day before our next meeting, I
2 presume. And the commission will act on it at that
3 time.

4 We do not act as a panel, other than to make a
5 recommendation to the full commission.

6 Mr. Culver, are you doing the town's
7 presentation tonight?

8 MR. CULVER: Well, I wasn't too prepared to do
9 so, but in front of you, I wrote a quick memo on the
10 history of the tract, and we can just go over that real
11 quickly with you, and bring everybody up to speed.

12 The town has a lot of deep regret and sympathy
13 with the passing away of Miss Barr. She was very
14 helpful with this, getting this up to this stage, and
15 always helped the town out whenever we needed that.

16 Everybody on the town council, and the staff
17 -- we're very shocked to hear that.

18 Basically, in 1988, Leonardtown became the
19 first jurisdiction in the state to implement the mandate
20 of the Critical Areas Commission. St. Mary's County,
21 unfortunately, became one of the last jurisdictions to



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1 implement the state's mandated Critical Areas
2 Commission.

3 In between the period where the town adopted
4 their Critical Areas Program and the county adopted it,
5 the town did several parcels, annexation of several
6 parcels.

7 One of the parcels which is across from --
8 well, it's in front of you tonight, seems to have
9 critical areas designation on it. That was missed in
10 the annexation process.

11 The town is probably at fault. When it did
12 the annexation, they should have extended that line.
13 The county did not, officially, designate anything on
14 that tract because by the time they went around to
15 adoption of their program, that was already part of the
16 town's corporate limits.

17 So, basically what we have is an orphan tract
18 that was never given a Critical Areas designation.

19 The map in front of you shows the entire
20 section, all the way over -- you can refer back to the
21 older map. Basically what we did is we contacted Ruben



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1 Johnson, out of La Plata, who did our new zoning maps
2 and all, to go ahead and do the new Critical Areas
3 Mapping on there. And then we discussed this with Town
4 Council, on how we would like to handle the development,
5 setbacks, and everything, on this parcel.

6 We went back and we met with the county, and
7 we realized that the county did have a slight area on
8 theirs, but they used a different mapping criteria than
9 the town. The town mapping criteria goes much further
10 in that, because we went from the head of tide, on Town
11 Run, where the county went from Breton Bay.

12 On the county's parcel, this whole area is
13 intensely developed. This is the old mini-type
14 building, if you are very familiar with the area. And
15 right over here, on the left part of the town, this is
16 our waste water treatment facility.

17 What we did is, since the town, in their 1972
18 master plan, in our 1990 comprehensive town update, this
19 is always been a section that we thought would be
20 intensely developed, for several reasons. One of which
21 was the new interceptor sewer runs right down the south



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1 side of Town Run into our waste water treatment
2 facility, and this line was built to accommodate any
3 future growth throughout this region.

4 Also, the Maryland Route 5 Bypass, which was
5 part of the 1972 master plan, is now just being built,
6 and the state's opening it later this year.

7 Basically, it's cutting right off the top of
8 our parcel, and it's sandwiching this particular section
9 of the parcel between two pieces of the state highway.
10 Right now, that will probably remain two pieces of state
11 highway, since the town and the county haven't shown
12 very much interest in taking that section of the highway
13 over.

14 On this section of the parcel, currently it's
15 very steep slopes in here, and it has a cemetery, which
16 was already in town, which was adjacent to the entire
17 parcel, which -- that, along with the fact that it's
18 located right across from the waste water treatment
19 facility, we just didn't think that would be an area
20 that would ever show much development potential.

21 So we wanted to keep that as a limited



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1 development area, to keep with the rest of this
2 neighborhood. Whereas we wanted to go with the
3 intensely developed on this section, because we feel
4 that would fit better into the county's plan in this
5 area and with what's going on around the Bypass.

6 The town commissioners did have a public
7 hearing, back in December, on this parcel, and we do
8 have a proposed resolution adopting this as the official
9 lines and the official designation.

10 Once you make your decision, we will put that
11 on our books, and get that legalized throughout the town.

12 At the public hearing there was no negative
13 comments, we left our record open for ten days, and
14 we've received no comments. And the town council seemed,
15 to a consensus, to adopt this as presented to them.

16 And we have a council member here, Mr. Raley.
17 Is that your understanding, also?

18 MR. RALEY: That's right.

19 MR. CULVER: So, basically, we went ahead and
20 had it out at the local level, and then we just turned
21 it over to you. And that's really where we stand right



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1 now.

2 CHAIRMAN BOWLING: Ms. Harrison, our staff
3 person, from the Commission. Did you want to add
4 anything to that end?

5 MS. HARRISON: Well, I would just like to
6 raise a couple of points, in relation to the mapping
7 criteria. And I'd like to just ask some questions, and
8 ascertain for the record, the amount of existing
9 development on the IDA portion, or the proposed IDA
10 portion of the site.

11 It's my understanding that there's a single
12 structure on there?

13 MR. CULVER: There was a structure on it that
14 was a, basically, a mixed-use, commercial, residential
15 use, on that parcel. It was a doctor's home and office.

16 MS. HARRISON: Okay. But just the one
17 structure existing?

18 MR. CULVER: Right, the one structure.

19 MS. HARRISON: And then the entire area could
20 be said to be served by water and sewer?

21 MR. CULVER: Correct.



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1 MS. HARRISON: Were there any other points
2 any of you wanted to raise?

3 CHAIRMAN BOWLING: Carolyn?

4 MS. WATSON: Yes, I'd like to raise the issue
5 of the steep slopes, and wooded tract. And just
6 reiterate that in driving by, and doing site survey, the
7 density that is needed for an intensely developed
8 designation did not appear to be present. And the site
9 did appear environmentally sensitive, with steep slopes,
10 forests, and possibly wetlands.

11 CHAIRMAN BOWLING: Skip?

12 MR. GAS: May I, on behalf of the applicant,
13 have a few minutes? This site is a --

14 CHAIRMAN BOWLING: Introduce yourself, sir.

15 MR. GAS: My name is Glenn Gas, I'm an
16 engineer with the firm of Norris, Gas, and Oaker. And I
17 am representing, not only our firm, but our client,
18 Interstate General Corporation, who is the primary
19 landholder who would be effected under the designation
20 being requested.

21 A little history of the tract. The tract was



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1 the former Academy Hills development, which was proposed
2 in the early 80s by the Academy Development Corporation.

3 The plan progressed to a point with this, that
4 the former owners were ready to go into the PUD process,
5 solicit approvals from the county, and proceed with a
6 development plan.

7 The property, by its location, severely was
8 effected by, and effected in turn, the alignment of
9 Maryland Route 5 Bypass. At that time, even under their
10 approvals of the plan, in the development process, they
11 did not proceed with the development on the tract until
12 the alignments were finalized for the Route 5 Bypass.

13 This was, more or less, an agreement between
14 the then developers and the units involved, that being
15 the county and the town, such that any buildings,
16 anything they put in would not impact the probability of
17 the Bypass being built.

18 In 1987, as an agent for the county, as a
19 construction manager, the -- I was involved in the
20 building of the town on interceptor sewer.

21 The property, at that time, was in the county



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1 jurisdiction, and the county, as part of their
2 agreements with the then developers, Academy Hills, in
3 the sizing and location of lines, made and allocated
4 that capacity in the conveyance systems to handle the
5 development at the intensity that had been approved.

6 In the annexation process, our client,
7 Interstate General, when contacted about the potential
8 for annexation and incorporation of their property, in
9 the overall annexation being proposed in the area, was
10 agreeable to the annexation to the town, with the
11 provisions that their development rights, which had been
12 protected by the county, were upheld.

13 In other words, that the net densities would
14 be allowed in the development areas.

15 Now, our clients have been through -- at any
16 rate, we had proceeded, "we" meaning the client, had
17 proceeded with the understanding that the primary goal
18 of the town, and county, and all involved, was to make
19 sure the Route 5 Bypass did not have anything happen to
20 it which would have obstructed it from becoming a
21 reality. And that's become the reality.



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1 The time for the development and our
2 processing of the plans happened to coincide with that
3 break between the time the county was developing their
4 mapping for Critical Areas and the town had already
5 built theirs.

6 And it was in Mr. Culver and my reviews that
7 we saw the break between the two.

8 Our client has proceeded with exploratory
9 plans, which are a requirement of the town of
10 Leonardtown to develop an intrastructural, or a basic
11 working plan, for the development at PUD 5 density, which
12 it was annexed at.

13 We have attempted in that PUD 5 zoning to
14 accomplish the densities that we were allowed prior to
15 giving into the right-of-way, prior to any of the other
16 things, and yet, to come up with a plan which is
17 compatible with most of the environmental concerns.

18 Again, we are at the point where we've had our
19 exploratory plans approved, we've invested a significant
20 amount of time and effort. We have development plans of
21 some of the upland areas, or they are in the final



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1 stages for recordation. And at this point, we are fully
2 aware of what's being proposed.

3 We feel that the designation as an IDA is
4 workable within the framework of the densities we're
5 trying to achieve, and we're going to try to accommodate
6 -- and we do have the mandate to accommodate the
7 environmental controls.

8 We realize we have a piece of steep property,
9 but that's a realization that has come, you know, over
10 time.

11 This piece of property, within the Critical
12 Areas itself, is an area that we feel is most suited for
13 either a garden apartment, a condominium, that flat type
14 of development, where the densities are achieved in a
15 little bit more than the townhouse type of buildings,
16 the type areas where it's kept in the wooded or
17 undisturbed states.

18 And we've proceeded with our plans, based on a
19 realization that we needed the IDA to accomplish our
20 goals.

21 CHAIRMAN BOWLING: At the time that this



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1 statute was passed, December 1st, 1985, is the date?

2 MR. GAS: Yes.

3 CHAIRMAN BOWLING: That land use, at that
4 time, was the use that we were supposed to assign to a
5 piece of property, which does not necessarily bind that
6 property at that level for the use and growth
7 allocation, you can increase the density or decrease
8 the density, as you choose.

9 For example, what we have to make, and the
10 commission will make its judgment on, is the basis of
11 what that property was December 1, 1985.

12 Was it platted at that time? Was it PUD at
13 that time?

14 MR. GAS: It was PUD at that time, under the
15 county regime, so --

16 CHAIRMAN BOWLING: Is it a part of the larger
17 tract to the north, that was just not picked up in the
18 grid area?

19 MR. GAS: Yes, the Bypass cuts --

20 CHAIRMAN BOWLING: When you say "Academy,"
21 do you describe the Academy Development?



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1 MR. GAS: Yes.

2 CHAIRMAN BOWLING: Was that the entire PUD 5
3 tract that we see there?

4 MR. GAS: With the exception of this piece in
5 here, it is. It also includes all --

6 CHAIRMAN BOWLING: All a part of one parcel of
7 land at that time?

8 MR. GAS: It was all part of one ownership at
9 that time. There were actually three parcels back in
10 the 70s that were combined to form this, in the early
11 80s.

12 CHAIRMAN BOWLING: Well, is this tract that
13 we're talking about tonight a part of a larger parcel?

14 MR. GAS: Yes. And that larger parcel is a
15 PUD 5.

16 MR. WHITSON: What was the existing zoning in
17 '85, by the county?

18 MR. GAS: PUD.

19 MR. WHITSON: It was mapped PUD?

20 MR. GAS: It was PUD.

21 MS. HARRISON: Was there any concept plan



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1 approval at that time?

2 MR. GAS: Yes, there was -- I believe part of
3 the records were in the initial flood planning that was
4 submitted by Academy Hills. I think that should be in
5 your file.

6 MR. CULVER: Yes, which would have been within
7 the town limits.

8 MR. WHITSON: At the time it was not within
9 the town limits.

10 MR. ZAHNISER: This was not in the town.

11 MR. GAS: There was a piece in the town.
12 Going back, some years back, there was a small piece.
13 The initial town line came something like this. There
14 was a small piece of this parcel in this area here. And
15 this parcel includes all this, all this area over here,
16 and all down in here.

17 MR. BOWLING: And that was county zoned at that
18 time, as PUD, then?

19 MR. GAS: Yes, it was county PUD. And at the
20 time it was bought in, one of the terms of annexation,
21 or one of the conditions of annexation that Interstate



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1 put on the records at that time was that we will agree
2 to the annexation provided our basic rights are kept.

3 MR. ZAHNISER: It was a county zoning as PUD?

4 MR. GAS: Yes.

5 MR. ZAHNISER: But there was no site approval
6 because you could not have a site plan, because you
7 didn't know where the Bypass was going to go.

8 MR. GAS: They had a development plan for it,
9 and the development plan, as planned, would have made it
10 more difficult in the evaluation of the selection of the
11 final alignment. That was where the road was.

12 MR. WHITSON: Was the development plan a
13 matter of resolution by the county, by commission?

14 MR. GAS: It was, yes, it was rezoned to PUD.
15 It was, you know, a specific rezoning action to PUD.
16 And I believe the approval dates were in '82 on that.

17 CHAIRMAN BOWLING: Rezoned in '82 to PUD?

18 MR. ZAHNISER: Based on drawings of a
19 development?

20 MR. GAS: Yes, on a development --

21 MR. ZAHNISER: With streets, and lots and all



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1 these things? That's PUD --

2 MR. GAS: -- meeting the county's criteria for
3 submission of the PUD plan as it stood at that time.

4 CHAIRMAN BOWLING: Which I don't believe any
5 of them have that --

6 MR. WHITSON: No, it wouldn't be that
7 detailed. It wouldn't be required to be that detailed.

8 MR. GAS: And the thing that was holding this
9 back was that, at that time, the state highway, the
10 county, and the town, were evaluating five alternatives
11 for the line of the Route 5 Bypass.

12 There was a proposal to make a Bypass under
13 one of the PUD approvals, but that put it in a location
14 that really wasn't suitable to its intended use. And by
15 not moving forward with it, it allowed the state to
16 finalize what they called the "Alternate E," which is
17 the eventual alignment of that the Bypass follows.

18 CHAIRMAN BOWLING: Any more questions?

19 MR. ZAHNISER: I have a problem with
20 designated intensely developed, for the same reason
21 Carolyn does, that is, it's mostly in a natural state at



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1 the present time, there is a relatively sensitive stream
2 that's there, it's very rough topography, which under
3 intensely development, could be developed on, where
4 under limited development, less could happen, more
5 protection for the stream. Under limited development
6 you can have four units per acre.

7 Your PUD is for five units per acre, and there
8 is a sufficient residual property outside of the
9 Critical Area, which could take your average density of
10 five units per acre, by moving the density out of there,
11 and still stay within the LDA criteria.

12 And also, as Sam said, another option that
13 would be too, the county would be growth allocation if
14 intensely development was desired that strongly.

15 To be honest with you, I'm leaning toward
16 saying that it ought to be LDA, based upon use, and
17 characteristic of the land, at present time, and in '85.

18 MR. GAS: One factor, and I'm trying to keep
19 it as a simplified case, the initial designed
20 development plans we had done for Academy Hills was for
21 a 24 acre parcel, which abutted to and was intermingled



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1 with an existing single family district.

2 The town, in their approval process,
3 specifically asked us to keep the densities down low
4 and compatible with densities in that district. And
5 we've already sacrificed 24 acres at a very low density,
6 and we were given the assurance we could make that
7 density up on the balance of the development.

8 And I'm not trying to say, you know, make
9 light of that. It's something that we've already
10 expended the easiest land to deal with, by keeping it
11 consistent with that single family, as a specific
12 condition of approval, on another piece of land.

13 So, you know, our abilities to make the
14 density to its approved zoning is limited by the fact
15 that we've already, you know, tried to keep the single
16 family areas compatible. We've already used parts of it
17 in the development.

18 MR. ZAHNISER: Could I ask, how many acres is
19 proposed as "I"? It must be in the material here. Just
20 the "I" section.

21 MR. WHITSON: Eight, and four for the LD.



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1 CHAIRMAN BOWLING: And for in the LD.
2 Carolyn's yellowed map is much more accurate than the
3 one that you're looking at.

4 Can you think of any questions, Mike?

5 MR. WHITSON: Nothing further.

6 MR. GAS: One more thing, and I'd like for
7 Dave to be here when I bring it up. On the initial
8 mapping --

9 CHAIRMAN BOWLING: Dave is gone right now, if
10 you wanted --

11 MR. GAS: He went upstairs to get the
12 development plan which we've already submitted.

13 CHAIRMAN BOWLING: Okay. Why don't we hold it
14 until he gets back with it?

15 In the meantime, I'd like to introduce Debbie
16 Turner, who is our court reporter over there, and the
17 fact that there is a court recording of this meeting.
18 I'll again state that we intend to keep the record open
19 until the fifth of the month, unless there's objection
20 to that.

21 If you have written comments that you want,



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1 that you can't get in by the fifth, advise us tonight,
2 and we will extend that for you, since there are only --
3 so few people here.

4 MR. GAS: We have a full-blown exploratory
5 plan submission, which I think addresses a lot of these
6 points in a narrative, you know, which may be helpful to
7 you. We'll make sure we get copies made, but it covers
8 the history of how we got to where we are and what the
9 approvals were.

10 And basically what the approvals to date and
11 conditions of approval we've dealt with in the town in
12 the formulation of our initial efforts for development.

13 And again, I'd like to state for the record
14 that IGC has acquiesced to every part of what the town
15 has requested in developing this plan. It was done
16 with -- for the town, a great deliberation. It's one of
17 the longest processes ever employed there. And at that
18 point, you know, we acquiesced, we kept the single
19 family areas consistent with what exists, and the key
20 was the development could be made up at a point where we
21 could redefine and get the intensities in those areas.



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1 MR. ZAHNISER: Do you have a drawing of your
2 proposed development here?

3 MR. GAS: Well, we have, again, if we had
4 known this was going to be this involved, we would have
5 brought the development plan over. And the town does
6 have copies here, unless they --

7 CHAIRMAN BOWLING: I would like to simply
8 point out that what we do will be governed by the law.
9 That the law has specific criteria in it that guide us,
10 and that we have to operate within those criteria. And
11 they're based, principally, not on promises, but on land
12 use at the time the law became law.

13 And the real avenue out of that, of course, is
14 if that's not acceptable, is a request for a growth
15 allocation, and St. Mary's County has, and the town,
16 both have adequate growth allocations to cover this, and
17 then some.

18 MR. WHITSON: Ann, what are the chromatic
19 criteria for IDA, off the top of your head, and in the
20 town plans that --

21 MS. HARRISON: Well, the town plan does not



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1 have a lot more detail than the state criteria, which
2 would be --

3 MR. WHITSON: Water, and sewer, right,
4 adjacent to --

5 MS. HARRISON: Yes, it would be more than five
6 units to the acre served by water and sewer, or
7 primarily commercial and industrial uses existing on the
8 property.

9 MR. WHITSON: Right.

10 MS. HARRISON: So, you'd either have to have
11 commercial industrial uses, or a certain level of
12 residential density.

13 CHAIRMAN BOWLING: At the time --

14 MR. WHITSON: At the time.

15 MS. WATSON: I'll say, the commission's
16 minutes, if you go back in history, before the criteria,
17 whoever adopted it, was during the development of the
18 criteria, a question was asked, you know, in one of
19 their meetings, how you handle nonconventional zoning
20 uses, which would be mixed use, or PUDS, and the
21 commission's minutes reflect that those developments



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1 that have an approved site plan, or approved, you know,
2 nonconventional zoning use, can be developed, but with
3 the use of growth allocation.

4 And I will bring a copy of those minutes,
5 because I think that it's, you know, fits in very nicely
6 with what we're talking about here.

7 MR. GAS: When Dave gets back, I'd like for
8 him to go back through what the county's intended
9 mapping was versus what the town's was, and that's a
10 very, very, important point.

11 The county's intended mapping had minimal
12 impact on this, very little. As a matter of fact we
13 would have been pretty much in the stream buffer, and
14 that was the only impact of the Critical Areas on this
15 property.

16 MS. HARRISON: You're speaking to the
17 difference in designation --

18 MR. GAS: Where they drew the mapping line.

19 MS. HARRISON: From where they designated the
20 head of the tide?

21 MR. GAS: In the county's mapping, it was more



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1 consistent with the flood insurance studies of Breton
2 Bay, which would have set it about 6.5 elevation. It
3 would have been the tidal head, and from that point
4 back, that's behind the sewer plant, on the water side.

5 The town picked a point at the bridge --

6 MS. HARRISON: Where there was still tidal
7 influence.

8 MR. WHITSON: The important point about where
9 the mapping would have been done is that for the county
10 to have done it consistently, is to use that point in
11 the Bay, at Bay, for head of tide, it had to comply with
12 uniformity, and that's what the commission is being
13 concerned with today. That the map is consistent with
14 everything else.

15 And if that was the standard, there has to be
16 the point of all of it, even though the town may have,
17 in fact, chosen a point that --

18 MR. GAS: That's right. The town and the
19 county picked two different points.

20 CHAIRMAN BOWLING: Well, you might simply, if
21 the head of tide in Town Creek is that far up, we go



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1 1,000 feet from the head of tide.

2 MR. GAS: That's correct.

3 CHAIRMAN BOWLING: Wherever that may be. And
4 the county would have then mapped it improperly, and
5 finding that out, we may have to go back and change the
6 county's maps.

7 We made significant, very significant changes,
8 in the county maps during the development of the county
9 plan. And I sat on that panel, as did Mr. Zahniser.
10 And I would say that, perhaps, 30 to 40 percent of the
11 land, as originally submitted, was altered before that
12 plan was adopted.

13 MR. GAS: Technically, the 6.5 comes from a
14 flood insurance study, which was -- they studied,
15 determined a high water mark, et cetera.

16 Now, you know, the bridge itself is ground
17 elevation here, and that, you know, seems to be a bit
18 above the tidal influence area. That's NGVD down.

19 So, you know, there is a difference in that
20 interpretation.

21 MS. WATSON: Yes, but the state law is very



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1 specific on where the Critical Area boundary is to be
2 measured from, and that boundary, where the head of tide
3 is legally defined by maps that are housed at the DNR,
4 and without a legislative revision to those maps --

5 MR. GAS: Well, do you have --

6 MS. WATSON: -- so, I mean --

7 MR. GAS: Do you have your --

8 MS. WATSON: Not with us.

9 MR. GAS: That may solidify the issue.

10 MR. ZAHNISER: I think that the situation is
11 moot anyway. The county, I mean the town has said that
12 this is within the Critical Areas, and we've accepted
13 that point. Now we have to judge on how it should be
14 mapped, so -- and many -- there are many jurisdictions
15 in the State of Maryland, and some of their
16 interpretations are somewhat different from each other.

17 We are talking about part of the town, as
18 adopted and annexed by the town council, so that's what
19 we have to deal with at this point.

20 CHAIRMAN BOWLING: But if you need a
21 definition of where that is, the state wetlands maps



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1 will indicate, for you, precisely where it should be.

2 MS. WATSON: They're at the --

3 CHAIRMAN BOWLING: And they define where the
4 mapping takes place from.

5 MS. WATSON: And you can see those maps.
6 They're at the Tawes Building, in Annapolis, off of Rowe
7 Boulevard, on the fourth floor. It's right -- and you
8 can go up in. And that's the legal definition of the
9 head of tide.

10 CHAIRMAN BOWLING: And if, in fact, it turns
11 out that the head of tide is incorrect, and that this
12 land should not be in the Critical Areas, then I'm sure
13 that the commission would, in fact, honor the correction
14 of the --

15 MR. GAS: We're not contesting the mapping at
16 all. All we're trying to do is, you know -- we're just
17 trying to proceed -- we're just trying to go on about
18 our business working on the property. I mean, we can
19 work with the Critical Areas, we, you know, we don't see
20 that as a problem, we just, basically are trying to --

21 CHAIRMAN BOWLING: Well, this will be based,



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1 purely and simply upon the criteria.

2 MS. WATSON: I need to ask a question for
3 clarification. Has the commission approved this
4 boundary, or are we approving -- or are we, basically,
5 considering tonight the inclusion of this entire area
6 under their program, or are we simply deciding what the
7 designation is? So this boundary has not been defined?

8 MR. WHITSON: We're including it.

9 MR. ZAHNISER: I think we're doing the
10 boundary, too, because it wasn't applicable.

11 MS. WATSON: Okay, so, the boundary is up for
12 discussion --

13 CHAIRMAN BOWLING: Yes.

14 MS. WATSON: -- at this point in time. So, if
15 you can prove to us that, you know, based on the head of
16 tides, as legally defined by the statute, that this is
17 erroneous, then please --

18 MR. ZAHNISER: That's fine.

19 MS. WATSON: -- make that information
20 available to us.

21 MR. GAS: Within the common period.



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1 MS. WATSON: Yes.

2 MR. ZAHNISER: Right. We're going to have a
3 panel meeting before the --

4 MR. BOWLING: It's going to be hard to do, but
5 we'll find time for one in between. If you can get in
6 to Ms. Harrison --

7 MS. HARRISON: The meeting is going to be in
8 the morning.

9 MR. BOWLING: -- before the meeting, it would
10 be great.

11 MR. ZAHNISER: Pardon?

12 MS. HARRISON: The business meeting will be in
13 the morning.

14 MR. ZAHNISER: Right.

15 MR. BOWLING: Or if that is not an adequate
16 amount of time, we can extend it for a month.

17 MS. HARRISON: I believe so, I'm not a hundred
18 percent sure on that --

19 MR. Bowling: Okay. Time?

20 MR. ZAHNISER: Ninety days?

21 MR. BOWLING: The ninety days limitation.



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1 MS. HARRISON: Because I know that they held
2 their hearing in December, and we're into March.

3 MR. BOWLING: Then we probably cannot extend
4 it, to be honest, sir.

5 MR. GAS: We've tried to accommodate anything
6 that's been put in, and you know, we're --

7 MR. BOWLING: Fine. If you want to look at
8 this with the idea that it might be wrong -- and Ann,
9 you might get somebody to look at it for you, too, just
10 in case.

11 MS. HARRISON: We will check into that.

12 MR. ZAHNISER: Are we -- we have eight acres
13 here, and we're talking about a density of four acres,
14 which is acceptable in the LDA, and five acres -- and
15 five per acre.

16 So it's one acre. We're talking about eight
17 units, basically.

18 MR. WHITSON: There's no question it meets the
19 LDA criteria.

20 MR. ZAHNISER: LDA is perfectly acceptable,
21 because of the sewer line. If the sewer line weren't



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1 there and there was not a -- right adjacent to the
2 sewer plan, it probably would be RCA.

3 MR. BOWLING: 120, growth allocation.

4 MR. ZAHNISER: But there's no way of moving
5 the eight units out into part of the rest of the
6 development.

7 MR. GAS: The same thing that makes that an
8 attractive area to build in is the same thing that
9 discourages us from moving the other areas.

10 Assume you have areas where the slopes are
11 more severe, and where, you know, they're more
12 restrictions. And we tried to, you know, in our
13 planning, the keep the green corridor around Town Run.

14 You know, and keep out of those type areas
15 which is severely sensitive. We're trying to get a mix
16 of single family detached, single family attached, and
17 garden apartment, or condominium type uses, the mix and
18 matches.

19 And we're trying to, you know, from good
20 planning, we're trying to make them work, within the
21 slopes we've got, and to keep some separation between



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1 the various uses within the PUD.

2 It's not a bad plan at all. I mean, it's a
3 plan we've had to go back and rework, because of -- to
4 -- because the agreements that that town asked us to
5 make on some of the other planned areas.

6 And we've moved -- shifted densities, and
7 shifted planning areas, to accommodate what they saw as
8 a priority goals and the realities of Route 5
9 construction out there.

10 MR. BOWLING: Is Mr. Culver going to bring
11 something in to show us?

12 MR. GAS: I'm assuming, yes. I think he may
13 be upstairs looking for it.

14 MS. WATSON: I think we need specific
15 acreages, also.

16 MR. BOWLING: Have you got anything?

17 MR. GAS: If you bear a couple of minutes, my
18 office is next door. If he can't find it, I can find it
19 fairly quickly.

20 MR. ZAHNISER: What is that, the site plan
21 that --



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1 MR. GAS: The PUD plan, the development plan.
2 If you'd give me about two or three minutes, I'll take
3 my associate, and we'll go over and grab it.

4 MR. BOWLING: Go ahead.

5 (Whereupon, there was a brief recess.)

6 MR. GAS: Some of the background, and some
7 specific dates. 1982 was when the then owners of the
8 so-called tract of land, Academy Hills Development
9 Corporation, filed with the St. Mary's county
10 government, an application for PUD zoning.

11 On November 11th, 1982, the board of county
12 commissioners approved zoning case number 82-0002,
13 rezoning Wentworth tracts, which were outside of the
14 town limits, from this point on, and the Academy tracts,
15 everything with the exception of the Barber tract, to
16 PUD 5.0.

17 MR. ZAHNISER: With the exception of what
18 tract?

19 MR. GAS: The Barber's tract. It's a little
20 piece in here.

21 MR. WHITSON: Is that a part of out -- of this



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1 property?

2 MR. GAS: Yes, it's part of the overall plan.
3 In essence, the entire place was rezoned PUD
4 5.0.

5 MR. WHITSON: With the -- I'm sorry, excuse me
6 for interrupting. With the exception of what you just
7 pointed out, the Barber's tract?

8 MR. GAS: The Barber's tract was under Mr. and
9 Mrs. Barber's ownership at that time. It was not part
10 of the parent parcel.

11 MR. WHITSON: Okay.

12 MR. GAS: In 1989, the county, the town, were
13 in deliberations, Route 5 Bypass acquisition and final
14 development was ongoing.

15 The Route 5 alignment showed it coming through
16 here is what is called "Alternate E," and alternate
17 which best suited the needs and goals of those in the
18 decision-making process, for the final location of the
19 roadway.

20 Ray, I think you can quote as to when the
21 property was actually acquired for the Bypass. It was



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1 sometime in July or August of last year. And the actual
2 construction started in October of this year.

3 So this Route 5 Bypass, which includes
4 easement areas, all site areas, et cetera, everything in
5 this general area, right in here, was -- is part of the
6 state acquisition.

7 And, in fact, will be disturbed area, because
8 these lines show the lengths and slopes that will be
9 disturbed in there.

10 So, significant among this area is getting
11 down to, it's already under Route 5 construction.

12 Interstate General came in to the town in
13 August, 1990, with these cold and development plans.
14 That development plan got into a number of issues. It
15 got into the initial phase development, the extension of
16 the roadway here, Eldon Lane, which would be the initial
17 development, the actual initial development within the
18 PUD.

19 As part of this development plan, this entire
20 area here, which was about 24 acres, was put in single
21 family lots, which were consistent with the lots up in



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1 here. The densities were reduced from the PUD 5.0
2 density, which would have given us the five per acre,
3 down to a point just under three units per acre.

4 And that was something the town wanted. And
5 in the initial development phase, we've structured the
6 development and it's sequencing, as the town asked.

7 We've gone with the initial 40 lots, the
8 following 32 lots, to come on after we get access off
9 of Route 5. But the density up in here, which is the
10 easiest to work with areas we could have increased
11 density, and has already taken up in a density placed in
12 a manner that the town wanted to see.

13 That left us with the balance of lands, all of
14 which lie on the east side of Town Run. This being Town
15 Run, right here, which forms this portion of the
16 boundary. Here's the bridge down here on Route 5.

17 Bypass, put four steel condos in this general
18 area. A lot of construction associated with the Bypass,
19 a lot of disturbed areas in the upland areas, off site.

20 So, the Bypass is a reality. It's happening
21 out there now. When we went back to take a look at our



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1 mix and matches, of potential land uses, looking at
2 topography, we looked at a single family to tuck into
3 the hilliest of all sections back in here, trying to
4 tuck the roadways in as minimal as we could on the
5 grades. And it's going to be tough, but we can do it.

6 Back up the single family lots to minimize
7 those types of disturbances going into the big hills.

8 We looked at the next phases on how could we
9 set back and buffer ourselves from the stream areas,
10 as required, and we're going to locate townhouses in
11 central core, recreation facilities, in this area.

12 On this side of the roadway --

13 MR. ZAHNISER: What density do you have up in
14 that section?

15 MR. GAS: The density is -- the overall
16 densities would probably approach about, in here,
17 probably about five or so.

18 MR. ZAHNISER: You've got three up top, and
19 five or six --

20 MR. GAS: Three, or five or six.

21 In here would be the condominium, and the



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1 garden apartments. Really, because the topography is
2 most favorable to locate that type of unit there. When
3 you get into your stacked flats, where you really get
4 your densities very quickly, but you don't use as much
5 land area on.

6 In other words, if you have a stacked flat
7 building, a garden apartment building, let's say, which
8 has the dimensions of 40 by 120, you may find eight or
9 ten units in that one building.

10 Now, the parking and associated construction
11 that goes with that, again, where our intent is a ring
12 here of the building. Keep the parking and things
13 upland.

14 And that's where we pick the density up,
15 because the topography was most favorable for that type
16 of density there, rather than to try to force it up in
17 these areas here where we get different types of mixes.

18 Again, we've kept, basically, townhouses and
19 single family, which are single-family attached and
20 detached units, up in here. And the non-single family
21 units, the garden apartments, condos, et cetera, on this



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1 side of Route 5.

2 It does not work for the flop at all, because
3 then you have to go back and mix the single family and
4 townhouses with other types of densities.

5 MR. WHITSON: Glenn, how many acres are in the
6 Barber tract?

7 MR. GAS: The Barber's tract, initially, was
8 bout 11 acres, Mike. And the State Highway took a chunk
9 out of it, about three or four acres, right out of it.

10 MR. WHITSON: What percentage of the Barber's
11 tract is part of the submission? Do you know?

12 MR. GAS: Just this piece right here. See
13 this triangle here, Mike?

14 The Barber's line came in like this. It comes
15 down to a point.

16 MR. ZAHNISER: That was not in the PUD?

17 MR. GAS: That was a owner who -- it was a
18 single owner who was detached from the rest of what was
19 happening.

20 MR. BOWLING: At what point in time did they
21 become a part of this?



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1 MR. GAS: At the time of the annexation,
2 Intestate General had a contract of sale for the
3 Barber's tract, and I'm asking Ray to confirm it. But
4 they had -- they were contract purchasers of the
5 overall, and the Barber's tract had applied to come in,
6 with the balance of it, to make it a uniform PUD 5.0,
7 everything come in at PUD 5.0, at the time it was
8 annexed into the town.

9 And there's a specific annexation resolution
10 to establish, back when they came in. They gave them --
11 that was their --

12 MR. BOWLING: It looks like that line ran from
13 across here, something like this.

14 MR. GAS: This comes in --

15 MR. ZAHNISER: It wouldn't have been this line
16 here. Here's an old line on the chart.

17 MR. GAS: That's probably the old line.

18 MR. ZAHNISER: Because when you drew it, you
19 drew it in here.

20 MR. BOWLING: That's south of this proposed
21 road, the road here, and the actual thing is north of



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1 it.

2 MR. WHITSON: So one --

3 MR. ZAHNISER: That is the line there.

4 MS. WATSON: It's probably this line.

5 MR. GAS: This line here.

6 MR. WHITSON: You're right.

7 MR. ZAHNISER: If that's the line, than you're
8 drawing it from here, to the intersection of the stream

9 --

10 MR. WHITSON: And it's maybe half of the
11 tract.

12 MR. GAS: That's a tax map, and so, you know
13 -- that thing is very, very, crude.

14 MR. WHITSON: How many acres would you
15 guesstimate it to be, the Barber's tract?

16 MR. GAS: In the Barber's tract?

17 MR. WHITSON: Yes.

18 MR. GAS: It started as 11.

19 MR. WHITSON: I know, but I mean as a part of
20 the proposed mapping change. How many acres is it?

21 MR. ZAHNISER: Of the eight?



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1 MR. GAS: Probably --

2 MR. WHITSON: Of the 12.

3 MR. GAS: Of the 11.4 that it started at, my
4 guess is it's probably down to about seven, in total.

5 MR. WHITSON: So, about seven out of the 12.

6 MR. GAS: That's right. And the, you know --

7 MR. BOWLING: What is primarily located in
8 that portion of the tract that you want to be IDA?

9 MR. GAS: Well, the mapping -- that critical
10 areas map -- where is the map, let's see if we can --

11 MR. BOWLING: Maybe you've got the county's
12 original map in there. It would be interesting.

13 MR. GAS: This was the county's Critical Area
14 line, right here. That was it. That was the only
15 impact we had on this site that was identified.

16 And I went over and scaled it right off the
17 county map, when we developed these drawings.

18 MR. BOWLING: So really, you didn't have any
19 units --

20 MR. GAS: That's right.

21 MR. BOWLING: -- within the Critical Area, at



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1 all?

2 MR. GAS: For the most part, if we had any
3 units in here, we would have probably had a single -- a
4 -- what -- a single -- or maybe one and a half
5 structures in there, so we were in pretty good shape,
6 until the difference in the mapping came up.

7 And here is the sewer line, you know, this is
8 --

9 MR. BOWLING: Yes. It's only a little wedge
10 there, down in the corner.

11 MR. WHITSON: If that's the right line.

12 MR. BOWLING: Yes, if they're the right lines.

13 MR. WHITSON: How was the county's line and
14 the town's line -- how did they come to be drawn
15 differently?

16 MR. BOWLING: Chances are the county's were
17 drawn from the state wetlands map.

18 MR. WHITSON: I assume they were. I mean, I
19 think that's critical for you. I mean, if it is --

20 MS. WATSON: Yes.

21 MR. WHITSON: -- you're out of the ball -- I



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1 mean, you're out of the Critical Areas.

2 MR. GAS: There was never a problem, Mike,
3 with them to try to rectify the difference in the two
4 maps. And again, the mappings over there -- you know --
5 when I was making presentations, you know, I was looking
6 at my map, I was looking at their map, and I said,
7 something's not going well here.

8 And we tried to resolve the thing. We tried
9 to find out which was more accurate.

10 And our statement, at the time that the town
11 heard this, was that we will live with whatever the
12 correct mapping is, if we can get ours as intensely
13 developed areas, which gives them enough flexibility to
14 move and integrate things through here, to get them to
15 work.

16 If we get into a point where we're at an LDA,
17 and it severely impacts our ability to do smart things,
18 then we've got a dilemma on our hands. You know, we're
19 --

20 MR. BOWLING: Well, if you were LDA, you could
21 always go and ask for IDA.



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1 MR. GAS: I'm involved with the cases across
2 the road. I know what that entails, so, I mean --
3 It's not as easy as it sounds.

4 MR. BOWLING: But still, if in fact, this is
5 the correct wetland boundary, rather than the one shown
6 on the town map, I'd say you're home free.

7 MR. GAS: We've got a chance to do it right
8 the first time around.

9 (Laughter.)

10 MR. BOWLING: Well, the thing of it is, in
11 fact --

12 MR. ZAHNISER: I would research that --

13 MS. WATSON: Yes.

14 MR. ZAHNISER: -- and if this is correct, then
15 you can challenge the town's decision to make it here.

16 MR. GAS: Our point is not to challenge
17 anybody. We just want to get the thing done.

18 MR. ZAHNISER: Well, but resolve it.

19 MR. GAS: We've worked in good faith.

20 MR. BOWLING: That is the easiest resolution
21 that you have, really, that one. Because, in fact, the



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1 wetlands maps are clear, and where they define the
2 boundary. And this is the correct boundary, then the
3 other one, then you've only got an acre at the most, in
4 the Critical Area.

5 MR. WHITSON: I would want to reserve judgment
6 on this until I saw that. I think it's critical.

7 MS. WATSON: Right.

8 MR. WHITSON: I sat on the county's task force
9 that drew out -- that drew our plan, and I'm willing to
10 bet you that it was drawn on the wetland. I know we
11 used the criteria, and we used the state wetland maps
12 that we had when we first started doing our mapping.

13 And I am willing to suggest that's probably
14 the correct line, based on the wetlands map. And I
15 think that's how we need to make our judgment.

16 MR. WATSON: Yes.

17 MR. BOWLING: If that's so, then I'd say he's
18 home free, really.

19 MR. ZAHNISER: But, on the same token, if the
20 town council desired to have it here, they could have,
21 in fact --



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1 MR. BOWLING: They could, in fact, enlarge it.

2 MR. WHITSON: That's right. That's exactly
3 right.

4 MR. ZAHNISER: They have the capability of
5 enlarging it.

6 MR. GAS: That's where we're back to, and, you
7 know, we recognize that. We just want the thing done
8 one time, correctly, and go about, you know, what we
9 were doing --

10 MR. WHITSON: Well, the town has the
11 prerogative to do that, I mean, and it's our job to see
12 that they've applied, again, the criteria, uniformly.

13 If they've made that decision, and it's a
14 proper decision for them to do that, then they can, in
15 fact, do that. And we're back to our concerns about on-
16 site, and, you know, the natural features, and the
17 stream, which isn't LDA --

18 MR. ZAHNISER: And I want to be candid with
19 you on how I feel about it, so you're not surprised.
20 With the information that I've got now, I would vote to
21 have this all LDA.



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1 MR. GAS: In answer to that, I'd like to state
2 one thing for IGC, and their predecessors, Academy
3 Development. They took a tremendous risk accommodating
4 the goals of government in making sure this right of
5 way happened; and they entered it in good faith, they
6 gave easements, and rights of entry, to build this to
7 service the jail and governmental center. They
8 accommodated a lot, they took a lot of risks from the
9 time they had approval of a plan that they could have
10 pursued on, and made that right-of-way acquisition, and
11 a lot of other things that a lot of people wanted, not
12 happen very easy.

13 But they took that on faith that the
14 agreements they were given, the agreements to tap into
15 these lines, the size of the lines, the acquisition and
16 the right of way, the designation of access points we've
17 had to tie in to. They cooperated fully.

18 MR. WHITSON: Glenn, that's commendable. I'm
19 not being facetious. But, I mean, we're bound by the
20 criteria of the law to look at it and say a duck is a
21 duck. And that's --



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1 MR. BOWLING: We don't have any option,
2 really, when it comes to that.

3 MR. WHITSON: I think the mapping is critical.
4 That's whole thing.

5 MR. BOWLING: If the town had made a mistake
6 in it's mapping, then the town only has to say they made
7 a mistake in it's mapping.

8 (Laughter.)

9 MR. GAS: I'll be back at this table one way
10 or another.

11 (Laughter.)

12 MR. GAS: Our goals are not at odds with the
13 Critical Areas Commission's. Our goals are to make this
14 thing a reality. And to make it a reality, we have to
15 address not only the environmental concerns, but the
16 very real economic concerns.

17 And I hope you appreciate that economically,
18 and because of funding, and other things which were in
19 the pipe, it's very tough to start from a
20 disadvantageous position when you've cooperated so long,
21 and you've done the things the way that people wanted



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1 you to do things, and you've sacrificed the densities
2 where you could have gotten them easy.

3 And you went through the zoning processes, and
4 you went through the acquisition processes, and you went
5 through the easement processes, and you've established
6 the water, you've established the sewer, you've
7 established everything.

8 And then you get to a point where we're at a
9 last hurtle and we find ourselves nowheres (sic) near
10 where we thought we were going to be. And we've
11 cooperated fully.

12 I don't think anybody can say we haven't.

13 MR. BOWLING: I haven't heard anybody say
14 that.

15 MR. GAS: No. We're just trying to rectify
16 it.

17 MR. WHITSON: Do we want to try the panel
18 reconvening a few minutes before everything else --

19 MR. BOWLING: I think --

20 MR. WHITSON: -- and look at the map?

21 MR. BOWLING: -- we're going to have to. Yes.



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1 MS. WATSON: Well, I'll be there Wednesday.

2 MR. WHITSON: I mean Wednesday.

3 MR. WHITSON: I mean Wednesday, yes. I'm
4 going to go Tuesday, and spend the night.

5 MS. WATSON: That would be nice. I don't
6 blame you. What a wonderful place to spend the evening.

7 MR. WHITSON: I can't afford it, but it would
8 be nice.

9 MR. BOWLING: Does anyone have anything they
10 want to add?

11 MS. WATSON: I want to thank you for the
12 presentation.

13 MR. BOWLING: Again, I'd like to note that the
14 record is open until the fifth, and if you have
15 anything in the mean time, please get it to us.

16 MR. ZAHNISER: I have just one question. You
17 were going to have -- you'd have about three, three and
18 a half units per acre --

19 MR. GAS: Less than three.

20 MR. ZAHNISER: You've got sevenish down in
21 this section. What density were you going to have down



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1 on that side?

2 MR. GAS: Let me go through some of the basics
3 here.

4 MR. BOWLING: We are reconvened.

5 (Laughter.)

6 MR. WHITSON: You've been hanging around John
7 Norris too long.

8 MR. GAS: Basically, when we do what is called
9 "exploratory plan" in the town, we've got a number of
10 things we've got to take out of our equations in the
11 computations of density.

12 The Critical Areas has not been one of the
13 areas we specifically looked at as a nutshell for
14 density, but we're forced into some things.

15 First of all, we've got to take out an
16 additional 15 percent for roads. We've got to take out
17 open space requirements, up to 30 percent of lots. Then
18 we've got to deal with the other type of things we have.
19 You know, if we have blue lines, stream, wetlands,
20 regardless.

21 And, basically, we start chopping the units



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1 out that way. For instance, these areas in here, these
2 are green space reservations around here. You know,
3 they don't look like much. When you start taking and
4 chopping that out of a density, it's taking a lot of
5 acreage away.

6 This would be a storm water management, or an
7 open area, through here. Again, other green spaces
8 we've reserved as requested.

9 We're taking out six acres right through the
10 middle of this thing, and basically, open space
11 easements about or around that Town Run area.

12 So, that's an open space that comes out of
13 here. Another open space of almost five acres. That's
14 how we've looked at it, and worked our densities.

15 We've worked it backwards from that number in
16 PUD 5, and taken those exceptions out. So when we get
17 into the specifics of what the density is, I mean, we
18 don't even -- we do not have the final plans done.

19 This was the preliminary, or the exploratory
20 plan, which we presented to the town, meeting the
21 contents of how the town of Leonardtown does their



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1 planning.

2 From that, we got a mix and match of how we
3 got to the number of units. And we may -- I can't tell
4 you if the buildings are going to be here and this way,
5 or here and this way, or where. But this is a
6 preliminary thing, and it accomplishes a few things.

7 First off, it ties us down to what we're
8 married to. This is where the state says the entrance
9 will be. It can't be here, it can't be here.

10 It's got to be right here. The state, in
11 their road plans, had made a provision for that entrance
12 to be there. The state, in their plans here, had
13 realigned Cedar Lane. And have bought denial of access
14 of pieces of it. So we can't, you know, we can't do
15 anything there on the lot.

16 Here, if you see this little cul-de-sac, well,
17 the town of Leonardtown said we want to take this PUD,
18 and make it a self-contained, or a unit which is
19 oriented to another PUD right here.

20 Eventually, when you can work out the details,
21 between this development and this development, this one



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1 being mostly commercial in this area, and then
2 residential. And this one being residential, and this
3 being residential, we want those to look more like a PUD
4 or, in and about themselves, so that the thought is to
5 bring this road -- or the requirement for us is to work
6 that agreement out for this road to come in, hook to the
7 Route 5 Bypass, again at a spot that's already
8 established, and orient these communities this way.

9 And they've asked us to go back in, and
10 truncate this road here, and make this cul-de-sac come
11 around. So we went through, we've taken the open
12 spaces, we've taken the reserved easements for sewer,
13 we've incorporated the easements for walkways, et
14 cetera, between the developments. We've incorporated
15 the road systems as they go.

16 We've tried to marry, again, to what the
17 realities of the Maryland State Route 5 Bypass
18 construction is. And we've come up with a plan that
19 serves a lot of masters right at the moment. And the
20 last hurdle, again, with the Critical Areas, you know,
21 where is it? How does it effect us, and how will we



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1 work with it?

2 Now, even if we do this, we've still got the
3 realities of trying to get construction work. We've got
4 the stream, we want to have buffers set back from it.
5 We want to have wetlands. Those will be delineated, and
6 you will work, you know, to that criteria.

7 So, you know, the exploratory plan has borne
8 us a long way, but it's still a long ways to go. But,
9 the overall is, is that we can achieve what our basic
10 goal, and what the town's basic goal was, under this
11 plan, and develop it, if we work it in this general
12 arrangement.

13 MS. WATSON: So, in answer to his question,
14 there's been no density established for this area?

15 MR. GAS: No. As a matter -- I can't tell you
16 exactly where the building -- you know, we're not at
17 that point, you know.

18 We've worked some layouts, of course, but
19 they're subject to change. I mean, I can't -- you know,
20 our general theory is to use a central parking bay
21 arrangement, something like this, and orient some



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1 buildings around in shelves. And that would do it. You
2 know, we've got setbacks from Route 5, that you don't
3 see here. You know, we've got to go 50 feet. And 50
4 back here, and buffers from the stream.

5 So our building envelope gets compressed,
6 fairly quickly, just by existing regulations, you know,
7 without Critical Areas having that big of an impact.

8 MR. WHITSON: At the present time the only
9 density you're really married to is the single families
10 on the top, right?

11 MR. GAS: That's right. They have --

12 MR. WHITSON: That's it then, that's it --

13 MR. GAS: The town has taken --

14 MR. WHITSON: And that is an average of about
15 three, is that fair enough?

16 MR. GAS: Just under three.

17 MR. WHITSON: Just under three, all right.

18 MR. GAS: And that was to accommodate what the
19 town saw as keeping consistent with the existing single
20 family up in here.

21 So, you're welcome to look at the mapping.



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1 Within the pages here, you'll see a lot of the numbers
2 I've talked to you about. How much was the right-of-
3 way, how much is tied up in open space, et cetera, et
4 cetera.

5 MR. BOWLING: Anybody else?

6 MS. HARRISON: I'd just like to make a
7 statement that I will check the tidal wetlands maps
8 before the March 6th meeting.

9 MR. BOWLING: Also, check with the town
10 commissioner to find out if they deliberately extended
11 beyond the thousand feet.

12 MS. HARRISON: Okay.

13 MR. BOWLING: Because they could do that.

14 MR. WATSON: If they did, don't they have to
15 request a Critical Area Extension?

16 MR. BOWLING: They would.

17 MS. WATSON: They would. Won't they --

18 MR. ZAHNISER: Which would be what we'd be
19 deciding on now. If we accept the boundary limit.

20 MR. BOWLING: Which would be a part of our
21 decision at that time.



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1 MS. WATSON: Okay.

2 MR. BOWLING: Find out if they are, in fact,
3 doing that.

4 MR. ZAHNISER: And if they are, we should get
5 a letter requesting the extension of the Critical Areas.

6 MS. HARRISON: And then the reasons.

7 MR. ZAHNISER: Yes.

8 MR. BOWLING: Again, one more time.

9 MR. ZAHNISER: That's a lot to get done
10 between now and next Wednesday.

11 MR. BOWLING: We will entertain written
12 comments until next Wednesday. If we don't receive
13 any by then, we will make our decision based on the
14 information that we have.

15 MS. WATSON: As a clarifier, do you mean close
16 of business Tuesday, because if --

17 MR. BOWLING: Close of business Tuesday.

18 MS. WATSON: -- something comes in on
19 Wednesday, we're not going to be around to look at it.
20 So it would be, like, C.O.D. on Tuesday.

21 MR. BOWLING: If in fact, you have something



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1 that you are submitting in writing to us, and you're
2 worried about it getting to us, give Ms. Harrison a
3 call at 974-2426, and let her know it's coming, okay?

4 That way you'll know if there's something
5 coming, we will know to look out for it.

6 If there is no more business, I will declare
7 this meeting adjourned.

8 (Whereupon, at 8:05 p.m., the above-
9 entitled hearing was adjourned.)

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C O N T E N T S

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2	DAVE CULVER	MR. BOWLING	4
3	GLENN GAS	MR. BOWLING	10

E X H I B I T S

(None)

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1 I, DEBORAH J. TURNER, the officer before whom the
2 foregoing testimony was taken, do hereby certify that the
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5 said witness was taken by me by magnetic tape and
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