

Public Hearing - Cecil County - Special Growth Association 1992 MJA_51830-109

BEFORE THE CRITICAL AREA COMMISSION

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MAY 27 1992

**DNR
CRITICAL AREA COMMISSION**

IN RE: :
: :
CECIL COUNTY SPECIAL :
GROWTH ALLOCATION. :
: :

Wednesday, May 27, 1992

Pursuant to Notice, the above-entitled hearing was convened before CHAIRPERSON RONALD YOUNG, at the County Office Building, Main Street, Courtroom 1, Second Floor, Elkton, Maryland, commencing at 7:08 p.m., there being present on behalf of the respective parties:

ON BEHALF OF THE CRITICAL AREA COMMISSION:

CHAIRPERSON RONALD YOUNG
ROGER WILLIAMS

ALSO PRESENT:

CHRIS ROGERS
Office of Planning and Zoning, Cecil County

AL WIENMAN
Planning Director for Cecil County

ANNE HAIRSTON

CAROLYN FENDER, Esquire

REPORTED BY: JOYCE M. DANIELS, NOTARY PUBLIC

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P R O C E E D I N G S

1
2 CHAIRPERSON YOUNG: Well, I'll call the
3 hearing to order. We are waiting for one more member
4 who, hopefully, will attend.

5 I'd like to introduce Roger Williams, who is a
6 member of the Critical Area Commission, and I'm Ron
7 Young.

8 We're here to hear public comment on Cecil
9 County's Growth Allocation in regards to an award of
10 1.15 acres of growth allocation for the property of the
11 Earl White Estate. We are going to keep the record open
12 for another week, if anyone wishes to submit any written
13 comments after tonight. We want to point out that we
14 have a court reporter here, and that a record is being
15 kept, and it will be used to help the commission to
16 render a decision.

17 If you have any written testimony, you can
18 mail it to the Commission Chairman at 275 West Street,
19 Suite 320.

20 MS. HAIRSTON: 45 Calvert Street.

21 CHAIRPERSON YOUNG: Oh, okay. We've still got



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1 the old address. I was reading instead of thinking.

2 It's 45 Calvert Street in Annapolis.

3 MS. HAIRSTON: Second floor.

4 CHAIRPERSON YOUNG: Second floor. You've got
5 it up here. Okay.

6 Send it to Judge North, 45 Calvert Street,
7 Second Floor, Annapolis, Maryland 21401.

8 The item on the agenda is on the Commission
9 meeting for June 3rd, and it's required that a vote be
10 taken by July 20th.

11 There are no local officials here tonight, are
12 there?

13 MR. WIENMAN: Al Wienman, the Planning
14 Director for Cecil County, and this is Chris Rogers, who
15 is the principal planning review person. He'll be
16 presenting the application, of course.

17 CHAIRPERSON YOUNG: Okay. I was just looking
18 to see if there's any elected official here who wants to
19 make a comment. I was going to give them the chance. I
20 didn't think so.

21 MR. ROGERS: You always let them go first,



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1 right?

2 CHAIRPERSON YOUNG: Yes.

3 THE REPORTER: What is your name?

4 MR. ROGERS: Chris Rogers, Office of Planning
5 and Zoning for Cecil County.

6 What you have in front of you is an
7 application for a special growth allocation for two lots
8 on the lands of the Earl White Estate. The entire
9 parcel is 16.95 acres, and 15 -- point 15 acres within
10 the critical area.

11 Two lots, actually, three lots, have already
12 been created via the interfamily transfer provision of
13 our program. That's lots one, four, and five. And
14 those lots have been restricted to transfer within the
15 family of the Estate of Earl White, and we have those
16 restrictions within the deed and also on the plat.

17 The five lots were originally meant to be
18 transferred to the grandchildren of Earl White, and
19 recorded as such in the Register of Wills office.

20 In order for these lots to become building
21 lots, they have to go through the normal subdivision



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1 process; and obviously, with the one unit per 20 acre
2 density, because of the RCA, they had to go through
3 interfamily transfer, and are now applying for special
4 growth allocation.

5 The lots two and three are proposed as special
6 growth allocation. It's two additional lots. It's
7 within the number of lots that can be created through
8 the special growth allocation process, as stated in our
9 program.

10 An environmental assessment has been submitted
11 for the entire subdivision, including all five lots. We
12 have it -- we have found the subdivision consistent with
13 our critical area program and our zoning ordinance. The
14 environmental assessment addressed -- also addressed the
15 water quality. There are dry wells provided for the
16 runoff from the roof tops. The nontitled wetlands have
17 been field delineated and are shown as such on the plat.

18 Under this scenario, lots two and three would
19 be designated as LDA, and the acreage of those two lots
20 would be subtracted from the total growth allocation
21 that's available to the county.



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1 The Planning Commission reviewed the special
2 growth allocation on March 16th, 1992, and they
3 recommended approval, conditioned on no further
4 subdivision of any of these lots. And I believe that
5 note is on the plat. It was conditioned on the wetlands
6 on lot five being field delineated prior to final
7 approval, and this plat reflects those -- that nontitled
8 wetland delineation. Our office has checked the
9 delineation of the wetlands are in agreement with the
10 limits of the wetlands.

11 And the Planning Commission also recommended
12 that a note be placed on the plat and in the deed for
13 lot five, that no clearing can take place within the
14 wooded area without an approved forest management plan.

15 The County Commissioners also reviewed the
16 special growth allocation proposal at their regular
17 April 7th meeting, and they recommended that the
18 application be forwarded to the Critical Area Commission
19 for review. There will be a final County Commissioners'
20 hearing after the Critical Area Commission holds their
21 hearing.



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1 And the subdivision of lots two and three is
2 in our minor subdivision process right now, our normal
3 subdivision process, and won't be approved until the
4 special growth allocation is granted for those lots.

5 So, if you have any questions?

6 MR. WILLIAMS: Are there any plans for
7 building on these other three lots that you're aware of
8 at this time?

9 MR. ROGERS: Yes. I believe lot one has a
10 house on it right now. And I believe all of the lots
11 are intended to go to the grandchildren of Earl White;
12 and lots one, four, and five have been approved as
13 building lots through the subdivision process.

14 MR. WILLIAMS: It looks lot five is quite a
15 bit larger than the other four.

16 MR. ROGERS: Yes. Under special growth
17 allocations, the lots created must be the smallest --
18 the maximum lot size of the new lots are the minimum lot
19 size approved by the Health Department. So they have to
20 be as small as possible. So -- and they did the same
21 thing for the interfamily transfer lots, to cluster all



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1 of the development, and keep lot five as large as
2 possible to retain as much of the RCA characteristics as
3 possible.

4 MR. WILLIAMS: And what did you say the total
5 acreage of the two lots? I could add it very quickly.

6 MR. ROGERS: 1.15 acres.

7 MR. WILLIAMS: Okay.

8 CHAIRPERSON YOUNG: Just out of curiosity, are
9 they coming off these two lots, or did they just come in
10 like this?

11 MR. ROGERS: Actually, these two lots will be
12 coming off of what is lot five right now. So lots one
13 and four have already been created, and a description
14 has been created as such, and then these lots,
15 technically, are coming out of what is considered lot
16 five today.

17 CHAIRPERSON YOUNG: Okay. Any questions?
18 Anyone like to ask any questions?

19 (No response.)

20 CHAIRPERSON YOUNG: Thank you. Do you have
21 any further comments from the county?



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1 MR. WIENMAN: Nothing further.

2 CHAIRPERSON YOUNG: Okay. Is there anyone
3 here who would like to speak for or against this
4 request?

5 MR. WILLIAMS: I just have one question. At
6 the County Commissioners' meeting that you're going to
7 have later on, what -- did you give a date on that or --

8 MR. ROGERS: No. It will be scheduled once
9 the Commission makes a decision, and it will be either a
10 regular hearing, and it will have to be advertised as
11 such.

12 MS. FENDER: I'd like to speak if I may.

13 CHAIRPERSON YOUNG: Yes, ma'am. Could you
14 identify yourself for the record?

15 MS. FENDER: My name is Carolyn Fender. I'm
16 an attorney for Mrs. Goodson. And I just want to say
17 the property has been in Mrs. Goodson's family since
18 1904. And that's why the father of Mrs. Goodson wished
19 to keep it in the family and divide it among the
20 grandchildren so they would each have a lot to build on.
21 And that was my only comment on this. Thank you.



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1 CHAIRPERSON YOUNG: Thank you. Anyone else
2 like to say anything?

3 (No response.)

4 CHAIRPERSON YOUNG: Well --

5 MS. HAIRSTON: I guess, I'd just like to
6 mention that since we don't have a quorum of our
7 Commission panel present, we'll extend this hearing
8 until 7:00 p.m. on June 1st, when there is another
9 Critical Area Commission hearing scheduled for this same
10 room, and additional members of the panel, who will be
11 giving a presentation.

12 Your comments are on the record, and this will
13 serve as the record for this amendment. But, after
14 that, the panel hearing -- we should be able to have a
15 panel meeting and get a recommendation to the
16 Commission.

17 CHAIRPERSON YOUNG: Okay. Now, will we -- are
18 we extending the opportunity for written comments for a
19 week from tonight, or a week from Monday?

20 MS. HAIRSTON: Yes. That would be within the
21 period for written comment.



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1 CHAIRPERSON YOUNG: Okay.

2 MR. ROGERS: Do you need the county to make
3 another presentation next Monday?

4 MS. HAIRSTON: I can make the presentation, if
5 you have other plans for that evening.

6 CHAIRPERSON YOUNG: Okay. If there are no
7 further comments, thank you for coming out. And as
8 stated, if you wish to make any further written
9 comments, a week from today, or come back Monday at
10 seven o'clock. Thank you.

11 (Whereupon, at 7:19 p.m., the hearing
12 was adjourned.)

13 (Exhibits - none.)

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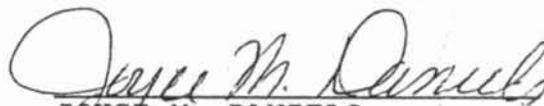
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CERTIFICATE OF NOTARY

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


JOYCE M. DANIELS
Notary Public in and for
the State of Maryland

My Commission Expires:

May, 1992



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