

Public Hearings - Queen Anne's County - Growth Allocation 1993 MSA_151830-118

SPEAKERS PRESENT (CONTINUED):

MARILYN WESTERGARD

DOUGLAS ANDERSON

GEORGE O'DONNELL

DICK JARENSKI

ELBERT CARVEL

THOMAS A. OYSTER

WILBUR GARRETT

KATHY CHRISTOPHER

JIM WILLS

JACK BRODERICK

DAN CHANDLEY

MARINE WATERMAN

ANN TAMLYN

HUGO JULEANE

CHARLES DUNN

JEREMY KOHLER

REPORTED BY: MARYANN KOHLER, NOTARY PUBLIC

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P R O C E E D I N G S

1
2 CHAIRPERSON LANGER: We'd like to call the
3 hearing to order, and welcome you all here this
4 evening.

5 Our Panel Members from the Critical Area
6 Commission are Carolyn Watson from Prince George's
7 County, Bill Corkran from Talbot County, and Dr. Foor
8 from Queen Anne's County.

9 The purpose of this hearing is to hear public
10 comment on the proposed amendment to Queen Anne
11 County's critical area program, to award growth
12 allocation to the Charles Breeding property in the
13 amount of 16.4 acres as is required by Section 8-1809
14 of the Critical Area Law.

15 The Commission will make a decision at the
16 September 1st Critical Area Commission meeting. This
17 hearing this evening is being recorded, so we ask that
18 everyone will please speak clearly and identify
19 yourself for the record. If you speak softly, we would
20 ask if maybe you could come up to the mike and speak,
21 so that the court reporter can make sure she gets

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1 everybody's testimony.

2 Local officials here this evening are Bob
3 Sallitt, county administrator, and Joe Stevens,
4 planning director, who will make the presentation this
5 evening.

6 We have a sign-up sheet for those who wish to
7 testify. I think most of you have -- is there anyone
8 who wishes to testify that has not signed one of the
9 sheets?

10 VOICE: What if you don't know whether you
11 want to testify until later on? Can you still do it?

12 CHAIRPERSON LANGER: Yes, that will be fine.
13 And we will have -- everyone who wishes to testify will
14 do so after the county has made their presentation.

15 Is Joe Stevens here? Do you want to make the
16 presentation?

17 MR. STEVENS: Can everybody hear me back
18 there if I speak like this without a microphone? The
19 cord only goes so far.

20 My name is Joe Stevens. I'm the planning
21 director for Queen Anne's County, and what I'd like to

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1 do is just bring you up to date on the process and
2 where the process goes from here on what's taken place
3 thusfar, and then Mike Whitehill, who is the
4 applicant's agent, will be giving a presentation on the
5 project, I assume.

6 Basically, the county, Queen Anne's County
7 has a critical area program, Chesapeake Bay Critical
8 Area Program, which regulates land uses within a
9 thousand foot of any tidal waters. Those regulated
10 land uses have to comply with state law that was
11 adopted back in 1984, and then adopted in the county in
12 1989 basically.

13 It breaks land uses down into three different
14 categories within that thousand foot. You're either in
15 a resource conservation area, a limited development
16 area, or an intense development area. And it depends
17 on what the land use was on the site as of December 1,
18 1985. This site was vacant, that's of question
19 tonight, as of December 1, 1985 had nothing on it, and
20 therefore, it was designated resource conservation,
21 RCA, under the law.

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1 The applicant is requesting an upgrade from
2 resource conservation area to intense development area.
3 The county, under the Chesapeake Bay Critical Area Law
4 and criteria, can grant, with state approval, an
5 upgrade to the Chesapeake Bay Critical Area designation
6 from resource conservation area to intense development
7 area, RCA to IDA. That's what the subject of the
8 application is here tonight. The county is limited on
9 how much land it can change from one land use category
10 to another within that thousand foot. And our
11 limitations are basically that the county can only
12 change about a 1,000 acres of land.

13 Additionally, the county and the applicant
14 have to meet certain provisions and guidelines in order
15 for that land use to be changed, which will be
16 discussed later on here tonight.

17 The K-Mart proposal came in several months
18 ago, and was submitted to the County Planning
19 Commission. The Planning Commission was the first of a
20 series of hearings that had to be held on the project,
21 and the first of a series of hearings that had to be

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1 held prior to the site being redesignated from resource
2 conservation to intense development area.

3 The applicant had to submit a concept plan
4 showing the actual resources on the site, showing lay-
5 out, architectural design, parking, landscaping,
6 signage and so on, some basic stormwater information as
7 well, and they did that.

8 That went to the Planning Commission in June.
9 The Planning Commission held a hearing on the growth
10 allocation request to change from resource conservation
11 area to intense development area, and recommended
12 favorably to the county commissioners on that request
13 for growth allocation. They also granted the project
14 concept plan, concept site plan approval, based on the
15 plans and the architectural drawings and so on that
16 were submitted.

17 The next step in the process is for the
18 applicant is to come to the Chesapeake Bay Critical
19 Area Commission and request, after hearing this
20 evening, that same upgrade. If the Chesapeake Bay
21 Critical Area Commission votes favorably for the

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1 applicant, then there will be a third hearing by the
2 county commissioners. The county commissioners will
3 hold that third hearing sometime probably in September
4 or early October, and again, it will be advertised, and
5 everyone will know that it's occurring.

6 If once that third hearing is held, if they
7 receive an approval from the county commissioners at
8 that point, they will move forward to final site plan
9 approval. That's when they actually crunch out all
10 their engineering, stormwater numbers, and get all the
11 final information into the planning office, as well as
12 any bonds, road improvement payments, and things of
13 that nature that are necessary.

14 If they're denied approval this evening --
15 not this evening, but from the Chesapeake Bay Critical
16 Area Commission, which will be meeting as the whole
17 commission on September 1, as indicated, then the
18 project would stop at that point, and the applicant
19 would have to file an appeal process if they chose to
20 do so, but the county commissioners would not hold a
21 hearing. There would be no sense in the county

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1 commissioners holding a hearing.

2 Just so you have an idea of what the focus is
3 this evening, it's on the application for growth
4 allocation. It's not on the site plan, or the use, per
5 se, but it's on the application. Does the application
6 meet the standards of critical areas for growth
7 allocation, in terms of environmental standards that
8 are required under critical areas, in terms of growth
9 allocation can only be located in particular areas, and
10 the Chesapeake Bay Critical Area Commission has
11 guidelines on those areas and where it can be located.

12 That's what the issue is here before you
13 tonight, and with that, if you'd like, I can turn it
14 back over to the chairperson. Thank you.

15 CHAIRPERSON LANGER: We have the sign-in
16 sheets here and -- I'm sorry -- the presentation.

17 MR. WHITEHILL: Thank you, Madam Chairman.

18 My name is Michael Conrad Whitehill. I
19 represent the applicant. I am the branch manager of
20 McCrone, Incorporated here in Centreville, and I want
21 to address a couple of items, specifically, to the

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1 issue of a critical area, and also to submit a few
2 things into the record for your review. I will be
3 brief.

4 The specific development proposals, as Joe
5 Stevens has indicated, will not be addressed here,
6 because, in compliance with the guidelines for county
7 growth allocation policy adopted by the Critical Areas
8 Commission February 3rd, 1993, specific development
9 proposals: "Growth allocation is not required to be
10 tied to a specific development proposal if the
11 following conditions are met: total acreage or partial
12 acreage is deducted" -- which is the case here, the
13 entire 16.4 acres will be deducted from the growth
14 allocation pool allowable to the county -- "habitat
15 protection area issues are identified" -- which were in
16 the previous record, which I'll amplify on here -- "and
17 the local jurisdiction certifies that the critical area
18 criteria must be met for project development" -- which
19 Joe, essentially referred to the Queen Anne's County
20 planning and zoning ordinance, which requires this,
21 which is the law of our land.

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1 To begin with, for those who may not be fully
2 aware of where we are, this plan has been prepared
3 pursuant to Article 7, Section 3 -- Section 7001 of the
4 Chesapeake Bay Critical Area Program and Ordinance for
5 Queen Anne's County, as well as with Section 9911 of
6 the Zoning Ordinance of Queen Anne's County. The
7 property is 18.775 acres. It's located on the south
8 side of the Thompson Creek Service Road, and east of
9 Route 8. The parcel is found on sectional zoning map
10 number 56, block 11, part of parcel 20.

11 The property is immediately adjacent to -- on
12 the east we find the Thompson Creek Shopping Center,
13 and on the north, the existing -- further existing
14 intense development area, which of course is the town
15 of Stevensville, that portion which lies within the
16 critical area, and also the big highway, Route 50 at
17 that point, which is also IDA. Furthermore, the State
18 Highway Administration proposes a park and ride which
19 will be located immediately adjacent -- across the
20 Thompson Creek Service Road from this parcel, which is
21 also portions of which lie within the intense

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1 development areas.

2 The property, as it sits right now, is
3 untilled acreage. It has been untilled since before
4 the construction of the Route 8 overpass. So, while it
5 was originally in farmland, is still classified under
6 the existing designation as part of a farm, the land
7 has been out of agricultural service for a variety of
8 reasons, the most significant one -- or one of the
9 reasons, of course, being that when they built the
10 overpass they used that as a staking area. Those of
11 you who live there remember that Bramble stored all of
12 his equipment, pipe and so on, on that piece of
13 property, and left lots of gravel and rubble and
14 whatnot that he -- after he cleaned up the site. It
15 hasn't been tilled since then. The actual subject site
16 will actually extend beyond the existing ditch, and
17 I'll address the site configuration in a minute.

18 It's important to remember, for the purpose
19 of this hearing, that adjacency to existing intense
20 development areas be demonstrated. As I said, and will
21 submit to the Commission, a copy of their own,

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1 actually, presentation plat, which kind of elegantly
2 shows the existing IDA and the existing RCA. Our
3 parcel is designated as RCA with adjacent IDA to the
4 north and to the northwest, and IDA to the east in the
5 form of the shopping center to which we're adjacent.
6 And I'll submit that for the record.

7 The adjacency issue is very significant here
8 because the property was zoned B-2 before it was zoned
9 in the suburban commercial, which pre-existed this
10 zoning -- so the property, the entire 18 acres has been
11 zoned for commercial use for nearly a decade, and this
12 becomes significant because when the maps were adopted,
13 our critical areas maps were adopted, the subject
14 parcel was originally designated for an IDA, but that
15 IDA designation was disallowed at the eleventh hour,
16 and on March 15th, 1989, when the maps were adopted and
17 the program was adopted, the land was left in the RCA
18 category.

19 And there's a few significant reasons for
20 that, one of which was there was no immediate
21 development proposal for the property, which the county

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1 commissioners agreed made it less pressing than some of
2 the other projects that had plans before the council,
3 before the Planning Commission. Secondly, the sewer
4 and water, while they were at the Thompson Creek side,
5 sewer and water -- public sewer and public water were
6 not immediately adjacent to the site as they are today.

7 Therefore, for those reasons, just to name a
8 few, the property was designated as RCA, but the
9 zoning, the underlying commercial zoning remained, and
10 that's significant.

11 The RCA area, that part of our project which
12 lies within the critical area, 16.4 acres, the
13 applicants wish to have the entire 16.4 acres deducted,
14 and that satisfies the first part of the criteria.

15 In 1983 a critical area study was done on the
16 property prior to the criteria being fully adopted, and
17 the purpose of that study was to see if this property
18 could be made to comply to the standards of IDA. At
19 that time a critical area environmental assessment was
20 performed, and in 1983 the letters from the Wildlife
21 Heritage and so on, indicated that there were no rare

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1 or endangered species, and that essentially, the
2 portions of the project, of which the entire study took
3 the entire farm in, became of no consequence when there
4 was no plan for the -- no specific plan for the
5 property.

6 On March 5th, 1993 we went out and updated
7 that study, and prepared a critical areas environmental
8 assessment update, which will be submitted for the
9 record, Exhibit Number 2, Applicant's Exhibit Number 2.

10 Associated with that was a request from the
11 Heritage and from the Department of Natural Resources
12 to determine if they knew of any rare or endangered
13 species on the property, and on -- they wrote back to
14 us, and the letter is incorporated in the Planning
15 Office's correspondence. After our study date of 3-5-
16 93, DNR reviewed it on 4-1-93, revealing no known
17 endangered plant or wildlife species on the subject
18 site. That became part of the critical area study
19 which was submitted and accepted by the county as part
20 of our critical area -- our local program.

21 Then, while Joe outlined the general

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1 procedure, several other issues arise relative to the
2 environmental nature of the site and the existing
3 habitat thereon. The Planning Commission, when it
4 forwarded to the Queen Anne's County commissioners its
5 unanimous recommendation to approve the concept plan
6 and the growth allocation, made specific mention that
7 they were mindful of the relative lack of sensitive
8 areas and habitat protection areas on the property, and
9 the Breedings' insistence on maintaining -- the
10 Breedings, by the way, is Ted and Janet Breeding and
11 Janet Yost, who are the owners of the property, and are
12 in the audience tonight -- the Breedings' insistence on
13 maintaining the full 300 foot shore buffer with
14 substantial landscaping and afforestation. This shore
15 buffer is critical, was critical to the Planning
16 Commission, critical to the county commissioners, and
17 is critical to the applicants' program. I submit that
18 as Applicant's Exhibit Number 3.

19 The county commissioners forwarded that
20 recommendation to the Planning Commissioner on July
21 13th. I would enter that letter in as Applicant's

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1 Exhibit Number 4. The purpose of that is that the
2 county commissioners did hear the subject application,
3 and unanimously agreed to forward that to the Critical
4 Areas Commission for a hearing.

5 While all of this was going on, we wanted to
6 make sure that we were not going to be disturbing any
7 non-tidal wetlands within the critical area, or outside
8 the critical area, for that matter. So as early as
9 April we applied to the Corps of Army Engineers to go
10 out and do a site visit on the property to determine if
11 there were any non-tidal wetlands which would interfere
12 with the development of this property. This also, the
13 non-tidal wetlands issues are very important, because
14 were there non-tidals in the middle of this thing,
15 requiring permitting and so on, the Critical Areas
16 Commission would have to rule on the value of that and
17 the efforts to protect that.

18 So on July 13th, 1993 we received, from the
19 Corps of Army Engineers, a letter authorizing the
20 construction of the retail center on the basis that
21 there were no non-tidal wetlands within the 404

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1 jurisdiction of the Clean Water Act. Put that in as
2 Applicant's Exhibit Number 6 (sic).

3 As though that were complicated enough, the
4 Department of Natural Resources, which does not take
5 jurisdiction in the same area of the non-tidal wetlands
6 as does the Corps of Army Engineers, in conjunction
7 with a joint application, also on August 9th forwarded
8 us their determination, dated August 9th, 1993, that
9 the Corps of Army Engineers and the Maryland Department
10 of the Environment, and the Maryland Department of
11 Natural Resources, Non-Tidal Wetlands Waterway
12 Division, agree that the exemption -- that there is no
13 non-tidal wetlands on the portion of the property being
14 developed, that the non-tidal wetlands lie fully within
15 the buffer, as I will point out on the landscaping
16 plans. So the non-tidal wetlands issue has been
17 resolved, Applicant's Exhibit Number 7 (sic).

18 We were concerned, lest we be applying for a
19 contiguous IDA, that we be able to demonstrate that in
20 order to meet the enabling criteria of Section 14,
21 15.02, Development in the Critical Area of the Critical

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1 Area Program, under .03, Intensely Developed Areas,
2 public sewer and public water are essential to intense
3 development. They are essential for environmental
4 reasons. They are also essential for infill or
5 densification of existing areas. The applicants
6 applied for an amendment to the master water and sewer
7 plans from the county commissioners and was unanimously
8 granted. They further asked for an allocation, a sewer
9 allocation several weeks later. The applicant applied
10 for the master water and sewer plan at a public hearing
11 on June 15th. The county -- that was before the county
12 commissioners, and there was in fact a hearing that
13 night. The master water/sewer plan was approved. The
14 application to amend this into the plan was approved 7-
15 6-93, and an allocation request was submitted that same
16 day with an allocation approved for sewer and water on
17 7-13-1993. So the property was going to be sewerred via
18 the existing pumping station, the county-owned facility
19 on Route 8, and water through the Thompson Creek Mall,
20 water was going to be brought in that direction to be
21 later connected to the Bay City Sewer, which is due to

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1 be constructed very shortly.

2 I would submit the letter from Department of
3 Public Works, confirming the county commissioners
4 Tuesday, July 13th approval of the application.
5 Incidentally, there's a non-refundable deposit, which
6 was paid -- on time, I might add -- for the sewer, and
7 so that that side of the IDA was met.

8 Part of the issue here is, is that if we had
9 to provide an on-lot system, some sort of septic
10 system, the environmental impacts of a septic system
11 versus a public system are manifold. And the amount of
12 ground that would have to have been taken up,
13 obviously, would have jeopardized the project.

14 Now, we asked county now -- we get to an
15 issue which is both a critical area desiderata and that
16 of the county commissioners now, which is to create a
17 300-foot shore buffer adjacent to the waters of
18 Thompson Creek and some -- and removed from the wetland
19 area. The 300-foot shore buffer has been established
20 as a part of this plan, and I would put this plat,
21 entitled "Site plan Kent Landing Shopping Plaza," in as

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1 the Applicant's Exhibit -- you might want to number
2 that consecutively. It would be what, 8?

3 Now, on this plan it's important to remember
4 that -- and anybody that has visited the site, there is
5 a small tidal wetland fringe on the property, and there
6 is a small non-tidal belt that goes just upland of that
7 area. Then we have -- then normally would be required
8 a 25-foot buffer. All of the tidal and non-tidal
9 wetlands lie well within even 100 feet, which would
10 have been the normal critical area buffer, and would
11 have been kept out of the area of development.

12 In this particular case, and in conformance
13 with the zoning ordinance for Queen Anne's County, a
14 300-foot shore buffer has been provided, and that 300-
15 foot shore buffer is required to be afforested. That
16 is to say, new wood is required to be created over 50
17 percent of the width of the buffer. So we have created
18 a band of afforestation that extends from the non-tidal
19 wetland fringe area landward into that 300-foot shore
20 buffer to create an afforestation area that is planted
21 with trees for the first part that you see this

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1 stippling on. And the balance of the area to the 300-
2 foot shore buffer will be left for -- to become a
3 successional vegetation. Left as it is, it will grow
4 up naturally, probably first with cedar volunteers,
5 just like a lot of the successional fields that you've
6 all seen, meadow grasses and so on. It's not to be
7 maintained in any way.

8 The plantings, to give you an idea of what
9 the county requires in this shore buffer, we have 2,400
10 plants that are going to be planted in that 150 foot
11 strip. 300 elderberry, 300 rosa ragosa, 300 tartarian
12 honeysuckles, dogwood, silky dogwood, swamp bug, sweet
13 gum, red maple, and silver maple. These will be
14 planted in seedlings. They can be mechanically planted
15 outside of the buffer strips, and will have to be
16 bonded as part of the overall afforestation plan. The
17 plan you see that was submitted, I believe as
18 Applicant's Exhibit Number 8, does further show the
19 landscaping in great detail on the property.

20 We are now entering the issue of habitat
21 protection. It has been determined by both critical

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1 area studies that were performed, and the review by the
2 Department of Natural Resources, that the habitat area
3 is limited solely to the fringe area of the wetlands
4 and the non-tidal wetlands on the site. What we have
5 done, however, in deference to the need to create
6 wildlife corridors, and to make a buffer between the
7 residential uses and any views that would be exposed,
8 from the back of this use, we have planted the entire
9 length of the property line with Austrian and white
10 pines. The purpose of the Austrian pines, it's a
11 little more salt tolerant. The white pines will be
12 planted, and then a rose understory would be planted
13 along the bottom edge of that.

14 This plan has been submitted to Queen Anne's
15 County for review as part of the normal site planning
16 process.

17 VOICE: Pardon me. You were talking so fast
18 that you were just overwhelming me. Could you use my
19 pencil, pen, and like point out the areas before we
20 come to them.

21 MR. WHITEHILL: Uh-huh.

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1 VOICE: See, I can't see from there, and
2 you're going so fast that I can't follow you.

3 MR. WHITEHILL: Everybody can certainly come
4 up and take a look at this when we -- here is the 150-
5 foot afforestation strip --

6 VOICE: Tell me where Route 50 is, and Route
7 8, and stuff.

8 MR. WHITEHILL: This is Thompson Creek
9 Service Road. Route 50 is up here. Here's the 100-
10 foot afforestation area -- excuse me -- 150-foot, and
11 here is 150 feet of successional vegetation area that's
12 going to be taken -- just left unmaintained so that it
13 can come back with whatever wants to grow there.

14 And this is the perimeter. Plantings are
15 going to form the buffer of the screen across the back
16 of the property.

17 VOICE: Where is the present store area,
18 shopping area adjacent to this?

19 MR. WHITEHILL: It's right here. Thompson
20 Creek Mall is right here. Park and ride will be right
21 there.

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1 VOICE: And where is the parking lot?
2 MR. WHITEHILL: Park and ride is right here.
3 VOICE: No, the parking lot of this.
4 MR. WHITEHILL: Right here.
5 VOICE: All of that?
6 MR. WHITEHILL: Yes, ma'am.
7 VOICE: Which is north, south, east and west,
8 please?
9 MR. WHITEHILL: North is straight up, as it
10 should be.
11 VOICE: Straight up.
12 MR. WHITEHILL: Okay. Now, still continuing
13 with the landscaping issues, the Queen Anne's County
14 comprehensive zoning ordinance requires massive
15 landscaping to be done and installed under bonds, and
16 what we've done is exactly that. The landscaping plan
17 is not being submitted as a -- for the purpose of
18 determining its compliance with the zoning ordinance,
19 or any other reason, other than to show that additional
20 habitat will be created in the 300-foot -- excuse me --
21 in the 300-foot buffer. 300 feet is the length of a

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1 football field, and if you can imagine that this is 750
2 feet long, and we have a buffer that's the length of a
3 football field wide down that entire -- that's quite a
4 stretch of commercial property.

5 Now, I will put in for the record as Exhibits
6 Number 9, the official landscaping plan to show the
7 plant material, and the plant count that will exist and
8 be created for the buffer area.

9 Now, a project of any size, regardless of the
10 use, is going to create runoff, both from its rooftops
11 and from its parking areas. Although, perhaps a little
12 ahead of the game, we have prepared and submitted to
13 the appropriate Queen Anne's County agencies, plans for
14 sediment and erosion control, and a plan for stormwater
15 management. We are obliged to improve the water
16 quality of runoff off this site by ten percent. We
17 have done this calculation by means of the Keystone
18 Pollutant Removal of Loading Requirements, and perhaps
19 a little bit farther along than normal, we have
20 actually submitted those to the county for review.

21 Stormwater management, in this particular

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1 case, every drop of water that hits this site, plus
2 some that doesn't, is going to run down -- that's off
3 site water that be accepting. All of this will be
4 contained and directed by -- via storm drains into a
5 stormwater management wet pond to be located right in
6 this area. Okay? this wet pond will be essentially
7 about a one-foot deep permanent mark within the
8 perimeters.

9 At the recommendation of the Queen Anne's
10 County planning staff, we have planted willow trees
11 around the perimeter edges of this structure, so as to
12 de-emphasize this -- as a water quality structure. In
13 the design of this particular pond, so that runoff from
14 the parking lot doesn't run right in through our buffer
15 -- although under some innovative standards, that may
16 in fact be adequate, something the critical areas has
17 addressed before -- our intent is to carry it into a
18 pond. The pond has been designed for both stormwater -
19 - for compliance in the stormwater management
20 ordinance, and also for compliance with the pollutant
21 loading removal standards.

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1 MR. DUNN: Would you point out the site while
2 you're over there, sir, that is under consideration? I
3 see all those trees, but where is the actual site that
4 we're talking about?

5 MR. WHITEHILL: Right here.

6 MR. DUNN: Okay. Thank you.

7 MR. WHITEHILL: Now, in compliance with the
8 normal design standard required by Queen Anne's County,
9 and also by Critical Areas Commission, the applicant
10 has submitted what is called the Keystone Pollutant
11 Removal Standards as a part of a comprehensive
12 submittal to Queen Anne's County for site plan review.

13 While we're not talking about the site plan
14 review process here, and don't intend to, what we have,
15 however, is a stormwater management pond that has to be
16 addressed so we can demonstrate that the water quality
17 should be improved by 10 percent under the existing
18 guidelines.

19 I submit as Applicant's Exhibit Number 11
20 (sic), a letter from Queen Anne's County Department of
21 Public Works, who's done a preliminary review of those

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1 computations, and have found them to be acceptable, and
2 they believe that it exceeds the critical area 10
3 percent rule, as well as the county Stormwater
4 Management Ordinance. That's a letter dated August
5 18th, ironically.

6 Then from -- also as a further protection
7 there is an applicable rule that sediment and erosion
8 control be contained on the site during construction.
9 This would normally occur at the site plan stage. It
10 has nothing to do, necessarily, with the critical area
11 stage, however, in order to assure that this is a "do-
12 able" deal, that the sediment and erosion control can
13 be contained, we submitted a complete sediment and
14 erosion control plan to the county for review.

15 Queen Anne's Soil Conservation District, by
16 letter, August 19, made a preliminary review of the
17 proposed sediment control, and with a few minor
18 revisions it says the concept will meet all of the
19 requirements set forth in the regulation. We submit
20 that as Applicant's Exhibit Number 11.

21 All right. Now, finally, we move to the area

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1 of this vegetated buffer. The vegetated buffer is
2 recommended, it is suggested, and it is encouraged --
3 those three words are used by the critical areas
4 subtitle. In Queen Anne's County it is required, and
5 you see it here.

6 In this particular instance, we're providing
7 the 300-foot shore buffer, and the issue revolving
8 around the providing of that 300-foot shore buffer is
9 relevant to the issues of adjacency, as well as other
10 issues for the vegetative buffer requirement. I bring
11 this to the attention jurisdictions must address --
12 this is also from the -- I quote from the guidelines
13 for County Growth Allocation, Critical Areas Commission
14 -- in the policy the jurisdictions must address
15 adjacency guidelines contained in COMAR.

16 "1. New intensely developed areas should be
17 located in limited development areas or adjacent to
18 existing IDA's" -- which we have demonstrated we are
19 adjacent to the IDA's.

20 Number four: "New intensely developed areas
21 and limited development areas should be located in

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1 order to minimize impacts on habitat protection, as
2 specified in COMAR 27.01.09, and in a manner that
3 optimizes benefit to water quality."

4 Well, since we've taken this essentially out
5 of agricultural, and we're going to be -- which is not
6 necessarily in and of itself a good thing from the
7 resource conservation standard perspective; the fact
8 that this hasn't been tilled in eight years, however,
9 is.

10 And what we're doing here is providing a
11 means to improve the water quality from agricultural
12 runoff standards after the development of the project.

13 The next item, item number five: "New
14 intensely developed areas should be located where they
15 minimize their impacts to the defined land uses of the
16 resource conservation area." That's what I addressed.
17 We're talking about the 20-acre density of the RCA
18 being one of them, agricultural land, and so on, that
19 conversion of agricultural land to fallow land, to
20 development with improvements.

21 Item number six: "New intensely developed

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1 areas and limited development areas in resource
2 conservation areas should be located at least 300 feet
3 beyond the landward edge of the tidal wetlands and
4 tidal waters," which we are certainly doing. In fact,
5 we're beyond the 300-foot line with the structure.

6 So since -- what we're looking at here is the
7 criteria to convert an RCA under an already established
8 policy and an already established law, from RCA to IDA.
9 We are, in fact, addressing the issues of habitat
10 protection by creating habitat where there was none.
11 We are addressing the -- which, incidentally, should
12 serve also the vision, at least, of trying to minimize
13 the impact of human activity within the critical area.

14 We have provided a habitat corridor, which
15 can be linked up with -- under --

16 VOICE: Excuse me. What is coming first, the
17 habitat care or the building? You haven't talked about
18 that. What is first --

19 MR. WHITEHILL: That's a site plan -- I'll
20 get to that in a second, and hold your questions. I'll
21 be glad to answer them when we're finished.

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1 The second issues relative to the IDA's are,
2 are we adjacent to an existing IDA? And, yes, in fact,
3 we are. We have public sewer. We have public water.
4 We're adjacent to an IDA, both in the shopping center
5 and in the highway, and in the park and ride, which is
6 located to the northwest of the property.

7 Are we providing a 300-foot shore buffer?
8 Yes, indeed, we are, and not only are we providing a
9 shore buffer, not just a lawn area that is maintained
10 and fertilized like everybody else's lawn on Thompson
11 Creek, but we're going to be providing that in a
12 planting of approximately 2,400 trees and other
13 understory, with a balance of the 150 feet being left
14 to become successional vegetation, take over as nature
15 will.

16 The next item relative to the non-tidal
17 wetlands, there are no non-tidal wetlands on the
18 property, as has been entered into evidence, and the
19 program of this development, therefore, will not impact
20 those. Those non-tidal wetlands lie well to the water
21 side. And I believe that while there is some question

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1 about deducting the entire amount when we do provide a
2 300-foot shore buffer, it is still the intent to deduct
3 the entire 16.4 acres from the growth allocation pool
4 available in the county.

5 Now, I think to sum up, the developers of
6 this project -- and to answer your question relative to
7 what goes on when -- the development of the project,
8 all of the infrastructure, as Mr. Stevens indicated, is
9 designed and bonded for construction. For example, if
10 that tree is not planted there, then that several
11 hundred thousand dollar bond will be called to make
12 sure that that tree is planted there.

13 The development of the sediment and erosion
14 control is the very, very first thing that goes on in
15 the project. The construction of the stormwater
16 management pond is the second thing that goes on the
17 project, okay? So means of containing the water goes
18 first, just outside the shore buffer. Means of
19 containing sediments through silt fences, through rock
20 berms, energy dissipators and straw bales goes in at
21 the same time.

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1 So what we have is the protection of that 300
2 feet comes right out of the gate, comes right off the
3 top. Then the construction of the buildings and other
4 appurtenances. And the very last thing that would come
5 on would be the landscaping, because you don't
6 landscape when you know you still have to do mass
7 grading. And that landscaping, as I say, together with
8 all the other improvements, are bonded for
9 construction.

10 The area immediately adjacent to Thompson
11 Creek is going to be -- is and is intended to remain
12 untouched by this development for that full 300 feet.

13 So I believe that in terms of the criteria,
14 and those items that we need to improve both for
15 adjacency and for protection of habitat have improved
16 in this case, and the -- regardless of whatever the
17 site is going to be used for, which is not germane to
18 this hearing, the issue of the provision of the 300-
19 foot shore buffer has been maintained throughout.

20 I thank you.

21 CHAIRPERSON LANGER: Thank you very much.

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1 VOICE: Are you going to take our questions?

2 MR. WHITEHILL: Madam Chairman?

3 VOICE: You were very emphatic, emphasized
4 the football field size of the buffer. How many
5 football field?

6 MR. WHITEHILL: It's 300 feet, 100 yards, one
7 football field.

8 VOICE: How many football fields of asphalt
9 will be going down?

10 MR. WHITEHILL: I have no idea. It's
11 probably -- I couldn't tell you.

12 VOICE: You don't know the ratio?

13 MR. WHITEHILL: Well, it's not germane to
14 this hearing. You can come to the planning hearing,
15 and I'll be glad to tell you, but as far as anything
16 relative to the --

17 VOICE: If you've got the answer, I would
18 like to know.

19 MR. WHITEHILL: Well, I can give you a rough
20 idea of what the total impervious area is, okay? The
21 total area is approximately 18 acres. On this site we

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1 have about seven acres of impervious area -- oh, is it
2 8.3? 8.3 acres of impervious area. So almost half of
3 it, almost half of the site is an impervious area.

4 VOICE: You didn't mention what zoning was
5 adjacent on the south side.

6 MR. WHITEHILL: There are two zones adjacent
7 on the south side. One is estate, and one is
8 countryside.

9 VOICE: Countryside. So you're adjoining
10 intense development and encroaching on countryside.

11 MR. WHITEHILL: No, ma'am. We're adjacent to
12 countryside.

13 VOICE: But by extending IDA, you're
14 extending it up to countryside.

15 MR. WHITEHILL: No, ma'am. We are already
16 zoned suburban commercial. This parcel right here --
17 and I'll show you the division line -- this is zoned
18 estate. This parcel here is zoned countryside,
19 although zoning has nothing -- the critical areas
20 people don't concern themselves with the zoning.
21 Suburban commercial is our existing site, and urban

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1 commercial is the intense development we're adjacent
2 to.

3 VOICE: What is your change in zoning, up
4 from suburban commercial?

5 MR. WHITEHILL: We're not asking for a change
6 in zoning, no, ma'am. We're asking for a change in
7 land use designation from RCA, which is in this entire
8 resource conservation area, to intense developed area.

9 VOICE: What is the land use south of this
10 site?

11 MR. WHITEHILL: It's a park.

12 VOICE: I know, but how is it listed, this
13 park?

14 MR. WHITEHILL: RCA.

15 VOICE: RCA. So it not surrounded by --

16 MR. WHITEHILL: No, no. It's adjacent to it,
17 correct.

18 VOICE: It's almost adjacent to the other.

19 VOICE: What type of stormwater management
20 pond is that? Is that a retention --

21 MR. WHITEHILL: It's a wet pond, and what

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1 they've done is to add on to the 100-year stormwater
2 management requirement on top of the elevation. So
3 what they've done essentially is, in the design of it,
4 we have a normal pool, and what we have done is added
5 our overflow elevation to provide extra volume to hold
6 the 100-year storm above that amount, instead of
7 allowing for that pond to be empty. So we've taken it
8 from the normal water surface elevation.

9 VOICE: Does it allow for ground water
10 recharge?

11 MR. WHITEHILL: For what, the pond itself?

12 VOICE: Yes.

13 MR. WHITEHILL: The pond itself will have a
14 low flow structure that will maintain that one-foot --

15 VOICE: That will allow the ground water to
16 recharge?

17 MR. WHITEHILL: Ground water -- the bottom of
18 the basin will not be sealed. It depends on what kind
19 of material we'll run into. Yes, sir.

20 VOICE: Of the 1,000 acres that were
21 permitted, and we're giving up 16.4. How much has

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1 already been allocated prior to the 16.4?

2 MR. WHITEHILL: Okay. I can answer that only
3 in cursory terms. It's not really my bailiwick, but of
4 the original amount of growth allocation, if you just
5 took 1,000 foot strip all the way around, approximately
6 153 acres, I believe it was, was pre-allocated for
7 existing projects. Okay? This is the first applicant
8 for growth allocation through the procedure, other than
9 those that occurred in original mapping.

10 DR. FOOR: When this is built. In addition
11 to that, there's been some set aside potentially for
12 the use in both Centreville and Queenstown, none of
13 which has been used yet.

14 VOICE: Can you tell us how much?

15 DR. FOOR: I think around 200, isn't it?

16 MR. STEVENS: For each, yes.

17 DR. FOOR: Excuse me?

18 MR. STEVENS: 200 for each.

19 DR. FOOR: 200 for each, and that's been
20 allocated and set aside.

21 VOICE: So that's 400.

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1 VOICE: 400 plus 300 something, so we have
2 700 and something, right?

3 DR. FOOR: No, no, no, no. We have -- we
4 used 158 -- correct me, Joe -- or 150 --

5 VOICE: You've used 158?

6 DR. FOOR: That's all that's been used.
7 There have been some set aside for potential future use
8 to the town of Centreville and the town of Queenstown,
9 in the amount of approximately 200 per municipality.

10 MR. STEVENS: That's right. And the county
11 can use --

12 DR. FOOR: And the county can use it, or they
13 can potentially --

14 VOICE: So we're already done --

15 DR. FOOR: We have over 1,000, or right at
16 1,000.

17 MR. STEVENS: 1,100, to be more specific.

18 DR. FOOR: 1,100 uncommitted. 1,100
19 uncommitted in Queen Anne's County.

20 VOICE: Are you required to use all of that?

21 DR. FOOR: No, ma'am. It's designed by law

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1 to allow the county -- it's the way the legislators
2 have allowed the county itself to anticipate future
3 growth, and anticipate new land usage within the areas
4 that have already been designated LDA, IDA, and RCA.
5 Only 50 percent of the growth allocation can be put
6 into the RCA, except with a special exception on the
7 Eastern Shore because these counties on the Eastern
8 Shore do have a lot of shoreline and a very large bank
9 of RCA. 80 percent of the critical area in Queen
10 Anne's County is RCA. A large bank of property is
11 protected for an awful long time. It's only five
12 percent that the calculation is used to calculate the
13 growth allocation.

14 CHAIRPERSON LANGER: I think now we ought to
15 get started with the people who would like to testify.

16 DR. FOOR: There was a gentleman in the back
17 that was --

18 VOICE: The only question I have is who did
19 the environmental assessment and the environmental
20 impact statement?

21 MR. WHITEHILL: McCrone, Incorporated did the

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1 original -- Redman & Johnson did the original study
2 from down in Easton in 1983, and we did the study in
3 1993.

4 VOICE: Is there a procedure for alternative
5 uses or does that not apply in critical areas? Do you
6 look at alternative best usage for --

7 MR. WHITEHILL: Not under this particular
8 criteria or application. Not at the critical area
9 level, but at the county commissioners level. That
10 could be addressed, I guess, but it certainly isn't
11 when you're talking about the actual growth allocation.

12 CHAIRPERSON LANGER: All right. Could we
13 have William Denny?

14 MR. DENNY: I'm going to pass on my comments.
15 Enough's been said.

16 CHAIRPERSON LANGER: Serina E. Willey?

17 MS. WILLEY: My name is Serina Willey, and
18 I'm representing Congressman Gilcrist tonight. So I'm
19 speaking on behalf of the congressman, and he wanted me
20 to express his regrets that he couldn't be here this
21 evening.

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1 Can everybody hear me?

2 VOICE: No.

3 MS. WILLEY: No? Is that better?

4 The congressman believes that the decision to
5 commit this growth allocation should be viewed in light
6 of its implications in terms of long-term growth
7 management issues for Kent Island and Queen Anne's
8 County. Specifically, the congressman would like to
9 emphasize the importance of maintaining the integrity
10 of the intention of the Chesapeake Bay Critical Area
11 Law.

12 The approval of the growth allocation for
13 this site is questionable since tidal and non-tidal
14 wetlands are present on this site, regardless of
15 whether they're only 300 or 1,000 foot. And also, I
16 think you have to consider the fact that open space is
17 quickly vanishing on Kent Island.

18 There has been some discussion that the
19 approval of the K-Mart could result in reduction of
20 polluted runoff, due to specific requirements of the
21 Critical Area Law, as well as Queen Anne's County

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1 guidelines. These provisions include requiring the
2 builder, as we've already heard, the 300-foot buffer,
3 as well as decrease the pollutant loadings to the Bay
4 by 10 percent.

5 However, while these provisions will help
6 mitigate negative water quality impacts, if this growth
7 allocation is approved, the provisions appear to be
8 unenforceable mechanisms, or loopholes to prevent
9 continued development in these valuable resource
10 conservation areas.

11 From an ecological perspective, it is
12 extremely important that a vegetative buffer zone is
13 protected around the Bay in order to maintain future
14 options for restoring the health of the Bay ecosystem.
15 This proposed development, and in general, the
16 continued increase of impervious surfaces, parking lots
17 surrounding the Bay will directly increase the amount
18 of non-point source pollution entering the watershed.
19 Whenever these critical areas are developed with
20 impervious surfaces, even the best designs will --
21 inevitably, even the best designed plans for water

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1 collection and retention, an enormous amount of runoff
2 is inevitable.

3 Undeniably, there will be negative impacts to
4 tidal and non-tidal wetlands, due to the unfiltered
5 pollution that will be entering these areas.

6 Non-point source pollution, as many of us
7 here are aware tonight, is proving to be our greatest
8 challenge with respect to meeting the Clean Water Act
9 requirements. I believe -- I should say, the
10 Congressman believes that is largely due to a
11 degradation and destruction of wetlands, non-tidal or
12 tidal wetlands, which essentially are the filtering
13 systems of the Chesapeake Bay.

14 The other issue which I would like to discuss
15 is the preservation of open space, which is important
16 in terms of maintaining the integrity of the landscape,
17 and I think it's especially relevant on Kent Island.
18 Regardless of environmental impacts, the project, if
19 approved, will negatively impact the land use
20 aesthetics of the community. Open space is becoming
21 more and more scarce, and will undoubtedly prove to be

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1 MS. WESTERGARD: I certainly agree with
2 Congressman Gilcrist and his representative that this
3 is not just the straw that breaks the camel's back so
4 far as -- this is more like the two-by-four that breaks
5 the camel's back.

6 I certainly have no desire to deny the
7 Breedings the opportunity to make money, or to use
8 their land. I would certainly -- I would request that
9 they would consider a somewhat more less damaging
10 project, which, according to their figures, covers
11 eight acres out of 16. That's 50 percent of the land
12 covered by impervious surface. That is not taking into
13 account the extra pollution that would come from
14 traffic on Route 8, on the overpass, which is already
15 crowded, and the parking lots, the trash that
16 accumulates around K-Mart's in particular.

17 So far as the landscaping plan goes, yes,
18 they are bonded to provide it, and I have seen many
19 stately trees around every new development. No one is
20 there a year later when half of them are dead.

21 There are many finer uses for this land, even

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1 commercial uses, but I really agree that this is just
2 the wrong use for this property. Thank you.

3 (Applause.)

4 CHAIRPERSON LANGER: Douglas and/or Dana
5 Anderson?

6 MR. ANDERSON: My name is Douglas Anderson,
7 and I'm from Centreville.

8 Today I really had had some comments to
9 address on -- Mike's presentation certainly reminded me
10 of my 31 plus years of government service. I didn't
11 bring my view graphs and my papers with me today. All
12 that I brought with me, I guess, were a few comments,
13 and really, maybe a simple request or two for the
14 members of the Commission here.

15 Today I had an interesting today. I was
16 inspecting houses. It was the first time in a long
17 time I had been north and really east of Baltimore, to
18 the Essex area, and back into the harbor, river areas,
19 you know, that I remember well as a youngster there.
20 It struck me when I was up there, you know, I'm looking
21 at Kent Island in the year 2000 if we don't sort of

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1 think about some of these issues, some of the things
2 that are going on down here with development, and
3 particularly, intense development. We're asking for
4 something to be changed from rural, not to a medium
5 level development, but rather, intense development.

6 And Thompson Creek I remember very, very
7 well, you know, it's a nice little creek that ran up
8 through Stevensville. The first assault on it, of
9 course, came with Route 50. Not much could be done
10 about that because we were going to reach the beach. I
11 think everybody knows that we've been spending millions
12 of dollars to reach the beach, and well and good.
13 Stevensville expanded. We now have Food Lion almost
14 overhanging Thompson Creek from the other end. We have
15 strip development, which everybody pretends we don't
16 have, but it's clearly there.

17 Well, at Thompson Creek, you know, we can
18 build catch pools, or whatever you want to call them,
19 but it's funny. I remember streams up there around
20 Essex and further north too, and it became open
21 runoffs, didn't they? And from open runoffs, pretty

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1 soon they were covered, and pretty soon we forgot they
2 were there. And this is, of course, the countryside of
3 our developer. He's from that area, and he knows very
4 well.

5 Now, I have a request. My prediction is,
6 let's say we let this thing go through, it will be the
7 kiss of death for Thompson Creek. It will be a
8 basically storm sewer, or any other kind of sewer you
9 want to call it. Despite the catch pools, and all
10 these nice things that we're doing, all the array of
11 trees and flowers and all these things there, the water
12 will go through the bottom of this basin, and it will
13 go into Thompson Creek. Where's it going to go, folks?
14 You know, we know where it's going to go. It's going
15 to go into that creek. It's going to run off into the
16 -- out into the Bay at that point, and eventually that
17 creek will be of little use other than as a storm
18 drain, and that's what it will be.

19 Now, all I ask really of the members of this
20 Commission, I would ask that they -- when it's a little
21 cooler -- is put on some old clothes, and walk along

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1 that creek, and be prepared to kiss it goodbye. If you
2 change the zoning, it's going to go. Okay? It's just
3 a simple fact. And if you have a little more time be
4 sure to visit the outlet stores on the left-hand side
5 of the road, which ones are remaining open, and maybe
6 catch that one on a stormy day, and you can watch the
7 parking lot slowly sinking, you know, into the wetlands
8 that were covered there. And you know, it's a shame.
9 That's really all I have to say. Thank you very much.

10 (Applause.)

11 CHAIRPERSON LANGER: George O'Donnell?

12 MR. O'DONNELL: I'd just like to thank you
13 ladies and gentlemen for coming out tonight to listen
14 to our concerns about this K-Mart project on Kent
15 Island.

16 I've been a waterman most of the last 20
17 years. I recently made a change in April for a while,
18 but I've looked at the land from a different
19 perspective than most people because I've been on the
20 water looking back at the land, instead of being on the
21 land looking out at the water. And I've had an

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1 opportunity to work over much of the Bay in the last 20
2 years. And you know, we're talking about a 300-foot
3 buffer zone, as the gentleman indicated earlier, and
4 thinking that that's going to keep any of the toxins
5 and so on from this large parking lot on this project
6 from entering Thompson's Creek, which is a tributary of
7 the largest creek, Cox's Creek, in Queen Anne's County.

8 I've worked -- as I've worked around the Bay,
9 I've had the opportunity to see a great deal of runoff,
10 non-point source runoff occur in areas that had a half
11 a mile of natural woodland and treed areas. I just
12 can't feel in my heart that it's going to be absolutely
13 -- this project is going to be a panacea as far as the
14 plans go to protect the waters of Cox's Creek in Queen
15 Anne's County that are vitally important to the
16 watermen.

17 I've been president of the Maryland Diver's
18 Association for several years, and I had the
19 opportunity to work with Dr. Taylor, the late Judge
20 List. I guess I have always been a big supporter of
21 the critical area criteria. It's long overdue. I

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1 guess I never felt that I'd see a department store in
2 the critical area. I never felt that that's what we
3 were talking about. I don't think that that's probably
4 the best use for this area.

5 I've known the Breeding family all my life.
6 They're wonderful people. I just can't imagine this is
7 the best use of this land which is right at the gateway
8 to the Eastern Shore.

9 I'm on many advisory boards to protect the
10 different species that are under advisement, the
11 Governor's Blue Crab Advisory Board, Oyster White Paper
12 Committee. So many of our species are under
13 advisement, and it's almost like lip service is being
14 given to cause us to protect the Bay until somebody
15 wants to come along and put something in that's
16 supposedly going to help someone.

17 I guess I question who it's going to help
18 when you can leave the site and go west 20 minutes or
19 east 20 minutes and find a very similar store. You
20 know, I'm sure you're going to hear other comments
21 about what that might affect, the local businesses,

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1 like Dr. Dunn's business and all the businesses on the
2 island. But as a waterman, I just can't feel, in the
3 interest of the watershed, that a project like this is
4 really in the best interest of the county.

5 I would have thought we would have learned
6 something from the atrocities that have occurred in the
7 Kent Narrows, the terrible uses of wetlands in the
8 three quadrants of the Kent Narrows. It's just mind-
9 boggling to me that we can see those happen, and for
10 what reason, and who has that benefited. Then you go
11 ahead and you find that's still continuing, when we
12 claim we have people that are interested in protecting
13 the Bay through this critical area concept. I'm just
14 astonished. I don't think that this is in the best
15 interest of the Bay. I don't believe it can be
16 demonstrated, and I certainly don't think by planning a
17 100 yards of trees, that's going to stop all the
18 possibilities and potential problems that this
19 project's going to initiate. I thank you very much.

20 (Applause.)

21 CHAIRPERSON LANGER: Dick Jarenski?

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1 MR. JARENSKI: I don't have any paragraphs or
2 subparagraphs or Article 2, part 3, part 6 to talk to
3 you about. But I did bring my own map, and I think
4 it's very important for the Commission -- who I also
5 want to think. I think you all are really showing us
6 the concern that you're appointed to do, and I think
7 it's a major part of the governmental process, to have
8 you in attendance, and I thank you very much.

9 I want to point out, even though we know the
10 jurisdiction of your job is just to find out if this
11 criteria meets the county's master plan upgrade
12 requirements, and that's your responsibility. But I
13 think you're also very good citizens of your own
14 communities, and understand why we are as emotional as
15 we are about a project such as this.

16 I want to point out on my project here that
17 we also have in the same area, that has been requested
18 in the last six months, three major housing projects
19 south of this area that abuts up to this new IDA
20 location, and a Walmart. In December, Joe Stevens, our
21 county planner, came to us, and we had 280 people show

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1 up and tell him we don't want any more growth on the
2 Route 8 corridor. Let us breathe for a few years. Let
3 the new master plan take effect. He assured us -- and
4 I have sent him articles -- that the Route 8 growth
5 corridor is not essential to the county master plan,
6 and he would move the growth to Chester -- and we'll
7 have to remind him it is also on Kent Island --
8 Grasonville and Queenstown.

9 We found out today that this K-Mart project
10 has been on the drawing board for over four months,
11 which he knew at that time, and he's known all along,
12 but no mention was ever made to us, the 300 citizens
13 who were asking him what comes next. And then, wham,
14 in May the big bomb hit us. We get Walmart -- or K-
15 Mart first, and the K-Mart/Walmart theory is, if you're
16 going, I'm going, even though Walmart may not build --
17 they just want to be in the paper at the same time.
18 What a shock.

19 In December the new master plan was going to
20 consider not allowing any more growth in this area
21 until we had room to consider what the new five-year

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1 plan was, and if not, we would have had 3,000 people at
2 the next meeting. But we were lulled to sleep, and it
3 hit us in May, and I was really shocked that this whole
4 thing did come about after we were assured that this
5 would not occur.

6 Now, what I'd like to do -- if you have a
7 complaint, I always say you should have some specific
8 recommendations. And I'm not here to proclaim the
9 legality. I'm not here to say that the Breedings
10 shouldn't have a chance to develop their property,
11 which I think they should.

12 What I'm here to ask is a couple specific
13 recommendations. First of all, to the management of K-
14 Mart, that it is obvious that the residents of Kent
15 Island do not approve of your site location. Can't you
16 look for other areas in the county that could be a
17 better site for the project, one that would capture
18 more traffic control, which you need for profit? One
19 of the good areas would be this area we have at 50/301.
20 It's already built up. It's got the outlets there, and
21 people go there by the bus loads every weekend.

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1 I also ask the Critical Areas Commission to
2 delay a ruling for 12 to 18 months to allow more study
3 by the county of how the new master plan will affect
4 this area after its adoption later this year.

5 I urge the county commissioners to re-review
6 the entire project area and form a stop line. The fear
7 is there's no stop line for IDA. As I understand it,
8 the stop line right now is Thompson Creek Mall. If
9 they build K-Mart, that's the stop line. Then we've
10 got three more farms that could be developed, and then
11 that's the stop line. And then the next stop line
12 could be Bass Neck Road. I think if you're really
13 going to manage the county right, stop something. Say,
14 "No more beyond this point," or, "No more
15 consideration." So I urge the county commissioners and
16 the county planners to consider that.

17 I also urge -- which I have for many, many
18 years -- that county commissioners form a Kent Island
19 Planning Commission similar to the Kent Narrows
20 Commission, and let it review, as its first priority,
21 not only this project, but all future projects on Kent

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1 Island, so that it's most highly populated area can
2 have a true vision and input in what they want Kent
3 Island to look like.

4 And also the same restraint that I'm asking
5 for Kent Island, to carry through to all areas of the
6 county that may have similar situations. Let's face
7 it, Kent Island's right now, but Queenstown could be
8 next, and who knows what's next. It could be -- it
9 could be Bennett Point. We were protected up to a
10 certain period of time.

11 We have seen enough Crayola marks on charts
12 and presentations to the citizens that don't show us
13 any true look for the entire area to be affected. It
14 is time to take a true architectural look at the entire
15 area of the project before approving it.

16 I appreciate the opportunity to speak, and
17 hope that this can be a first part step by the Critical
18 Areas Commission to say to our planners, "Let's look
19 with some vision of how your total community will look
20 before you just approve a specific project like the
21 extension of this intensive development area to

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1 accommodate more unwise and unneeded commercial
2 development in critical areas, especially on this over
3 built area of Kent Island.

4 And I really thank you all for your deep
5 consideration, and appreciate the time to speak. And I
6 have a copy of this for you.

7 (Applause.)

8 DR. FOOR: Madam Chairman, just to bring
9 everyone back to center here for a minute, remember
10 now, that by law -- and we have a very strict law under
11 which we operate -- we cannot consider the particular
12 project that's here. We're here for growth allocation.
13 As you heard, and I will reiterate right now, if we
14 approve -- if we approve growth allocation, it does not
15 have to be accepted by the county. It goes to the
16 county for the public hearing that Joe -- that he was
17 talking about, and most of these things that Mr.
18 Jarenski just talked about could be addressed at that
19 point.

20 That growth allocation can be taken back. It
21 can be given back to the critical areas. It could be

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1 put back in the bank. We are under very strict laws as
2 to what we can and can't do by legislation. So we
3 cannot -- as much as we might have feelings one way or
4 the other, we're here for growth allocation, regardless
5 of the use of the IDA. It's the presence of the IDA
6 that we're here for.

7 MR. O'DONNELL: How about if the Commission
8 turns down this proposal? Can the county supersede
9 that or how --

10 DR. FOOR: No, no.

11 MR. O'DONNELL: You could potentially kill
12 it.

13 DR. FOOR: Yeah. In Maryland we're the
14 supreme law of the land, I guess, when it comes to that
15 thousand, but we do have to work under the mandate of
16 the law. We can't upend the law. It's a very strict
17 law.

18 MR. O'DONNELL: I understand.

19 DR. FOOR: Thank you, Madam Chairman.

20 CHAIRPERSON LANGER: Elbert Carvel?

21 MR. CARVEL: Thank you, Mr. Chairman.

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1 Ladies and gentlemen of Queen Anne's County,
2 to begin with, I've been -- for the last 50 years. So
3 I want to address a viewpoint with regard to the
4 critical areas which I think ought to be considered.
5 The fact is, agricultural land, and all areas which are
6 fertilized are subject to runoff into the Thompson
7 Creek or wherever they're located. Nitrogen moves,
8 potash moves, other elements move, herbicides move,
9 phosphorus stays where it is.

10 I might say, as a matter of just making a
11 note of this, the Carvels have been residents of Kent
12 Island for almost 200 years. They've owned land all
13 over Kent Island, and as a boy, 75 years ago, I
14 remember when there were about 100 farms on Kent
15 Island, and probably 100 farms on the waterfront. And
16 as far as residents were concerned, there were no
17 residents -- maybe there's a half a dozen up and down
18 Route 8, which was a dirt road at that time, no
19 telephones, no electricity. That's the way Kent Island
20 was.

21 And I'm still there, 83-years-old, and my

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1 recollection is quite strong about what has happened on
2 the island, and I think, as a matter of fact, from my
3 agricultural situation, from the standpoint that Kent
4 Island -- that the creek will get more pollution than
5 it get from this protected zone. And therefore, my
6 suggestion is, as a fertilizer man for 50 years, and as
7 a member of, I suspect, at least 20 conservation clubs
8 all over the United States, such as the Chesapeake Bay
9 Foundation -- I've been a member of that since it
10 started. I contribute every year. And Age of
11 Conservancy, the Sierra Club Foundation, Kent Island
12 Heritage Society, the Wilderness Society, the Royal
13 Wildlife Fund, the Colonial Williamsburg National
14 Resources Defense Council, Habitat for Humanity,
15 Delaware Wild Lands, and Brandywine Conservancy, and
16 many others that I've been part of -- I've been just as
17 much interested to see that the welfare of this Bay and
18 this area, that it is maintained. And I'm a strong
19 supporter of conservation.

20 But I believe that this -- the K-Mart will be
21 an advantage to Kent Island. I believe it will be an

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1 advantage to the people who live here, and who are
2 looking for employment. I believe it will be an
3 advantage because the local people who are in business
4 here, bringing people to -- cause people to stop on the
5 island, and it will cause them to do business here that
6 they might not otherwise do.

7 Frankly, I think that we should be happy to
8 have a K-Mart situation on the island, simply because
9 it's going to be a lot more convenient to us on the
10 island, being's we will not be polluting the air in
11 Queen Anne's County by driving 25 or 30 miles to some
12 other place to do our shopping. I think this is
13 another advantage that takes place.

14 And especially, from the critical areas
15 standpoint, I cannot see where there's any real damage
16 being done if you bring a K-Mart here, versus if you
17 have agricultural land, or you have people who are
18 fertilizing their lawns, and you have runoff from that,
19 and that causes as much damage as all these other
20 things do. And we're talking especially about the
21 critical area situation.

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1 And I, as a conservationist, as a former
2 governor, as a fertilizer man, I believe that we're
3 heading in the right direction, and I think the county
4 planners have approved this. They have looked into the
5 situation. They know what they're doing. The critical
6 areas people are next, and I certainly feel that the
7 planning is well done here, and I want to urge this
8 Commission to support this situation, as a long-time
9 Kent Island, and one who wants to see the island's
10 beauty and loveliness maintained over the years. Thank
11 you very much, Mr. Chairman.

12 (Applause.)

13 CHAIRPERSON LANGER: Thomas Oyster?

14 MR. OYSTER: The governor's a little taller
15 than I am, but we're the same age. I have some copies
16 here I'd like to give to -- would you just pass those
17 over? I want to give one to the recorder.

18 My name is Thomas G. Oyster, post office
19 address 845, Stevensville, Maryland, and my 911 address
20 is 315 Blunt Marsh Lane.

21 I appreciate you people taking the time to

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1 hear all this hot air, but everyone wants clean air and
2 to save the Bay, and to protect the environment, and
3 hopefully, most citizens agree action to improve our
4 environment must be economically balanced.

5 My name is Tom Oyster. I was born in 1910.
6 My wife and I were both born in Washington, D.C.
7 That's an oddity. We bought and lived on Blunt Marsh
8 Farm going on 16 years. Our farm has four miles of
9 water frontage on Thompson, Cox, and Warehouse Creeks,
10 and is one property, Kent Manor Inn, removed from the
11 Breeding property.

12 I am the oldest of six, one half a dozen
13 Oysters.

14 (Laughter.)

15 MR. OYSTER: When we first put a small sign
16 with my name on it at the entrance to the farm at Route
17 8, we had several chicken-neckers come up to the farm
18 and ask to see the oyster operation. I've been kidding
19 about my name for many years, one half a dozen oysters
20 on a half-shell.

21 For the commercial development of the

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1 Breeding property, we're requesting the Critical Area
2 Commission to approve the allotment of a portion of the
3 900 plus or minus acres growth allocation area within
4 the critical area of Queen Anne's County.

5 This commercial development of the Breeding
6 property with a 300-foot buffer cushion -- you heard
7 the football field length -- and a stormwater retention
8 pond with special vegetative buffers will adequately
9 protect the headwaters of Thompson Creek, and minimize
10 adverse impacts on water quality, conserve fish,
11 wildlife and plant habitat.

12 Proper policing of the impervious surfaces
13 will materially reduce stormwater pollution that's
14 going to fall into the stormwater retention pond.
15 That, again, is a performance that the developers must
16 adhere to, as well as plant and maintain the
17 vegetation. And there won't be any plan that every
18 citizen will like, but remember, 51 percent of the vote
19 wins the election.

20 I submit that the development of this
21 property, as stated above, would be better for the

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1 environment than its continued present agricultural use
2 with the fertilizers, herbicides, pesticides, and silts
3 washing into the headwaters.

4 Just another half page. You know, the vast
5 majority of we people here on Kent Island live within
6 the critical area of the Chesapeake Bay. You know,
7 there's an old adage that people in glass houses should
8 not throw stones. The existence of the adjoining and
9 adjacent infrastructure dictates the proposed
10 commercial use of this property. That's important.
11 The existing of the adjoining and adjacent
12 infrastructure dictates the proposed commercial use of
13 this property, which property is located on the
14 southwest quadrant of Route 50 and Route 8 interchange.
15 It fronts on a new existing frontage road near the
16 Queen Anne's County Industrial Park, opposite the Queen
17 Anne's County Airport, the Delmarva Electric Power
18 Station, and it's just west of the Thompson Creek
19 Shopping Center, with sanitary sewer allotment
20 approved.

21 There have been some concerns -- can you hear

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1 in the back?

2 VOICE: Yeah, sure.

3 MR. OYSTER: -- about our Kent Island water
4 supply. Municipal water distribution is now being
5 constructed in Cloverfield. Bids are now out for the
6 construction for water distribution in Bay City, and
7 could be completed by 1995. This municipal water
8 supply should mitigate any fears of impotable water.
9 Route 8 is scheduled to be widened and constructed in
10 March, and will relieve our traffic problems. Clearing
11 for the relocation of power lines and telephone lines
12 is now under way.

13 Our county authorities approved the necessary
14 zoning, the proposed site plan, and approved sanitary
15 sewer allotment, and awarding growth allocation in a
16 critical area is recommended.

17 Regardless of how one feels, new development
18 will come, and built on our present new zoning and
19 building regulations will provide superior landscaped,
20 environmentally sound, economically desired facilities.
21 Our responsibility is not to stop all development, but

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1 to intelligently urge sound growth, providing
2 employment, shopping, housing, schools, recreation,
3 health, transportation and municipal facilities for our
4 children and grandchildren.

5 Such as development has the greatest chance
6 to provide taxes in excess of the county's cost to
7 maintain them, and thereby reduce the necessities of
8 raising residential taxes, and thereby reduce the
9 necessity of raising real estate residential taxes.

10 I thank you. I'd be glad to answer any
11 questions that pertain to the subject.

12 DR. FOOR: Thank you, sir. You did a very
13 nice job.

14 CHAIRPERSON LANGER: Wilbur Garrett?

15 MR. GARRETT: I'm Wilbur Garrett. I'm going
16 to refrain from making a statement, but --

17 DR. FOOR: Sir, we can't hear you, so you're
18 going to have to at least come up to put your name in
19 the record, please.

20 MR. GARRETT: My name's Wilbur Garrett. I
21 live at Queen Anne's Colony, been down there for quite

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1 a few years.

2 And most of my points have been covered. My
3 statement will be very short. I'm in favor of this
4 project, and I think most of the people -- it's my own
5 belief of course -- most of the people are getting sick
6 and tired of having to go to Annapolis in that
7 congested area and do their shopping and so forth, and
8 the residents on this island should have the benefit of
9 a department store.

10 The last department store we had here, you
11 may remember, was Foxes, and the girls I knew called it
12 "Garfoxes," and if you don't know what that means, I'll
13 tell you that Garfinckel's was a very high quality
14 store in Washington, and we wanted to jazz it up a
15 little bit.

16 This store would be a great benefit to the
17 island, I'm sure, and to all these people that are over
18 here, and I think it can be coordinated architecturally
19 and otherwise to fit in quite well. We're going to
20 have a parking lot for Kiss and Ride drivers right
21 across the street from it, I understand, and we have

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1 the new food store right practically next to it. It's
2 a natural place to have an extension of this type of an
3 operation. And I recommend that we use some of the
4 allocation for this particular project. This is a good
5 spot to use it. Thank you very much.

6 (Applause.)

7 CHAIRPERSON LANGER: Katherine Christopher,
8 question mark?

9 MS. CHRISTOPHER: My name is Kathy
10 Christopher. Please bear with me. I'm nervous.

11 I've lived on Kent Island for eight years. I
12 moved to Kent Island because I lived in Gaithersburg
13 and I wanted to get away from Gaithersburg, and I
14 didn't want another Glen Burnie on Route 50.

15 I take my children down to wade in the Bay.
16 And I don't know if any of you know who Bertie Fowler
17 is, but he wades into the Bay every year to see if he
18 can see his shoes. I cannot see my shoes when I take
19 my children down there.

20 Now, I live in Queen Anne Colony by Mr.
21 Garrett. I know Mr. Garrett. He lives in the

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1 community. And we go down to the Bay because that's
2 where they like to play in the water, but you cannot
3 see your feet. I'm opposed also because I think K-Mart
4 is a poor choice for a retailer to go on Kent Island.
5 I'm concerned about my friends who are in business on
6 Kent Island. We have retail space that is empty. I
7 think we should wait until the Food Lion opens up and
8 see which grocery store goes down the tubes, and then
9 they can put K-Mart in the empty space where the empty
10 grocery store is.

11 (Applause.)

12 MS. CHRISTOPHER: Everybody is talking about
13 the sewer allocation, and the fact that we're going to
14 have sewers, so don't worry about septic or anything
15 like that, but the treated sewage still gets dumped
16 into the Bay. It's still going in there. Bay City's
17 hooking up. Cloverfield is hooking up. And I live
18 down Queen Anne Colony. I don't have sewers down
19 there. I still have a septic tank, but it still ends
20 up in the Bay anyway.

21 I also belong to Nature Conservancy, World

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1 Wildlife Fund, Chesapeake Bay, Greenpeace, I belong to
2 them too, and you know, with the sewers here, the only
3 thing that people do when they come to Kent Island when
4 they're going to across the bridge to the beach is stop
5 and go to McDonald's and pee. That's all they do.
6 They go to the bathroom here and use our sewers for
7 their business.

8 The one last thing I want to say is, a lot of
9 my friends, or a lot of people that go across the Bay
10 anyway, belong to Sam's Club and Price Club. A lot of
11 people work across the bridge. They're going over
12 there anyway. They can stop over there. Thank you.

13 (Applause.)

14 CHAIRPERSON LANGER: Joe DePetro?

15 MR. DEPETRO: Pass.

16 CHAIRPERSON LANGER: Jim Wills?

17 MR. WILLS: I'd like to apologize first -- or
18 excuse my back to the general public, but the comments
19 that I have I'd like to address to the committee.

20 I want to thank the Commission for holding
21 this public hearing, and for the opportunity to speak

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1 to you about our serious concerns over permitting the
2 proposed shopping center in the Charles T. Breeding
3 property.

4 My name is Jim Wills, and I am here tonight
5 representing the Queen Anne's County Chamber of
6 Commerce, of which I am president. I want to say,
7 however, that while this statement is a reflection of
8 what the vast majority of our membership feels, they
9 also represent my own views as an individual.

10 What has been proposed by K-Mart is 115,000
11 square feet of retail space in the form of a strip
12 shopping center, which will have with it an enormous
13 parking lot. All of this development will lie within
14 300 feet of the headwaters of a creek that has already
15 suffered damage from the development of another far
16 smaller shopping center.

17 We understand that the Critical Area
18 Commission has a fairly narrow scope. If the property
19 meets certain environmental standards, then there may
20 be little you can do except to pass it on. But none of
21 us lives in a vacuum, and it is the hope of the Queen

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1 Anne's County Chamber of Commerce that in reading the
2 volumes of mail and press reports that have come in on
3 this proposed development, you will see there is
4 widespread public opposition to the planned K-Mart
5 development at this site. I want to stress those last
6 three words, "at this site." This development may well
7 meet the critical areas criteria, but we submit it
8 fails to meet the public interest best.

9 It is difficult -- it is a difficult position
10 for any chamber of commerce to oppose development, and
11 we do not do it lightly. Certainly, there are
12 competitive issues, but these are joined by other
13 critical reasons why our members voted overwhelmingly
14 to oppose this particular development in this
15 particular site. Those reasons include what our
16 members, and incidentally, the public at large perceive
17 will be major traffic congestion on Route 8, which
18 can't handle the traffic it gets today.

19 The reasons include the so-called view from
20 the road and strip look center that will further damage
21 "the gateway to the Eastern Shore," and which our

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1 county planners say they want to avoid. Indeed, the
2 about to be adopted comprehensive plan for Queen Anne's
3 County, the view from the road issue is a major theme.
4 Unfortunately, the proposed development would do major
5 violence to this stated goal. And the final reason,
6 perhaps the most important one of all of us who love
7 the Chesapeake Bay and have shared in its bounty, is
8 the environmental trouble this particular development
9 in this particular site will cause.

10 We understand that the standards call for the
11 developer to improve stormwater quality by decreasing
12 pollutant loads by 10 percent from the pre-developed
13 stage, and that there will be a 300-foot shore buffer
14 and other landscaping aids. But the plain and simple
15 fact is that despite these standards, we believe the
16 bottom line of this development will be to further
17 damage Thompson Creek, which as I said, is already in
18 trouble.

19 It is our understanding that the east
20 boundary of the property has already experienced some
21 shoreline erosion, and according to a study of the Bay

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1 by the University of Maryland Natural Resource
2 Institute, the east property boundary of Thompson Creek
3 may be frequented by some small species of fin fish
4 such as various herring species, eel, white perch,
5 silversides and hog choker.

6 It was brought out at a recent Planning
7 Commission meeting in Queen Anne's County that Kent
8 Island has been designated by the Environmental
9 Protection Agency as a major polluter of the Chesapeake
10 Bay. How much more stress are we going to place upon
11 this fragile resource with projects such as the
12 proposed K-Mart Shopping Center with its attended huge
13 parking lot that will allow runoff of oil and other
14 pollutants into the already troubled waters of this
15 already troubled waterway?

16 I said earlier in my statement that none of
17 us lives in a vacuum. Your decision to approve or not
18 approve this use of the land within the critical areas
19 goes beyond the single issue of K-Mart, but to a far
20 broader and more important point about our community's
21 quality of life, a quality that has as its centerpiece

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1 the preservation at all cost of our magnificent
2 waterways.

3 We need to put a stake in the ground
4 somewhere, and say we will not allow further
5 destruction of the beauty of our land and waterways.
6 It is our hope that you will plant that stake here and
7 now.

8 Let me say that we polled our members about
9 the site of the proposed K-Mart. More than 85 percent
10 of those responding urged the development not to be
11 allowed of the Breeding Farm property. I want to quote
12 from just a few of the responses to give you an idea of
13 the serious environmental concerns of local business
14 people. These are not environmentalists who can spout
15 about alluvial soil deposits and percentages of
16 pollutant runoffs and the like. Rather, these are the
17 people who have to live with your decision on this
18 issue, and their views deserve to be heard, and
19 hopefully listened to.

20 One wrote: "I am shocked and appalled that
21 anyone can think that the site being considered for

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1 development should be developed in this way. Not all
2 development is good, and this is an example of poor
3 land use. Do not use the county's waterfront and
4 resource conservation areas for shopping centers of all
5 things."

6 Another pointed out: "The land K-Mart
7 proposes to rezone was zoned critical resource area for
8 a compelling reason. That reason has not changed.
9 Once land has been developed, it is gone. It does not
10 revert to its pristine condition. History shows us
11 that it produces a downhill slide for wildlife and life
12 quality. There are many, many people of all walks and
13 economic situation whose lives are adversely affected
14 by this kind of soulless disconnection from the land
15 and its life."

16 Still another of our members wrote that:
17 "These stores create significant impervious surface,
18 more than a community shopping center. The local
19 center needs only four spaces per 1,000 square feet of
20 building. The big box stores want at least six spaces
21 per 1,000 square feet in order to handle the traffic

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1 they generate. Because it is in the critical area,
2 this use of land will have a negative effect on the
3 waterways."

4 There are many more comments like this.
5 Members of the chamber of commerce who wrote us that
6 the potential damage to the environment is too great to
7 have this kind of use of the land. Should the
8 Commission warrant, I shall be happy to furnish for the
9 record each and every comment we received from our
10 membership poll.

11 As I mentioned earlier, we fully understand
12 and appreciate that the Critical Areas Commission may
13 have a narrow scope within which it must act, but at
14 the same time, it is our sincere hope that you will, in
15 your deliberations, recognize that there is a major
16 public outcry about this particular use of land that
17 lies within a limited resource area. We need to be
18 stingy, not magnanimous about using that disappearing
19 resource, and we need to be mindful about the public
20 interest at all times.

21 For all of these reasons and more, the Queen

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1 Anne's County Chamber of Commerce believes this
2 proposed development should be rejected by the Critical
3 Areas Commission, and we hope you will so decide.
4 Thank you very much for the opportunity to present
5 these views. I have copies for each of you, for the
6 record.

7 DR. FOOR: Mr. Wills, for the record, since
8 you did talk about the 85 percent negative to those
9 responding, could you tell me for the record the number
10 of letters that were sent, the number of members of the
11 chamber of commerce?

12 MR. WILLS: Jim, I can't tell you in terms of
13 a number of letters, other than it was approximately 30
14 percent of the total membership, and it is considered
15 that a poll of this nature, taken by mail, when you get
16 a 30 percent response, that's considered
17 overwhelmingly --

18 DR. FOOR: That's what I wanted, because you
19 had put in the record the 85 percent.

20 MR. WILLS: It should be 85 percent of those
21 responses, not 85 percent of the total membership. And

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1 30 percent response in a situation like that is
2 considered an excellent response.

3 DR. FOOR: I just wanted it for the record.

4 MR. WILLS: Thank you very much.

5 (Applause.)

6 CHAIRPERSON LANGER: Jody Broderick?

7 MR. BRODERICK: Jack Broderick.

8 CHAIRPERSON LANGER: Oh, I'm sorry.

9 MR. BRODERICK: I'd like to echo the
10 appreciation that many have expressed for being able to
11 be here tonight and exchange our views. In particular,
12 you all are here and listening, and I can tell by the
13 expressions that you really do take seriously the
14 decision you're going to make, because it may be just
15 one of a number of decisions that you all make in your
16 capacity as Critical Area Commission members, but for
17 us, we'll live with it forever. It's a really grave
18 decision.

19 I represent the Kent Island Civic
20 Confederation, as well as my own views in this. I'm a
21 resident of Cox's Creek, which is part of the Cox

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1 Creek/Thompson's Creek/Warehouse Creek network, and
2 we're just one branch over, one creek over from where
3 this will take place.

4 We really question the wisdom of a -- such a
5 large-scale high volume retail outlet, and that's
6 really what a K-Mart is. It's a high volume, high
7 traffic, high density intense operation within the
8 critical areas.

9 We shared those concerns a number of years
10 ago when the shopping center, the outlet stores were
11 put in down at the Narrows. Some of our worst fears
12 have come to pass down there, and it's just a
13 horrendous use of waterfront property.

14 Our fears really cut both ways. If K-Mart is
15 successful, it will probably bite into a lot of the
16 local businesses, and we'll have a number of additional
17 vacant stores, very poorly used shopping center areas,
18 large parking areas that fall into a state of disuse,
19 and that definitely affects the quality of the area
20 around at the water, the runoff as well as the land.

21 If it becomes a success, it's going to draw,

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1 by definition, a large number of people and cars into
2 that area because they're not just going to come from
3 the island. The intent of having it on Route 50 and
4 visible is to draw additional traffic off of 50, and
5 draw additional people from elsewhere in Queen Anne's
6 County, and maybe even across the Bay over here to Kent
7 Island, again, a large amount of activity within a
8 critical area.

9 Mike mentioned before that the K-Mart group
10 respects the vision of the critical area concept, and
11 that is to minimize the impact of human activity in a
12 critical area. I don't understand how this does
13 anything to minimize the impact. It maximizes the
14 impact in that particular part of the critical areas.

15 I would also question the concept of this
16 being immediately adjacent to intense developed area.
17 Maybe we ought to get the dictionary out and look at
18 "adjacent." But I think there is a real important
19 thing that exists between the Thompson's Creek Center,
20 the Food Lion, and the parcel where this is going to
21 be, and that is, the part of the Bay itself that we're

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1 all concerned about. Thompson's Creek is right there.

2 That buffer area is going to touch the
3 marshland on either side of Thompson's Creek, so I
4 really don't see it as immediately adjacent to intense
5 developed area. There's a critical resource that lies
6 right in the middle there.

7 The large percentage of impervious surface, I
8 think bothers many of us, about half of that parcel. I
9 think you really do have to step back, and I hope you
10 all do when you look at this thing, and look at that
11 together with the large amount of impervious surface
12 and development that exists on the other side of the
13 creek. It may well be that good judgment and wisdom
14 will dictate that the extent of intense development
15 remain on the eastern side of Thompson's Creek. It
16 just seems to make good sense.

17 Now, again, many of us in Kent Island CC know
18 and respect the Breedings, and don't question at all
19 their right to make a buck with that property. Any of
20 us would feel the same way. But there are, very
21 definitely I think, better uses of that area within the

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1 limited development category that really ought to be
2 considered, rather than any kind of intense
3 development, not to mention a K-Mart.

4 One thing that my wife and I have noticed on
5 Cox's Creek this year particularly, there really does
6 seem to be a tremendous increase in life on the creek.
7 The -- whatever the reason, there's more grass, there's
8 more minis, there's more bigger fish, there's more
9 birds, terns diving down. We've seen a lot of little
10 baby rockfish turn up in the mini trap, and even bite
11 on our lines when we're fishing up underneath of Route
12 50 there where the water runs fast. The creek really
13 does seem to be somehow turning a point and improving
14 somewhat. It's a matter of degrees, but it is
15 improving.

16 Again, I would seriously question the wisdom
17 of putting in jeopardy another part of the creek, and
18 that's the Thompson's Creek part, just for what appears
19 to be a business convenience for some folks, and a use
20 which again is really of questionable nature.

21 I guess one of the biggest problems and

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1 concerns that we have is that this really does set a
2 precedent. It's almost like a domino effect. We've
3 seen one change after another -- I mean, you go back
4 five years, ten years, fifteen years -- of how the
5 island has changed. This would be, I think, a major
6 change. And I know you guys aren't looking at that,
7 but it's got to be part of this thing. There will be
8 negative impacts in the area. There will be negative
9 impacts from traffic congestion just from the
10 tremendous amount of life and activity that it will
11 pull into that area, and we really strongly request
12 that you give this your really most serious
13 consideration, and look at what it's going to do to
14 this part of the island, and particularly Cox's Creek.
15 Thank you.

16 (Applause.)

17 CHAIRPERSON LANGER: Dan Chandley?

18 MR. CHANDLEY: I want to thank the Commission
19 for this opportunity to speak.

20 My name is Dan Chandley. I live in Chester,
21 Maryland in a little spot called "Kicktown." At any

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1 rate, I've come to testify in opposition to the K-Mart.
2 Excuse the Rhode Island accent. Sometimes I drop my
3 "R's".

4 Joe's going to get sick of hearing me saying
5 this, but we live on an island, and we can't continue
6 to reduce our critical areas protection without
7 eventually suffering the consequences.

8 I have a few major points to speak about.
9 The first is the effects of development on something
10 that may not be within your purview or jurisdiction,
11 but it's also connected with runoff, et cetera, upon
12 ground water systems, and the runoff into creeks and
13 the Bay.

14 Growth has an effect on the quality and
15 quantity on ground water, and give a little information
16 to somebody like me and I'm dangerous, and I have some
17 information here. We just had a study completed for
18 another project that's been proposed on the island, and
19 some of this comes from that study.

20 Over 1,000 acres of Kent Island is already
21 covered with impervious areas. That includes rooftops,

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1 driveways, streets, parking lots. This has caused --
2 if you use a baseline of a completely forested Kent
3 Island, this has caused a deletion in the ground water
4 of 284 million gallons a year in its recharge capacity.
5 In a totally built up configuration of the island
6 that's under consideration under the present zoning,
7 629 million gallons would not get into the ground.

8 That also -- the impervious areas also
9 affects not only the ground water, but the water
10 surrounding. I mean, we're talking about Thompson
11 Creek here. Thompson Creek, if you jump out of your
12 boat in the headwaters of Thompson Creek right now,
13 you'd sink up to your chest in silt. There is no grass
14 in the bottom of Thompson Creek at the headwater. I
15 will defer to the fertilizer gentleman about the
16 effects of fertilizer. But impervious areas pollutant-
17 load waters with heavy metals, copper, lead, zinc, not
18 to mention benzene from gasoline. This kills off a
19 different type of plant life. The nutrients that that
20 gentleman was talking about creates algae on the top,
21 which prevents oxygen from getting to the bottom. It's

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1 called biochemical oxygen depletion.

2 But what toxic metals do is they directly
3 kill plant life on the bottom. They directly kill
4 where the crabs will go to hide from one another and
5 from other predators. It directly kills the algae that
6 the carp in the creek might feed on.

7 Now, stormwater management in this county has
8 been reported in the state to be better than average.
9 And although the applicant has talked about his buffer
10 and everything else, you're going to plant that buffer
11 in seedlings. Is that not correct? I forget your
12 name. I'm sorry.

13 MR. WHITEHILL: Yeah.

14 MR. CHANDLEY: That's correct. This is going
15 to be in seedlings. The seedlings -- I mean, if you're
16 talking about heavy metals, the seedlings are going to
17 be dead before they get to grow, okay? All this copper
18 and everything else, all the pollutants from gasoline
19 and from your exhaust pipes and everything else is
20 going to kill these seedlings before they have a chance
21 to grow, so you're going to have nothing but scrub in

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1 there.

2 The -- let me see -- I'm nervous too. A few
3 weeks ago I visited a number of storm management
4 projects on Kent Island. I'm not blaming the county
5 for this. The county has very little money to inspect
6 these things all the time. The county inspects once a
7 year their stormwater management projects. That's more
8 than some places do. The problem is that the
9 inspections aren't sufficient. They're not sufficient
10 because every one of the storm water management
11 projects that I visited was in violation in one way or
12 another. The pond that they suggest here, I do not
13 think -- it's going to be a top feed pond, off the top,
14 right? All of your gasoline and oil is going to sit
15 right on top. Where is that gasoline and oil going to
16 go when the pond fills up? It's going to go into
17 Thompson's Creek.

18 So you're talking about all the vegetation
19 along Thompson Creek being done away with eventually.
20 Never mind that there's a buffer that they're going to
21 put in there. The problem with stormwater management

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1 on Kent Island is partly because we do not have -- we
2 have too high a water table to use the best stormwater
3 management. You can't use the best stormwater
4 management because of the water table. You have to use
5 a wet pond. The best stormwater management would be
6 infiltration devices, and because we have such a high
7 water table we can't use that, so we're talking about
8 that type of stormwater management on this site that's
9 going to be dumping into Thompson Creek.

10 So in lieu of that, unfortunately, the other
11 optimum stormwater management controls are expensive,
12 sand filters, and they all know about the sand filter,
13 peat and sand filters and spray irrigation. I know
14 they're expensive, but if we're going to save -- and if
15 we're going to put projects up like this, if we want to
16 save our waterways and we want to save our critical
17 areas, and we're going to put stuff like this in our
18 critical areas, then we'd better be telling the people
19 that are going to building in those critical areas that
20 these are the types of stormwater management that we
21 demand, because if not, we're talking about goodbye

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1 Thompson Creek, goodbye Cox Creek, goodbye Warehouse
2 Creek, which means what else, goodbye Chesapeake Bay.

3 Now, a gentleman stated that the EPA has
4 designated as a major polluter, Kent Island. That's,
5 I'm sure, partly because of the farmland and the
6 nutrients from the farmland, also partly because of the
7 septic systems that have failed and leach into the
8 ground water and whatever. But if we continue to
9 develop like this, we're just going -- what's the
10 difference? I mean, is taking away the farmland and
11 using it for intense development like this -- is the
12 excuse that the farmland leaches nutrients an excuse
13 for intense development? I don't think so. And
14 especially in critical areas.

15 So what does all this have to do with K-Mart
16 and critical areas? Well, if you construct a K-Mart in
17 critical areas it sets a precedent like few people have
18 set. It sets a precedent. How many more critical area
19 sites are going to be upgraded to intense development
20 from RCA or LDA into IDA? How many more are we going
21 to allow? I think Kent Island has its share of growth

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1 allocation already with the growth allocation in Bay
2 City and Cloverfields, and now this. I think we have
3 our share of growth allocation within critical areas.

4 Again, all I'll say is, we live on an island,
5 and anything that we do development-wise affects the
6 surrounding waters.

7 You talked about the species that are under
8 advisement. On Kent Island 21 of the 31 target species
9 that the state has targeted for watching or whatever,
10 are on Kent Island. That includes plant life,
11 wildlife, fish. We have 21 of the 31.

12 Further loss of the critical areas to
13 development can only hasten the demise of our creeks
14 and the Bay. The critical areas creates a buffer that
15 allows the water and its inhabitants to stay healthy
16 and thrive.

17 I mean, like everybody else, I don't want to
18 deny the Breeding family their right to try to optimize
19 their return on their property, but I do not think that
20 this is the type of project that we want to see in
21 critical areas. I mean, we groomed the Bay enough.

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1 The Bay is starting to come back. The creeks are
2 starting to come back. I live on Piney Creek. This
3 year grasses started back in Piney Creek. All kinds of
4 wildlife is coming back. It was gone for years because
5 the overpass was built, because the shops were built.
6 Now, you know, things are starting to return.

7 But the shops, like you said, or somebody
8 said -- I forget who said it -- the shops are beginning
9 to sink. You can see it from the water. You can see
10 it from the water the shops are beginning to sink. All
11 that riprap is affecting the other side of the shore
12 also. All the riprap on that side is sending all that
13 tidal and all those boat waves over to the other side
14 which isn't protected. So what's happening over there?
15 It's getting lost. The land is getting lost. The
16 creek is invading on that land.

17 The last thing I have to say is, I, as a
18 taxpayer, at any rate, don't expect our government
19 officials to take the easy way out. I expect you to
20 make the hard decisions, and the hard decisions affect
21 everyone, and I expect you to consider everyone, not

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1 just a few.

2 One last thing, as long as I have a captive
3 audience. No matter what you feel about this project,
4 I'm going to invite you all Tuesday night to the
5 hearing the commissioners are having on Ordinance 9302,
6 which will stop the truck stop at Piney Creek. So it's
7 Tuesday night, seven o'clock, Liberty Building. Thank
8 you very much.

9 (Audience.)

10 CHAIRPERSON LANGER: Marine Waterman?

11 MR. WATERMAN: Thank you, Chairman and
12 members of the Commission.

13 My name is Marine Waterman, and as many
14 people here know, I'm a real estate broker and
15 developer. I have absolutely no interest in this
16 project as such.

17 We've heard a lot of comments tonight, many
18 of them sounding very scientific from people who I
19 believe have absolutely no scientific credentials. I
20 can talk like an environmentalist. I've never been to
21 school to study anything about the environment. I

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1 suppose people on the other side of the creek can too.

2 The legislature established certain rules,
3 criteria was passed, the Commission was created. Queen
4 Anne's County had a program approved by the Commission.
5 This project appears to me to meet all the legal
6 requirements. Whether or not people think it's
7 appropriate is a decision that the property owners
8 should make.

9 This Commission, its function is to see
10 whether or not this application meets the requirements
11 of the law, not whether it's popular. On the subject
12 of popularity, we've heard talk about how many people
13 responded to polls and so forth. And in what's
14 probably one of the most controversial issues to be in
15 the public eye in the last 20 years in a county with
16 32,000 people, there are roughly 100 people who came
17 here tonight, and not all of them are opposed to the K-
18 Mart. I think, frankly, that most of the testimony
19 you've heard has absolutely nothing to do with the
20 requirements of the Critical Areas Regulations, and I
21 hope that you will confine your decision to what the

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1 law says you're supposed to act on. Thank you.

2 (Applause.)

3 CHAIRPERSON LANGER: Ann Tamlyn?

4 MS. TAMLYN: I have a question to ask the
5 Commission. This is a designated resource conservation
6 area, RCA right now, and building is allowed in an RCA,
7 right, up to 15 percent of the acreage in the critical
8 areas. Is that right -- or in the RCA area?

9 DR. FOOR: No, that's LDA.

10 MS. TAMLYN: In LDA.

11 DR. FOOR: 15 percent impervious surface in
12 LDA. RCA is --

13 MS. TAMLYN: In an RCA there is no building
14 to be allowed. Is that right?

15 DR. FOOR: No, it's --

16 CHAIRPERSON LANGER: One in 20 acres density.

17 DR. FOOR: One in 20. It's 15 percent, but
18 it's one dwelling in 20 acres. One dwelling in 20
19 acres.

20 MS. TAMLYN: This is an RCA. It must be
21 specifically relegated to that -- well, in other words,

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1 it can only be residential area?

2 MS. WATSON: Yeah. Commercial and industrial
3 uses are supposed to be directed to the limited
4 development and intensely developed areas.

5 MS. TAMLYN: So commercial development is
6 denied in an RCA.

7 DR. FOOR: Any commercial development.

8 MS. TAMLYN: Why didn't they ask for a
9 limited commercial development? Limited commercial
10 development -- you heard him say -- that they couldn't
11 build -- it is zoned commercial. They were aware of
12 the nature of their land. They could have had
13 impervious surface up to 15 percent of the developable
14 area after you subtract the buffer and everything. You
15 could still put 15 percent.

16 Now, 15 percent of 16 acres is approximately
17 11,000 square feet. That's almost a quarter of an
18 acre. They'd have a quarter of an acre divided between
19 a building and impervious surface parking lot in a
20 limited development area. That wasn't nearly enough.
21 That wasn't nearly enough for the standard K-Mart

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1 building, who is only -- in terms of round numbers,
2 100,000 square feet. Two plus acres, 95,000 square
3 feet is about two plus acres under roof out of 117,000,
4 maybe less if they get in their parking lot. Actually,
5 I think they have exceeded the amount. It looks like.
6 This is the whole area, and there is no limitation on
7 it. There's no limitation on it in the IDA. That's
8 it. There's no limitation.

9 So you can see how they went from RCA, a
10 resource conservation area, which allowed one dwelling,
11 and how they skipped the limited development area,
12 which would be the next logical thing. And do you
13 allow allocations for commercial and limited
14 development areas? You do. Isn't that right? That's
15 what you said. They could have built in a limited
16 development area, but they couldn't get a building this
17 big. This thing seems to have a big sign on it that
18 says "Hit me." Tonight it says "Hit me."

19 And I think that people flying around, and
20 looking for the tiny little patch of landing field --
21 and they're only a few hundred feet from this, and they

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1 might mistake this for a landing field and hit it.
2 It's only a few feet away from the flyway when you look
3 at the map. And I'd say you'd have to have a special
4 lighting system up there.

5 Now, this is a flood map, and I know that
6 this is not part of the hearing --

7 MR. DUNN: Let me hold that, lady.

8 MS. TAMLYN: All right. Thank you, Mr. Dunn.

9 This shows around here under conditions of
10 flood. The black area, the deeply shaded area, shows
11 how salt water floods into this area. And, remember,
12 our creeks are not like your picture-book creeks, the
13 ones you hear about in songs and stories, about the
14 curling water falling down onto the rocks. We don't
15 have those in this area. That's the thing about
16 tidewater. Tidewater, the water comes in and finds the
17 low places in the land. There are no headwaters,
18 strictly speaking. These are just areas where the
19 water will reach across the road, through the culvert.
20 It will reach to any low place.

21 Now, all of this white area is zone "C".

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1 What you can't -- see this great big black area? This
2 is actually Warehouse Creek. This is all the flood
3 area, the dark, Warehouse Creek. This is all the flood
4 area of Thompson Creek, the dark area.

5 The light colored gray is the 500-year storm.
6 Now, we haven't had any 500-year history here yet.
7 They've already decided that this is going to be the
8 500-year storm. Now, the last 100-year storm we had
9 was in 1933, and Mr. Carvel, you and I were around
10 then, and you too, Mr. Dunn, right. And there's a
11 picture that I'll never forget. Just down the road
12 here, this is where the railroad line is at
13 Stevensville. It curves up there, the Old Love Point
14 Road. The railroad came out beyond that, and the
15 modern Route 8, going up to Love Point, follows the
16 railroad line. Now, the railroad line goes along here
17 and crosses the highway, the roadway at Castle Marina
18 Road, and goes down still north of Route 18, and
19 crosses Kent Narrows.

20 And there's pictures, and I'll never forget,
21 an engine and its cab. And the engineer is standing in

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1 a sea of water. Now we know the engine and the cab
2 were on the track, and we know the engineer was
3 standing on the ties in front of his engine, but you
4 couldn't see anything except Chesapeake Bay for as far
5 as the eye could see. The caption said this was taken
6 on the bridge at Kent Narrows, the railroad bridge at
7 Kent Narrows. For as far as you could see -- and this
8 was probably taken from the little house where the
9 bridge tender sat in 1933, of the operator of the draw
10 bridge over the -- which is just south of that railroad
11 bridge over Kent Narrows.

12 The Chesapeake Bay claimed all of that area,
13 as far as you could see, west, south, east, north to
14 Winchester Creek. There was no Kent Island in 1933 for
15 those hours. That was -- there were -- at this "C",
16 which down at the office where I got this map, she
17 said, "Oh, that's the dry land." Well, zone "C" says
18 here, "Areas of minimal flooding." The whole area is a
19 flood area. This is flood plain.

20 This is zone "A", the 100-year storm zone.
21 This is zone "B", the 500-year storm. So all of this

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1 is flood plain. All of it. All of the island except
2 for Kent -- Love Point is a flood plain.

3 So when you look at this one again -- we're
4 talking about that airport now -- right here at the
5 airport, this is the flyway. This is the taxi lines.
6 This is the landing area, and this is where that
7 store's going to be that says "Hit me," right here.
8 It's right here. This is an old map. It doesn't show
9 the flyway, but that land was purchased, and is coming
10 in right here, right below this property. This is
11 where the take-off thing is. It's going to be under
12 water.

13 And right outside here -- it's called a "V"
14 area. That means -- "V", "areas of 100-year coastal
15 flood with velocity, wave action; base flood elevations
16 and flood hazard factor is not determine," but it's
17 called "A-10." That means they expect flood levels at
18 10 feet. That brings the water over the road, and
19 floods on all this farm area.

20 Now, I know Mr. Sallitt goes around when they
21 have these winds and these waves, and he tries to find

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1 out which roads are going to be cut off by these flood
2 waters, and he hopes to goodness they're not going to
3 be cut off for long because no emergency services can
4 get to any of these areas if we have persistent flood
5 areas.

6 And actually, one of the very critical things
7 that this community, Queen Anne's County needs to do,
8 is to have some emergency guidelines in case of severe
9 storms. If we have another 100-year storm like the one
10 in 1933, that the older generation remembers, we are
11 going to have to have evacuation -- we are going to
12 have an evacuation problem. We are going to have a
13 problem of major proportions. If we have anything like
14 Hurricane Andrew, we aren't going to have anything left
15 down here. Wind and wave and flood will take the whole
16 thing. It's going to be a major disaster area. I hope
17 it never happens.

18 But one of the things we can do, if they have
19 emergency procedures -- and I think we'll have to --
20 but anyhow, that's not a point.

21 What I wanted to --

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1 VOICE: Excuse me for interrupting. We're
2 here, I think, everybody to learn the pros and the cons
3 of -- and speaking of the critical areas. And that's
4 what our meeting is tonight, everybody to voice their
5 opinions of the subject matter. And we're discussing
6 the critical areas. We don't need a lesson in railroad
7 tracks, and year flood plains, and we don't need a "Hit
8 me" sign. And I think we need to get on with it. The
9 hour is getting on, and we don't need to listen to this
10 stupid --

11 MS. TAMLYN: Never had anything like that
12 before. All right.

13 What I'm saying is that I repeat -- I might
14 likely repeat a lot of what people said as far as the
15 allocation for the intensely developed area. I do not
16 think -- I do know that if the county designates this
17 as IDA it must be approved by the Critical Areas before
18 it can actually be considered an IDA. Am I correct on
19 that?

20 CHAIRPERSON LANGER: Yes.

21 MS. TAMLYN: You have to confirm the county's

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1 designation for an IDA, all right.

2 I believe you should not confirm it. I hope
3 you will deny the allocation of a designation of an
4 IDA, because there are too many IDA allocations that
5 have already been committed to the Fourth District.

6 I am a resident of the Third District, and I
7 do know that we have a growth here. We are going to
8 need, even in -- not this county, the IDA in the town
9 itself. In an area -- in the critical areas a thousand
10 feet along our waterways are going to have to be
11 salvaged there for open space for community purposes,
12 and some are going to have to be for marinas and ferry
13 landings, and things like that that are going to be
14 necessary as the Third District grows in its critical
15 areas, as well as in its other areas.

16 And I, therefore, feel that to use up what is
17 potentially a Third District IDA, this one -- the
18 Fourth District, the Kent Island District, which has
19 already received such a large proportion of not only
20 commercial and residential development, but critical
21 areas allocation. We have to think in the long term,

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1 as somebody said.

2 I do not -- and -- suppose that you decide
3 that you want to consider whether this particular use
4 is appropriate for this IDA allocation. The first
5 thing I think you have to prove that it serves a broad
6 community purpose.

7 DR. FOOR: We're not -- we can't do that.

8 CHAIRPERSON LANGER: We can't do that.

9 DR. FOOR: We have no jurisdiction over the
10 use. The only jurisdiction is what the IDA is allowed
11 to do. We can't pass on a particular project. That's
12 the county. Your county government does that. We have
13 no legal control over that, none whatsoever.

14 MS. TAMLYN: You mean if you make the
15 allocation the county can let in whatever it wants?

16 DR. FOOR: They can come to us for a proposed
17 area somewhere, anticipated growth allocation. We can
18 approve, say a 50-acre site. They can decide what they
19 want, be it a conference center, be it a K-Mart,
20 whatever. If they use 30 of the 50 acres, they can
21 give us back the 20, put it back in the bank.

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1 We cannot pass on the merits of what they
2 want to put on there. We pass on the legality of
3 whether or not in the legislative intent they have
4 followed the letter of the law to allow them growth
5 allocation. We have nothing to do with the project.
6 That's a county issue.

7 MS. TAMLYN: You have the ability, however,
8 to reserve it for resource conservation, in spite of
9 the fact that they have requested it, you still have
10 the power to reserve it for the designation that it
11 already has. Is that correct?

12 DR. FOOR: If they don't meet the intent of
13 the law, that's correct.

14 MS. TAMLYN: Okay. Well, I defer to our
15 congressman's reading on the intent of the law, and I
16 won't go on about it.

17 CHAIRPERSON LANGER: Could you please finish
18 up within two minutes because we're running late?

19 MS. TAMLYN: Yes, right. What I wanted to
20 say was that you don't need to have any more news about
21 saltwater intrusion in the water or anything like that.

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1 You don't need any of that, because you can't use it.

2 All right.

3 I just ask you to please consider the intent,
4 as other people have said, please consider that. As
5 far as the county's concerned, I don't believe that the
6 county's position has the support of the people behind
7 it, and I think that this should be denied. I think
8 that the resource conservation should be maintained.
9 Thank you.

10 (Applause.)

11 MR. CARVEL: Mr. Chairman, I would like to
12 point out to the lady that if the ozone layer continues
13 to deteriorate and the ice caps melt, the whole eastern
14 seaboard is going to be under water, New York, Boston,
15 Baltimore, Norfolk, Charleston and Miami.

16 (Laughter.)

17 CHAIRPERSON LANGER: Is there anyone else who
18 would like to speak this evening? There's one
19 gentleman in the back.

20 MR. JULEANE: Thank you, Madam Chairman. My
21 name is Hugo Juleane. For 25 years I've been a

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1 professor of biology at Anne Arundel Community College.
2 In May of this year I assumed the position of executive
3 director of the Wetlands of North America in
4 Grasonville.

5 On June 16th I wrote a letter to the
6 governor, asking him to answer a few questions, and
7 asking the Critical Commission to answer a few
8 questions dealing with this particular item. The
9 questions tonight mostly have been answered, that is,
10 was there an environmental assessment and an
11 environmental impact statement completed? The answer
12 to that apparently is yes, and I hope that I will get a
13 copy of that to be able to read the assessment and the
14 impact statement. That is point one of what I want to
15 talk about tonight.

16 I have myself completed very many impact
17 statements over the years for various projects, but I
18 have never had an impact statement or assessment where
19 the impact statement was completed by the same company
20 that was doing the site planning. And so I would ask
21 the Commission tonight, before they make their final

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1 judgment, that a separate entity be asked to do a
2 second environmental impact statement.

3 My second concern deals with the problem that
4 I have at Horsehead, and that is the problem of
5 fragmitees. When I took over the executive director of
6 the project at Horsehead, which is located in the Kent
7 Narrows, we have a problem with an invasive species,
8 fragmitees, and that species, according to the
9 Department of Natural Resources and the Fish &
10 Wildlife, will completely destroy my wetlands within
11 seven years if not corrected.

12 As you know, fragmitees is an invasive
13 species brought into this country, and has devastated
14 Kent Island and Queen Anne's County. In every project
15 we have on the water in the areas of Queen Anne's
16 County, fragmitees has overtaken all of the wetlands.
17 All you need do is look at the shopping malls that have
18 been created, at the outlets, Oyster Cove, and various
19 other places in the Narrows. All we need do is to
20 scratch the surface of the ground. Fragmitees will
21 invade the species, take over the project, and

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1 eliminate the natural species.

2 Fragmitees itself serves no useful purpose to
3 food for birds, fish, or any other type of wildlife.
4 That has not been addressed tonight, and I ask you to
5 seriously consider that problem. As I told you, it is
6 a major problem on my area of 310 acres, and I have at
7 this point, no actual way of ridding myself of
8 fragmitees at Horsehead. Fragmitees, the only way we
9 know now to contain it is first to spray it with a
10 product called "Rodeo", which is a herbicide, followed
11 by burning. I am sure that when a land is disturbed at
12 this particular project, or for that matter, at almost
13 any project in Queen Anne's County now, fragmitees will
14 invade. And I can only reiterate, the only way to --
15 you can't destroy it. The only way you can do it is
16 control it, number one is by burning, number two is by
17 -- excuse me -- number one is by herbicide, and number
18 two is by burning.

19 I have a problem right now that I have 37
20 acres of fragmitees that has invaded Marshy Creek,
21 which has been set aside as critical areas, and I can't

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1 burn it because it's too close to Oyster Cove. So I
2 have to find another means of ridding myself of that
3 problem.

4 And so that is the two points that I wanted
5 to bring out tonight. Thank you very much.

6 (Applause.)

7 MR. WHITEHILL: If I may answer one point you
8 have there. Windward & Associates from Aberdeen is the
9 engineer for the -- yeah, they prepared the site plan.
10 McCrone, Incorporated is only doing this work here in
11 the buffer, and doing the assessment.

12 CHAIRPERSON LANGER: Did you want to speak?

13 MR. DUNN: Yes. I'll begin by saying my name
14 is Charles G. Dunn. I live on Kent Island,
15 Stevensville particularly, for those who are not
16 familiar with the addresses of Kent Island. I live in
17 Stevensville. It's a town, Stevensville.

18 And as I've been listening to some of the
19 testimony here, particularly those that are in favor
20 and support of the so-called department store called K-
21 Mart. I wonder what has kept us alive for the past 40

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1 years that I've been here, because we didn't have the
2 access and the convenience of a K-Mart area for our
3 needs. That was my first surprise, that it was so much
4 in need, when I have seen for 40 years people perfectly
5 contented with the scope of areas where they can shop,
6 and if they couldn't find on Kent Island what they
7 needed, they had a 30-mile trip to Easton, or 20 minute
8 ride to the Annapolis area to get what wasn't available
9 on Kent Island.

10 For instance, if I particularly would like to
11 buy a Buick automobile -- there's no Buick automobile
12 agency here on Kent Island. I would find an agency a
13 very short distance. I own a car. There's no
14 automobile agencies on Kent Island. I would take that
15 inconvenience to go there. I don't think that would be
16 much of a burden for people that live on Kent Island.

17 The other concept that has occurred to me,
18 the whole meeting here tonight was intended to address
19 what we call the critical area of the state. And by
20 accident, and it just happened yesterday, at the
21 filling station I happened to see a car license with a

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1 senate -- General Assembly license plate on it. And
2 knowing that this hearing was coming up, I was
3 inquisitive whose car that was that was getting
4 gasoline. So I pulled alongside, and he told me, yes,
5 he was a senator in the General Assembly. I said,
6 "That's a coincidence. I am going to a hearing
7 tomorrow, the Critical Area Commission, and would you,
8 senator, tell me when this Critical Area Law became
9 effective?"

10 Just like that, "That's the administration
11 bill, Harry Hughes' administration." I said, "Wow,
12 that goes back." Governor Hughes, knowing him as Harry
13 because he's from Denton, and I've been in his company
14 at the old baseball player gatherings, and it was
15 during his administration in 1978 to 1986 that the so-
16 called Administration Bill was passed. It sort of
17 boggles me because any time that the administration of
18 Governor Hughes's is brought up, almost invariably one
19 makes reference to, "Oh, yeah, that was the time when
20 the savings and loan, let's say, catastrophe occurred."
21 The only, let's say, benchmark that Harry Hughes has is

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1 when the savings and loan affair fell through, and all
2 the banks went under.

3 But really, if this Critical Area Law had not
4 been passed during his administration, the chances are
5 that we may not even be here tonight to discuss these
6 critical areas because it was during his term that it
7 was passed.

8 The point I'm making is that it's been
9 invoked for the past ten years, and again, it was by
10 accident that I found that out from this senator,
11 member of the senate getting gasoline on Kent Island.

12 So we talked about -- I didn't talk to him
13 about it. These are not my ideas. This is nothing but
14 a perfunctory statement about meeting by accident, a
15 senator.

16 The whole idea, the concept that I understand
17 about the passing of this law was dominantly to protect
18 the Chesapeake Bay. It seems to me there's been a
19 rapid decline in the Chesapeake Bay over, Lord knows
20 how many years. I guess it can be recorded. We do
21 know -- and I read the daily papers that during the

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1 past ten years there's been very high fines levied
2 against some of the major corporations near the port,
3 comes to mind, Bethlehem Steel, maybe they had a two
4 million dollar fine, and many other corporate firms
5 that were found as the principal pollutants, or at
6 least high pollutants of the Bay, and we know that from
7 reading the daily papers.

8 We ought to also all know that the life and
9 habitat of the Bay has been thoroughly covered in the
10 major daily newspapers, whether it be the Baltimore
11 papers, the Washington papers. We all know that
12 there's been a moratorium on the catching of rockfish.
13 Everybody knows the oystermen are having much less of a
14 catch these days than they did ten years ago. Even
15 this year Governor Schaefer said something about the
16 crabbing industry that was way below par, and he
17 planned on doing something.

18 The point I'm making is, ladies and
19 gentlemen, is this concern of the critical areas have
20 been going on for ten years, and the way I understand
21 it again, is that it's the principal responsibility of

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1 the Commission to see that the law that was passed by
2 the General Assembly is followed. And I thought that
3 was the intention of this meeting tonight, to hear
4 expressions made whether this new proposal is
5 consistent with the laws as it is written, called,
6 according to this senator, the Administration Law, or
7 maybe the Chesapeake Bay Critical Protective Act may be
8 a more sophisticated name.

9 So I get to hear this testimony tonight, so
10 I'll ask the question: is there anyone here tonight --
11 excuse my back -- is there anyone in this audience
12 tonight that considers themselves an environmentalist,
13 that has spent the major part of his life studying the
14 environment, has read about the environment, makes his
15 living as an environmentalist, gives guidance and
16 counsel to the environment? Is anyone in the audience
17 here qualified to say yes and stand up?

18 There's one back there, okay. The lady spoke
19 in the first meeting, considers herself an
20 environmentalist.

21 Is there any -- ask another question. Is

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1 there any attorney in this audience tonight that
2 classifies himself as an environmentalist attorney who
3 specializes in environmental law? Is there any
4 attorney in the audience? Will he please stand up?

5 All right. So we're talking about an area.
6 One lady who calls herself an environmentalist. I saw
7 no attorneys out there stand up that they specialize in
8 environmental law.

9 I try to draw a simple metaphor with
10 sickness, the way a patient is treated by a physician.
11 If I have chest pain, I go to the doctor, he says,
12 "Yeah, I think you have some chest pains, yes. Do an
13 EKG, yes. Do you know what? I recommend you go see a
14 cardiologist. Your symptoms indicate a little void,
15 and I want to be satisfied from the examination. I'll
16 make an arrangement, should go see a cardiologist.
17 That's his specialty."

18 I go to see the cardiologist. The
19 cardiologist looked first at the various tests, does a
20 physical on me. He says, "Sir, I think we'd better
21 talk about a cardiac surgery. I think you have a

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1 serious coronary blockage."

2 So we call in the cardiac surgeon. He says
3 to me, "Sir, all the tests" --

4 MR. CARVEL: Mr. Chairman, will you ask the
5 gentleman to address the subject? The hour is getting
6 late, and he is talking all around about everything
7 else beside the subject of the critical areas in this
8 specific spot.

9 CHAIRPERSON LANGER: I ask you if you could
10 please make it brief.

11 MR. DUNN: I'm trying to draw an analogy of
12 the care that a patient gets, and winds up and has a
13 highly qualified person who makes the final judgment,
14 and he has -- he goes through with that final judgment.

15 The point I was trying to make is that since
16 only one person stood up that calls themselves an
17 environmentalist; no attorneys here stood up that
18 specialize in environmental law.

19 I say, I come here basically to make this one
20 request, and I make it to this Commission. Since this
21 is a very serious matter in my judgment, a matter that

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1 could affect the future of the residents of Kent
2 Island, I'm asking you that before any recommendation
3 is made to support or oppose this matter that we are
4 discussing here tonight, that a thorough deserved
5 research done by qualified environmentalists and
6 lawyers who specialize in environmental law to make
7 sure that this proposal meets the criteria to receive
8 your endorsement.

9 And I make that request with all sincerity,
10 with every act that I can muster in my body and in my
11 mind, to make sure before a judgment is made that the
12 county commissioners must act upon, that you -- they
13 have the full support and the agreement of this
14 Critical Area Commission. And I make this plea with
15 all my heart.

16 (Applause.)

17 CHAIRPERSON LANGER: I think that's all of
18 our speakers, or people who wish to testify here this
19 evening.

20 VOICE: I just have a question. Are you
21 going to get -- just following ahead, are you going to

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1 get different people to give an opinion besides the
2 people that pay a company to do their own study?

3 CHAIRPERSON LANGER: The Critical Areas
4 Commission has several paid environmentalists on our
5 staff, and they research thoroughly everything that
6 would be sent to us.

7 VOICE: But is a company going to do a study
8 beside the study that's been presented by them?

9 DR. FOOR: We have Claudia Jones here as the
10 project manager. She's Natural Resources, and biology
11 and environmental is her specialty. She didn't stand
12 up, I'm sure, because she's a member of the commission
13 staff.

14 Those of you who have not seen this proposal,
15 which is the HPA Protection Issue, these -- they call
16 on public agencies for their lists to develop the
17 criteria, Department of Interior, the Wildlife Heritage
18 Societies. The criteria, by legislation, requires us
19 in addressing the HPA's, to use local jurisdictions, to
20 use private organizations, federally funded lists,
21 things with the Natural Resources, Department of the

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1 Interior. All of these things are used, and quoted
2 specifically annotated from lists. The streams, the
3 Tidewater Registry has all the streams. They're listed
4 where they are, fish, and so this is a very, very
5 detailed thing.

6 The staff goes all over of this. Staff can
7 request more information. They, under the law, have to
8 be satisfied that the HPA issues are properly
9 addressed. The uniqueness of the Queen Anne's County
10 coordinates of the critical areas, and part of the fact
11 that we're not attaching a particular project to this
12 growth allocation, requires them at least to consider
13 the HPA's, because we consider them. And if we decide
14 that there are HPA's that have to be protected, we
15 could tell them that they could only use a smaller
16 percentage of that property.

17 So, the burden is for them to prove, as best
18 they can, where the HPA's are, the habitat protection
19 areas we're talking about, and our staff goes over that
20 to insure that the accuracy is there. So we have seven
21 staff here? Nine all together that are full-time paid,

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1 and they all have their specialties, some engineering,
2 some environmental, which is Claudia's position. She
3 actually is the contact person on the Queen Anne's
4 County projects that go in.

5 So it is very seriously scrutinized. Just to
6 give you one example, the Park and Ride that we're all
7 talking about, has been approved. We approved it last
8 meeting. The state came in, they had a special holding
9 pond they wanted to put in that was in the critical
10 area. They did not want to get their own -- they
11 wanted to put a hole in the ground, put water in it,
12 and not get a permit. Everybody in the state of
13 Maryland that has a hole with water in it, it's called
14 a pond, and you have to get a state permit. So we made
15 them get a state permit, and we also made them put in
16 an infill situation for drainage, so the gas and all
17 the material goes on the top of the water, so the
18 overflow has to drain from the bottom. The state
19 didn't want to do that, but the Critical Area
20 Commission made them do that from recommendations by
21 staff and members of the Commission.

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1 So this HPA stuff that they're doing is to
2 help put their package together for site plans. We
3 look the HPA's over. Thank you.

4 CHAIRPERSON LANGER: I would just like to say
5 -- you have a question?

6 MR. KOHLER: No, I have something to say.

7 CHAIRPERSON LANGER: Okay.

8 MR. KOHLER: Someday we're going to regret
9 putting in a retail outlet, because it's either going
10 to be vacant, because no one's going to pay 2.50 to
11 come over the bridge, and a lot of people from
12 Centreville will think that it will be just as well to
13 put a K-Mart or anything else, a big outlet, in
14 Centreville or anyplace else in the county, or we're
15 going to regret it because something else more
16 important than a retail outlet will be needed to put in
17 that critical area. Thank you.

18 (Applause.)

19 CHAIRPERSON LANGER: I would just like to say
20 thank you very much for all coming this evening. I
21 think it's most impressive that this great number of

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1 people turned out because they care about their county,
2 from the youth to the senior citizens, and we
3 appreciate that you all came. Thank you.

4 (Applause.)

5 (Whereupon, at 10:00 p.m., the above-
6 entitled hearing was adjourned.)

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E X H I B I T S

<u>APPLICANTS</u>	<u>DESCRIPTION</u>
No. 1	IDA, RCA map.
No. 2	Critical Areas Environment Assessment by McCrone, Inc., 3-5-93.
No. 3	Letter to County Commissioners from Planning Commission, 6-21-93.
No. 4	Letter from County Commissioners to Chesapeake Bay Critical Areas Commission 7-13-93.
No. 5	Letter from Corps of Engineers to Mr. Glenn Weinberg, 7-13-93.
No. 6	Letter from Water Resources Commission to Mr. Weinberg, 8-9-93.
No. 7	Letter from Dept. of Public Works to Glen Weinberg, 7-19-93.
No. 8	Site Plan of Kent Landing Shopping Plaza, K-Mart, No. 7673.
No. 9	Official landscaping material and planting.
No. 10	Letter from Dept. of Public Works to Windward Associates, 8-18-93.
No. 11	Letter from Soil Conservation District to Windward Associates, 8-19-93.

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E X H I B I T S (CONTINUED)

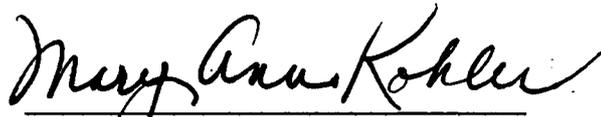
<u>RESIDENTS</u>	<u>DESCRIPTION</u>
No. 1	Dick Jarenski's statement to the Commission.
No. 2	8-19-93 letter from Denise and Robert Boggs to the Commission.
No. 3	Statement of Mrs. Tamlyn to Commission.

- - -

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CERTIFICATE OF NOTARY

I, MARYANN KOHLER, 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.



MARY ANN KOHLER
Notary Public in and for
the State of Maryland

My Commission Expires:

August 19, 1996

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CHESAPEAKE BAY
CRITICAL AREA COMMISSION

1993

RECEIVED

EXHIBIT
#1
8/19/93
McCrone

McCCRONE

- Engineering
- Environmental Sciences
- Construction Services
- Land Planning & Surveying

CHESAPEAKE BAY CRITICAL AREA ENVIRONMENTAL ASSESSMENT PROPERTY OF CHARLES-T. BREEDING, et al.

SOUTHWEST QUADRANT OF U.S. ROUTE 50 AND MARYLAND ROUTE 8 INTERSECTION
NEAR STEVENSVILLE, QUEEN ANNE'S COUNTY, MARYLAND
FOURTH ELECTION DISTRICT, TAX MAP 56, GRID 5, PARCEL 20

5 MARCH 1993

INTRODUCTION

An environmentalist with McCrone, Inc. visited the 18.8± acre parcel on 1 March 1993 to field identify and delineate tidal and non-tidal wetlands, and to collect data for this Chesapeake Bay Critical Area Environmental Assessment.

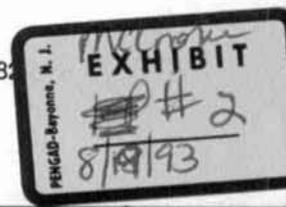
The property is bounded on the west and north by Thompson Creek Service Road, which parallels heavily traveled Maryland Route 8 and interstate U.S. Route 50 (Figure 1). A narrow headwater gut of tidal Thompson Creek bounds the property on the east, while the south boundary adjoins cultivated agricultural land.

All except the western-most quarter of the property is within the Chesapeake Bay Critical Area designated Resource Conservation Area (RCA). The parcel is zoned Suburban Commercial (SC) by the Queen Anne's County Office of Planning and Zoning, and is proposed for commercial retail use.

The entire property is an open, grassy field except for a narrow overgrown thicket of woody plants along the Thompson Creek shoreline. There is a large stormwater ditch transversing the property from Maryland Route 8 to Thompson Creek about 150 feet north of the south boundary.

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EXISTING NATURAL FEATURES

AQUATIC RESOURCES

Shoreline Erosion Rate

A U.S. Department of the Interior, FWS, 1982 National Wetlands Inventory, Kent Island, Maryland Quad Map in the Queen Anne's County Office of Planning and Zoning has been modified to show shoreline erosion rates. This reference source indicates shoreline erosion is negligible along the property's Thompson Creek shoreline.

Submerged Aquatic Vegetation

The U.S. Environmental Protection Agency, Chesapeake Bay Program, 1987 Distribution of Submerged Aquatic Vegetation in the Chesapeake Bay and Tributaries and Chincoteague Bay - 1987, and the 1990 survey update in the Queen Anne's County Office of Planning and Zoning found no submerged aquatic vegetation in Thompson Creek forming the east property boundary.

Fish Spawning

The Maryland Geological Survey, 1968, Topographical Map of Queen Anne's County, Maryland modified by the Maryland Fisheries Administration in 1984-1985 to show fish spawning areas, indicates the portion of Thompson Creek forming the east property boundary is not used for spawning by anadromous fish. This reference map can be found in the Queen Anne's County Office of Planning and Zoning.

Shellfish

The same reference map cited for Fish Spawning contains the location of oyster bars. This map indicates there are no shellfish beds in the portion of Thompson Creek adjoining the property.

Fin Fish

The University of Maryland, Natural Resources Institute, 1973 The Chesapeake Bay in Maryland: An Atlas of Natural Resources indicates some small species of fin fish such as various herring species, eel, white perch, silversides, and hogchoker may frequent Thompson Creek along the east property boundary.

Waterfowl Concentration Area

The Maryland Geological Survey, 1968 Topographical Map of Queen Anne's County, Maryland, modified by the Maryland Department of Forests, Park and Wildlife Service in the mid-1980s indicates this portion of Thompson Creek is not used as a waterfowl staging area.

TERRESTRIAL RESOURCES

Soils

A portion of Figure 2 is taken from the U.S. Department of Agriculture, SCS, 1966 Soil Survey of

Queen Anne's County, Maryland, Sheet 36, and shows non-hydric, well-drained Sassafras loam and Woodstown loam (SaB2, WdB2) cover nearly the entire property. An exception is a narrow area of hydric Mixed Alluvial Land (My) along the bank of Thompson Creek.

A four-inch diameter, hand-operated, bucket auger was used to extract soil samples a minimum of 18 inches deep at numerous locations throughout the property to determine the presence and location of soil types denoted in the Soil Survey, to look for indicators of hydric soil, and to search for near-surface groundwater.

The profile and texture of soil samples taken south of and just north of the ditch transversing the property approximated that of Sassafras and Woodstown soils. Samples from locations north of there (approximately 85% of the property) were a variety of consolidated materials including loamy topsoil, hydric soils, bank-run gravel, blue-chip stone, and marine dredge spoils. The marine spoils were especially prominent in areas adjacent to Thompson Creek and were found to be over five feet deep in even the lowest elevations of the upland. It appears the property has been covered with a variety of grading and excavating construction spoils and materials which are deepest adjacent to Thompson Creek Service Road and Maryland Route 8 and taper to the natural topography of the area just north of the ditch. Indeed, several people familiar with the local area related memories of large stockpiling of materials on the property during construction of the U.S. Route 50 - Maryland Route 8 overpass interchange and the bridge over Thompson Creek in the mid-1980s.

Permeability of the depositional materials may be variable, thus one cannot assess their suitability for buildings, roads, parking lots, and sewage disposal. The depositional materials covering the property are graded with enough slope to prevent accumulation of stormwater on the surface, and no groundwater was found in any of the soil sample locations. The property will be served by the County's sewage disposal system.

Flood Plain

The Federal Emergency Management Agency, 1992 Queen Anne's County, Maryland, Community Panel 240054 0038 C shows nearly the entire property is within Flood Hazard Zone "C", an area of minimal flooding. A narrow area paralleling Thompson Creek is in Flood Hazard Zone "B", an area between the 100-year and 500-year floods. The tidal area of Thompson Creek is in Flood Hazard Zone "A", an area of 100-year floods.

Wetlands

The U.S. Department of the Interior, FWS, 1982 National Wetland Inventory, Kent Island, Maryland Quad Map depicts estuarine, intertidal, emergent, narrow-leaved persistent, irregularly flooded wetlands (E2EM5P) along the margin of Thompson Creek forming the east property boundary (Figure 2).

These tidal wetlands were field confirmed and located, and plotted onto the property plat with their accompanying 100-foot buffer line for use with any proposed development or environmental regulations. Wetlands were identified and delineated using the criteria set forth in the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands. Vegetative species dominating the tidal wetland and their indicators status taken from the U.S. Department of the Interior, FWS, 1988 National List of Plant Species That Occur in Wetlands: Northeast (Region 1) are given below:

COMMON NAME

SCIENTIFIC NAME

INDICATOR STATUS

Big-leaf Sumpweed	<i>Iva frutescens</i>	FACW+
Common Reed	<i>Phragmites australis</i>	FACW
Saltmarsh Cordgrass	<i>Spartina alternifolia</i>	OBL
Saltmeadow Cordgrass	<i>Spartina patens</i>	FACW+
Seashore Saltgrass	<i>Distichlis spicata</i>	FACW+
Alkali Bulrush	<i>Scirpus robustus</i>	OBL

Obligate Wetland (OBL) Typically occur in wetlands under natural conditions (est. >99%).

Facultative Wetland (FACW) Usually occur in wetlands (est. 67-99%); occasionally in non-wetlands.

The tidal wetlands are paralleled on the upland side by a narrow strip of non-tidal wetland thicket containing some woody plants. This narrow, non-tidal wetland was field identified, but not delineated or located, nor plotted onto the property plat since it is totally engulfed by the 100-foot tidal buffer.

Vegetative Cover

Nearly the entire 18.8± acre, open parcel is covered by herbaceous vegetation that appears to be mowed infrequently during the growing season. Facultative Upland (FACU) Broom Grass (*Andropogon virginicus*) and Meadow Fescue (*Festuca pratensis*) dominate this plant community, some woody shrubs and trees occur in a narrow thicket adjoining the tidal marsh along the Thompson Creek boundary.

Wildlife

The narrow, intertidal, ditch-like portion of Thompson Creek on the east property boundary and the infrequently mowed, grassy, open area covering most of the property offer limited food and cover for wildlife. Wading birds, grass-seed-eating organisms, and predators of these organisms may utilize the property. Wildlife observed during the single, brief, winter site visit include:

- | | |
|--------------------------------|----------------------|
| Eastern Cottontail | Great Blue Heron |
| Muskrat (tracks, trails, runs) | American Kestrel |
| Raccoon (tracks) | American Crow |
| | Song Sparrow |
| | Red-winged Blackbird |
| | Eastern Meadowlark |

Rare or Endangered Species and Habitats

An Environmental Review for rare and endangered habitats and species was requested from the Maryland Department of Natural Resources, Fish, Heritage and Wildlife on 25 February 1993. A copy of that request is included herein, and a copy of the response will be made a part of this report when received.

MITIGATION OF POTENTIAL ENVIRONMENTAL IMPACTS

Tidal wetlands were field delineated and located, and the mean high tide line plotted onto the property

plat with a 100-foot buffer for use with any proposed development regulation of environmental law, and compliance with Queen Anne's County Critical Area Regulations. Non-tidal wetlands adjoining the tidal wetlands were field identified, but not delineated since they were totally engulfed by the 100-foot tidal wetland buffer. An approved sediment and erosion control plan will be developed in accordance with the Queen Anne's County Soil Conservation Service standards prior to any construction on the property. The effect of stormwater run-off on Thompson Creek will be managed by implementation of the County's best management practices that include limiting the amount of impervious surfaces, and reducing the quantity and improving the quality of stormwater run-off from any development proposed for the property.

SUMMARY

Nearly all of the 18.8± acre property is within the Chesapeake Bay Critical Area designated Resource Conservation Area (RCA), zoned Suburban Commercial (SC) by the Queen Anne's County Office of Planning and Zoning, and is proposed for commercial retail development. The narrow portion of Thompson Creek forming the east property boundary has negligible shoreline erosion, no submerged aquatic vegetation, and no shell fish beds. Furthermore, it is not used for fish spawning or waterfowl staging. It may be within the range of some small species of fin fish. All of the property west of Thompson Creek is an open, grassy area, most of which is underlain by grading and excavation materials and spoils. Tidal wetlands, along the boundary with Thompson Creek, were field delineated and plotted onto the property plat with its 100-foot buffer for compliance with environmental regulations.

McCRONE

- Engineering
- Environmental Sciences
- Construction Services
- Land Planning & Surveying

25 February 1993

Mr. Robert Bachman
Maryland Department of Natural Resources
Fish, Heritage and Wildlife Division
580 Taylor Avenue, E1
Annapolis, Maryland 21401

Attention: Ms. Janet McKegg

**RE: ENVIRONMENTAL REVIEW OF PRIVATE PROPERTY WITHIN CRITICAL AREA
PROPERTY OF CHARLES BREEDING AND JANET BREEDING MONK
PARCEL NEAR STEVENSVILLE, QUEEN ANNE'S COUNTY, MARYLAND**

Dear Mr. Bachman:

The enclosed information is submitted for Environmental Review of lands within the Chesapeake Bay Critical Area.

The 18 acre± property is located in the southwest quadrant of the intersection of U.S. Route 50 and Maryland Route 8 in Stevensville, Queen Anne's County, Maryland (see enclosed map). The entire parcel is in the Chesapeake Bay Critical Area designated Resource Conservation Area (RCA).

The undeveloped parcel is currently a mowed grassy lot bounded on the east by a tidal slew of the headwaters of Thompson Creek. The lot slopes abruptly down to the creek water, thus tidal and non-tidal wetlands along this portion of the creek are very narrow to nearly non-existing. The property is proposed for commercial development.

We would appreciate a review of the Department of Natural Resources data base for the presence/absence of state or federally listed threatened or endangered species of plants or animals, and species in need of conservation, and a review of those items of concern as defined in the Critical Area Law and Regulations. The information provided will be submitted as part of the Critical Area Assessment required by the Queen Anne's County Critical Area Program for the proposed commercial development.

Sincerely,
Jan Reese
McCRONE, INC.

Jan Reese
Environmentalist

Enclosure: Vicinity map

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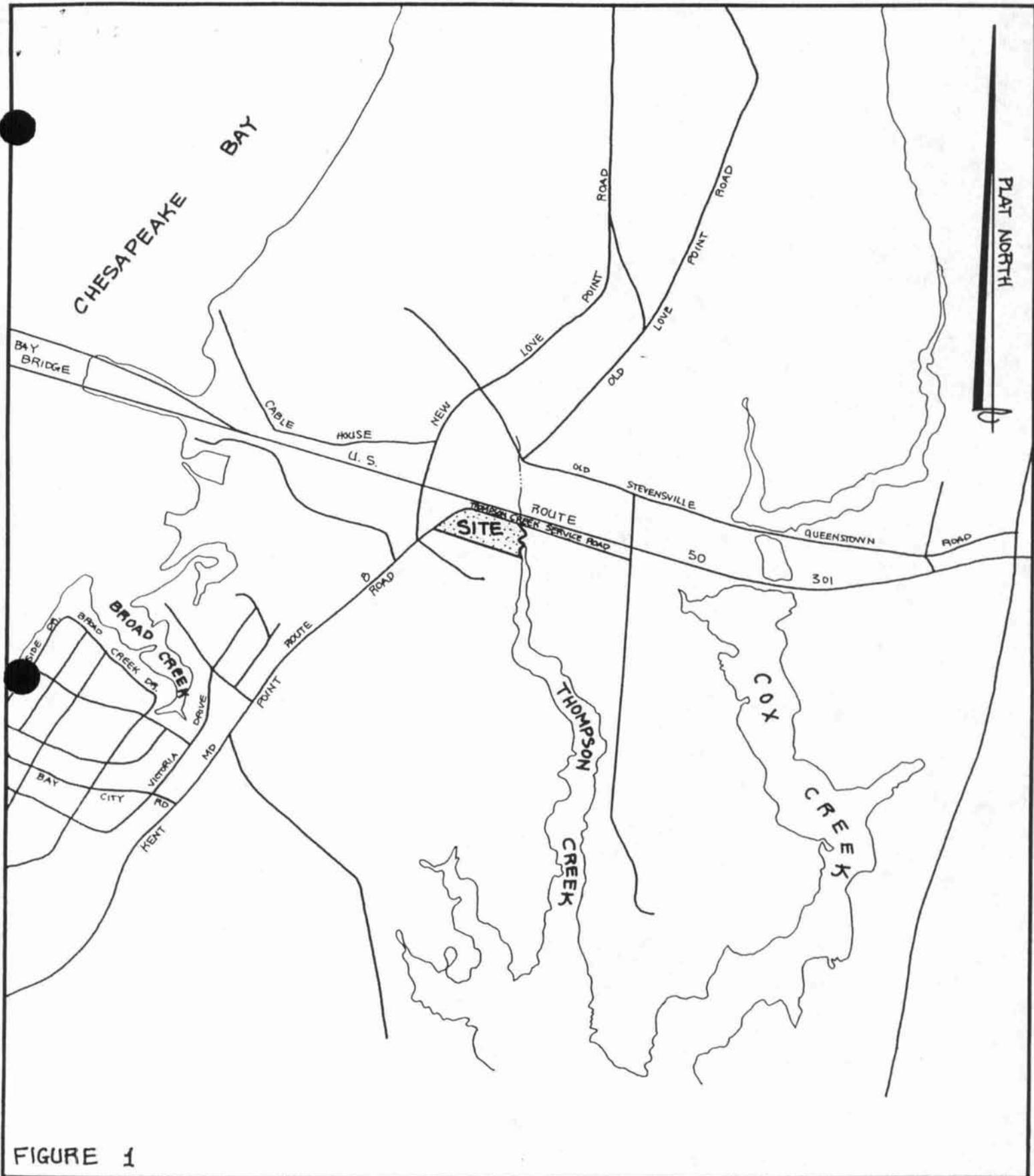


FIGURE 1

VICINITY MAP

SHOWING THE LANDS OF

**CHARLES BREEDING &
JANET BREEDING MONK**
QUEEN ANNE'S COUNTY, MARYLAND

McCRONE

Engineers • Planners
Surveyors
Annapolis, Maryland
Centerville - Chestertown - Denton - Easton
Elkton - Leonardtown - Prince Frederick

DRAWN BY C.L.H.
SCALE 1" = 2000'
DATE FEBRUARY 1993
JOB NO. 507713681
FOLDER BREEDING

FORM NO. 1

SIGN IN SHEET

Do You Wish
To Testify?
YES / NO

NAME & ADDRESS

NAME & ADDRESS	YES	NO
Wm. L. Denny 3rd. Stevensville	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John F. Davidson Stevensville	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clara B. Davidson Stevensville	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Louis Davidson Rice Stevensville	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Philip T. Davidson Stevensville	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Thomas C. Sammes Stevensville	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Alma C. Thome, Chester	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mary F. Jewell Stevensville	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Serena E. Willey ^{Rep.} Gilchrest	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sebastian J. Kauter	<input type="checkbox"/>	<input type="checkbox"/>
1815 Harbor Dr.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Chester Md 21619	<input type="checkbox"/>	<input type="checkbox"/>
Viggo F. Bee	<input type="checkbox"/>	<input type="checkbox"/>
1735 Harbor Dr.	<input type="checkbox"/>	<input type="checkbox"/>
Chester Md 21619	<input type="checkbox"/>	<input type="checkbox"/>
Flora M. Dunn	<input type="checkbox"/>	<input type="checkbox"/>
409 Main St	<input type="checkbox"/>	<input type="checkbox"/>
STEVENSVILLE Md 21666	<input type="checkbox"/>	<input type="checkbox"/>
Chas. L. Dunn	<input type="checkbox"/>	<input type="checkbox"/>
409 STEVENSVILLE Rd	<input type="checkbox"/>	<input type="checkbox"/>
John Warner	<input type="checkbox"/>	<input type="checkbox"/>
P.I's Butcher Shop	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STEVENSVILLE Md	<input type="checkbox"/>	<input type="checkbox"/>

SIGN IN SHEET

NAME & ADDRESS	Do You Wish To TESTIFY?	
	YES	NO
Geoffrey Price Stevensville Md.		
William E Gardner Chester, Md.		
Maxwell V. Fyfe, Jr. Grossonville, Md.		X
Richard SEEVERS Jr Stevensville.		X
Dana Carr Star-Democrat		X
Marilyn L. Westergard Stevensville, Md.	X	
DOUGLAS + DENA ANDERSON CENTREVILLE, MD.	X	
Jane B. York-Princeton NJ.		X
Jane B. Breeding PO Box 185 Stevensville, Md		X
JOHN McKim 704 Bayside Dr Stevensville		X

SIGN IN SHEET

NAME & ADDRESS	Do You Wish To Testify?	
	YES	NO
George O'Connell 104 Rutledge Rd. Queenstown, Md 21658	X	
Marion R. Jearns 200 Woodbury Lane Queenstown, Md. 21658		
Dick Janski PO Box 870 Stevensville Md 21666	X	
Fred's Butler Benton's Pleasure Chesery Md 21619		
Bruce D. WARDFIELD 111 Prouse Rd. Queenstown Md 21658		opposed to K-MART. X
Elbert N. Carvel 300 Crafford Farm Lg Stevensville, Md 21666	X	
Thomas F. Oyster PO Box 845 Stevensville Md 21666	X	
Ted Breading P.O. Box 185 Stevensville, Md		
Wilbur Garrett 198 Queen Anne Club Dr Stevensville Md	X	

SIGN IN SHEET

NAME & ADDRESS

Do You Wish
To TESTIFY?
YES | NO

Lucile Corkran

X

Maree O'Wallinas
Wallinas Way
Queenstown, Ind

? yes?

SIGN IN SHEET

NAME & ADDRESS

Do You Wish
To TESTIFY?
YES | NO

Ed + PAT NIELSEN

512 N. HIBERNIA

LENTHEVILLE MD

X

August 19, 1993

TO: Members of the Critical Area Commission

FROM: Denise and Robert Boggs

We appreciate the opportunity to express our opinion to the members of the commission regarding the amendment of laws concerning Critical Areas.

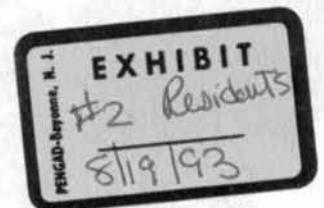
We are strongly opposed to the amending of these laws that would allow the construction of commercial developments such as the proposed K-Mart. We feel it will be detrimental to the health of the Chesapeake Bay and it's surrounding wetlands. We also believe that allowing this project will encourage similar speculation among other land owners.

The original laws protecting Critical Areas should remain in place in order to protect environmentally sensitive areas as they were originally designed.

Thank you for your time.

Denise Boggs
Robert Boggs

Denise and Robert Boggs
803 Dixon Drive
Stevensville, MD 21666





Queen Anne's Soil Conservation District

DISTRICT OFFICE
505 Railroad Ave.
Suite 3
Centreville, MD 21617
758-3136

DISTRICT SHOP
Rt. 2, Box 292
Centreville, MD 21617
758-1694

August 19, 1993

Mr. Tunnie Ping
Windward Associates
15 South Parke St., Suite 400
Aberdeen, MD 21001

Regarding: Kent Landing (K-Mart) Sediment Control Plan

Dear Mr. Ping,

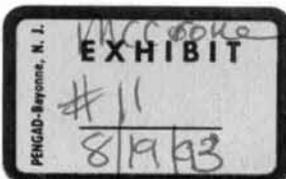
As per your request, I have made a preliminary review of your proposed Sediment Control Plan.

With a few minor revisions the concept submitted will meet all the requirements as set forth in the State's Sediment Control Regulation.

I will be sending you a detailed review letter in a week or two.

Sincerely,

Jeffrey Opel
District Manager



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THE DEPARTMENT OF PUBLIC WORKS
OF QUEEN ANNE'S COUNTY

COUNTY COMMISSIONERS
A. A. MacGLASHAN, III
WILLIAM V. RIGGS, III
OSCAR A. SCHULZ

P.O. BOX 56
CENTREVILLE, MARYLAND 21617
(410) 758-0920 FAX: (410) 758-3341

D. STEVEN WALLS
DIRECTOR

ALAN L. QUIMBY, P.E.
CHIEF OF ENGINEERING

August 18, 1993

Mr. Tunnie Ping
Windward Associates
15 South Parke Street - Suite 400
Aberdeen MD 21001

Re: Kent Landing (K-Mart)
Adequacy of Stormwater Management Concept

Dear Tunnie:

As per your request, I have made a preliminary review of your stormwater submission and believe the concept presented will easily meet or exceed both the Critical Area 10% Rule as well as the County's stormwater management ordinance. As such I would recommend a favorable finding to the Critical Areas Growth Commission as far as stormwater management is concerned.

I will send you a detailed review letter in a week or so.

Yours truly,

Alan L. Quimby, P.E.
Chief of Engineering



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Maryland TT/Voice Relay Service: 1-800-735-2258

WORKSHEET B: NEW DEVELOPMENT - KENT LANDING

LD: 9305

Step 1: Estimate parameters.

	Post-development
P (normal year)	= 40 inches
Pj (annual)	= 0.9
A (within Critical Area)	= <u>16.4</u> acres
Ia: structures	= _____ acres
parking lot	= _____ acres
roadway	= _____ acres
other	= _____ acres
total	= <u>8.2</u> acres
I = (Ia total/A)	= <u>50</u> %
Rv = 0.05 + 0.009(I)	= <u>0.50</u>
C	= 0.26 mg/l

Step 2: Calculate the pre-development load (L pre).

$$L \text{ pre} = (0.5 \text{ lbs/acre/year})(A) = (0.5)(\underline{16.4}) = \underline{8.2} \text{ lbs/year}$$

Step 3: Calculate the post-development load (L post).

$$L \text{ post} = (P)(P_j)(R_v)/(12) * (C)(A)(2.72) = (40)(0.9)(\underline{0.5})/(12) * (0.26)(\underline{16.4})(2.72) = \underline{17.4} \text{ lbs/year}$$

Step 4: Calculate the pollutant removal requirement (RR).

$$RR = L \text{ post} - (0.9 * L \text{ pre}) = \underline{17.4} - (0.9 * \underline{8.2}) = \underline{10.0} \text{ lbs/year}$$

Step 5: Select BMP options using the screening tools and list them below. Then calculate the load removed by each option.

Selected Option	(Removal Efficiency (%/100))	* (Fraction of Drainage Area Served)	* (L post (Step 3))	= Load Removed
EXTENDED RETENTION POND DESIGN 4	<u>0.60</u>	* <u>0.66</u>	* <u>17.4</u>	= <u>6.9</u> lbs
_____	_____	* _____	* _____	= _____ lbs
_____	_____	* _____	* _____	= _____ lbs

If the Load Removed is equal to or greater than the pollutant removal requirement (RR) calculated in Step 4, then the on-site BMP option complies with the 10% Rule.

$$\text{TOTAL LOAD REMOVED} = \text{LOAD REMOVED} + \text{LOAD REMOVED (OFF-SITE)} = 6.9 + 3.4 = \underline{10.3 \text{ LBS/YEAR}}$$

$$\textcircled{D} \frac{10.9}{16.4} = 0.66$$

WORKSHEET C: REMOVAL FROM OFF-SITE DRAINAGE AREAS - KENT LANDING

CO: 9305

Step 1: Estimate parameters for post-development.

	Developed Land	Undeveloped Land
P (normal year)	= 40 inches	A = <u>2.0</u> acres
Pj (annual)	= 0.9	(outside Critical Area)
A (outside Critical Area)	= <u>2.0</u> acres	
Ia: structures	= _____ acres	
parking lot	= <u>0.6</u> acres	
roadway	= _____ acres	
other	= _____ acres	
total	= <u>0.6</u> acres	
I = (Ia total/A)	= <u>30</u> %	
Rv = 0.05 + 0.009 (I)	= <u>0.32</u>	
C: I = to or > 20%	= 1.08 mg/l	
I < 20%	= 0.26 mg/l	

Step 2: Calculate the post-development load for areas outside of the Critical Area that is within the development parcel (L outside post).

$$L \text{ outside post} = (P)(P_j)(R_v)/(12) * (C)(A)(2.72)$$

$$= (40)(0.9)(\underline{0.32})/(12) * (\underline{1.08})(\underline{2.0})(2.72) = \underline{5.6} \text{ lbs/year}$$

and/or $L \text{ outside post} = (0.5 \text{ lbs/acre/year})(A)$

$$= (0.5)(\underline{\quad}) = \underline{\quad} \text{ lbs/year}$$

Step 3: Calculate the Load Removed from off-site drainage areas by the on-site BMP.

$$\text{Load Removed (off-site)} = (\text{Removal Efficiency}) * (L \text{ outside post}) = \underline{3.4} \text{ lbs}$$

60% *5.6*

Step 4: Calculate the Total Load Removed (in lbs) by the on-site BMP.

$$\text{Total Load Removed} = \text{Load Removed (WORKSHEET A or B)} + \text{Load Removed (off-site)}$$

If the Total Load Removed is equal to or greater than the pollutant removal requirement (RR) calculated in Step 4 on WORKSHEETS A or B, then the on-site BMP option complies with the 10% Rule.



QUEEN ANNE'S COUNTY PLANNING COMMISSION
COUNTY OFFICE BUILDING
CENTREVILLE, MARYLAND 21617
758-1255
FAX: 758-0366

June 21, 1993

William V. Riggs, III, President
A.A. MacGlashan, III
Oscar A. Schulz
County Commissioners for Queen Anne's County
107 N. Liberty Street
Centreville, Maryland 21617

RE: Charles T. Breeding et. al.
Growth Allocation Application
CAC #93-001

Dear Commissioners:

At its regularly scheduled meeting on June 10, 1993, the Queen Anne's County Planning Commission deliberated on the application for growth allocation submitted by Charles T. Breeding, et. al. The Breedings' application seeks to reclassify 16.4 acres of their land within the Chesapeake Bay Critical Area from the Resource Conservation Area (RCA) to the Intense Development Area (IDA) under the provisions of Section 7011 of the Queen Anne's County Critical Area Ordinance. The Breedings' property may be found on Queen Anne's County Sectional Zoning Map #56, Parcel 20. It is adjacent to Thompson Creek Road, immediately to the west of Thompson Creek Mall and to the east of Route 8.

The Planning Commission held a public hearing on the Breedings' application on June 3, 1993. The Planning Commission permitted the record to remain open through June 10, 1993 for the submission of additional written comments. A copy of the minutes of the public hearing is attached hereto. Furthermore, we attach copies of all written comments received by the Planning Commission on or before June 10, 1993.

Copies of all exhibits submitted by the Breedings have been placed in the custody of Robert Speece, Clerk to the Planning Commission. We urge you to review those exhibits as we have done carefully in making our recommendations.

After a full review of the testimony, exhibits and written



comments received by the Planning Commission, the Planning Commission unanimously passed the following resolution during its regular meeting on June 10, 1993:

RESOLVED that pursuant to Section 7011 and 7012 of the Queen Anne's County Critical Area Ordinance, the Queen Anne's County Planning Commission favorably recommends to the Queen Anne's County Commissioners that the County Commissioners utilize 16.4 acres of the County's growth allocation increment to reclassify the property owned by Charles T. Breeding, et. al. located within the Chesapeake Bay Critical Area from the Resource Conservation Area (RCA) to the Intense Development Area (IDA), specifically subject to and expressly conditioned upon the following standards and limitations:

1. The Breedings or any developer of the Breedings' property shall maintain a 300' standard shore buffer which shall contain at least a 150' wide continuous afforested area.

2. The Breedings or any developer of the Breedings' property shall provide all landscaping and the earthen berm set forth and shown on the Landscape Plan submitted to the Planning Commission at the public hearing as Petitioners' Exhibit #3.

3. Architectural features, building materials, colors and signage of proposed commercial development of the Breedings' property shall be as set forth on the Concept Plan (Petitioners' Exhibit #4), shopping center elevations sketch, (Petitioners' Exhibit #5) and sign rendering (Petitioners' Exhibit #10) submitted to the Planning Commission at the public hearing on June 3, 1993.

4. Any proposed outside storage or sales area or outside display of retail or wholesale merchandise shall not be allowed unless specifically authorized by the Planning Commission during site plan review.

5. All air conditioning and mechanical equipment and any dumpsters and shopping carts made part of or used in connection with the proposed Kent Landing Shopping Center must be screened from view from both nearby residential developments and motorists travelling north on Route 8 through the use of structural modifications or landscaping.

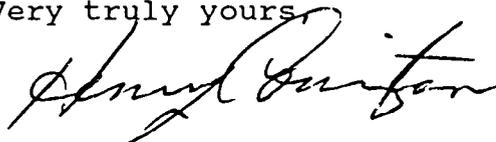
6. In the event the Breedings or any successors to the Breedings seek and obtain a rezoning of the property from the SC District to the UC District, any commercial development of the property must maintain parking lot landscaping consistent with the requirements of the SC District.

In making its favorable recommendation, the Planning Commission took particular note of the adjacent IDA property to the east (Thompson Creek Mall) and the IDA property to the west and

across Route 8 (Pier One Marina, etc.). Additionally, the Planning Commission was mindful of the SC District zoning of the property since 1987, which is prior to the adoption of the Critical Area Ordinance and Critical Area Map. The Planning Commission has specifically considered the originally proposed IDA classification of the property which was rejected by the Critical Area Commission. The Planning Commission took into consideration the relative lack of sensitive areas and habitat protection areas on the property and the Breedings insistence on maintaining the full 300' shore buffer with substantial landscaping and afforestation. The Planning Commission felt that the full 300' shore buffer should provide adequate protection from stormwater runoff and erosion during the construction project detrimental to Thompson Creek. Finally, the Planning Commission was impressed with the architectural details which the developers of the Breedings' property have proposed to improve the esthetics of what is a large shopping center and the apparent concern the developers have for screening what is a large and possibly imposing commercial development from nearby residents and motorists.

If you have any questions regarding the Planning Commission's recommendations and conditions, please do not hesitate to contact me. Thank you for your cooperation.

Very truly yours,



Henry Covington, Chairman

HC:CFD:clw

cc: Planning Commission Members
Joseph A. Stevens, Planning Director
Charles T. Breeding



A. A. MacGLASHAN, III
WILLIAM V. RIGGS, III
OSCAR A. SCHULZ

THE COUNTY COMMISSIONERS
OF QUEEN ANNE'S COUNTY

THE LIBERTY BUILDING
107 NORTH LIBERTY STREET
CENTREVILLE, MARYLAND 21617
PHONE: (410) 758-4098
FAX: (410) 758-1170
TDD: (410) 758-2126

ROBERT D. SALLITT, Administrator
LYNDA H. PALMATARY, Clerk
PATRICK E. THOMPSON, Attorney

July 13, 1993

The Honorable John C. North, Chairman
Chesapeake Bay Critical Area Commission
45 Calvert St., 2nd Floor
Annapolis, Maryland 21401

RE: Charles T. Breeding Growth Allocation

Dear Judge North:

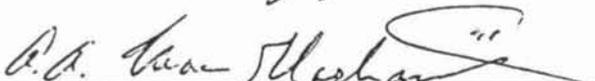
On June 3, 1993 the Queen Anne's County Planning Commission held a public hearing in accordance with our local Critical Area Ordinance to consider the application of Charles T. Breeding for Growth Allocation for 16+ acres of land currently designated Resource Conservation Area to Intense Development Area. On June 10, 1993 the Planning Commission voted to favorably recommend the redesignation from RCA to IDA.

We are hereby requesting the Chesapeake Bay Critical Area Commission review this application for Growth Allocation in accordance with Section 7012 of the Queen Anne's County Critical Area Ordinance. We believe your staff has any additional information you may need to review the proposal. The Planning Commission will soon be forwarding their detailed findings and conditions for the proposed project.

Sincerely,

THE COUNTY COMMISSIONERS
OF QUEEN ANNE'S COUNTY


WILLIAM V. RIGGS, III PRESIDENT


A. A. MACGLASHAN, III


OSCAR A. SCHULZ

CC:cm





DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

JUL 13 1993

Operations Division

Subject: CENAB-OP-RR(Weinberg, Glenn)93-67109-3

Mr. Glenn Weinberg
The Cordish Company
300 Water Street
Baltimore, Maryland 21202

Dear Mr. Weinberg:

I am replying to your request dated June 25, 1993, for Department of the Army authorization to construct a 100,000 square foot retail shopping center near Thompson Creek at Stevensville Poolroom Road, Stevensville, Queen Annes County, Maryland.

Department of the Army authorization is not required for the proposed project pursuant to Section 10 of the Rivers and Harbors Act of 1899 since no work is proposed in navigable waters and/or pursuant to Section 404 of the Clean Water Act since no discharge of dredged or fill material is proposed into areas classified as Waters of the United States including jurisdictional wetlands. Therefore, we have no jurisdiction over the proposed project. Any required state and local authorizations are to be obtained prior to commencement of the proposed work.

If you have any questions concerning this matter, please call David Olson of this office at (410) 962-1846.

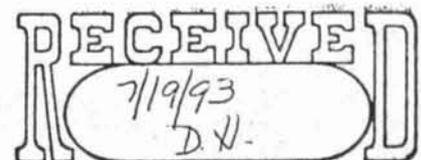
Sincerely,

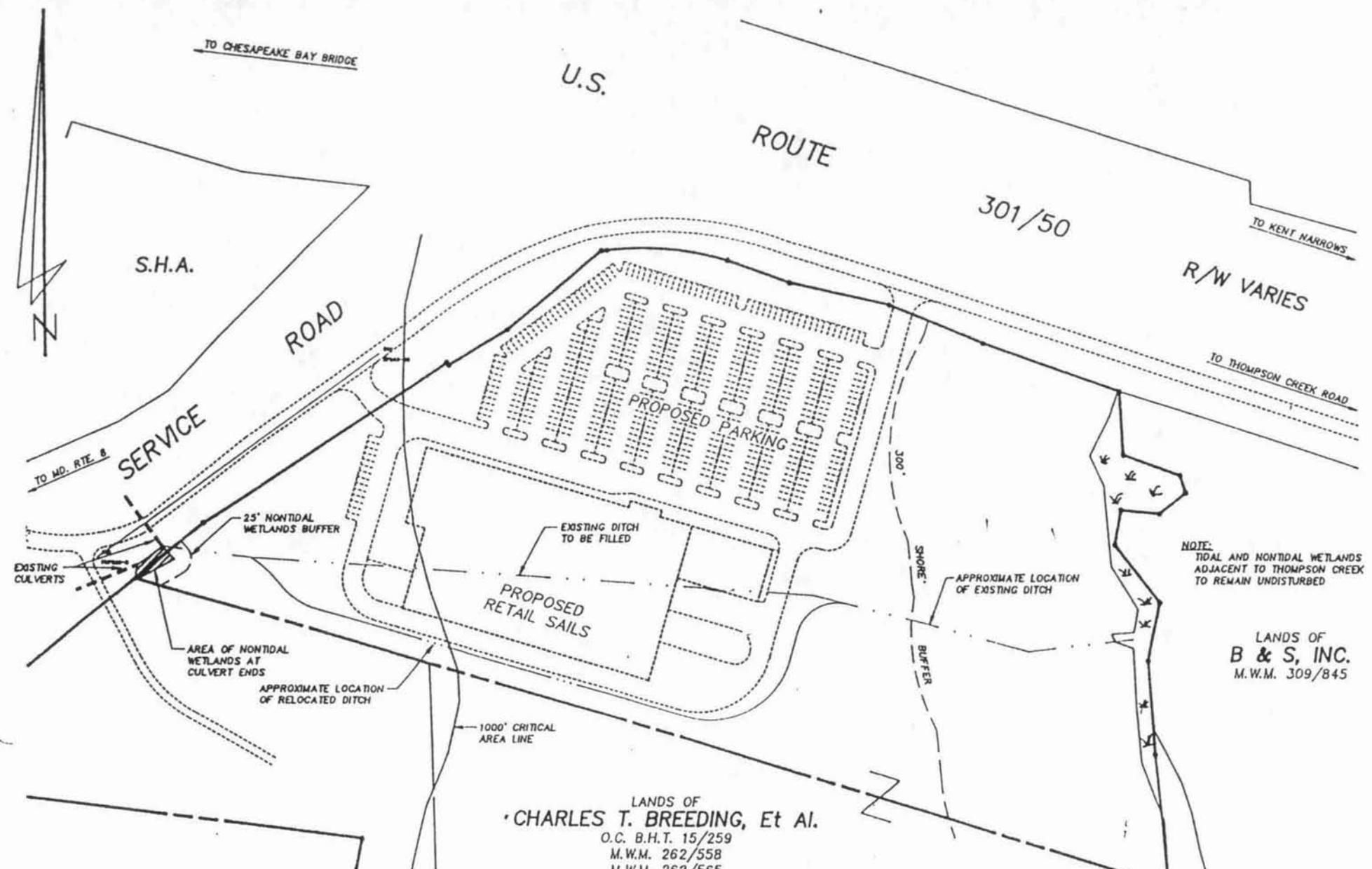

For: Thaddeus J. Rugiel
Acting Chief, River Basin Section

Enclosure

Copy Furnished:

MD DNR (Stewart)
MDE
Queen Annes County
✓ McCrone, Inc., Centreville





TO CHESAPEAKE BAY BRIDGE

U.S.

ROUTE

301/50

TO KENT NARROWS

R/W VARIES

TO THOMPSON CREEK ROAD

S.H.A.

ROAD

TO MD. RTE. 8

SERVICE

25' NONTIDAL WETLANDS BUFFER

EXISTING CULVERTS

AREA OF NONTIDAL WETLANDS AT CULVERT ENDS

APPROXIMATE LOCATION OF RELOCATED DITCH

EXISTING DITCH TO BE FILLED

PROPOSED RETAIL SALES

PROPOSED PARKING

300'

SHORE

APPROXIMATE LOCATION OF EXISTING DITCH

BUFFER

NOTE: TIDAL AND NONTIDAL WETLANDS ADJACENT TO THOMPSON CREEK TO REMAIN UNDISTURBED

LANDS OF B & S, INC. M.W.M. 309/845

1000' CRITICAL AREA LINE

LANDS OF CHARLES T. BREEDING, Et Al.
O.C. B.H.T. 15/259
M.W.M. 262/558
M.W.M. 262/565

SCALE 1" = 200'

McCRONE
ENGINEERING • ENVIRONMENTAL SCIENCES
LAND PLANNING & SURVEYING
CONSTRUCTION SERVICES

207 NORTH LIBERTY STREET
SUITE 100
CENTREVILLE, MARYLAND
(410) 758-2237

PERMIT DRAWING FOR JURISDICTIONAL DETERMINATION OF NONTIDAL WETLANDS ON PART OF THE LANDS OF CHARLES T. BREEDING, Et Al. 4th DISTRICT, QUEEN ANNE'S COUNTY, MARYLAND PREPARED FOR: WINDWARD ASSOCIATES, INC. JUNE 28, 1993

TIDAL WETLANDS WERE FIELD DELINEATED AND LOCATED BY McCRONE, INC. ON MARCH 16, 1993.

HEADWATERS OF THOMPSON CREEK

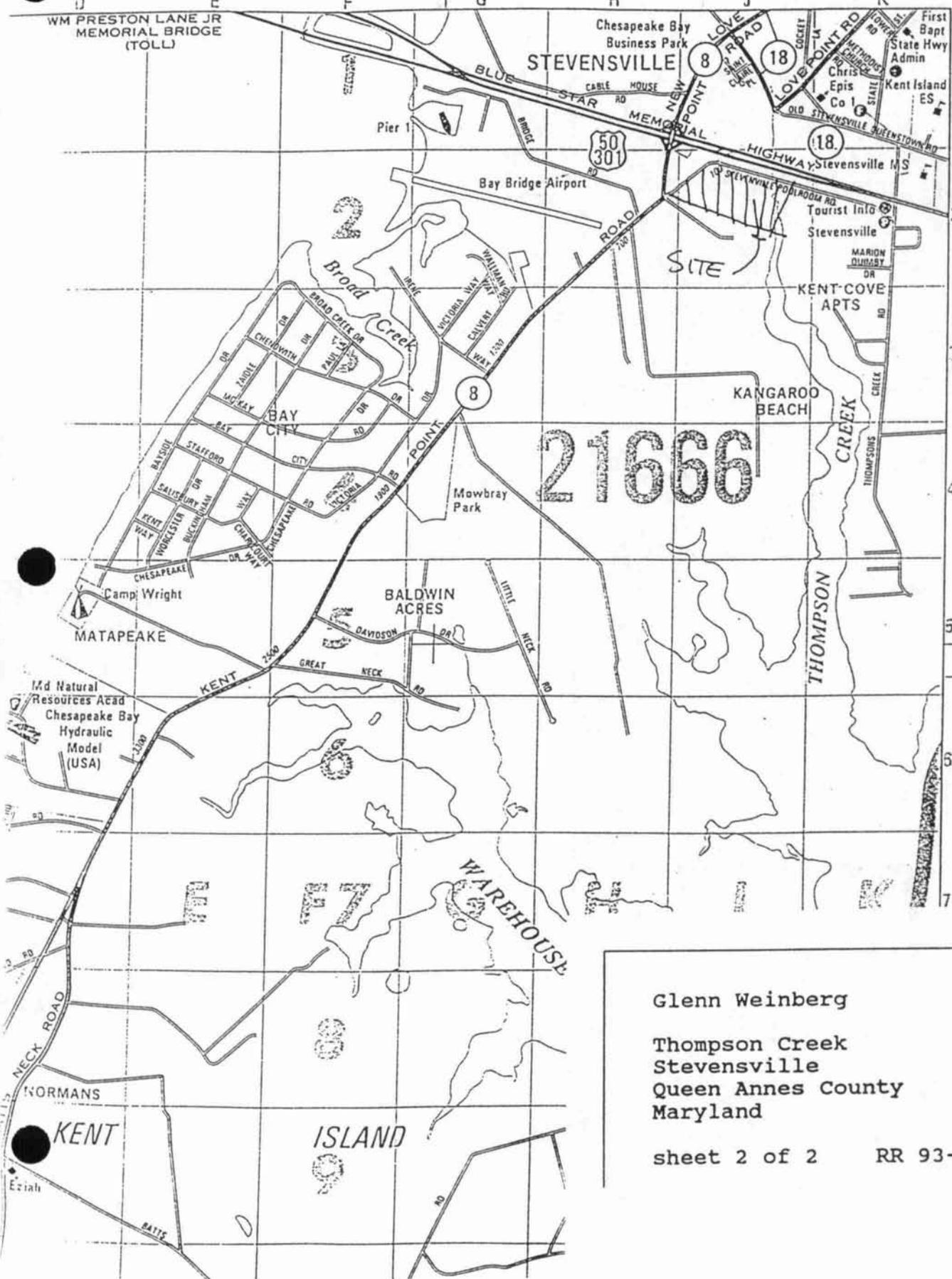
Sheet 1 of 2
RR 93-67109

PORTION OF ADC MAP #22, QUEEN ANNE'S COUNTY

Joins Map 16

76°20'00" 990,000 FT

22



410,000 FT 38°57'30"

map 23

Glenn Weinberg

Thompson Creek
Stevensville
Queen Annes County
Maryland

sheet 2 of 2 RR 93-67109



William Donald Schaefer
Governor

**Maryland Department of Natural Resources
Water Resources Administration**

Tawes State Office Building
Annapolis, Maryland 21401

Torrey C. Brown, M.D.
Secretary

Robert D. Miller
Director

"A Commitment to Excellence in Managing Maryland's Water Resources"

August 9, 1993

Glenn Weinberg
The Cordish Company
300 Water Street
Baltimore, MD 21202

Application Tracking #199367109
WRA #93-NT-0645
Project: Shopping center - QA County
Contact Person: Nancy Stewart
410-543-6703

Dear Mr. Weinberg:

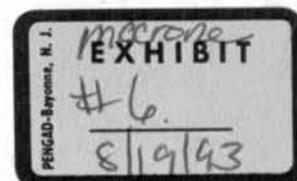
The Nontidal Wetlands and Waterways Division of the Water Resources Administration has completed review of your application for an activity in a nontidal wetland or buffer. Your proposed activity is being conducted, for the most part, in the Chesapeake Bay Critical Area and is therefore exempt from the permit and mitigation requirements of the State Nontidal Wetlands Protection Act. Those portions of the project conducted outside of the Critical Area will result in no impacts to nontidal wetlands or their buffers. Furthermore, no authorization is required from our Floodplain Section.

The Army Corps of Engineers and the Maryland Department of the Environment have no objection to this project. Please note that while your project is exempt from the nontidal wetland permit process, other State, federal and county approvals for Critical Areas may be necessary.

The Water Resources Administration has established a Permits Service Center to track both State and federal applications for activities in wetlands and waterways. Should

Post-It™ brand fax transmittal memo 7671		# of pages > 2
To Mike Whitehill	From Glenn Weinberg	
Co. McCrone	Co. The Cordish Co.	
Dept.	Phone # 410-752-5444	
Fax # 410-758-2464	Fax # 410-659-9491	

Telephone: 1-(410)-974-3841
DNR TTY for the Deaf: 301-974-3683



Glenn Weinberg
Application Tracking #199367109
WRA #93-NT-0645

August 9, 1993

you have any questions regarding the status of your application, you may call our Permits Service Center at 1-800-876-0200 (toll free), or myself at (410) 543-6703 between the hours of 8:30 am and 4:30 pm Monday through Friday. Please have your application tracking number available when you call.

Sincerely,



Nancy J. Stewart
Project Manager
Nontidal Wetlands and Waterways Division

cc: David Olson - U.S. Army Corps of Engineers
Stewart R. Comstock - Maryland Department of the Environment
Michael E. Slattery - Nontidal Wetlands and Waterways Division
Ahmad Karami - Nontidal Wetlands and Waterways Division



THE DEPARTMENT OF PUBLIC WORKS
OF QUEEN ANNE'S COUNTY

COUNTY COMMISSIONERS

A. A. MacGLASHAN, III
WILLIAM V. RIGGS, III
OSCAR A. SCHULZ

P.O. BOX 56

CENTREVILLE, MARYLAND 21617
(410) 758-0920 FAX: (410) 758-3341

D. STEVEN WALLS
DIRECTOR

ALAN L. QUIMBY, P.E.
CHIEF OF ENGINEERING

July 19, 1993

Mr. Glen Weinberg
The Cordish Company
300 Water Street
Baltimore MD 21202

Re: Sewer Allocation Application
Tax Map 56, Part of Parcel 20

Dear Mr. Weinberg:

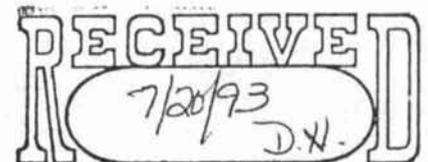
Please be advised that your sewerage allocation application was approved by the County Commissioners on Tuesday, July 13, 1993, subject to the following:

1. Approval from the Department of Planning and Zoning and all other affected agencies.
2. Execution of a Public Works Agreement for a 110,000 square foot retail shopping center. A draft of the Public Works Agreement will be forwarded to you for your review once the water service issues are closer to being resolved.
3. Submission within 10 days of the receipt of this letter of a 10% non refundable deposit of the \$119,900 sewer allocation fee. Please have the check in the amount of \$11,900.00 made out to the Queen Anne's County Sanitary District. The balance will be due in six months or just prior to final site plan approval, whichever occurs first.

Yours truly,

Alan L. Quimby, P.E.
Chief of Engineering

cc: Tom Davis
Beverly Davidson



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Maryland TT/Voice Relay Service: 1-800-735-2258

RECEIVED

RESIDENTS COUNCIL OF KENT ISLAND

109 Stormhaven Court
Stevensville, MD 21666
410-643-3145

SEP 8 1993

OFFICERS

**CHESAPEAKE BAY
CRITICAL AREA COMMISSION**
PRESIDENT
DICK JARENSKI
Cove Creek

VICE PRESIDENT
LEN MORRISON
Cloverfields

SECRETARY
TINEKE TAN
Cloverfields

TREASURER
JOHN MCKIM
Bay City

BOARD OF DIRECTORS

(the above Officers and
the following)

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Tower Gardens

WILLIAM KOCH
Marling Farms

FITZHUGH TURNER
Bay City

CLYDE WYNNE
Marling Farms

HENRY SCHWARTZ
Cloverfields

WILLIAM REHDER
Bridgepoint Town Homes

K-MART CRITICAL AREAS COMMISSION HEARING
AUGUST 19, 1993

MY NAME IS DICK JARENSKI AND I AM ADDRESSING THIS HEARING AS PRESIDENT OF THE RESIDENTS COUNCIL OF KENT ISLAND. THE ISSUE FOR THIS HEARING IS NOT THE JURISDICTION OF THE CRITICAL AREAS COMMISSION, WHICH I UNDERSTAND ONLY TO JUDGE THE MERIT OF SPECIFIC PROJECTS TO BE IN TOTAL COMPLIANCE WITH THE CRITICAL AREAS LAW. THIS HEARING IS DONE AFTER THE COUNTY SUBMITS ITS REQUEST FOR USE OF ITS ALLOCATION TO CHANGE AND DEVELOP A PROJECT THAT SPECIFICALLY FALLS IN RESOURCE CONSERVATION AREAS TO THAT OF INTENSE DEVELOPMENT AREAS. DURING A MEETING IN DECEMBER OF 1992 WITH JOE STEVENS DIRECTOR OF QUEEN ANNE'S COUNTY PLANNING AND ZONING 280 PLUS RESIDENTS OF KENT ISLAND CAME TO PROTEST THE NEW COUNTY MASTER PLAN BECAUSE IT INCLUDED FURTHER INTENSE DEVELOPMENT ON THE ROUTE 8 CORRIDOR SOUTH TO MOWBRAY PARK AND IN THE AREA CURRENTLY BEING CONSIDERED. WE WERE ASSURED BY MR. STEVENS AFTER THAT HEARING THAT GROWTH WAS NOT NECESSARY IN THAT AREA AND THAT IT WOULD BE SHIFTED TO OTHER AREAS OF THE COUNTY (CHESTER, GRASONVILLE AND QUEENSTOWN). IT WAS SURPRISING TO LEARN THAT YOU HAVE HAD THIS GROWTH ALLOCATION REQUEST FOR SEVERAL MONTHS WHICH WOULD MEAN IT WOULD HAVE BEEN SUBMITTED IN A TIME FRAME SHORTLY AFTER THIS MEETING. WHAT A SURPRISE ALL OF US IN ATTENDANCE HAD WITH THE ANNOUNCEMENT IN MAY THAT K-MART AND WALMART WERE CONSIDERING BUILDING ON THE OVERBUILT ROUTE 8 CORRIDOR.

I HAVE SEVERAL SPECIFIC RECOMMENDATIONS AS MY PHILOSOPHY IS THAT IF YOU HAVE A COMPLAINT, YOU BETTER HAVE A RECOMMENDED SOLUTION.

I WOULD LIKE TO RECOMMEND THE FOLLOWING:

- (1) TO THE MANAGEMENT OF K-MART - IT IS OBVIOUS THAT THE RESIDENTS OF KENT ISLAND ARE NOT SATISFIED WITH YOUR LOCATION SELECTION. CAN'T YOU LOOK FOR OTHER AREAS OF THE COUNTY THAT COULD BE A SITE FOR YOUR PROJECT THAT WOULD CAPTURE MORE OF THE TRAFFIC FLOW OF SHOPPERS, AND ALLOW OTHER RETAILERS TO ASSIST YOU TO DRAW MORE SHOPPERS. A GOOD SUGGESTION WOULD BE THE 50/301 SPLIT THAT ALREADY HAS MANY WEEKEND SHOPPERS LOCAL AND TRANSIT VISITING THE OUTLET MALL.
- (2) I URGE THE CRITICAL AREAS COMMISSION TO DELAY A RULING FOR 12-18 MONTHS TO ALLOW MORE STUDY BY THE COUNTY OF HOW THE NEW MASTER PLAN WILL AFFECT THIS AREA AFTER ITS ADOPTION LATER THIS YEAR.
- (3) I URGE THE COUNTY COMMISSIONERS TO RE-REVIEW THE ENTIRE PROJECT AREA AND FORM A STOP LINE WHERE THEY WILL ALLOW INTENSE DEVELOPMENT TO END. IT IS OBVIOUS THAT ACCORDING TO THE CRITICAL AREAS LAW THAT THIS CAN EXTEND AS FAR AS THE COUNTY WILL ALLOW IT TO GO.
- (4) I URGE THE COUNTY COMMISSIONERS TO FORM A KENT ISLAND PLANNING COMMISSION SIMILAR TO THE KENT NARROWS COMMISSION AND IT REVIEW AS ITS FIRST PRIORITY NOT ONLY THIS PROJECT, BUT ALL FUTURE PROJECTS ON KENT ISLAND SO THAT ITS MOST HIGHLY POPULATED AREA CAN HAVE A TRUE VISION AND INPUT OF WHAT KENT ISLAND WILL, AND SHOULD LOOK LIKE.
- (5) I URGE THE SAME RESTRAINT I AM ASKING FOR KENT ISLAND, TO CARRY THROUGH TO ALL AREAS OF THE COUNTY THAT MAY HAVE SIMILAR SITUATIONS IN THE FUTURE. WE HAVE SEEN ENOUGH CRAYOLA MARKS ON CHARTS IN PRESENTATIONS TO THE CITIZENS THAT DON'T SHOW US ANY TRUE LOOK FOR THE ENTIRE AREA TO BE AFFECTED. IT IS TIME TO TAKE A TRUE ARCHITECTURAL LOOK AT THE ENTIRE AREA NOT THIS SPECIFIC PROJECT.

I APPRECIATE THE OPPORTUNITY TO SPEAK AND HOPE THAT THIS CAN BE A FIRST

HARD STEP BY THE CRITICAL AREAS COMMISSION TO SAY TO OUR PLANNERS LET'S
LOOK WITH SOME VISION OF HOW YOUR TOTAL COMMUNITY WILL LOOK BEFORE YOU
JUST APPROVE A SPECIFIC PROJECT LIKE THE EXTENSION OF THIS INTENSIVE
DEVELOPMENT AREA TO ACCOMMODATE MORE UNWANTED AND UNEEDED COMMERCIAL
DEVELOPMENT IN CRITICAL AREAS ESPECIALLY ON THIS ALREADY OVERBUILT
AREA OF KENT ISLAND.

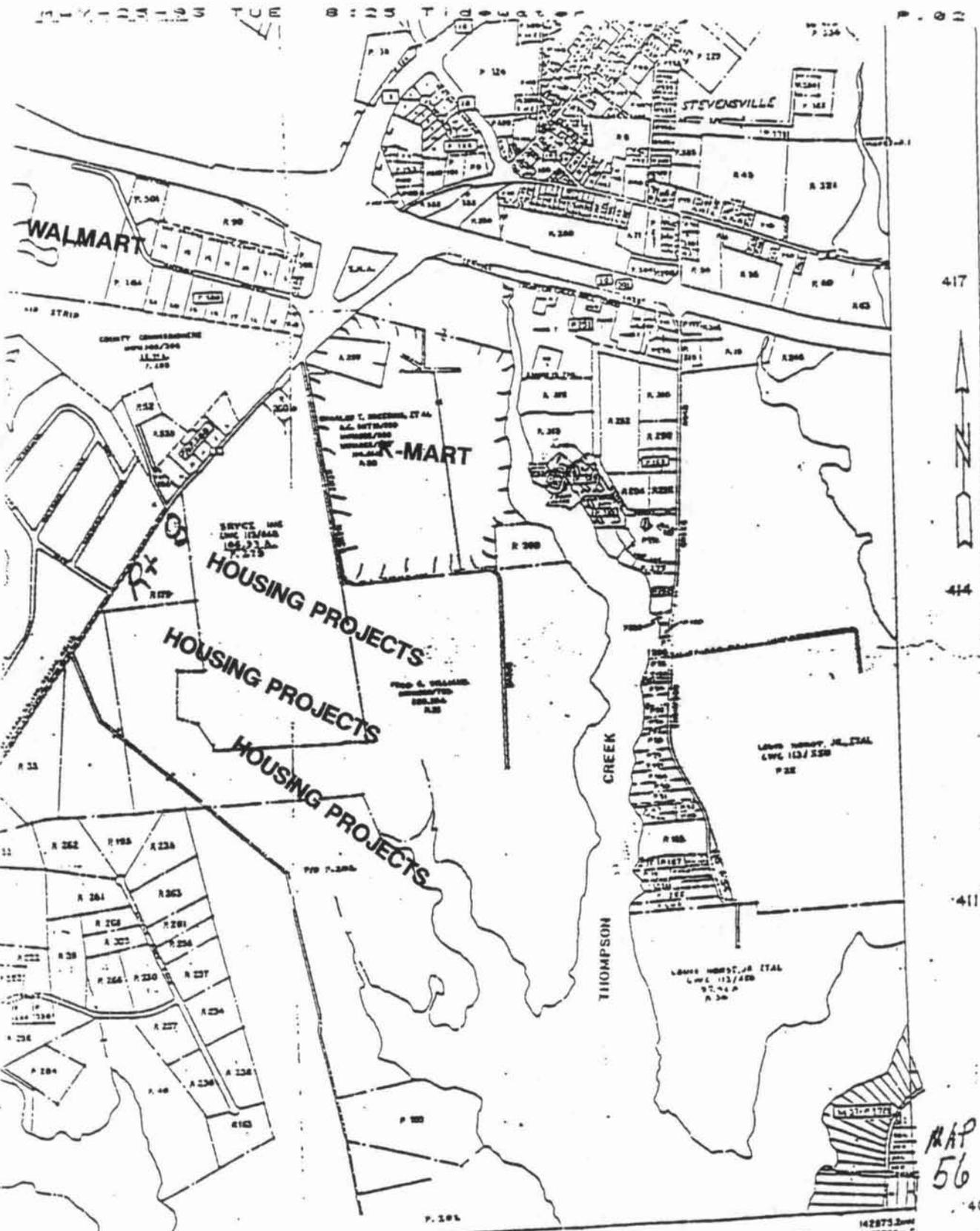
THANK YOU FOR YOUR CONSIDERATION.


Dick Jarenski
President

RECEIVED

07-0 1003

CHESAPEAKE BAY
CRITICAL AREA COMMISSION



417
44
411

MAP 56

DEPT. OF ASSESSMENTS & TAXATION
PROPERTY LINE
SUB-DIVISION BOUNDARY
CONTROLLING BOUNDARY
PARCEL NUMBER
SCALE 1" = 800'



MAP 50

980-408

MARYLAND

RESIDENTS COUNCIL OF KENT ISLAND

109 Stormhaven Court
Stevensville, MD 21666
410-643-3145

OFFICERS

PRESIDENT
DICK JARENSKI
Cove Creek

VICE PRESIDENT
LEN MORRISON
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K-MART CRITICAL AREAS COMMISSION HEARING AUGUST 19, 1993

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AREA OF KENT ISLAND.

THANK YOU FOR YOUR CONSIDERATION.

Dick Jarenski
President

RECEIVED

1953

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

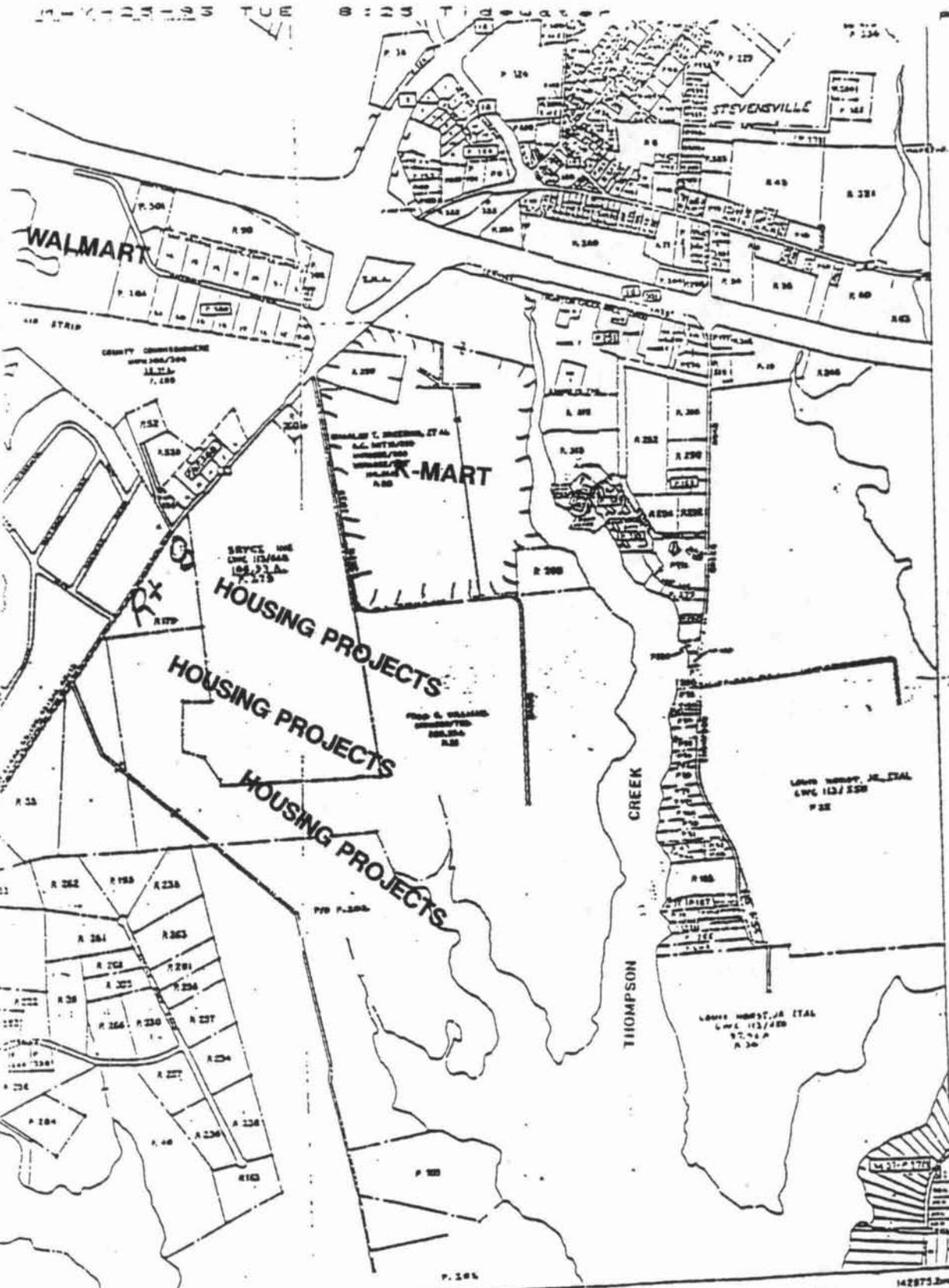
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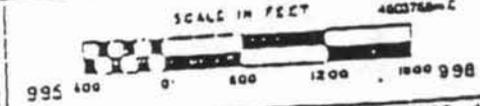
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MAP
56



DEPT. OF ASSESSMENTS & TAXATION
 MAP DIVISION
 THIS MAP IS PREPARED FOR THE PURPOSE OF ASSESSING AND TAXING PROPERTY IN THE CRITICAL AREA OF CHESAPEAKE BAY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE COMMISSION HAS THE RIGHT TO REVISIONS AND TO CHANGE THE MAP AT ANY TIME WITHOUT NOTICE.

PROPERTY LINE
 LOT-BORDERING BOUNDARY
 CONTINUING BOUNDARY
 CORNER
 SCALE 1" = 400'



MAP 50

980-408

STEARNS COUNTY MARYLAND

RESIDENTS COUNCIL OF KENT ISLAND

109 Stormhaven Court
Stevensville, MD 21666
410-643-3145

OFFICERS

PRESIDENT
DICK JARENSKI
Cove Creek

VICE PRESIDENT
LEN MORRISON
Cloverfields

SECRETARY
TINEKE TAN
Cloverfields

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JOHN MCKIM
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(the above Officers and
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WILLIAM REHDER
Bridgepoint Town Homes

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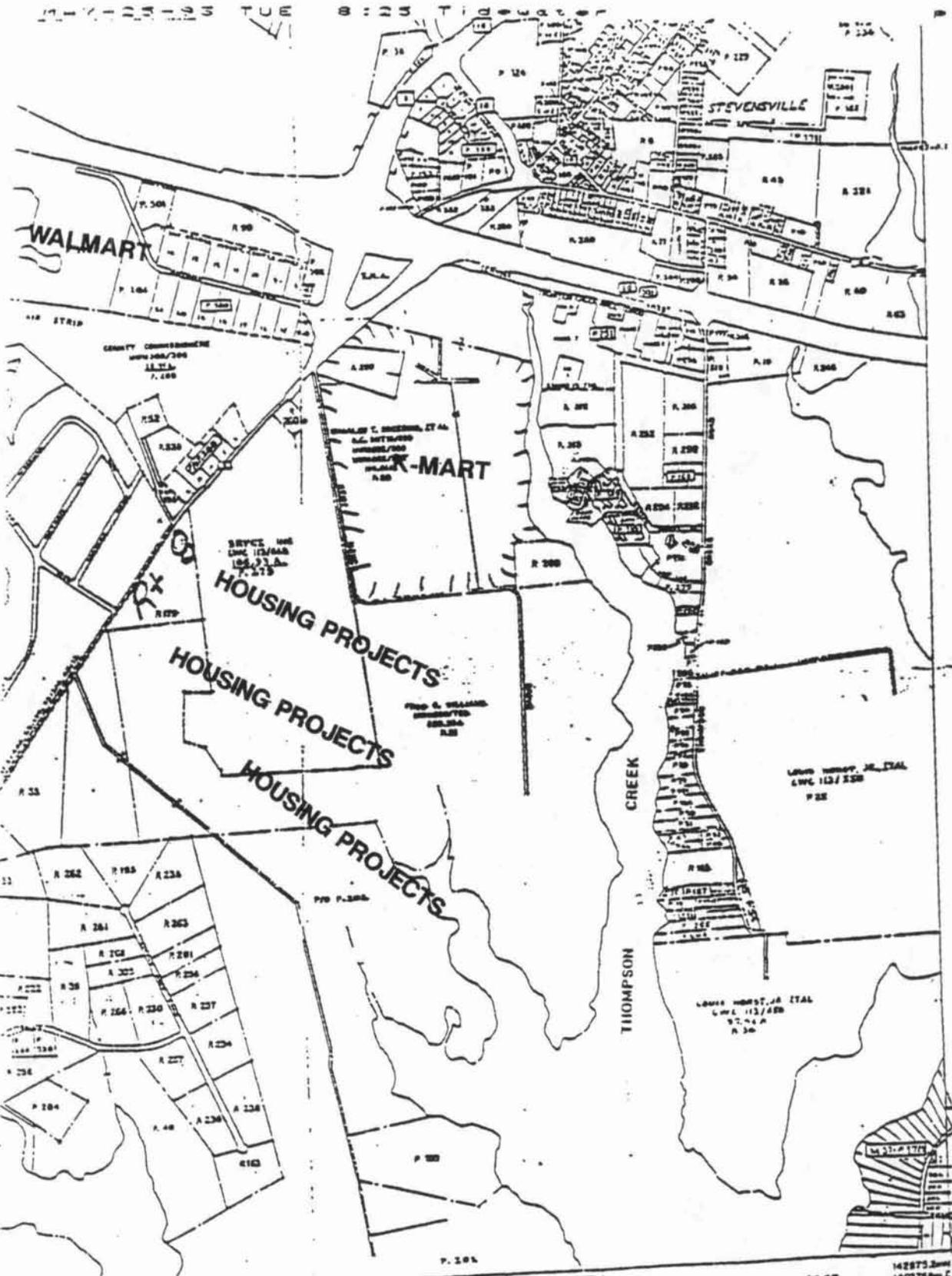
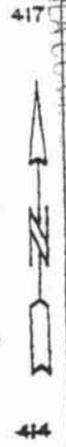
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Dick Jarenski
President

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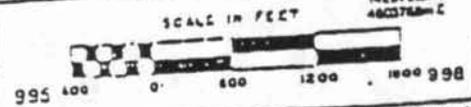
SFP of 1953

CHESBREAKE-RAY
CRITICAL AREA CLASSIFICATION



RAP 56

DEPT. OF ASSESSMENTS & TAXATION
PROPERTY LINE
SCALE 1" = 600'



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Dick Jarenski
President

DATE AUGUST 19, 1993

HEARING OF CRITICAL AREAS COMMISSION

RE Breeding et.al. property

- 1) for INTENSELY DEVELOPED AREA from RCA (Resource Conservation Area)
- 2) CRITICAL AREA ALLOCATION for Commercial Development of the property.

COMMENTS A.D.Tamlyn
316 S. Commerce St., P.O.Box 67 tel: 410-758-1231
Centreville MD 21617

My objections to both of these actions:--Change from RDA to IDA and allocation for commercial development, are for the following reasons:

- 1) Of the 900 or so Acres in Queen Anne's County -- a scarce 5 % -- available for Allocation, this designation to a single private property owner (and his successor) for a commercial retail business serves no broad community purpose.

A broad community purpose would be to retain the tidal wetland and its adjacent floodplain as permanent Open Space which posterity has a right to claim as a signature of our unique Tidewater environment, the character of our community.

An adjacent property -- the Airport flyway -- performs such broad community purpose.

If ~~a change to~~ an IDA is ^{adjacent} ~~permitted~~ it is more important than ever to reserve Open Space for the enjoyment and recreation of the intensely concentrated public. Community parks serve a broad community purpose.

It is a mistake to call a retail store "a Regional Center". ~~With~~ Delivery of the goods to the customer at the point-of-sale has to be differentiated from delivery over a wide region (Maryland, Delaware, Virginia or Pennsylvania) from a central warehouse or distribution center. Retail stores provide delivery at the point-of-sale and are therefore not regional in nature.

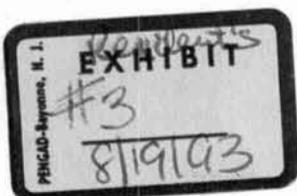
It is a mistake to call a retail store a provider of jobs and thus serving a broad community purpose. It does no such thing. In fact the community is the loser because the concentration of traffic in (in this case) one small corner of a heavily trafficked intersection extravagantly aggravates the already bad congestion.

- 2) Given the unbalanced concentration of commercial ^{presidential} uses in the 4th District, it is unfair to the other Districts having Critical Areas to grant yet another Allocation in the 4th District for commercial use only. Grasonville, Queenstown, Centreville and Church Hill, Kingstown, and Crumpton are all equally deserving and showing patterns of growth. These allocations must encompass commercial or industrial uses in these centers, and the 5% gets used up quickly, especially when growth means the necessity for Open Space reservation as well.

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

SEP 8 1993

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- 3) Rather than being a receiver of stormwater, the proposed platted Stormwater Management Area will dish it out -- back and forth, from the parking lot to the river, from the highway run-off to the river, AND from the river to the parking lot and the service road. During the not-so-unlikely event of a hurricane, after flooding the acreage the receding waters will take the pollutants back to the river. This acreage is a net receiving area -- it is not high ground with a fall.

For all of the above reasons I ask that the designation of Intensely Developed Areas be denied; and that the Allocation for Commercial private use be denied, as failing to have a broad community purpose.

A handwritten signature in black ink, appearing to read "A. D. Tamlyn". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

REQUIRED LANDSCAPING CALCULATIONS

REQUIRED PARKING LOT LANDSCAPING (SECTION 6203):
 487 PROPOSED PARKING SPACES
 $\frac{487}{24} = 20.29 \times 3 = 60.87$ PLANT UNITS AND
 19,722 SQ. FT. OF LANDSCAPED PARKING
 LOT AREA

PLANT UNIT ALTERNATIVE COMBINATIONS:
 15 ALTERNATIVE #3, 10 ALTERNATIVE #1, AND 34.87 ALTERNATIVE #5

79.74 OR 80 2.5" CAL. CANOPY TREES
 50.87 OR 51 2" CAL. CANOPY TREES
 20 1.5" CAL. UNDERSTORY TREES
 32 6' HIGH EVERGREEN TREES
 573.70 OR 574 18" HIGH SHRUBS

REQUIRED DISTRICT BOUNDARY BUFFER (SECTION 6303):
 BOTH ADJACENT CS AND E ZONES REQUIRE "D" BUFFER AND SINCE
 ADJACENT PROPERTY IS UNDEVELOPED, IT IS PROPOSED THAT ONE-HALF
 OF THE BUFFER BE LANDSCAPED. IT IS FURTHER PROPOSED THAT THE
 ENTIRE BUFFERYARD BE PLANTED ON THE BREEDING PROPERTY. LEGAL
 DOCUMENTS OR AGREEMENTS WILL BE PROVIDED REGARDING THIS MATTER
 UPON SITE PLAN SUBMITTAL.

1597.62 LENGTH OF BUFFER
 329.35 SHORE BUFFER
 1268.30 OF BUFFER REQUIRED TO BE LANDSCAPED

$\frac{1268.30}{150} = 8.46 \times 4 = 33.8 + 1/2 = 16.9$ ALTERNATIVE #4 PLANT UNITS

16.91 OR 17 8' HIGH EVERGREEN TREES
 33.82 OR 34 6' HIGH EVERGREEN TREES
 338 18" HIGH SHRUBS

REQUIRED STREET BUFFER LANDSCAPING (SECTION 6303):
 THOMPSON CREEK SERVICE ROAD = "OTHER" "S" BUFFERYARD
 1373.82 LF. OF STREET FRONTAGE
 -35.00 ENTRANCE
 -35.00 ENTRANCE

$\frac{1303.82 + 150}{150} = 8.69 \times 2 = 17.38$ PLANT UNITS

PLANT UNIT ALTERNATIVE COMBINATIONS:
 15 ALTERNATIVE #2, 2.38 ALTERNATIVE #3

18 2" CAL. CANOPY TREES
 15 1.5" CAL. CANOPY TREES
 15 8' HIGH EVERGREEN TREES
 5 6' HIGH EVERGREEN TREES
 174 18" HIGH SHRUBS

REQUIRED ON LOT LANDSCAPING (SECTION 6202):
 MINIMUM LANDSCAPE AREA: 10.00 ACRES
 LESS SHORE BUFFER: -4.80 ACRES
 LESS PARKING LOT LANDSCAPED AREA: -0.45 ACRES
 AREA TO BE FORESTED: 4.75 ACRES

NUMBER OF PLANT UNITS PER ACRE: X 4
 TOTAL NUMBER OF PLANT UNITS REQUIRED: 19 PLANT UNITS

PLANT UNIT ALTERNATIVE COMBINATIONS:
 9 ALTERNATIVE #2, 6 ALTERNATIVE #3, 4 ALTERNATIVE #4

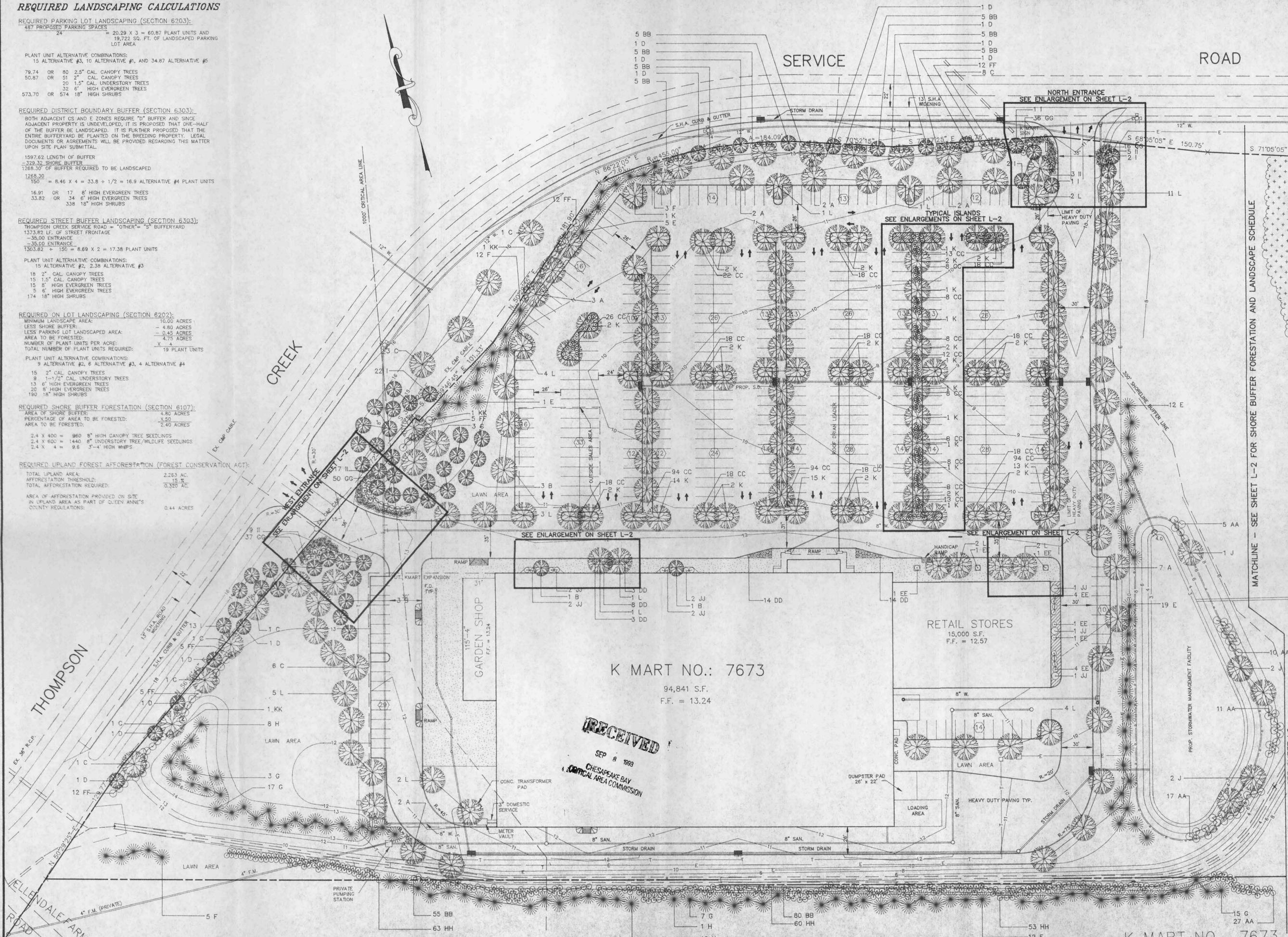
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 13 6' HIGH EVERGREEN TREES
 20 8' HIGH EVERGREEN TREES
 190 18" HIGH SHRUBS

REQUIRED SHORE BUFFER FORESTATION (SECTION 6107):
 AREA OF SHORE BUFFER: 4.80 ACRES
 PERCENTAGE OF AREA TO BE FORESTED: X 50
 AREA TO BE FORESTED: 2.40 ACRES

2.4 X 400 = 960 8' HIGH CANOPY TREE SEEDLINGS
 2.4 X 600 = 1440 8' UNDERSTORY TREE/WLDPUF SEEDLINGS
 2.4 X 4 = 9.6 3'-4' HIGH WHIPS

REQUIRED UPLAND FOREST AFFORESTATION (FOREST CONSERVATION ACT):
 TOTAL UPLAND AREA: 2.263 AC.
 AFFORESTATION THRESHOLD: 15%
 TOTAL AFFORESTATION REQUIRED: 0.339 AC.

AREA OF AFFORESTATION PROVIDED ON SITE
 IN UPLAND AREA AS PART OF QUEEN ANNE'S
 COUNTY REGULATIONS: 0.44 ACRES



MATCHLINE - SEE SHEET L-2 FOR SHORE BUFFER FORESTATION AND LANDSCAPE SCHEDULE

McCRONE
 ENGINEERING & SURVEYING & ENVIRONMENTAL SCIENCES
 LAND PLANNING & SURVEYING & CONSTRUCTION SERVICES

207 NORTH LIBERTY STREET
 SUITE 100, WOODLAND
 (410) 758-2237

ANNAPOLIS - SEVENTEEN - EASTON - ELKTON - LEANORNTOWN - OREGON - PRINCE FREDERICK

DATE	8-13-93	SCALE	1"=40'
JOB NO.	707103705	DRWN BY	JONES
FOLDER REF	1817-CORUSH	DESIGNED BY	JONES
APPROVED BY	MCW	REVISION	
DATE			

KENT LANDING SHOPPING PLAZA

FOR

FOURTH DISTRICT, QUEEN ANNE'S COUNTY, MARYLAND
 PREPARED FOR: THE CORDISH COMPANY

LANDSCAPE PLAN

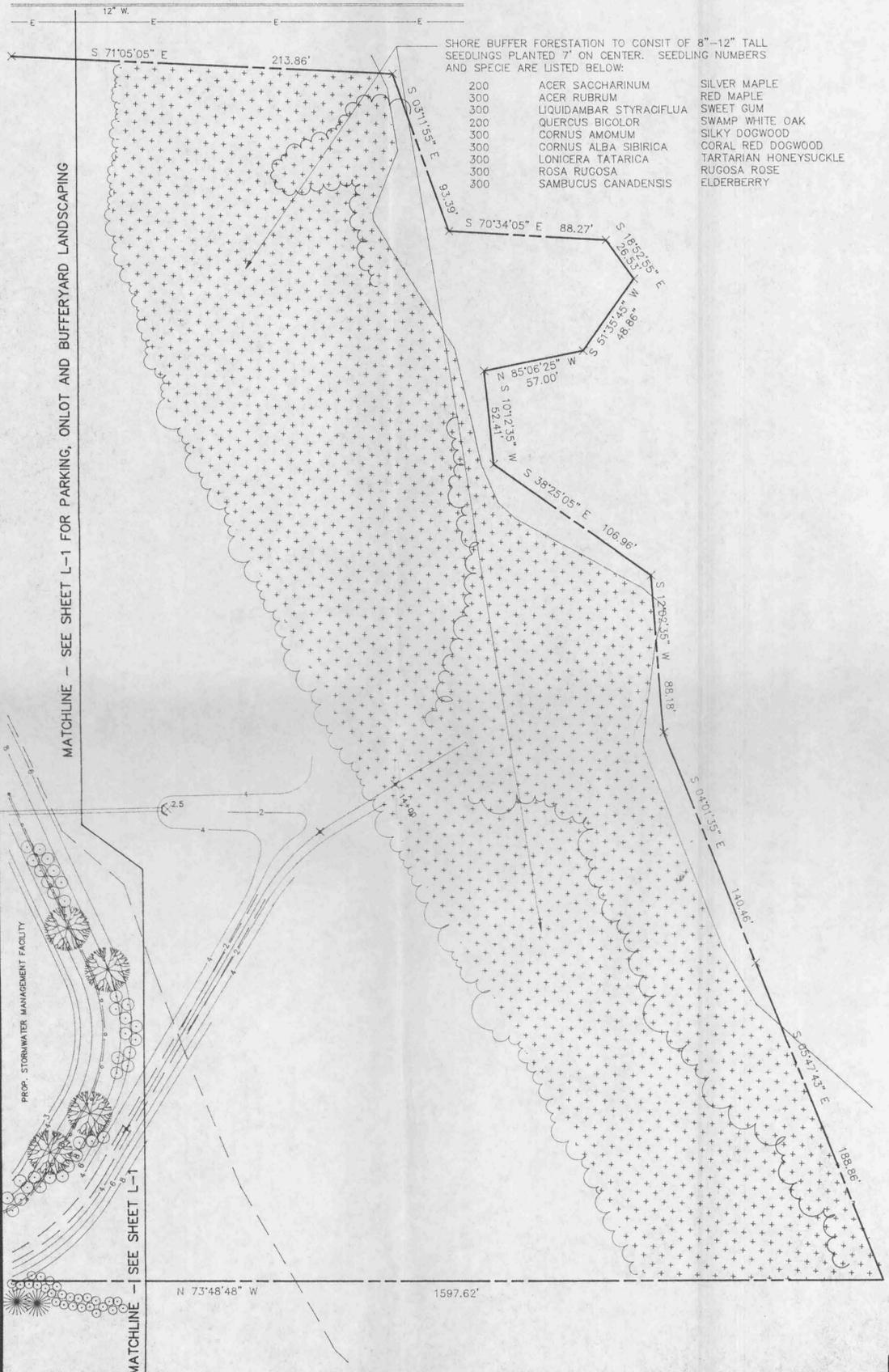
SHEET NO. - L-1

CADD FILE - THOMKMT3

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 SEP 8 1993
 CHESAPEAKE BAY
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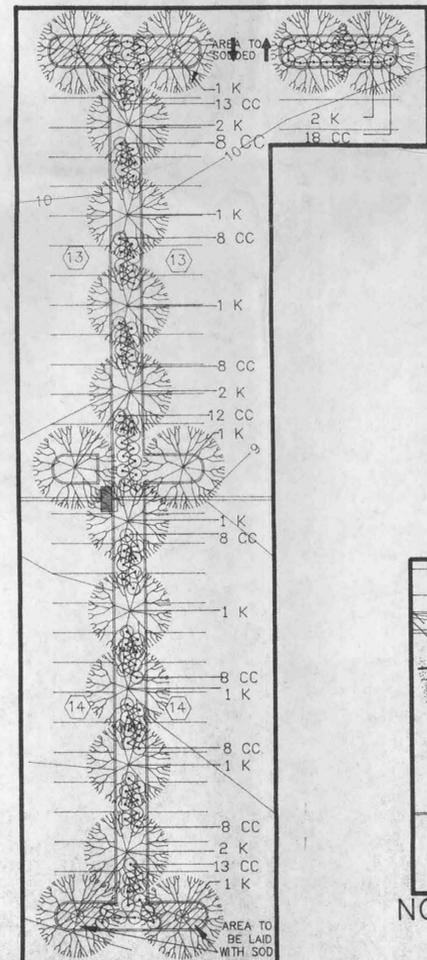
EXHIBIT
 # 5
 8/13/93

THOMPSON CREEK SERVICE ROAD

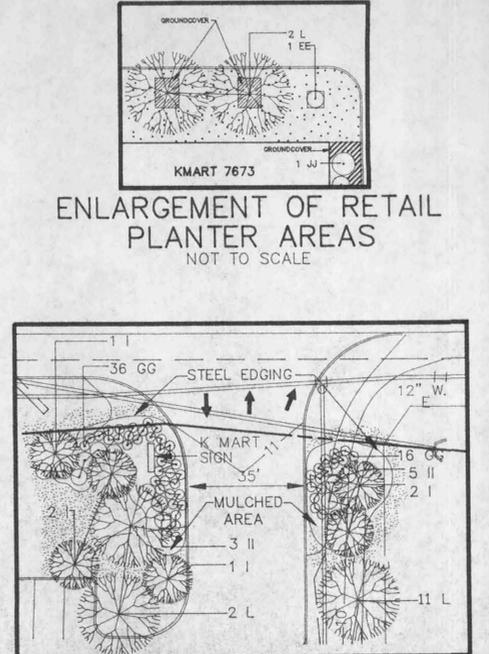


PLANT SCHEDULE

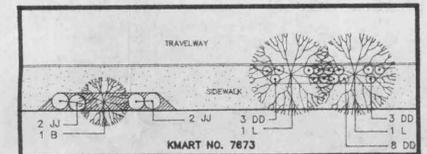
KEY	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	SPACING	REMARKS
A	ACER RUBRUM	RED MAPLE	2"-2.5" CAL., B & B	18	30' MIN. O.C.	
B	CORNUS FLORIDA	WHITE FLOWERING DOGWOOD	2"-2.5" CAL. B & B	8	15' MIN. O.C.	
C	GINKGO BILOBA (MALE ONLY)	MAIDENHAIR TREE	2"-2.5" CAL., B & B	26	30' MIN. O.C.	MALE TREES ONLY
D	MALUS X ZUMI 'CALOCARPA'	ZUMI CALOCARPA CRABAPPLE	2"-2.5" CAL., B & B	12	15' MIN. O.C.	
E	PINUS NIGRA	AUSTRIAN PINE	6' - 7' TALL, B & B	49	15' MIN. O.C.	
D	PINUS NIGRA	AUSTRIAN PINE	8' - 9' TALL, B & B	20	15' MIN. O.C.	
G	PINUS STROBUS	EASTERN WHITE PINE	6' - 7' TALL, B & B	42	15' MIN. O.C.	
H	PINUS STROBUS	EASTERN WHITE PINE	8' - 9' TALL, B & B	25	15' MIN. O.C.	
I	PRUNUS CERASIFERA 'THUNDERCLOUD'	THUNDERCLOUD PLUM	2"-2.5" CAL., B & B	41	15' MIN. O.C.	
J	SALIX ALBA 'TRISTIS'	NIOBE OR GOLDEN WILLOW	2"-2.5" CAL., B & B	5	SPACE AS SHOWN	
K	ZELKOVA SERRATA 'GREEN VASE'	GREEN VASE ZELKOVA	2.5"-3" CAL., B & B	80	25' MIN. O.C.	
L	ZELKOVA SERRATA 'GREEN VASE'	GREEN VASE ZELKOVA	2"-2.5" CAL., B & B	39	25' MIN. O.C.	
AA	ARONIA MELANOCARPA	BLACK CHOKEBERRY	2' - 3' TALL, B & B	70	7' MIN. O.C.	
BB	CORNUS SERICEA	RED OSIER DOGWOOD	2' - 3' TALL, B & B	170	5' MIN. O.C.	
CC	HYPERICUM FORRESTII 'HIDCOTE'	ST. JOHN'S WORT	18"-24" TALL, CONT.	582	3' O.C. IN ISLANDS	
DD	ILEX CRENATA 'HELLER'	DWARF JAPANESE HOLLY	18"-24" TALL, CONT.	42	3' O.C.	
EE	ILEX CRENATA 'COMPACTA'	COMPACT JAPANESE HOLLY	18"-24" TALL, B & B	13	5' MIN. O.C.	
FF	ILEX VERTICILLATA 'SPARKLEBERRY'	WINTERBERRY HOLLY	2' - 3' TALL, B & B	49	7' MIN. O.C.	
GG	JUNIPERUS HORIZONTALIS 'BLUE HORIZON'	BLUE HORIZON JUNIPER	18"-24" TALL, CONT.	139	3' MIN. O.C.	
HH	ROSA RUGOSA	RUGOSA ROSE	18"-24" TALL, CONT.	176	5' MIN. O.C.	
II	TAXUS BACCATA 'REPANDENS'	ENGLISH YEWE	24"-30" TALL, B & B	34	6' MIN. O.C.	
JJ	VIBURNUM CARLESII	KOREANSPICE VIBURNUM	2' - 3' TALL, B & B	11	AS SHOWN	
KK	ILEX GLABRA X 'APPOLLO'	APPOLLO WINTERBERRY	2' - 3' TALL, B & B	5	AS SHOWN	
SEEDLINGS	ACER SACCHARINUM	SILVER MAPLE	8"-12" TALL, SEEDLING, BR	300	7' ON CENTER	SEEDLINGS TO BE PLANTED IN SPECIFIC GROUPS STARTING AS CLOSE TO SHORELINE AS POSSIBLE
	ACER RUBRUM	RED MAPLE	8"-12" TALL, SEEDLING, BR	300	7' ON CENTER	
	LIQUIDAMBAR STYRACIFLUA	SWEET GUM	8"-12" TALL, SEEDLING, BR	300	7' ON CENTER	
	CORNUS AMOMUM	SILKY DOGWOOD	8"-12" TALL, SEEDLING, BR	300	7' ON CENTER	
	CORNUS ALBA SIBIRICA	CORAL RED DOGWOOD	8"-12" TALL, SEEDLING, BR	300	7' ON CENTER	
	LONICERA TATARICA	TARTARIAN HONEYSUCKLE	8"-12" TALL, SEEDLING, BR	300	7' ON CENTER	
	ROSA RUGOSA	RUGOSA ROSE	8"-12" TALL, SEEDLING, BR	300	7' ON CENTER	
	SAMBUCUS CANADENSIS	ELDERBERRY	8"-12" TALL, SEEDLING, BR	300	7' ON CENTER	



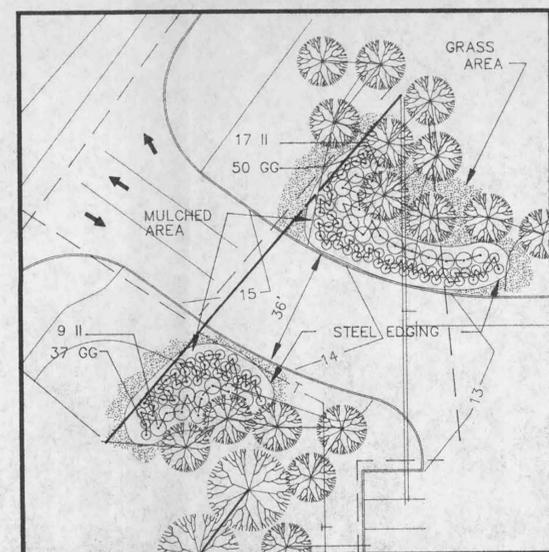
ENLARGEMENT OF TYPICAL ISLANDS



NORTH ENTRANCE ENLARGEMENT NOT TO SCALE



ENLARGEMENT OF PLANTERS NOT TO SCALE



WEST ENTRANCE ENLARGEMENT NOT TO SCALE

ENGINEERING & SURVEYING □ ENVIRONMENTAL SCIENCES
LAND PLANNING & SURVEYING □ CONSTRUCTION SERVICES

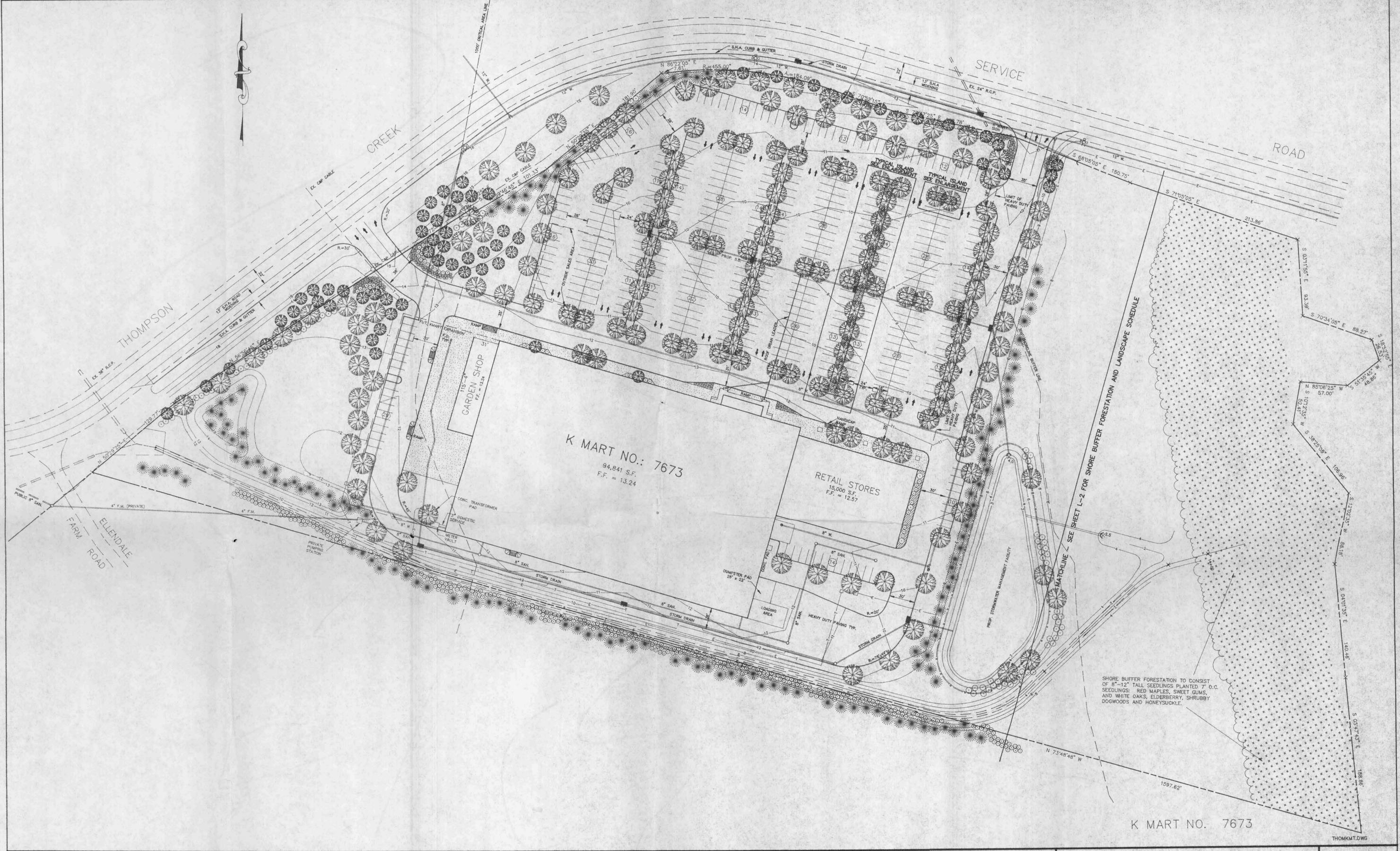
207 NORTH LIBERTY STREET
SUITE 100
CENTURY PARKLAND
(410) 758-2237

DATE: 8-13-93
SCALE: 1"=40'
JOB NO.: 707103705
DESIGNED BY: JONES
FOLDER REF: 1817-CORRUSH
APPROVED BY: JONES
MCK

DATE: _____
REVISION: _____

LANDSCAPE PLAN FOR
KENT LANDING SHOPPING PLAZA
FOURTH DISTRICT, QUEEN ANNE'S COUNTY, MARYLAND
PREPARED FOR: THE CORDISH COMPANY

SHEET NO. - L-2
CADD FILE - THOMKMT4



K MART NO. 7673



The DEPARTMENT of PUBLIC WORKS
of
QUEEN ANNE'S COUNTY
MARYLAND

APPROVED BY:	APPROVED BY:	DATE	REVISION	PROJECT NUMBER 9305	DESIGNED BY T.P.
APPROVAL	APPROVAL	DATE		DRAWN BY J.A.W.	APPROVED BY A.R.P.
REVIEWED BY:	REVIEWED BY:			SCALE 1"=50'	ISSUE DATE 7/30/93
APPROVAL	APPROVAL	DATE			DATE

WINDWARD ASSOCIATES, INC.
CONSULTING ENGINEERS - PLANNERS
15 SOUTH PARKE STREET
ABERDEEN, MARYLAND 21001
(410) 272-1441

SITE PLAN
KENT LANDING
SHOPPING PLAZA
KENT ISLAND
4TH ELECTION DISTRICT
QUEEN ANNE'S CO., MARYLAND

1

EXHIBIT
#48
01/19/93