

Commission meetings & Corresp. July 1985

MSA - 51832-11

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AGENDA

Chesapeake Bay Critical Area Commission

Conference Room
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland

July 10, 1985

4:00 p.m. - 6:00 p.m.

1. Approval of Minutes of
May 22, 1985
Solomon Liss,
Chairman
2. Presentation of Unresolved
Suggestions and Changes to the
Proposed Criteria
Commission Staff
3. Old Business
Solomon Liss,
Chairman
4. New Business
Solomon Liss,
Chairman
5. Adjourn

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held
May 15, 1985

The Chesapeake Bay Critical Area Commission met at the Newton White Mansion in Prince George's County, after having toured a number of areas in the County during the day. The meeting was called to order by Chairman Solomon Liss with the following Commission Members in attendance:

- | | |
|----------------------|---------------------|
| Clarence "Du" Burns | Parris Glendening |
| Florence Beck Kurdle | J. Frank Raley, Jr. |
| Harry T. Stine | Albert Zhaniser |
| Shepard Krech, Jr. | Barbara O'Neill |
| Robert Price | Samuel Turner |
| John Luthy, Jr. | Lloyd Tyler, III |
| Wayne Cawley, Jr. | Ardath Cade |
| Torrey Brown | Constance Lieder |
| William Eichbaum | |

Chairman Liss opened the meeting with several announcements. He stated that he had received a letter from Donald Hutchinson, Baltimore County, requesting resignation and replacement on the Committee. The Legislative Oversight Committee met the day before to review criteria that had been prepared by the Commission. Chairman Liss said that many of the members of the Oversight Committee had not favored the Critical Area Act when it was passed and had not supported the intent of what the Critical Area Commission has been trying to accomplish. He said that the Commission had tried to address the comments which had been made previously by the Oversight Committee on the criteria, and indicated to the Commission that it should try to accommodate their objections or concerns as long as they did not undermine the purpose and focus of the Commission.

The criteria need to be submitted to the Maryland Register by May 22 in order to meet a June 7, 1985 publication, and at that time, a listing of the public hearings would also be published. He announced that the following dates have been scheduled for public hearings: June 27, July 1, 8, 11, 15, and 18. It was agreed that a similar format would be used as in the previous meetings, with a brief presentation followed by opportunity for people to speak. Chairman Liss then spoke briefly about the responsibilities of the Commission members in discussing the criteria with their local legislative representative. He encouraged them to enlist the assistance of citizens who support the criteria and said that it was the task of the Commission to make the public aware of what criteria are being proposed, as well as why they are being proposed.

In a presentation on local government incentives, Marcus Pollock, Commission staff member, indicated that incentives will

be a separate portion of the criteria publication in the Register. He briefly summarized a matrix indicating the range of incentives which might be available to local governments. He also distributed to the members a copy of the Citizen's Program for the Chesapeake Bay Citizen Directory. Mr. Pollock encouraged the local governments to utilize the assistance of many of the organizations listed in the Directory for support in working with both incentives and the program. He stated that the incentives will help local governments encourage development away from the Critical Area. Chairman Liss said that one of the questions asked by the Legislative Oversight Committee was whether the State was going to finance the cost of local governments carrying out their tasks. He indicated that conversations with the Governor's Office indicate that they are aware of this problem, and as yet, no answers are forthcoming. The Governor's Office is studying the matter and it is hoped that the State will be able to proepare some sort of package of incentives or arrangements to work with the local governments when it is time for them to begin implementation of programs.

The balance of the meeting was spent reviewing specific sections of the criteria which had not been previously reviewed or had formal votes. The Water-Dependent Activities Section, the Non-Tidal Wetlands Section, the Rare, and Endangered Species Section, and the Standards for Local Programs were then reviewed with a range of amendments supported. It was indicated that the issue of "grandfathering" would need more work by the Commission over the summer, as might other elements, such as criteria relating to the extent of increase allowed for Intensely Developed Areas, standards for piers and dock structures, etc.

The Commission agreed to meet on Tuesday morning, May 21 at 9:00 a.m. at the Department of Natural Resources in order to review the complete package of criteria prior to its publication.

There being not further business, the meeting was adjourned.

These minutes were prepared by Helene Tenner

/jjd

Commiss
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JUDGE SOLOMON LISS
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION
DEPARTMENT OF NATURAL RESOURCES
TAWES STATE OFFICE BUILDING
ANNAPOLIS, MARYLAND 21401
301-269-2418 or 269-2426

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

COMMISSIONERS

July 25, 1985

William Bostian
Wicomico Co.
Ann Sturgis Coates
Town of Snow Hill
Clarence Du Burns
Baltimore City
James E. Gutman
Anne Arundel Co.
Parris Glendening
Prince George's Co.
Donald P. Hutchinson
Baltimore Co.
Shepart Krech, Jr.
Talbot Co.
Florence Beck Kurdle
Anne Arundel Co.
John W. Logan
Caroline Co.
John Luthy, Jr.
Dorchester Co.
Robert S. Lynch
Harford Co.
Barbara W. O'Neill
Cecil Co.
Robert R. Price, Jr.
Queen Anne's Co.
J. Frank Raley, Jr.
St. Mary's Co.
Harry T. Stine
Charles Co.
Samuel E. Turner, Sr.
Talbot Co.
Lloyd S. Tyler, III
City of Crisfield
Mary Roe Walkup
Kent Co.
Albert W. Zahniser
Calvert Co.

Dear Commission Member:

This is to provide you with information relating to the upcoming meetings of the Commission to discuss and approve the criteria for final draft publication. Those meetings are scheduled for July 29, 1985 at Wye Lodge on Wye Island, and for August 11th and 12th, 1985 at the Tidewater Inn in Easton, Maryland.

Enclosed are the following items:

- 1) A packet of the draft criteria and proposed language changes (based on the hearing comments, Commission member comments, and letters received) to be used as the basis for the July and August meetings;
- 2) the directions for the Wye Lodge meeting of July 29th, 1985;
- 3) the agenda for the July 29th meeting;
- 4) the agenda for the August meeting at the Tidewater;
- 5) Notice of the meeting of August 26th, 1985

I sincerely want to thank you for your dedication in attending the hearings. I am sure that all of us have learned much from this process and will be able to address the issues that were raised at the hearings. The staff has worked hard in developing the wording changes to enable this to happen.

We are now close to concluding this effort; that of agreeing upon the final draft criteria language for publishing in the September issue of the Maryland Register, and for subsequent approval by the General Assembly during the 1986 session.

CABINET MEMBERS

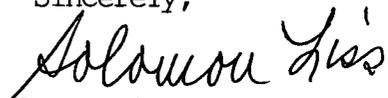
Torrey C. Brown, M.D.
Natural Resources
Wayne A. Cawley, Jr.
Agriculture
William Eichbaum
Health and Mental Hygiene
Ardath Cade
Economic and Community Development
Constance Lieder
Planning

page 2 Commission letter
July 25, 1985

All of us need to dedicate time for the next scheduled meetings to complete our work. I sincerely encourage you to attend these meetings as they are voting sessions on the final wording.

I look forward to completing this portion of the overall assignment with you.

Sincerely,


Solomon Liss, Chairman

SL/jjd

AGENDA

Chesapeake Bay Critical Area Commission

Wye Lodge
Route 1, Box 315H
Queenstown, Maryland

July 29, 1985

10:00 a.m. - 7:00 p.m.

1. Approval of Minutes of July 10, 1985
Solomon Liss,
Chairman
2. Discussion and Approval of Wording for Definitions (Chpt 1)
Commission
3. Discussion and Approval of Wording for Water-Dependent Uses (Chpt3)
Commission
4. Discussion and Approval of Wording for Shore Erosion Protection Works (Chpt 4)
Commission
5. Lunch
12:30 p.m.
6. Discussion and Approval of Wording-Habitat Protection Areas (Chpt 9)
Commission
7. Discussion and Approval of Forest and Woodland Protection (Chpt 5)
Commission
8. Discussion and Approval of Agriculture (Chpt 6)
Commission
9. Presentation of Development Criteria Concept (Chpt 2)
Solomon Liss,
Chairman
10. Dinner

Directions to Wye Lodge
July 29, 1985
Meeting - 10:00 a.m. to 8:00 p.m.

Turn onto Carmichael Road from Route 50 (same road that you took to the Wye Woods Center in May).

Stay on Carmichael Road for approximately 4.9 miles, past the sign for Wye Woods Center.

Go over the one lane bridge past the Wye Island Natural Resources Management Area Office on the left. Stay on the road for 9/10 of a mile. The road will then change into sand. Continue on it for about 3/10 of a mile to the first left turn.

Turn left and go down the road until it forks. Take the left fork. There will be a sign on a post marked "DNR Lodge". That's it.

AGENDA

Chesapeake Bay Critical Area Commission
Tidewater Inn
Easton, Maryland

August 11, 1985

10:00 a.m. - 8:00 p.m.

1. Discussion and Approval of Sand and Gravel Criteria (Chpt 7) Commission
2. Discussion and Approval of Natural Parks Criteria (Chpt 8) Commission

(There will be time available here if the afternoon of the 29th did not result in agreement in an area)

3. Lunch 12:00 p.m. - 1:00 p.m.
4. Discussion and Presentation of Development Criteria with Approval of Sections Commission
5. Dinner 6:30 p.m. - 8:00 p.m.

August 12, 1985

9:00 a.m. - 5:30 p.m.

1. Continuation of Discussion and Approval of Development Criteria Commission
2. Lunch 12:00 p.m. - 1:00 p.m.
3. Final^{al} Approval of Development Criteria Commission
4. Discussion and Approval of Local Program Development Criteria (Chpt 10) Commission
5. Discussion of Economic Impact Assessment Changes Commission
6. Adjourn Solomon Liss,
Chairman

* August 26, 1985 - Morning Meeting - 10:00 a.m. - 12:00 a.m.

Final Review of Criteria Language Before Submittal to AELR Committee
on August 28, 1985
Lobby Conference Room
Tawes State Office Building
Annapolis, Maryland

Chesapeake Bay Critical Area Commission

Minutes of Meeting Held
July 10, 1985

The Chesapeake Bay Critical Area Commission met at the Department of Agriculture Bldg, in Annapolis, Maryland and the meeting was called to order by Chairman Solomon Liss with the following members in attendance:

Albert Zahniser
James Gutman
William Bostian
Shepard Krech, Jr.
Mary Walkup
Wayne Cawley
Mike Pawlukiewicz for
Parris Glendening

Florence Beck Kurdle
Ann Sturgis Coates
Barbara O'Neill
Constance Lieder
Ardath Cade
John Griffin for
Torrey Brown
Pieter de Jong for
Robert Lynch

Chairman Liss opened the meeting by indicating that the staff has considered some of the initial comments that have been made on the draft criteria from the public meetings and from the comments sent directly to the Commission, and have identified those definitions and areas which need clarification. The changes, which will be made by the Commission staff, will be mailed to Commission members, and Chairman Liss asked the Commission members to telephone or comment regarding the comments sent through the mail. Judge Liss then referred to the compiled assessment made by the staff. He suggested that those items which were starred were simple housekeeping kinds of clarifications which could be handled easily and he hoped that the housekeeping items could be done by concensus of the Commission without discussion at the August session.

Kevin Sullivan and Sarah Taylor then reviewed the proposed changes, saying that the areas which needed the most work included grandfathering, fencing for agriculture, the designation of the 20-acre lot in the Resource Conservation Area, Woodland issues, and non-tidal wetlands. In the discussion that followed regarding clarification in the Rare, Threatened and Endangered species sections, there was some concern about rare plant species process for designation, and whether there was any regulatory process in place. John Griffin clarified that the Department of Natural Resources does have a list of the rare plants, however, they have not been put through a regulatory process for official designation. He thought that this issue could be resolved.

Other items which require change were briefly commented upon, but the Commission took no action on any of the specifics on any of the items pending full wording being prepared by the Commission staff.

Critical Area Commission

Minutes - 3/6/85

Page Two

Review of the minutes from the last meeting were delayed until the Commission had an opportunity to review them. There was agreement on the next meeting days which are July 29, and August 11, and 12 for completion and review of the revised criteria. Constance Lieder then provided the members with a revised analysis of land-use composition in the critical area. James Gutman discussed the need for a waiver clause in the criteria, and said that he would mention it at the next meeting. Ardath Cade asked for clarification of the issue of the majority of Commissioners needed for a vote. Mary Walkup asked if there was going to be a more extensive economic survey since some of her constituents had indicated that they thought the current one was not sufficient.

There being no further business, the meeting was adjourned.

These minutes were prepared by Helene Tenner.