

Commission Meeting : Correspond.

Oct 1985

MSA - 51832-14



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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

- 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.
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- Robert S. Lynch
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- Barbara W. O'Neill
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- Robert R. Price, Jr.
Queen Anne's Co.
- J. Frank Raley, Jr.
St. Mary's Co.
- Harry T. Stine
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- Samuel E. Turner, Sr.
Talbot Co.
- Lloyd S. Tyler, III
City of Crisfield
- Mary Roe Walkup
Kent Co.
- Albert W. Zahniser
Calvert Co.

September 27, 1985

Dear Commission Member:

This is to reaffirm the various meetings and events that will occur this October and which will require your participation. While we have accomplished a significant amount of work, there is much to be done and the months ahead will be critical ones.

First of all, there will be a special yachting trip on the Beau Rivage, October 9, 1985, from 2:00 - 5:00 p.m. The yacht will leave from Sandy Point State Park which is easily accessible from the Chesapeake Bay Bridge on the Western Shore. Soon after entering the Park, you will see a sign pointing out the "Boat Launching Area". Make that right turn and follow until you come to the parking lot and dock area and park. There will be provided beverages and snacks and a set-up for drinks, but you must provide any alcoholic beverages that you would want. (We shall provide beer and wine). The signs for the Park are easily visible as you approach the Bridge from the Western Shore, or after crossing the Bridge from the Eastern Shore. The trip will provide us with the opportunity to view the shoreline of the Critical Area and to ease us into a rather hectic schedule that will follow in the next several months. I sincerely hope that you can attend as you have worked hard and contributed much to help us meet our charge under the Act. If you have not done so, please telephone Jennifer and let her know whether or not you are attending as soon as possible at 269-2418.

*You're in N.Y.
100
3rd*

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

There is a formal Commission meeting scheduled for October 16, 1985, from 4:00 - 6:00 p.m. at the Department of Agriculture Building, 1st floor Conference Room, 50 Harry S. Truman Parkway, Annapolis, Maryland. An agenda

I'd get there when I can

*you have a conflict town of Altton Hatchery
re-sched x 3. big Del Deans - was very difficult to sched.*

Critical Area Commission
Members
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*you have
B+T + approp.
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for the meeting and the minutes from the last meeting are enclosed.

Keep your calendars open for October 22nd as the Oversight Committee will be scheduling a special meeting with the Commission to discuss aspects of the criteria with which it has concern. A tentative time has been established for 2:00 p.m. in Room 160 of the House Office Building. As soon as it has been confirmed, I will notify you.

*you're
sched.*

Finally, on October 29th, 1985, at 3:00 p.m., there will be a public hearing held by the Administrative, Executive and Legislative Review Committee in the Joint Hearing Room of the Legislative Services Building in Annapolis. This is a very important meeting as it will be the determining point for moving forward with the criteria.

I look forward to working with you as the year progresses.

Sincerely,

Solomon Liss
Solomon Liss,
Chairman

SL/jjd

Enclosures

AGENDA

Chesapeake Bay Critical Area Commission
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland

October 16, 1985

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

1. Approval of the Minutes
of August 26, 1985
Solomon Liss,
Chairman
2. Discussion on Certain Aspects
of the Criteria
Solomon Liss,
Chairman
3. Synopsis of Comments Received
on 9/27/85 Maryland Register
publishing of the Criteria
Sarah Taylor,
Executive Director
4. Establishment of Next Meeting
Date and Adjournment
Solomon Liss,
Chairman

*Commis
mtg*

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held
August 26, 1985

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

- | | |
|---------------------------------|----------------------|
| William Bostian | Ann Sturgis Coates |
| James E. Gutman | Parris Glendening |
| Ronald Hickernell | Florence Beck Kurdle |
| Thomas Jarvis | John Luthy, Jr. |
| new member from Caroline County | Clarence "Du" Burns |
| Robert Lynch | Robert Price |
| J. Frank Raley, Jr. | Harry T. Stine |
| Samuel E. Turner, Sr. | Mary Roe Walkup |
| Albert W. Zahniser | Torrey C. Brown |
| Wayne Cawley, Jr. | William Eichbaum |
| Ardath Cade | Constance Lieder |

The minutes from the last meeting were approved as written. Chairman Liss said that the draft criteria needed to be at the Maryland Register by 4:15 that day, and after that time, only non-substantial changes could be made. If the Commission felt that they needed to make specific changes to the criteria, ~~the~~ ^{the} criteria were to be forwarded to the AELR Committee of the General Assembly ^{on September 11, 1985.}

These changes need to be made by the end of the meeting.

Marcus Pollock, the Commission staff member, reviewed the changes in the Economic Assessment. He said that the local impact language had been expanded and increased data had been provided for forestry and fisheries industries. (The Maryland Watermen's Association has offered a methodology for assessing impacts). With regard to the concerns of farmers, that they might lose land value as a result of the criteria implementation, Mr. Pollock said that research has shown that the policies of loan institutions for granting loans are not generally based upon development potential of the farm as a factor for credit-worthiness. The economic assessment needs more work with regard to the impact on State Agencies from the criteria in terms of cost for staff or work to be involved. When asked if the local government costs have been increased, Mr. Pollock responded that a detailed local analysis had yet to be done, nor was it possible to do any kind of detailed assessment on the effects on the Real Estate and construction industries for reasons outlined in the Assessment. William Eichbaum pointed out that the Commission can go back and take a look at these things after implementation has been done.

The Commission then proceeded to review those parts of the criteria on which wording had been left unclear from the July meeting. Chapter 7 on "Grandfathering" was discussed. It was felt that it was important to protect existing lot owners. After several re-write

attempts, exact wording was developed by a task force consisting of Thomas Deming, Florence Kurdle, Robert Price, Ardath Cade, and Torrey Brown to handle the issue of individual lots and subdivision. Parris Glendening expressed concern that the criteria seemed to be directed at traditional zoning patterns and subdivision review procedures. He said that some counties, including Prince George's, have mixed use and comprehensive design zoning categories that do not fit into traditional patterns and procedures. After some discussion, the consensus of the Commission was that projects using such zoning controls and procedures may be grandfathered if zoning approval has been given and if the review process is under way. Final approval may occur at any future date and the amount of intense development within the Critical Area will count against the County's allocation of new intense development.

For Chapter 2, it was agreed to keep the words "development activities" to be consistent with the rest of the document. In the Resource Conservation Area section, it was agreed, after debate and several votes, that the following wording be adopted: "Land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres" (the final vote was 15 to 4 in support of the motion).

The sub-group on "Grandfathering" proposed the following wording which was accepted: "Local jurisdictions shall establish grandfather provisions as part of their local Critical Area programs through which the following types of land may be developed in accordance with all local areal and density requirements in effect prior to the adoption of the local Critical Area program, notwithstanding the provisions of this chapter:

1) Any land on which development activity has progressed to the point of pouring of foundation footings or the installation of structural members;

2) Any legal parcel of land, not being part of a recorded or approved subdivision that was recorded as of December 1, 1985, and land that was subdivided into recorded, legally buildable lots where the subdivision received the local jurisdiction's final approval prior to June 1, 1984, provided that:

a) The local jurisdiction develops as part of its program, procedures to bring such lands into conformance with local Critical Area program insofar as possible, including the consolidation or reconfiguration of lots not individually owned, and such procedures are approved by the Commission; or

b) If any such land has received a building permit subsequent to December 1, 1985, but prior to local program approval, and is located in a Resource Conservation Area, that land must be counted by the local jurisdiction against the growth increment permitted in that area under COMAR 14.15.02.06.

The rest of the "Grandfathering" language [§§ (3) and (4) and (C) and (D)] were also approved at this time.

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It was then moved that the Commission approve the entire package of criteria as proposed. The vote was 20 to 2 in support. Chairman Liss then asked the Commission to support the Criteria and asked for their help in addressing legislators and special interest groups to help them understand what has been drafted.

On motion, the meeting was then adjourned.

These minutes were prepared by Helene Tenner

/jjd