

Committee Meetings & Correspondence October 1987

USA 51832-38



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mtg*

JUDGE SOLOMON LISS  
CHAIRMAN

STATE OF MARYLAND  
**CHESAPEAKE BAY CRITICAL AREAS COMMISSION**  
DEPARTMENT OF NATURAL RESOURCES  
TAWES STATE OFFICE BUILDING, D-4  
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  
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- Mary Roe Walkup  
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September 17, 1987

Dear Commission Member:

The next meeting of the Commission is scheduled for October 7, 1987 from 1:00 - 8:00 p.m., at the Department of Agriculture Building, 50 Harry S. Truman Parkway, Annapolis. Dinner will be provided.

At the meeting, it is hoped that the Commission will vote on Baltimore City's Program. Enclosed is a copy of that Program (3 volumes).

There will also be a presentation by Ms. Frances Flanigan on the newly drafted Chesapeake Bay Agreement. As she would appreciate your comments at the meeting, a copy of the Agreement is also provided.

You will also receive a copy of Prince George's County's Program, (mailed in a separate envelope) which we hope to submit for vote at the second meeting on October 21st.

I urge you to attend as we must now begin in earnest to meet the deadlines for Program approval under the Law and your vote is a necessity if we are to accomplish this goal.

I look forward to seeing you on the dates set for our meeting.

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

Sincerely,

*Solomon Liss*  
Solomon Liss  
Chairman

SL/jjd

Enclosures

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held  
September 2, 1987

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

Ronald Karasic	Samuel Bowling
Kathryn Langner	J. Frank Raley, Jr.
Victor Butanis	Albert W. Zahniser
G. Steele Phillips	Ronald Adkins
James E. Gutman	Thomas Osborne
Shepard Krech, Jr.	Secretary Torrey Brown
Dept. Secretary Ardath Cade	Robert Price, Jr.
Robert Schoeplein for	Rosemary Roswell for
Secretary Randall Evans	Secretary Wayne Cawley
Ronald Hickernell	Ronald Adkins
Samuel Turner Sr.	Russell Blake
Secretary Constance Lieder	Wallace Miller

The Minutes of the meeting of August 5th were approved as written.

Chairman Liss announced a newly appointed Commission Member, Mr. Ronald Karasic, and acknowledged the service of outgoing Commission Member Robert Lynch.

Chairman Liss then asked Dr. Sullivan to report on the status of the Forestry Guidebook. Dr. Sullivan said that the Guidebook was being circulated throughout DNR and State agencies, and that he is still awaiting comments. He did, however, distribute for Commission review, copies of the Non-tidal Wetlands section of the Guidebook, and asked for Commission comments prior to the next Commission meeting.

Dr. Krech asked if anyone has questioned the 25-foot buffer or tried to increase it? Dr. Sullivan answered no.

Chairman Liss reported that the Towns of Rock Hall and Betterton are two new Program submittals. Dr. Taylor said that the Commission staff is reviewing these Program submittals for completeness and content and that hopefully, by next week, the scheduling of the submitted Programs' public hearings will be made and the staff will inform the Commission of those dates.

Chairman Liss said that the Governor had spoken with him and Dr. Taylor, and wanted to see a number of Programs approved and submitted to him by January. Rock Hall and St. Michael's panels were then selected. St. Michaels panel will be Parris Glendening, Chairman, J. Frank Raley, Wallace Miller, Samuel Turner, Secretary Lieder. The panel for Rock Hall will be

Russell Blake, Chairman, Victor Butanis, Thomas Jarvis, Samuel Turner and Wayne Cawley. Chairman Liss said that wherever possible, the panel will make an inspection of the area and the Commission staff will make a report to the panel on compliance with the criteria. If a panel then wants to make a report to the full Commission, the panel should act as fact-finders. They may make a recommendation, but the Commission is not required to accept it. If made, the Commission would have the benefit of both panel and staff concerns; otherwise, it will just get a staff report for each local program.

UNDER OLD BUSINESS

In regard to the public hearings themselves, it was asked if a transcript will be provided. Chairman Liss answered affirmatively, and noted that copies of the transcript are to be held at the Commission Office for public perusal. Mr. Price asked if the jurisdictions are allowed to make a presentation to the full Commission. Chairman Liss said that they are, but will be limited to a given period of time in which to do so.

Chairman Liss reported that he and the staff were present at the Environmental Matters Committee Hearings which were held to afford counties an opportunity to discuss progress and problems in their development of local Critical Area Programs. The Commission was also afforded an opportunity to respond to the comments of the local jurisdictions. On the basis of testimony made before the Committee, Chairman Liss said that most of the jurisdictions are making an effort to comply with the Law.

Mr. Phillips asked if there was any estimation of how long this Program will last? Chairman Liss replied that once the local Programs have been given a fair chance to see if they work, the Legislature will have to decide if the Program, as a whole, should continue.

There being no further business, the meeting was adjourned.

AGENDA

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

October 7, 1987

1:00 - 8:00 p.m.

- |             |  |  |
|-------------|--|--|
| 1:00 - 1:15 | Approval of the Minutes<br>of September 2, 1987  | Solomon Liss<br>Chairman   |
| 1:15-2:15   | Presentation and Discussion<br>of the Chesapeake Bay<br>Agreement                      | Frances Flanagan,<br>Director of Citizens<br>Program for the<br>Chesapeake Bay |
| 2:15 - 2:30 | Update of Comments on Non-<br>Tidal Wetlands Portion of<br>Forest Management Guidebook | Dr. Kevin Sullivan   |
| 2:30 - 3:00 | Presentation of Baltimore<br>City's Program  | City of Baltimore<br>Panel/Staff   |
| 3:00 - 5:00 | Decision on the Program  | Solomon Liss<br>Chairman   |
| 5:00 - 6:00 | Break for Dinner   |  |
| 6:00 - 6:30 | Presentation of Prince<br>George's Co.'s Program                                       | Prince George's Co.<br>Panel/Staff   |
| 6:30 -      | Old Business   | Solomon Liss<br>Chairman   |
|             | - Status of Program Submittals   |  |
|             | - Status of Panels   |  |
|             | New Business   | Solomon Liss<br>Chairman   |
|             | - Appointment of Additional<br>Panels  |  |
- Next Meeting: October 21st, 1:00 - 8:00 p.m.  
Department of Agriculture

*Commission mtg*



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October 12, 1987

Dear Commission Member:

The next meeting of the Critical Area Commission is scheduled for October 21, 1987, from 1:00 - 6:00 p.m. in the Department of Agriculture Conference Room, 50 Harry S. Truman Pkwy., Annapolis, Maryland. At the meeting, there will be a brief report by the Panel on Prince George's County's Program with a vote to be taken on the Program. Baltimore County and Kent County Programs will be presented as well, but not for a vote at that meeting.

Enclosed is a copy of the October 7th Minutes as well as a copy of the growth allocation draft on which a subcommittee will be working in order to develop a policy for the Commission.

I would like to thank all of you for the time and effort that you have given in the discussion and final vote on Baltimore City's Program. It represents a visible beginning for the effort and dedication that we have given to the Critical Area concept. Your attendance is urgent since a vote is contemplated on Prince George's Program.

I look forward to seeing you on the 21st.

Sincerely,

*Solomon Liss*  
Solomon Liss  
Chairman

CABINET MEMBERS

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

Enclosures

CHESAPEAKE BAY CRITICAL AREA COMMISSION

AGENDA

50 Harry S. Truman Parkway  
Annapolis, Maryland

October 21, 1987

1:00 - 6:00 p.m.

1:00 - 1:15	Approval of Minutes of October 7, 1987	Solomon Liss
1:15 - 2:15	Presentation, Discussion, and Vote on Prince George's County's Program	County/Panel/ Staff
2:15 - 2:30	Break	
2:30 - 3:30	Presentation and Discussion on Kent County's Program	County/Panel/ Staff
3:30 - 4:00	Discussion of Changes for Final Promulgation of Regulations covering the Projects of Which the Commission Wishes to Receive Notification	Carolyn Watson
4:00 - 4:30	Status of Program Submittals	Dr. Taylor
	Appointment of Panels for Harford Co., and Charlestown	Solomon Liss
	Status of Hearings Held and Hearings Scheduled	Solomon Liss
	Discussion of Growth Allocation Policy	Carolyn Watson
4:30 - 5:30	Dinner	

Next Meeting: November 4th, Department of Agriculture, 1:00 -  
6:00 p.m.



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SARAH J. TAYLOR, PhD  
EXECUTIVE DIRECTOR

*Enclosed is a draft policy distributed to provoke discussion on a growth policy. A subcommittee has been appointed to come up with language for discussion at the October 21st or November 4th meeting.*

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- Ann Sturgis Coates  
Town of Snow Hill
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Baltimore City
- James E. Gutman  
Anne Arundel Co.
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MEMORANDUM

TO: Critical Area Commission Members

FROM: Carolyn Watson *CW*

DATE: October 7, 1987

SUBJ: Growth Allocation

Many jurisdictions have posed the question as to what areas count against the growth allocation when an RCA converts to an LDA or IDA (i.e., entire parcel, area of disturbance? acres per dwelling unit, etc.). I offer the following as a possible policy to address the issue:

All acreage within the original unsubdivided parcel except that which is restricted to RCA uses and is protected from future development and subdivisions through restrictive covenants, conservation easements, or other protective instruments. The improved restriction may be lifted if the local jurisdiction wishes to use additional growth in the area at a future date.

I welcome any comments or suggestions that any of you may have regarding the above proposal.

/jjd

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held  
October 7, 1987

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

Ronald Karasic	Samuel Bowling
Kathryn Langner	J. Frank Raley, Jr.
Victor Butanis	Albert W. Zahniser
G. Steele Phillips	Ronald Adkins
William Bostian	Thomas Osborne
Shepard Krech, Jr.	Secretary Torrey Brown
Depty. Secretary Ardath Cade	Robert Price, Jr.
Eric Van De Verg for	Louise Lawrence for
Secretary Randall Evans	Secretary Wayne Cawley
Ronald Hickernell	Secretary Constance Lieder
Parris Glendening	Thomas Jarvis
Samuel E. Turner, Sr.	

The Minutes of the meeting of September 2nd were approved as written.

Chairman Liss introduced Ms. Frances Flanigan, Director of the Citizens Program for the Chesapeake Bay to present the Bay Agreement. Ms. Flanigan explained the technical background of the Bay Agreement, and said that comments will be received by her until November.

Dr. Sullivan said that there were no further comments from the Commission regarding the non-tidal wetlands portion of the Forestry Guidance Paper. Chairman Liss then asked for a motion to accept Guidance Paper Number 4 as proposed, to distribute to the local jurisdictions. The motion was made and voted upon unanimously.

Chairman Liss then introduced the Baltimore City Program, and summarized what the City had done in answer to the changes that needed to be made. He then introduced the Chief of Coastal Planning for Baltimore City, Ms. Mary Dolan to answer questions from the Commission on the City's Program.

Secretary Lieder said that she was concerned with Baltimore City's proposed buffer and offset program; that whether to honor the Buffer became a developer's decision and option. Ms. Dolan said that the City was in conformance with the criteria, and that the City has asked for an exemption from the Buffer provision for certain areas of the City's Critical Area. Ms. Dolan further explained that the City wants to exempt the shoreline of the redevelopment area only, from the buffer, not the whole shoreline.

Secretary Lieder remarked that she felt that the \$2.50 offset fee was inadequate, was not a disincentive for developers to not encroach upon the Buffer. Ms. Dolan answered that the cost of the fee was objectively derived, based on the cost of replacing and maintaining a buffer in another part of the Critical Area.

Mr. Van de Verg asked if there were enough land to take care of the buffer offset? Ms. Dolan said that there was.

Mr. Zahniser asked what more does the City require that is above and beyond the 10% stormwater requirement? Ms. Dolan answered that water-dependent maritime-related facilities under certain circumstances, would have to achieve an additional 10% in water quality improvement (i.e., for a total of 20%) as a result of intrusion into the buffer.

Mr. Hickernell asked how permanent the buffers were. Ms. Dolan answered that they were fairly permanent, and that with the buffer easements, passive recreation is encouraged.

Mr. Adkins asked if there was any thought of increasing the percentage of stormwater requirements for those uses that are in the buffer? Ms. Dolan answered affirmatively, and that 20% was suggested for water-dependent facilities.

In light of the unique situations of development in the City's IDA, and because the Program of the City seeks to meet those problems, it was moved that the Commission approve the Critical Area Program for the City of Baltimore. The motion was seconded and voted upon, after some additional discussion, 18:1 in favor.

Chairman Liss said that two Programs have recently been submitted. They are for Pocomoke City and the town of Centreville. Two panels were then appointed: Parris Glendening, Shepard Krech, Ronald Adkins, and Ronald Karasic for the Pocomoke City Panel; Robert Price, Shepard Krech, Tom Osborne, Victor Butanis, Torrey Brown, and Randall Evans for the Centreville Panel.

Chairman Liss called attention to a number of questions that had been raised as to the method of calculating how the use of growth allocation of land would be charged against the growth allocation to the individual jurisdictions. Several examples were cited, and Carolyn Watson, staff planner, led a brief discussion of options for handling the situation. The Chairman suggested that in the light of the number of questions raised, it would be useful to appoint a subcommittee to consider the

problems and report back to the Commission. The Commission approved, and the subcommittee was chosen: Bob Price, Secretary Lieder, Kay Langner, Tom Osborne, Ron Adkins, and Skip Zahniser, with Ms. Watson as staff.

UNDER OLD BUSINESS

Chairman Liss discussed the fact that several questions had recently arisen concerning how local jurisdictions were interpreting Commission criteria, and the degree of freedom that they had to do so. He recommended segmenting the question along the lines of three different types of criteria, and then seeking an Attorney General's opinion on how the Commission should approach the matter. He noted that he had already received advice of counsel on one of the questions (the interpretation of the LDA criterion "having" sewer and/or water), but that an official opinion on the larger question would be helpful. The Commission agreed

Dr. Taylor announced that the Chesapeake Bay Foundation has produced more Fact Sheets explaining various aspects of the criteria that need to be incorporated into each jurisdiction's Program, such as "Grandfathering", "Growth Allocation", "Mapping", and a "Mapping Review Checklist". Dr. Taylor also informed the Commission that Somerset County will be ready to submit their Program (at least informally), before the end of November.

Mr. Glendening introduced several staff of the Prince George's County's Office of Environmental Resources, Mr. Gene Lauer, and Mr. Michale Pawlieukiewicz, among others, to explain the elements of Prince George's County's Program. A presentation was given. The Commission will decide and vote upon this Program at the October 21st Commission meeting.

There being no further business, the meeting was adjourned