

Committee Meeting & Correspondence November 1987

USA 51832-39



Comm
MEET.

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
Anne Arundel Co.
- Parris Glendening
Prince George's Co.
- Ronald Hickernell
Baltimore Co.
- Shepard Krech, Jr.
Talbot Co.
- Florence Beck Kurdle
Anne Arundel Co.
- Thomas L. Jarvis
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.

October 30, 1987

Dear Commissioner Member:

The next meeting of the Commission is scheduled for November 4, 1987 at the Maryland Department of Agriculture Building, 50 Harry S. Truman Parkway, Annapolis. It will start at 1:00 p.m. and there will be presentations of several programs which we should be able to vote on at the November 18th meeting.

Enclosed are the minutes and the agenda pertaining to the meeting. I urge you to attend as the Town Official will be present as well as the consultants to make presentations and answer your questions.

Sincerely,

Solomon Liss
Chairman

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

Enclosures

AGENDA

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

November 4, 1987

1:00 - 8:00 p.m.

1:00 - 1:15	Approval of the Minutes of October 21st Meeting	Solomon Liss Chairman
1:15 - 2:00	Presentation of Programs for: Greensboro/Easton/Oxford St. Michaels/Rock Hall/ Betterton/Millington	Consultants, Town Officials
2:00 - 2:45	Questions and Discussion	Solomon Liss Chairman
2:45 - 3:15	Presentation of Kent Co. Program	Kent. Co. Officials
3:15 - 3:45	Questions and Discussion	Solomon Liss Chairman
3:45 - 4:00	Panel Assignments	Sarah Taylor
4:00 - 4:15	Old Business New Business	Solomon Liss Chairman

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.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held
October 21, 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
Wallace Miller	Ronald Hickernell
Samuel E. Turner, Sr.	Shepard Krech, Jr.
Parris Glendening	Secretary Constance Lieder
Depty. Secretary Ardath Cade	Robert Price, Jr.
Eric Van De Verg for	Louise Lawrence for
Secretary Randall Evans	Secretary Wayne Cawley
John Griffin for	Robert Peciacepe for
Dept. Natural Resources	Dept. of the Environment

Two changes to the Minutes of October 7th were suggested: the first being that of placing Secretary Torrey Brown on the Panel for Pocomoke City, and the second being in reference to the approval of Baltimore City's Program. It should be understood that the action on Baltimore City's Program as far as the buffer offset is concerned, will not be a standard for any other jurisdiction, and that each jurisdiction shall be approved or disapproved on its own individual merits. A motion was made to accept the Minutes with amendments. The October 7th Minutes were then approved, as amended.

Parris Glendening then commended his staff and Ms. Carolyn Watson of the Commission staff, on the work entailed in the preparation of Prince George's County's Program. Ms. Watson then distributed the revisions to the Program, and said that the comments of the staff and panel members had been incorporated. She felt that the Program met all of the requirements of the criteria and recommended approval. Mr. Zahnsier said that the hearing for Prince George's Co. had been held, as well as three meetings of the panel. He stated that the panel was pleased with the revisions. He supported staff comment that the Program be approved.

Chairman Liss then called for a vote upon Prince George's Co.'s local Critical Area Program. It was approved unanimously.

Chairman Liss then asked Ms. Watson to report on the status of the Subcommittee on Growth Allocation. Ms. Watson remarked that several ideas had been suggested, but no decisions were made as yet, and that the Subcommittee will continue to meet. She reminded the Commission that any and all suggestions or comments by them were welcome.

Chairman Liss then thanked Mr. Miller for his emergency service with the Kent County hearing, and Dr. Krech for his assistance.

UNDER OLD BUSINESS

Dr. Taylor distributed the talley charts for the public hearing panel members and gave an update of hearings both past and future.

Secretary Lieder asked what constituted the intent of "completeness" in a submitted Program, or how ready must a Program be before submittal? Dr. Taylor explained that meeting the element in Section 8-1808 of the Law and 14.15.11 of the criteria constituted completeness. She explained that it is an ongoing process, leading toward the finalization of draft language prior to a Commission vote. Mr. Epstein reminded the Commission that they had given the Chairman the authority to make the "completeness" judgement based on an element-by-element review by his staff. In regard to ordinance language, the jurisdictions must submit as accurate and as explicit implementing or ordinance language as possible in order for a Program to be considered complete and ready for "content" review.

Dr. Taylor then began the selections for the panels yet to be chosen. Victor Butanis was chosen to Chair the Centreville panel in Dr. Krech's stead. The other panels were selected as follows: Harford Co. panel to have Judge Liss, Chair, and Bob Perciacepe; Chesapeake Beach to have Parris Glendening, Chair, Sam Bowling, Ron Karasic, Skip Zahniser, and Shepard Krech; Cecil Co. to have Secretary Lieder, Chair, Ron Adkins, Louise Lawrence, Judge Liss, and Victor Butanis; Perryville and Port Deposit to have Wallace Miller, Chair, Victor Butanis, and Kay Langner; Charlestown to have Judge Liss, Chair, Kay Langner, Victor Butanis, Ron Adkins, and Wallace Miller; North East to have John Griffin, Chair, Victor Butanis, Ardath Cade, and Wallace Miller; Elkton to have Ron Karasic, Chair; Cambridge to have Ron Adkins, Chair, John Griffin, Steele Phillips, Shepard Krech, and Wallace Miller; Havre de Grace to have Bob Perciacepe, Chair, John Griffin, Ron Hickernell, Victor Butanis, and Kay Langner; Queen Anne's Co. to have John Griffin, Chair, Bob Price, Louise Lawrence, Sam Bowling, and Judge Liss; Leonardtwn to have Ron Karasic, Randy Evans, and J. Frank Raley.

Critical Area Commission
Minutes 10/21/87
Page Three

Chairman Liss will contact those members not present to complete the panel membership where needed.

Mr. Raley asked what the status is of the Commission's consideration of the policy of sewer and water?

Chairman Liss answered that the Commission is awaiting a reply from the Office of the Attorney General.

Mr. Raley remarked that there are other implications regarding Growth Policy that are not strictly legal, and that the Commission should discuss these in detail.

Chairman Liss said that the Commission shall discuss them when the Attorney General's opinion has been received.

Dr. Taylor reported that Kent County, Baltimore County, Betterton, Millington, Rock Hall, Easton, Oxford, St. Michael's, and Greensboro Programs will be presented at the next Commission meeting. A vote on these Programs, except for Baltimore County, is anticipated at the November 18th meeting.

There being no further business, the meeting was adjourned.

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
Robert Perciacepe	Ronald Hickernell
Samuel E. Turner, Sr.	Shepard Krech, Jr.
Parris Glendening	Secretary Constance Lieder
Depty. Secretary Ardath Cade	Robert Price, Jr.
Eric Van De Verg for	Louise Lawrence for
Secretary Randall Evans	Secretary Wayne Cawley
John Griffin for	Wallace Miller
Dept. Natural Resources	

Two changes to the Minutes of October 7th were suggested: the first being that of placing Secretary Torrey Brown on the Panel for Pocomoke City, and the second being in reference to the approval of Baltimore City's Program. It should be understood that the action on Baltimore City's Program as far as the buffer offset is concerned, will not be a standard for any other jurisdiction, and that each jurisdiction shall be approved or disapproved on its own individual merits. A motion was made to accept the Minutes with amendments. The October 7th Minutes were then approved, as amended.

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Chairman Liss then called for a vote upon Prince George's Co.'s local Critical Area Program. It was approved unanimously.

Chairman Liss then asked Ms. Watson to report on the status of the Subcommittee on Growth Allocation. Ms. Watson remarked that several ideas had been suggested, but no decisions were made as yet, and that the Subcommittee will continue to meet. She reminded the Commission that any and all suggestions or comments by them were welcome.

Chairman Liss then thanked Mr. Miller for his emergency service with the Kent County hearing, and Dr. Krech for his assistance.

UNDER OLD BUSINESS

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Critical Area Commission
Minutes 10/21/87
Page Three

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Mr. Raley remarked that there are other implications regarding Growth Policy that are not strictly legal, and that the Commission should discuss these in detail.

Chairman Liss said that the Commission shall discuss them when the Attorney General's opinion has been received.

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There being no further business, the meeting was adjourned.

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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.

November 5, 1987

Dear Commission Member:

Enclosed is an agenda for the next Commission meeting scheduled for November 18, 1987 at 1:00, at the Department of Agriculture, 50 Harry S. Truman Parkway. Also enclosed is a copy of the minutes from the meeting of November 4th. Please review them for accuracy and approval.

As was mentioned during the November 4th Commission meeting, it is important for you to attend on the 18th because we should be able to vote on the Programs for Greensboro, Oxford, St. Michaels, and Easton as well as on the Kent County, Millington, Betterton and Rock Hall Programs. Baltimore County planners will be presenting their Program as well on that date, and we will be distributing the copies of the most recently received Programs.

Please make note that the hearing for Queen Annes County's Program will not be held on the 19th of November. A new date will be scheduled.

I look forward to seeing you at the meeting and thank you for your excellent attendance.

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

Enclosures

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held
November 4, 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:

Shepard Krech, Jr.	Ron Karasic
Samuel Turner, Sr.	G. Steele Phillips
Thomas Jarvis	Wallace Miller
Ronald Adkins	Robert Price, Jr.
Albert Zahniser	Samuel Bowling
Kathryn Langner	Thomas Osborne
James E. Gutman	William Bostian
Lynne Hoot for	Russell Blake
Secretary Cawley	Eric Van de Verg for
Ken McElroy for	Secretary Evans
Secretary Walsh	Victor Butanis
Secretary Lieder	Parris Glendening

Two changes to the Minutes of October 21st were suggested: the first being that of adding the position of Chairman to Ron Karasic for the Pocomoke City Panel, and the second being a correction to the spelling of Mr. Perciasepe's name. A motion was made and seconded to accept the Minutes as amended. The October 21st Minutes were then approved.

Chairman Liss then asked Tony Redman and Peter Johnston of Redman/Johnston Associates to make a presentation of the Critical Area Programs for the Towns of Greensboro, Millington, Oxford, Easton, St. Michaels, Rock Hall and Betterton. Mr. Redman addressed the overall approach that the firm took in developing the Programs.

Mr. Johnston gave a presentation of specific features for each Program using Critical Area overlay districts, discussing the Town Critical Area designations of IDA, LDA and RCA lands, and indicating those areas that may, in the future, be proposed by the Towns for Growth Allocation.

Ms. Gail Webb, Planning Director for Kent County, and Ms. Elinor Gawel, Assistant, then gave a presentation of Kent County's Critical Area Program.

Questions were asked during both presentations. Dr. Krech asked a question about a parcel of property in Easton and what the Commission would do if it found that the Town was stretching the interpretation of "presence of sewere and water" too far. Chairman Liss responded that the particular designation would have to be investigated in detail.

Other questions were asked concerning the labelling of properties in Betterton and Rock Hall. Mr. Redman provided the reasons for designating the parcels as either RCA, or LDA.

Mr. Van de Verg questioned the zero growth for Greensboro and wondered how 50 acres outside of the Town would be used with respect to growth allocation. Mr. Redman explained that this 50 acres would most likely be annexed by the Town and a portion of the County's growth allocation would have to be used.

Mr. Bostian asked what basis the Commission had to not approve a Program and to return it to a local jurisdiction for corrections. Mr. Epstein answered that the standards for denying a Program could be found in Section 1809(i) and 1808 of the Critical Area Law which, in essence, mention the goals of the Law and the criteria. For Program approvability, it is not an arbitrary and capricious standard, but, rather the application of the criteria and the three goals of the statute. When the Commission does return a Program to the local jurisdiction, the Commission needs to specify the reasons for doing so.

UNDER OLD BUSINESS

The panel for Harford County was expanded to include: Mr. Zahniser as Chairman, Mr. Perciasepe, Dr. Krech, Mr. Osborne, and possibly Mr. Raley.

The Panel for Leonardtown was expanded to include: Mr. Karasic as Chairman, Secretary Evans, Mr. Raley, Mr. Zahniser and Dr. Krech.

Mr. Blake offered to replace Mr. Butanis as Chairman on the Centreville panel, so that Mr. Butanis could be a panelist for the Elkton hearing.

Chairman Liss asked Mr. Price to give a status report on the meeting of the Growth Allocation Subcommittee. Mr. Price said that the subcommittee members are still contemplating what exactly the ramifications of growth allocation are, and what constitutes use of such allocation. He said that at present, the subcommittee is concentrating on Growth Allocation during the interim period, and how it is being dealt with by the Counties.

There being no further business, the meeting was adjourned.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

AGENDA

Department of Agriculture
50 Harry S Truman Parkway
Annapolis, Maryland

November 18, 1987

1:00 - 6:00 p.m.

- | | | |
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| 1:00 - 1:15 | Approval of the Minutes
* of November 4th. | Solomon Liss
Chairman |
| 1:15 - 2:15 | Discussion and Vote on
* the Critical Area
Programs for the Towns of
Greensboro, Oxford, Easton,
St. Michaels, Millington,
Betterton, Rock Hall | Panels/Staff/
Consultant/Local
Officials |
| 2:15 - 2:45 | Discussion and Vote on
* Kent County's Critical
Area Program | Panels/Staff/
Consultant/Local
Officials |
| 2:45 - 3:15 | Presentation of Baltimore
County's Program | Local Officials/
Panel/Staff |
| 3:15 - 3:45 | Questions and Discussion
of Baltimore County's
Program | Local Officials/
Commission |
| 3:45 - 4:15 | Re-Proposed Draft
* Regulations on Projects of
Which the Commission Wishes
to Receive Notice - Status
and Discussion | Carolyn Watson |
| 4:15 - 4:30 | Update on Growth
Allocation Policy | Bob Price
Sub. Chairman |
| 4:30 - 4:45 | Presentation and Comment
on Guidance Paper #5 - <u>A
Framework for Evaluating
Compliance With the 10%
Rule in the Chesapeake Bay
Critical Area</u> | Kevin Sullivan |
| 4:45 - 5:00 | Update on Panel Assignments,
Hearings, and Program
Submittals | Sarah Taylor |
| 5:00 - 5:15 | Old Business

New Business | Solomon Liss
Chairman |