

Committee Meetings & Correspondence January 1988

MSA S1832-41



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1/6/88

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.

January 15, 1988

Dear Commission Member:

The January 20th Meeting of the Commission is scheduled to be held at the Department of Agriculture Building, 50 Harry S. Truman Parkway, Annapolis, Maryland at 1:00 p.m. The Minutes of the Meeting of January 6th will be made available at the Commission Meeting. The Agenda for the January 20th Meeting is enclosed.

We have much to accomplish, so I urge your attendance.

Sincerely,

Solomon Liss
Solomon Liss
Chairman

SL/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

Enclosures

CHESAPEAKE BAY CRITICAL AREA COMMISSION

AGENDA

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

January 20, 1988

1:00 - 6:00 p.m.

- | | | |
|---------------|---|-------------------------------------|
| ✓ 1:00 - 1:15 | Approval of Minutes of January 6th | Solomon Liss
Chairman |
| ✓ 1:15 - 2:00 | Discussion and Vote on Pocomoke City Program | Ed Phillips/
Panel/Consultants |
| ✓ 2:00 - 2:45 | Discussion and Vote on Queen Anne's Co. Program | Charles Davis/
Panel/Consultants |
| ✓ 2:45 - 3:00 | Discussion and Vote on Kent County Program | Charles Davis/
Panel |
| 3:00 - 3:15 | <i>Have de Grace</i>
Update on the Regulations Notification of Projects | Carolyn Watson |
| ✓ 3:15 - 3:30 | Approval of Regulations Governing State and Local Agency Actions in the Critical Area | Kevin Sullivan |
| ✓ 3:30 - 4:00 | Discussion and Position on 3 Proposed Bills Affecting the Critical Area | Sarah Taylor/
Solomon Liss |
| ✓ | SB52 (Malkus)
Chesapeake Bay Critical Area-
Extending the Boundaries | 1/26 - 1 P.M. |
| ✓ | HB30 (Johnson)
State Compensation for Landowners | 1/27 |
| ✓ | HB130 (McCaffrey)
Terms of Office | 1/27 |
| ✓ 4:00 - 4:30 | Report on Growth Allocation Policy | Robert Price |
| ✓ 4:30 - 5:00 | Discussion and Vote on "Presence of Sewer and Water" Policy | Solomon Liss
Chairman |

5:00 - 5:35 Appointment of Panels for:

Charles Co.	(Joint hearing scheduled 2/2/88)
Dorchester Co.	(Joint hearing scheduled 1/27/88)
North Beach	(Joint hearing scheduled 2/9/88)
Talbot Co.	(Joint hearing scheduled 2/2/88)
Worcester Co.	(Joint hearing scheduled 2/2/88)

5:30 - 6:00 Old Business
New Business

Solomon Liss
Chairman

Next Meeting: February 3rd, Department of Natural Resources, C-1
Conference Room (Lobby) at 1:00 p.m.

*I need to announce my
Panel for Leonardtown.*

*Carolyn Watson's new position
+ Ken Serey from DSP
to work with those juris-
dictions.*

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held
January 6, 1988

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:

Wallace Miller ✓
William Bostian ✓
Ronald Karasic ✓
James E. Gutman ✓
Robert Price ✓
Albert Zahniser ✓
Ronald Hickernell ✓
Samuel Turner, Sr. ✓
Samuel Bowling ✓
Secretary Lieder of DSP ✓

Victor Butanis ✓
G. Steele Phillips ✓
Shepard Krech, Jr. ✓
Secretary Cawley of DOA ✓
Thomas Jarvis ✓
Kathryn Langner ✓
Russell Blake ✓
Robert Perciasepe of DOE ✓
Parris Glendening ✓
Secretary Brown of DNR ✓

The Minutes of the December 16th were approved as written with the following corrections: Mr. Butanis requested the record to show that the original designation of the Old Trails property in Harford County was intended to be classified as IDA by the recommendation and testimony at the public hearing of Mr. Robert Lynch, the County's Director of Planning. Mr. Bostian stated that the list of attendees for the December 16th Meeting should not include his name.

Chairman Liss asked Mr. Davis to present the Program summary of the Town of Centreville. Mr. Davis said that the Commission staff has reviewed the Program, assembled all of the comments based on the original draft, and the panel has seen the comments and recommends that the Commission return the Program to the Town, and to direct them to make the changes as suggested in the staff report.

Mr. George Gay, Attorney with Miller, Wheeler, Thompson and Thompson in Easton, Maryland representing residents of the Town of Centreville who comprise "The Critical Area Watch" was introduced. He said that the Watch support the proposed action of the Commission to return the Program to the Town.

A motion was made and seconded to return the Program to the Town of Centreville for a period of 40 days, with instructions to refer to the specific changes recommended by the panel and staff, after which it will be resubmitted to the Commission for approval. All were in favor.

Chairman Liss then asked Dr. Sullivan to discuss the Programs of Greensboro and St. Michaels. Dr. Sullivan said that the changes recommended by the panel and staff were made and resubmitted by the consultants Redman/Johnston, and the staff found them in accord with their requirements.

A motion was made and seconded to approve the Program of Greensboro as requested. All were in favor.

A motion was then made and seconded to approve the Program of St. Michaels. All were in favor.

Chairman Liss asked Mr. Tom Deming, Assistant Attorney General, to discuss the Attorney General's opinion which the Commission has received. Chairman Liss then appointed a Subcommittee for Sewer and Water to help the Commission determine what is to be considered an LDA on the basis of sewer and water. The appointees are Samuel Bowling, Tom Osborne, Robert Perciasepe, James Gutman, Ronald Karasic, and Ronald Hickernell. He said that the Subcommittee will meet on January 13th and report to the Commission at the January 20th meeting.

Chairman Liss introduced Dr. Lewis Waters of the Commission staff, who is charged with contacting the jurisdictions that have not yet submitted their Programs to the Commission specifically, Charles, Caroline, Talbot, Somerset, Wicomico, and Dorchester Counties. Two jurisdictions have held hearings, but not submitted a Program. He said that he met with the Planning Director of Talbot County and as they are more behind than any other County in their Program development, they will be receiving particular attention and help. Wicomico Co.'s text of their Program has been done, but not reviewed. Dorchester Co. has had problems with their maps. A hearing is not definitely scheduled, but they hope to hold one by the end of January. Worcester Co.'s text is complete, but they too have had mapping problems. Suggestions were made to the County, and Worcester will review them again in two weeks. Their hearing will be jointly held with the Commission on February 2, 1988, at 7:30 in the County Commissioners Office. Chairman Liss said he spoke with Charles Co., and because of problems with their consultant, they are having some delays. Chairman Liss pointed out that if the Commission feels that a jurisdiction's Program is not being pressed as it should be, the Law provides that Commission has the right to take over the preparation of the Program and to withdraw any funds that have been authorized for the preparation of that Program. However, the Commission should reiterate to the jurisdiction that the Program must be completed or be taken over by the Commission.

Mr. Perrciasepe asked how many Programs have yet to be submitted? Chairman Liss answered approximately six. Mr. Deming reiterated that it is clearly stated in the Law, that within 760 days~~—~~after the criteria were adopted, there shall be in effect, throughout the Critical Area, Programs, approved or adopted by the Commission by June 11, 1988.

Mr. Bostian asked what the final submittal date for Programs is? Chairman Liss answered that February 15th is the latest possible date. Mr. Bostian then asked if the staff had received a draft from Somerset and Worcester Counties? Chairman Liss answered affirmatively. Mr. Bostian asked how long would it take the staff to promulgate a plan for any of the Counties? Dr. Sullivan answered six weeks at the very least.

Mr. Perciasepe asked if there were any County Programs not yet submitted? Chairman Liss answered that practically all of the Counties are remiss in submittal. Mr. Price asked how many jurisdictions have consultant problems? Chairman Liss said that it varies with the jurisdiction and the incidence. Mr. Price then asked if there were also problems with mapping and with their own zoning or criteria designations? Dr. Waters said that again, the problems vary with the jurisdiction.

Chairman Liss said that what is needed is correspondence to these jurisdictions stating that if in two week's time they have not yet submitted their Programs, the Commission reserves the right to take over drawing an alternative Program, and that no more money will be forthcoming from that date, and asked for the authority to send such a letter.

It was suggested that the letter should vary depending upon what the jurisdictions have accomplished so far. A motion was made to send two letters, one to the jurisdictions who have not yet submitted a Program but have indicated that they were cooperating, and a second letter to those jurisdictions which had, by their actions, indicated a lack of cooperation. The motion was then voted upon with 18 in favor, and one abstention.

Chairman Liss asked Mr. Marcus Pollock to give a status report on Baltimore County's Program. Mr. Pollock stated that the County had submitted all of the information requested by the Commission, specifically the technical rationale for expanding the 1,000-foot Critical Area line in the Back River Neck Peninsula. Mr. Pollock asked that Commission Members review the rationale in time for the proposed action on the County's Program later this month.

Chairman Liss then asked Ms. Susan Ballard of McCrone, Inc. to present for the Town of Elkton. Mayor Crouse was introduced together with Mr. J. Evans McKinney.

The designation of LDA for the Arundel property was questioned. Ms. Ballard indicated that the designation was based on the presence of existing sewer lines. The distance of the sewer line was questioned. Ms. Watson answered that the line was approximately 800 feet to the closest edge of the designation, and over 4,500 feet from the farthest edge. Ms. Ballard responded that the area was considered to be serviced by sewer services.

Dr. Krech asked how closely would the proposed development come to encroaching upon tidal or non-tidal wetlands? Ms. Ballard answered that the criteria require that a minimum 25-foot buffer be maintained and the Town is requiring an additional five to ten feet for incidental grading.

UNDER OLD BUSINESS

Chairman Liss asked Mr. Price to report on the Growth Allocation Subcommittee meeting. Mr. Price said that the subcommittee had met that morning and will be distributing the results of that meeting to date, at the next Commission meeting.

Chairman Liss reported that Mr. John Murphy, the attorney for Cecil County, raised several questions concerning procedures of the Commission. Mr. Deming, Assistant Attorney General, explained the reasons for the Commission's method of procedure. In view of the Attorney General's statements, it was felt that the Commission was proceeding properly.

Mr. Bostian asked Secretary Cawley how the soil and water conservation plans were progressing? Secretary Cawley answered that the complete report will be forthcoming.

There being no further business, the meeting was adjourned.