

Committee Meetings & Correspondence April 1988

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3/30/88

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
974-2418 or 974-2426

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

COMMISSIONERS

March 31, 1988

Thomas Osborne
Anne Arundel Co.

James E. Gutman
Anne Arundel Co.

Ronald Karasic
Baltimore City

Albert W. Zahniser
Calvert Co.

Thomas Jarvis
Caroline Co.

Kathryn D. Langner
Cecil Co.

Samuel Y. Bowling
Charles Co.

G. Steele Phillips
Dorchester Co.

Victor K. Butanis
Harford Co.

Wallace D. Miller
Kent Co.

Parris Glendening
Prince George's Co.

Robert R. Price, Jr.
Queen Anne's Co.

J. Frank Raley, Jr.
St. Mary's Co.

Ronald D. Adkins
Somerset Co.

Shepard Krech, Jr.
Talbot Co.

Samuel E. Turner, Sr.
Talbot Co.

William J. Bostian
Wicomico Co.

Russell Blake
Worcester Co.

Dear Commission Member:

The next meeting of the Commission is scheduled for April 6, 1988, at 1:00 p.m., at the Department of Agriculture Building, Harry S. Truman Parkway, Annapolis.

The Agenda for the meeting is enclosed, however, because of the short time frame for notification of Members, the Minutes will be distributed at the Meeting as they will not be completed in time for this mailing.

As there are a number of important votes that must be taken, I urge you to attend.

Sincerely,

Solomon Liss
Chairman

SL/jjd

Enclosures

CABINET MEMBERS

Wayne A. Cawley, Jr.
Agriculture

J. Randall Evans
Employment and Economic Development

Martin Walsh, Jr.
Environment

Ardath Cade
Housing and Community Development

Torrey Brown
Natural Resources

Stance Lieder
Planning

CHESAPEAKE BAY CRITICAL AREA COMMISSION

AGENDA

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

April 6, 1988

1:00 - 6:00 p.m.

1:00 - 1:10	Approval of Minutes of March 30, 1988	Solomon Liss Chairman
1:10 - 1:30	Vote on Program for Chesapeake Beach	Ren Serey/ Panel/Town
1:30 - 2:00	Vote on Programs for Dorchester County, Church Creek, Brookview, Galestown, Vienna, Secretary, and Eldorado	Ed Phillips/ Panel/County Officials
2:00 - 2:20	Vote on Hillsboro/Queen Anne Programs	Charles Davis/ Panel/Towns
2:20 - 3:00	Vote on Queen Annes County Program	Charles Davis/ Panel/County Officials
3:00 - 3:30	Vote on Ft. Washington Marina	Sarah Taylor/ Subcommittee
3:30 - 3:45	Break	
3:45 - 4:30	State Projects on State- Owned Land: Questions - Smallwood State Park, Somers Cove Marina	Bob Ellsworth, Waterway Improvement Division, DNR
4:30 - 5:00	Presentation and Questions on Talbot County Program	Consultant/County Officials
5:00 - 5:30	Presentation and Questions on North Beach Program	Consultant/Town
5:30 - 6:00	Presentation and Questions on Charles County Program	County Officials
6:00 - 6:15		
Old Business:	Certificate of Appreciation for Carolyn Watson	Solomon Liss Chairman

New Business: Appointment of Solomon Liss
Panels for Caroline Co., Chairman
Denton, Federalsburg,
Talbot Co., and Snow Hill

Next Meeting: April 20, 1988 at the Department of Agriculture
Building, 1:00 - 6:00 p.m.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held
March 30, 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:

J. Frank Raley, Jr.	Shepard Krech, Jr.
Ronald Hickernell	Wallace Miller
Louise Lawrence for Secretary Cawley	Ronald Adkins
Samuel Bowling	Thomas Jarvis
Kathryn Langner	Samuel Turner, Sr.
Victor Butanis	Thomas Osborne
G. Steele Phillips	William Bostian
James E. Gutman	Russell Blake
Robert Schoeplein for Secretary Evans	Albert Zahniser
Secretary Lieder	Robert Perciasepe for DOE
Mark Burford for Deputy Secretary Cade	Robert Price, Jr.
	Ronald Karasic
	Parris Glendening

The Minutes of the Meeting of March 16, 1988 were approved with the suggested changes to page two, to change the word "problem" to "concern", to change "potentially" to "essentially", and including "for the most part" in the discussion of no moderate or limited development in the 300-foot area where there are steep slopes in Anne Arundel County.

Chairman Liss asked Mr. Marcus Pollock to discuss the Program changes of Havre de Grace. Mr. Pollock reminded the Commission that in February, tentative approval was given to the Havre de Grace Program, subject to staff and Panel changes, and recommended changes given by various State Agencies reviewing the Program. To date, the Commission staff and City staff have met several times to negotiate those changes reaching an accord on all of the requested changes. A question had been raised regarding the appropriateness of a Buffer exemption requested by the City. During the review of the Program, a tour was made by both Commission staff and City staff with Panel members, and it was decided that the request was reasonable and proper. Another question was raised regarding the proper designation of a piece of property annexed by Havre de Grace from Harford County. This property had been designated as intensely developed. After discussion with the City, it was felt by the Panel to be unreasonable to have the City create LDA criteria for an area that was 5.2 acres in size.

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Mr. Hickernell, Panel Chairman, reported that after the touring of Havre de Grace, he and Panel members were in agreement that the Buffer exemption request was a reasonable one, and that the Panel recommends the Commission approve the Program.

A motion was made and seconded that the Program for the City of Havre de Grace Program as submitted and amended by the City, be approved. All were in favor, 20:0.

in accordance 28-1809

Mr. Pollock reported that the Commission had granted tentative approval for the Program of Harford County, subject to changes recommended by the staff, and Panel, and by the State Agencies reviewing the Program. He said that the issues and comments on the text of the Program have all been resolved, to date. Mr. Pollock said, however, that there remains outstanding, the issue of the designation of the Old Trails/Lee National property. He reported that he had spoken with the Panel members, and that the County indicated that it wanted a more definitive and stronger direction from the Commission in order to proceed to consider the changes that have been suggested.

Mr. Pollock asked the Panel Chairman, Robert Perciasepe, to review the Panel's recommendation. Mr. Perciasepe read the Panel statement as follows:

The Panel reviewed the proposed mapping of Harford County's Critical Area giving particular attention to an approximate 50-acre tract of land known as Old Trails/Lee National. The Panel found that the subject properties are not currently developed in low or moderate intensity but are dominated by forest and other natural resources. In addition, the properties are immediately adjacent to some limited development and sewer facilities, thus technically qualifying this area as limited development.

While the County contends that the intensity of development in the Joppatown area and the development concept plans for the subject property should be used in its designation as IDA, the Panel felt that the area immediately adjacent to the Old Trails/Lee National property, which should be used as the basis for any density averaging, was generally Limited Development, and the Critical Area mandate supercedes mere concept plans for local growth.

Therefore, the Panel recommends to the Commission, that the County be directed to change the management area designation of Old Trails/Lee National to either Limited Development or Resource Conservation.

If the County elects to maintain the Old Trails/Lee National property as Intensely Developed, it must use its growth allocation in order to do so."

A motion was made and seconded that the Commission approve the Program for Harford County under the conditions that the County make the necessary changes to the designation of the Old Trails/Lee National property.

The vote was 13 in favor of the motion, 5 against and 2 abstentions, however, because a majority did not prevail, a discussion then ensued.

Mr. Bowling asked why there would be a choice of recommended designation as LDA or RCA, and not just RCA?

Mr. Perciasepe answered that there are sewers immediately adjacent to the property, and that most of the area surrounding it is Limited Development.

Chairman Liss explained that if the County does not agree with the decision the Commission makes regarding the Program, the County has the right to come before the Commission in order to present their viewpoint. If the vote at that time, is not in accordance with the County's choice of designation, the County may still designate the property as IDA, but it will count against the County's Growth Allocation.

Mr. Miller asked Mr. Butanis what his opinion, as a resident of Harford County, is? Mr. Butanis said that he opposes the motion of Panel Chairman Perciasepe, that the County change the designation of those two properties. He replied that what was at issue in the map designations of the properties, is what is meant by an area. Because the properties were originally part of the Joppatown sanitary subdistrict, and still remain so, there is no question that these properties were intended to be a part of Joppatown as originally planned.

Ms. Langner asked what the density of the Jopptown area is?

Mr. Andy Meyer, County Planner, answered that it varies. There are areas of medium to higher intensity.

Mr. Gutman asked if any Panel members felt that this property should not be designated as LDA, but RCA?

Dr. Krech answered that the majority of the Panel felt that this area is a Resource Conservation Area. It is wooded, it has steep slopes and has open space. The only factor concerning this area that might make it an LDA classification, is the fact that sewer and water does abut the properties in two places.

Mr. Alderman, attorney for the Old Trails partnership stated that his clients would continue to object to an RCA designation of the property.

Secretary Lieder moved for a reconsideration of the motion. The motion to reconsider was seconded. The vote on the motion to reconsider was approved with 15 in favor. A discussion then ensued. After all persons who wanted to be heard were heard, a call for the question was requested. A vote was again taken, and the motion as originally proposed to approve the Program with suggested mapping changes, was adopted by a vote of 16:5 with 1 abstention.

Chairman Liss asked Mr. Pollock to report on the City of Annapolis' Program. Mr. Pollock said that the Commission staff has not yet had the time to negotiate the staff-recommended changes with the City. He said, however, that the staff and Panel agree that the Program be given tentative approval and be returned to the City for the 40-day period, so that the adjustments to the Program can be made.

A motion was made and seconded that the Commission believes the City of Annapolis local Critical Area Program to be a good one, but for final approval, pursuant to §8-1809(d)(2) of the Critical Areas Law, the Commission requests the City of Annapolis to make the changes recommended by the staff report and endorsed by the panel. Pursuant to §8-1809(d)(3), such changed Program must be submitted back to the Commission within 40 days, and only after at least one additional public hearing has been held concerning the changes made to the originally submitted Program, relevant ordinances, and plans.

Mr. Osborne asked Mr. Pollock to summarize the staff recommendation concerning the Brown property. Mr. Pollock explained that the Brown property was recently annexed by the City of Annapolis from Anne Arundel County. The Brown property issue involves a misalignment of the Critical Area Boundary that delineates that part of 19.5 acres which fall into the Critical Area. The Commission staff has recently looked at the Brown property, and has calculated that approximately $7\frac{1}{2}$ of the 19.5 acres are found in the Critical Area, which should be designated as RCA. The City and a development applicant contended that there are less acres within the Critical Area.

Mr. Osborne then explained that for over a year, the property was included as part of Anne Arundel County's proposed Critical Area Program. It designated $7\frac{1}{2}$ acres as Resource Conservation Area. The property owner was aware of this designation. The County was asked to change this designation. $6\frac{1}{2}$ acres were left out in the submittal to annex this property.

Mr. Gutman asked if aside from the issue at hand, is the Annapolis Program indeed, considered to be a good one?

Chairman Liss answered that the general information received is that the Program is an excellent one.

The motion as made was approved with 20 in favor and 1 abstention.

Chairman Liss then reported that the Centreville Program is not yet finalized. The Town has exhausted its 40-day period and the Commission's 40-day period as of March 31st. The Commission will therefore, have to assume the preparation of the Town's Program. He said that the staff has prepared a letter advising Centreville of this action. Chairman Liss has informed the Mayor that the Commission is more than pleased to cooperate with the Town, and that as soon as the Town has completed its Program, the Commission will receive it for resubmittal and approval.

Mr. Davis added that Centreville has not been idle, and has submitted its work with more information than the Commission has asked for, but also submitted inconsistencies, so that the staff is again in the review process.

A motion was made that pursuant to a report by the Chairman and Executive Director, dated March 30, 1988, the Commission give notice of its intention to develop and adopt a local Critical Area Program for Centreville. The Commission directs the staff to develop a Program based on the original Program submitted to the Commission by the Town of Centreville on September 29, 1987, and any necessary modifications as stated in the staff report approved by the Commission on January 6, 1988. The Program will be promulgated by the Commission by regulation pursuant to §8-1810 of the Critical Area Law, and must be implemented and enforced by the Town of Centreville. If, after this adoption, the local jurisdiction submits an alternative Program that is approved by the Commission as complying with the criteria, the alternative Program shall supercede the Commission-adopted one, and a letter shall be sent to Centreville informing it of this action.

Mr. Gutman asked if it is necessary to include the mention of the most recent revision of the staff comments.

Mr. Davis answered that in discussion with Mr. Lee Epstein, Assistant Attorney General, it was concluded that the proposed motion would include those additional changes because it stated "based on the Program as submitted" and all of the changes were based on extensions to the original Program.

Mr. Blake, Panel member, said that there was only one issue regarding the Program that was raised at the hearing, concerning a townhouse project and water-dependent usage. As the 80 days are exhausted, at this point in time, a vote to assume the development of the Program would be the only choice.

The motion was seconded and the vote was 20 in favor, with 1 abstention.

Mr. Davis then reported on the Program for the Town of Queenstown, explaining the issues that were involved. He said that in general, in the Program, the sections are reiterations of the criteria. Decision-making processes are not explained, nor are specific regulations, which are needed to implement the Program. He suggested that the Program be returned to the Town for the 40-day period, to make the necessary corrections and adjustments referred to in staff comments, as supported by the Panel.

A motion was made and seconded that the Commission believes the local Program of the Town of Queenstown, to be a good one, but before final approval, pursuant to §8-1809(d)(2) of the Critical Area Law, the Commission requests the Town of Queenstown to make the changes recommended by the staff report of March 30, 1988, and endorsed by the Panel. Pursuant to §8-1809(d)(3), such changed Program must be submitted back to the Commission within 40-days, and only after at least one additional public hearing has been held concerning the changes made to the original submitted Program, relevant ordinances, and plans. The vote was 21:0 in favor.

Chairman Liss then asked Mr. Ed Phillips to discuss the Town of Cambridge's Program. Mr. Phillips reported that as a result of the Panel hearing in March, the Town is making changes to the Program, and has not yet completed those changes, so that at this time, a vote cannot be taken. Mr. Phillips said that the Town will have the Program ready for review within the following week.

Chairman Liss asked Dr. Taylor for a status report on the regulations for Project Notifications. Dr. Taylor reminded the Commission that at the time Ms. Watson was on staff with the Commission, she had worked with a subcommittee to help develop regulations under the Critical Area Law, that would, in essence, identify the types of projects of which the Commission would want to receive notification by the local jurisdiction and/or by the applicant. In January, the AELR Committee received a copy of the revisions to the original published regulations. At the January AELR Committee meeting, several questions were raised by the Farm Bureau, the Homebuilders Association, and by local government, with respect to the Regulations. Thereafter, the subcommittee met with the Farm Bureau, the Homebuilders, and the local government to review these concerns, and made changes to these Regulations. She said that at the April 6th Commission Meeting, the changes that the subcommittee agreed to make will be distributed and ready for vote. After the Commission has taken action on the Regulations, they will be sent to the AELR Committee for acceptance. If the AELR Committee approves the Regulations, they will be printed in final form in the Maryland Register.

UNDER NEW BUSINESS

Dr. Taylor informed everyone of the activities during the the Patuxent Appreciation Day, on May 7th, and encouraged the Commission to attend.

Dr. Taylor then reported on the status of the Bills in the Legislature. She said that the Bill on Compensation was defeated in the House Environmental Matters Committee. The Bill shortening the time-frame of Commission Members' service was withdrawn. Senate Bill 52, to extend the Critical Area, was defeated. House Bill 1247 concerning the Legislative Oversight Review Committee has passed the House and is moving through the Senate.

Chairman Liss asked for the report on the Town of Snow Hill's Program. Mr. Phillips introduced Mr. Jeff Hutchins and Ms. Ann Jones of Engineering Technologies, Associates, to report on the Program for the Town of Snow Hill.

Ms. Jones explained the Program and the various land uses of the Town. She said that the Town has submitted its Program, but is still in the process of completing its zoning ordinances.

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Mr. Gutman asked if by the end of May, the Town will have enacted all of the necessary local ordinances that will be referenced in the Program?

Mr. Hutchins answered affirmatively, provided the Town's Attorney, who is drafting the zoning ordinances, agrees with the language suggested.

Chairman Liss asked Dr. Lewis Waters to report on Worcester County's Program. Dr. Lewis reported that the Program has recently been submitted to the Commission. He said that he will be meeting with the County's Planning and Zoning Office to address items in the Program. The proposed voting date on the Program will be April 20th. Ms. Sharon Saari of the Idea Center, then presented an overview of the Program.

There being no further business, the meeting was adjourned.



meetings
4/6/88

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
974-2418 or 974-2426

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

COMMISSIONERS

April 14, 1988

- Thomas Osborne
Anne Arundel Co.
- James E. Gutman
Anne Arundel Co.
- Ronald Karasic
Baltimore City
- Albert W. Zahniser
Calvert Co.
- Thomas Jarvis
Caroline Co.
- Kathryn D. Langner
Cecil Co.
- Samuel Y. Bowling
Charles Co.
- G. Steele Phillips
Dorchester Co.
- Victor K. Butanis
Harford Co.
- Wallace D. Miller
Kent Co.
- Parris Glendening
Prince George's Co.
- Robert R. Price, Jr.
Queen Anne's Co.
- J. Frank Raley, Jr.
St. Mary's Co.
- Ronald D. Adkins
Somerset Co.
- Shepard Krech, Jr.
Talbot Co.
- Samuel E. Turner, Sr.
Talbot Co.
- William J. Bostian
Wicomico Co.
- Russell Blake
Worcester Co.

Dear Commission Member:

The next meeting of the Chesapeake Bay Critical Area Commission is scheduled for April 20, 1988 from 1:00 p.m. - 6:00 p.m. the Department of Agriculture Building, 50 Harry S. Truman Parkway, Annapolis.

An agenda for the meeting is enclosed as well as the Minutes of April 6th Meeting. Also enclosed is a copy of the draft final Regulations for Project Notification which require Commission endorsement in order to send them to the AELR Committee prior to publishing as final regulations in the Maryland Register.

Please also note that at the meeting of April 6th, 5 panels were appointed to handle the last remaining hearings of the Commission. Some members volunteered, some were volunteered. The dates for the hearings have not been established, but will be arranged for early May. The panels are as follows:

Talbot Co. - Jim Gutman, Ch.; Ron Adkins; Shepard Krech; Bob Price; Ron Hickernell

Snow Hill - Kay Langner, Ch; Shepard Krech; Russell Blake; Bill Bostian; Ron Adkins

Denton & Federalsburg (hopefully to hold hearings on the same date) - Wayne Cawley; Connie Lieder; G. Steele Phillips; Victor Butanis; Shepard Krech (no Chair chosen)

CABINET MEMBERS

- Wayne A. Cawley, Jr.
Agriculture
- J. Randall Evans
Employment and Economic Development
- Martin Walsh, Jr.
Environment
- Ardath Cade
Housing and Community Development
- Torrey Brown
Natural Resources
- Constance Lieder
Planning

April 7, 1988
Page Two

Caroline Co. - Wayne Cawley; Ron Karasic; Bob Price; Tom Jarvis;
Victor Butanis (no Chair chosen).

I would appreciate your attendance at the Meeting as there are Programs that require your vote, and a quorum of at least 15 Members is needed in order to vote.

Sincerely,

Solomon Liss
Solomon Liss
Chairman

SL/jjd

Enclosures

*P.S. It is absolutely imperative that all members of the Commission attend this meeting. Important votes will be taken and we need your presence and participation. Thank you.
Sol Liss*

CHESAPEAKE BAY CRITICAL AREA COMMISSION

AGENDA

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

April 20, 1988

1:00 - 6:00 p.m.

1:00 - 1:10	Approval of Minutes of April 6, 1988	Solomon Liss Chairman
1:10 - 1:30	Vote on Cecil Co.	Kevin Sullivan/ Panel/Consultants
1:30 - 1:45	Vote on Easton (perhaps)	Kevin Sullivan Panel/Consultants
1:45 - 2:00	Vote on Worcester Co.	Lewis Waters/ Panel/Consultant
2:00 - 2:15	Vote on Queen Annes Co.	Charles Davis/ Panel/Consultants
2:15 - 2:30	Vote on Project Notification Regulations	Sarah Taylor
2:30 - 3:00	Presentation of Caroline County	Charles Davis/ Panel/Consultants
3:00 - 3:15	Break	
3:15 - 3:45	Presentation of Denton	Charles Davis/ Consultant
3:45 - 4:15	Presentation of Federalsburg	Charles Davis/ Panel/Consultant
4:15 - 4:45	Presentation of Somerset County	Ed Phillips/ Panel Consultant
4:45 - 5:15	Presentation of Crisfield	Ed Phillips/ Panel/Consultant
5:15 - 5:45	Presentation of Princess Anne	Charles Davis/ Panel/Consultant
5:45 - 6:00	New Business Old Business	Solomon Liss Chairman

Next Meeting: May 4, 1988 at the Department of Agriculture
Building, 1:00 - 6:00 p.m.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held
April 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:

Samuel Bowling	Dr. Shepard Krech, Jr.
G. Steele Phillips	Albert Zahniser
Ronald Hickernell	Victor Butanis
Ronald Adkins	Kathryn Langner
Thomas Jarvis	Robert Price, Jr.
James E. Gutman	Thomas Osborne
Carolyn Watson for	Secretary Lieder of DSP
Parris Glendening	Secretary Brown of DNR
Secretary Cawley of DOA	

The Minutes of the Meeting of March 30, 1988 were approved as written.

Chairman Liss asked Mr. Ren Serey to report on the status of the Program for the Town of Chesapeake Beach. Mr. Serey said that the Program had been sent back to the Town for the 40-day period so that the Town could make additional changes. The 40-day period has ended. Mr. Serey said that he has been working with the consultants regarding the Program and zoning ordinance changes. He had met this day with the Panel members to discuss the maps, as there are still several outstanding issues regarding them. The Panel recommends that the Commission vote on the Program at the April 20th Commission Meeting. Before that time, he said that he would be sending a letter to the Town outlining the outstanding issues, and would be meeting with the Town officials and property owners.

Chairman Liss then asked Mr. Charles Davis to report on the Towns of Queen Anne and Hillsboro. Mr. Davis said that the size of the Towns is very small, and that they have no zoning ordinances and very little regulatory rules in place. He said, to date, several meetings with the Town have been held. He said that there are no outstanding issues in the Town of Hillsboro, but that the two Towns are similar in the changes that need to be made in their Programs. He suggested that the Programs be sent back to the Towns for changes and adjustment.

A motion was made and seconded for the Town of Queen Anne that the Commission believes that the local Program, after corrections and additions, would be a good one, but before final approval, pursuant to Section 8-1809(d)(2) of the Critical Area Law, the Commission requests the Town of Queen Anne to make the changes recommended by the staff report and endorsed by the

panel. Pursuant to Section 8-1809(d)(3), such changed Program must be submitted back to the Commission within 40 days and only after at least one additional public hearing has been held, concerning the changes made to the originally submitted Program, relevant ordinances and plans. The vote was 16:0 in favor.

A motion was made and seconded for the Town of Hillsboro that the Commission believes that the local Program, after corrections and additions, would be a good one, but before final approval, pursuant to Section 8-1809(d)(2) of the Critical Area Law, the Commission requests the Town of Hillsboro to make the changes recommended by the staff report and endorsed by the panel. Pursuant to Section 8-1809(d)(3), such changed Program must be submitted back to the Commission within 40 days and only after at least one additional public hearing has been held, concerning the changes made to the originally submitted Program, relevant ordinances and plans. The vote was 16:0 in favor.

Chairman Liss asked Mr. Davis to report on the status of the Program for Queen Anne's County. Mr. Davis said that the Commission staff had received a revised proposal which is still in review. He said that he would be meeting with the consultants and Planning Director at the end of this week. The County has revised the maps, but Mr. Davis said that he had not yet seen them and that there were some mapping issues. He said that the 80-day time frame would be at an end on April 20th, and that the Commission will need to decide upon the Program at the next Commission Meeting.

Mr. Gutman asked Mr. Davis if he thought that by April 20th, the Program will have addressed all of the concerns that have been identified thus far, and that the Panel would recommend its approval? Mr. Davis answered that he felt the text issues could be resolved by that time, but the mapping issues would still be outstanding.

Mr. Price, Panel Chairman, said that to date, the County has still not held a hearing on the changes, and that two-weeks time would not be sufficient to give notice to hold a hearing.

Secretary Lieder asked that if there is not enough time to hold a hearing, what would be the necessary steps for the Commission to take, if the County does not resubmit its Program to the Commission by the 40-day submittal time period? Chairman Liss answered that the Commission would then assume the preparation of the Program.

Secretary Lieder then asked what would happen if the Commission cannot take action on the Program? Chairman Liss answered that if the Commission does not have a quorum, and cannot take action, then the Program would automatically be approved.

Mr. Gutman asked Mr. Price if he thought it better to not wait until April 20th, but to make a decision now and inform the County of the Commission's intentions?

Mr. Price answered that after discussion with Chairman Liss, it was thought that the County should be allowed the full-40 day period in which to resubmit its Program.

Chairman Liss suggested that a letter be written to Queen Anne's County to call their attention to the fact that the 40-day time frame is almost ended and that under the circumstances, the Commission has no alternative but to assume the preparation of the Program. This would mean that when the Commission-prepared Program is implemented, it would remain in effect until Queen Anne's County submits a satisfactory Program approved by the Commission.

A motion was made and seconded that Queen Anne's County be notified that in view of the fact that it has not resubmitted its Program in response to the suggestions made by Commission staff, and the fact that the 80-day period will expire as of April 21, 1988, the Commission will assume the preparation of the Program as of April 21st. The understanding being that as soon as Queen Anne's County has officially submitted a Program that includes the required maps, and is approved by the Commission, the Commission-adopted Program shall become ineffective and the Program prepared by Queen Anne's County will be put in place.

Mr. Adkins said that he felt that the passage of this motion would state that the Commission is denying the Program. He suggested that the Commission inform the County that if it has not received the Program, as it had been negotiated with the staff, by April 20th, then there remains no other action for the Commission but to take over the Program.

Chairman Liss informed the Commission that in similar circumstances, prior to sending the letters, he had been telephoning either the Mayor, or President of the Commissioners, or whomever is in charge, explaining the Commission's actions. He said that in each instance, the jurisdiction has understood and thanked the Commission for the consideration it showed to them. This has resulted in helping to complete the process of Program preparation.

Dr. Krech asked if it was felt that the County is intentionally being reluctant in its progress? Mr. Davis answered that it is difficult to say, because there were so many issues in the plan, some issues took time to review.

A call for the question was requested. The vote was taken with 14 in favor, and 1 opposed.

Chairman Liss asked Mr. Ed Phillips to report on the status of Dorchester County's Program. Mr. Phillips stated that the Panel meeting had been held and was very productive. He said that the County will be making some of the changes recommended by the Panel, and the Commission will be voting on the Program at the April 20th Meeting. Mr. Phillips said that he will be meeting with the County again before the next Commission Meeting.

Mr. Gutman asked what the ultimate due-date for approval of the Program is? Dr. Taylor answered May 4th, 1988. She said that this would include the Towns of Church Creek, Brookview, Galestown, Vienna, Secretary, and Eldorado.

Chairman Liss asked Dr. Taylor to report on the Fort Washington Marina project. Dr. Taylor distributed a memo that reflected the discussions of the Subcommittee meeting on March 30, 1988. She said that the Subcommittee reviewed the site plans with Mr. Bob Ellsworth of Waterway Improvement Division, DNR. The Subcommittee felt that in addition to the site plan report that Mr. Ellsworth and his staff prepared and distributed to the Commission, certain considerations and comments should be incorporated into the design and construction of the Marina. Inclusive would be those comments that are required under the State Regulations which had been outlined by Mr. Lee Epstein.

She said that particular notice is being given to stormwater runoff, requesting that the 10% reduction be based on the increased utilization that will be occurring at the Marina. This will not just be a change from what is now presently there, but will take into account increased usage. She said that much of the design will depend upon what the engineer produces, and as far as reviewing the detailed engineering specs, it cannot be done until Waterway Improvement goes out for bid, but Waterway Improvement needs the Board of Public Works' approval. In order to get the Board of Public Work's approval, Waterway Improvement will need Commission support and approval of the project.

Dr. Taylor then asked Mr. Zahniser, Subcommittee Chairman, if he had anything to add. Mr. Zahniser reported that the proposed requirements are fairly restrictive. He said that with them, it is a model project for a Marina, and a redevelopment

project, and will be a vast improvement over what is now present. Mr. Zahniser said that the Subcommittee recommends the Commission approve the project with the changes that were modified by the Subcommittee.

Mr. Adkins asked how the jurisdiction had classified the land? Dr. Taylor answered it is federally owned land by the National Park Service, classified as RCA.

A motion was made and seconded that the draft plan of October 5th, 1987, be approved, provided the 22 points with corrections, included in the Memo of April 5, 1988, are incorporated into the design and construction of the Marina. The vote was 15:0 in favor.

Chairman Liss also suggested that an MOA be pursued between the Commission and WID recongnizing these 22 points.

Chairman Liss then reported that there were two State projects on State-owned lands. He asked Mr. Bob Ellsworth to report on the Sweden Point Marina, and Somers Cove Marina. Mr. Ellsworth said that Sweden Point Marina is a State-owned facility and that the Waterway Improvement Division is proposing continued development of the Marina. It currently consists of boat ramps, transient docking areas, picnic areas, and a marina concession building. The proposed development has been completely engineered, and the Division is ready to bid the project for construction awaiting the Commission's approval.

Chairman Liss said that the Subcommittee for this Marina should consist of Albert Zahniser, James Gutman, Robert Schoeplein, Samuel Bowling, and Thomas Jarvis, with Dr. Taylor as staff.

Mr. Ellsworth reported on the Somers Cove Marina project. He said that Somers Cove Marina is an existing marina in Crisfield, Somerset County. It was acquired by the State from the Department of Transportation. The proposed project is to continue development, constructing three more timber piers, another marine sewage pump agitation, two fish-cleaning stations, and two marina services buildings.

Mr. Gutman expressed concern that the Commission be given enough notice for other projects needing Commission approval. Mr. Ellsworth said that concerning most of the other projects, more notice will be given. The projects now being addressed had been begun years ago. Waterway Improvement's plan will be to give notice of projects to the Commission once its budget is approved, before application for wetlands permits.

Mr. Epstein suggested that the Waterway Improvement Division and the Critical Area Commission devise an MOU that includes sites visits, etc., to outline a procedure in order to help give sufficient notice to the Commission.

Chairman Liss said that the same Subcommittee members should be chosen for this Marina as was chosen for Sweden Point Marina, with the exception of Ronald Adkins in place of Samuel Bowling.

Chairman Liss asked Mr. Ren Serey to report on the Program for the Town of North Beach. Mr. Serey said that the hearing had been held on March 31st, and that the Program is in the 90-day review process. He introduced Ms. Liz Zucker from McCrone, Inc., and Mr. Thomas Crockett, Town Councilmember. Ms. Zucker then gave an overview of the Town's Program. She said that the town is mostly developed, and designated as IDE. She then discussed a 16-acre undeveloped parcel that the town wishes to designate as either LDA or IDA.

Mr. Gutman asked what the nature of the topography is of the northern part of the RCA? Ms. Zucker answered that it was either designated tidal wetlands or non-tidal wetlands, not suitable for development.

After introducing Mr. Duncan, Council President, and Mr. Bradley, Council Member, Chairman Liss asked Mr. Dan Cowee, Planning Director to present the Program for Talbot County. Mr. Cowee introduced Mr. Ralph Simmons, a member of the Talbot County Planning Commission. Mr. Cowee gave a summary of the plan saying that to date, the plan is completed, together with the resource mapping and land-use mapping. He said that the plan has the support of the Council and the Planning Commission, but is still in the review process.

Mr. Gutman asked what was the status of the Program development process, and when did the Commission receive the submittal? Dr. Taylor said that the Commission Office received a letter from the County transmitting the Program, dated March 4th, 1988, and the Commission must now choose a Panel to hold a hearing.

Mr. Gutman then asked if it was thought that the County can have the Program ready for implementation by June 11th?

Mr. Cowee answered that the County hopes to have the regulatory portion of the plan completed by that date, but there remains quite a lot of work ahead, though the County knows what it is it wants to do at this time.

Chairman Liss then asked Mr. Serey to present Charles County's Program. Mr. Serey said that the Program is in the 90-day review process, and though staff has given it only a cursory review, it looks like a very good Program. He then introduced Thomas MacMiddleton, Commissioner President, and Ms. Jackie Magness and Mr. Kevin McJunkin of the Planning Department.

Mr. MacMiddleton said that the plan meets the basic criteria and the County feels that it is a good, workable plan. He asked Ms. Magness to make the presentation of the Program. Mr. McJunkin gave a summary of the Program and the process for the mapping of the Program.

Mr. Epstein asked whether the proposed Riviera project had been included in the Program, or whether it would receive all necessary approvals prior to Program approval? Mr. McJunkin answered that the area had been mapped RCA and would require application of growth allocation, and that, given the hearing schedule for Riviera, it would not be approved prior to Program approval.

UNDER NEW BUSINESS

Chairman Liss then choose the Panels for:

Talbot Co. - Jim Gutman, Ch.; Shepard Krech; Ron Adkins; Ron Hickernell; Bob Price;

Snow Hill - Kay Langner, Ch.; Bill Bostian; Russesll Blake; Ron Adkins; Shepard Krech

Denton - Wayne Cawley; Connie Lieder; Steele Phillips; Shepard Krech; Victor Butanis

Federalsburg - Wayne Cawley; Connie Lieder; Steele Phillips; Shepard Krech; Victor Butanis

Caroline Co. - Wayne Cawley; Ron Karasic; Bob Price; Tom Jarvis; Victor Butanis;

Recognition was given to Ms. Carolyn Watson for the outstanding and dedicated service she has rendered to the Critical Area Commission.

There being no further business, the meeting was adjourned.