

The CLUE

Calendar of Events

Monday, October 18, noon and 7 pm

Planning Commission (County Admin. Building) *At the noon meeting, the PC will discuss and possibly vote on a proposal to make subdivision plat extension requests an administrative decision made by the Office of Planning & Zoning rather than the PC (see article on page 3 below)*

Tuesday, October 19, 7 pm

Board of County Commissioners (Rising Sun Town Hall)

Thursday, October 21, 7 pm

Debate: Candidates for Cecil County Commissioner, hosted by Cecil County Patriots (North East VFW, 815 Turkey Point Road, North East)

CLUA meeting on Oct. 21 cancelled because of above event. We will re-schedule speaker Richard Klein for another meeting in the near future.

Tuesday, November 2

General Election (Early voting: Oct. 22-23 and 25-28 at the County Admin. Building)

Thursday, November 4, 6:30 pm

CLUA Board meeting (Rising Sun library) *All CLUA members invited*

In This Issue: CLUA endorses charter gov't (p. 1); What you can do to help Charter (p. 2); PC considers change of procedure (p. 3); Watershed watch (p. 4)

CLUA Endorses Charter Government Proposal

The Cecil Land Use Alliance supports the proposed charter government for Cecil County and urges everyone to vote YES on the charter referendum (County Question A) in November.

At a time when concern that government is too remote from the people, this charter offers clearer accountability in county government and more local control of Cecil County affairs.

Instead of setting up "big government," the charter divides the legislative and executive

functions of county government in a way similar to that of all other levels of American government. This will give us a balanced structure and provide more responsive and understandable lines of authority than we have now — with the same number of elected officials. The cost of government does not rise, and there is no more taxing authority than now.

Furthermore, the charter requires that the County Executive and County Council to develop, with input from the people, a strategic plan that will provide a direction for county departments and a measurement tool for voters to use when evaluating their elected officials. Thus, citizens will know where the buck stops.

Charter Government is a step in the right direction for Cecil County and we hope others will agree and support the charter referendum. We encourage all voters to inform themselves about the charter (see <http://www.ccgov.org/commissioners/charterboard.cfm>).

CLUA voted to contribute \$300 to Friends for Charter and to help with publicity and voter education.

Local involvement is required to secure local control.

Julia Belknap
President, Cecil Land Use Alliance

Charter One-on-One

The Charter Referendum is less than three weeks away. Now's the time to do the single most effective step you can take to assure that local decisions are made locally in Cecil County. That one thing is just talking to the people you run into about the aspects of Charter that mean something to you. Charles Herzog reminded us of this at our last CLUA meeting.

Last weekend my neighborhood had a yard sale. It was a beautiful morning so a walk around the neighborhood allowed me to pitch Charter in a low key way. I brought along some cards that have the positives of the Charter and got a good reception. Along with building awareness and understanding of Charter, I got some glass candlesticks for 50 cents. Win-Win!

But seriously, we need to have the discussions to help people know that those who've delved into this are supporting Charter. We want a good government structure that can decide local issues here, not in Annapolis. Jump in.

Nancy Valentine

P.S. Nancy has pro-charter yard signs, buttons, and flyers. You can contact her at nmv@theworld.com. Letters of support to the local newspapers are also extremely helpful.

Planning Commission Considers Having OPZ Handle Plat Extension Requests

The Cecil County Planning Commission is considering a change of procedure in which requests from developers for extensions of the deadlines for submitting plats would be handled by the Office of Planning and Zoning (OPZ), rather than being considered by the Planning Commission (PC) itself. Right now, the PC grants such requests routinely; there seems to be little guidance in the current regulations for making such decisions. Some developments have been granted multiple extensions, stretching out the plat approval process for many years.

The CLUA Board has two main concerns about the change, and extensions generally:
(1) It would remove from public scrutiny a decision that is now made by a commissioner-appointed body at a public meeting, at which comments from the public are solicited;
(2) The practice of granting multiple extensions allows developers to “lock in” the regulatory framework in place when the plat approval process begins and avoid possible stricter regulations when they actually build.

The PC will consider this change, which must be finally approved by the County Commissioners, at their regular noon PC meeting on Monday, Oct. 18, at the County Administration Building. It is not yet certain that a vote will take place at this meeting or whether public comment on it will be accepted, but we invite all CLUA members who are able, to attend.

Owen Thorne provided this view on the pitfalls of such a change:

This proposed change was fought back once before, just a few years ago, along with a proposal to make Final Plat approvals an administrative action. Many came forth and testified in hearings against removing these key steps in the processes from public view and scrutiny, effectively eliminating the public's last chance to watch, review and possibly affect the decision making. At the time, development was running amok, the PC and staff were challenged to handle the monthly deluge of new proposals, preliminary plats, final plats and plat extensions. These changes were touted as a way to lighten their load. At those hearings, a repeated argument against was that if just the developer and the OPZ staff handled these approvals behind closed doors, the level of oversight and expectation to complete all requirements COULD slip and no one would be there to see it — PC, public or press. For these and many other reasons, a previous BoCC denied that PC's request to change the law.

A high demand for Planning Commission time is not the case today, with fewer new projects coming forth and many older ones dying a natural, market driven death, at which point this process properly — and publicly — ends their standing. Is there any reason to remove these decisions from public view and input besides saving the PC the time and effort to hold a fifteen minute hearing on each delayed project every couple of years? Presumably, the OPZ staff would spend the same time and expertise preparing for a thorough and proper administrative review than for a public review before the public and the PC, right? So savings would benefit the developer, his agents, and the PC members yet cost the neighbors and interested public their rightful chance to attend an advertised,

public meeting and to add their relevant input to the process. By removing these decision points from public view and scrutiny, the PC proposes to abdicate their responsibility to represent the public's interests and to allow that public to participate through questions and testimony.

I see no reason for these changes. The law is clear that once approval is granted, the developer should move forward with all due diligence to the next stage or, he must successfully argue an explanation why the project has been delayed and therefore, should be extended. I see extensions as a rubber stamp today with little effort made to hold the developer responsible for moving the process forward. Blaming the economy or paperwork getting lost should not be an excuse to grant endless extensions. Just follow the rules and the bad projects will go away and the competent developers will move on to the next level.

The recommendation under consideration by the Planning Commission does not provide for any new means of transparency, accessibility and an appeals process. That is what we have NOW with advertised public hearings. Switching to an administrative format curtails or eliminates all three.

Another way to minimize the workload is to limit the number of extensions to fulfill the next level's requirements. It is reasonable given the likelihood of changing conditions in the economy and on the ground over a number of years. One approval period plus one legitimate extension gives developer *four years* to get from concept to preliminary and another four from preliminary to final plat requirements. That's *eight years* to fulfill development responsibilities. I see tightening the regulations to entitle each project to just one, two-year extension between each level as a superior course of action if the PC genuinely wishes to cut OPZ workload and yield fewer plat extension hearings. Of course, the PC could always vote to continue or table the completion of a hearing if unanswered questions arise, or to protect the developer who fears his clock running out on a technicality.

Cecil Watershed Watch

October 2010

Rupert Rossetti

RupertRossetti@aol.com

Because it is timely and important, I'm devoting this entire Watershed Watch to the Bay TMDL and Maryland's Phase I Watershed Implementation Plan. There is a great background article on the Isaac Walton League's website www.iwla.org/index.php?ht=d/sp/i/2005/pid/2005.

EPA's Chesapeake Bay-wide TMDL & MD's Watershed Implementation Plan

Reminder: On September 24, the EPA issued a draft Bay-wide Total Maximum Daily Load (TMDL) and opened a 45-day public comment period, including 18 public meetings, three of which will be in Maryland. The EPA will establish the final Bay TMDL by December 31.

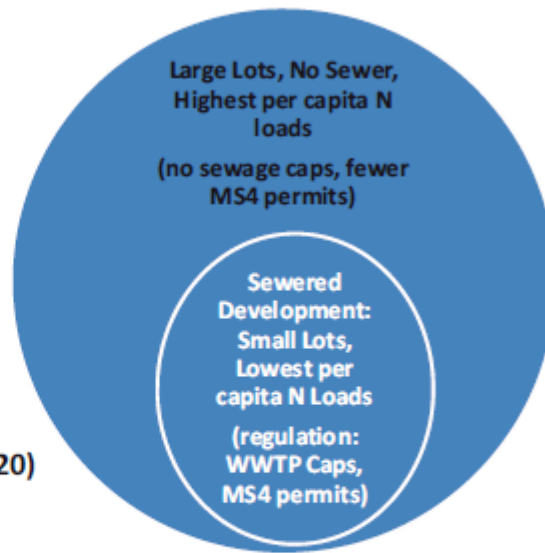
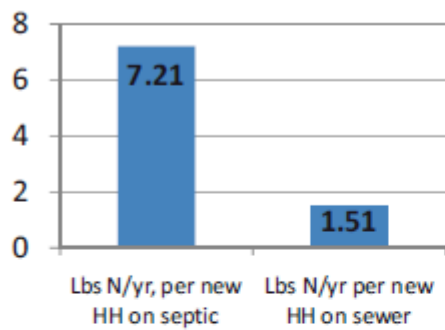
The EPA MD regional public meetings are:

- October 12 (2:00 to 4:00 pm)
Public Meeting
The Easton Club, 28449 Clubhouse Drive, Easton, MD
- October 13 (2:00 to 4:00 pm)
Public Meeting
Sheraton Annapolis, 173 Jennifer Road, Annapolis, MD
- October 14 (2:00 to 4:00 pm)
Public Meeting and [webinar](#)
Hagerstown Hotel and Convention Center, 1901 Dual Hwy, Hagerstown, MD
Register online for the webinar at
<https://www2.gotomeeting.com/register/340641634>

In response to the TMDL, the States must prepare Watershed Implementation Plans (WIPs). The Maryland Draft Phase I WIP was also published on September 24th, with a similar 45 day comment period. The Phase I WIP can be found here:
http://www.mde.state.md.us/Programs/WaterPrograms/TMDL/cb_tmdl/TMDL_BayWIP_process.asp

The Plan is quite large (170+ pages) and there are two sections which may be of particular interest: The section on Accounting for Growth (Chapter 3), and the sections on Potential Options to fill Gap (Chapter 5).

The following figures from Chapter 3 illustrate the degree to which land use patterns impact nutrient and stormwater loads, and the direction the State is headed to help reduce those loads: Dense development on public sewer.



263,225 Additional Households Forecasted in Maryland (2010 -2020)
29% served by septic tanks
71% served by ENR WWTP

Figure 3.1 Regulatory Constraints: An Uneven Playing Field for Development

Scenario A	Scenario B	Scenario C
<p>10,000 houses built on 10,000 acres produce: 10,000 acres x 1 house x 18,700 ft³/yr of runoff = 187 million ft³/yr of stormwater runoff Site: 20% impervious cover Watershed: 20% impervious cover</p>	<p>10,000 houses built on 2,500 acres produce: 2,500 acres x 4 houses x 6,200 ft³/yr of runoff = 62 million ft³/yr of stormwater runoff Site: 38% impervious cover Watershed: 9.5% impervious cover</p>	<p>10,000 houses built on 1,250 acres produce: 1,250 acres x 8 houses x 4,950 ft³/yr of runoff = 49.5 million ft³/yr of stormwater runoff Site: 65% impervious cover Watershed: 8.1% impervious cover</p>

The following Table excerpted from Chapter 5 illustrates the type of options that the State is contemplating, and on which they would like our feedback.

Septics Excerpt from Chapter 5		
Planned Activity	Description	Comment
Retrofit existing septic systems in the critical area	Projected upgrade of 535 septic systems per year in Maryland's Critical Area. State law requires new and replacement septic systems in the Critical Area (the land within 1000 feet of tidal waters) use best available technology for nitrogen removal. The Bay Restoration Fund pays for grants to homeowners to upgrade septic systems.	Existing 2-Year Milestone Total 4080 systems by 2017
Voluntary upgrades with Bay Restoration Fund \$	Projected upgrade of 90 systems a year with BRF funds remaining after Critical Area retrofits based on the current level of implementation with existing grant funding of 600 upgrades per year.	Existing 2-Year Milestone Total 720 systems by 2017
Septic hookups to Enhanced Nutrient Removal WWTP plants	Connect failing septic systems to Wastewater Treatment Plants with advanced nutrient removal technologies	Existing 2-Year Milestone Total 4080 systems by 2017
All systems in the Critical Area	Require all septic systems in the Critical Area (the land within 1000 feet of tidal waters) use best available technology for nitrogen removal. Cannot complete by 2017, but shows potential or can accelerate as contingency.	New Option Total 930 systems by 2017
All systems within 1,000 feet of a stream	Require that all septic systems within 1000 feet of a stream use best available technology for nitrogen removal	New Option

The various sectors in Chapter 5 are:

- Point Sources
- Urban Stormwater
- Natural Filters
- Septics
- Agriculture
- Air

MDE's suggestions for submitting comments are as follows:

- Please give special attention to the STRATEGY OPTIONS:
 - Which strategies do you strongly favor, which do you not favor, and why?
 - Possible additional strategies (practices or programs that have worked well or that have greater potential)
- Please group multiple comments by subject area where appropriate and list comments individually
- Please make comments as specific as possible to ensure our response can directly address the issues raised.

I would add that Chapter 3, *Accounting for Growth*, is going to be very significant to Cecil County, given our projected growth in the next 20 years.

Comments on the draft Phase I Plan should be submitted in writing no later than November 8 to:

Tom Thornton
Maryland Department of the Environment
1800 Washington Boulevard - Suite 540
Baltimore MD 21230-1718
Or by e-mail to: tmdlcoordinator@mde.state.md.us

I hope these excerpts have piqued your interest and that you will indeed take a look at the MD Draft Phase I WIP and make some comments.

The next steps will be some regional meetings with local government agencies in December to prepare for Phase II WIPs, and meetings and work sessions in each county starting in the New Year.

The end product of the Phase II WIPs will be a plan to meet our county's pollution diet, at both a county level and a watershed level. At the very least, County government, Municipal government, Soil Conservation, State Highway and Federal Facilities (Perry Point, The C&D Canal) will be at the table, along with large Industrial dischargers, large land-owners and, I hope, watershed organizations and concerned citizens.

Let us hear from you! The CLUE belongs to you. We'd like to know what you have to say. What are your concerns and interests regarding Cecil Land Use? Tell us about your pet peeves, your ideas for improvement, people you'd like to praise, process suggestions, new problems identified, new opportunities arisen, or new challenges to face. Speak up, and share with us. Write to the editor at gkaplan@zoominternet.net .

The Cecil Land Use Alliance newsletter is published periodically under the auspices of the Board of Directors. It is provided to all members, directors and available to the public at large. Suggestions and articles are welcome. They should be submitted to the editor by e-mail to gkaplan@zoominternet.net, or by mail to P.O. Box 215, Colora MD 21917. We encourage our readers to visit our website at <http://cecillanduse.org>