CECIL COUNTY COMPREHENSIVE PLAN CITIZEN OVERSIGHT COMMITTEE
MEETING MINUTES
1 July 2009

Present: Bennett, John; Broomell, Diana; Butler, Eileen; Cairns, Ed; Clewer, Jeff; Colenda, Sarah; Day, Shawn; Denver, John; Derr, Dan; Doordan, B. Patrick; Duckett, Vernon; Edwards, Sandra; Folk, Patricia; Gilley, Paula; Jackson, Ann; Kilby, Phyllis; Lane, Diane; Polite, Dan; Pugh, Mike; Rossetti, Rupert; Stewart, Gary; Strause, Vicky; Tapley, Donna; Thorne, Owen; Walbeck, Carl; Whitehurst, Dan; Whiteman, Will; Wiggins, Kennard; Bayer, Michael – ERM; Graham, Clive – ERM; Di Giacomo, Tony; Sennstrom, Eric

Absent: Buck, Walter; Bunnell, John; Deckard, Donna; Ellerton, Vaughan; Gell, Robert; Priapi, Vic; Shaffer, Henry; Smyser, Chuck; Snyder, Linda

Call to Order: Dr. Lane called the meeting to order at 6:14 p.m.

Approval of Minutes: Motion was made by Eileen Butler to approve the 24 June 2009 meeting minutes. Motion was seconded by John Bennett. Dan Derr noted that he did not recall making the statement at the top of pg. 7 that reads "Dan Derr agreed with Mr. Whiteman's assertion it would be a nightmare." Mr. Derr requested that sentence be deleted. Ms. Butler amended her motion to include Dan Derr's request. All members present voted in favor of motion to approve as amended. Motion carried.

New Business: Dr. Lane asked if the COC had a preference regarding moving the meeting time for the 8 July meeting to 3:00 p.m. or 4:00 p.m. rather than the usual 6:00 p.m. start time. Dr. Lane said she was contemplating the time change to allow enough time to permit the COC to get through the rest of the concept plan. The duration of the meeting would be limited to 4 hours from 3 to 7 or from 4 to 8. Owen Thorne asked that why not meet at the regular time if we were only extending by 1 hour. Dr. Lane responded that she was trying to be reasonable and not to detain the COC too late into the night. The COC decided to meet at 6:00 p.m. on Wednesday, 8 July 2009.

Dr. Lane announced that the first item on this evening's agenda was the water resources portion with the discussion of de-nitrifying septic systems leading the way. Discussion ensued on which page in the meeting packet was the appropriate place to start. Rupert Rossetti kicked the discussion off by distributing and explaining a handout he had prepared relative to the issue of setbacks from streams and the placement of septic systems. Mr. Rossetti noted that requiring de-nitrifying septic systems within 1,000' of steams is consistent with the State's nutrient trading policy. He summarized the urgency in cleaning up the Chesapeake Bay and the looming threat from the EPA's anticipated statewide TMDL. Mr. Rossetti noted that based on the State's point to point trading policy, requiring de-nitrifying septic systems seemed to be the prudent thing to do. He said that the 300' was suggested by Chuck Smyser in sub-committee and although it was not based on specific science, it was reasonable in Chuck's estimate. Mr. Rossetti has asked David Black to prepare a map providing an analysis how much land would be affected by a 300' versus the 1,000' setback for new development. Jeff Clewer asked what

would happen if an existing system needs to be replaced. Mr. Rossetti replied that it would need to be replaced with a de-nitrifying system. Jeff Clewer responded that that would be an unfunded State mandate. Dan Derr asked if we would receive a 2 to 1 credit de-nitrifying septic systems. Mr. Rossetti replied in the negative. Will Whiteman inquired as the level of pollutants entering the Bay that can be attributed to septic systems. Mr. Rossetti stated approximately 15% of the total. Discussion ensued on implementation and on the State's requirements. Donna Tapley noted that all non-growth areas should be required to have de-nitrifying systems since the growth area will have community water and sewer systems in place. Sarah Colenda noted that the low growth portion of the growth area was not the highest priority for water and sewer service. Paula Gilley inquired as to whether a cost benefit analysis has been done. Rupert Rossetti replied that he did not think one existed but at the same time it would be difficult to estimate a value of a clean bay. Paula Gilley inquired as to whether de-nitrifying systems bring the nitrogen pollutant loadings to zero. Mr. Rossetti replied that while it reduces the pollutant load, it would not eliminate it. Will Whiteman asked if 15% of the total pollutant loads come from septic systems, where does the other 85% come from. Mr. Rossetti said he did not have that information available. Dan Derr read a summary of ERM's water resources report. Sarah Colenda asked if the State requires that all wastewater treatment plants be upgraded to ENR standards. Rupert Rossetti responded that only major sewage treatment plants need to be upgraded. Mike Pugh opined that the choice is whether we require what the State's policy requires or we accept what the sub-committee has recommended, why does a decision need to be deferred. Mr. Rossetti replied that a deferral is necessary to answer questions relative to the impact expanding from 300' to 1,000' would have on the County. Mr. Pugh posited the questions as to whether this would be 1,000' or broader. Discussion ensued on the impacts of the buffer expansion and the percentage of the overall impact that expansion would have on the County. Dr. Lane noted that it is important to realize that this would only effect new development. Sarah Colenda asked for clarification as to whether only new development would be affected or whether new systems would also be affected. Dr. Lane and Mr. Rossetti concurred that only new development would be affected. Rupert Rossetti would like to bring more information to the 8 July meeting and stated that the nutrient credits only apply if you are connecting to a wastewater treatment plant. Vicky Strause said that this would be a prudent thing to do and that the COC is there to look forward. Will Whiteman said that he would like to hear from Chuck Smyser on why he feels 300' is adequate rather than 1,000'. Dr. Lane asked Rupert Rossetti if he desired to postpone this matter until the meeting on the 8th. Vernon Duckett interjected that the County needs to develop a drinking water supply from the Susquehanna River. Clive Graham noted that the ERM water resources report indicated that before 2030, the County would not need to tap the Susquehanna to meet drinking water demands. Dr. Lane asked the COC what their pleasure was for this item. Donna Tapley said that all new development outside the growth area should be subject to de-nitrifying septic systems. Sandra Edwards said this matter should be tabled until 8 July.

Sandra Edwards made a motion to table this until the 8 July 2009 meeting. Motion was seconded by Sarah Colenda. All members present voted in favor of motion to table. Motion carried.

Gary Stewart noted that the concept map and the Growth Corridor/Growth Area map had discrepancies. He was particularly concerned with the Mineral Extraction area between Perryville and

North East surrounding the Principio Business Park. This area should be shown as part of the Growth Area as the Economic Development sub-committee had determined, it should not be included with the rural areas. Clive Graham indicated that ERM had struggled with the appropriate way to show the mineral extraction areas and that the map could be revised to include the mineral extraction as a part of the growth area. Discussion ensued on Growth Corridor/Growth Area map and issues as to whether the mineral extraction should be part of the growth area, the confusing graphics, consistency with the concept map, and future groups divining this group's intentions. Mr. Graham indicated that ERM will adjust the map to address the concerns expressed this evening.

Paula Gilley made a motion to not use the Growth Area/Growth Corridor map since it is too confusing and to only use the previously approved concept map. Motion was seconded by Patricia Folk. Discussion ensued on the motion with some members of the COC expressing confusion, some members praising the maps clarity, and with Carl Walbeck noting that it complements the concept map. 7 members voted in favor of the motion. 18 members voted against the motion. 3 members did not vote. Motion was defeated.

Dr. Lane announced that there will be more info presented on Section 6 (Environmentally Sensitive Areas) at next week's meeting and asked if there were any other comments or issues on water resources. Donna Tapley questioned as to whether storm water management should be grouped in with non-point loading sources such as agriculture and septic systems. Clive Graham responded that he will ask Ben Sussman to send her an e-mail in answer to her inquiry. Ms. Tapley noted that the phrase "requiring de-nitrifying septic systems in other areas" needs to be defined. Dr. Lane stated that #6 will be further defined to add clarity. Donna Tapley noted that reservoirs are referred to and inquired as to whether they have been investigated. Rupert Rossetti reported that a study by ARRO Engineers looked at the feasibility of surface impoundments and made recommendations thereon. Clive Graham noted that the numbers show a need for reservoir water in the longer term (after 2030). Sarah Colenda reflected that relying on the Susquehanna River is risky due to potential spills and what lies up river. Therefore, she said reservoirs were important.

Donna Tapley wanted to know what the policy is for addressing nutrient loading from agricultural operations. Clive Graham said it could be added to the document. Phyllis Kilby said it is regulated at the State level through measures like cover crops. Clive Graham said ERM will develop language to bring back next week relative to this issue. Donna Tapley noted that the Water Resources section needs re-formatting to separate goals and objectives from policies and to add a glossary to define terms so the public can understand them better. Kennard Wiggins added that the general reader may need a glossary to understand the subject matter. Ann Jackson reflected that everything will be elaborated on in the next steps. Mr. Graham reminded the COC that the final plan will pick up details and be a much more lengthy document. Ann Jackson asked if the County had regulations requiring de-nitrifying septic systems and if local funding assistance was available. Clive Graham noted that for reasons of simplicity, the last sentence in 2nd paragraph on page 14 would be removed.

Eileen Butler presented her proposal relative to the expansion of buffers around non-tidal wetlands. Eileen stated her opinion that the present buffer of 25' needs to be expanded to better protect fresh water wetlands and to more effectively filter sediments and nutrients that would impair the wetland's quality. Buffers in the range of 30-100' are more effective at removing pollutants such as phosphorus and a minimum of 50' is necessary to remove nitrogen. She stated that 300' feet is necessary for wildlife habitat protection. Ms. Butler stated that the buffer should be increased from the present 25' to 75'. She is of the opinion that this would be consistent with goals 194, 67, 84, 97, 98, 99 and bullets 3 and 4 of the concept plan.

Eileen Butler made a motion to increase the non-tidal wetland buffer from 25' to 75' and to include it in the concept plan. Motion was seconded by John Bennett. Will Whiteman asked if MDE is proposing changes to buffers. Clive Graham said he was not aware of any proposed changes from MDE. Mr. Graham has also checked with Harford County and Kent County. Kent's buffer is the State's 25' and Harford has a buffer of 75'. Discussion ensued on what is considered to be a wetland and what is required to make the determination that it is a wetland (vegetation, soils, ponding). Dan Polite provided edification on what it takes to delineate a wetland. Discussion continued on forested wetlands versus non forested wetlands, isolated wetlands and benefits of protecting various wetland types. Vicky Strause inquired as to why if existing buffers were adequate, do we need to expand them further. She feels prioritization needs to occur. John Bennett reflected on federal, State and County policy regarding wetlands and inquired of Will Whiteman as to the difficulty in dealing with the County on wetland issues. Will Whiteman described the wetland delineation process. John Bennett suggested that an increased buffer plan could be drafted to address the concerns of the development community. Kennard Wiggins asked about the width of the buffer and the size of the wetlands. B. Patrick Doordan inquired as to whether the COC would be voting without a base in study or fact. Eileen Butler countered that an analysis could be done to show the effects of an increased buffer. Dan Polite reflected that many agricultural wetlands are already impacted. Dan Whitehurst noted that this proposal could make it more difficult to develop in the growth area. Will Whiteman wanted to know why MDE isn't pushing for larger setbacks and Mike Pugh said increased buffers will make developing in the growth area more cumbersome. Eileen Butler tabled her motion until the 8 July meeting.

Dan Derr noted that water and sewer action items cited in the discussion section of Water Resources needed to move to major policies and actions section. Clive Graham said that comprehensive plan is a policy document and that these details should be included in the Master Water & Sewer Plan. Rupert Rossetti liked Dan Derr's suggestion. Clive Graham noted that #3 in Major Policies and Actions section addresses Mr. Derr's comments and that he will expand #3 to better prioritize.

Dr. Lane said that the COC needed to proceed to general discussion items. Clive Graham presented the flyer for the 7/29/09 public forum. Vicky Strause noted that CPC should change to COC. Clive Graham said that the plan should be available one week prior to the meeting and therefore, the COC needs to finish up in the next two meetings. Clive Graham reminded the COC that the forum is their meeting and suggested different formats to use. Kennard Wiggins suggested the provision of a comment form. Paula Gilley asked about the duration of the meeting and the time of day. Dr. Lane said it would be 3 hours in

length from 6-9:00 p.m. Dr. Lane said that the flyer would be made available in the libraries, County Administration Building, County Government website, Chamber of Commerce, given to the *Cecil Whig*, and potentially through public service announcement on the radio. Discussion ensued regarding the purpose of the meeting and its structure.

Adjournment: Dr. Lane adjourned the meeting at 9:03 p.m.

Next meeting will be at 6:00 p.m. on Wednesday, 7/8/09 at room 208 of the Cecil College Technology Center.

Respectfully Submitted:

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Eric S. Sennstrom, AICP
Director – planning & zoning