



# The Queen Anne's Chronicle

CELEBRATING QUEEN ANNE'S COUNTY

INFORMING THE CITIZENS

## KENT ISLAND DAY IS COMING! SATURDAY, MAY 21, STEVENSVILLE

*Special from JACK BRODERICK, Chester*

Each year, on the third Saturday in May, the Kent Island Heritage Society celebrates the heritage, life, and culture of Kent Island. Known as "Kent Island Day", the tradition began in 1977 with the signing of a proclamation by Acting Governor Blair Lee.

The community festival mostly takes place in one of Kent Island's oldest and most picturesque communities, the "Mayberry-like" village of Stevensville. It features the Heritage Society's historic sites including the Old Post Office, the Stevensville Bank, the historic Cray House, and the Stevensville Train Station and vintage Caboose.

The Day comes alive with period docents and re-enactors, antique gun firing demonstrations, local artists, crafters, community groups, good food, a moon bounce for kids, an old fashioned parade, and lots of great on-stage entertainment.

Concurrently, at the Heritage Society's Kirwan Farm on Dominion Road in Chester,

the Kirwan Farm House and General Store Museum are open through the day.

The opening ceremony kicks off in Stevensville at 10:00 a.m. with the National Anthem, salute to the flag, reading of the Kent Island Day proclamation, and this year



*The antique cannon will be fired, along with a number of other old guns of various sizes, periodically on the Cray House Green in Historic Stevensville. The re-enactors represent the American military through the ages, as a tribute to all US veterans.*

a special recognition of the Society's Grand Old Leader, the incomparable Dr. Gil Dunn.

The colorful parade steps out at Kent Island Elementary School at 10:30 and flows down Main Street through downtown Stevensville. The parade features a great

home town mix of old cars and tractors, boats, historic costumes, bands, scouts, civic groups, elected officials, police and fire units, and the exciting horses of the Maryland Rough Riders. "We always have room in the parade, so if you want to be part of it, just give us a call", says the parade chair (see below).

"One of the great features of this year's event will be an expanded area of plants and gardening information, next to the Historic Cray House Early American Garden", says Joyce Woodford, KI Day Vendor Chair. Beautiful displays of plants and garden items will be for sale by the talented women of The Kent Island Garden Club.

Entertainment begins at noon on stage in the Stevensville Pocket Park next to the historic Bank and will continue throughout the afternoon. The invited entertainers include the Kent Island Community Band; the Daschiell School of Dance; the women's a cappella group, "Harmony on the Bay"; and the County's premier bluegrass group, "The Bay Country Gentlemen".

For questions or more information on Kent Island Day, including how you can participate, call Jack Broderick at 410-643-6452 or email at [jackandlizzie@atlanticbb.net](mailto:jackandlizzie@atlanticbb.net).

*Jack Broderick is Kent Island Heritage Society President and KI Day parade chair.*

## "PRIOR RESIDENTIAL GROWTH IS DRIVING NEW EXPENDITURES JUST AS REVENUES ARE FALLING"

This statement appears on page 19 of an economic study of the County, prepared by AKRF, Inc., a New York-based consulting firm, and released last February 19. The few who penetrated that far into the study (which can be read at [www.qaca.org](http://www.qaca.org) and on the Maryland Department of Planning website) must have wondered how the statement could possibly be true.

Yes, County tax revenues have fallen, as the Great Recession has impacted incomes and property values and the State has reduced support for roads and other major County obligations. But how can "prior residential growth" be driving new County expenditures, if, as some say, the past decade has been a decade of "no-growth"?

Answer: Residential growth in Queen Anne's County in the past decade has actually been quite robust, as the new Census figures now confirm.

Between 2000 and 2010, Queen Anne's enjoyed the biggest percentage increase in population of any of the nine Eastern Shore

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### WHAT DOES THE CENSUS TELL US ABOUT OUR COUNTY?

#### % POPULATION INCREASE, 2000-09:

MD = 7.6%	<b>QAC = 18.2%</b>	Cecil = 17.3%
Kent = 5.5%	Talbot = 7.2%	Caroline = 12.1%

#### % CHANGE IN K-12 SCHOOL ENROLLMENT, 2000-10:

MD = <i>minus</i> 1.2%	<b>QAC = plus 8%</b>	Cecil = <i>minus</i> 0.5%
Kent = <i>minus</i> 23.9%	Talbot = <i>minus</i> 2.6%	Caroline = <i>minus</i> 3.4%

#### NUMBER OF HOUSING UNITS IN QAC:

1990 = 13,944	2000 = 16,674	2009 = 19,889
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# NEW LAWYER GROUP DOES FREE WORK ON BAY-RELATED CASES

By RONA KOBELL

The Chesapeake Bay has just hired itself a new lawyer - or more accurately, about 40 of them. The representation comes courtesy of the Chesapeake Legal Alliance, an organization formed about a year ago to help the Bay fight its legal battles against pollution, wetlands violations, and habitat destruction.

The Alliance, based in Annapolis, is starting with Maryland cases, but plans to expand into Virginia and Pennsylvania as it raises funds and increases its ranks in those states. The idea is for the group to serve as a place for citizens and nonprofit groups to bring complaints large and small to find free representation.

Some of those cases may become full-fledged lawsuits. An Alliance lawyer is already representing the Baltimore Harbor Waterkeeper in legal action against the Severstal steel mill in Sparrows Point. But others will lead to administrative hearings before county zoning officers, meetings with the heads of state departments, or simply letters written on behalf of citizens. And it's in those small cases, which usually don't grab headlines or interest high-powered lawyers willing to work for free, that Alliance members think they can make the biggest difference.

Many of the Alliance's lawyers are high-powered partners at some of the best-known firms in Washington, DC -- places that for decades have been well-compensated to help chemical and manufacturing companies clean up their messes. For example, Ridgeway Hall, a former attorney with the EPA's water division, spent close to 40 years working on Superfund site cleanups.

Jacqueline Sincore Guild spent several years representing chemical companies, including the American Petroleum Institute, before signing on as the group's executive director. Guild, who lives near Annapolis and loves the Bay, was looking for a career change when Severn Riverkeeper Fred Kelly, himself an attorney, told her about the legal alliance.

Alliance founder Russell B. Stevenson Jr. and Hall had raised the money for the position over the summer, and Guild began her work in February. "I wanted to use all of my powers for the good," Guild said. "I wanted to devote myself to working to restore health, not just help corporate America improve its practices."

Kelly is both thrilled for his friend, and for the Alliance's existence. He tried to start a Lawyers for the Bay association seven years ago, but dropped the idea when he couldn't get funding. An Eastern Shore attorney, Mike Pretl, also attempted to start such a group, but he ended up doing most of the work himself and eventually abandoned the idea.

The difference this time, Kelly said, is that Stevenson and his colleagues have a vast and powerful network, both from which to raise money and to find attorneys. Stevenson is retired, and Hall is nearly so. They have raised some money from foundations, including the Keith Campbell Foundation for the Environment and the Town Creek Foundation. But quite a bit of the group's \$100,000 budget has come from individual donors and law firms. And, Kelly said, that wealth means that, finally, Bay advocates will have the same kind of legal firepower as the industries they challenge.

Chesapeake Bay Foundation senior attorney Jon Mueller said there have long been more good cases than attorneys willing to take them on.

"The climate has been right for a long time for something like this," Mueller said. "There's definitely a need for people to handle the smaller cases where citizens don't have the litigation budget."

Citizen litigation has a long and storied history in helping to protect the Bay. In 1974, Kelly was just a few years out of law school when he successfully fought PEPCO's attempt to build a nuclear power plant along a major striped bass spawning area in the Potomac. The American Littoral Society and the American Canoe Association

sued the EPA in 1998, and the court's decision became the basis of the TMDL that the agency is implementing today. And the Chesapeake Bay Foundation and other groups declared victory in 2009 when the Newport News City Council announced the end of the King William Reservoir project -- a two-decade-old effort that Mueller said would have destroyed 400 acres of wetlands.

The Alliance's challenge will be to balance big cases like those with the smaller ones. Already, they are thinking of hiring an assistant to help Guild.

"How do you figure out how to prioritize?" Stevenson asked. "It's a work in progress. That's the short answer. God knows, there's plenty to do."

For information on the group, visit [www.chesapeakelegal.org](http://www.chesapeakelegal.org).

Rona Kobell is a former writer for the Baltimore Sun. Her article is condensed and reprinted here courtesy of The Bay Journal published by Chesapeake Media Service.



Ridgeway Hall, Russell Stevenson, and Jacqueline Sincore Guild are all part of the Chesapeake Legal Alliance, a new nonprofit offering pro bono legal help for Chesapeake Bay cases. Photo/Dave Harp

## Prior Residential Growth, continued from Page 1

counties: 17.8%, as the County grew from a little over 40,000 residents to nearly 48,000.

Queen Anne's also had the highest percentage growth in population under age 18: 10.4%, twice the rate of the Upper Eastern Shore as a whole.

Some of the County's youthful growth showed up in its public school enrollment: an 8% increase over ten years, way over the State average and tops on the Eastern Shore by a wide margin. K-12 enrollment in QAC's widely-praised public schools now stands at 7,468 as of this past December.

But where were all those new people living, if we weren't building many houses?

Actually, we were. Many who remember the 1990's as a boom time for residential growth in the County now think

of the decade just past as a time of residential bust. That thinking is the result of the housing bubble bursting in '08. For whole period 2000-09, the number of housing units in the County increased by 3,215, even more than the 2,730 unit increase from 1990 to 2000.

So there's no real surprise here. Two decades of rapid residential growth in the County is now exerting, as the study puts it (page 20), "pressure to provide more residential-oriented public services. It is a typical phenomenon in a suburbanizing area that ultimately gets expressed in terms of higher costs to residents and businesses in the County."

All this does raise, however, the question of how far Queen Anne's County residents want "suburbanizing" to go.



With their school over 100% capacity, students at Queen Anne's County High School have classes in trailers. Over the past decade, K - 12 student enrollment has fallen by 1 - 2% both state-wide and on the Eastern Shore as a whole. In the fastest growing counties like Queen Anne's and Frederick, however, K - 12 enrollments have risen 8% between 2000 and 2010.

## WHATEVER HAPPENED TO FASTC?

Last June, FASTC, the controversial foreign affairs security training center scheduled for Ruthsburg, was withdrawn by the federal government – and quickly forgotten by most of Queen Anne’s County. But what happened after that?

At the time of the withdrawal from Ruthsburg, the GSA administrator said that “the preliminary analysis showed that, among other potential concerns, there would be a significant change in land use and considerable noise and traffic impacts.” Senator Mikulski echoed: “This was the right idea but in the wrong place.”

Two months later, the government’s internal documents supporting their analysis became public, and *The Delmarva Farmer* summarized them in an October 2010 news story:

“The precisely detailed assessment states that the facility would be noisy beyond acceptable standards, disruptive of the environment and of surrounding neighborhoods and residences, a dangerous nuisance on the roads leading to it, a threat to the Delmarva fox squirrel and a toxic imposition on activities at Tuckahoe State Park.”

The government’s documents also contained an assessment of the fiscal impact of FASTC on Queen Anne’s County. Balancing the additional tax revenues generated by FASTC against the expenditures required to provide public services to the project, the

federal analysis found that FASTC “would have a minor, adverse impact on Queen Anne’s County’s fiscal resources in the short-term and long-term.”

As 2010 turned into 2011 and the federal government made no further announcements about FASTC, reports circulated that, on the one hand, Congressional funding for FASTC might no longer be available, and, on the other, that sites in Pennsylvania were under active consideration.

In February, a story in the Wilkes-Barre, PA, *Times Leader* quoted a GSA official as saying that the FASTC “site-selection process remains ongoing”, with a “focus on properties already existing in the federal inventory”. A Pennsylvania state senator said that federal officials had made two visits to a site near the Letterkenny Army Depot in Franklin County, where, according to the senator, the Army “blows stuff up over there all the time.” The GSA official confirmed the visits to Pennsylvania but said: “At this point, no site has been confirmed.”

As the *Chronicle* goes to press, we have been unable to clarify the Congressional funding situation. If in fact the initial FASTC funding, originally provided by the 2008 Recovery Act for “shovel-ready” projects, is no longer available, whether substitute funding may be forthcoming remains to be determined.

## SAVING TWO FARMS

Agriculture is Queen Anne’s County leading industry, and so the decision ultimately reached by the County Commissioners to accept federal funds to preserve two sizable farms is a welcome step toward sustaining our county’s farming against the threat of development.

The two properties, Brown’s Branch, with 219 acres, and the Milliken property, with

270 acres, lie by Route 213, the Chesapeake Country Scenic Byway. Accordingly, not only would agriculture be protected by the Commissioners’ decision, but tourism would be protected too, as more and more people visit the Eastern shore to enjoy its small towns, country roads, farms, vineyards, and open spaces.

Donna Landis-Smith, agricultural specialist for Queen Anne’s County, and Rob Etgen, executive director of the Eastern Shore Land Conservancy, presented the two properties for preservation to the County Commissioners on March 22. As they explained, the money for preservation had been designated a number of years ago from federal transportation funds for Chesapeake Country National Scenic Byway protection.

Apparently based on philosophical grounds, the County Commissioners voted



Route 213, signed here by Church Hill, is part of the Chesapeake Country National Scenic By-way.

## QAC FARMLAND – THE ANCIENT STORY

When Senator Barbara Mikulski met last year with Ruthsburg residents to close the book on FASTC, she told them that the archeology of the Hunt-Ray and Crismer farms was a major factor in the government’s decision not to proceed. But she provided no details.

Months later, when the government’s archeological survey of the site was released, it became clear what the Senator was referring to. The government reported that walk-over field reconnaissance of the two farms had revealed a remarkable total of some 2,400 historic and prehistoric artifacts. These were taken to a lab in New Jersey for processing and cataloging.

The artifacts ranged from projectile points and stone tools going back as far as 9500 years ago to earthenware, stoneware, glass and other materials from the early 1700’s through the first half of the 20th century.

What the government survey found, though surprising to the Senator and others, was no surprise to several Ruthsburg farm families. Over the years their children had assembled collections, from their own farmfields, of points, gouges, and grooved axes from the Middle Archaic and early Late Archaic periods -- 8,500 to 6,500 years ago. An archeologist from Easton who examined some of these collections described them as showing what he called an “amazing” Archaic period Native American presence in the locale.

The government survey also recovered historical period artifacts in quantity. In Colonial times, “plantations”, small and large, were the sites of spinning, weaving, sewing, shoe-making, meat-curing, grain-grinding, coopering, black-smithing -- “manufactures” of all kinds. Though most of the plantation structures are gone (there was so much brick in the Hunt-Ray/Crismer fields that the government archeologists stopped picking it up), the daily lives of farm families left behind a rich heritage of archeological resources – thimbles, crockery, glassware,

tools of all kinds, building materials, domestic waste, bones.

If FASTC had not been withdrawn, the next step in the archeological investigation (mandated by federal law) would have been to excavate “shovel test pits” (16 per acre in a grid pattern) at 24 locations (13 prehistoric, 10 historic, one both) and at another five “archeologically sensitive” sites on CRP land and wetland that could not be covered in the walk-overs. Depending on what the test pits revealed, further excavation and recovery of objects would have been required before FASTC could proceed.

Following the FASTC experience, a group of citizens called on the County to adopt the “compliance archeology” ordinance that has been enacted by Anne Arundel and some other Maryland jurisdictions. Such a law, yet to be introduced, would require private developers of County farmland to conduct the same sort of archeological survey and follow-up that applied to government-funded FASTC.



For years Augie and Sasha Callaban have delighted in finding artifacts on their Ruthsburg farm left by earlier inhabitants of the Eastern Shore. Some of the pieces they have collected are from 500 to 10,000 years old.

What the FASTC archeological survey showed was how much of the “material culture” from historic times, and the artifacts and biofacts of prehistoric humans, today lie beneath the farmlands of Queen Anne’s County, waiting to tell, more fully than ever before, the story of the long human habitation of this region.

3-2 against Commissioner Dunmyer’s motion to accept the funds to preserve these Queen Anne’s County farms. By April 12, however, the three Commissioners voting “no” seemed to have thought better of it, changed their votes, and joined in unanimous approval of the

preservation package.

*(To find out more about the Chesapeake Country National Scenic Byway, visit [www.chesapeakebyway.org](http://www.chesapeakebyway.org).)*

# THE QUEEN ANNE'S CHRONICLE: EDITORIAL

It is often said that local government has the greatest impact on our daily life – traffic, schools, taxes, emergency services, recreation, the list goes on. This paper, *The Queen Anne's Chronicle*, will focus on local government and its impact on our lives primarily through two lenses.

One, we will be looking at how we, as a County, are using our lands. We will look at whether we are growing wisely, with growth paying for itself and not causing our taxes to rise. Are we helping our historic small towns become strong and vibrant? Are we protecting our county's largest and most successful commercial enterprise – farming? Are we doing things that will increase the time we spend sitting in traffic backups, or will result in our children being sent to over-crowded schools and classes in trailers?

In short, we will ask whether our government is being a good steward of this beautiful and productive County.

Our second lens will focus on how our County government goes about doing the people's business, since it has such a big say in how Queen Anne's develops. We, as citizens of a democracy, want assurance that the decisions government officials and employees make about our future are determined by the citizens' vision of the County.

It is all too easy to be cynical about government at any level, and over the years the citizens have insisted on laws that help foster trust in government. Here in our County and State, those laws include our County Ethics Law, required by the State to assure the public that government decisions are made solely in the public's behalf and not for private financial gain.

Other "good government" laws include the Open Meetings Act, insuring that the people's business is conducted in front of the people, and the Public Information Act, giving citizens access to government documents. *The Queen Anne's Chronicle* will be looking at our County government through the lenses of these laws because they strengthen both government itself and the people's trust in it.

Thomas Jefferson is said to have declared that "An informed citizenry is the bulwark of democracy." Informing you, the citizens of Queen Anne's County, is our purpose.

# LOOKING AT QAC GOVERNMENT

**The County Commissioners** usually meet the 2nd Tuesday of each month at 9:00 am and the 4th Tuesday of each month at 5:30 pm. To confirm a specific meeting time, email [LThomas@qac.org](mailto:LThomas@qac.org) or call her at 410.758.4098. To access their agenda go to [QAC.org](http://QAC.org) > Information > Agendas and Minutes > County Commissioners > Agendas. Public comment is no longer scheduled for the beginning and ending of each meeting, but only somewhere towards the end.

**The Planning Commission** meets in the morning on the 2nd Thursday of the month. To access their agenda go to [QAC.org](http://QAC.org) > Information > Agendas and Minutes > Planning Commission > Agendas. Public comment is scheduled for the beginning and ending of each meeting.

**The Ethics Commission** meets at 5:30 pm on the 3rd Monday of each month. To access their agenda go to [QAC.org](http://QAC.org) > government > Boards and Commissions > Ethics Commission > meeting notice > agenda. Public comment is scheduled for the beginning and ending of each meeting.

**QACTV-7** broadcasts the meetings of the County Commissioners, Planning Commission, and the Board of Education a delayed basis. QACTV's website, [www.qactv.com](http://www.qactv.com), displays their TV schedule. It also has an up-to-date archive of the meetings of the County Commissioners, Planning Commission, Board of Education, Board of Appeals, and other videos that can be streamed to your computer.



Old farmhouse outside Centreville.

Courtesy John O'Neill

## The Queen Anne's Chronicle

**The Queen Anne's Chronicle is published by Queen Anne's Conservation Association.**

Chris Pupke – Chairman of the Board  
Jay Falstad – Executive Director  
Mary Campbell – Editor

Queen Anne's Conservation Association (QACA), a nonprofit 501(c)(3) corporation, is the Eastern Shore's oldest conservation organization. Its mission is to promote stewardship of Queen Anne's County's natural resources and to protect its rural character and small towns while encouraging the management of prudent and sustainable growth.

### Queen Anne's Conservation Association

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# THE QUEEN ANNE'S COUNTY ETHICS LAW – FOUNDATION OF GOOD GOVERNMENT

## What is the Ethics Law?

The Ethics Law is the part of the County Code that establishes minimum ethical standards for County officials, employees, and members of boards and commissions.

The fundamental premises of the Ethics Law are:

- The people of the County have a right to be assured of the impartiality and independent judgment of their public officials.
- The citizens have a right to be assured that the financial interests of public officials present no conflict with the public interest.
- The trust of citizens is eroded when the conduct of County business is, or even appears to be, subject to improper influences rather than determined by the best interests of the citizens.

## What Does the Ethics Law Do?

The Ethics Law establishes:

- A County Ethics Commission
- Financial disclosure requirements
- Standards of conduct that prohibit conflicts of interest
- Regulation and reporting of gifts
- Registration and reporting by lobbyists
- A process for requesting an advisory opinion
- Complaint procedures
- Enforcement and penalty provisions.

## What is a Conflict of Interest?

A conflict of interest exists whenever a person's financial interests could affect, or could appear to a reasonably

informed observer to affect, the person's performance of a public duty.

Conflicts of interest can occur in a variety of situations, including but not limited to: actions an individual takes in an official capacity; personal activities in which the individual uses his/her County affiliation to gain a benefit; and gifts offered or received.

To prevent conflicts of interest, the Ethics Law prohibits Queen Anne's County officials, employees, and members of boards and commissions from:

- Acting on behalf of the County in any matter that would have a direct financial impact on them, their family, or their business, where such impact is greater than it would be on the public generally;
- Being employed by or having a financial interest in an enterprise that is either doing business with, or subject to the authority of, the official or his governmental unit;
- Holding any other employment or contractual relationship that could impair their impartiality or independence of judgment; or
- Intentionally using the prestige of their office, or any confidential information acquired in their official County position, for their own private gain or that of another.

The Queen Anne's County Public Ethics Law can be found at: [www.ethicsmattersinc.org](http://www.ethicsmattersinc.org) or at <http://www.qac.org/depts/ethics/ethicshome.htm>.

## LEGISLATIVE SCORECARD: ANNAPOLIS 2011

### Special from JAY FALSTAD, Millington

Each year, the Maryland legislature considers over 2000 new laws, covering a wide array of interests and fiscal policies including the State's budget. The 428th Session of the General Assembly, with 47 Senators and 141 Delegates from 47 districts, began January 12, 2011 and adjourned April 11, 2011.

The 2011 session started out in a positive way, with a number of bills aimed at improving the environment and conservation, promoting greater energy independence, and helping support Maryland farmers. What came out in the end, however, was less than might have been hoped.

So there was, as usual, good news and bad news. Here's a breakdown.

First, the bad news, since that probably predominates:

HB 1107, the Sustainable Growth and Agricultural Preservation Act of 2011, also known as "the Septics Bill", would have been good for the Bay, for Maryland farmers, and for taxpayers. Unfortunately, HB-1107 died in committee in this session.

More promisingly, however, Governor Martin O'Malley and key members of the legislature have indicated that this bill will be re-evaluated in 'Summer Study', allowing stakeholders an opportunity to understand the impacts of this important Smart Growth bill. A week after the session closed, the Governor formally created a task force to look at the issue of septic pollution and lay the groundwork for new legislation.

In announcing the Task Force, the Administration said that since 1979, Maryland has lost over 1 million acres of its agriculture and forest lands to major subdivision development. And, land has been consumed at three times the rate of population. That trend is not sustainable. Accordingly, look for a modified version of the bill to be reintroduced next year and pushed for by the Governor.

HB 687 was a bill aimed at curbing nutrient loading to the Chesapeake Bay by requiring that commercial fertilizers contain a certain percentage of 'Bay friendly' nitrogen. While improving water quality in the Chesapeake and its tributaries is an accepted high priority, unfortunately this bill also failed in committee. Another bill that would have helped the Bay by banning phosphorous from commercial fertilizers met the same fate.

SB 764, Estate Tax Reform, sought to relieve the estate tax burden on farmers. Sadly, many farms are lost each year to development because the owner dies and the family cannot afford to pay the estate taxes without selling all or part of the farm. It's expected that this bill will

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## PLANMARYLAND: IT'S ABOUT TO HAPPEN

This first issue of *The Queen Anne's Chronicle* appears at the threshold of what may turn out to be a major event in Maryland history — in Governor O'Malley's words, "the State's first plan for sustainable growth and development".

"PlanMaryland" is the name for a multi-year process that has brought the State to the verge of adopting, at the State level, a comprehensive plan for accommodating growth in existing communities, protecting natural resources, and minimizing rural sprawl. The process began in 2008 with 10 "listening sessions" and continued with 13 "public forums" in 2010, all of which were held throughout the State, accompanied by online surveys, meetings, and interviews.

Now eight "open houses" are scheduled throughout Maryland in May and June of this year, where the Department of Planning (MDP) says it will "welcome the public to learn about the draft of PlanMaryland." After considering public comments on the draft, MDP promises a final Plan later this year.



*photo from PLANMARYLAND website*

What has brought about this new effort at State-wide planning for growth and development?

Maryland's planning history goes back to the 1930's when it created one of the first state planning commissions in the country to coordinate the public works projects that were intended to lift the nation out of the Depression. In the 1970's, the legislature created the authority for State-level planning, but it remained unexercised. In the 1990's, a "Smart Growth" policy framework was adopted to try to steer new construction to areas near existing services and infrastructure, but it didn't work.

## FROM: CENTREVILLE, MARYLAND TO: SARGASSO SEA, BERMUDA TRIANGLE

By TOM HORTON

It's a miracle of nature, a wondrous and deeply mysterious voyage, and it gets under way every autumn on the dark of the moon, when the air gets chill and the creeks run full.

It happens here in downtown Centreville on Maryland's upper Eastern Shore, a few yards off busy Highway 213, where Gravel Run rushes between the Dunkin' Donuts and a parking lot.

Actually it happens throughout countless rivers and streams and trickles of Chesapeake Bay's 64,000 square mile watershed and all of the Atlantic coastlines of the Americas.

Here in little Centreville is just where Maryland state biologist Keith Whiteford sets his trap that alerts him to when the hour of the silver eel has come 'round again.

Most of us focus on fall's arrivals around the Bay of wild swans and geese, loons and ducks. The exodus of eels, the Chesapeake's only catadromous species - one that runs downstream to spawn - goes unheralded, appreciated only by fishermen.

In fact, the American eel is one of the Bay's high-dollar fisheries, with catches in the hundreds of thousands of pounds annually, some years fetching \$1.25 a pound dockside, to supply foreign markets that prize them as seafood.

Ecologically, they are an important top predator, the dominant species in terms of biomass in most streams. Perhaps only humans exploit every crease and corner of the Bay's six-state watershed as comprehensively as eels.



*Young eels from a Chesapeake Bay tributary.  
Photo/Dave Harp*

Once they escape the coasts on their spawning run and slip off the continental shelves into depths reaching thousands of feet, no one will ever again see the eels Whiteford seeks.

Thigh-deep in the stream, he hoists the mesh bag attached to the end of his home-made trap. It looks as if he has caught only a few bushels of leaves. Then - a quiver of flesh shows through the meshes, but it's a big bullfrog.

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The 1990's effort chiefly involved designating "Priority Funding Areas" (PFAs) to encourage development near towns and cities by concentrating in those areas public investment for new infrastructure such as roads and schools. The carrot of State funds for towns and cities was, however, of little interest to developers free to build cheaply on farmland. As a result, over the past 20 years three-quarters of statewide acres undergoing residential development were, contrary to State policy, outside of the PFAs.

PlanMaryland is the O'Malley Administration's response to intensifying growth and development pressures that must, in the Administration's view, now be better channeled. The challenge, according to the Governor, can be seen most sharply through the lens of farmland development, i.e. "rural sprawl".

Over the past 25 years, 500,000 acres of Maryland farmland were lost to development -- fully one-fifth of the farmland that existed in the State. At current trends, another half million acres (equal to all of PG and Anne Arundel counties combined) will be developed

in Maryland during the next 20 years.

Sprawl development of farmland introduces incompatible land uses, threatening the value of remaining farmlands and the continuation of agriculture. Minimizing sprawl development, on the other hand, reduces impacts on watersheds and other natural resources, and, of increasing interest, holds down taxes by making more economical use of roads, schools and other public infrastructure.

The Governor is betting that Maryland's citizens see the mounting dangers that unplanned, inefficient growth presents to their economic well-being and quality of life. He is betting that they are ready for a major, controversial change from the current planning regime under which the State sets lofty planning goals, while counties and municipalities go on allowing development that ignores those goals.

Will the Governor win his bet on PlanMaryland? In a time of economic challenge and environmental concern, the odds look in his favor — but stay tuned.

## **PLANNING COMMISSION: APRIL 14 HIGHLIGHTS**

### **(1) Proposed Amendments to County Law**

**Big-Box Stores:** The Commission voted to recommend to the County Commissioners that they not adopt a text amendment (TA #11-06), submitted by Peter Sheaffer, which would have allowed big-box stores in the Suburban Commercial zoning district. The amendment would eliminate for the Suburban Commercial zones the 65,000 gross square feet limit on the space a single tenant may occupy in a structure.

This limit was added to the law when Wal-mart proposed building on Kent Island. Noting that more than 200 acres of land, all in the least populated part of the County, are zoned Suburban Commercial, Planning Commission members supported the current limits as consistent with the Comprehensive Plan's goals of concentrating growth in the growth areas and supporting local businesses.

**Developer Disclosure:** The Commission tabled Text Amendment #11-10, submitted by Terry Babb, Laura Jean Sadler, Candy Busey and Kathy Glynn, requiring applications for subdivision and site plan approvals to include a disclosure of the names and addresses of all persons having an economic interest in the proposed development. The petitioners will work with the County's staff to identify amendments that may satisfy the intent of their amendment.

**Private Roads:** The Commission held for further consideration a proposal by the Department of Public Works to allow the Planning Commission to approve use of private roads to serve more than five lots.

### **(2) Proposed Development**

**Grasonville:** The Planning Commission approved a major subdivision, put forward by Jody Schulz, at 144 Pierson Road, Grasonville, to be called Osprey Pointe. The property will be subdivided into sixteen lots, which will include 11 new single-family homes and two housing units in a multi-family (duplex). One existing home on the property will be retained, and two lots will be preserved as open space.

The environmentally sensitive property will be extensively landscaped to provide a buffer, and solar technology will be used in an effort to provide a carbon-neutral project. Some Planning Commission members expressed concern about the environmental impact of the project on initial consideration of subdivision. Because the petitioner could subdivide the lots administratively without Planning Commission approval, the Commission supported the subdivision so that they would be able to review the project's design as part of a major subdivision approval.

Acknowledging concerns about the potential for flooding at the property and on the adjacent Route 18, possibly compromising safety of residents, some Planning Commission members expressed an interest in exploring further the County's role in considering flood potential as part of its decisions and recommendations.

## **THE BLAME-GAME AND THE BAY**

### **Special from PUBLIUS, in the Nation's Capital**

The Chesapeake Bay is a shadow of its former self. Oyster and menhaden stocks are depleted, nutrients from front lawns and farm fields choke the life from the Bay in the summer, and wetlands have been degraded across the watershed. The Chesapeake once supported local economies; but these days a new cottage industry has cropped up, one that threatens the future of the Chesapeake Bay as surely as pollution and overfishing: the business of blame shifting and finger pointing.

Developers blame farmers, farmers blame developers. Maryland blames Virginia's lax crabbing restrictions and runoff from the Susquehanna. Septic owners blame wastewater treatment plants, and recreational fishermen blame commercial fishermen. Everyone spends a lot of energy blaming someone else.

Truth be known, no one in the Chesapeake watershed, stretching across six states and 64,000 square miles escapes blame for the current state of the bay.

A problem to which everyone contributes requires a solution to which everyone contributes. But given the pervasive culture of buck passing, this type of shared resolution eludes us. Various states, having all mostly failed in their individual efforts to clean up the bay, formed multistate alliances to achieve cleanup goals; those goals have gone unmet. There have been regional consortiums of federal, state, and local governments, stakeholder groups and non-profits working in concert to restore the Chesapeake, but again the results have failed to materialize. What is clear is that no single state or any loose affiliation of states and stakeholders can achieve meaningful restoration of the bay.

What is needed now more than ever is forceful leadership. Leadership that does not incessantly redefine success, that does not sit back idly and watch deadlines come and go, and that understands the importance of accountability.

On May 12, 2009, President Obama decided that only the federal government could provide that leadership. With the signing of the Chesapeake Bay Executive Order a process was put into motion that had never been attempted before: an entire-watershed approach to cleaning up the Chesapeake. Each state in the watershed would be mandated to draft a "Watershed Implementation Plan", requiring the establishment of clean water benchmarks and a systematic review of the actions necessary to achieve those goals.

The federal government pledged to make a sensible financial investment in the cleanup effort, and to ensure that an independent evaluator was reviewing the progress made to make certain that dollars were being spent wisely, in ways that furthered overall restoration goals. Those evaluations were to be made at regular intervals and the data upon which they were based were to be made public.

Final phase 1 implementation plans were submitted by each of the states to the Environmental Protection Agency beginning in November of 2010. Maryland's plan,

## **IS THE WHEATLAND FARM WORTH WORRYING ABOUT?**

### **Special from MERLE D. ROCKWELL, Queenstown**

There has been a lot written in local papers over the past 10-20 years about the Wheatland Farm. What is it, where is it, and why should I care?

The Farm is located at the headwaters of the Wye River just east of the 50/301 split, across from the Queenstown Outlet Center, where Route 50 narrows down from six to four lanes. The Waterman family acquired the Farm, along with several other properties, at a 1992 bankruptcy sale. Over the years, the farm has become a controversial piece of property due to the many attempts to develop it for retail, office and other commercial use, notwithstanding the lack of infrastructure to support development.

The Farm presently consists of three undeveloped parcels totaling 140 acres. One parcel is a 300 foot wide strip following the Wye River which cannot be developed (because the Waterman Family "lifted" the development rights and transferred them to property on Kent Island several years ago). A second parcel of 77 acres could be developed if its zoning was changed and it was granted Critical Area "growth allocation" by Queenstown or the County. The third, smallest parcel, about 2 acres, is the southernmost of a strip of four commercially zoned properties adjacent to Route 50.

So what's the big deal? The problems start with the fact that the majority of the Farm is located in the Critical Area of the Wye River, where intensive development ordinarily ought not to occur. Tom Leigh, the Miles/Wye Riverkeeper, says: "The 2010 Queenstown Comprehensive Plan to annex and develop this farm would increase impairments of the aquatic resources and decrease the water quality of the Wye River. The Center for Watershed Protection suggests that a level of impervious cover that exceeds 10% will produce conditions that show clear signs of degradation. The proposed development plans for the Wheatland Farm exceed this threshold."



*When visiting their grandparents, Dr. and Mrs. Erney Maber of Queenstown, Wyatt and Jack Maber, of Atlanta, enjoy fun in the countryside along the Wye River at Ferry Point Trail on Wye Island.*

Perhaps even more troubling for many is that commercial development of this property would have major implications for an already congested stretch of Route 50, the highway by which Marylanders and Virginians "reach the beach". Remarkably, the Queenstown Town Council recently

# HISTORIC WYE MILLS: A SLICE OF MARYLAND'S COLONIAL PAST

## Special from CAROL BILEK, Wye Mills

In an elbow of U.S. Route 50, between Maryland Routes 213 and 404, at the headwaters of the Wye East River, lies a direct and visible link to Maryland's colonial history: Wye Mills. The little town sits astride the line dividing Talbot and Queen Anne's Counties, but exactly where the dividing line falls is still a subject of hot debate among local historians.

At one time a thriving smaller town, Wye Mills began a century ago to shrink into the shadows of the large, growing county seats of Easton and Centreville. Today few of the people flying down Route 50 to "reach the beach" stop into Wye Mills, and fewer still know anything of its rich history.



Overlooking the Wye Mill Pond

## Wilton and Clover Field

That history begins in 1665 with a land grant, or "patent", of 650 acres from Lord Baltimore to one Thomas Williams, who named his plantation "Wilton". He subsequently enlarged it to 1,350 acres, encompassing all of the land on which stand present-day Wye Mills, Chesapeake College, and the Wye Oak State Park. The names "Wye" and "Wilton" came from the Welsh roots of a famous Colonial family, the Lloyds, whose lineage was Welsh.

After Thomas Williams left Maryland, the plantation was sold or handed down to a succession of powerful and influential Marylanders, including Edward Lloyd III, Richard Bennett (of Bennett Point fame), and William Hemsley. Somewhere between 1740 and 1760 a substantial brick house, "Wilton", was built on the crest of the gentle hill overlooking the millpond, the gristmill, and the village nestled at its foot.

Listed on the National Register of Historic Places, Wilton has been restored to its original colonial appearance, its fine detailing and elegant features once again as they were two hundred years earlier. It has been featured on the Maryland House and Garden Pilgrimage and includes many antique outbuildings, including smoke houses and a "dairy".

A nearby plantation, "Clover Field", had 1,622 acres patented to William Hemsley in 1730 as a consolidation of several earlier patents from the 1600's. Some historians have called the beautiful home built on Clover Field the best example of Maryland vernacular architecture in the state.

## Wye Grist Mill and Miller's House

In 1682, a gristmill had been established on a branch of the Wye River, and the commerce it brought to the area encouraged the growth of a village, which became Wye Mills. The mill allowed plantation owners and small settlers to grind their corn

and wheat, mill lumber, and perhaps even create textiles. Out of hundreds of mills on the East Coast in colonial times, only a few survive, and fewer still operate.

As the oldest working mill in Maryland, the flour-producing Wye "grist" mill has participated in three centuries of war, nation-building, industrial invention, and agricultural heritage. During the American Revolution, the Wye Grist Mill shipped barrels of flour via the Chesapeake Bay to the Continental Army, commanded by General George Washington. Historians dubbed the Eastern Shore "The Breadbasket of the American Revolution."

Oliver Evans, "Father of the modern factory" and one of the first great American inventors, used the Wye Grist Mill in the 1790's to develop automation concepts that revolutionized American factories.

The Wye Grist Mill is still in use today, grinding grain the same way our forefathers did. Visitors are welcome to tour the mill, which is listed on the National Register of Historic Places.

The Miller of the Wye Grist Mill prospered from a relatively early date, and a handsome Georgian-style brick home was built around 1730, just up the hill from the mill. The "Miller's House" still stands, although it's in need of restoration. It has been nominated for the National Register of Historic Places, and several local and state non-profit organizations are involved in plans for its preservation and restoration.

## Old Wye Church and Wye Mills Methodist

In 1721, the Old Wye Church was built to meet the spiritual needs of local parishioners. The church, which still has an active congregation, went through periods of prosperity and decline, but in 1949, through a generous bequest by Arthur Houghton, the church was completely restored to its original colonial appearance, guided by the same architects that directed the restoration of Colonial Williamsburg. It too is listed on the National Register of Historic Places.

A tour of the church, its grounds, cemetery, and outbuildings evokes the feeling of being transported back in time to the colonial era. The high box pews still enclose parishioners to keep out cold drafts, and the magnificent hanging side pulpit allows the local vicar to see everyone in attendance on Sunday mornings. The adjacent Vestry Cottage, where the church's Vestry members met in colonial times (and still do), and the historic cemetery with its ancient trees and early tombstones, convey a sense of peace, tranquility and permanence too rarely found in today's American life.

Early in the history of the new United States of America, another church was added to the Village of Wye Mills. In response to the call of Methodism by John and Charles Wesley, the Wye Mills Methodist Church, a small jewel of early 19th century design, was constructed on the banks of the Wye Millpond, the land a gift from William Hemsley. Charles Wesley himself paid a visit to Wye Mills.

## Wye Oak and the Little School

The history of Wye Mills would not be complete without mention of the magnificent Wye Oak, at one time the largest white oak in North America, and the Maryland State Tree, until it fell in a storm in 2002.

Growing vigorously long before any European colonists settled the area, the Wye Oak weathered almost five hundred years before the massive trunk snapped in a night of violent storms. A portion of the tree's bole can still be seen, ensconced in its own

pavilion. The surrounding 23-acre State park includes a small and growing clone of the original tree, planted in the same spot.

Next door to the Wye Oak State Park, and miraculously spared when the mighty Wye Oak fell, is the "Little School", a colonial building from around 1730 that saw service as many things, including as a one-room school for the Village children. Today's children love to peek through the door to see what a school looked like in colonial times.

## Chesapeake College

In 1965, Chesapeake College was established in Wye Mills as Maryland's first regional community college, developed to serve the needs of the upper and middle Eastern Shore. Over 45 years later, the College continues to meet the needs of its service area: Caroline, Dorchester, Kent, Queen Anne's, and Talbot counties.

Offering a large selection of credit and continuing education courses, the Chesapeake College curriculum is designed to help students prepare for transfer to upper level institutions, for immediate entry into a career, or for enhancing work-related skills. Additionally, the College offers opportunities for further academic, social, personal, cultural, and athletic development through a variety of extracurricular and co-curricular activities.



The Wye Grist Mill

## The Future of Wye Mills

Despite its small size, Wye Mills is often mentioned these days in Queen Anne's County political circles. It is located in the area along Route 50 from the Bay Bridge to 404 that has been under steady development pressure, both residential and commercial, and that continues today. Opposing the pressure for development, however, there is also a strong citizens' effort to prevent damaging changes to the character of Wye Mills and the area. Folks want to maintain the open spaces of the Eastern Shore, its farms and villages.

The Village of Wye Mills provides a unique and valuable historical context for the educational institution that is prospering there and for all those who take the time to visit. If we will preserve it, and make it known, Wye Mills has much to teach us about those who went before us and the lives they led, and to be a place where the Reach-the-Beach'ers will not just fly by, but stop in for a few moments of cultural and spiritual enrichment.

Persons interested in helping preservation efforts in Wye Mills can contact the Wye Mills Preservation Consortium at 410-827-0378.

## Score Card, *continued from Page 5*

be reintroduced next year (and some progress was made on the estate problem: see below).

SB-861/HB 1054 Offshore Wind Energy. This proposed legislation would have put Maryland further along on the path toward clean energy independence by allowing for the construction of an off-shore wind farm off Ocean City. The bad news is, this bill never made it out of committee. The less bad news is, clean energy advocates are promising to bring this effort back next year.

Now for some good news:

Some of the best news from this year's session came on the budget. Both the House and the Senate rejected a legislative assault on Program Open Space, which sought to permanently divert POS monies to the General Fund. In the final budget, the legislature gave all but \$10 million, \$36.5 million total, to land conservation programs.

The Chesapeake Bay Trust Fund will receive \$23.5 as part of this year's budget.

SB 513, Land Preservation Act reform, passed and will provide farmland owners who are attempting to preserve their lands more time to pay their estate taxes. Legislation

passed last year allows a farmer with preserved land up to six years to pay the estate tax. This year's legislation gives farmers actively seeking to preserve land the same six years to repay as a farmer who has already preserved.

The passage of HB 1175 gave Maryland vineyards and wineries a boost by allowing direct shipment of wine to consumers in Maryland. Maryland wine drinkers can now have up to 18 cases a year shipped directly to their doorsteps, starting July 1st.

There were attempts to hinder land conservation efforts by making it harder for the State to preserve land (SB-25) and placing hurdles on private landowners donating conservation easements (SB-422). Fortunately, both of these bills failed.

Queen Anne's Conservation Association supports legislation that supports agriculture and helps protect our natural resources. We'll be working on those issues with other conservation groups when the 2012 Session starts next January.

*Jay Falstad is Executive Director of Queen Anne's Conservation.*

## Wheatland Farm, *continued from Page 6*

rejected wording in the Plan that underscored the need for highway and other infrastructure improvements to be accomplished prior to development of the Farm. In any case, there has never been a roadway access design offered that all involved could agree upon.

The site currently has no water or sewerage service. For the past 20 years or so, the Waterman group has been making numerous unsuccessful proposals either to expand the Queenstown



*Wye Headwaters by Wheatland*

wastewater system or to facilitate a connection in Grasonville to the County system — always on the basis of substantially higher density zoning for the property than the adopted Community Plan suggests.

So there you have it. The Wheatland Farm is in the Critical Area, and traffic on this stretch of Route 50, already a major problem, is getting worse. The 2008 draft of the Queenstown Plan projected that “during seasonal peak travel times over the next decade and beyond, Rt. 50 can be expected to be gridlocked.”

On top of traffic moving in and out of the existing Outlets shopping area, more traffic accessing a large new commercial development on the other side of Route 50 will make that area even more dangerous and inevitably require signals stopping traffic in both directions (rather than just one as at present) -- unless major roadway improvements are made. But there is no money for these improvements, for the overpasses, interchanges, and paralleling service roads that would be needed to improve the traffic flow and assure safety.

Bottom line: If you care about our waterways, or if you ever drive on (or cross) Route 50 between Easton and the 50/301 split at peak traffic times, you should care about what happens to the Wheatland Farm.

*The writer gratefully acknowledges the assistance of Richard S. Altman in the preparation of this article.*

## Centreville To: Sargasso, *continued from Page 5*

Then, a wriggle, a bulge, a gleam: “Silver eels,” the biologist proclaims, extracting two fat, glistening 25-inch females and a skinny little male. “Cool.”

Cool indeed. For weeks, on the bottom of Gravel Run, they had been girding themselves for a one-way journey to the Sargasso Sea, the great, languid gyre of seaweed in the heart of the Bermuda Triangle.

Their eyes are twice their normal size, their swim fins have enlarged, their swim bladders have toughened and their stomach has shriveled as their sex organs enlarged - all adaptations for the months-long mission of more than a thousand miles.

And the color! Muddy yellow and dully green no more, these eels of autumn are simply glorious, shiny dark backs shading to lustrous bronze, with tints of iridescent green and pink, transitioning to bellies of purest white - all covered by a glossy coat of slime to protect against dehydration in the super-saline ocean depths.

Whiteford estimates their ages, 6-8 years. Not every mature eel makes the fall run in a given year, and no one knows what makes any eel decide it's time. Some won't leave for 20 years, and some never do -- a 41-year-old found by New York's George Washington Bridge had never left freshwater.

We know eels can detect Earth's magnetic fields and smell chemicals in water diluted to about the level of an ounce in the

whole volume of the Chesapeake Bay. But how the spawners navigate to the Sargasso is a mystery. We just don't know.

Clockwise ocean currents slowly distribute the non-swimming larval eels, shaped like willow leaves, back to Atlantic coastlines. But what urges them from there as far inland as the Blue Ridge Mountains of the Potomac basin, surmounting multiple dams and the rocky barrier of Great Falls above Washington, D.C.?

We just don't know.

Maybe some things are best left to the imagination. It's a certainty that the silver eels have only enough energy to make it to the Sargasso, not to return - but what a way to go.

Just think: Billions of silvery projectiles, all converging on the dark Sargassan womb - also their tomb, flesh and bones depleted, disintegrating in a blast of superfecundation, sinking into the abyss even as a whole new galaxy of tiny, transparent willow leaves begins its slow drift back to repopulate every rivulet of the continent.

*Tom Horton covered the Bay for 33 years for The Sun in Baltimore, and is author of six books about the Chesapeake. He is a freelance writer, splitting his time between Baltimore and Maryland's Eastern Shore. His article is reprinted here courtesy of The Bay Journal published by Chesapeake Media Service.*

## Blame Game, *continued from Page 6*

at 234 pages, is impressive in its scope and comprehensiveness, boasting aggressive reduction goals for nutrient runoff and sedimentation. But identifying problems is the easy part; solving them is the true challenge.

As so often has happened on the Chesapeake, politics got in the way. At about 10 pm on a Friday night in February, the US House of Representatives voted on an amendment to a 2011 omnibus appropriations bill that sought to restrict the federal government from using any funds to “develop, evaluate, or implement watershed implementation plans for the Chesapeake Bay.”

Thankfully, cooler heads prevailed in the Senate, where the elimination of the implementation plans was defeated. It is likely, however, that this will not be the only attack on the federally-led clean-up of the Bay.

Members of Congress from the Bay watershed must know that there are countless communities in their districts that are counting on the Bay's improvement for their very existence. Thousands of jobs and millions of dollars in economic impact, not to mention a centuries-old way of life, are at stake.

Cleaning up the Bay will require shared sacrifice and inspired political leadership, and the sooner we get it, the better.

*Publius was the name under which Hamilton, Madison and Jay published their Federalist papers in 1787-88. The Chronicle's Publius in this issue works in the field of natural resources policy.*