



The Queen Anne's Chronicle

CELEBRATING QUEEN ANNE'S COUNTY

INFORMING THE CITIZENS

A TIME FOR TOWNS IN QUEEN ANNE'S COUNTY

By MARY CAMPBELL

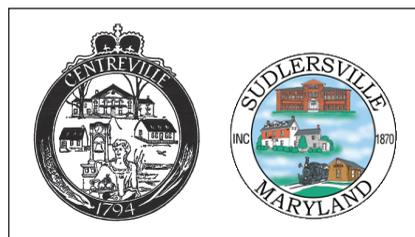
Only 12 percent of future homebuyers want “drivable suburban–fringe houses”, according to the National Association of Realtors. Both the “Boomers” (born 1946-64), who are scaling down as they approach retirement, and the “Millennials” (born 1979-1996), who are just starting out, evidently prefer to live in less car-dependent, more walkable urban downtowns, suburban town centers -- and small towns.

In Queen Anne's County, we are blessed with a number of historic small towns that can benefit from these preferences – as indeed they already have begun to do. According to Census data for the past decade, the growth of three of our four biggest (but still quite small) incorporated towns has outpaced even the rapid growth rate of our rural County as a whole – in Centreville by a very wide margin.

So the timing seems just right for “The Center for Towns” that has recently been established on the Eastern Shore. The Center is an initiative of the Eastern Shore Land Conservancy (ESLC), designed to ensure that our historic towns are places that draw people in and together by multiplying economic,

civic and cultural opportunities.

The Center says it is committed “to preserving and sustaining the vibrant towns of the Eastern Shore and the lands and waters that connect them.” That sounds very much like our County's own commitment (in the



Centreville's seal, with corn and grain in the frame and topped by a crown, depicts Queen Anne surrounded by pictures of the Corsica River; the bell and clock tower of the Town Hall; Tucker House (c.1794); Wright's Chance (c.1744); and the County Court House, the oldest court house in continuous operation in Maryland. Sudlersville's seal pictures its high school from 1914-1941, currently the elementary school; the old Sudler House; and the Sudlersville train Station, now a museum.

Comprehensive Plan) to a “predominantly rural county with small towns connected by creeks and county roads through fields and forest – a great place to live.” (The full text of “The Vision We Share” appears on page 2 of this issue of the Chronicle.)

ESLC's Center for Towns has grown quickly from its founding only three years ago. No doubt this is in major part because Eastern Shore towns are realizing that they are the beneficiaries of, and at the same time are challenged by, the housing-preference trends reported by the National Association of Realtors.

Trend Toward Towns

The trend toward more compact communities like small towns is emerging at a time when the larger jurisdictions, like Queen Anne's County and the State of Maryland, are facing the fiscal impacts of what the economic studies have long indicated. The economic reality is that taxpayers pay much more for the infrastructure (emergency services, schools and school transport, roads) to support spread-out housing developments than they pay for the infrastructure needed by more compact communities. (The studies are discussed and summarized in “Understanding Smart Growth Savings” (17 June 2011) by Todd Litman of the Victoria Transport Policy Institute at www.vtppi.org/sg_save.pdf.)

Here in Queen Anne's, the compact-community trend reported by the realtors is

continued on Page 2

OUR COUNTY CARES ABOUT OTHERS

In the often bleak and cold month of January, as you read the Chronicle in the comfort of your home, you might wonder about the people who have no home. It is reassuring to know that although the holidays are past, for many in Queen Anne's County the spirit of giving and caring does not end with the holiday season.

Our Haven Shelter on Kent Island provides a bed, food, and support for the homeless during these cold dark months and difficult times. Serving around 8 to 10 each night, the Shelter provides for about 40 people during the course of the winter.

The shelter is run by Queen Anne's County Christian Assistance, a faith-based, non-profit organization of churches. Participating churches include Centreville United Methodist Church, Christ Episcopal Church, Kent Island United Methodist Church, Mother of Sorrows, Phoenix XII Fellowship, Safe Harbor Presbyterian Church, St. Christopher's Catholic Church, Union Wesley United Methodist Church, and Wye Parish.

Our Haven is located in Kent Island United Methodist Church. Here, a small dedicated staff and volunteers from the nine area churches,

continued on Page 6

Non-Profit Org
US Postage
PAID
Baltimore, MD
Permit #1

POPULATION GROWTH, 2000 – 2010

- **Queen Anne's County:** from 40,563 to 47,798 – 18% increase
- **Centreville:** from 1,973 to 4,285 – 117% increase
- **Church Hill:** from 544 to 745 – 37% increase
- **Queenstown:** from 633 to 664 – 5% increase
- **Sudlersville:** from 394 to 497 – 26% increase

(For comparison: during the same period, Caroline County grew 11%; Kent County, 5%; Talbot County, 12%; Maryland, 9%.)

Source: www.census.maryland.gov

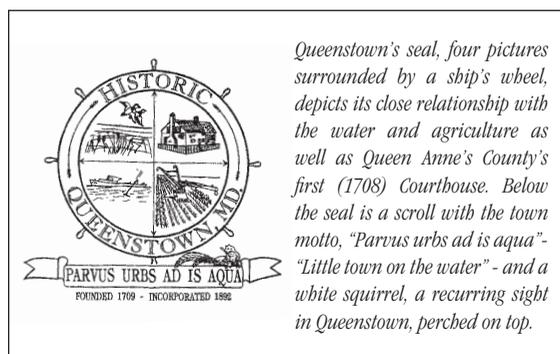
A Time For Towns, continued from Page 1

an especially beneficial one for the County, and not only from the point of view of taxpayers facing higher taxes and cuts in services. Declining sprawl development will also help protect our leading industry, agriculture, from being fractured, and the focus on towns will help strengthen our historic small towns as people seek them out to live and invest in. Perhaps “the vision we share”, with growing support from many quarters, will become an increasingly vibrant reality as well as a vision.

The Center for Towns

The Center for Towns works to make that vision a reality in a variety of ways:

- Annual conferences provide opportunities for planners, government officials, and citizens to network and share knowledge. These conferences (“About Town” in 2010; “Vibrant Towns” in 2011; and “Doubling Down in Our Towns” for



2012), which attract more than 200 people each year, combine national speakers, local leaders, workshops, and tours of our communities. Representatives of each of Queen Anne's County's towns and the County have attended all these conferences.

- The twice-weekly “Morning Cup of Planning” is an e-newsletter that provides more than 300 local leaders across the Eastern Shore with a look at the best and most pertinent town planning news of the day.
- Web-based tools (www.centerfortowns.org) and social media outlets (on Twitter@centerfortowns and at www.facebook.com/centerfortowns) are used to distribute information. An information section on all of the towns on the Eastern Shore is being developed on the Center's web site, and the Center

has uploaded its 700+ resource library to the web.

- The Center helps with community design and community land projects. In East New Market, Marydel, Cambridge, St. Michaels, and Easton, it has partnered with university programs (among them the University of Maryland, Temple University, Morgan State University, Philadelphia University, and Catholic University) as they work together with local citizens and government in planning and designing specific projects for those towns.
- Inquiries and conversations are ongoing with Cambridge, Henderson, Chestertown, Chesapeake City, Easton, Denton, and Centreville. Right now, the Center is scoping a 2012 project with Centreville for open space, trails and public access.
- Charles Marohn, President of Strong Towns (see www.strongtowns.org) is being scheduled for a discussion in early 2012 on the Eastern Shore. His topic will be “Developing Strong Towns.”

The National Association of Realtors' assessment of housing trends can be good news for our County and its small towns. As our focus turns to strengthening our small towns while protecting the open spaces that surround them, the creation of The Center for Towns with its many supportive initiatives comes just at the right time.



At Centreville's December "Heck with the Malls," members of the Centreville Community Wildlife Committee joined the Kennard Elementary School Birding Club to sell birdhouses to raise money for the Birding Club's activities and provide information about the National Wildlife Federation and its Community Wildlife Habitat Program in Centreville. Pictured are, from left, Gabrielle Caligiuri, Lynn Caligiuri and Kristin Schnaekel.

Photo credit – Kellen McCluskey

WILDLIFE IN CENTREVILLE

By LYNN CALIGIURI

With some help from the community, the town of Centreville is about to become a little more wildlife friendly. In a partnership with the National Wildlife Federation (NWF), Centreville has registered to become a certified “Community Wildlife Habitat™.”

By providing habitat, reducing chemicals, adding native plants, reducing runoff, and conserving water, Centreville will be a healthier place for wildlife and humans alike.

Habitat Communities

The NWF Community Habitat Program is an extension of their backyard, schoolyard, and workplace habitat programs which certify landscapes that provide habitat for wildlife. Currently there are 55 “certified” and 47 “registered” wildlife habitat communities across the country.

In order to register with NWF, Kellen McCluskey and Lynn Caligiuri, co-chairs of the Centreville Community Wildlife Habitat Project, formed a committee, developed a vision statement and basic plan of action, registered the project, and are working toward certifying the community, which typically is a two to three year process.

Takoma Park is presently the only certified town in the state of Maryland, and Centreville's committee leaders hope to have Centreville become the Eastern Shore's very first Certified Community Wildlife Habitat.

Getting Centreville Certified

In order to earn the official NWF certification, the team of ten committee members will work in coordination with the Town of Centreville, schools, and local groups to earn a total of 250 points -- the number necessary for certification based on Centreville's population of about 4,200 residents.

Some of the ways the Centreville certification committee will earn points include organizing stream cleanups and hosting workshops on gardening for wildlife, setting up information tables and displays at community events, hosting native plant sales and restoration projects, and most importantly, certifying homes, schools and common areas within the town as NWF Certified Wildlife Habitat™ sites.

Committee members are distributing information to Centreville residents on “Gardening for Wildlife”, and tips on how to certify their backyards with National Wildlife Federation – by providing the four basic components to attract wildlife: food, water, cover and places to raise young.

Get Your Yard Certified

For only \$20, residents of Centreville can go to NWF's website at www.nwf.org/gardenforwildlife to certify their yards and help the town earn the points it needs to become a certified wildlife community. Aside from offering wildlife a place to thrive, certification with NWF will include a one year membership to *National Wildlife* magazine, a discount on catalog merchandise, a free one year membership in NWF, and inclusion in NWF's National Registry of Habitats.

Centreville's Community Wildlife Habitat project is well on its way to creating a place where people, plants and wildlife can all flourish.

For more information, contact Lynn Caligiuri at LynnNpf@aol.com, or another member of the wildlife committee: Kellen McCluskey, Celynda Frank, Stacy Quinn, Sandy Simpson, Jim Watson, Kerry Brandt, Gabby Caligiuri, Carol Hellmann or Pat Bragg. You can also find them on Facebook at “Centreville Maryland Community Wildlife Habitat Project” to learn how you can become involved.

“THE VISION WE SHARE”

The VISION is to continue the ethic that the County remains a quintessential rural community with the overall character of the County preserved as:

- A predominantly rural county with small towns connected by creeks and county roads through fields and forest – **a great place to live;**
- A county that encourages agriculture, seafood and maritime industries, tourism and outdoor sports, small business and high tech enterprise – **a good place to work;**
- A county that is a faithful steward of its natural and cultural heritage – **a good neighbor for the Bay and other Eastern Shore counties;**
- A county in which development does not impair the quality of life enjoyed by all – **a community that protects the expectations and opportunities of all its citizens;**
- A county that supports the **highest quality of education** that seeks to fully prepare its citizens for the future.

(Queen Anne's County 2010 Comprehensive Plan, “Overall Community Vision”, page 2)

IN EARLY MORNING, A MATED PAIR OF BALD EAGLES KEEPS WATCH OVER GROVE CREEK



The female, larger than the male, is on the left. Having about 7,000 feathers, Bald Eagles range in size from 8 to 14 pounds, are around 3 feet tall, and have a wing-span of 6 to 6 1/2 feet. They reach maturity at 4-5 years when they mate for life unless something happens to one of the pair.

Their stick nests are often built at the tops of tall trees. Eagles tend to add to their previous nest each year, resulting in nests that can be over 8 feet wide and weigh more than a ton. One to three eggs are laid during the winter months; these hatch after being incubated for a month to six weeks. The young are then fed by the parents in the nest for about another 2 1/2 months. Until they reach maturity, the young are dark-colored, lacking the identifying white head and tail and yellow beak and talons.

In the wild, eagles can live to be 20 to 30 years old. They are good swimmers as well as amazing fliers. Active during the day, and with large eyes and powerful eyesight ("eagle-eyed"), they can spot their prey as far as a mile away. They primarily eat fish, but will also hunt small mammals and reptiles, and will eat dead animals.

No longer an endangered but still a threatened species, eagles can be found year-round throughout Maryland. The national symbol of the United States since 1782, eagles represent courage, strength and freedom.

— Chronicle photo

REZONINGS, LAWSUIT SIGNAL RENEWED DEVELOPMENT DEBATE

One might have thought this winter would be a period of relative quiet in the ongoing debate over development in Queen Anne's County. Building and real estate remain in recession. The comprehensive plan process was wrapped up over a year ago; after a decade, Four Seasons is still quietly mired in the courts; and "big box" will not return for the citizens to decide until this coming November.

But as it turns out, the development debate has resumed in earnest.

The resumption of debate came in November, when the County Commissioners, on a 3 to 2 vote, granted landowners' requests to rezone, from agricultural to commercial and residential, four farmland properties comprising 525 acres near Wye Mills, Queen Anne, and Chester. That in turn prompted nine individuals and four conservation organizations led by the Chesapeake Bay Foundation to file a lawsuit in the Circuit Court in Centreville to overturn the rezonings.

The basic claim in the lawsuit is that the rezonings are inconsistent with the County's comprehensive plan and therefore cannot stand. The lawsuit thus presents citizens, as well as the courts, with an occasion to consider the nature and respective roles of comprehensive plan and zoning law. (Full disclosure: Queen Anne's Conservation Association, publisher of the *Chronicle*, is one of the conservation organization plaintiffs in the rezonings lawsuit.)

Comprehensive Plan

The comprehensive plan is, as the Maryland Department of Planning (MDP) advises, "a document, officially adopted by the local governing body, which spells out the manner in which a municipality, county or sub-area of a county must develop". The plan "capture[s] how people want their communities to function and grow". Typically, the plan includes a map showing agreed-upon future land uses, as well as policies on transportation, environmental issues, community facilities, and

other governmental responsibilities pertinent to land use.

The comprehensive plan for a jurisdiction is often referred to as its "master plan". (For how these plans, and zoning laws, came to be widespread in the U.S., see the related article in this issue: *A Brief History of Planning and Zoning*.)

Queen Anne's County has, and has had for some time, a comprehensive plan that the State requires it to update at least every six years. The most recent updating of the plan was completed in September of 2010 after a lengthy, often contentious process involving (in the words of the plan) an "unprecedented" degree of citizen participation. The updated plan, styled the "Adopted 2010 Comprehensive Plan", now appears as the first of the "Quick Links" on the County website's homepage (www.qac.org).

The "Plan Contents" reveal that the first section of the Plan, as is typical, sets forth the Plan's "allocation of land uses" in the County and introduces maps that portray that allocation. (The Plan's basic map, "LU-7A", appears on page 7 of this issue of the *Chronicle*.) This allocation of land uses and the maps are what the plaintiffs in the rezoning lawsuit are appealing to when they contest the changes in the zoning of the four properties.

Zoning Laws

Zoning is, again quoting MDP, "the most fundamental" tool for implementing the comprehensive plan. Zoning laws, enacted by the local government, "control the physical development of land and the kinds of uses to which each individual property may be put".

A zoning law designates land areas, or "zones", that are reserved for particular land uses and building types. The zoning law lists the zones and the uses and building types allowed on the properties lying within them, and it includes zoning maps that enable landowners to see the zone or zones where their properties are located.

The QAC zoning law is Chapter 18 of the County Code: go to the County website (see above), click on the Information tab, click a couple of times on County Code Library, and you'll be at

the table of contents of the Code. Then click on Chapter 18:1. ZONING AND SUBDIVISION REGULATIONS, and you'll be at the table of contents for this chapter. Article IV tells you that the zoning maps are "hereby made a part of this Chapter." Article V lists all the zones (some 22 of them, including the big one, "Agricultural", and the several varieties of commercial zones); for each zone, it sets out the uses allowed and the applicable building regulations.

Relationship of Plan and Zoning Law

So here's the current debating question posed by the Commissioners' rezonings and the lawsuit: what is the relationship between the Plan's land use allocations and maps and the Zoning Law's land use allocations and maps? Do the latter have to conform to the former?

You might think the answer would be straight-forward: if the idea is that comprehensive plans are implemented by zoning laws, then the land use allocations and maps of the latter (zoning) should follow the land use allocations and maps of the former (plan). But it hasn't been that simple.

To be sure, MDP for quite a while argued that it was. According to MDP, when State law said, as it did, that zoning and other land use decisions should "conform to" or be "consistent with" the plan, that meant, in MDP's words, the zoning should "agree with, and implement what the Plan recommends and advocates".

But many disagreed. In their view, the State law's requirement of conformity or consistency wasn't intended by the legislature to mean that the maps and land use allocations in the plan were anything more than a "guide" for the zoning. The plan wasn't "binding", it was "advisory". Counties and municipalities, if they wanted to, could disregard their comprehensive plan when they enacted their zoning.

Terrapin Run and Its Aftermath

Then, in 2008, in the famous *Terrapin Run* case, the issue came before Maryland's highest court, and MDP's point of view was rejected. In a 4-3 decision, the court ruled that

continued on Page 6

EDITORIAL: CHARACTER COUNTS! TALKS ABOUT CARING

Reading through the minutes of the Commissioners' meetings, the Chronicle was struck by how well the QACHS students' thoughtful description of "Caring" fits the goals of Our Haven Shelter (see article on page one) as well as so many other of our County's caring organizations and citizens:

CARING: THE CHARACTER COUNTS! PILLAR FOR DECEMBER 2011

By Kyle Dean, Shannon Hart, Emily Hawthorne, Sydney Milner, and Taylor Smith (QACHS Class of 2013 Class Officers), with Guidance Counselor Connie Dean.

*... WHEREAS, caring is the simple act of making others feel good about themselves, and
WHEREAS, caring comes from being compassionate toward others and having empathy toward all, and
WHEREAS, caring comes from wanting the best for others, and
WHEREAS, caring can be as simple as saying hello, or opening a door for someone, and
WHEREAS, one is demonstrating caring toward others by being sensitive to others' feelings, and,
WHEREAS, by being caring, each individual helps create an environment that feels safe and comfortable for all members of the community, and
WHEREAS, caring involves portraying compassion, generosity, and kindness to others, and
WHEREAS, caring truly comes from the heart – showing support for others in the community,
NOW THEREFORE, the Queen Anne's County Commissioners do hereby designate the Character Counts! Pillar of the Month for December as "Caring."*



In a picture caption in our last issue, we identified the Board of Ed building in the distance as the old "Queen Anne's County" High School. The marker was not legible in our photo, but reader Art Potts didn't need a marker to inform us that the building, where he once went to school, was the former "Centreville High School", one of four high schools in QAC, the others being Sudlersville, Stevensville, and Kennard. We went out again and took another picture – from much closer! Thanks to Mr. Potts for setting the record straight.

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

4 PO. Box 157 | Centreville, MD 21617 | www.QACA.org

COMMISSIONERS' MEETINGS

Here are a few items, mostly related to governance and land use, summarized from approved minutes of County Commissioners' meetings.

October 11, 2011. The Commissioners:

- Amended current budget to reflect awards of State Public School Construction funds for Kennard Elementary Addition project and Federal Recovery Act funds for road improvements.
- Adopted FY 2013 budget schedule presented by Budget and Finance Director Jon Seeman; added more work sessions.
- Recognized the Emergency Center's first year has substantially exceeded its estimated demand for services; applauded its physicians and staff for their dedication.
- Approved 4-1 (Dunmyer opposed) an exemption, not recommended by the Adequate Public Facilities Technical Committee, from water/sewer/traffic studies required by APFO for an expansion of the Club One fitness center in Chester.
- Proclaimed October 24-28 as Economic Development Week in QAC.
- Rejected 3-2 (Dunmyer, Simmons, and Dumenil opposed) a motion to hold weekly County Commissioner meetings.
- Adopted no-scavenging, expanded recycling policy at County Transfer Stations.
- Awarded bid for Island Creek Road Bridge replacement project (80% Federal, 20% County funding).

October 18, 2011. The Commissioners:

- Received from Budget Director Seeman and Budget Analyst Rank a Financial Forecast FY2011-2016, October Forecast Assumptions, and FY13 Budget Guidelines.

October 25, 2011. The Commissioners:

- Agreed to lease the Crumpton Building to the Guiding Light Christian Academy.
- Took actions to secure/administer grants for emergency shelter, rental allowance, and emergency food assistance programs.
- Established budget authority to reflect award of Federal

Recovery Act funds for Carmichael Road improvements; took actions in response to receipt of Federal and State funding for the Neighborhood Conservation Initiative and the Matapeake Industrial Park Project.

- Designated "Citizenship" as the Character Counts! Pillar of the Month for November.
- Received update from Planning Commission Chair Myron Richardson on the Grasonville Community Plan and a briefing on a Planning Commission Resolution in regard to the death of a Queen Anne's County student at the unsafe intersection of Maryland Route 304 and U.S. Route 301.
- Held hearing, at which 47 persons testified and Commissioner Dunmyer introduced two amendments, on proposed Ordinance No. 11-22, amending the Adequate Public Facilities Ordinance (APFO) to revise level of service standards for schools and transportation facilities.

November 1, 2011. The Commissioners:

- Agreed to accept funding for capital items from the Maryland Transit Administration for the Area Agency on Aging.
- Met with Senator Pipkin and Delegates Hershey, Smigiel and Jacobs, followed by Transportation Secretary Swaim-Staley, to discuss 2012 State legislation and funding, noting that (a) the loss of over \$15 million in Highway User Revenue distributions from the State, with no intention to restore them going forward, has especially impacted QAC as one of only five counties that essentially fund their entire roads budget with these distributions; (b) the J-turn at 301/304 is only an interim solution for this hazardous intersection which remains the County's top priority and requires a full interchange estimated in 2006 to cost \$45-50 million; (c) as one of five counties that in the current fiscal year funded its school system below the State-set "Maintenance of Effort" level, QAC supports proposals to adjust MoE and increase County control over school board expenditures, including

continued on Page 5

PLANNING COMMISSION

At its regular meeting on **November 10**, the Planning Commission approved a minor site plan for 6 gas pumps and a 1185 sq. ft. kiosk in Chester requested by Safeway Gas (Kent Towne Market East, LLC). The Commission also approved an amendment to the major site plan previously approved for three commercial buildings at 206 Cheslou Road in Chester. The amended plan provides that two of the buildings will have first floor retail use with 30 commercial apartments above, while the third building will consist entirely of 40 apartments.

At both the November and December meetings the Commission received a staff update on critical areas regulation and mapping changes. The state is undertaking digital mapping of the Critical Area, which will update the nearly 30 year-old hand-drawn critical areas line. Queen Anne's County will be updating its critical area laws to conform to changes in state law and regulation.

On **December 8**, the Commission discussed possible approaches to increasing the density allowed for commercial apartments. Stimulated by concerns in

the development community that greater densities are necessary to make commercial apartment construction financially viable, the Planning Commission will consider use of transfers of development rights and other options for allowing commercial apartment density greater than 10 units per acre in appropriate zoning districts.

Among the information items presented to the Planning Commission by staff were the following:

- The Maryland Court of Appeals will hear a case about the proposed Four Seasons development; the issue is the authority of the state's Board of Public Works to make a decision counter to departmental recommendations.
- The County will challenge the right of the Critical Areas Commission to intervene in a lawsuit against the County Commissioners over their grant of sewer allocations for Chester Haven Beach.
- The Federal Emergency Management Administration (FEMA) is undertaking a project on tide mapping and flooding in storm events. This project is expected to be completed for Queen Anne's County near the end of 2013.

SURVIVING WINTER

By JANE SCOTT



Photo credit – David Godfrey

Food for the Birds

The pickings seem slim. There are bittersweet fruits and old multiflora rose hips (both reviled as invasive aliens) in the hedgerows, a few shriveled poison ivy berries, and the occasional wild grape. Oddly, they seem to give the bright red fruit on holly and hawthorn a pass. Somewhere I have read that it is either inedible or unpalatable until it has frozen and thawed several times. That may explain why that traveling flock of cedar waxwings doesn't strip my "Winter King" hawthorn tree until sometime in March.

The idea of finding a tasty insect these days seems laughable. Most died with the first frost. Yet I suspect the birds know exactly where they have left the eggs, larvae or pupae that will turn into next summer's hoards. For instance, that brown blob resembling dirty plastic foam hidden in the hedgerow holds several hundred incipient praying mantises, and while the Monarch butterfly has flown off to sunny Mexico, the Mourning Cloak is still here, hidden beneath a strip of tree bark ready to emerge on the first warm day of spring. It is one of the few butterflies that overwinter in an adult state.

Of course, we all do our bit by keeping the bird feeders filled. Regular visitors to mine this time of year include chickadees, titmice, and cardinals interspersed with crowds of greedy grackles, house sparrows and finches. I also have a mockingbird that raucously defends the crabapple tree behind the house. He apparently considers it his exclusive pantry. Alas, he rarely wins out against the periodic invasion of starlings and blackbirds that descend like a swirl of black leaves to strip it clean.

In the Water

Meanwhile the fish have moved into deep water, and the crabs have gone down to the saltier mouth of the Bay to bury themselves in the mud. Chipmunks and groundhogs have sunk into a deep hibernating torpor, and snakes have crawled into holes. Some snakes also go underwater, slowing their heart rate and metabolism to the point that allows them to subsist on the tiny amount of oxygen they obtain through the skin. Painted turtles do much the same thing. They may, in fact,

This morning I heard a Carolina wren, one of the few birds that sing all through the year. I couldn't help wondering what it was finding to eat now that winter has arrived.

What, for that matter, feeds the flock of gentle bluebirds, I recently encountered on Wye Island? Both species are here all winter and both, according to my book, eat insects, small invertebrates and, in the case of the bluebird, fruit. Yet where does one find insects and fruit in December?

stop breathing altogether while their heart beats only once every 10 or 11 minutes.

Some frogs, it seems, respond to freezing temperatures by flooding their bodies with glucose to protect their cells from ice damage. In winter, the sugar slows their metabolism, producing a sort of diabetic coma, but come spring it will provide the energy for the newly thawed frogs to hop to their breeding ponds.

And on Land

Toads dig themselves into the dirt as I discovered to my intense surprise one year when I brought a pot of bulbs in from the garage to force. As the pot warmed up, the surface began to heave in a most alarming way and a thoroughly disgruntled toad popped out, not at all pleased to have his sleep disturbed.

Both foxes and squirrels stay active all winter. The squirrels cozy up in leafy nests high in the trees, but the fox sleeps in the open. Even on the coldest winter night, he just curls up in a nice sheltered spot and covers his nose with his brush. Deer, safely insulated by a winter coat made of hollow hairs, hole up during the day and browse on twigs in the night. I have had them eat all the buds off a climbing rose and, one snowy winter, prune a yew hedge within an inch of its life.

Defense Mechanisms

We all know that ducks and geese have thick down and water repellent feathers that allow them to swim in the iciest water, but think about those naked feet! We humans get frostbite when the normal blood flow to our fingers and toes is inhibited by extreme cold. Why doesn't this happen to waterfowl? Apparently, they have a secret weapon: a physiological system called "countercurrent." The veins and arteries that serve their feet are very close together, allowing the cold venous blood that flows back to the heart to pick up enough warmth from the arterial blood heading down to the foot to keep the temperature constant.

Because chickadees and other small songbirds depend on their body fat to see them through a cold winter's night, they need to eat far more in winter than they do in summer. By morning most of that fat has been used up. Ornithologists who study this sort of thing report that birds weighed early in the day had virtually none left, yet were once again plump by afternoon. This means that even in a mild winter, a chickadee might have to eat the equivalent of 150 sunflower seeds a day. Still, you needn't feel too guilty about that empty feeder; studies have also shown that they receive only about a quarter of their daily fare from birdseed, gleaning the rest from the fields and woods. And, of course, they also know exactly where all those insect eggs are hidden.

Nevertheless, in a deep snow or prolonged cold snap, our feeders do become important. Even then, if the temperature drops so low that birds must spend more energy finding food than they can replace by eating, they may simply sit and shiver. If, on some bitter January day, you find yourself doing the same, it may help to know that shivering keeps your internal engine at a high enough speed to prevent ice from forming in your blood vessels. At least that's the way it works for birds!

Jane Scott, a writer and illustrator, is the author of Between Ocean and Bay: A Natural History of Delmarva (Tidewater Publishers, 1991), and Field and Forest, A Guide to Native Landscapes for Gardeners and Naturalist (Blackburn Press, 2002) as well as other works. She traces her roots in Delaware back to the 1730's and now lives on the Eastern Shore.

Commissioners' Meetings, continued from Page 4

for employee compensation; and (d) QAC supports proposals to make Bay Restoration ("Flush Tax") funds available for public sewer extensions to areas like Southern Kent Island that are outside Priority Funding Areas to which State growth-related funding is normally limited.

November 8, 2011. The Commissioners:

- Adopted 4-1 (Dunmyer opposed) a resolution supporting deferral of Plan Maryland for one year.
- Received report from the Board of Education noting that the only project being submitted in the capital improvement plan for FY2013 is Stevensville Middle Renovation (on Nov. 22, the Commissioners approved the plan).
- Heard a discussion of APFO and proposed Ordinance No. 11-22 by Land Use & Zoning Chief Cohoon and Public Works Director Mohn.
- Granted, 3-2 (Dunmyer and Simmons opposed), rezonings from agricultural to commercial of four properties designated to remain rural-agricultural in the 2010 Comprehensive Plan (see related article on page 3).

November 17, 2011. The Commissioners:

- Signed a Notice of Abandonment for the 26-lot Ashleigh North Subdivision near Church Hill to remove the lots and revert the parcel to the original configuration as a farm prior to the subdivision.
- Held budget work session; approved guidelines for next year's budget (FY2013), including, as the first item: "Fringe Benefits – investigate and implement cost savings in health benefits and pensions".

November 22, 2011. The Commissioners:

- Met in closed session with county administrator, human resources director, and emergency services chiefs to discuss the county's obligation as it relates to the formation of a union.
- Marked eleven years in which Character Counts! has worked in the County to "build a more cohesive community based on understanding and acceptance of our similarities and differences" and designated "Caring" as the Character Counts! Pillar of the Month for December (see resolution on page 2 of this issue).
- Heard testimony on a proposed ordinance allowing solar arrays for commercial power generation on agricultural lands and deed restricted open space.
- Heard testimony on a proposed ordinance revising the County Ethics Law; agreed to ask the State to review the ordinance before taking action.
- Proclaimed November 2011 as National Hospice & Palliative Care Month; presented certificates for an outstanding football season to Chesapeake Bay Piranhas players and coaches.
- Received update from Emergency Services Director Aftung and Fire & EMS Commission Chair Faust.
- Introduced zoning measures relating to the Grasonville Community Plan and the Emergency Center.

REZONINGS, *continued from Page 3*

comprehensive plans were indeed merely advisory as to zoning. “Conform” meant no more than that zoning should be generally “in harmony with” the plan, and whether there was harmony or not was entirely up to the county or municipality to decide for itself.

From MDP’s standpoint, *Terrapin Run* made it clear that doing comprehensive planning was mostly a waste of everybody’s time. Great labor was being expended on something that, while it looked good on paper, did not have nearly enough practical effect. Accordingly, the O’Malley Administration called on the General Assembly to reverse the *Terrapin Run* decision and make unmistakably clear what State law means when it says that a county or municipality’s zoning law must be consistent with its comprehensive plan.

The legislature responded promptly with the “Smart and Sustainable Growth Act of 2009”. Here is MDP’s account of what it believes that Act accomplishes (for the full text, go to www.mdp.state.md.us/OurWork/2009Legislation.shtml):

“The Smart and Sustainable growth Act of 2009 clarifies the link between local comprehensive plans and local land use ordinances. The bill defines the current requirement of “consistency”. Actions that are “consistent with” or have “consistency with” a comprehensive plan are actions that further, and are not contrary to, the following items in the plan: policies; timing of implementation of the plan; timing of development; timing of rezoning; development patterns; land uses; and densities or intensities. . . . [T]he bill expresses legislative intent to overturn the Court of Appeals ruling in *David Trail, et al. v. Terrapin Run, LLC et al.*, 403 Md. 523 (2008).”

The lawsuit arising out of the rezonings in Queen Anne’s County relies heavily on the 2009 law. Thus it may well provide the definitive test of whether or not the law accomplishes what its sponsors intended it to accomplish. And that in turn will have major consequences for planning and zoning State-wide.

The debate goes on: stay tuned.

A BRIEF HISTORY OF PLANNING AND ZONING

While American governmental regulation of uses of property and locations of buildings goes back to the colonial period, the modern history of planning and zoning is generally considered to have begun in the Progressive Era in the early 20th century, following upon industrialization and the excesses of the Gilded Age.

American cities had become a random mix of incompatible industrial, commercial, and residential uses, reducing property values and creating undesirable living conditions. As a result, at the end of the 19th century, local governments across the United States had begun to enact ordinances regulating where certain kinds of businesses could locate and the maximum height of buildings.

Queenstown’s 1904 bylaws prohibited commercial slaughtering operations within the town’s corporate limits, and Chicago in the 1890’s limited the height of buildings to 130 feet.

The New York Example

The decisive moment came in New York City with the construction of the Equitable Building on Broadway: it rose to its full height of 538 feet without set-backs from the property lines and cast a 7-acre shadow over the surrounding neighborhood. Added to an environment of swollen tenement houses and factories encroaching on Fifth Avenue, this building proved to be the spark for the City’s adoption in 1916 of the nation’s first “comprehensive” zoning ordinance – a law that separated residential, commercial, and manufacturing land uses, created a zoning map, and established height and bulk standards for buildings.

Other cities soon copied and expanded on the New York example. In the early 1920’s, U.S. Secretary of Commerce (and later President) Herbert Hoover took the lead in developing a model State “enabling act” authorizing local governments (counties and municipalities) to enact comprehensive zoning. Later in the decade, the Commerce Department published a model enabling act for planning that provided for a planning commission to prepare a “master plan” and control the private subdivision of land. Both these model acts were swiftly adopted by many States across the country, including Maryland (zoning: 1927, planning: 1933).

In the meantime, the U.S. Supreme Court had upheld the constitutionality of comprehensive zoning in the landmark case of *Village of Euclid, Ohio v. Ambler Realty Co.* (1926). Ambler Realty argued that because the Euclid zoning ordinance prevented it

from developing a suburban parcel for industrial use, the ordinance deprived it of liberty and property in violation of the Fourteenth Amendment. The Court rejected the claim, ruling that zoning was a valid exercise of the “police power” to protect public health, safety and welfare.

Today it is estimated that zoning laws exist in over 9,000 U.S. counties, cities, and towns, representing more than 90% of the country’s population.

Maryland and Queen Anne’s County

Over the years, the Maryland planning commission that had been created under the enabling act in 1933 took on new forms, names, and responsibilities, becoming in 1959 part of a new State planning department which, ten years later, became a cabinet-level agency. Today it is known as the Maryland Department of Planning, or “MDP”.

Accelerating growth finally brought comprehensive planning and zoning to rural Queen Anne’s County in 1964. By that date, twelve years after the opening of the Bay Bridge, uncontrolled land speculation had resulted in subdivisions creating 9,000 small lots in a predominantly agricultural county -- and 80 percent of them were on Kent Island. Centreville adopted its first comprehensive plan and zoning ordinance two years later, in 1966; Queenstown took the same step in 1971.

In 1987, a more truly comprehensive plan for the County sought to maintain by far the greatest part of the County for agricultural use and to direct continuing new development into a small number of “growth nodes” where infrastructure was available. After the plan was adopted, the County completed a “down-zoning” of agricultural lands (from approximately one house per acre to the one house per eight acres that still prevails today) and adopted a new set of subdivision regulations.

Subsequent County plans in the next two decades continued the framework of the 1987 plan and called for specific comprehensive plans for each of the six areas in the County designated for growth and development: Stevensville, Chester, Kent Narrows, Grasonville, and the incorporated towns of Queenstown and Centreville.

Other incorporated towns besides Queenstown and Centreville were also beginning to plan in this period: by 1990, even little Sudlersville had its own comprehensive plan.

Our County Cares, *continued from Page 1*

together with community volunteers, come together to help those without a home. Our Haven’s financial support comes from a variety of sources, including the churches, private and foundation contributions, as well as state and federal grants.

Why does a person become homeless?

Our Haven Shelter reports that homelessness is primarily due to an unforeseen economic crisis (such as a foreclosure), joblessness, a serious medical condition, incarceration or a death in the family. Given the number of home foreclosures, it is not surprising that families with children are the fastest growing group (35%) of the homeless population. Typically, someone is homeless for one or two days, and half the people who enter a homeless shelter will leave within 30 days, never to return.

How does Our Haven provide help to its guests who are in need?

At 6 p.m. each night from December first to mid-April, Our Haven opens its doors to men, women and children without a place to sleep. After an interview and a screening, the guests are welcome to dinner and to spend the night. In the morning, they are provided with breakfast and a

bag lunch. All guests, volunteers and staff must leave the shelter by 6:30 a.m. The three meals are provided by volunteers from Our Haven’s supporting churches and from the community. Volunteers also help staff two shifts – one from 6 p.m. to midnight and the other from midnight to 6:40 a.m. Kent Island’s United Methodist Churches’ facilities include a large room with space for 20 beds, a kitchen, dining area and a TV/game room.

Many of the homeless guests work, and transportation is supplied for those who need it to get to their jobs. For those without a job, the professional staff of Our Haven reaches into the community to find work opportunities. The staff also provides counseling and helps with medical needs.

Now in its sixth year, Queen Anne’s County Christian Assistance, operating on the premise of showing God’s love to the poor in our community by supplying essential services, provides the County’s only cold weather shelter. If you would like to volunteer at Our Haven, please contact Krista Pettit at 410-739-4363.

QUEEN ANNE'S COUNTY

COMPREHENSIVE PLAN UPDATE

MARYLAND

COMPREHENSIVE PLAN MAP: COUNTYWIDE LAND USE

Rural Land Use

-  Established Residential Areas
-  Rural Business Employment Areas
-  Rural Agricultural Areas
-  Permanently Preserved Lands
-  Greenbelts

Planning Areas

-  County / Town Planning Areas*
-  Incorporated Towns
-  Town Future Annexation Areas

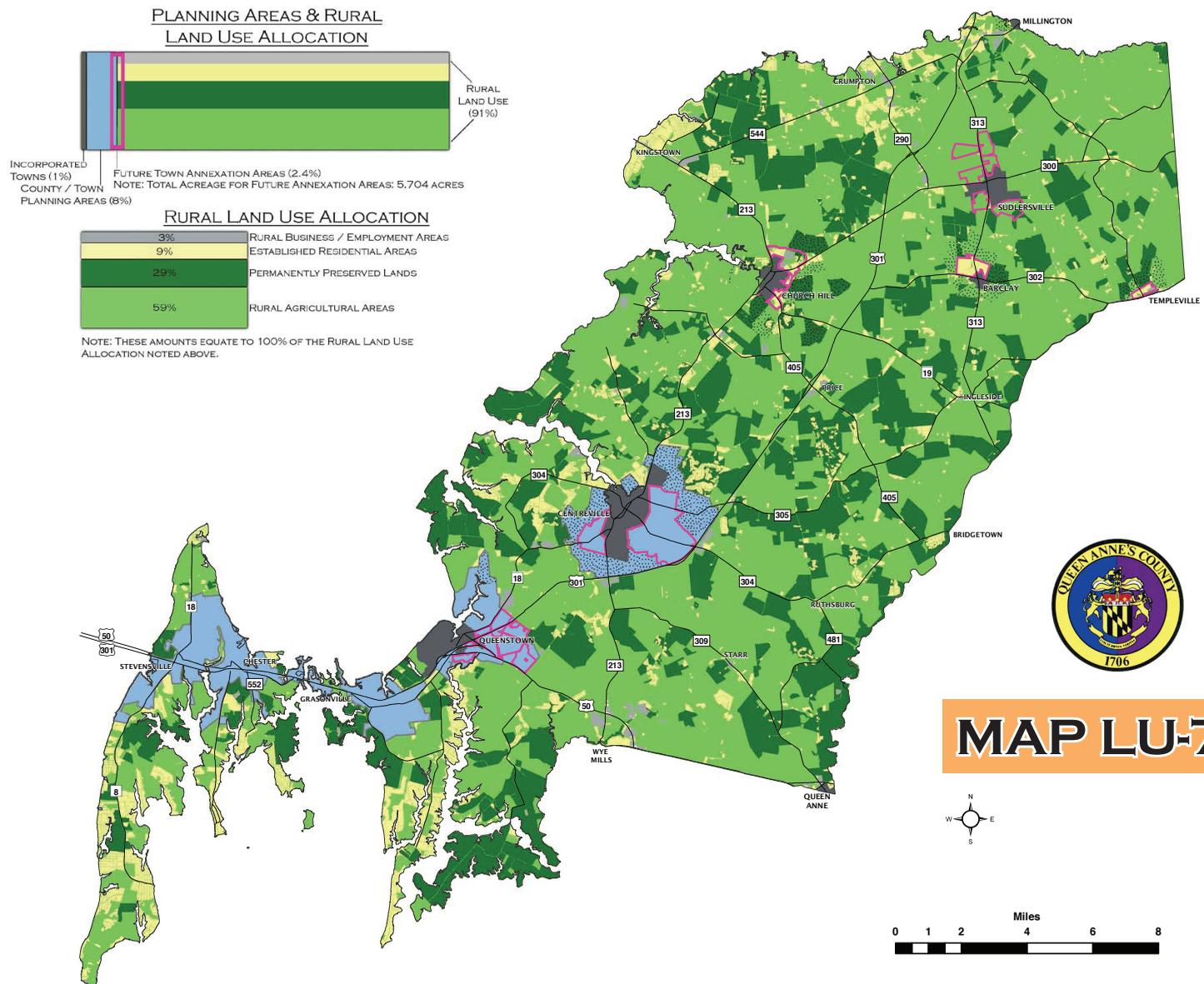
NOTE: THIS MAP IS TO BE USED IN CONJUNCTION WITH THE COMPREHENSIVE PLAN TEXT AND OTHER PLAN MAPS.

REFER TO TABLE 1-4 FOR LAND USE ALLOCATIONS.

*DETAILED LAND USE CLASSIFICATIONS SEE MAP LU-7B.

SOURCE: QUEEN ANNE'S COUNTY DEPARTMENT OF LAND USE, GROWTH MANAGEMENT AND ENVIRONMENT AND MARYLAND DEPARTMENT OF PLANNING.

MARCH 2010



SNOW GEESE IN (OVER-)ABUNDANCE

In the winter in Queen Anne's County, we see a lot of beautiful snow geese in farm fields and marshes – particularly the Greater Snow Goose (*Chen caerulescens atlanticus*), a 7-pound, 30 inch-long, white bird with black-tipped wings spanning 5 feet.



Photo credit – David Godfrey

Actually, beautiful as they are, we are seeing too many snow geese, not only in our County but elsewhere in Maryland and up and down the Atlantic Flyway. That is why snow geese will be hunted here in the County, with no bag limits, until the middle of April, long after the season for Canada geese and ducks has closed at the end of January.

The Snow Goose Problem

Snow geese, greater and lesser, white and blue, along with the similar Ross's geese, are collectively known as "light geese". Until the mid-1970s, light goose hunting was actually banned in the eastern United States due to low population levels of the greater snow goose.

Since then, as the Nature Conservancy ruefully puts it, snow geese have "rebounded a little too well" – probably in large part because they came out of the salt marshes and began feeding in agricultural fields. In a few decades, the number of greater snow geese has exploded from about 100,000 in 1975 to about 1.4 million in the Atlantic Flyway, while another 5 million lesser snow geese crowd the Mississippi and Central Flyways.

Vast flocks now overgraze feeding grounds, damaging crops and causing erosion and increased soil salinity. In their breeding grounds in far northern Canada, however, the damage they do to fragile tundra is verging on catastrophic.

Snow geese are colonial birds: they do everything in large groups. In their breeding grounds, snow geese use a feeding behavior called "grubbing," in which, as U.S. Fish & Wildlife

explains, they probe their bills below the ground surface and turn the soil over in search of high-energy roots and tubers. Because plants grow slowly in the cold sub-Arctic and Arctic breeding areas, large numbers of geese remove more plant material than can be regrown or regenerated before the next nesting season.

When this happens year after year, plant communities in these areas are unable to recover and may be totally destroyed. When soil is thus exposed and salts in the subsoil layers begin to accumulate at the ground surface, a saline environment is created where regrowth of most plants becomes virtually impossible. Without root systems to hold it in place, the thin layer of topsoil is then easily eroded away, impacting other migratory birds and arctic wildlife.

The Solution to the Snow Goose Problem

An international "Arctic Goose Habitat Working Group" concluded in 1998 that action was needed to limit the greater snow goose population. In the following year, the US Fish and Wildlife Service issued the first Conservation Order Light Goose Season to encourage hunters to harvest additional light geese. The conservation order season begins, as noted above, after the season for Canada goose and other water fowl has closed and extends into March or April.

In the conservation order season, special liberalized rules apply: there is no bag or possession limit; hunters may use electronic calls and shotguns holding more than three rounds; and shooting hours extend to one-half hour after sunset.

In 2011, seven Atlantic Flyway states from Vermont down to Virginia participated in the conservation order season on light geese. Over 4,000 hunters harvested about 50,000 geese, greatly aided by the use of electronic calls, which accounted for approximately 45% of the total kill. In Maryland, 774 hunters participated in the conservation order season, hunting 2,321 days and shooting over 21,000 geese.

The goal for the Atlantic Flyway is to reduce the population to between 500,000 and 750,000 light geese.

The Problem with the Solution

The problem with the solution of control by hunting is suggested by the statistics: if the Atlantic Flyway snow goose population is well over a million, and growing 5% every year, then 50,000 geese doesn't even make a dent. Where are the hunters when we need them?

Since the snow geese abandoned feeding mostly in saltmarsh

and started eating corn and grain, they have lost their "muddy" flavor and now have what many consider a better, more delicate taste than the prized Canada goose. (For snow goose recipes, see www.agiv.ca/images/stories/pdf/snowgoosecookbook.pdf.) With strict limits on the Canada (2 per day in a 7-week season in eastern Maryland counties), why aren't many more hunters now going after snow geese?

The answer seems to be that snow geese are difficult, and quite expensive, to hunt.

As to difficulty, consider the following from an upbeat brochure put out by the Atlantic Flyway Council called *Successful Hunting Tactics for Greater Snow Geese*: "Successful snow goose hunting is expensive, time consuming and, at times, frustrating." Tips for success include: "You must make your blind disappear (and we mean disappear, like nothing's there.)" Above all: "Don't get discouraged, what works one day may not work the next and vice versa. Snows are notorious for changing their behavior from day to day and even hour to hour."

As to expense, while two dozen decoys may be enough for success with the Canada, the snow goose is much harder to decoy – even with a spread of many hundreds of decoys in the field! Think about the cost of that (set of four adult and two juvenile decoys, \$130 online), and then add, as one can find recommended by expert guides, "two to three four-speaker systems of electronic callers" (\$355 per system), "flier decoys mounted to poles" (\$24.95 each), and "multiple 4-arm rotary machines (\$289.99 each) to create movement".



- Courtesy John O'Neill

So how are we doing on snow geese in the Atlantic Flyway? We asked DNR's Game Bird Supervisor Bill Harvey for his take:

"We have been successful in increasing the harvest of light geese with the conservation order season and the special hunting methods. However, whether the additional mortality from hunting is enough to stabilize or reduce the population is not clear yet. It will take a few more years before we can reach any conclusions on the effectiveness of the control measures".

Harvey added that "control of this population cannot be accomplished by a single state -- it will take the efforts of hunters throughout the Atlantic Flyway states and Canadian provinces to have any chance of success."

* A Calendar Of Verses

JANUARY: DUST OF SNOW

The way a crow
Shook down on me
The dust of snow
From a hemlock tree
Has given my heart
A change of mood
And saved some part
Of a day I had rued.

– Robert Frost

FEBRUARY: VALENTINE

To love one woman, or to sit
Always beneath the same tall tree
Argues a certain lack of wit
Two steps from imbecility.
... Nonetheless,
What of a phoenix on the bough,
Or a sole woman's fatefulness?

– Robert Graves

(from Robert Graves, "Woman and Tree",
in *Complete Poems in One Volume*
(Carcaret Press: 2000). By permission.)

