

TESTIMONY TAKEN BEFORE THE COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND, ON THE EXCLUSION OF CERTAIN LANDS OWNED BY H. J. JUENEMANN, MARIE H. AND ARCHIE F. MEATYARD, JR., FROM THE INTERIM ZONING PLAN OF TALL TIMBERS AREA IN THE 2ND ELECTION DISTRICT, HEARD IN THE COURT HOUSE, LEONARDTOWN, MD., ON TUESDAY, MAY 3, 1960, AT 10: A.M.

County Commissioners Leonard Alvey, Byron Guy and John M. Hodges were present as well as Wm. O. E. Sterling, Attorney, and James Hodges, Administrator.

Those present for the Hearing were: Mr. and Mrs. J. H. Shadrich, Mr. and Mrs. Oscar Hiser, Mr. James E. Taylor, President of the Tall Timbers Association, Mr. Wm. E. Vernstein and Mr. W. W. Hutchins.

Mr. Alvey called the Hearing to order and asked Mr. Meatyard to present his proposal.

Mr. Meatyard: I have dictated to my Secretary my argument so Mrs. Gibson will not have to take that, but first I would like to say two things, (1) a lot of statements have been made that we are going to run a gasoline station, dance hall and gambling house and sell to outside interest, all of which is untrue. They have not asked us, just spread rumors. We thought it would be for the betterment of Tall Timbers as a whole. Mr. Juenemann started when it was found that when the harbor is cut through the creek, many mooring posts will be gone because they will excavate here and he will have to move his oyster beds and replant over here and he will retain his riparian rights all the way and there will be nowhere for their boats without his permission. And these lots in the back will sell more readily when they know they can tie up at a good marina. I would like to say, also, that back in the 1920s when Mr. Juenemann bought the land, my father was associated with him when it was purchased and subdivided and sold off property. We have a greater investment than any of the others. We have 14 houses, two 2-unit houses, a club house with tennis courts and other such activities. Gentlemen, for one thing, we will not do anything to destroy the income from our rentals and boats.

Mr. Meatyard read into the records a paper entitled, "Petition for Change of Zoning Boundary," copy of which is attached hereto and made a part of these records.

Mrs. Hiser: You said it was not until 1960 you were notified the property was zoned residential.

Mr. Meatyard: I Did not.

Q: Did your father not help to have it zoned?

A No.

Q: Mr. Juenemann's name was on the petition to have it zoned?

A: His name was not even spelled right.

Mrs. Hiser: We live opposite Mr. Meatyard's property and are there every weekend 10 $\frac{1}{2}$ months of the year and we have never seen the creek packed with boats and we are in the yard most of the time. The number of boats is greatly exaggerated. When net fishing is going on they bring two boats, a little skiff and their big boat. They come from Annapolis and the Eastern Shore and they come in cars on weekends, but that's just the latter part of February and March and from then until the end of the summer there's not 20 boats there. We live just opposite the property he is talking about. We own two homes there and we have them all landscaped and keep them nice and it would certainly be a great loss to us to have anything commercial there. He called me and I asked specifically could a bar or a store and business places go there and he said, it could be. Mr. Meatyard may have the best of intentions, but how long will he be here? We own 8 acres not just two and as far as developing the rest of the property behind us, Mr. Juenemann is 75, isn't he?

A: 88.

Q How much time will he have to develop it?

A: Some thought he wouldn't have to 85.

Q: He is being mislead and he's not capable of doing much development back there, none of us could.

A He sold three last year.

Q I did not know that but three a year, he would have to live a long time. Also Tall Timbers is one of our finest areas, 100% A-residential except for his bird project and club. It seems a pity to take it away from Maryland and most especially by a bar, store, and I guess they will have one of those sandwich things. We do not want them.

Mr. Hiser: As she told you, we have 8 acres and if you gentlemen would stop to think that in all our counties before the County Commissioners can get any control, the harm is done. You gentlemen have that residential now and it is beautiful. The Potomac River is as pretty as any and that creek, Herring Creek too. In the last 4 or 5 years everyone has improve his property. I don't know if any of you have looked around down there, but I have a nice livable home and the people before knew it was in the deed that it was residential, everyone knew when they bought there. It is a pity this has to come up. Mr. Meatyard talks about a marina, what is a marina? Does it take

14 acres? It seems to me two would be a plenty. And he says he is doing it for the people of Tall Timbers and not one-half of the people have big boats, just row boats they can pull out when they get through. They get boats they can pull down to the water, put in a little gas and go on out and when they get in, pull it up and go home with what they got. If he invests his money in a marina, he may break even, but it is the other things he will put in with the marina, that is what will be hard. If you grant him this zoning, suppose I come in next month and want mine zoned for a trailer camp? It will be hard to turn me down.

Mr. Guy: Have you been to St. Mary's Beach, the marina there is an asset to that community?

A: No but do you think the Government should spend \$300,000 to dig it out if there's not more boats? It's the biggest mistake they ever made.

Guy: Big boats can't get in there now, there's no harbor.

Mr. Shadrich: It says in a pamphlet that all the property south of the Jetties will have no beach, that all the sand will move and we will not have a beach at all.

Mr. Guy: It will be under construction soon.

Mr. Shadrich: \$300,000 down the drain. I think the contract was let for June 20.

Mr. Guy: I've been down there fishing myself and a storm would come up and we could not get in a harbor and had to make it back the best way we could in the storm.

Mr. Hiser: That is right, I know, but who do you think will use the harbor - people from Washington.

Mr. Guy: More than now if it's opened, they have to go somewhere.

Mr. Hiser: How about Swann's, they have a nice harbor.

Mr. Meatyard: The main feature is it will make a stopover for boats going up and down the river.

Mr. Hiser: Who wants to see more boats? I don't have a boat myself.

Mr. Guy: Didn't they open up one, didn't they have an opening at McKay's beach at one time?

Mr. Hiser: Yes, but nature closed it up and they reopened it, partially opened it.

Mr. Hodges: I know as much as anybody about getting boats in there. I plant oysters and I have to go to Smith's Creek today and the man will have to stay outside in the river and I go get them in my boat. I don't like the idea of a marina and so much land but the creek is a benefit to all of us.

Mr. Vernstein: I think Buster is taking offense to what is going on but primarily most of us are not objecting to a marina but object to why they want 14 acres rezoned as commercial and you have never given an explanation.

Mr. Meatyard: You have never asked, just gone around and talked.

Mr. Vernstein: I said downstairs that night that Mr. Juenemann signed that petition and his name is on it and I did not sign it for him. I took it to him and he signed it. The objection primarily is, why do you have to have 14 acres to have this marina? I have the marina at St. Mary's Beach and it does not take up anything like that area. They have a nice business place and Mr. Hines spot is pretty big and contains just 4 acres. A lot of people who have signed the petition said they wish you would turn it down and let him start over. We do not want to see the whole thing zoned. The group as a whole would like to see a marina but nothing more. We think you are hiding something by wanting it all.

Mr. Meatyard: I think the original zoning is illegal and I will have it thrown out.

Mr. Hiser: I heard you were going to have a motel.

Mr. Meatyard: Who said so?

Mr. Hiser: You did.

Mr. Meatyard: I hope to have a marina and a multiple housing unit with 4 apartments.

Mr. Taylor: Do you have any plans on paper for your property development?

Mr. Meatyard: For the marina I only have the specifications for the type of sea wall to put in.

Mr. Taylor: For your buildings in addition to those

presently on the property, do you have plans for any additional buildings?

Mr. Meatyard: None whatsoever, no money.

Mr. Taylor: Is it necessary to have 14 acres rezoned?

Mr. Meatyard: Not at this point but rather than come back later in order to have it done. That is the only way we can serve facilities such as gas and that is the purpose for rezoning, I can't have gas without it. If you look at the Interim Zoning Map, you will find you cannot put it in A-residential. I say you can't zone water although the Court of Appeals may say I'm wrong. If I put a marina in and no gas, I'm not anywhere.

Mr. Taylor: At the time it was zoned it was classified as swamp land.

Mr. Meatyard: We have had water there for years.

Mr. Taylor: I keep going back to that night, the thought I got from the people of Tall Timbers is this, the Board of Directors indicated the first time that they would go along with an application for a smaller plat to be rezoned.

Mr. Meatyard: I never heard of it.

Mr. Hodges: Some people said that in there but no official action was taken.

Mr. Hiser: What we are acting on today is the rezoning or not rezoning 14 acres for you.

Mr. Meatyard: Turn it down and I'll take it to court.

Mr. Taylor: We do the 14 acres.

Mr. Meatyard: If they grant it to me, I can do anything.

Mr. Hodges: We do not always do the right thing.

Mr. Taylor: I'm not speaking for the Association but now the people are against it but as far as the Marina is concerned we have no objection.

Mr. Hiser: I have, there's one being constructed now.

Mr. Hodges: Where?

Mr. Hiser: Over to Springers. May I say one thing more,

when our property was sold to us by Mr. Juenemann, he pointed out that it must be residential and only one residence on the two acre lots and that was the case in all the property. On Mr. Meatyard's property it does not seem a fair thing for this Board to grant him an area next to us to have a multiple dwelling on it when we are bound to just one.

Mr. Taylor: I believe it was set up as a boy's camp then.

Mr. Meatyard: It was a boys' camp from 1931 to 42 when the military came in and needed it for housing. Mr. Hiser bought in '47 and it was there in that condition when it was zoned.

Mr. Hiser: It was in 1947 and the property was owned by Mr. Markham and was in his deed too.

Mr. Hodges: This is the road to Herring Creek?

Mr. Meatyard: Yes.

Mr. Hodges: Where do you propose to go off the road to the marina?

Mr. Meatyard: There's already a road to the cottage we have.

Mr. Hodges: Is it to the end and along the shore?

Mr. Meatyard: We have a cottage here and the road goes by it.

Mr. Taylor: The parking will not be on the property?

Mr. Meatyard: We have dedicated to the county for parking now.

Mr. Taylor: You can't dedicate beyond this land.

Mr. Meatyard: It is dedicated to here.

Mr. Taylor: You cut over to Hiser's property here.

Mr. Meatyard: He is about 20' from here. This can be dedicated, 1 acre, and 1 reserved on this side. 10' we have dedicated.

Mr. Hodges: Would you consider a lesser amount for the marina?

Mr. Meatyard: Yes, certainly and some c-residential for

multiple housing.

Mr. Hodges: He may get what he wants anyway. All of you people here have shown an interest and we want to do the best and proper thing, How would you feel along those lines?

Mr. Vernstein: Mr. Wagoner got up at the other meeting and said why not withdraw it and apply for a smaller portion, it would be more favorable.

Mr. Heiser: We would object to the multiple housing.

Mr. Hodges: I would be against a bar room, but we don't grant liquor licenses and it would not come to us. I suppose, we could make a protest and urge that one is not granted.

Mr. Hiser: That is why we are here, it could become very objectionable.

Mr. Vernstein: Mrs. Hiser said something about what will happen in years to come, that would be objectionable. I said as long as you handle it, you would operate it nicely.

Mrs. Hiser: Mr. Meatyard talked to me and told me it could be that all those things could go there.

Mr. Meatyard: You asked me and I said likely it could.

Mr. Vernstein: Does 14 acres come up to your property?

Mr. Taylor: The boys' camp does.

Mr. Meatyard: What about 75' back along the creek shore?

Mr. Taylor: If you will bring it farther into the slue because it will be cleaned out.

Mr. Meatyard: We are dredging and granting moneys and the government dumping sand. It's all to be sanded in and the county too. What Mr. Shadrich understands, I believe, is it will be all built up and the jetties preserve it.

(Mr. Shadrich had an "off the record" talk with Board and Mr. Meatyard)

Mr. Hiser: If you consider a smaller area for a marina, which would be a good thing, it seems to me you should not damage any area beside you. Let him go inside his own property and let the traffic go down his own road to it.

Mr. Hodges: That's a one-way lane on the plan?

Mr. Meatyard: It has two entrances, one across from their garage and goes by there.

Mr. Hiser: Why not put it in at your gate?

Mr. Meatyard: I have no roadway there.

Mr. Hiser: How do you get into your house?

Mr. Meatyard: On a driveway.

Mr. Hiser: With 14 acres it looks like you could find space for a road on it.

Mr. Meatyard: That is the road I'm speaking of.

Mr. Hiser: Why not enlarge it?

Mr. Meatyard: They are coming back to tell me what to do. If it could be done I would go over to my house.

Mr. Hiser: There's nothing but a one-way driveway there.

Mr. Meatyard: Maybe I could move the entrance.

Mr. Hodges: Is it room for two cars.

Mr. Meatyard: Cars can't pass on it now.

Mr. Taylor: Im figuring, the petition has 84 people and the letter dated April 28, 1960, "The Board of Directors of Tall Timbers Citizens Association does hereby petition the Board of County Commissioners of St. Mary's County to deny the application heretofore filed by Marie H. and F. Archie Meatyard, Jr., and H. J. Juenemann to have excluded from Interim Comprehensive Zoning Plan, Tall Timbers, A-residential District, in the 2nd Election District, 14 acres of land as more particularly described in said application.

"(signed) Mary Louise Eiker, Secretary"

Mr. Vernstein: I have a list in my pocket of who was in favor and who was not, if you'd like to see it. Some people were asked to sign the petition who are not in the Tall Timbers area. I would be glad to leave this list with the petition. There's a total of 84, 6 would not sign and 9 were not contacted. There are 62 residents altogether, and I would say that amny signed it who would like to see a marina on a smaller area.

Mr. Taylor: After the marina is in and 14 acres rezoned and then a liquor license or whiskey license were granted, as far as the traffic is concerned, I am well aware of the conditions that would exist next to Mr. Hiser. Now, if you want to reconsider that 14 acres and make it smaller.

Mr. Vernstein: I think it was a fair proposal.

Mr. Taylor:

Mr. Verstein: The 75' along the creek front.
have

Mr. Meatyard: Yes, I could/that along the water and some other type of residential zoning for the housing.

Mr. Vernstein: Are there difference commercial zones?

Mr. Meatyard: No, that's just in the residential districts, A, B and C, that would give me the multiple housing.

Mr. Hiser: 75' from the creek, would that help, you could still put in businesses.

Mr. Meatyard: Your house would be how far from the 75'?

Mr. Hiser: But we have to have it residential and one house to two acres.

Mr. Meatyard: As you go from your point on the road to the creek shore, it would be 180' and your house is 200' from that corner up to the sea wall.

Mr. Hiser: From our sea wall fo the road?

Mr. Meatyard: I'm talking of the distance from where you leave the road is 180' to the creek shore from here.

Messrs Meatyard and Hiser and others had a discussion on the plans for some time.

Mr. Guy: Some of you go to St. Mary's Beach and look it over. Mr. Hines has a nice place there.

Mr. Meatyard: Look at Mr. _____ how many he has because he has a good harbor.

Mr. Guy: The people at Sand Gates have never said any thing or complained.

Mr. Hiser: Can you penpoint him down as to what he will have or not have.

Mr. Guy: A man over there at St. Mary's tried several

times to get a liquor license and has not been able to get it because the people around there objected.

Mr. Hiser: We are living in this area and we oppose it being changed from residential.

Mr. Guy: If he applies for a license for his place, oppose him in Court.

Mr. Taylor: I believe liquor licenses are based upon the needs of the community.

Mr. Guy: There's not ^{one} in 3 miles of Sand Gates.

Mr. Hiser: It'd be nice not to have a sandwich store there either.

Mr. Guy: They do have beer and sandwiches up there.

Mr. Hiser: You will get something objectionable in a community where it is all residences and where you now have the power to control it, you should keep it. I noticed 90% of the people who signed are taxpayers and live there and signed the petition asking you people to turn it down or not to rezone it. That many is a big majority. We do not want it to get out of control.

Mr. Guy: I see no reason for dredging the harbor and not having boat facilities.

Mr. Meatyard: Mr. _____ was one of the main ones to push the harbor.

Mr. Guy: Hasn't the harbor been under fire for a long time?

A: 17 years.

Mr. Waggoner: There's a marina at piney Point.

Mr. Guy: We've got a good road on #235 so why have one on #5?

Mr. Hiser: Its in your hands , gentlemen, and we've gone out and gotten the voice of practically everyone there and put it up to you to act as you see fit.

Mr. Meatyard: How was I to know my property was being zoned the first time. It is not legally right. You did not notify the property owners. You acted without due process of law and if I have to I will take it to the Court of Appeals and I can take the whole thing out for all of Tall Timbers. If you want to, grant me the '75'

along the shore line all right and give me residential-C for the rest.

Mrs. Hiser: No.

Mr. Meatyard: Then I will shoot for all of it.

Mr. Hiser: Do not take it out of residential.

Mr. Meatyard: Then we will shoot for the whole thing.

Mr. Guy: Then you can put anything you want on it.

Mr. Meatyard: Yes, and I have 14 houses on it right now.

Mr. Taylor: Would it be possible, if we have an association meeting, and you yourself would be there and present the thing to them?

Mr. Meatrard: I have it right there.

Mr. Taylor: And your plans.

Mr. Meatyard: I have no plans.

Mr. Taylor: One reason I have brought this thing up, there are a lot of people that have signed this that aren't too much opposed to a marina and Mr. Meatyard, if he thought it would be wise, he could present it to them. That's the reason I think we should try for something smaller and more accurate.

Mr. Vemstein: You say 75' would suffice for your marina?

Someone: But the Commissioners cannot say they will give him 75'. He will have to throw this out and come back with another application and plans.

Mr. Meatyard: I think the County Commissioners can say they will grant you this and change the zoning boundary. They can 75' from the bank of the creek. Its just a question of changing the zoning boundary. I asked for all of it and they can give me what they want.

Mr. Hiser: The people whose names I see on it did not want any part of it. I think you should consider how you would feel if you were living in the area and had it absolutely residential in your deed and had invested your money and how you would feel if he has this rezoned to commercial activities which he will develop as times goes on.

Mr. Meatyard: You bought in 1947 and there were no

regulations governed what went in, not in the dees of Tall Timbers, it starts at your house and goes back around the creek.

Mr. Hiser: If Mr. Meatyard was living on his property all or most of the time and if he had a nice livable house, we would not have a name on the petition. He is down there less than anybody in Tall Timbers, just comes to drop food for the birds. If he would fix his property up like the rest of us, not a soul there would object to it, not a soul.

County Commissioners; We will take this under consideration and let you know.

Arrangments were made for a meeting to be held on Sunday, May 15, at 1:00 PMP at Mr. and Mrs. Oscar Hiser's.

Taken and transcribed by Mildred Nicolet Gibson
Secretarial Services
Leorardtwn, Maryland

May 3, 1960

All officials present.

At ten a.m. the Public Hearing as advertised in connection with rezoning certain area in Tall Timbers was held. Full report is attached hereto.

Meeting was set for 1 p.m. at the home of Mr. and Mrs. Hiser, Tall Timbers when the Commissioners hoped to have a further discussion and render a decision if possible.

Letter was sent to State Board of Health regarding Robt. Mathias Clayton, patient in Deer's Head Hospital.

Dr. Houser came to ask the Commissioners to urge the 3 County Legislators to vote against the State Formula Bill when it comes up in the Md. State Legislature-copy of the proposed Bill was sent to Sen. Mattingly, delegates Henry Fowler and Frank Combs. If passed the Commissioners would have to pay for extra audit and other work by the State Bd. of Health.

Mr. Brown of Cherryfields, Rosebank Rd- asked the Commissioners to maintain the road. He was advised when Right of Way was received, road built to SRC specifications and when tested proven satisfactory, the County would then maintain the road. Mr. Brown will contact Sen. Bailey on this matter.

Board adjourned at 4 pm

approved

president.