CB 475-02 : Richfield Station Water Tower : Site Plan

USA_S_1829_2358

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE STATE OF MARYLAND CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS
AND
CHESAPEAKE BEACH, MARYLAND

THIS MEMORANDUM OF UNDERSTANDING is made this 19th day of February, 2004, by The State of Maryland Critical Area Commission for the Chesapeake and Atlantic Coastal Bays ("the Commission") and Chesapeake Beach, Maryland ("the Town"), collectively, "the Parties."

WHEREAS, Annotated Code of Maryland, Natural Resources Article Sections 8-1801 et seq. ("The Critical Area Act") establishes the Commission and sets forth its duties and powers; and

WHEREAS, the primary goals of the Critical Area Act are to minimize adverse impacts on water quality resulting from pollutants discharged from structures or in stormwater run-off; to conserve fish, wildlife, and plant habitat; and to establish land use policies that accommodate growth and address the adverse impacts that the number, movement, and activities of persons cause within the Critical Area; and

WHEREAS, the Critical Area Act is implemented by a unique partnership between the Critical Area Commission and the 63 local jurisdictions surrounding the Chesapeake and Atlantic Coastal Bays, including the Town of Chesapeake Beach; and

WHEREAS, the Commission promulgated Criteria in the Code of Maryland Regulations (COMAR) Title 27 ("Criteria"), which were approved by the General Assembly, and which require that within the Resource Conservation Area ("RCA") and the Limited Development Area ("LDA"), impacts from development in forests and developed woodlands must be mitigated so that total forest and woodland acreage within the Critical Area is maintained, or preferably, increased; and

WHEREAS, the Commission encourages local jurisdictions to establish programs for the enhancement of forest and developed woodland resources, including programs for urban forestry, such as street tree planting, gardens, landscaping, and open land buffer plantings; and

WHEREAS, the Commission's Criteria require protection and conservation of areas designated as Habitat Protection Areas, including the 100-foot Buffer and forested areas utilized by Forest Interior Dwelling Bird Species ("FIDS"); and

WHEREAS, the Commission recognizes that some impacts from development in Habitat Protection Areas may be unavoidable, and accordingly, the Commission has worked with local jurisdictions to develop strategies for minimizing impacts to these areas and to provide appropriate mitigation for impacts; and

WHEREAS, the Commission's Criteria establish standards for development undertaken by State or local agencies in the Critical Area pursuant to the Critical Area Act, Section 8-1814 and COMAR 27.02; and

WHEREAS, the Commission has authority to require certification by a local jurisdiction that the proposed development activities of local significance on private land or land owned by local jurisdictions, which are caused by local agency action, shall be consistent with the Critical Area program of the local jurisdiction; and

WHEREAS, the Town administers an approved Critical Area Program, including provisions relating to the Town's obligation to require mitigation for impacts associated with private development or to mitigate Town development activities on private lands or Town-owned lands within the Critical Area; and

WHEREAS, the Town recognizes its responsibility to ensure that within the Town, Critical Area requirements for reforestation and afforestation are met, impacts to Habitat Protection Areas including impacts to the Buffer are appropriately mitigated, and impacts to FIDS habitat are offset by the creation of new FIDS habitat or the protection of FIDS habitat in excess of that currently protected by existing regulations; and

WHEREAS, the Town proposes to construct, on private land designated as Resource Conservation Area within the Town's Critical Area, a water tower that will require clearing of forest, and that clearing will require mitigation for impacts to forest associated with that construction; and

WHEREAS, the Town proposes to meet its current and future afforestation, reforestation, and mitigation requirements associated with private and public new development and redevelopment activities in the Town, including mitigation required for construction of the water tower, by developing a Forest and Developed Woodland Master Plan; and

WHEREAS, the Town has requested the Commission to accept the Town's proposal:

NOW THEREFORE, in consideration of the Parties' respective responsibilities, authorities, and obligations under the Critical Area Program and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and the Commission hereby set forth in this Memorandum of Understanding their agreement as follows:

1. The Town agrees to develop a Forest and Developed Woodland Master Plan ("the Forest Plan"), in order to set forth the development and implementation of a strategy for satisfying the Town's Critical Area mitigation requirements associated with reforestation, afforestation (if applicable), Buffer and Buffer Exemption Area impacts, impacts to other Habitat Protection Areas, and FIDS habitat impacts associated with development and redevelopment activities in the Town.

2. The Parties acknowledge that development of the Forest Plan will require the skills and knowledge of professional persons, including those with expertise in planning, landscape architecture, wildlife, FIDS habitat, wetlands, forestry, and other related areas of expertise. To that end, the Town agrees to engage one or more consultants to develop the Forest Plan. The Town and the consultant(s) shall coordinate with appropriate state, county, and municipal government departments, utility providers, other non-government organizations, the general public, and the Commission during the preparation of the Forest Plan.

3. The Forest Plan shall consist of the following elements:

A. Identification of Planned and Anticipated Mitigation Needs:

1. The Forest Plan will estimate the Town's required mitigation based on both public and private development projects now planned or anticipated within ten years from the date of this Memorandum. The mitigation requirements should be identified and quantified as relating to forest clearing, FIDS impacts, or Buffer impacts.

2. As sources for information to support a reasonably reliable estimate of future mitigation needs, the Forest Plan shall use: (a) records of building permits, subdivisions, and variance applications submitted to the Town during the past 5 years; (b) an inventory of all grandfathered undeveloped parcels and lots within the Town; (c) an inventory of any areas under consideration for annexation into the Town; (d) any other reliable source for estimating future development activity and mitigation requirements.

B. Inventory and Analysis of Potential Mitigation Projects:

1. The Forest Plan will list the sites identified as available for potential mitigation projects to meet the various mitigation requirements ("the Plan Inventory"). The projects may include, but are not limited to, street tree planting, wetland creation, *Phragmites* eradication, and landscaping of existing or proposed development sites. The Forest Plan Inventory shall include projects of each of the following types:

(a) creation and protection of FIDS habitat; (b) mitigation for impacts to Habitat Protection Areas, including the Buffer, associated with variances for development

in these areas; (c) mitigation for impacts to Buffer Exemption areas from development allowed in these areas; (d) mitigation for impacts to forest resources; and (e) afforestation.

2. For each project, the Forest Plan shall include the following information:
   (a) location of the project; (b) type of project; (c) square footage of the mitigation credit to be produced by the project.

3. The Forest Plan may propose mitigation sites outside the Town limits, subject to the following conditions:

   (a) mitigation sites should be located within the Critical Area in proximity to the Town, including the Critical Area of Anne Arundel County, the Town of North Beach, or Calvert County;
   (b) appropriate agreements shall be executed to ensure the Town's legal right to perform and to monitor the required mitigation;
   (c) the mitigation project shall be demonstrated to provide one or more of the following, in a general order of preference as agreed by Commission staff and Town staff:
   1. expansion of existing high-quality Forest Interior Dwelling Bird (FID) habitat within the Critical Area, through a combination of plantings and/or natural regeneration;
   2. establishment or expansion of forested riparian buffers adjacent to tributary streams within the Critical Area;
   3. establishment or expansion of forested riparian buffers adjacent to sensitive species habitat within the Critical Area;
   4. establishment or expansion of forested riparian buffers adjacent to ponds, lakes or wetlands (tidal and nontidal) within the Critical Area;
   5. expansion of existing forested areas that are protected by an easement or other restrictive covenant within the Critical Area; or
   6. options 1-5 above, in order of preference, within the Critical Area in counties other than Anne Arundel or Calvert.

C. Establishment of a Fees-In-Lieu of Mitigation Program:

1. The Forest Plan shall contain provisions for calculation and assessment of fees-in-lieu of mitigation, to allow the Town to collect money that can be used to fund some of the projects identified in the Forest Plan Inventory. The fees-in-lieu program may provide for assessment of fees for smaller, residential projects, and other projects where the Town

determines that on-site mitigation, or mitigation through a site in the Plan Inventory, is not feasible.

2. The fees-in-lieu amount shall be established using a formula that ensures that monies collected are sufficient to implement a project that will offset the impacts of the permitted development. In particular, fees collected for impacts to FIDS habitat shall be sufficient to ensure that appropriate and viable FIDS habitat can be created, including, if necessary, purchasing a conservation easement or fee simple real property for that purpose.

D. Identification of Required Revisions to Implementation Language:

1. The Forest Plan shall contain provisions identifying revisions or additions required to amend the Town's Critical Area Program, zoning ordinance, or other regulations or Town policy to ensure that the Town can fully implement the Forest Plan. These additions or revisions may include, but are not limited to, changes to the Town's existing mitigation requirements, variance provisions, and buffer exemption area requirements.

4. The Commission agrees to provide staff assistance to the Town in determining the appropriate square footage of mitigation credit based on the type of mitigation project. The Commission staff also may assist the Town in determining the appropriate fees for each type of mitigation, under a fee-in-lieu program, and in identifying provisions of the Town's Critical Area program that may require revision or enhancement. The Town agrees to make available its staff, consultants, attorney, and other personnel to ensure that the objectives of this Memorandum are accomplished.

5. The Town shall begin the preparation of the Forest Plan as soon as possible, but no later than March 1, 2004. The Town shall prepare one or more drafts of the Forest Plan for review and comment by the Commission staff, the Department of Natural Resources and the Maryland Department of the Environment. The final Forest Plan shall be completed by no later than August 1, 2004. Between March and August, 2004, upon request by the Commission, the Town shall present the draft Forest Plan and proposed Town Critical Area Program amendments to the Commission's Program Subcommittee before the Town submits the Forest Plan and related ordinance changes for final approval by the Commission.

6. After final approval by the Commission, the Town shall adopt the Forest Plan as part of its Critical Area Program, and shall adopt any required changes to its ordinances, regulations, or policies, as part of the Town's Critical Area Program by December 1, 2004.

7. After both Parties execute this Memorandum, the Town shall provide to the Commission a consistency report for the water tower project. The Town agrees that it will not undertake or

permit any development activity as defined in COMAR 27.01, including clearing, grading, or construction, in connection with the water tower project until the Town obtains the Commission's agreement that the project is consistent with the provisions of the Chesapeake Beach Critical Area Program.

8. The Commission agrees to accept the executed Forest Plan as fulfillment of the Town's obligation to mitigate for the impacts to forested land associated with the Town's water tower project. No final approvals for any development project in the Town requiring mitigation for impacts within the Critical Area, shall be given by the Town or the Commission until the final Forest Plan and the required Town Critical Area Program changes are approved by the Commission, except for (a) the water tower project identified in paragraph 7 of this Memorandum; (b) a private development project on private lands for which the development proposal includes either (1) a plan, including a landscape plan, for mitigation on site or (2) a plan, including a landscape plan, for performing mitigation off-site on land for which the applicant has secured the necessary property rights (for example, fee simple ownership, conservation easement) to accomplish the mitigation.

9. Before any amendment or revision to the approved Forest Plan may become effective, the Town shall submit the amendment or revision to the Commission for approval as a program amendment or refinement in accordance with the Critical Area Act.

10. If the Town receives from or conveys documents to others including conservation easements, deed restrictions, covenants in deeds or memoranda of understanding, to protect lands that it has identified in the Forest Plan for mitigation purposes, the Town shall notify the Commission and, upon request, provide copies of those documents to the Commission.

11. The Parties agree that pursuant to this Memorandum, the Town is ultimately responsible for ensuring that the mitigation requirements of the Critical Area program are fulfilled and enforced. Therefore, it is the Town's sole responsibility to ensure that any obligations set forth in this Memorandum and in any other documents are complied with, and if any such obligations are not complied with, are not enforced or are found unenforceable by a court of competent jurisdiction, then the Town shall seek the Commission's approval of new mitigation sites and/or plantings.

12. The Parties agree that the following representatives of the respective Parties may sign or initial changes:

For the Critical Area Commission: Martin G. Madden, Chairman; and

For the Town: Gerald W. Donovan, Mayor.

13. This Memorandum of Understanding becomes effective on the date set forth on the top of page One.

14. This Memorandum constitutes the entire agreement of the Parties and there are no promises, terms, conditions, or obligations referring to the subject matter other than those set forth in this Memorandum. This Memorandum may be modified at any time. Modifications must be made in writing, and may be made only by agreement of all the Parties.

WHEREFORE, the Parties execute this Memorandum of Understanding:

State of Maryland Critical Area Commission for the Chesapeake and Atlantic Coastal Bays

Martin G. Madden
Chairman

Witness

Chesapeake Beach, Maryland

Gerald W. Donovan, Mayor

Witness

Approved as to form and legal sufficiency this 2nd day of March, 2004 by the Office of the Attorney General. Marianne D. Mason, Assistant Attorney General.

Approved as to form and legal sufficiency:

Town Attorney

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

February 20, 2004

William R. Watson
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Chesapeake Beach Water Tower Project

Dear Mr. Watson:

Thank you for providing a consistency report for the Chesapeake Beach Water Tower project via facsimile on February 20, 2004. As you know, the Town and the Commission agreed that the forest mitigation requirement for the water tower project would be satisfied by the Town's development of a 'Forest and Developed Woodland Master Plan', which would be implemented through a Memorandum of Understanding (MOU) between the Town and the Commission. Eric Blitz provided via facsimile on February 20, 2004 a copy of the signature page (page 7) of the MOU, which was signed by Mayor Donovan and a witness (Eric Blitz).

The Commission acknowledges that the signed MOU satisfies the Town's forest mitigation requirement for the water tower project. As established in documentation provided previously to the Commission, the project will not impact any Habitat Protection Areas on the site, and disturbance to existing forest will be limited to 54,910 square feet, as shown on the Critical Area Site Plan. The Commission concurs with the Town's determination that the project complies with the provisions of the Chesapeake Beach Critical Area Program and Zoning Ordinance.

Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Marianne Mason (Office of the Attorney General)
Mary Owens (Critical Area Commission)

CB 475-02 consistency

Chesapeake Beach Zoning Ordinance

The Town's Zoning Ordinance establishes a purpose in the Resource Conservation District to "protect wetlands, surface water, forest, and barren lands identified by the Town's Chesapeake Bay Critical Area Protection Program". The Ordinance also states that "a mixture of residential, recreation, and marine commercial activities may be permitted by the growth allocation method".

Additionally, Unique or Fragile Areas "shall be preserved. . .to the extent consistent with the reasonable utilization of property". Included as unique or fragile areas are significant trees or stands of trees and habitats of endangered wildlife.

"Another objective is to minimize adverse impacts to water quality and natural habitats" within the Critical Area Overlay District. Pursuant to that objective, this development must meet the following criteria with respect to Rare Species and Habitat Protection Areas: ". . .Shall be subject to the Rare Species Protection Plan and the Plant and Wildlife Habitat Protection Plan."; ". . .The developer must contact the Maryland Natural Heritage Program for assistance in establishing. . . specific protection measures.", including the Maryland Forest, Park and Wildlife Service and design strategies to protect the essential habitat. Among the criteria, the developer must demonstrate how impacts have been minimized and no feasible alternative location exists.

Chesapeake Beach Critical Area Protection Program

The program was adopted in 1988, prior to the annexation of Richfield Station, however Richfield Station will be evaluated as if it were a part of the Town at the time of the adoption of the program. Program 9 - Habitat Protection - discusses plant and wildlife habitat protection plans. Two components of that plan are applicable in this case: 3) Riparian Forest and 4) Large, undisturbed forest found to be utilized as breeding areas by forest interior dwelling wildlife. "A Guide to the Conservation of Forest Interior Dwelling Birds in the Critical Area" is referenced as a guidance paper. Section 3 of the Plant and Wildlife Habitat Protection Plan component of Program 9, requires that the presence of forest interior dwelling wildlife be determined and that a plan must be developed in conjunction with the Maryland Forest, Park and Wildlife Service. The Fishing Creek Forest and Wildlife Resources plan was prepared to address these requirements. It was ultimately incorporated into the Sketch/Annexation Plan which I have previously sent to you.

A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area

The guidance paper acknowledges that there are occasions when the above criteria cannot be met. The Guide allows for mitigation and provides a method for calculating mitigation, if required. Being out of the Wildlife Natural Habitat Park, no mitigation is required.

Compliance with Applicable Regulations

In the early 1990's, the developer had an evaluation made of the forest land as evidenced by the previously provided Fishing Creek Forest and Wildlife Resources map. This information was used to develop the present Sketch/Annexation Plan for Richfield Station as evidenced by the two letters from Claudia Jones regarding the Habitat Protection area. Both the Town of Chesapeake Beach and the developer of Richfield Station, in conjunction with the review by the various agencies, have relied substantially upon the determinations made, and reflected on the Sketch/Annexation Plan, in moving this project forward.

The developer has made an application for Growth Allocation in the Critical Area. All of the planning to date has relied upon those letters from Claudia Jones. The negotiated Wildlife Natural Habitat Park limits, the 300 foot buffer along the tidal wetlands, and the identified IDA Growth Allocation area for development, all as shown on the Sketch/Annexation Plan have been honored, in total. Per the Critical Area Protection Program, the developer worked closely with the Maryland Forest, Park and Wildlife Service in addressing the various environmental requirements. The Wildlife Natural Habitat Park resulted from the negotiations conducted in the early 1990's. Note, also, that the area to the west of the Wildlife Natural habitat Park boundary line contains considerable acreage both within and outside of the Critical Area. This acreage outside of the Critical Area mitigates the proposed development to take place upon formal approval of the Growth Allocation. Additionally, there are a 300' buffer along Fishing Creek and Critical Area Buffers or Extended Buffers to be maintained. These are all consistent with the above referenced letters from Claudia Jones.

I recognize the agreements reflected in the 1992 Sketch/Annexation Plan concerning protection of wildlife habitat; maintenance of the Critical Area Buffers; the placement of the proposed Water Tower; and the execution of a Memorandum of Understanding between the State of Maryland Critical Area Commission for the Chesapeake and Atlantic Costal Bay and Chesapeake Beach, Maryland on February 19, 2004. The latter serves as mitigation for the disturbance of 54, 910 square feet within the Resource Conservation District of the Critical Area. I find this site completely in compliance with all Town Zoning Ordinance and Critical Area Program requirements.

I request Critical Area Commission concurrence with this consistency report. With such concurrence the Town will immediately commence construction of the tower.

Thank you for your help in this matter. Should you have any questions or additional needs, please fell free to give me a call at 410-286-5222.

Yours truly,

William R. Watson
Public Works Administrator

G:\Chesapeake Beach\Zoning\Richfield Station\Letter to Julie LaBranche - Consistency Report for Relocated Water Tower.wpd

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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August 22, 2003

Post-It™ brand fax transmittal memo 7671	# of pages ▸ 2
To Mariane Mason	From Julie LaBranche
Co.	Co. CAC
Dept. *attachment	Phone # 410-260-3475
Fax # for email of 9/6/03	Fax #

The Honorable Gerald W. Donovan
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

RE: Water Tower in Chesapeake Beach
CB 475-02

Dear Mayor Donovan:

I am writing in response to your letter regarding the mitigation for the water tower in Chesapeake Beach and our recent phone conversation.

In accordance with my letter dated July 17, 2003, Commission staff authorized the Town to proceed with final design and permits for the water tower at the agreed upon location with the understanding that the Town would diligently pursue the acquisition of forested TDRs for mitigation. On July 29, 2003, after reviewing the Town's proposed TDR locations, Commission staff provided detailed and specific direction to Town staff regarding the type of forested TDRs that would be appropriate.

After the Town reviewed the recommendations from Commission staff, it is my understanding that Town staff felt that researching the County's inventory of potential sites was too time consuming and labor intensive. Although considerable effort had been expended by Commission staff in assisting the Town with the forested TDRs proposal, the Town decided to abandon that effort and pursue the payment of fees-in-lieu to the County.

Commission staff agreed that payment of fees-in-lieu to the County would be an acceptable option, and determined that the rate per square foot of mitigation should be the rate that was approved by the Commission in February 2003 as a refinement to the County's Critical Area Program. This rate is $0.30 per square foot, and fees in the amount of $16,473 would be assessed for this project. Commission staff has indicated to County staff that this money would need to be directed to specific properties that generally meet the detailed criteria outlined in the Commission's letter dated July 29, 2003. In the event that appropriate mitigation planting could be accomplished for less than the amount collected, the Commission recommends that any excess funds be refunded to the Town.

Recently, in an effort to continue to provide as much assistance to the Town as possible to expedite this project, Commission staff has discussed the fee-in-lieu issue with County staff. County staff has indicated that they are willing to accept the funds (in the amount specified by the Commission) and to earmark them for specific sites that meet the mitigation criteria. Commission staff has also taken the time to contact Ms. Peg Nyland of the American Chestnut Land Trust regarding the availability of mitigation sites. Ms. Nyland has indicated that some land owned by the Trust within the Critical Area may be available for reforestation, and she has agreed to work with the County and the Commission to follow up on potential locations.

At this point, it seems that this matter could be most effectively resolved if staff from the County, the Town, and the Commission meet to finalize the mitigation strategy and document the Town's agreement to pay the $16,473 and the County's agreement to expend the funds in the manner outlined by the Commission. It would also specify that the County would refund any funds in excess of those necessary to accomplish the mitigation.

Commission staff will prepare an agreement that can be signed by the County and the Town. Once this is executed, the Town can provide a copy of the final plans to the Commission, and the Commission can concur with the Town's determination that the projects is consistent with the provisions and requirements of the Town's Critical Area Program and that the project complies with the Criteria for evaluation of local projects within the Critical Area as required by COMAR 27.02.02.

I hope that this letter clearly outlines how this matter can be expeditiously resolved. If you have any questions, please feel free to contact me on my direct line at (410) 260-3467.

Sincerely,

Martin G. Madden
Chairman

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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July 29, 2003

William Watson
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Richfield Station Water Tower Project

Dear Mr. Watson:

Thank you for your fax of July 17, 2003 regarding the proposed use of transferable development rights (TDRs) for the Richfield Station water tower project. As discussed previously, the Town is investigating the possibility of purchasing transferable development rights from Calvert County to meet the mitigation requirements for this project. These mitigation requirements are 1:1 replacement of forest for impacts within the Critical Area. As stated in our letters of July 1, 2003 and July 17, 2003, participation in the County's program for purposes of this project may be appropriate depending on the location of the mitigation area (forest preservation area).

Based on the information provided regarding the proposed mitigation area, we have determined that the site does not provide adequate benefits to the Critical Area for the following reasons:

1) Although forested, most of the proposed mitigation area contains nontidal wetlands and their buffers, and tributary streams and their buffers. Conservation of these resources is already provided for by federal, State and local laws and regulations.

2) The proposed mitigation area is surrounded by agricultural lands and significant development, including major highways to the east, north and south, and an adjacent residential subdivision. (Refer to the MERLIN map showing the general area.)

3) The proposed mitigation area, although forested, is a relatively narrow riparian forest adjacent to Graham Creek, a tributary of the Patuxent River. The proposed preservation area is contiguous with other forested riparian areas but does not represent high quality riparian habitat or forest due to the existing pattern of development in the area and the limited extent of forested areas outside of the tributary streams and wetlands.

Therefore, we conclude that the proposed mitigation area would not be appropriate to meet the mitigation requirements for the water tower project. The following are examples of mitigation areas that would provide the needed benefits to the Critical Area. We have provided a more

detailed description of the types of forest preservation that would be appropriate for each of these examples.

A. Forest contiguous with forest within the Critical Area
In this case, it would be desirable if the lands were protected by an easement or other form of restrictive covenant that would ensure preservation of forest outside the Critical Area that is contiguous with forest inside the Critical Area. The purpose of using the TDRs should be to expand existing protected areas of forest or those areas of high quality forest within the Critical Area or the County. This might include preservation of forest adjacent to State, County or municipal parks, lands owned by land trusts or other conservation groups, federal lands, and large tracts of continuous forest in private ownership that are protected in perpetuity. Also, preservation of large tracts (greater than 20 acres) of high quality forest would be preferred, rather than small or isolated forests adjacent to highly developed or disturbed areas.

B. Forest adjacent to tributary streams which flow through the Critical Area
The comments in "A" above would also apply here, except that the forest would be specifically adjacent to a tributary stream.

C. Forested riparian areas (areas adjacent to streams, ponds, lakes or wetlands)
The comments "A" above would also apply here, except that the forest would be specifically adjacent to a stream, pond, lake or wetland.

D. Forest Interior Dwelling Bird (FID) habitat
The comments "A" above would also apply here, except that the forest would be FIDs habitat.

E. Sensitive species habitat
The comments "A" above would also apply here, except that the forest would be sensitive species habitat.

I hope that these comments will assist the Town in locating a suitable forest preservation site. Please contact me at (410) 260-3475 if you have any questions.

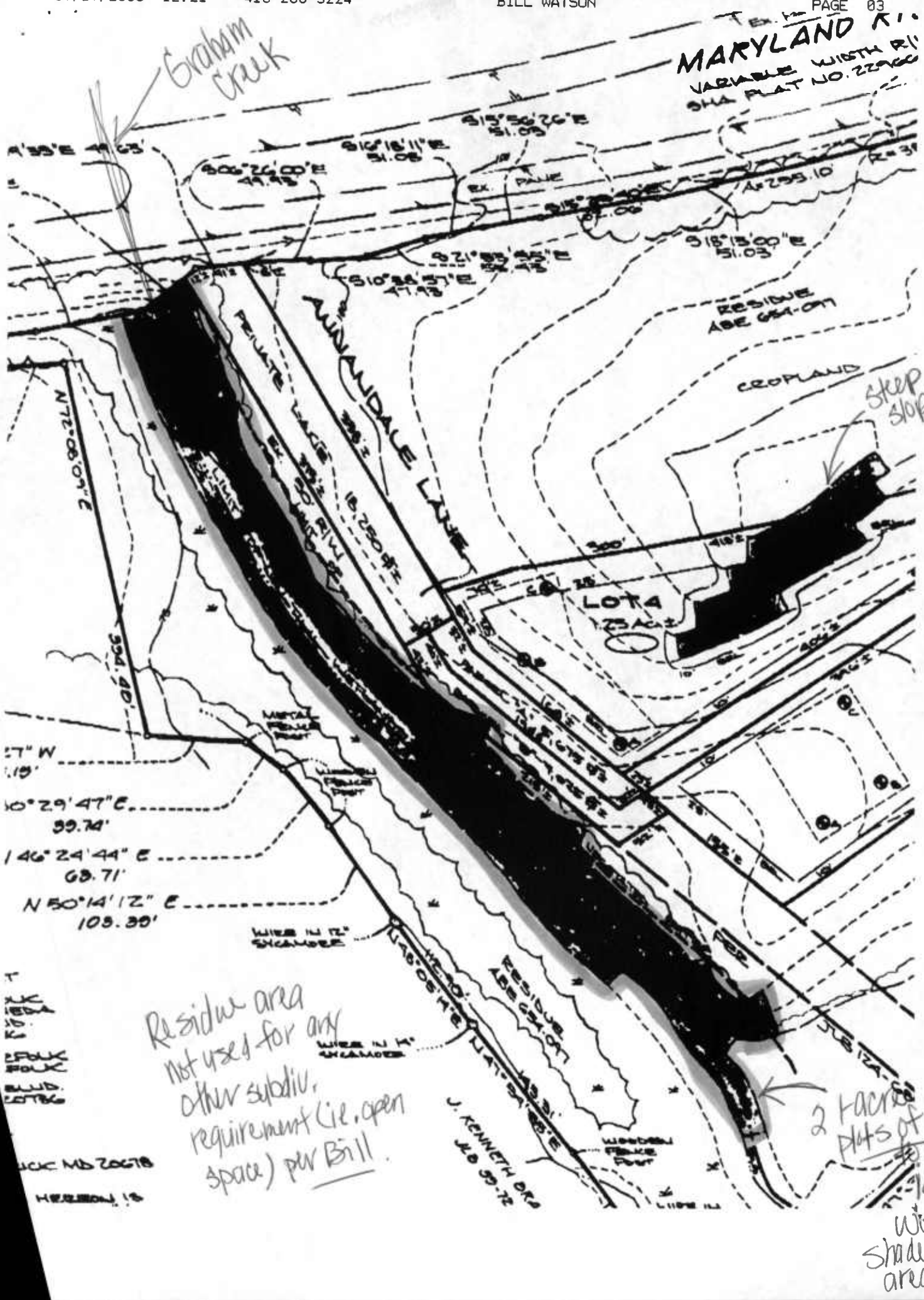
Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: Honorable Gerald Donovan (Town of Chesapeake Beach)
Chairman Martin G. Madden (Critical Area Commission)
Ren Serey (Critical Area Commission)

CB 475-02, tdr proposal



Residue area not used for any other subdiv. requirement (i.e. open space) per Bill.

2 acre plats of land to be identified within shaded area

APD # 02-11

$4,000 TDR

Certification of Development Options

Property Owner(s). Dale H. Norfolk and Ann M. Norfolk

Address 7761 Southern Maryland Blvd., Owings, MD 20736

Premise Address 7730 Southern Maryland Blvd., Owings, MD

Election District of Calvert County 1 (2) 3

Community

Adjoining Road (s) Southern Maryland Blvd.

Tax Map No. 10 Parcel No. 279 Tax ID No. 02-116626

Property Deed Reference ABE 893/589

Recorded as "Agricultural Preservation District" at BK 1851 PG 657

(a) Number of Acres 14.84 (b) Number of Residences on Parcel 0

(c) Number of (1) acre lots authorized by Zoning Ordinance Article 5 not previously used 0

Title report (not) submitted

COMPUTATIONS

Number of Development Options = (5 x c) + (a – c) – (5 x b)

= (5 x 0) + (15 - 0) - (5 x 0)

= 0 + 15 - 0

Certified Number of Development Options ....15.....

NO GUARANTEE OF TITLE

LA IMPROVE SU 20.00
RECORDING FEE 20.00
TOTAL 40.00
Rest CHGE Rc# 12430
JUN 23, 2003 8:30 am

PROPERTY USE RESTRICTIONS

The conveyance of development options of this Agricultural Preservation District restricts the uses of the District by the owners, future purchasers, heirs and assigns to those uses permitted by the Agricultural Preservation Advisory Board of Calvert County.

Board of County Commissioners

By .....

APPROVED FOR RECORDING

Director of Planning and Zoning GAR

5/28/03

Date

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
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VIA FAX

July 17, 2003

Honorable Gerald W. Donovan, Mayor
Town of Chesapeake Beach
Town Hall
8200 Bayside Road
Chesapeake Beach, Maryland 20732

Re: Construction of Proposed Town Water Tower

Dear Mayor Donovan:

I am writing in regard to the construction of a new water tower for the Town of Chesapeake Beach proposed for the Richfield Station site. I was pleased to meet with you on June 11, 2003 to discuss the procedure for completing the Critical Area Commission's review of the proposal. As a follow-up to that meeting, my staff and I met for further discussion on July 2nd with Mr. Bill Watson. I believe we have reached an agreement with you and Mr. Watson that should allow the Town to proceed with confidence regarding selection of a site for the water tower and the method of forest mitigation for impacts associated with its construction.

The Town proposes to obtain two Forest Transfer Development Rights (TDR) through Calvert County's TDR program. As we discussed, if these TDRs provide identifiable benefits to the Critical Area, the Commission can make the required findings that the Town's water tower project is consistent with the Critical Area Criteria and the local Critical Area Program. I realize, however, that the Town may not be able to obtain qualifying TDRs before it must make related decisions on the exact location of the water tower. I propose that the Town continue to coordinate with Commission staff on the TDRs, but not delay other necessary decisions on the matter while the details are being finalized. I do request, however, that you contact me regarding the status of the TDRs by August 15, 2003.

Martin G. Madden
Chairman

Ren Serey
Executive Director

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VIA FAX

July 17, 2003

Honorable Gerald W. Donovan, Mayor
Town of Chesapeake Beach
Town Hall
8200 Bayside Road
Chesapeake Beach, Maryland 20732

Re: Construction of Proposed Town Water Tower

Dear Mayor Donovan:

I am writing in regard to the construction of a new water tower for the Town of Chesapeake Beach proposed for the Richfield Station site. I was pleased to meet with you on June 11, 2003 to discuss the procedure for completing the Critical Area Commission's review of the proposal. As a follow-up to that meeting, my staff and I met for further discussion on July 2nd with Mr. Bill Watson. I believe we have reached an agreement with you and Mr. Watson that should allow the Town to proceed with confidence regarding selection of a site for the water tower and the method of forest mitigation for impacts associated with its construction.

The Town proposes to obtain two Forest Transfer Development Rights (TDR) through Calvert County's TDR program. As we discussed, if these TDRs provide identifiable benefits to the Critical Area, the Commission can make the required findings that the Town's water tower project is consistent with the Critical Area Criteria and the local Critical Area Program. I realize, however, that the Town may not be able to obtain qualifying TDRs before it must make related decisions on the exact location of the water tower. I propose that the Town continue to coordinate with Commission staff on the TDRs, but not delay other necessary decisions on the matter while the details are being finalized. I do request, however, that you contact me regarding the status of the TDRs by August 15, 2003.

If I can be of further assistance before then, please contact me or Mr. Ren Serey, the Commission's Executive Director, at (410) 260-3462.

Sincerely,

Martin G. Madden
RS

Martin G. Madden
Chairman

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

VIA FAX

July 17, 2003

Honorable Gerald W. Donovan, Mayor
Town of Chesapeake Beach
Town Hall
8200 Bayside Road
Chesapeake Beach, Maryland 20732

Re: Construction of Proposed Town Water Tower

Dear Mayor Donovan:

I am writing in regard to the construction of a new water tower for the Town of Chesapeake Beach proposed for the Richfield Station site. I was pleased to meet with you on June 11, 2003 to discuss the procedure for completing the Critical Area Commission's review of the proposal. As a follow-up to that meeting, my staff and I met for further discussion on July 2nd with Mr. Bill Watson. I believe we have reached an agreement with you and Mr. Watson that should allow the Town to proceed with confidence regarding selection of a site for the water tower and the method of forest mitigation for impacts associated with its construction.

The Town proposes to obtain two Forest Transfer Development Rights (TDR) through Calvert County's TDR program. As we discussed, if these TDRs provide identifiable benefits to the Critical Area, the Commission can make the required findings that the Town's water tower project is consistent with the Critical Area Criteria and the local Critical Area Program. I realize, however, that the Town may not be able to obtain qualifying TDRs before it must make related decisions on the exact location of the water tower. I propose that the Town continue to coordinate with Commission staff on the TDRs, but not delay other necessary decisions on the matter while the details are being finalized. I do request, however, that you contact me regarding the status of the TDRs by August 15, 2003.

If I can be of further assistance before then, please contact me or Mr. Ren Serey, the Commission's Executive Director, at (410) 260-3462.

Sincerely,

Martin G. Madden
RS

Martin G. Madden
Chairman

Martin G. Madden
Chairman

Ren Serey
Executive Director

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July 1, 2003

William Watson
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Richfield Station Water Tower Project

Dear Mr. Watson:

Thank you for your letter of June 20, 2003 regarding the Richfield Station water tower project. As discussed previously, the Town is investigating the possibility of purchasing transferable development rights from Calvert County to meet the mitigation requirements for this project. These mitigation requirements are 1:1 replacement of forest for impacts within the Critical Area.

Participation in the County's program for purposes of this project may be appropriate depending on the location of the mitigation area. You may not have realized, however, that the County established this mitigation program specifically within agricultural preservation districts outside the Critical Area. Mitigation outside the Critical Area must provide identifiable benefits to resources within the Critical Area. Therefore, if Calvert County agrees to the Town's participation in the program, the County must find an acceptable mitigation site before the Commission approves the project and construction begins. The following are examples of mitigation that would provide the needed benefits to the Critical Area:

- preservation of forest contiguous with forest within the Critical Area;
- forest adjacent to tributary streams which flow through the Critical Area;
- forested riparian areas (areas adjacent to streams, ponds, lakes or wetlands);
- Forest Interior Dwelling Bird (FID) habitat;
- sensitive species habitat.

We will need information about the lands proposed for protection prior to your finalizing the agreement with the County. This information should include a location map, acreage of contiguous forest on the property, and a description of other environmental features on the property (and surrounding area if relevant). We will also need for Commission approval a copy of the final forest conservation agreement with the County or other appropriate agent.

You may want to consider contacting a local land conservancy group for additional options in meeting the mitigation requirement for this project. Two possibilities in this regard are listed below:

- American Chestnut Land Trust (410) 586-1570, Contact: Peg Nyland
- Calvert Farmland Trust, (410) 414-5070

We invite you to discuss this matter further at the Commission meeting tomorrow, July 2nd at 8:30am. Directions to the meeting facility in Crownsville are attached to this letter. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: Chairman Martin G. Madden (Critical Area Commission)
Ren Serey (Critical Area Commission)
Regina Esslinger (Critical Area Commission)
Honorable Gerald Donovan (Town of Chesapeake Beach)
Marianne Mason (Office of the Attorney General)

CB 475-02

THE TOWN OF CHESAPEAKE BEACH
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OFFICE OF THE MAYOR AND TOWN COUNCIL

June 20, 2003

Ms. Julie LaBranche, Natural Resources Planner
Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD. 21401

Re: Richfield Station Water Tower

Dear Julie;

Attached, please find a copy of the form Roxanna Whitt faxed to me regarding the recordation of covenants for forested transferrable development rights. If this for is acceptable to you, we will proceed to acquire 2 TDR's. This purchase will give the Town 87,10 square feet of forested area credit, of which the Water Tower needs 54,910, leaving a balance of 32,210 square feet.

Please forward any comments or questions you may have, at your earliest convenience.

Thank you for your continuing assistance

Yours truly,

Bill

William R. Watson
Public Works Administrator

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JUN 24 2003
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CRITICAL AREA COMMISSION

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File

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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www.dnr.state.md.us/criticalarea/

June 18, 2003

William Watson
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Proposed Water Tower at Richfield Station

Dear Mr. Watson:

This letter is in response to your consistency report, which we received on June 9, 2003, and discussion at our meeting on June 11, 2003 regarding the proposed water tower at Richfield Station. We have the following comments regarding the current development proposal.

1) As shown on the current site plan, the limits of disturbance for construction of the water tower are outside of the Forest Interior Dwelling Bird (FID) conservation area agreed upon previously for development of the Critical Area portion of the Richfield Station subdivision.

2) Based on the information provided, we understand that 54,910 square feet of forest clearing is proposed for this project. Mitigation, at a ratio of 1:1 for forest clearing in a Resource Conservation Area, will be required. Before the Commission can accept the project as a complete submittal, the Town must provide a plan for the required mitigation, including a complete site plan showing the mitigation area, a plant list, and a planting plan.

3) As shown on the current site plan, the limits of disturbance in several areas appear to be more extensive than the minimum necessary to construct the water tower. We note that if the limits of disturbance were minimized, the amount of mitigation required for this project could be reduced.

Once the requested information has been reviewed by staff, it appears that the Commission can concur with the Town's determination that this project is consistent with the provisions and requirements of the Town's Critical Area program and that the project complies with the Criteria for evaluation of local projects within the Critical Area (as required by COMAR 27.02.02). Please contact me at (410) 260-3475 if you have questions.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: Honorable Gerald Donovan (Town of Chesapeake Beach)
Senator Martin G. Madden (Critical Area Commission)
Ren Serey (Critical Area Commission)
Marianne Mason (Office of the Attorney General)

CB 475-02

THE TOWN OF CHESAPEAKE BEACH
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OFFICE OF THE MAYOR AND TOWN COUNCIL

June 6, 2003

Ms. Julie LaBranche, Natural Resources Planner
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, Maryland 21401

RECEIVED
JUN 9 2003
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Re: Proposed Relocated Water Tower - Richfield Station
Contingent Consistency Report

Dear Julie:

Attached, please find the following:

- Second Revised Critical Area Site Plan - The plan has been revised, again, to relocate the proposed water tower outside of the Wildlife Natural Habitat Park and out of any other "restricted areas" previously shown on the Sketch/Annexation Plan for Richfield Station, yet still in the Resource Conservation portion of the Critical Area. The following color scheme has been used:
  - Orange - Limits of Wildlife Natural Habitat Park
  - Green - Demarcation between FID/Non-FID areas, taken from the Forest & Wildlife Resources Map
- Cover Letter from Town Engineer
- SWM Worksheet A

The above items are submitted in support of this Contingent Consistency Report. I have reviewed the Town Zoning Ordinance, Chesapeake Beach Critical Area Protection Program, and the Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area.

I have previously sent to you:

- Fishing Creek Forest and Wildlife Resources map
- The Richfield Station Sketch/Annexation Plan, highlighting the proposed Water Tower site, the existing Bald Eagle nest, and the limits of a proposed Wildlife Natural Habitat Park
- The Construction Plans for the water tower and its access road

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- Critical Area form
- Critical Area Site Plan for Water Tower #2.
- FIDS Conservation Worksheet
- SWM Worksheet A

Through our ongoing discussions, you previously located letters from Claudia Jones, dated March and April of 1992 to the developer of Richfield Station addressing, in part, the FIDS and Habitat Protection issues. I offer the following as an indication of the consistency of this Contingent project with the above listed Ordinances.

The project is Contingent in as much as time is getting CRITICAL and we desire an indication of approval prior to obtaining full soils testing and engineering design.

Site Location

Richfield Station is located in the Town of Chesapeake Beach at it's Western most boundary and adjacent to and North of Fishing Creek. Zoning for Richfield Station is RPC-Residential Planned Community. The Southern most portion of the property is in the Resource Conservation District of the Critical Area. This portion of the property is predominantly wooded. According to the developer, the property has a mixture of mature forest, primarily on the steep slopes and relatively new growth in the more moderately sloped areas. Also, he indicates that the property was timbered in recent history.

Public Necessity

The Water Tower is a public necessity. The Town of Chesapeake Beach is proposing to construct this Tower to supplement its existing and only other water source, presently located adjacent to Beach Elementary School on the South end of Town. As a supplemental source of water, the Town receives water from the Highlands Subdivision located on the Northern side of Town and in emergencies can receive water from the Town of North Beach. Such an emergency arose in the summer of 2002, however upon opening of the connecting valve to North Beach it was discovered that such a great pressure differential existed as to cause damage to components of the North Beach water system.

We have been advised by a representative of MDE that our water system has nearly reached its limit for servicing the Town's water needs. Without being supplemented by this proposed facility or formalizing the present working arrangement for shared water between Calvert County, North Beach, and the Town, a moratorium may be necessary. A tri-jurisdictional agreement is nearing completion. It may be established sooner than the construction of this Water Tower, however the agreement will not serve the long term water supply needs of the Town nearly as well as the construction of this proposed tower.

Proposed Construction

The proposed access drive and Water Tower site is located in the more moderately sloped area of the forest approximately 600 - 700 feet Southeast of the Critical Area boundary and adjacent to and east of the boundary of the Wildlife Natural Habitat Park. This Contingent site is in an area reserved for Growth Allocation to accommodate additional development in Richfield Station. The access road to the Water Tower has been relocated to follow a proposed access lane into the proposed development. This is in an area identified in 1992 for Growth Allocation. As part of the overall plan prepared in 1992, forested areas both within and outside the Critical Area (The Wildlife Natural Habitat Park) were preserved in return for concentrating future residential development within the identified Growth Allocation area.

Chesapeake Beach Zoning Ordinance

The Town's Zoning Ordinance establishes a purpose in the Resource Conservation District to "protect wetlands, surface water, forest, and barren lands identified by the Town's Chesapeake Bay Critical Area Protection Program". The Ordinance also states that "a mixture of residential, recreation, and marine commercial activities may be permitted by the growth allocation method".

Additionally, Unique or Fragile Areas "shall be preserved. . .to the extent consistent with the reasonable utilization of property". Included as unique or fragile areas are significant trees or stands of trees and habitats of endangered wildlife.

"Another objective is to minimize adverse impacts to water quality and natural habitats" within the Critical Area Overlay District. Pursuant to that objective, this development must meet the following criteria with respect to Rare Species and Habitat Protection Areas: ". . .Shall be subject to the Rare Species Protection Plan and the Plant and Wildlife Habitat Protection Plan."; ". . .The developer must contact the Maryland Natural Heritage Program for assistance in establishing. . . specific protection measures.", including the Maryland Forest, Park and Wildlife Service and design

strategies to protect the essential habitat. Among the criteria, the developer must demonstrate how impacts have been minimized and no feasible alternative location exists.

Chesapeake Beach Critical Area Protection Program

The program was adopted in 1988, prior to the annexation of Richfield Station, however Richfield Station will be evaluated as if it were a part of the Town at the time of the adoption of the program. Program 9 - Habitat Protection - discusses plant and wildlife habitat protection plans. Two components of that plan are applicable in this case: 3) Riparian Forest and 4) Large, undisturbed forest found to be utilized as breeding areas by forest interior dwelling wildlife. "A Guide to the Conservation of Forest Interior Dwelling Birds in the Critical Area" is referenced as a guidance paper. Section 3 of the Plant and Wildlife Habitat Protection Plan component of Program 9, requires that the presence of forest interior dwelling wildlife be determined and that a plan must be developed in conjunction with the Maryland Forest, Park and Wildlife Service. The Fishing Creek Forest and Wildlife Resources plan was prepared to address these requirements. It was ultimately incorporated into the Sketch/Annexation Plan which I have previously sent to you.

A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area

The guidance paper acknowledges that there are occasions when the above criteria cannot be met. The Guide allows for mitigation and provides a method for calculating that required mitigation.

Compliance with Applicable Regulations

In the early 1990's, the developer had an evaluation made of the forest land as evidenced by the included Fishing Creek Forest and Wildlife Resources map. This information was used to develop the present Sketch/Annexation Plan for Richfield Station as evidenced by the two letters from Claudia Jones regarding the Habitat Protection area. Both the Town of Chesapeake Beach and the developer of Richfield Station, in conjunction with the review by the various agencies, have relied substantially upon the determinations made, and reflected on the Sketch/Annexation Plan, in moving this project forward.

While, to date, the developer has not made any application for any activities in the Critical Area, all of the planning to date has relied upon those letters from Claudia Jones, the negotiated Wildlife Natural Habitat Park limits, the 300 foot buffer along the tidal wetlands, and the identified IDA Growth Allocation area for development, all as shown on the Sketch/Annexation Plan. Per the

Critical Area Protection Program, the developer worked closely with the Maryland Forest, Park and Wildlife Service in addressing the various environmental requirements. Please note that blue line shown on the Critical Area Site Plan. This line is also shown on the Sketch/Annexation Plan. This line resulted from the negotiations conducted in the early 1990's. Note, also, that the area to the west of this line contains considerable acreage both within and outside of the Critical Area. This acreage outside of the Critical Area mitigates the proposed development to take place upon formal approval of the Growth Allocation. Additionally, there are a 300' buffer along Fishing Creek and Critical Area Buffers or Extended Buffers to be maintained. These are all consistent with the above referenced letters from Claudia Jones.

Recognizing the agreements reflected in the 1992 Sketch/Annexation Plan concerning protection of wildlife habitat and maintenance of the Critical Area Buffers and the Contingent placement of the proposed Water Tower, I find this site completely in compliance with all Town Zoning Ordinance and Critical Area Program requirements with no additional mitigation needed.

I request Critical Area Commission concurrence with this letter prior to finalization of the engineering for the proposed Water Tower. With such concurrence the Town will finalize the design, bid and construct the tower.

Thank you for your help in this matter. Should you have any questions or additional needs, please fell free to give me a call at 410-286-5222.

Yours truly,

William R. Watson
Planning & Zoning Administrator

THE TOWN OF CHESAPEAKE BEACH
★ Welcomes You ★

OFFICE OF THE MAYOR AND TOWN COUNCIL

RECEIVED
JUN 9 2003
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

June 6, 2003

Mr. W. Watson
Zoning Administrator
Town of Chesapeake Beach
P.O Box 400
Chesapeake Beach, MD 20732

Re: Water Tower
Richfield Station

Dear Mr. Watson:

This is a revision to the previous submittal. The location of the tower has been changed so that it is now located within the approved development envelop (outside of the Wildlife Natural Habitat Park).

Enclosed are the revised work sheets showing the impervious areas for the roadway, parking area and water tower. The pollutant removal requirement does not change.

If you need additional information, please contact me.

Sincerely,

Michael L. Rodevick

Michael L. Rodevick
Town Engineer

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
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March 4, 2003

William R. Watson
Planning and Zoning Administrator
Town of Chesapeake Beach
P. O. Box 400
Chesapeake Beach, Maryland 20732

Re: Town of Chesapeake Beach Water Tower Project

Dear Mr. Watson:

Thank you for meeting with Commission staff on Tuesday, February 25, 2003 to discuss the proposed water tower for the Town of Chesapeake Beach and for providing a Critical Area consistency report and revised site plans for the project. The Town proposes to construct a water tower on the property of Mike Roepcke, referred to as the Richfield Station subdivision.

In reviewing the revised information provided for this project, Commission staff have identified several conflicts associated with the water tower project and the current development proposal for Richfield Station. There appears to be some overlap with respect to areas proposed for development and areas proposed for conservation of FIDs habitat. Also, Commission staff have questions regarding the methods used to evaluate and mitigate for impacts to FIDs habitat for both projects.

In order to evaluate this matter further, we suggest that Commission staff, representatives from the Town, and the developers of Richfield Station subdivision meet to discuss these issues. Please contact me at (410) 260-3475 if you have questions.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: Honorable Gerald Donovan (Mayor, Town of Chesapeake Beach)
Joseph Devlin (Attorney for Richfield Station)
Ren Serey, Mary Owens, Regina Esslinger (Critical Area Commission)
Marianne Mason (Office of the Attorney General)

CB 475-02

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Annapolis: (410) 974- 2609 D.C. Metro: (301) 586-0450

CB475-02

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OFFICE OF THE MAYOR AND TOWN COUNCIL

February 24, 2003

RECEIVED
FEB 25 2003
CHESAPEAKE BAY CRITICAL AREA COMMISSION

Ms. Julie LaBranche, Natural Resources Planner
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Proposed Water Tower - Richfield Station
Consistency Report

Dear Julie:

Attached, please find the following:

- Revised Critical Area Site Plan - Revised to show limits of "non-FID areas and FID impact areas" The plan is hi-lighted in color to more readily identify certain features:
  - Blue - Limits of Wildlife Natural Habitat Park
  - Green - Demarcation between FID/Non-FID areas, taken from the Forest & Wildlife Resources Map
  - Yellow - 300' Edge to Non FIDS Limit
  - Pink - New 300' edge after Tower clearing impact.
- Fishing Creek Forest and Wildlife Resources
- Cover Letter from Town Engineer
- FIDS Conservation Worksheet
- SWM Worksheet A

The above items are submitted in support of this Consistency Report. I have reviewed the Town Zoning Ordinance, Chesapeake Beach Critical Area Protection Program, and the Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area.

I have previously sent to you:

- The Richfield Station Sketch/Annexation Plan, highlighting the proposed Water Tower site, the existing Bald Eagle nest, and the limits of a proposed Wildlife Natural Habitat Park

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- The Construction Plans for the water tower and its access road
- Critical Area form - Note that the Road, Parking, and Tower impervious areas are now separated.
- Critical Area Site Plan for Water Tower #2.

Through our ongoing discussions, you have located letters from Claudia Jones, dated March and April of 1992 to the developer of Richfield Station addressing, in part, the FIDS and Habitat Protection issues. I offer the following as an indication of the consistency of this proposed project with the above listed Ordinances.

Site Location

Richfield Station is located in the Town of Chesapeake Beach at it's Western most boundary and adjacent to and North of Fishing Creek. Zoning for Richfield Station is RPC-Residential Planned Community. The Southern most portion of the property is in the Resource Conservation District of the Critical Area. This portion of the property is predominantly wooded. According to the developer, the property has a mixture of mature forest, primarily on the steep slopes and relatively new growth in the more moderately sloped areas. Also, he indicates that the property was timbered in recent history.

Public Necessity

The Water Tower is a public necessity. The Town of Chesapeake Beach is proposing to construct this Tower to supplement its existing and only other water source, presently located adjacent to Beach Elementary School on the South end of Town. As a supplemental source of water, the Town receives water from the Highlands Subdivision located on the Northern side of Town and in emergencies can receive water from the Town of North Beach. Such an emergency arose this past summer, however upon opening of the connecting valve to North Beach it was discovered that such a great pressure differential existed as to cause damage to components of the North Beach water system.

We have been recently advised by a representative of MDE that our water system has nearly reached its limit for servicing the Town's water needs. Without being supplemented by this proposed facility or formalizing the present working arrangement for shared water between Calvert County, North Beach, and the Town a moratorium may be necessary. A potential tri-jurisdictional

agreement may be established sooner than the construction of this Water Tower, however the agreement will not serve the long term water supply needs of the Town nearly as well as the construction of this proposed tower.

Proposed Construction

The proposed access drive and Water Tower site is located in the more moderately sloped area of the forest approximately 450 feet Southeast of the Critical Area boundary and approximately 575 feet South of the boundary of the Wildlife Natural Habitat Park. The design of the access road to the Water Tower has been revised to minimize clearing and grading and it is anticipated that the canopy will not be broken for the access road. The Water Tower site will break the canopy, though.

Chesapeake Beach Zoning Ordinance

The Town's Zoning Ordinance establishes a purpose in the Resource Conservation District to "protect wetlands, surface water, forest, and barren lands identified by the Town's Chesapeake Bay Critical Area Protection Program". The Ordinance also states that "a mixture of residential, recreation, and marine commercial activities may be permitted by the growth allocation method".

Additionally, Unique or Fragile Areas "shall be preserved. . .to the extent consistent with the reasonable utilization of property". Included as unique or fragile areas are significant trees or stands of trees and habitats of endangered wildlife.

"Another objective is to minimize adverse impacts to water quality and natural habitats" within the Critical Area Overlay District. Pursuant to that objective, this development must meet the following criteria with respect to Rare Species and Habitat Protection Areas: "...Shall be subject to the Rare Species Protection Plan and the Plant and Wildlife Habitat Protection Plan."; "...The developer must contact the Maryland Natural Heritage Program for assistance in establishing... specific protection measures.", including the Maryland Forest, Park and Wildlife Service and design strategies to protect the essential habitat. Among the criteria, the developer must demonstrate how impacts have been minimized and no feasible alternative location exists.

Chesapeake Beach Critical Area Protection Program

The program was adopted in 1988, prior to the annexation of Richfield Station, however Richfield Station will be evaluated as if it were a part of the Town at the time of the adoption of the program. Program 9 - Habitat Protection - discusses plant and wildlife habitat protection plans. Two components of that plan are applicable in this case: 3) Riparian Forest and 4) Large, undisturbed

forest found to be utilized as breeding areas by forest interior dwelling wildlife. "A Guide to the Conservation of Forest Interior Dwelling Birds in the Critical Area" is referenced as a guidance paper. Section 3 of the Plant and Wildlife Habitat Protection Plan component of Program 9, requires that the presence of forest interior dwelling wildlife be determined and that a plan must be developed in conjunction with the Maryland Forest, Park and Wildlife Service. The Fishing Creek Forest and Wildlife Resources plan was prepared to address these requirements. It was ultimately incorporated into the Sketch/Annexation Plan which I have previously sent to you.

A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area

The guidance paper acknowledges that there are occasions when the above criteria cannot be met. The Guide allows for mitigation and provides a method for calculating that required mitigation.

Compliance with Applicable Regulations

In the early 1990's, the developer had an evaluation made of the forest land as evidenced by the included Fishing Creek Forest and Wildlife Resources map. This information was used to develop the present Sketch/Annexation Plan for Richfield Station as evidenced by the two letters from Claudia Jones regarding the Habitat Protection area. Both the Town of Chesapeake Beach and the developer of Richfield Station, in conjunction with the review by the various agencies, have relied substantially upon the determinations made, and reflected on the Sketch/Annexation Plan, in moving this project forward.

While, to date, the developer has not made any application for any activities in the Critical Area, all of the planning to date has relied upon those letters from Claudia Jones, the negotiated Wildlife Natural Habitat Park limits, the 300 foot buffer along the tidal wetlands, and the identified IDA Growth Allocation area for development, all as shown on the Sketch/Annexation Plan. Per the Critical Area Protection Program, the developer worked closely with the Maryland Forest, Park and Wildlife Service in addressing the various environmental requirements. Please note that blue line shown on the Critical Area Site Plan. This line is also shown on the Sketch/Annexation Plan. This line resulted from the negotiations conducted in the early 1990's. Note, also, that the area to the west of this line contains considerable acreage both within and outside of the Critical Area. Additionally, there is a 300' buffer along Fishing Creek to be maintained. These are all consistent with the above referenced letters from Claudia Jones.

As regards the feasibility of alternate locations, there exists no other property within the Town of Chesapeake Beach which would satisfy the needs for the proposed Water Tower. Those needs are: elevation (to avoid having to have a pressurized tank or as in the case with the North Beach water system, having an excessively high pressure differential), availability of land, and most importantly

- relative remoteness from existing residences so as not to have a significant impact on those residences.

Recognizing the agreements reflected in the 1992 Sketch/Annexation Plan concerning protection of wildlife habitat and maintenance of the Critical Area Buffers combined with the public necessity which requires the proposed minimal intrusion into the Wildlife Natural Habitat Park area and based on discussions with you that Calvert County Transferrable Development Rights (TDR's) may be purchased to satisfy the mitigation needs for the disturbance within the Habitat Protection Area, provided that the TDR's protect similar Riparian Forests this project complies with ALL applicable requirements.

I request Critical Area Commission concurrence with this letter prior to purchase of the TDR's. With such concurrence the Town will acquire and record the TDR's and forward copies of such documents to you for your files, thereby closing the record for the Water Tower.

Thank you for your help in this matter. Should you have any questions or additional needs, please fell free to give me a call at 410-286-5222.

Yours truly,

Bill

William R. Watson
Planning & Zoning Administrator

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THE TOWN OF CHESAPEAKE BEACH
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OFFICE OF THE MAYOR AND TOWN COUNCIL

February 19, 2003

Mr. W. Watson
Zoning Administrator
Town of Chesapeake Beach
P.O Box 400
Chesapeake Beach, MD 20732

Re: Water Tower
Richfield Station

Dear Mr. Watson:

This is in response to the comments from the Critical Area Commission dated October 1, 2002.

Enclosed are the revised work sheets showing the impervious areas for the roadway, parking area and water tower. The pollutant removal requirement does not change.

The water tower site is located within the "edge" based upon the agreed upon non-FID line (per M. Roepcke). Therefore the mitigation requirement is 0.13 acres (open area). The road is to be constructed in such a manner that the canopy will not be broken. ?

As a mitigation plan the Town proposes to acquire one forested transfer development right. This will also provide for some of the mitigation that is currently owed by the Town.

Enclosed are 2 copies of the overall plan. We have added the demarcation line between the non-FID and FID forest, the 300-foot "edge" line, the revised "edge " line, and a distance from the Critical Area Line to the water tower. ?

The 300' "edge" line from the non-FID area is adjacent to the 300' tidal wetlands buffer.

If you need additional information, please contact me.

Sincerely,

Michael L. Rodevick
Town Engineer

Critical Area response rev.doc

8200 BAYSIDE ROAD, P.O. BOX 400, CHESAPEAKE BEACH, MARYLAND 20732
(410)257-2230 • (301)855-8398

APPENDIX D

FIDS CONSERVATION WORKSHEET

Parcel size 459.443 total acreage
199.17 Critical Area acreage

Existing
Forest cover Extensive total contiguous acreage 130.83 acres
Forest cover 130.83 total acres CA
FIDS habitat* 124.32 total acres CA
FIDS interior 39.71 acres CA (excl. 300' setback from tidal wetlands and the non-FIDS area designated on plan)

Calculate interior by subtracting out a 300 ft. edge.**

If available: _____ acreage of contiguous forest area both in and out of the CA within a 3-mile radius.

Post development
Forest cover 130.70 total acres CA
FIDS habitat 124.19 total acres CA
Interior habitat remaining 36.32 acres CA
Interior acreage

***How to Identify FIDS Habitat**

Assume FIDS habitat is present if a forest meets either of the following minimum conditions:

Forests at least 50 acres in size with 10 or more acres of forest interior (see below to calculate interior) habitat. The majority of the forest tracts should be dominated by pole-sized or larger trees (5 inches or more in diameter at breast height), or have a closed canopy; or

Riparian forests at least 50 acres in size with an average total width of at least 300 feet. The stream within the riparian forest should be perennial, based on field surveys or as indicated on the most recent 7.5 minute USGS topographic maps. The majority of the forest tracts should be dominated by pole-sized or larger trees, or have a closed canopy.

In lieu of using the above criteria for determining if FIDS habitat is present, a FIDS survey may be done by a qualified FIDS observer. See page 12 of the Guidance Document for the procedures to be followed. You may contact the Maryland Department

of Natural Resources, Forest Wildlife Divisions or the Critical Area Commission for a list of qualified observers.

****How to Measure the amount of forest interior and forest edge**

To determine the amount of interior in a forest, the edge of 300 feet is subtracted from the total contiguous forest. The area left is forest interior provided it is at least ten acres in size.

When measuring forest edge, do not include natural forest edges such as those adjacent to open water, nonforested wetlands and streams. Riparian forests of 300 feet or greater are considered interior habitat when calculating FIDS habitat in the Critical Area provided that they have a minimum of 50 contiguous acres or are connected to a forest that has been determined to be FIDS habitat.

Please answer the following questions regarding the FIDS *Site Design Guidelines* and how they were applied to the project.

1. Has development (e.g., house, septic reserve areas, driveway) been restricted to nonforested areas? Yes____ No X

If no, explain The entire tract is wooded.

2. If development has not been restricted to nonforested areas, has development been restricted to:

   a. perimeter of the forest within 300 feet of the forest edge? Yes ✓ No____
   b. thin strips of upland forest less than 300 feet wide? Yes____ No ✓
   c. isolated forests less than 50 acres in size? Yes____ No ✓
   d. portions of the forest with low quality FIDS habitat, (e.g., areas that are heavily fragmented, relatively young, exhibit low structural diversity, etc.)? Yes____ No ✓

3. Have new lots been restricted to existing nonforested areas and/or forests as described in #2 above? Yes____ No Not applicable

   If no, please explain how property owners will be prevented

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

November 25, 2002

William R. Watson
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Town Water Tower Proposal at Richfield Station

Dear Mr. Watson:

This letter is to respond to the supplemental information you provided regarding the proposed water tower project at Richfield Station. We received the following information on November 18, 2002 with a cover memo of November 8, 2002: a revised 10% Rule worksheet, a revised Critical Area form, and a Critical Area site plan. We also have a copy from our files of the April 14, 1992 letter from Claudia Jones regarding the Richfield Station subdivision proposal, which is referenced in your memo. We would like to address several outstanding issues with respect to the water tower proposal and the Richfield Station subdivision.

Water Tower Proposal Information

At this time, we have not received the following information regarding the proposed project:

1) Critical Area calculations, including a breakdown (in square feet or acres) of impervious surface coverage for the road, parking area, and water tower;
2) a mitigation proposal for these impacts, including a description of potential or selected FID mitigation sites for the project;
3) a Critical Area program consistency report from Town or, if the project is not consistent with the Town's program, a request for conditional approval by the Commission (the Critical Area standards for conditional approval of local projects are enclosed).

This information is necessary in order to complete our evaluation of the water tower proposal. As discussed previously, Claudia Jones will evaluate the revised site plan to determine impacts to forest interior dwelling bird (FID) habitat and acreage calculations of the required FID mitigation. We will forward this information to the Town as soon as possible.

Forest Interior Dwelling Bird (FID) Habitat

As stated in my letter of October 1, 2002, the forest where this project is proposed is classified as forest interior dwelling bird (FID) habitat. This classification was based on a site visit by Critical Area Commission staff as well as the extent of contiguous forest in the project area (see attached letter from the Maryland Department of Natural Resources Wildlife and Heritage Division). As proposed, the location selected for the water tower does not comply with the site design guidelines as outlined in the Commission's 2000 publication "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area". Therefore, the Critical Area Commission recommends that alternative locations for the water tower be considered to avoid extensive impacts to this habitat. If an alternative site is not found, an acceptable mitigation proposal must be developed prior to the approval of this project.

Richfield Station Subdivision

Based on the subdivision plan submitted by the Town for the Richfield Station subdivision (sketch/annexation plan), it appears that the Critical Area portion of the subdivision would require the use of growth allocation, since the proposed development density is greater than the one dwelling unit per 20 acres allowed in a Resource Conservation Area (RCA). Based on our records, the Town has not submitted a growth allocation request for this subdivision, nor has the growth allocation request been formally reviewed and approved by the Commission. New subdivisions, involving the use of growth allocation, comply with all current Critical Area provisions.

If the developer wishes to proceed with Commission approval of the Critical Area portion of the Richfield Station subdivision, they must submit a revised subdivision proposal and growth allocation request (if necessary) to the Town. The subdivision proposal should be forwarded to the Commission for review and comment. The Town must approve the growth allocation request and then submit the request to the Commission for approval, according to provisions in the Critical Area Law (§8-1808.1) and COMAR 27.01.02.06. The Town must provide findings that the growth allocation request is consistent with the applicable provisions in the Town's Critical Area program (Article IV, Section 410(B)). Please contact me at (410) 260-3475 if you have questions or need additional information.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Gerald Donovan (Mayor, Town of Chesapeake Beach)
Mary Owens (Critical Area Commission

THE TOWN OF CHESAPEAKE BEACH
★ Welcomes You ★

CB475-02

OFFICE OF THE MAYOR AND TOWN COUNCIL

M E M O R A N D U M

To: Julie LaBranche
From: Bill Watson Bill
Phone: (410) 286-5222
Fax: (410) 286-5224
Date: November 8, 2002
Subject: Revised Water Tower Plans for Richfield Station

Enclosed please find the following:

- Revised 10% rule worksheet
- Revised Critical Area Form
- Critical Area Site Plan

It appears that the revised documents address comments 1 and 2 of 5 of your Oct. 1, 2002 letter.

The RPC Plan for Richfield Station, which I sent to you earlier this week, shows a negotiated Wildlife Habitat Protection area which was referenced in the April 14th 1992 letter from Claudia Jones. I request your input considering this and the earlier mailing. ?

Since the FIDS Guidance document indicates FIDS studies are to be performed commencing in May, I seek your guidance as to how to attempt to move this project along without delaying 6 or 7 months to commence a study.

Should you have questions or need additional information, please feel free to call me at 410-286-5222.

RECEIVED

D:\Chesapeake Beach\Zoning\Richfield Station\Memo to Julie LaBranche transmitting additional Water Tower Documents.wpd

NOV 18 2002

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

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(410)257-2230 • (301)855-8398

Judge John C. North, II
Chairman

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Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

October 28, 2002

William R. Watson
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Town Water Tower Project at Richfield Station

Dear Mr. Watson:

This letter is to update the Town regarding our evaluation of the water tower project at Richfield Station. There are several outstanding issues regarding this project, including environmental and site plan information (refer to my letter of October 1, 2002), and selection of a mitigation site.

At our meeting on October 21, 2002 to review the Critical Area maps for Chesapeake Beach, we discussed various mitigation alternatives for the Water Tower project. The mitigation alternatives discussed included the use of Transferable Development Rights and preservation opportunities in other areas of the Calvert County. Commission staff determined that these were potentially viable options to providing mitigation outside the Town. However, it is the Town's responsibility to coordinate with the County to evaluate and select a mitigation site, develop a planting plan and schedule, and select an appropriate preservation strategy for the site. As we discussed, the proposed mitigation sites must ensure that new Forest Interior Dwelling Bird (FID) habitat is being established, not only preservation of existing FIDs habitat or forested lands.

As discussed during our phone conversation of October 25, 2002, Commission staff will need a revised site plan in order to evaluate FIDs impacts for the proposed site. The revised site plan must show the parcel boundary and contiguous forest within the Critical Area, the limits of disturbance for the water tower site and access road, and topography for the parcel and contiguous forest within the Critical Area.

After our evaluation is complete, the project must be presented to the Commission for approval. This project may require a consistency report or a conditional approval, depending upon the scope of impacts associated with the project and whether the project complies with the provisions of the local Critical Area program.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974- 2609 D.C. Metro: (301) 586-0450

I have attached the requirements for both a consistency report (Chapter 02, pages 77-78) and conditional approval (Chapter 06, pages 111-112) of local projects within the Critical Area. For local projects, the Town must submit to the Commission a consistency report or specific findings for conditional approval. The Commission may hold a public hearing on a request for conditional approval (refer to the requirements of COMAR 27.02.07.02 and 03).

Please contact me at (410) 260-3475, if you have questions or need additional information.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Mayor Gerald Donovan

* phone conversation w/ Bill Watson 10/8/02

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

October 1, 2002

* sending COMAR w/ Cond. approval, etc. for local projects

William R. Watson
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Town Water Tower Project at Richfield Station

Dear Mr. Watson:

This letter is to update the Town regarding our evaluation of the water tower project at Richfield Station. Commission staff conducted a site visit with Mike Rodevick (Barrett and Associates) on Monday, September 23, 2002 in order to evaluate specific Critical Area issues, including the presence of steep slopes and FIDS habitat.

In response to my letter of July 25, 2002, the Town has provided the following information, which we received on July 31, 2002:

1) a copy of the Town Critical Area map, showing the approximate location of the proposed water tower,
2) a copy of the 1994 ESA report " A Forest Stand Delineation Report for the Richfield Station Property", and
3) a copy of the site plan for Richfield Station showing the approximate location of the water tower.

We have not yet received the following information regarding the proposed project:

1) a site plan showing the entire project site, including a location map, topography of the site and the surrounding area, the location of the proposed road, parking area, and water tower, stormwater management Best Management Practices for the site, and limits of disturbance for construction; * include portion of the subdiv. that's being built
2) Critical Area calculations, including a breakdown of impervious surface coverage for the road, parking area, and water tower;
3) calculations of the required mitigation and a description of potential or selected mitigation sites for the project;
4) an analysis of impacts to forest interior dwelling bird (FID) habitat and a mitigation proposal for direct and indirect impacts. Claudia
5) a Critical Area program consistency report from Town or, if the project is not consistent with the Town's program, a request for conditional approval by the Commission (the Critical Area standards for conditional approval of local projects are enclosed); and

before Comm. meeting

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

The forest where this project is proposed is classified as forest interior dwelling bird (FID) habitat. This classification was based on a site visit by Critical Area Commission staff as well as the extent of contiguous forest in the project area (see attached letter from the Maryland Department of Natural Resources Wildlife and Heritage Division).

As proposed, selection of this particular location for the water tower does not comply with the site design guidelines as outlined in the Commission's 2000 publication "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" (see enclosed). The specific guidelines that are in conflict are the following:

- Restrict development to nonforested areas.
- If FID habitat loss or disturbance is unavoidable, concentrate or restrict development to the forest perimeter (within 300 feet of the existing forest edge); and/or then strips of forest; small, isolated forests (less than 50 acres) and/or low quality FID habitat (e.g., areas that are heavily fragmented, relatively young, exhibit low structural diversity.
- Minimize the length of roads.
- Maintain forest canopy closure over roads and driveways.
- Maintain forest habitat up to the edges of roads and driveways; do not create or maintain mowed grassy berms.

The mitigation for these impacts will be based on the extent of direct cutting as well as forest interior impacts in FID habitat. Due to the length of the road and the extent of its location within the forest the mitigation will probably be extensive. Commission staff will provide a calculation of the impacts to FID habitat and the required mitigation once we receive the above requested information. These calculations will be based on the methodology approved by the Critical Area Commission and provided in the previously mentioned guidance document.

The Critical Area Commission recommends that alternative locations for the water tower be considered to avoid extensive impacts to this habitat. If an alternative site is not found, an acceptable mitigation proposal must be developed prior to the approval of this project.

description of alternatives why not possible

Please contact me at (410) 260-3475 or Claudia Jones at (410) 260-3476 if you have questions or need additional information.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

Ask Mary

↓

* use of TDR's for FIDs mitigation on this site (thru the County Program)

Developer- Mike Repke (he's providing the engineering info. and plans)

* He's legally responsible for providing some funding for water for the Ridgefield Station subdivision. (through a financial contrib./agreement w/ the Town).

"public improvements agreem"

Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Maryland Department of Natural Resources

Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

J. Charles Fox
Secretary

Karen M. White
Deputy Secretary

September 20, 2002

RECEIVED
SEP 27 2002
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Ms. Julie V. LaBranche
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401

RE: Environmental Review for Proposed Development and Access Road to Fire Tower, Chesapeake Beach, Calvert County, Maryland.

Dear Ms. LaBranche:

Thank you for the opportunity to review this project for rare species concerns. As we discussed on September 3, 2002, the closest bald eagle nest is just over ¼ from the project site boundaries as shown on your map, and therefore not a concern.

However, the forested area on the project site contains potential Forest Interior Dwelling Bird Habitat. The conservation of this habitat is mandated within the Critical Area (COMAR 27.01.09.04) and must be addressed by the project plan. The following guidelines should be incorporated into the project plan:

1. Restrict development to nonforested areas.

2. If forest loss or disturbance is absolutely unavoidable, concentrate or restrict development to the perimeter of the forest (i.e., within 300 feet of the existing forest edge), particularly in thin peninsulas of upland forest less than 300 feet wide.

3. Limit forest removal to the "footprint" of houses and to that which is absolutely necessary for the placement of roads and driveways.

4. Wherever possible, minimize the number and length of driveways and roads.

5. Roads and driveways should be as narrow and short as possible; preferably less than 25 feet long and 15 feet wide.

6. Maintain forest canopy closure over roads and driveways.

7. Maintain forest habitat up to the edges of roads and driveways; do not create or maintain mowed grassy berms.

8. Maintain or create wildlife corridors.

9. Do not remove or disturb forest habitat during April-July, the breeding season for most FIDS. This seasonal restriction may be expanded to February-July if certain early nesting FIDS (e.g., Barred Owl) are present.

10. Afforestation efforts should target (1) riparian or streamside areas that lack woody vegetation, (2) forested riparian areas less than 300 feet, and (3) gaps or peninsulas of nonforested habitat within or adjacent to existing FIDS habitat.

The presence of FIDS habitat can be confirmed by a qualified observer using standardized procedures outlined in the Critical Area Commission's document entitled "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" dated June 2000. For additional assistance and a list of qualified FIDS observers, please contact Katharine McCarthy of the Wildlife and Heritage Service at (410) 260-8569 or at the above address.

Sincerely,

Lori A. Byrne

Lori A. Byrne,
Environmental Review Specialist,
Wildlife and Heritage Service

ER# 2002.1582.ct
Cc: K. McCarthy

THE TOWN OF CHESAPEAKE BEACH
★ Welcomes You ★

OFFICE OF THE MAYOR AND TOWN COUNCIL

RECEIVED

SEP 12 2002

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

September 10, 2002

Ms. Julie LeBranche, Natural Resources Planner
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Status of Richfield Station Water Tower Application

Dear Julie:

This is to ask your help in moving the process of review and approval of this critical project to a point of completion. As you know, the Town submitted the plans for the proposed water tower on July 23, 2002 and you sent me a letter dated July 25, 2002 already having resolved many items of interest/concern.

However, to the best of my knowledge there remains one issue still outstanding, which is the DNR evaluation of the presence of FIDs habitat. We have spoken a couple of times and you have continued to request the status of DNR.

This project is extremely important to both the Town and the citizens of Chesapeake Beach. Richfield Station residents have been complaining of low water pressure for some time now. There are obvious perils in addition to just having low pressures for the residences, including fire flow sufficiency in Town.

The main source of water is The Highlands, which is operated by Calvert County. Recently, during the heat wave and drought, several of the wells failed and almost left the Town without water. As an emergency action, the Town opened up the connection to North Beach, which then should have provided a temporary, though adequate, supply. Instead, the pressure differential damaged North Beach system components, which Chesapeake Beach will probably be liable for.

Chesapeake Beach is committed to providing the facilities needed for Richfield Station. The Town is ready to let the contract now! The successful bidder is planning for an early October start. We need guidance on the possible FIDs issues and we need to move this project along at an accelerated pace for the safety of the citizens in Richfield Station and the rest of Town.

8200 BAYSIDE ROAD, P.O. BOX 400, CHESAPEAKE BEACH, MARYLAND 20732
(410)257-2230 • (301)855-8398

Thank you for your anticipated help in expediting this urgent project. Should you have any questions or additional needs, please notify me as soon as possible.

Very truly yours,

Bill

William R. Watson
Planning & Zoning Administrator

G:\Chesapeake Beach\Zoning\Richfield Station\Memo to Julie LeBranche regarding the Water Tower Approval Status 1.wpd

CB475-02

THE TOWN OF CHESAPEAKE BEACH
★ Welcomes You ★

OFFICE OF THE MAYOR AND TOWN COUNCIL

RECEIVED
JUL 31 2002
CHESAPEAKE BAY CRITICAL AREA COMMISSION

July 26, 2002

Ms. Julie LeBranche, Natural Resources Planner
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD. 21401

RE: Supplemental Information - Richfield Station Water Tower Request

Dear Julie:

Enclosed please find the following:

- Plot of the Town Critical Area Map marked in red to show the approximate location of the proposed water tower.
- Copy of the 1994 "A Forest Stand Delineation Report for the Richfield Station Property" prepared by ESA, Inc. Page 4 of that report has been clipped and red-lined to show the reference to Rare, Threatened, and Endangered Species. The only concern is a Bald Eagle Nest which is over 1,400 feet away from the proposed construction site.
- Copy of Sheet 4 of 14 - Preliminary Plan for Richfield Station, marked in red to show the approximate location of the proposed water tower.

no FIDS issues addressed

Upon receipt and review of the database search for Rare, Threatened and Endangered Species, and assuming for now that there will be no affected species, I will provide the needed consistency report.

I hope this assists you in your review of this very important Town project. SHould you have any questions, please feel free to call me.

Yours truly,

Bill

William R. Watson
Planning & Zoning Administrator

8200 BAYSIDE ROAD, P.O. BOX 400, CHESAPEAKE BEACH, MARYLAND 20732
(410)257-2230 • (301)855-8398

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

February 20, 2004

William R. Watson
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Chesapeake Beach Water Tower Project

Dear Mr. Watson:

Thank you for providing a consistency report for the Chesapeake Beach Water Tower project via facsimile on February 20, 2004. As you know, the Town and the Commission agreed that the forest mitigation requirement for the water tower project would be satisfied by the Town's development of a 'Forest and Developed Woodland Master Plan', which would be implemented through a Memorandum of Understanding (MOU) between the Town and the Commission. Eric Blitz provided via facsimile on February 20, 2004 a copy of the signature page (page 7) of the MOU, which was signed by Mayor Donovan and a witness (Eric Blitz).

The Commission acknowledges that the signed MOU satisfies the Town's forest mitigation requirement for the water tower project. As established in documentation provided previously to the Commission, the project will not impact any Habitat Protection Areas on the site, and disturbance to existing forest will be limited to 54,910 square feet, as shown on the Critical Area Site Plan. The Commission concurs with the Town's determination that the project complies with the provisions of the Chesapeake Beach Critical Area Program and Zoning Ordinance.

Please contact me at (410) 260-3475 if you have any questions.

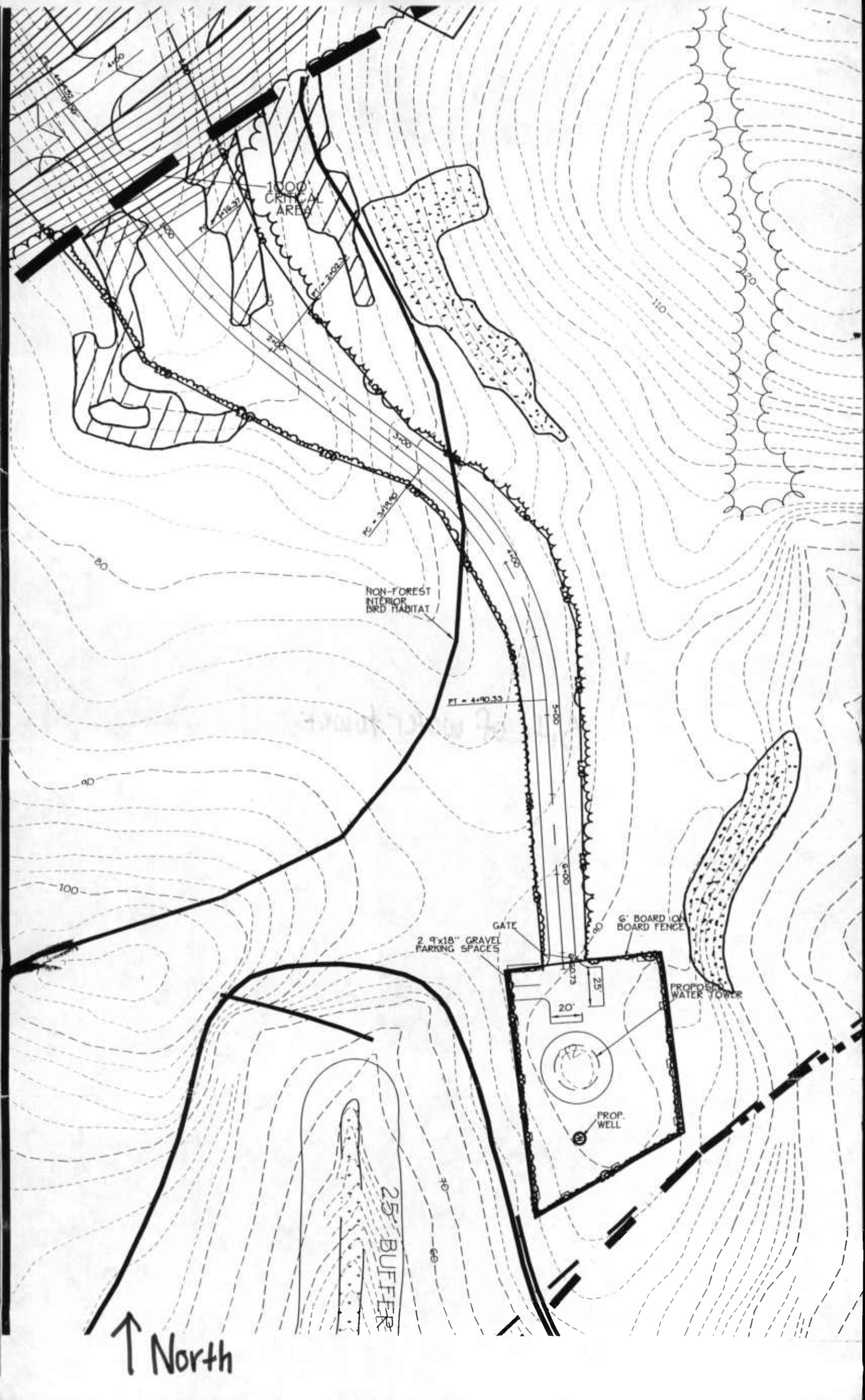
Sincerely,

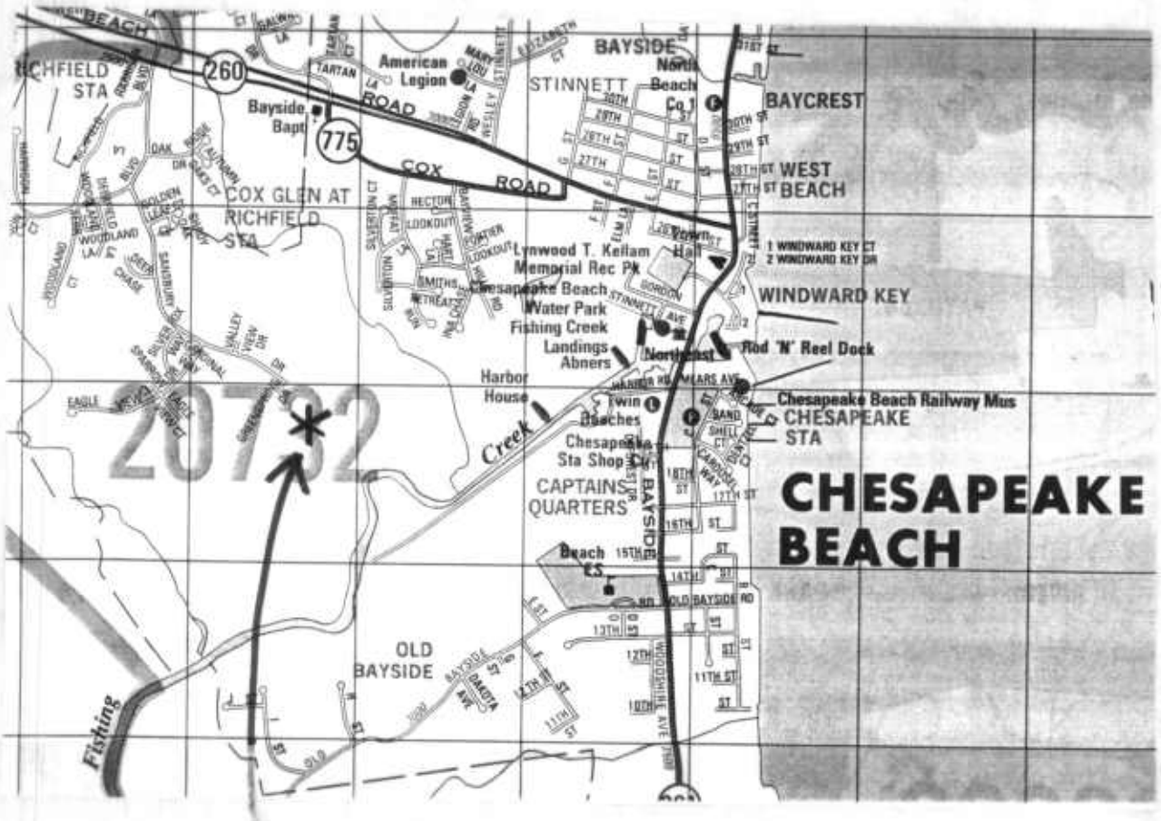
Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: Marianne Mason (Office of the Attorney General)
Mary Owens (Critical Area Commission)

CB 475-02 consistency


1000' CRITICAL AREA
NON-FOREST INTERIOR BIRD HABITAT
GATE
2 9'x18" GRAVEL PARKING SPACES
6' BOARD ON BOARD FENCE
PROPOSED WATER TOWER
PROP. WELL
25' BUFFER
25'
20'
North



Site of water tower

Critical Area Commission

STAFF REPORT
January 7, 2004

APPLICANT:	Chesapeake Beach and Calvert County
PROPOSAL:	Mitigation Agreement
COMMISSION ACTION:	Informational Presentation
STAFF RECOMMENDATION:	Approval
STAFF:	Julie V. LaBranche and Regina Esslinger
APPLICABLE LAW/ REGULATIONS:	**COMAR 27.02.02.02** (State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions)

DISCUSSION:

The Town of Chesapeake Beach proposes to construct, on private land designated as Resource Conservation Area (RCA) within the Town's Critical Area, a water tower that will require clearing of 54,910 square feet of existing forest. The Town has determined that the proposed location for the water tower is the most suitable site within the Town for this type of facility (refer to attached site plan). As required by the Town's Critical Area program (Program 2, Section II(C), Part V, F(3)(a) Guidelines for Proposed Development in RCA), the area of forest cleared in a Resource Conservation Area shall be mitigated at a ratio of 1:1. Because the Town has experienced difficulties in the past in addressing mitigation requirements, Commission staff worked with the Town to identify acceptable alternatives to satisfy the mitigation requirement for this project and meet the Town's immediate need to provide an additional water supply to residents of the Town. Otherwise, the project appears to be in conformance with the Town's Critical Area program.

The Town has proposed to satisfy its forest mitigation obligation by payment of $16,473.00 to the Calvert County Critical Area Fee-In Lieu Program for reforestation in the Critical Area. The fee-in-lieu payment and the required forest mitigation will be implemented through a Memorandum of Understanding (MOU) between the Town, Calvert County, and the Commission. (A copy of the MOU will be available at the Commission meeting.) Commission staff and Marianne Mason (Office of the Attorney General) developed the MOU, utilizing the existing provisions and requirements of the Calvert County reforestation and fee-in-lieu programs. The County will utilize the fees-in-lieu only in accordance with the County's ordinances and programs regarding Critical Area reforestation, and the terms of the MOU.

Summary of Terms of the MOU

The County will select one or more sites for establishment of forest mitigation in the amount of 54,910 square feet. Before selecting the site(s), the County shall consult with Commission staff, and shall obtain the approval of Commission staff for each site that the County proposes to select. The County shall ensure that each site proposed for selection meets the following standards:

(A). The sites(s) must provide benefits to the Critical Area and must satisfy the mitigation requirement for forest clearing within a Resource Conservation Area.

(B) The site(s) must provide a contiguous area of not less than 5,000 square feet.

(C) The site(s) must provide one or more of the following (in order of preference):

1. Expansion of existing high quality forest or Forest Interior Dwelling Bird (FID) habitat within the Critical Area through a combination of plantings and/or natural regeneration;
2. Establishment or expansion of forested riparian buffers adjacent to tributary streams within the Critical Area;
3. Establishment or expansion of forested riparian buffers adjacent to sensitive species habitat within the Critical Area;
4. Establishment or expansion of forested riparian buffers adjacent to ponds, lakes or wetlands (tidal and nontidal) within the Critical Area;
5. Expansion of existing forested areas that are protected by an easement or other restrictive covenant within the Critical Area; or
6. Options 1-5 above outside the Critical Area within Calvert County.

The County agrees to submit a planting plan to Commission staff for each mitigation site. The County agrees that mitigation plantings shall consist of native trees and shrubs as per the Calvert County Critical Area program. The County agrees to complete installation of all mitigation plantings within five years from the date of the Memorandum. If within five years of the execution of the agreement, the County is unable to locate and plant suitable mitigation sites for all of the 54,910 square feet, the Town, Calvert County, and the Commission will renegotiate the terms of the agreement to ensure completion of the required mitigation

In addition, the agreement specifies that the mitigation shall be accomplished after the trees have been planted and established, and the County has notified the Commission that the plantings have been completed. As required by the Calvert County Critical Area program, maintenance of the plantings is performed for ten years. The County shall notify the Commission if the plantings are not completed according to the terms stated in the agreement.

Fax Note 7672

ia Jones
CAC

No. of Pages	4	Today's Date	2/21
From	Glenn Therres	Time	
Company	DNR		
Location		Dept. Charge	
Telephone #		Telephone #	410-260-8572
Fax #			
Original	☐ Destroy	☐ Return	☐ Call for pickup

STATE OF MARYLAND DEPARTMENT OF NATURAL RESOURCES

William Donald Schaefer
Governor

Maryland Department of Natural Resources
Fish, Heritage & Wildlife Administration
P.O. Box 68
Main Street
Wye Mills, Maryland 21679

Torrey C. Brown, M.D.
Secretary

June 11, 1993

Michael L. Roepcke
The Austin Group, Ltd.
10347 Crossbeam Circle
Columbia, MD 21044

RE: Richfield Station

Dear Mr. Roepcke:

My office has reviewed the Preliminary Plat (dated Dec. 22, 1992) for Phase I of Richfield Station located in Chesapeake Beach, Maryland. As you are aware, the forested areas of the property provide ideal breeding habitat for forest interior dwelling birds. Outside of the Critical Area conservation of habitat for these birds is not mandated by law but is encouraged.

As proposed, the site design of Phase I will cause forest fragmentation and thus impact forest interior dwelling birds to a degree. However, locating the house sites as close to the roads as possible and limiting forest clearing for the house construction, as you are proposing, will minimize impacts. Maintaining contiguous forested acreage in the riparian and ravine areas will help support a population of forest interior birds on the property. Maintaining closed forest canopy of a least 300-400 ft in the riparian and ravine areas, as shown on the preliminary plat, is appropriate.

We would be interested in monitoring forest interior bird populations on the property throughout the build-out period and possibly after the development is occupied. This would help us evaluate conservation strategies relative to development. I would like to discuss this possibility with you at your convenience.

Sincerely,

Glenn D. Therres

Glenn D. Therres
Supervisor, Nongame & Urban
Wildlife Program

THE AUSTIN GROUP, LTD. 10347 Crossbeam Circle • Columbia, Maryland 21044

Mr. Glenn Therres
Non-Game Program Supervisor
Department of Natural Resources
Forest, Park, and Wildlife Service
P.O. Box 68
Wye Mills, Maryland 21679
April 30, 1993

Dear Glenn,

Based on our phone conversation last week, I am forwarding to you copies of the Preliminary Plat and associated Preliminary Grading Plans for Phase I of Richfield Station located in Chesapeake Beach, Maryland. The review comments from the Natural Heritage Commission dated February 22, 1993 by Janet McKegg indicates the need for our plan to address Forest Interior Dwelling Bird habitat areas.

As you know, during 1991/1992 you and I worked to create a modified Richfield Station which was specifically revised to provide a contiguous forested area for the Forest Interior Dwelling Bird. We submitted our revised Richfield Station Concept Plan (FIB Mitigation Plan) to you on February 28, 1992.

Although the Phase I plans for Richfield Station covers the non-critical area of the property, in our February 1992 FIB agreement, specific non-critical areas were to be left in their natural condition and remain undeveloped. Once you compare our 1992 FIB Mitigation Plan to our Phase I Preliminary Plat for Richfield Station you will see that we have left these areas undeveloped and in their natural condition.

We are asking for your approval of our Phase I Preliminary Plat as it pertains to your earlier acceptance of our FIB Mitigation Plans in February 1992. As we are into the final engineering and record plat preparations, we hope that you can expedite your review. Should you have any questions please contact me at 410-997-3184.

Sincerely,

Michael L. Roepcke

Michael L. Roepcke, P.E.
President

included sheets 1,3,4,6,7,8 of PRELIM. PLAT & CONCEPT PLAN

THE AUSTIN GROUP, LTD. 10347 Crossbeam Circle • Columbia, Maryland 21044

Mr. Glenn Therres
Non-Game Program Supervisor
Department of Natural Resources
Forest, Park, and Wildlife Service
P.O. Box 68
Wye Mills, Maryland 21679
February 28, 1992

Dear Glenn,

During July 1991, we met to discuss our original Concept Plan for Richfield Station located in Calvert County/Chesapeake Beach, Maryland. This Concept Plan which I have included in this package consisted of 900 residential lots within a planned unit development. As we have discussed, The Town of Chesapeake Beach as part of our annexation agreement supports using a portion of their Critical Area Growth Allocation for a portion of our Critical Area Buffer. Our current critical area designation is RCA and we are requesting a change to IDA for the growth portion of our critical area.

We have requested 30 acres of growth allocation from Chesapeake Beach to be applied towards our revised Concept Plan. This portion of our Critical Area lies closest to the proposed Bay View subdivision due east of our project. The proposed density for Bay View as stated on their approved preliminary plan is 2.36 D.U. per acre. Bay View was granted an exception to the Critical Area. The current County zoning for nearly 348 acres of our property is R-2 which allows up to 14 D.U.'s per acre. The current Town zoning for the remaining 112 acres of our property is R-20 which allows up to 5 D.U.'s per acre. Our revised Sketch Plan dated 12/5/91 represents a total density of 2.05 D.U.'s per acre. The Critical Area density shown on our revised plan represents 1.40 D.U.'s per acre.

During our meeting you expressed a concern that our original Concept Plan did not leave a sufficient natural area to protect the Forest Interior Birds within the Critical Area. Your recommendation was to eliminate the lots in Area A and Area B as shown on the enclosed 1"=100' original concept plan. We agreed in concept that Austin would eliminate the lots in Area B and could offset the impacted area in Area A with an equivalent area by eliminating lots in other locations.

We believe that our revised Concept Plan dated 12/5/91 addresses the issues you raised pertaining to Area A and Area B. We have eliminated the 32 lots within Area B representing 18.5 acres of impacted area based on a 100 foot linear impacted area beyond the limits of clearing as shown on Exhibit B. This plan, also enclosed, represents a 1"=100' scale version of the revised Concept plan.

The total impacted area within Area A represents 6.6 acres. We have offset the impacted area within Area A by modifying our Concept Plan in two (2) areas. We have eliminated eleven (11) lots in Area C northwest of Area B representing 4.8 acres of impacted forest. Additionally, we have reduced the length of a cul-de-sac immediately west of Area C. This reduction of impacted area in Area D represents an additional 2.1 acres of revised forest cover. The totals for mitigation Areas C&D represent 6.9 acres of impacted forest returned to forest. In total, Areas B,C,&D represents 25.4 acres of previously impacted forest cover returned to a natural state as shown on our revised Concept Plan.

We believe that the elimination of development from the areas discussed addresses the concerns you raised previously regarding a natural habitat area sufficient in size for the Forest Interior Birds. We request that you approve our revised Concept Plan dated 12/5/91. Should you have any questions pertaining to our request please contact me at your earliest convenience.

Sincerely,

Michael L. Roepcke, P.E.
President

THE TOWN OF CHESAPEAKE BEACH
Welcomes You

OFFICE OF THE MAYOR AND TOWN COUNCIL

To: Bill Watson

From: Mike Rodevick MR

Subject: Richfield Station
Water Tower Site

In the report titled "A Forest Stand Delineation Report For The Richfield Station Property" dated June 1994, prepared by ENVIRONMENTAL SYSTEMS ANALYSIS, Inc., they specified that there are no rare or endangered species on the site.

The total amount of land within Richfield Station that is within the Critical Area is 199.17 acres. The total amount of wetlands within The Critical Area is 69.66 acres leaving 129.51 acres of uplands. The site is wooded.

The amount of disturbed area and tree cover to be removed for the access road and the tower site is 60,545 sq. ft. The amount of impervious area (road, tower and well) is 24,236 sq. ft.

break out

1/13/03

As measured w/planimeter by Claudia Jones from site plan received 11/28/02: (Critical

Total Forested area (from above) 129.51

Total Forest Interior:

8200 BAYSIDE ROAD, P.O. BOX 400, CHESAPEAKE BEACH, MARYLAND 20732
(410)257-2230 • (301)855-8398

CRITICAL AREA FORM

April 21, 1999

If your property is located within the Critical Area (land within 1,000 feet of the mean high water line of the Chesapeake Bay or Patuxent River, its tributaries, or the landward boundary of tidal wetlands), please complete the following information. Supplying this information will greatly expedite the processing time of your permit.

Owners Name: RICHFIELD STATION II, IV LLP Address: 10805 HICKORY RIDGE RD SUITE 21 COLUMBIA, MD 21044

Phone: 410-997-3184 Tax ID 3-046826 Tax Map 100 Parcel 2 Lot ____ Block ____ Section ____

IDA ____ LDA-3 ____ LDA ____ RCA X Total square footage of property: 128.51± acres (net, including wetlands)

1. Purpose of the permit: Clearing, grading & stabilization associated with and construction of water storage facili

2. Total square footage of disturbance for the project: 60,545

3. Will any of the proposed disturbance occur within the 100 ft. buffer adjacent to a tidal waterway or wetland? Yes ____ No X

4. Do trees cover at least 15% of the property? Yes X No ____
(Calculate: size of property _____ x 15% = _____ / 400 = _____ = approximate number of 6' tall and 1 1/2" caliper or larger trees required to meet the 15% tree cover requirement)

5. What is the square footage of the area of tree cover to be removed? 60,545 sq. ft.

6. Is the proposed building site on slopes of 15% or greater? Yes X No ____ (If yes, this information should be shown on the plat. Any development on 15% or greater slopes will require a variance from the Board of Appeals.)

7. Identify on the plat any waterways and wetlands which may be adjacent to or on the property. (This includes both tidal and non-tidal rivers, bays, creeks, streams, marshlands, swamps, bogs, etc.)

8. Identify on the plat and give the square footage of the impervious areas on the property. (Impervious areas are surfaces through which water cannot seep. For example, house, garage, shed, pool, or driveways which are constructed with concrete, asphalt, or CR 6 stone, etc. Wooden decks are not included unless there is no spacing between the boards, they are covered, enclosed, or have an impervious surface underneath.)

Total square footage of existing impervious area = -0-
Square footage of proposed impervious area = 24,236

Note: *Lots <u>under</u> 1/2 acre may not have impervious area in excess of 25% of total lot area.*
Lots <u>over</u> 1/2 acre may not have impervious area in excess of 15% of total lot area.
If the recorded plat for this property indicates the impervious area limit to be different than indicated above, we will be required to use that amount.

9. In addition, if the property is in the IDA designation, then section 4-7.06 of the Calvert County Zoning Ordinance will need to be addressed.

THE TOWN OF CHESAPEAKE BEACH
★ Welcomes You ★

OFFICE OF THE MAYOR AND TOWN COUNCIL

M E M O R A N D U M

To: Julie LaBranche
From: Bill Watson - The Developer's Advocate, Inc. Bill
Phone: (410) 286-5222
Fax: (410) 286-5224
Date: November 5, 2002
Subject: Richfield Station Water Tower

Enclosed, find 1 print of the "Richfield Station Sketch/Annexation Plan" we discussed yesterday. I have highlighted in red the negotiated Habitat Protection Area, as referenced in Claudia Jones' April 1992 letter. Additionally, I have also marked the approximate site of the proposed water tower.

RECEIVED
NOV 6 2002
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

D:\Chesapeake Beach\Zoning\Richfield Station\Memo transmitting Richfield Station to Julie LeBranche.wpd

8200 BAYSIDE ROAD, P.O. BOX 400, CHESAPEAKE BEACH, MARYLAND 20732
(410)257-2230 • (301)855-8398

NOTE:
TOTAL DISTURBED FOR PARKING AREA = 1,656 Sq. Ft.
TOTAL DISTURBED FOR PROPOSED ACCESS ROAD = 10,412 Sq.L Ft.
TOTAL DISTURBED = 54,910 Sq. Ft.

LEGEND

- DENOTES EX. 2' CONTOURS
- DENOTES EX. 10' CONTOURS
- DENOTES EDGE OF WOODS
- DENOTES 25' WETLAND BUFFER
- DENOTES WETLANDS
- DENOTES CRITICAL AREA
- DENOTES EX. BUFFERS
- DENOTES SLOPES 15% OR LESS
- DENOTES SLOPES 25% OR GREATER
- DENOTES CENTERLINE
- DENOTES TIDAL MARSH
- DENOTES GROWTH ALLOCATION BUFFER
- DENOTES 300' TIDAL MARSH BUFFER
- DENOTES WILDLIFE NATURAL HABITAT PARK
- DENOTES NON-FOREST INTERIOR BIRD HABITAT
- DENOTES 300' EDGE TO FOREST INTERIOR BIRD HABITAT

RECEIVED

DATE	DATE	REVISION
MAY 2003		
SCALE 1"=50'		
DRAWN BY KVT		
DRAWING # LAYOUT2		
FILE # CC8002		
JOB # 02650		

CRITICAL AREA SITEPLAN

SHEET 1 OF 2

Date _____

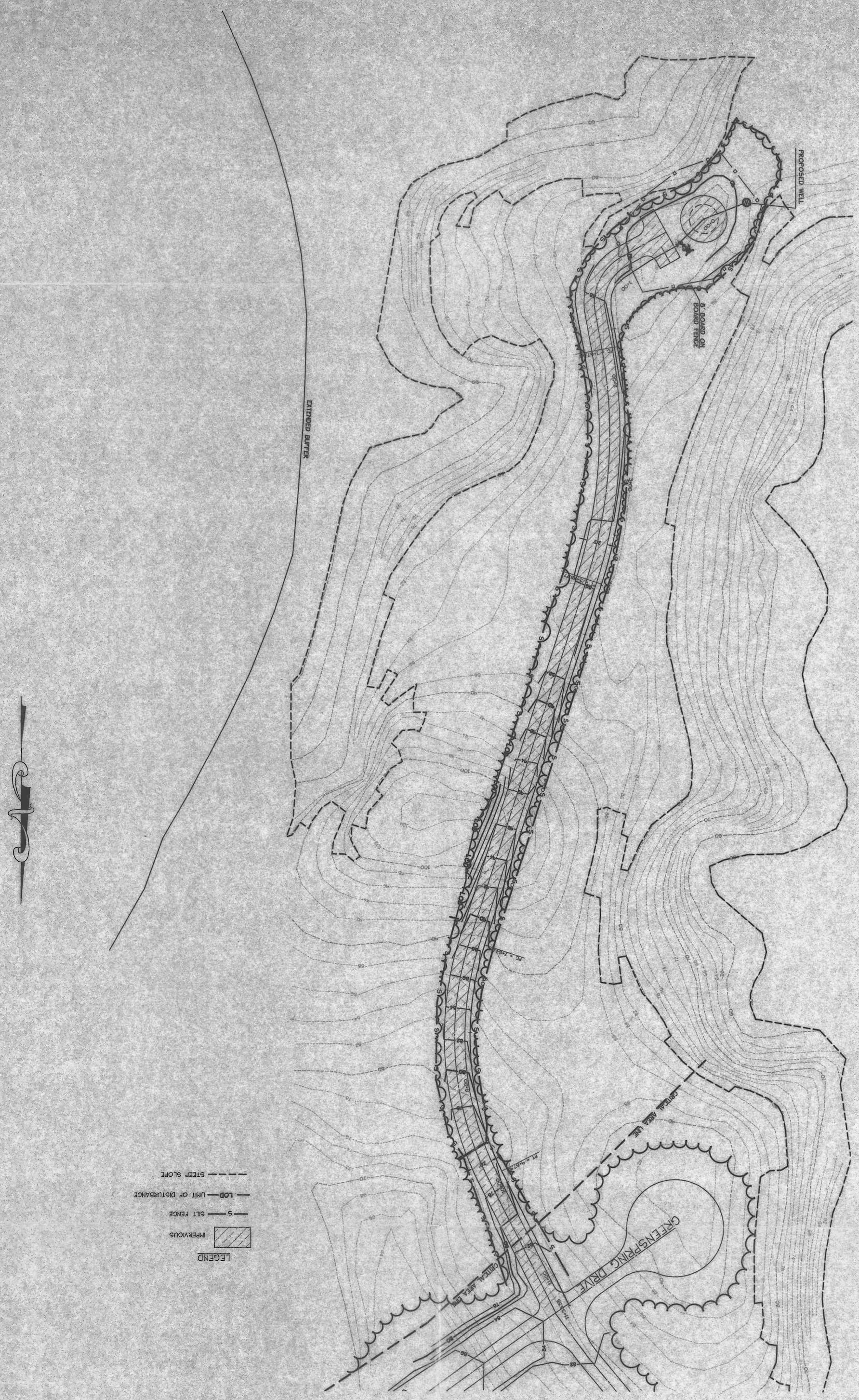
R.A. BARRETT & ASSOCIATES, INC.
ENGINEERS & SURVEYORS
DUNKIRK MARKETPLACE PROFESSIONAL CENTER
3140 WEST WARD ROAD, SUITE 208, DUNKIRK, MD. 20754
410-257-2255 301-855-5554 FAX: 410-257-3782

CRITICAL AREA SITEPLAN

WATER TOWER #2 @ RICHFIELD STATION
TOWN OF CHESAPEAKE BEACH

SITUATED OFF OF FUTURE GREENSPRING DR.
3rd ELECTION DISTRICT CALVERT COUNTY, MD

TIDAL MARSH
25' BUFFER
25' BUFFER
25' BUFFER
S33°30'00"W
165.81'
N42°27'41"W
268.68'
N65°47'44"W
167.61'
N30°49'06"W
267.04'
S23°34'50"E
305.53'
N23°33'19"W
170.19'
NON-FOREST
NATIVE
BIRD HABITAT
EXISTING
DOCK
CONTOUR
ALTER.
2 YEAR GRAVEL
PARKING SPACES
GATE
6' BOARD ON
BOARD FENCE
MOTORS
WATER TOWER
20'
FLOW
WELL
25' GROWTH
ALLOCATION
BUFFER
300' TIDAL
MARSH
BUFFER
WALSH'S NATURAL
HABITAT PARK
300' TIDAL
MARSH
BUFFER
NO CUT
LINE



Previous Site for Water Tower

DATE	DATE	REVISION
JUNE 2002		
SCALE 1"=50'		
DRAWN BY JAC		
DRAWING # NS_WORK		
FILE # CC8001		
JOB # 02G50		

STATE OF MARYLAND — MICHAEL LOUIS RODEVICK — PROFESSIONAL ENGINEER

Date 6/13/02

GRADING, SEDIMENT AND EROSION CONTROL PLAN

SHEET 1 OF 1

R.A. BARRETT & ASSOCIATES, INC.
ENGINEERS & SURVEYORS
DUNKIRK MARKETPLACE PROFESSIONAL CENTER
3140 WEST WARD ROAD, SUITE 208, DUNKIRK, MD. 20754
410-257-2255 301-855-5554 FAX: 410-257-3782

GRADING PLAN

CHESAPEAKE BEACH WATER TOWER @ RICHFIELD STATION

3RD ELECTION DISTRICT CALVERT COUTY, MD