

SM 48-05 Town Creek Marina/Burkhardt  
Site Plan 05-132-004

MSA-S-1829-5164

2/11 - MO. Res. plan for water

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**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/](http://www.dnr.state.md.us/criticalarea/)

February 1, 2005

Mr. Mark Kalmus  
St. Mary's County Government  
Department of Land Use and Growth Management  
P.O. Box 653  
Leonardtown, Maryland 20650-0653

Dear Mr. Kalmus:

**RE: SM 48-04 Town Creek Marina (Burkhardt)  
St. Mary's County Project # 05-132-004**

Thank you for providing information on the referenced project. I have reviewed the plan and environmental report submitted, and I have the following comments:

1. The applicant has requested information from the Heritage Division of the Department of Natural Resources regarding rare, threatened and endangered species on the site and Habitat Protection Areas. Comments from Heritage have not yet been received, so there may be additional comments when this correspondence from DNR is received.
2. The plans indicate that a 5,000 square foot commercial assembly building is proposed to be constructed to replace the existing 5,750 square foot building; however, the environmental report describes a 6,000 square foot building. Please clarify.
3. This project site involves two parcels, and both properties are designated Limited Development Area (LDA). Within this Critical Area classification, impervious surfaces are limited to 15 % of the parcel or lot. The environmental report states that estimated impervious surface cover is 57%; however, no details are provided. Impervious surface cover information should be provided for each lot and should include specific square footages for roads, parking lots, driveways, sidewalks, buildings, decks, pools/ponds and other. Are existing levels of impervious surface area proposed to increase? If so, a variance or growth allocation may be required. Please provide additional information.

Mr. Kalmus

February 1, 2005

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4. The environmental report and site plans indicate that the project site is within the County's Buffer Management Overlay area; however, the requirements for redevelopment in this area as set forth in Chapter 41.7 of the St. Mary's County Comprehensive Zoning Ordinance have not been addressed. Because the proposed redevelopment is extensive, mitigation requirements are significant and should be addressed. It is recommended that a mitigation plan (landscape plan) be required as part of this project.
5. The environmental report briefly discusses stormwater management; however, no Best Management Practices (BMPs) are shown on the site plan and no specific stormwater management strategy or BMPs are discussed in the report. Because this project exceeds the impervious surface limit in LDA and involves significant impacts to the 100-foot Buffer, detailed stormwater management information will be required.
6. The project appears to involve the expansion of an existing marina use; however, this use and the requirements of Chapter 41.8 of the St. Mary's County Comprehensive Zoning Ordinance have not been addressed. Additional information is needed.

Thank you for the opportunity to provide comments on this site plan. Please provide the additional information requested. It is likely that additional comments and recommendations will be submitted when these comments have been addressed. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief  
Program Implementation Division

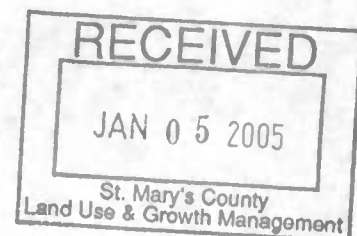
## EXECUTIVE SUMMARY

Town Creek Marina is a 1.95 acre parcel located in the Eighth Election District of St. Mary's County. Zoned Commercial Marine (CM) and Residential Low Density (RL), the property has four dwellings, a bar, a boat house, 38 boat slips and access to a large private pier on the Patuxent River. Hurricane Isabelle in October 2003 severely damaged the commercial structures on the property

The property is designated as Limited Development Area (LDA) for the Chesapeake Bay Critical Area (CBCA) within a Buffer Management Overlay (BMO) district. In accordance with Section 71.2 of the St. Mary's County Zoning Ordinance (CZO), an environmental review is required for a project requiring site plan approval or any disturbance within the Chesapeake Bay Critical Area (CBCA). An "Environmental Checklist" is also required.

This report shall document environmental areas, site development issues, Chesapeake Bay Critical Area requirements. Loiederman Soltesz Associates prepared a site plan showing location of existing development and proposed redevelopment on the property.

The site is in a dilapidated state, the majority of which has been fenced off by the owner to protect the public health, safety and welfare.



## I. EXISTING SITE CONDITIONS

### A. Site Location/Property Description

Subject property is described as Tax Map 35, Parcel 4, Parcels A and B and is 1.95 ± acres. Parcel A is zoned Commercial Marine (CM) and Parcel B is zoned Residential Low Density (RL). Both lots are located within the Limited Development Area (LDA) and Buffer Management Overlay (BMO) Critical Area zones. The address is 23900 North Patuxent Beach Road. There are currently four dwellings, 38 boat slips, a boat house, a 5,750 square foot former entertainment/assembly use and a boat ramp on the property. The property is bordered by North Patuxent Beach Road to the north and Town Creek to the south and east. The property owner has a 20' access easement across Patuxent Beach Road and the St. Mary's County Commissioners' property to a pier on the Patuxent River.

### B. Physical Site Conditions and Constraints

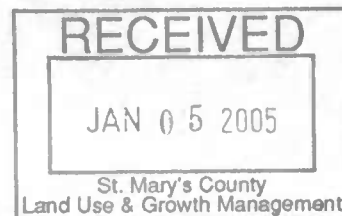
- Current Site Conditions

The property, excepting the four (4) occupied dwellings, is in a dilapidated, blighted condition with fully 57% of the property covered by rooftops, paving, compacted gravel and outdoor decking. During a precipitation event, virtually all of the runoff directly enters Town Creek with little quality management. There is some tree cover along and scrub vegetation along Town Creek. Only 2,760 square feet of the site are out of the 50' BMO buffer as called for in §41.7.4.a.(6).

- Existing Topography

The property is relatively flat, sloping gradually toward Town Creek from North Patuxent Beach Road. Most relief on property occurs along the banks the creek.

- Existing Tidal Wetlands



There are no tidal wetlands on the property according to the map of state tidal wetlands supplied by the St. Mary's Department of Land Use and Growth Management.

- Existing Floodplains

FEMA Floodplain Map (panel 240064 0007C) indicates that the property is located within Zones A-5, B and C. Approximately 1.01 acres of the property are located outside the 100 year floodplain. The Zone A-5 base flood elevation has been determined to be 6 feet. One of the two proposed buildings is located within the 100-year flood plain. Proposed redevelopment will adhere to standards described in Chapter 76 of the St. Mary's County Comprehensive Zoning Ordinance (CZO).

- Chesapeake Bay Critical Areas (CBCA)

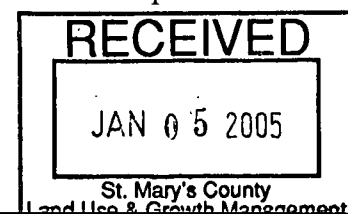
The subject property lies entirely within the CBCA Limited Development Area (LDA) with a Buffer Management Overlay (BMO). Site development standards found in Article 7, Chapter 71 and Article 4, Chapter 41 require that impacts be minimized to the regulated sensitive environmental areas.

- Existing Historical/Archeological Resources and Existing Sensitive Species – Endangered, Rare, Threatened (RT&E) and Forest Interior Dwelling Species (FIDS)

There are no historic sites on the site. However, the Maryland Department of Assessments and Taxation reports that the primary structure on the property was constructed in 1933. Because the structure is over 50 years of age, it may be necessary for the LUGM's Historic Preservation Planner, Teri Wilson to inspect the site. Evidence of Forest Interior Dwelling Species (FIDS) were not documented due to lack of proper habitat. A formal request has been made to the Department of Natural Resources requesting information on RT&E species for this property.

- Existing soils

Based on the current National Resources Conservation Services Soil Survey, the existing soils are in the Mattapex (MuA and MuB2) and Mattapeake (MnA) soil map units. Development may be limited in the Mattapex soils due



to the limited depth to the saturation zone. There are no limitations to development within the Mattapeake (MnA) soils. None of the soils found on site are considered to be hydric or highly erodible.

- Habitat Protection Area

A habitat protection area is established by definition based on the 50 foot CBCA buffer. However, the current site conditions render this area useless as legitimate environmental habitat.

## II. PROPOSED DEVELOPMENT

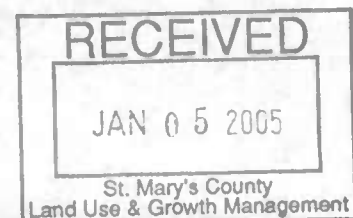
The owner/applicant is proposing to replace the former entertainment use with a 6,000 square foot assembly use, rebuild the existing boathouse on its current foot print, relocate the boat ramp off of North Patuxent Beach Road to the relocated St. Clair Road, increase the number of slips from 38 to 42 or as many 13' wide slips as possible and construct a functional marine services structure in the location of an existing dwelling, as far from the edge of the shoreline as practicable.

### A. Forest Description

Most trees on the site occur along the banks of Town Creek and on Parcel B. Further investigation is needed.

### B. Stormwater Management

This site is located within the critical area and will have to provide additional stormwater quality controls to offset and mitigate the existing conditions. The proposed development will not cause adjacent properties, channels, watercourses, or conduits to receive stormwater runoff at a higher volume or rate than would result from a 10-year storm event were the land in its predevelopment state. All sediment control and stormwater management facilities will be designed with sufficient capacity to achieve the water quality goals of the Critical Area program. Runoff caused by the development will be managed so that it will not leave the site at a rate faster than it would have in its predevelopment state.



### C. Proposed Clearing or Excavation

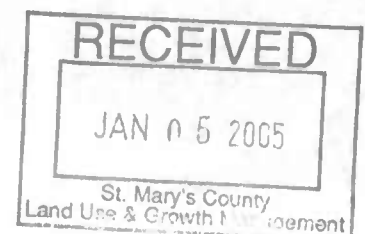
Trees and scrub vegetation will need to be removed in order to relocate the boat ramp to St. Clair Road additional clearing may be necessary for the location of an on-site septic system depending on the location of an adequate perc. Natural forest of twice the square footage of the new impervious surface within the buffer will need to be replanted in accordance with Section 41.7.5 in the St. Mary's County Comprehensive Zoning Ordinance.

### III. REQUIRED APPROVALS

The proposed development plan described in Section II requires various approvals from several different agencies. The approvals include an Environmental Permit, possible variances, major site plan approval and building permits from the St. Mary's Department of Land Use and Growth Management (LUGM) and a permit for on-site septic systems from the St. Mary's County Health Department.

A majority of development activities on the site would occur within the buffer. Any increase in the square footage located in the 50 foot Critical Area Buffer may require a variance from St. Mary's Land Use and Growth Management.

Section 71.8.3.b of the CZO permits new sewage reserve easements, or septic systems within the Buffer, due to the fact that the proposed use is water dependent and is within a Buffer Management Overlay. The applicant has applied for a perc test on the property and will use on-site systems based on the fact that water and sewer service is classified as W-6/S-6 (Water and Sewer Service in 6-10 Years) according to the 2003 Comprehensive Water and Sewer Plan.





## REFERENCE SOURCES

### St. Mary's County Comprehensive Zoning Ordinance, Z 02-01, as amended 2003

- Chapter 24, Variances
- Chapter 41, Chesapeake Bay Critical Area (CBCA)
- Chapter 71, Resource Protection Standards
- Chapter 76, Floodplain Regulations

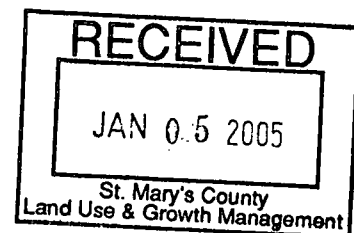
Maryland Department of Assessments and Taxation Database (<http://www.dat.state.md.us/>)

### Maryland Department of Natural Resources

Maryland's Environmental Resources & Land Information Network (MERLIN)

### 2003 Comprehensive Water and Sewerage Plan - Draft

FEMA Flood Insurance Rate Map (FIRM) panel 240064 0007C



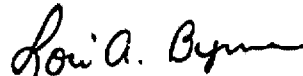
14. In forested areas reserved from development, promote the development of a diverse forest understory by removing livestock from forested areas and controlling white-tailed deer populations. Do not mow the forest understory or remove woody debris and snags.
15. Afforestation efforts should target a) riparian or streamside areas that lack woody vegetative buffers, b) forested riparian areas less than 300 feet wide, and c) gaps or peninsulas of nonforested habitat within or adjacent to existing FIDS habitat.

The Critical Area Commission's document "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" provides details on development standards and information about mitigation for projects where impacts to FIDS habitat cannot be totally avoided. Mitigation plantings for impacts to FIDS habitat may be required under the local government's Critical Area Program. The amount of mitigation required is generally based in whether or not the guidelines listed above are followed.

48/05 — For **Major Site Plan #05-13200004, Town Creek Marina**, the open waters that are adjacent to or part of the site are known historic waterfowl concentration areas. If there is to be any construction of water-dependent facilities please contact Larry Hindman of the WHS at (410) 221-8838, for further technical assistance regarding waterfowl.

Thank you for allowing us the opportunity to review these projects. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



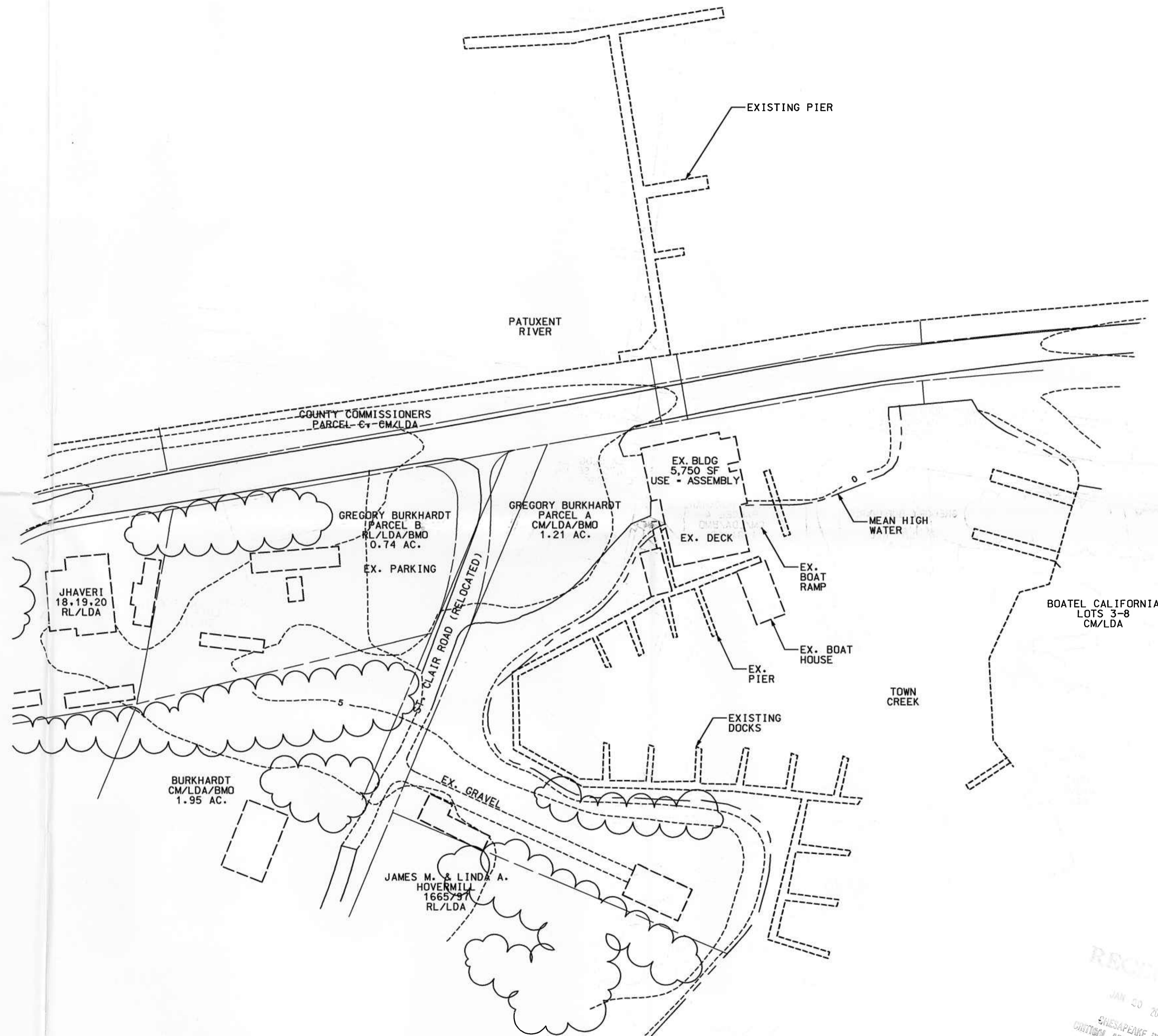
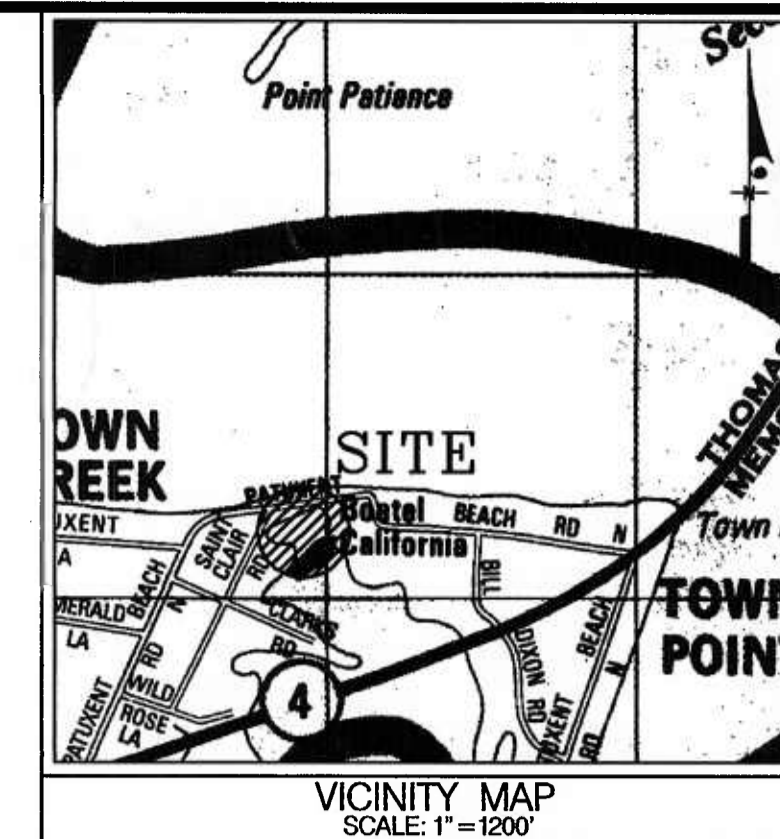
Lori A. Byrne,  
Environmental Review Coordinator  
Wildlife and Heritage Service  
MD Dept. of Natural Resources

ER# 2005.0088-0108.sm  
Cc: K. McCarthy, DNR  
L. Hindman, DNR  
R. Esslinger, CAC



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Parcel: 4  
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Water Category: W1

**MISS UTILITY NOTE**  
INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHOEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

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| <b>EXISTING CONDITIONS PLAN</b>  |  |              |
| <b>TOWN CREEK MARINA</b>   |  |              |
| GREGORY BURKHARDT<br>45118 SAINT CUTHBERT FARM ROAD<br>HOLLYWOOD, MD 20636 |  |              |
| 8TH. ELECTION DISTRICT ST. MARY'S COUNTY, MARYLAND                         |  |              |
| PROJECT NO. 1482-00-01   |  | SHEET 1 OF 2 |

