

5/2 4/13

MSA.S. 1829-6048

Comments KS
7/7/06
Revised 11/9/06 KS
Approved 1/31/07 KS
gpc approved 9/3/08
WHR 9/5/08

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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/

January 4, 2007

Ms. Joan Kean, Director
Department of Technical and Community Services
P.O. Box 37
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Somerset County Detention Center

Dear Ms. Kean:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On January 3, 2007, the Critical Area Commission unanimously approved the County's proposal and site plan to construct a 42-bed dormitory addition to the Somerset County Detention Center, located on Revells Neck Road in Somerset County, Maryland.

In fulfillment of the proposed mitigation planting plan please sign and return the attached planting agreement. Also, please notify the Commission once the mitigation plantings have been implemented. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resources Planner

Cc: Mr. C. Samuel Boston, President, Board of Somerset County Commissioners
Mr. James Henderson, Warden, Somerset County Detention Center

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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November 9, 2006

Ms. Joan Kean, Director
Department of Technical and Community Services
P.O. Box 37
11916 Somerset Avenue, Room 102
Princess Anne, Maryland 21853

Re: Somerset County Detention Center

Dear Ms. Kean:

The purpose of this letter is to notify you that the Project Subcommittee of the Critical Area Commission determined that the above referenced project is incomplete. Final approval by the Board of Zoning Appeals regarding the impervious surface limits must be obtained prior to Commission approval of this project. As you are aware per your conversation with Ren Serey, the Project Subcommittee also had questions regarding the inclusion of this area within the Critical Area and as a Resource Conservation Area (RCA). The Subcommittee thus requested that when the above information is submitted for a complete packet, Somerset County includes, to the extent available, the following information:

1. Information stating why the Critical Area was expanded in this area
2. Information as to why this area was designated as RCA
3. Whether the County ever considered mapping this portion of the extended area as IDA

I look forward to assisting you in any way towards determining the above information. Please feel free to contact me at any time.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



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August 31, 2006

Mr. Charles E. Massey
County Administrator
Somerset County
11916 Somerset Avenue
Princess Anne, MD 21853

Re: Town of Princess Anne – Somerset County Office Complex
Map 200, Parcel 110

Dear Mr. Massey:

As you may recall, in February of 2005, Commission staff conducted a site visit to the Somerset County office complex within the Town of Princess Anne in order to finalize a review of multiple development proposals. These proposals included construction of a 2,400 square foot storage building and a 900 square foot concrete pad in order to accommodate a new emergency services radio tower. While the review of these development activities was handled through submission of a consistency report, the 10% pollutant reduction requirement was not met at the time. It was agreed upon then that Commission staff would work with the County to find a method for meeting this 10% requirement within 60 days of the consistency determination.

Unfortunately, and for various reasons, the 60 day timeframe was not met and the 10% rule compliance remains outstanding at this time. Given the amount of time that has passed, as well as the inability of the Commission to find an appropriate solution to 10% compliance within the Town of Princess Anne, Commission staff recommends that compliance with the 10% rule be tied to future projects requested by Somerset County. For instance, the proposed expansion at the Somerset County Detention Center will require a conditional approval by the Critical Area Commission. This office recommends that Somerset County explore options to meet the 10% requirement as a component of the proposed project.

Please let me know in writing if this solution is acceptable to you. Alternatively, if the County proposes a different method of compliance, Commission staff would be glad to discuss another option. Thank you for your efforts in coordinating review of this project. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt

Kate Schmidt
Natural Resource Planner

Cc: Joan Kean, Technical and Community Services
Tracey Gordy, MDP

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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www.dnr.state.md.us/criticalarea/

July 7, 2006

Mr. James Lee Henderson
Somerset County Detention Center
30474 Revells Neck Road
Westover, Maryland 21817

RE: Critical Area Commission Conditional Approval
Proposed Detention Center Work Release Addition

Dear Mr. Henderson:

This letter is intended to clarify the requirements of the conditional approval required for the proposed addition at the Somerset County Detention Center due to the impervious surface on site. In order for the Critical Area Commission to process a conditional approval, we must be in receipt of a complete packet one month prior to scheduled Commission meetings. The Critical Area Commission meets the first Wednesday of every month.

Ms. Joan Kean, Director of the Somerset County Department of Technical and Community Services has forwarded to us the responses required by the applicant to process the conditional approval. However, additional information is outstanding; including a complete site plan and required permits. This letter is to provide you with additional guidance as to those elements.

The following information should be included on a site plan:

General Mapping Features

- Vicinity Map
- Project boundary/Limits of disturbance
- Scale
- Orientation
- Project Name and Location
- Tract or Lot Lines
- Critical Area Boundary
- Agricultural Lands
- Topography
- Vegetative Cover
- Existing and Proposed Structures

Habitat Protection and other Sensitive Mapping Features

- Buffers
 - Minimum 100' from tidal waters, tidal wetlands, and tributary streams
 - 25' from nontidal wetlands
- Tidal Wetlands
- Nontidal Wetlands

Please include the following text information, where it applies, in the application materials regarding general project information. This may be included in the form of letters, reports, or site plan notes:

- Method of stormwater control
- Impervious Surface Information
- Soil erosion and sediment control measures and implementation strategy
- Afforested area (site must have minimum of 15% forest cover)

Prior to bringing the project to the Critical Area Commission, the following permits and documents must be secured or in the final stage if applicable to the site.

- Maryland Department of the Environment (MDE)
 - Stormwater Management
 - Sediment & Erosion Control Plan

In addition, review and comment from DNR Wildlife and Heritage Service is necessary to determine potential impacts to additional resources including threatened and endangered species, plant and wildlife habitat, forest interior dwelling birds species (FIDs), and Natural Heritage Area's. Please forward your project to DNR Wildlife and Heritage for review.

I understand the Somerset County Department of Technical and Community Services is available to advise you further on how to proceed. Please feel free to contact me at 410-260-3475 if you have any additional questions.

Sincerely,



Kate Schmidt
Natural Resource Planner
SO273-06

cc: Joan Kean, Somerset County Technical and Community Services

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

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Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401
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www.dnr.state.md.us/criticalarea/

June 16, 2006

Ms. Joan Kean
Somerset County
Department of Technical & Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Somerset County Detention Center Addition

Dear Ms Kean:

This letter is in response for your request to provide preliminary comments regarding the above referenced project. The project is an addition to the Somerset County Detention Center. The project site is 6.169 acres and is located within a Resource Conservation Area (RCA). The site is currently developed with a facility, parking lots and access roads totaling 65,400 square feet of impervious surface. The proposed addition is 5,520 square feet for a total impervious surface of 70,920 square feet.

Development on sites designated RCA is limited to 15% impervious surface coverage. Currently the site has 24% impervious surface coverage. The proposal will increase impervious surface coverage to 26.4%. Given that the property is owned by Somerset County, the County may seek a conditional approval from the Critical Area Commission for approval of this project under Critical Area Criteria, COMAR 27.02.06 'Conditional Approval of State or Local Agency Programs in the Critical Area'. Under this section, if development proposed by a State or local agency located in the Critical Area is prohibited from occurring than the agency proposing the development may seek conditional approval for the project.

In order for the Critical Area Commission to process this request as a conditional approval the following information will be required:

In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:

TTY for the Deaf

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

B.(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

B.(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

B.(3) That the project or program is otherwise in conformance with this subtitle;

The conditional approval request shall, at a minimum, contain the following:

C.(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;

C.(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

C.(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

Please feel free to contact me at 410-260-3475 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Kate Schmidt
Natural Resource Planner
SO273-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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Executive Director

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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/

May 2, 2006

Mr. James Lee Henderson
Somerset County Detention Center
30474 Revells Neck Road
Westover, Maryland 21817

RE: Proposed Work Release Addition Consistency Report

Dear Mr. Henderson:

This letter is in response for your request to review the above referenced project. The project is an addition to the Somerset County Detention Center. The project site is 6.169 acres and is located within a Resource Conservation Area (RCA). The site is currently developed with a facility, parking lots and access roads totaling 65,400 square feet of impervious surface. The proposed addition is 5,520 square feet for a total impervious surface of 70,920 square feet.

Based upon the information you have provided I have determined that you will need to seek a conditional approval from the Critical Area Commission for approval of this project. Under Critical Area Criteria, COMAR 27.02.06 'Conditional Approval of State or Local Agency Programs in the Critical Area', if development proposed by a State or local agency located in the Critical Area is prohibited from occurring than the agency proposing the development may seek conditional approval for the project. As referenced by Ms. Joan Kean in her letter to you on February 22, 2006 development in RCA's are limited to 15% or 40,308 square feet on this site.

In order for the Critical Area Commission to process this request as a conditional approval you will need to work with the Somerset County Critical Area Program to make the request. The following information will be required:

In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:

B.(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

B.(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

B.(3) That the project or program is otherwise in conformance with this subtitle;

The conditional approval request shall, at a minimum, contain the following:

C.(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State of local agency program or project;

C.(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

C.(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

Please feel free to contact me at 410-260-3475 if you have any questions. The Somerset County Department of Technical and Community Services can advise you further on how to proceed.

Sincerely,



Kate Schmidt
Natural Resource Planner
SO273-06

cc: Joan Kean, Somerset County Technical and Community Services

50273-06



SOMERSET COUNTY DETENTION CENTER

30474 REVELLS NECK ROAD WESTOVER, MARYLAND 21871

TELEPHONE: 410-651-9223, 9224
FAX: 410-651-9361

JAMES L. HENDERSON
WARDEN

CAROLYN CULLEN
ASSISTANT WARDEN

April 5, 2006

Ms. Kerrie Gallo
Critical Area Commission
1804 West St., Suite 100
Annapolis, MD 21401

Dear Ms. Gallo:

RE: Proposed Work Release Addition within Chesapeake Bay Critical Area

We here in Somerset County are proposing to build an addition to the Somerset County Detention Center. A 42-bed dormitory prefabricated to Correctional grade standards is proposed. This will give temporary relief to the overcrowding conditions and allow the Warden to increase the security elements.

Hopefully, you will find all the information that is required by your department and find the information reader friendly. Please feel free to contact me for any information or explanation on this or any other matter. I have included e-mail on how the figures were derived.

Sincerely,

James Lee Henderson
James Lee Henderson
Warden

JH:vl





**SOMERSET COUNTY
DEPARTMENT OF TECHNICAL AND COMMUNITY SERVICES**

Joan S. Kean, Director

November 13, 2006

Ms. Kate Schmidt
Natural Resource Planner
Critical Area Commission
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Somerset County Detention Center

Dear Ms. Schmidt:

This letter accompanies background information on the questions raised by the Subcommittee as to County decisions in the 1986-1988 time period. As noted, I have tried to reconstruct thinking of the period but other than myself, institutional memory is limited here in the planning office.

I am somewhat surprised that the Subcommittee wanted us to go through the Appeals process first, since at the time of the original submittal, I was told it should go through the Commission first. When it became apparent that the numbers had been changed on a review by the engineering firm, I believed it would be best to proceed through the Commission to ensure that *all* Critical Area requirements were met before going back to the Board of Appeals.

At any rate, the BZA must be advertised fifteen days in advance, and an opportunity to go to the November Board meeting was therefore missed. The Board will rehear the matter with the revision on December 8, 2006. A copy of the public notice is also enclosed. Unfortunately, this does not coincide with the Critical Area Commission schedule and will push back the timing on the building permit even further.

I hope that the information included addresses the other questions raised by the Subcommittee. Please let me know if the Warden and other officials should attend the next meeting.

Sincerely,

Joan S. Kean
Director

11916 Somerset Ave., Room 211 • Princess Anne, MD 21853
Telephone (410) 651-1424 or (410) 651-1005 • Fax (410) 651-2597
E-Mail: dtcs@co.somerset.md.us

RECEIVED

NOV 15 2006

CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

MAPPING OF THE CHESAPEAKE BAY CRITICAL AREA

JOAN S. KEAN, DIRECTOR, DEPARTMENT OF TECHNICAL AND COMMUNITY SERVICES.

The following information is based on memory my memory as a new CZM grant planner who came to the County in late 1986. Both Ron Adkins, the Director at that time, and Jim Windsor, the Zoning Inspector, are deceased.

The County hired the firm of Rodgers, Golden and Halpern from Philadelphia, Pennsylvania to develop the local Critical Area Program and mapping. The aerial maps with tax map overlay were a one-time project supplied by the State. Most of these aeriels were approximately 1985. These were used as base maps with mylar overlays covering the Critical Area and Buffer lines, wetlands, agriculture and forest, classifications and other Critical Area requirements.

The draft of the program was finished and printed by December 1987 and the final draft was approved by the County Commissioners in September of 1988. It is presumed that the essential mapping was finished by 1987, with some adjustments as public hearings were held.

The Eastern Correctional Institute was built in 1987, as was the Somerset County Detention Center. The land for the Detention Center was given to the County by the State and the facilities were built at approximately the same time. The County Planning Department (DTCS) did not review site plans for these facilities and does not see plans for State properties or review them for zoning considerations. Once built, the initial ECI complex was a much smaller footprint from what has since evolved, since additions have been made several times. Community water and sewer did not exist in this area until ECI ran a vacuum system to the Princess Anne Treatment Plant. The Detention Center was allowed to link into ECI. Only later, would ECI have its own plant and discharge to the Manokin River.

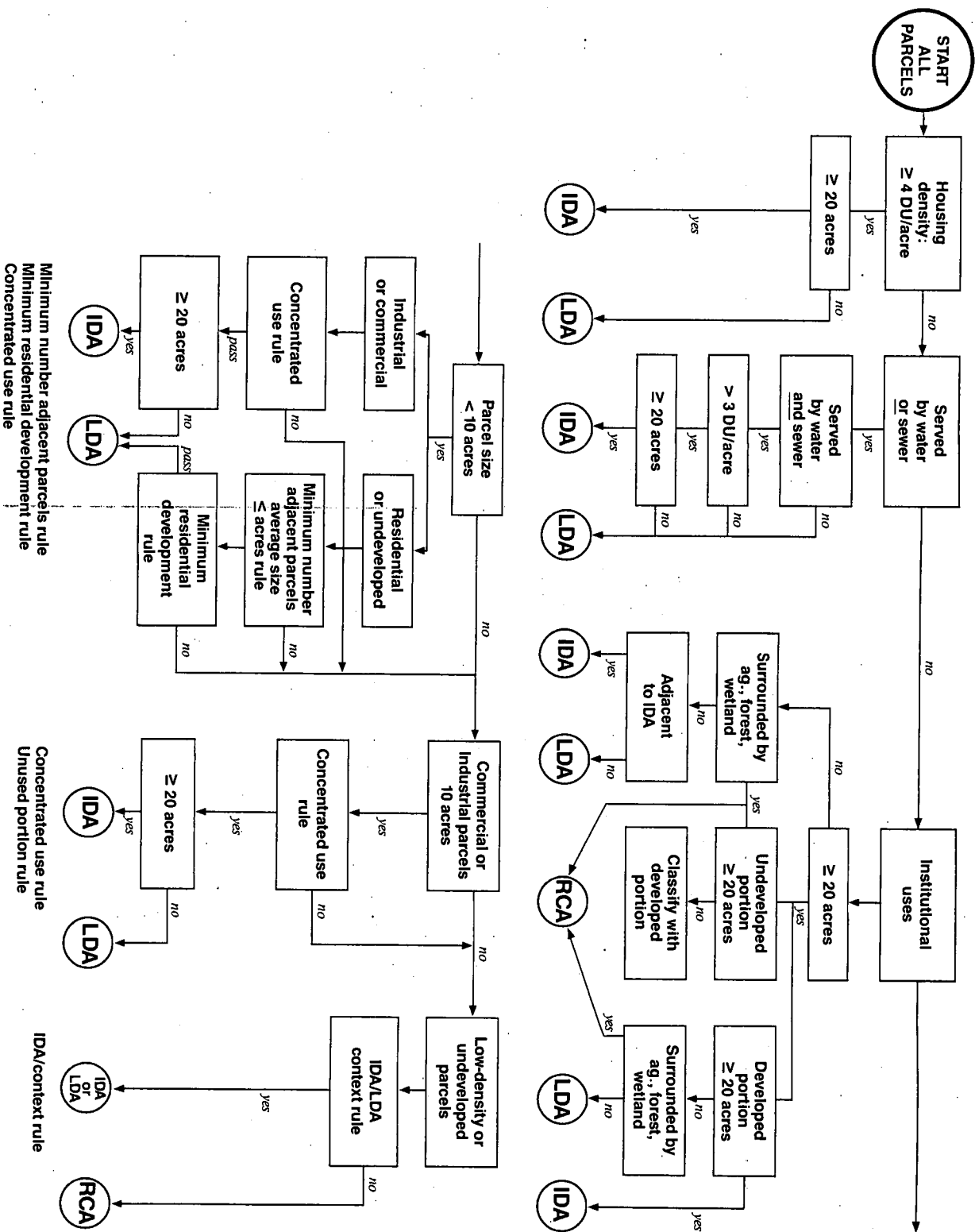
Given this, the aerial/tax maps issued by the State for Critical Area mapping showed the parcel on which the Detention Center would be placed, but did not show any buildings on the site. ECI is also absent from the maps, with the result being over 500 acres of State owned property, much of it forested and palustrine forested wetland to the South and Agricultural in the vicinity of what would become the ECI complex. This land falls between two branches of Tidal Waters of the Manokin: Kings Creek and Back Creek and forms a green infrastructure link between these two portions of Critical Areas.

As the Critical Area law allowed the County to add additional acreage to the Critical Area, and the only property owner involved would be the State itself, the County proceeded to map this area as Critical Area and based on its characteristics—RCA. The classification method by the County required that for a property to be defined as being served by water and sewer, it must be served or be within 300 feet of a water or sewer line as of December 1, 1985. This was not the case. Moreover, even if the Detention Center has been seen as separate from the State land by the time the Local Program was adopted by Resolution and Ordinance as under ten acres, it would have

been subject to the concentrated use rule or the IDA?LDA context rule under the consultant's developed classification criteria, and thus still subject to a 15% impervious surface limitation. A copy of this criteria is attached.

The County has only amended its maps through Growth Allocation as part of a development proposal (Growth Allocation is project based) and to include some areas as Buffer Exempt (originally no Buffer Exempt Areas were mapped). Unless a different methodology was applied, it is questionable whether either of these parcels would be mapped IDA.

FIGURE 12
Land Use Classification Method for Somerset County Chesapeake Bay Critical Area.
Designation of Intensely Developed Area, Limited Development Areas, and Resource Conservation Areas.



of these areas, prepared as overlays to County tax maps, are available for review in the County Department of Technical and Community Services. A summary map is provided as Figure 1.1. The method used to delineate each area is described below.

Step 1. Classifies residential areas based on density and size.

Step 2. Classifies areas based on presence of water and/or sewer service and housing density. A property is defined as being served by water or sewer if it is within 300 feet of a

Given the overall low intensity of development county-wide, the County determined that 15 acres would be an appropriate size for a stand-alone LDA i.e., an LDA surrounded by RCA. LDAs must have a minimum density of 0.2 parcels per acre.

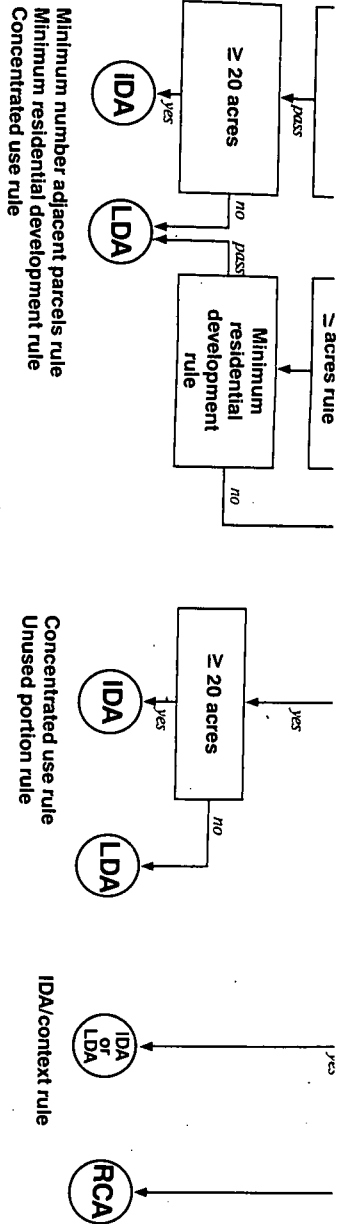
of these areas, prepared as overlays to County tax maps, are available for review in the County Department of Technical and Community Services. A summary map is provided as Figure 1.1. The method used to delineate each area is described below.

Method for Delineating Land Use Management Areas

This section describes the land use classification method for delineating the three land use management areas above the mean high tide specified in the Criteria. The Criteria specify housing densities that characterize the three areas. These rules are modified by the presence or absence of sewer and water and an area's size. They specify that areas dominated by agriculture, forest, wetland, barren land, and open space be classified as RCA.

The Criteria leave certain mapping decisions to the County. These decisions express the County's local planning prerogatives within the mapping requirements set by the Critical Area Criteria. The County's method for delineating development areas integrates the mapping requirements of the Criteria with the County's mapping rules.

As shown in Figure 1.2, the method is parcel-based and proceeds sequentially through six steps. (A parcel is defined as a property owned by a person or persons, portions of such property separated by a state road, or portions of such property having different land use characteristics.) The acreage thresholds used in the method are related to the Criteria.



Step 1. Classifies residential areas based on density and size.

Step 2. Classifies areas based on presence of water and/or sewer service and housing density. A property is defined as being served by water or sewer if it is within 300 feet of a water or sewer line as of December 1, 1985.

Step 3. Classifies institutional uses according to land use context.

Step 4. Classifies parcels 10 acres or less based on commercial, industrial, and residential uses, size, and level of development.

Step 5. Classifies industrial and commercial parcels larger than 10 acres based on size.

Step 6. Classifies remaining parcels according to their land use context.

Steps 4 through 6, while based on the Criteria, provide the opportunity for the County to accommodate provisions of its planning and zoning documents and local land use patterns and trends. These opportunities take the form of the following four rules:

1. The minimum size of a stand-alone Limited Development Area is 15 acres. ("Minimum Size LDA Rule")

Given the overall low intensity of development county-wide, the County determined that 15 acres would be an appropriate size for a stand-alone LDA i.e., an LDA surrounded by RCA. LDAs must have a minimum density of 0.2 parcels per acre.

The County only considered lots 10 acres or less under this rule. Also included for consideration were portions 10 acres or less of larger parcels where the remainder of the parcel is not in the Critical Area. The 10-acre limit is imposed to keep lots in an LDA all within a size range that is consistent with the purpose of the zone.

In several instances developed areas, each too small to be classified as an LDA, are separated by a narrow strip of land that belongs to a larger parcel. In these cases the overall development pattern dictates that they be combined as one LDA, provided their combined areas qualify. The maximum separation of the two developed areas in such cases is 600 feet.

The minimum size LDA rule is used in conjunction with rule 2, the minimum residential development rule.

2. LDA density must be 0.2 lots per acre, 30 percent of which must be developed. ("Minimum Residential Development Rule")

A minimum level of actual development has been set for a group of adjacent lots to qualify for designation as LDA or IDA. This rule reflects understanding of the slow, lot-by-

not development peculiar to the County even within planned subdivisions. The County created this rule to distinguish between groups of lots that are significantly developed, and therefore LDA or IDA, and lots where very little or no development has occurred and should be classified as RCA.

Properties receiving interim final approval (between June 1, 1984, and December 1, 1985) are classified as LDA if at buildout the housing density will be at least 0.2 dwelling units per acre.

3. Concentrated industrial and commercial uses of three or more adjacent parcels constitute an LDA or IDA, and such parcel is an LDA if its actively used area is greater than 10 acres. ("Concentrated Use Rule")

In the areas outside of the towns, commercial and industrial uses are limited. In light of this characteristic pattern, the County has determined that three or more adjacent commercial or industrial properties in any combination constitute a concentrated land use pattern and therefore form an LDA and may form an IDA if large enough. If more than 50 percent of commercial or industrial property is in active use, then the whole property is classified as LDA (or IDA).

4. IDA/LDA context rule.

All the rules discussed above deal with classification of individual properties. However, a regional perspective on classification of land in the Critical Area requires that a larger context also be considered. The County therefore considered parcel size and adjacent land uses both within and outside the Critical Area when classifying undeveloped parcels on the upland edge of the Critical Area. The following context rules were applied to vacant parcels surrounded by LDA (or IDA) in the Critical Area:

- Undeveloped parcels of less than 10 acres are classified as LDA (or IDA).
- Undeveloped parcels of less than 20 but greater than 10 acres adjacent to LDA-like (or IDA-like) land outside the Critical Area are classified as LDA; otherwise they are classified as RCA.
- Undeveloped parcels of less than twenty acres surrounded on all sides by LDA are classified as LDA.
- Undeveloped parcels of 20 acres or more are classified as RCA.

In the case of tidal wetlands, the classification of the nearest contiguous upland area will apply as it concerns water-dependent facilities.

After the program goes into effect, there will be procedures to review proposed changes in map designation. Changes in land use classification and changes in land use that occur through local permitting and approval processes will be monitored by the County Department of Technical and Community Services (DTCS) so that cumulative changes are recorded.

TABLE 13
Size of Land Use Management Areas in
Somerset County's Critical Area
Land Use

Jim Henderson on behalf of the Somerset County Commissioners and the Somerset County Detention Center of 11916 Somerset Avenue, Princess Anne, Maryland has requested a revision of approved Critical Area Variance #06-834 as it pertains to the allowed amount of impervious surface on a lot located on the north side of Revells Neck Road, approximately two hundred twenty (220) feet to the west of Ocean Highway (US 13) in the Westover Election District. The lot can be found on Tax Map #32, Block #6, Parcel #204 and is zoned Agriculture-Residential (AR) and is designated as RCA (Resource Conservation Area) with the Chesapeake Bay Critical Area. Section 6.13H (8) states Resource Conservation Area (RCA) designated property is limited to 15% impervious surface. Existing impervious surface on referenced parcel is currently 24% and applicants requested a variance for an additional 2% before the BZA at the June 16, 2006 hearing for a total of 26%, which was granted. However the amount of existing impervious surface was incorrect and an additional 3% has been requested for a total variance of 5% therefore creating the total impervious surface of 29% in order for Somerset County to place the addition of a dormitory at the Somerset County Detention Center.



**SOMERSET COUNTY
DEPARTMENT OF TECHNICAL AND COMMUNITY SERVICES**

Joan S. Kean, Director

February 22, 2005

Mr. James Henderson
Warden
30474 Revells Neck Rd.
Westover, MD 21871

Re: Proposed Work Release Addition within Chesapeake Bay Critical Area

Dear Mr. Henderson:

I have reviewed the information you have provided regarding the addition to the Somerset County Detention Center. At this time we have a conceptual drawing of the planned addition, but no actual site plan, but I can comment on compliance with the "Regulations for Development In The Critical Area Resulting From State And Local Agency Programs."

The project area is 6.169 acres and is located within the Resource Conservation Area designated by the County. As an existing institutional use, it is allowed. The zoning is Agricultural Residential, however, the use as a county detention center is allowed and does not conflict with the Critical Area regulations.

There is no Buffer or wetlands on the property, and is it presently maintained in lawn. Critical Area regulations do require that the total impervious surface on the parcel be limited to 15% or 40,308 square feet. The proposed addition is 5,520 square feet. You will need to provide us with the total impervious surface on the site plan and it must be under the total allowed or a variance will be required.

Critical Area regulations will require a planting plan or payment of a fee in lieu, which must be shown on the site plan. You will also be required to meet stormwater management requirements since the addition is above the square footage that can obtain an exemption.

As long as these criteria are met, there is no reason that this project would not meet the standard for a minor development of only local significance. While a new prison facility may be considered a major development with substantial impact, this small addition to an existing facility would not rise to that level in my estimation. In addition, there will be no harmful environmental consequences.


This letter can be considered as certification from this Department of Critical Area Compliance. You should now send a copy of this letter and a complete set of project plans to Ms. Kerrie Gallo, Critical Area Commission, 1804 West Street, Suite

Page 2

100, Annapolis, MD 21401. Ms. Gallo will review the proposed project and advise you of any concerns the Critical Area Commission may have.

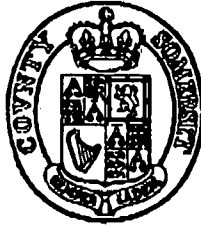
Thank you for the opportunity to review the project. Any changes made to the project may require additional review. Barring that, I will anticipate receiving the site plan for review by the Technical Advisory Committee and the Planning Commission when you are ready to move ahead with approvals.

Sincerely,


Joan S. Kean
Director

Cc: Debbie Lawson

SOMERSET COUNTY
DEPARTMENT OF TECHNICAL AND COMMUNITY SERVICES



Planning & Technical Services Division

**SOMERSET COUNTY BOARD OF ZONING APPEALS
PRINCESS ANNE, MARYLAND**

APPLICATION NO. CA VAR 06-834 (Revision)

**RE: Jim Henderson on behalf of the
Somerset County Commissioners and
Somerset County Detention Center**

Upon the Application for Critical Area Variance to the property described therein located in the Westover Election District on Tax Map #32, Block #6, Parcel #204, and after consideration of the said Application and the testimony and other evidence presented to the Board at the hearing held on Friday, December 8, 2006, the Board of Zoning Appeals hereby finds:

(1) That the requirements of Section 9.3 b. (9) of the Zoning Ordinance have been met by the Applicant, that special circumstances and conditions exist which are peculiar to the property involved and which are not applicable to other properties in the same zone.

(2) That the Somerset County Commissioners are the fee simple owners of the property and have applied for a revision of approved Critical Area Variance #06-834 as it pertains to the allowed amount of impervious surface.

(3) That a literal interpretation of the provisions of the Ordinance would deprive the Somerset County Commissioners and the Somerset County Detention Center, of its rights commonly enjoyed by other properties in the same zone under terms of this Ordinance.

(4) That although the special conditions and circumstances referred to above do result from actions of the Somerset County Commissioners and the Somerset County Detention Center, the Applicant has submitted evidence as to the need for the additional impervious surface at this location and has provided the information necessary to obtain site plan approval for stormwater management and Critical Area plantings of native vegetation to mitigate the variance and thereby overcoming the presumption of nonconformance.

(5) That there appeared no adjoining property owners either in person or by letter before the Board to express opposition to the Application for Variance.

(6) That the granting of this Variance will confer Applicant with special privileges that are denied by the Zoning Ordinance to other properties in the same zone.

(7) That the impervious surface limitation places an unwarranted hardship on the County, denying reasonable and significant use of the entire parcel in that it is the site of the existing Detention Center and an additional dormitory is necessary to meet the requirements of public health and safety.

(8) That the Variance will not be injurious to the neighborhood, which includes the adjacent Eastern Correctional Facility, and is in harmony with the general purpose and intent of the Zoning Ordinance.

(9) The Board found the following facts in this particular matter:

(a) The Applicant had appeared before the Board of Zoning Appeals on June 16, 2006 and was granted a Critical Area Variance of an additional 2% to the 24% impervious surface for a total of 26% impervious surface at that time to place a portable dormitory at the Somerset County Detention Center.

(b) The Applicant learned that the amount of existing impervious surface was incorrect and an additional 3% is needed for a total Variance of 5%, increasing the total impervious surface to 29% for placement of the dormitory addition at the Somerset County Detention Center.

(c) In a memorandum to the Board of Zoning Appeals, dated December 7, 2006, Ms. Joan Kean stated that actual site plans, submitted for review prior to the October Planning Commission meeting, revealed that the existing amount of impervious surface had been underreported. The Planning Commission gave conditional approval, which would depend on approval by the Critical Area Commission, resolution of the pump concerns with the Sanitary Commission, and Board of Zoning Appeal approval for the amount of impervious surface now shown on the site plan. The memorandum was submitted as Exhibit #1.

(d) Mr. Jim Henderson, appearing on behalf of the Somerset County Commissioners, explained the mistake in calculations and the research of cost to add to the facility. He advised that another 3% is needed, in addition to the 2% granted in June 2006, for a total variance of 5%. The total impervious surface would be 29%.

(e) Testimony revealed that the addition will be on the east end and the forested plan and stormwater management plan had been completed. Mr. Henderson advised that there is enough room for another wing, and the new building should offer adequate space for 20 years or more. The County Commissioners have received a Five

Hundred Thousand Dollars (\$500,000.00) grant for the construction of the new building from State of Maryland, Department of Budget Management.

Upon the foregoing, the Critical Area Variance is granted by the unanimous vote of all Board members present.

This decision is only zoning approval. It is the Applicant's responsibility to submit all necessary information or documents (i.e. elevation certificate, plumbing information, etc.) to the Department of Technical & Community Services to obtain a Zoning Certificate.

For these reasons, and subject to the above conditions, if any, the Application for Critical Area Variance is granted.

By order of the Board of Zoning Appeals this 15th day of December, 2006.

Robert Hess / s/
Robert Hess, Chairman
Board of Zoning Appeals

YOU HAVE THE RIGHT TO APPEAL THIS DECISION TO THE CIRCUIT COURT OF MARYLAND WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS DECISION.

Critical Area Commission

STAFF REPORT

November 1, 2006

APPLICANT: Somerset County

PROPOSAL: Somerset County Detention Center

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Conditional Approval

STAFF: Kate Schmidt

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

DISCUSSION:

The Somerset County Detention Center located on Revells Neck Road, Westover Maryland is proposing to construct a 42-bed dormitory to relieve overcrowding and increase security. The detention center is located on a 6.17 acre parcel adjacent to the Eastern Correctional Institute (ECI). While the site is located more than 1000 feet from tidal waters, the County included the ECI and adjacent lands (including some state land) within the Critical Area and designated the area as Resource Conservation Area (RCA). The land for the detention center was given to the County by the State in 1984 and the present building was constructed in 1987, prior to the adoption of the Somerset County Critical Area Program on September 10, 1988.

Currently, the site is developed with an existing 23,000 square foot work release center and outdoor recreation area, parking lot, and sidewalk totaling 1.628 acres or 26.4% of the site. RCA's are limited to impervious surface of 15%. The proposed facility expansion of 5,640 square feet would increase impervious surface by 2.18% bringing the total coverage of the site up to 28.6%.

Under the Somerset County Critical Area Program, the applicant (in this case the County) must receive a variance from the 15% impervious surface limit from the Board of Zoning Appeals. The BZA granted a variance regarding impervious surface at their June 2006 meeting. However, a change in the site plan since that time will require that the BZA hear a revision to that variance with an additional increase in impervious surface. This approval will have to be granted prior to the project moving forward.

Local approvals for stormwater and sediment and erosion control have been obtained by the applicant. Stormwater requirements are being met through rooftop and non-rooftop disconnection credits.

There are no Habitat Protection Areas within the project location. Based on review of data from DNR's GIS website, MERLIN, the project is not located within a sensitive species area or a natural heritage area.

Conditional Approval Process

In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:

The following are the responses of the applicant:

B.(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

Special circumstances include the fact that when the facility was built there was no knowledge that this area would be included in the Critical Area due to its distance from tidal waters. The existing detention center has been located at the present site for some time, making expansion at this location the logical and only economical solution for the County. The costs of maintaining facilities at two separate locations in the County would be cost prohibitive. For example, the addition is to serve work release and wheel chair bound inmates and is connected to the existing building by a corridor. Food preparation will only occur in the main building.

B.(2) That the project or program otherwise provides substantial public benefits to the Critical Area Program;

The plantings, which include willow oak, riverbirch and serviceberry, will provide education to the general public as to the use of native species and the value of trees and shrubs over grass lawn. Typically, developers in the county dismiss the use of such trees/shrubs as impractical. It will also show benefits to the environment on the shading of parking areas and reducing heat gain from asphalt surfaces. Moreover, the location of the plantings are topographically situated so as to control runoff from the parking area towards the road that could contribute to stormwater on the opposite side of Revell's Neck road, which is also within the Critical Area.

B.(3) That the project or program is otherwise in conformance with this subtitle;

All site plan requirements including Technical Advisory Committee (TAC) review and Planning Commission approval are required. The project has been reviewed for

stormwater management and approved based on credits achieved according to the Maryland Design Standards Manual. The Somerset County Critical Area Program requires a variance to be granted to existing industrial, institutional, and commercial facilities by the Board of Zoning Appeals, if such expansion or intensification involved does not conform with the provisions of the County's Program. Any variance granted by the BZA is limited to an increase of no more than 25% of the existing use of structure (Program for Development in RCA, p.2.8 Somerset County Critical Area Program). This was initially accomplished with the approval and findings of the BZA. However, the updated site plan provided new information to the Department on 9/25/06 that increased computations of the existing impervious surface to 26.4% or 70,945.22 square feet and the total proposed impervious surface to 28.58%. This will require a return to the local Board of Zoning Appeals for 29.0% impervious surface.

The conditional approval request shall, at a minimum, contain the following:

C.(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State of local agency program or project;

The County Commissioners and James Henderson, Warden of the Detention Center, have responded to the Facility Program Part II, Local Jails Capital Improvement Program Policy and Procedures Manual for funding of this project. The costs of such a project continue to escalate and it is of prime importance that the expansion can depend on the existing computer center, food preparation area and workforce available at the present site.

C.(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

The project has already conformed with the local program by an advertised public hearing before the Board of Zoning Appeals for a variance to the impervious surface requirement in RCA. It is not anticipated that there would be any problem with the addition to the variance based on the Board's previous decision. As an existing institutional use, it is allowed this expansion with the approval of the BZA. Mr. Henderson has also requested and received a letter of consistency with the local program from the Planning Director. Sediment and erosion control plans have been approved by the Somerset Soil Conservation District and the County's Stormwater Engineer has approved the stormwater disconnection offsets. Once conditional approval is received by the Critical Area Commission, the project must obtain site plan approval by the Somerset County Planning and Zoning Commission that meets the County requirements for stormwater management and mitigation in the form of tree planting on site.

C.(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

As stated, the proposal will require mitigation in the form of tree planting requirements for the 5,880 square feet of impervious surface. A planting plan, for 6,100 square feet, has been developed and a planting and maintenance agreement is a standard requirement by the Department of Technical and Community Services. Stormwater management requires adherence to approvals based on building design. The property itself is approximately 2,200 feet from tidal waters and should not adversely affect the nearest tributary, Kings Creek, which is separated from the facility by ECI and the State Police Facility, approved several years ago, on Perry Road as well as forest, farmland and historic Beverly to the north of Perry Road. The undeveloped portion of the Detention Center site has always been maintained in lawn.

The Commission shall approve, deny, or request modifications to the request for conditional approval based on the following factors:

E.(1) The extent to which the project or program is in compliance with the requirements of the relevant chapters of this subtitle;

E.(2) The adequacy of any mitigation measures proposed to address the requirements of this subtitle that cannot be met by the project or program; and

E.(3) The extent to which the project or program, including any mitigation measures, provides substantial public benefits to the overall Critical Area Program.

Staff Recommendation

Commission staff recommend that this project be approved.

Table for BZA Approval

Research PCA designation - rationale for expansion
& designation

Critical Area Commission

STAFF REPORT

January 3, 2006

APPLICANT: Somerset County

PROPOSAL: Somerset County Detention Center

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Conditional Approval

STAFF: Kate Schmidt

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

DISCUSSION:

The Somerset County Detention Center located on Revells Neck Road, Westover Maryland is proposing to construct a 42-bed dormitory to relieve overcrowding and increase security. The detention center is located on a 6.17 acre parcel adjacent to the Eastern Correctional Institute (ECI). The site is in the Critical Area even though it is located more than 1000 feet from tidal waters. The Commission approved the County's original Critical Area Program which included the ECI and adjacent lands (including some state land) within the Critical Area and designated the area as Resource Conservation Area (RCA). The land for the detention center was given to the County by the State in 1984 and the present building was constructed in 1987, prior to the adoption of the Somerset County Critical Area Program on September 10, 1988.

Currently, the site is developed with an existing 23,000 square foot work release center and outdoor recreation area, parking lot, and sidewalk totaling 1.628 acres or 26.4% of the site. RCAs are limited to impervious surface of 15%. The proposed facility expansion of 5,640 square feet would increase impervious surface by 2.18% bringing the total coverage of the site up to 28.6%.

Under the Somerset County Critical Area Program, the applicant (in this case the County) must receive a variance from the 15% impervious surface limit from the Board of Zoning Appeals. The BZA granted a variance allowing 29% impervious surface coverage on December 8th, 2006.

Local approvals for stormwater and sediment and erosion control have been obtained by the applicant. Stormwater requirements are being met through rooftop and non-rooftop

disconnection credits.

There are no Habitat Protection Areas within the project location. Based on review of data from DNR's GIS website, MERLIN, the project is not located within a sensitive species area or a natural heritage area.

Critical Area Designation

In November, 2006 the Project Subcommittee requested additional information regarding the extension of the Critical Area and its designation as RCA. Joan Kean is Director of the County's Department of Technical and Community Services. She was not directly involved in developing the County's Critical Area maps, but has provided the following information based on her Department's records:

When Somerset County began to map the Critical Area, it used aerial maps from 1985 with a tax map overlay supplied by the State. The maps showed the parcels for the Detention Center and ECI but did not show any buildings on either site. As stated previously, these facilities were constructed in 1987, two years after the aerial photography. *(Staff note: The Commission's records no longer contain specific information about the mapping of this site. However, the Critical Area Criteria required local mapping to be based on land uses and development in existence on December 1, 1985.)*

The 1985 aerial photography showed over 500 acres of State owned property, much of it forested and palustrine forested wetland, to the South of the Manokin River. Additionally, the vicinity of the ECI complex site was predominately agriculture. A unique feature of this area is that this land falls between two branches of tidal waters of the Manokin River: Kings Creek and Back Creek. Thus, this land formed a green infrastructure link between these two portions of Critical Area. As the Critical Area law allowed Somerset County to include additional acreage in the Critical Area, and the only property owner involved would be the State itself, the County proceeded to include this area as Critical Area and map it based on its 1985 characteristics, which were RCA. The County Critical Area Program was approved in 1988.

Conditional Approval Process

In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:

The following are the responses of the applicant:

B.(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

When the facility was built in 1987, there was no knowledge that, two years later, this area would be added to the Critical Area. The existing detention center has been located at the present site for some time, making expansion at this location the logical and only economical solution for the County. The costs of maintaining facilities at two separate locations in the County would be prohibitive. For example, the addition is to serve work release and wheelchair bound inmates and is connected to the existing building by a corridor. Food preparation will only occur in the main building.

B.(2) That the project or program otherwise provides substantial public benefits to the Critical Area Program;

The plantings, which include willow oak, riverbirch and serviceberry, will provide education to the general public as to the use of native species and the value of trees and shrubs over grass lawn. Typically, developers in the county dismiss the use of such trees/shrubs as impractical. It will also show benefits to the environment on the shading of parking areas and reducing heat gain from asphalt surfaces. Moreover, the location of the plantings are topographically situated so as to control runoff from the parking area towards the road that could contribute to stormwater on the opposite side of Revell's Neck road, which is also within the Critical Area.

B.(3) That the project or program is otherwise in conformance with this subtitle;

All site plan requirements including Technical Advisory Committee review and Planning Commission approval are required. The project has been reviewed for stormwater management and approved based on credits achieved according to the Maryland Design Standards Manual. The Somerset County Critical Area Program requires a variance to be granted to existing industrial, institutional, and commercial facilities by the Board of Zoning Appeals, if such expansion or intensification involved does not conform with the provisions of the County's Program. ~~Any variance granted by the BZA is limited to an increase of no more than 25% of the existing use of structure (Program for Development in RCA, p.2.8 Somerset County Critical Area Program).~~ A variance for 29% impervious surface was granted by the BZA on December 8th, 2006.

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The conditional approval request shall, at a minimum, contain the following:

C.(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State of local agency program or project;

Through the County's Capital Improvement Program, the County Commissioners and James Henderson, Warden of the Detention Center, have responded that the costs of such a project continue to escalate, and it is of prime importance to locate the proposed expansion at the present facility site to maintain access to the existing computer center, food preparation area, and workforce.

C.(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

The project has already conformed with the local program by receiving a variance to the impervious surface requirement in the RCA from the Board of Zoning Appeals. As an existing institutional use, it is allowed this expansion with the approval of the BZA under the Somerset Critical Area Program. The Warden, Mr. Henderson, has also requested and received a letter of consistency with the local program from the Planning Director. Sediment and erosion control plans have been approved by the Somerset Soil Conservation District and the County's Stormwater Engineer has approved the stormwater disconnection offsets. Once conditional approval is received from the Critical Area Commission, the project must obtain site plan approval by the Somerset County Planning and Zoning Commission that meets the County requirements for stormwater management and mitigation in the form of tree planting on site.

C.(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

As stated, the proposal will require mitigation in the form of tree planting requirements for the 5,880 square feet of impervious surface. A planting plan, for 6,100 square feet, has been developed and a planting and maintenance agreement is a standard requirement by the Department of Technical and Community Services. Stormwater management requires adherence to approvals based on building design. The property itself is approximately 2,200 feet from tidal waters and should not adversely affect the nearest tributary, Kings Creek, which is separated from the facility by ECI and the State Police Facility, approved several years ago on Perry Road, as well as forest, farmland and historic Beverly to the north of Perry Road. The undeveloped portion of the Detention Center site has always been maintained in lawn.

The Commission shall approve, deny, or request modifications to the request for conditional approval based on the following factors:

E.(1) The extent to which the project or program is in compliance with the requirements of the relevant chapters of this subtitle;

E.(2) The adequacy of any mitigation measures proposed to address the requirements of this subtitle that cannot be met by the project or program; and

E.(3) The extent to which the project or program, including any mitigation measures, provides substantial public benefits to the overall Critical Area Program.

Staff Recommendation

Commission staff recommend that this project be approved as a local government activity in the Critical Area.

* Condition

- Determine whether previous 10% increase was ever mitigated.

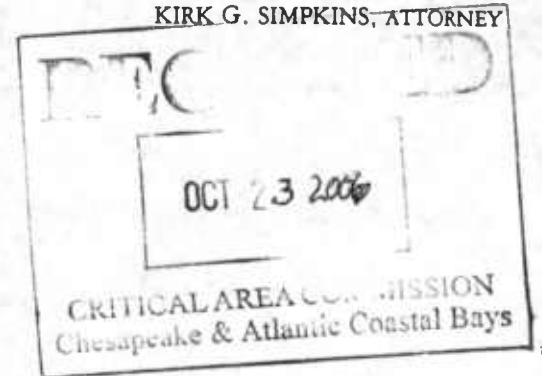
COMMISSIONERS FOR SOMERSET COUNTY
P.O. BOX 37
PRINCESS ANNE, MARYLAND 21853
TELEPHONE 410-651-0320, FAX 410-651-0366

COMMISSIONERS
SAM BOSTON, PRESIDENT
JAMES N. RING, VICE PRESIDENT
CHARLES F. FISHER
MICHAEL K. McCREADY
PAUL T. WARD, JR.



COUNTY ADMINISTRATOR - CLERK
CHARLES E. MASSEY
KIRK G. SIMPKINS, ATTORNEY

October 20, 2006



Mr. Ren Serey, Executive Director
Critical Area Commission
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Accommodation of the 10% Pollutant Reduction Rule - Two Projects located at the County Office Complex (Storage Building and 911 Radio Tower)

Dear Mr. Serey:

Since the above referenced mitigation has not been accomplished, the Critical Area Commission staff has been entertaining the possibility that the 10% Rule could be addressed at the same time the Somerset County Detention Center's mitigation requirements are addressed. However, the idea to plant approximately 100 trees to meet the 10% Rule requirement for the storage building and the 911 radio tower construction is not possible because this would cause a security problem at the Detention Center.

Since the County cannot plant 100 trees on the Detention Center property, County personnel will contact your staff to cooperatively work out a meeting that will address the 10% Pollutant Reduction Rule, calculated to be $\frac{1}{2}$ pound of phosphorus greater than was previously entering our waterways. Hopefully, the method of mitigation and the location of the mitigation site can be resolved in the very near future.

In our view, the calculation of the 10% Pollutant Reduction Rule, for this or any project, produces excessive results. It is a process that is not clearly understood and confuses the general public's understanding of the mitigation requirements. In our example, the calculation of $\frac{1}{2}$ pound of phosphorus release greater than previously released would require planting of 100 trees ($\frac{1}{4}$ acre) is hard to comprehend.

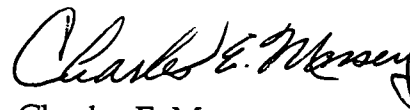
October 20, 2006
Mr. Ren Serey
Page 2

Hopefully, this situation could be reviewed and explained as to why planting of this quantity of trees (100) is necessary to achieve the mitigation goal.

As stated earlier, we will proceed to address the need of a mitigation site and method to accommodate the recent construction at the County Office Complex.

Thank you for your consideration of the request and your assistance in this matter.

Sincerely,



Charles E. Massey
County Administrator

cc: Joan Kean
Tracey Gordy
Kate Schmidt

SOMERSET COUNTY DETENTION CENTER

BACKGROUND

The 6.169 acre parcel is approximately 2200 feet from tidal waters and wetlands. It was conveyed to the County for the detention center from the State and built at the same time as ECI. However, the County included the State lands around ECI, including the marsh on the south side of Revell's Neck Road as part of an expansion the Critical Area and RCA. The land was given to the County by the State in 1984 and the present building was built in 1987, prior to adoption of the Somerset County local program on September 10, 1988.

Under the local program, the applicant (in this case the County) must receive a variance from the 15% requirement from the Board of Zoning Appeals and must also receive a finding of consistency with the local program, with approval from the Critical Area Commission. The Board of Zoning Appeals granted this variance at their June meeting.

The Critical Area Commission is processing the request as a conditional approval and as such, requires additional information.

1. That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented. *Special circumstances include the fact that when built there was no knowledge that this would be an area included in the Critical Area due to its distance from tidal waters. The existing detention center has been located at the present site for some time, making expansion at this location the logical and only economical solution for the County. The costs of maintaining facilities at two separate locations in the County would be cost prohibitive. For example, the addition is to serve work release and wheel chair bound inmates and is connected to the existing building by a corridor. Food preparation will only occur in the main building.*
2. The project otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program. *The addition to the Detention Center is necessary for the general welfare of the citizens of the coastal zone.*
3. That the project is otherwise in conformance with the subtitle. *All site plan requirements including TAC review and Planning Commission approval are required. The project will be reviewed for stormwater management and mitigation measures would be in place. The Somerset County local program requires a variance to be granted to existing industrial, institutional and commercial facilities by the Board of Zoning Appeals, if such expansion or intensification involves does not conform with the provisions of the Somerset County Critical Area Program. Any variance granted by the BZA is limited to an increase of no more than 25% of the existing use or structure. (Program for Development in RCA, p.2.8 Somerset County Critical Area Program). This has been accomplished with the approval and findings of the BZA. (attached).*

The conditional approval request shall, at minimum contain the following:

1. A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;

The County Commissioners and James Henderson, Warden of the Detention Center, have responded to the Facility Program Part II, Local Jails Capital Improvement Program Policy and Procedures Manual for funding of this project. The costs of such a project continue to escalate and it is of prime importance that the expansion can depend on the existing computer center, food preparation area and workforce available at the present site.

2. A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program.

The project has already conformed with the local program by an advertised public hearing before the Board of Zoning Appeals for a variance to the impervious surface requirement in RCA. As an existing institutional use, it is allowed this expansion with the approval of the BZA. Mr. Henderson has also requested and received a letter of consistency with the local program (attached) from the Planning Director. Once conditional approval is received from the Critical Area Commission, the project must have site plan approval by the Somerset County Planning and Zoning Commission and meet the County requirements for stormwater management and mitigation in the form of tree planting or fee in lieu requirements.

3. Measures proposed to mitigate adverse effects of the project or program on the approved local Critical Area program.

As stated, the proposal will require mitigation in the form of tree planting requirements. Stormwater management will require adherence to a Standard Plan. The property itself is approximately 2200 feet from tidal waters and should not adversely affect the nearest tributary, Kings Creek, which is separated from the facility by ECI and the State Police Facility, approved several years ago, on Perry Road as well as, farmland and historic Beverly to the north of Perry Rd. The undeveloped portion of the Detention Center site has always been maintained in lawn.

SOMERSET COUNTY
DEPARTMENT OF TECHNICAL AND COMMUNITY SERVICES



Planning & Technical Services Division

**SOMERSET COUNTY BOARD OF ZONING APPEALS
PRINCESS ANNE, MARYLAND**

APPLICATION NO. CA VAR 06-834

**RE: Jim Henderson on behalf of the
Somerset County Commissioners and
Somerset County Detention Center**

Upon the Application for Critical Area Variance to the property described therein located in the Westover Election District on Tax Map #32, Block #6, Parcel #204, and after consideration of the said Application and the testimony and other evidence presented to the Board at the hearing held on Friday, June 16, 2006, the Board of Zoning Appeals hereby finds:

- (1) That the requirements of Section 9 (3) (a) of the Zoning Ordinance have been met by the Applicant, that special circumstances and conditions exist which are peculiar to the property involved and which are not applicable to other properties in the same zone.
- (2) That the Somerset County Commissioners are the fee simple owners of the property and have applied for a Critical Area Variance of Section 6.13.h (8), allowing 15% impervious surface in a Resource Conservation Area (RCA). The Applicant is requesting an additional 2% to a currently 24% impervious surface for a total of 26% impervious surface to place a portable dormitory at the Somerset County Detention Center.
- (3) That a literal interpretation of the provisions of the Ordinance would deprive the Somerset County Commissioners and the Somerset County Detention Center, of its rights commonly enjoyed by other properties in the same zone under terms of this Ordinance.
- (4) That the special conditions and circumstances referred to above do result from actions of the Somerset County Commissioners and the Somerset County Detention Center.
- (5) That there appeared no adjoining property owners either in person or by letter before the Board to express opposition to the Application for Variance.

(6) That the granting of this Variance will confer Applicant with special privileges that are denied by the Zoning Ordinance to other properties in the same zone.

(7) That the Variance granted herein is the minimum Variance that will make possible the reasonable use of the property and is in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or detrimental to the public welfare.

(8) The Board found the following facts in this particular matter:

(a) The Applicant presented a Critical Area letter as Exhibit #1 and proposed plans as Exhibit #2.

(b) The Critical Area letter (Exhibit #1) stated that the project site, the Somerset County Detention Center area, is 6.169 acres in size and is located within a Resource Conservation Area (RCA). The site currently consists of a facility, parking lots and access roads, totaling 65,400 square feet or 24% impervious surface. The letter states that an additional 5,520 square feet or 2.4% impervious surface is proposed for a total impervious surface of 70,920 square feet or 26.4%.

The Critical Area letter further stated that development on sites designated RCA is limited to 15% impervious surface coverage; however, conditional approval from the Critical Area Commission can be requested and approved for County projects under Critical Area Criteria, COMAR 27.02.06 "Conditional Approval of State or Local Agency Programs in the Critical Area."

"In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:

B. (1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

B. (2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

B. (3) That the project or program is otherwise in conformance with this subtitle;

The conditional approval request shall, at a minimum, contain the following:

C. (1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;

C. (2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

C. (3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05."

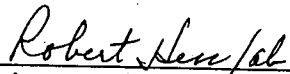
(c) The Board found that the terms for conditional approval could be met by the proposing or sponsoring agency.

Upon the foregoing, the Critical Area Variance is granted.

This decision is only zoning approval. It is the Applicant's responsibility to submit all necessary information or documents (i.e. elevation certificate, plumbing information, etc.) to the Department of Technical & Community Services to obtain a Zoning Certificate.

For these reasons, and subject to the above conditions, if any, the Application for Critical Area Variance is granted.

By order of the Board of Zoning Appeals this 30th day of June, 2006.



Robert Hess, Chairman
Board of Zoning Appeals

YOU HAVE THE RIGHT TO APPEAL THIS DECISION TO THE CIRCUIT COURT OF MARYLAND WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS DECISION.

Planting Agreement for State/Local Projects

State/Local Agency

Somerset County Detention Ctr

Project Number

SO 273-06

Agency Contact

James Henderson

Phone Number

410-651-9223

Commission Approval Date

1/3/2007

CAC Planner

Kate Schmidt

Project Name

Somerset County Detention Center - Work Release Expansion

Project Location

30474 Revells Neck Road, Westover, MD

Square Feet Cleared Outside 100ft Buffer

5880

Mitigation Ratio for Clearing Outside Buffer

1 to 1

Mitigation Calculation Outside Buffer

5880

Square Feet Disturbed/Cleared Within Buffer*

0

Mitigation Ratio for Disturbance/Clearing Within Buffer*

N/A

15% Afforestation Requirement Met?

Mitigation Calculation Within Buffer

Total Mitigation Requirement

Planting and Natural Regeneration Plan (attach additional sheets if necessary)

8 Willow Oak @ 200 sf each, 9 River Birch @ 200 sf each, 12 Serviceberry @ 100 sf each, and 15 Fringe Tree @ 100 sf each

Planting Date

Year

First Site Visit Date

Completed by

Second Site Visit Date

Completed By

Date Mitigation Complete

James Lee Henderson, Warden
Responsible Contact for Mitigation (Print)

James Lee Henderson
Signature
1-4-07
Date

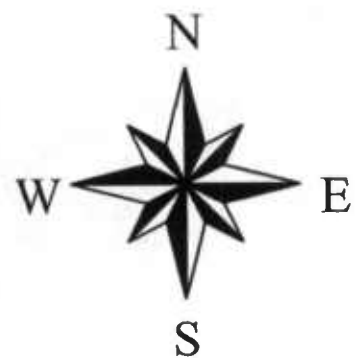
*See reverse for details

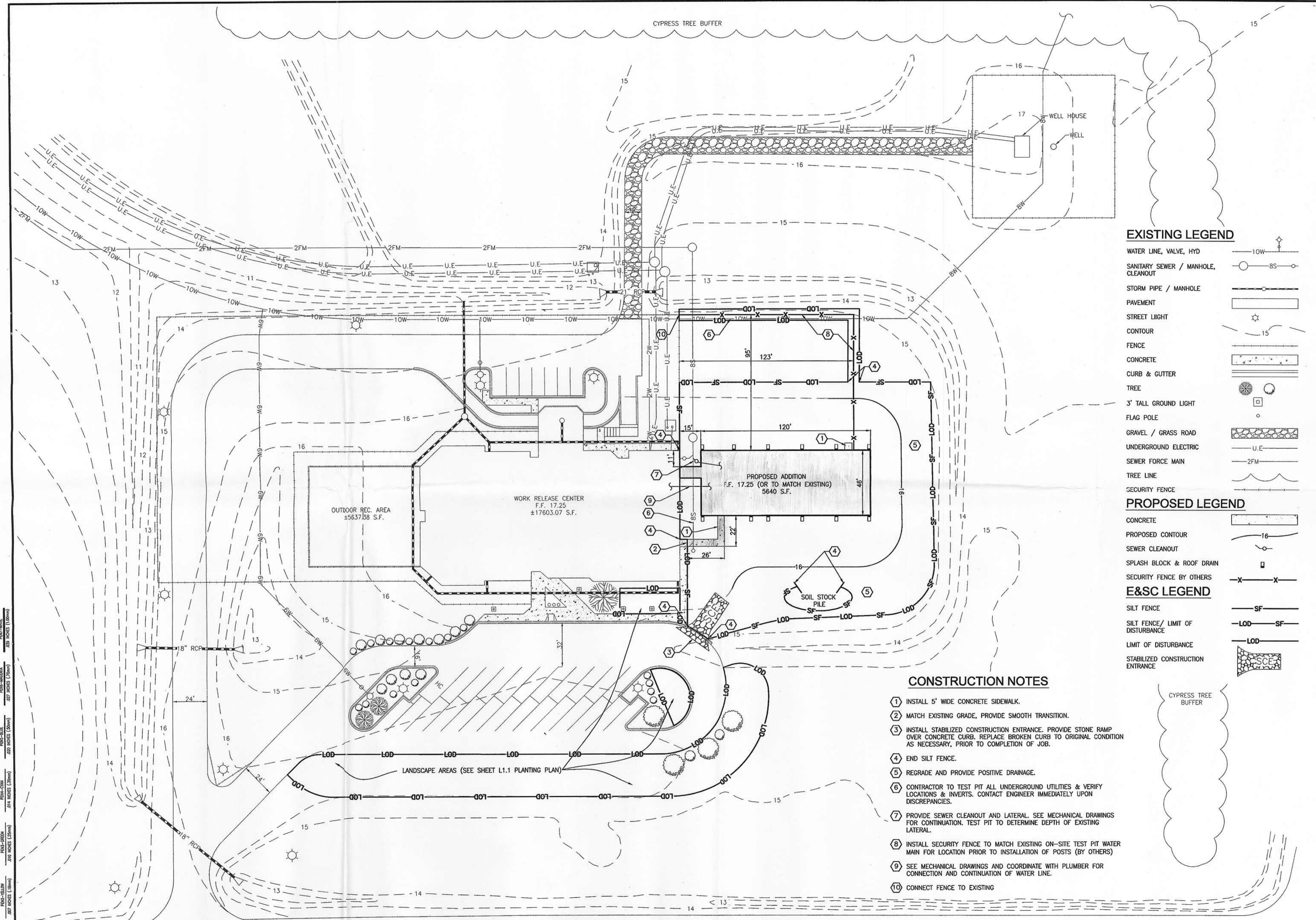


Existing Impervious Surface 65400 sq. feet



Site Plan-Showing New Portable Dormitory 5,600 sq foot
Imperious Total 71000 sq foot





EXISTING LEGEND

- WATER LINE, VALVE, HYD
- SANITARY SEWER / MANHOLE, CLEANOUT
- STORM PIPE / MANHOLE
- PAVEMENT
- STREET LIGHT
- CONTOUR
- FENCE
- CONCRETE
- CURB & GUTTER
- TREE
- 3' TALL GROUND LIGHT
- FLAG POLE
- GRAVEL / GRASS ROAD
- UNDERGROUND ELECTRIC
- SEWER FORCE MAIN
- TREE LINE
- SECURITY FENCE

PROPOSED LEGEND

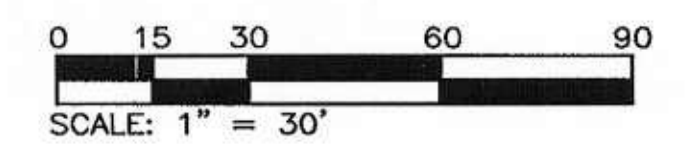
- CONCRETE
 - PROPOSED CONTOUR
 - SEWER CLEANOUT
 - SPLASH BLOCK & ROOF DRAIN
 - SECURITY FENCE BY OTHERS
- E&SC LEGEND**
- SILT FENCE
 - SILT FENCE/ LIMIT OF DISTURBANCE
 - LIMIT OF DISTURBANCE
 - STABILIZED CONSTRUCTION ENTRANCE

CONSTRUCTION NOTES

- 1) INSTALL 5' WIDE CONCRETE SIDEWALK.
- 2) MATCH EXISTING GRADE, PROVIDE SMOOTH TRANSITION.
- 3) INSTALL STABILIZED CONSTRUCTION ENTRANCE. PROVIDE STONE RAMP OVER CONCRETE CURB. REPLACE BROKEN CURB TO ORIGINAL CONDITION AS NECESSARY, PRIOR TO COMPLETION OF JOB.
- 4) END SILT FENCE.
- 5) REGRADE AND PROVIDE POSITIVE DRAINAGE.
- 6) CONTRACTOR TO TEST PIT ALL UNDERGROUND UTILITIES & VERIFY LOCATIONS & INVERTS. CONTACT ENGINEER IMMEDIATELY UPON DISCREPANCIES.
- 7) PROVIDE SEWER CLEANOUT AND LATERAL. SEE MECHANICAL DRAWINGS FOR CONTINUATION. TEST PIT TO DETERMINE DEPTH OF EXISTING LATERAL.
- 8) INSTALL SECURITY FENCE TO MATCH EXISTING ON-SITE TEST PIT WATER MAIN FOR LOCATION PRIOR TO INSTALLATION OF POSTS (BY OTHERS)
- 9) SEE MECHANICAL DRAWINGS AND COORDINATE WITH PLUMBER FOR CONNECTION AND CONTINUATION OF WATER LINE.
- 10) CONNECT FENCE TO EXISTING

CYPRESS TREE BUFFER

REVELL'S NECK ROAD
TO U.S. ROUTE 13



DESIGN / DEVELOPMENT PLANS
PRINTS ISSUED FOR:
• REVIEW

NO.	REVISIONS	DATE

SEP 27 2006

CRITICAL PATH METHOD
CRITICAL PATH METHOD
CRITICAL PATH METHOD

GMB
GEORGE, MILES & BUHR, LLC
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SOMERSET DETENTION CENTER -
NEW WORK RELEASE FACILITY

SOMERSET COUNTY, MARYLAND



E&SC AND
PROPOSED SITE
PLAN

SCALE : 1" = 30'	C1.2
DESIGN BY : NWH	
DRAWN BY : JCB	
CHECKED BY: AHP	
GMB FILE : 2006201.00	
DATE : JULY 2006	

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