Anthony G. Brown Lt. Governor



Margaret G. McHale Chair

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/

July 6, 2010

Mr. Dave MacGlashan Queen Anne's County Dept. of Parks and Recreation 1945 4-H Park Road Centreville, Maryland 21617

Re: Ferry Point Park

**Buffer Mitigation Plantings** 

Dear Mr. MacGlashan:

Thank you for meeting me last week with Gary Rzepecki to review the proposed Buffer plantings and to discuss vegetation management for Ferry Point Park. The proposed plantings are to mitigate for the clearing of 10 trees on site. You submitted a proposal for 162 one-gallon shrubs planted in three clusters along the beach in the middle of the site. We also discussed County plans to treat the site for phragmites and a potential future shore erosion control project. Below is a summary of our discussions and agreement:

- 1. A portion of the shrubs will be converted in to understory trees. The location of these trees will be near the beach area.
- 2. The County will continue to treat the site for phragmites. In some instances, this treatment will consist of removing the root mass for the phragmites which will cause disturbance to the soil and Buffer. The County intends to permit natural regeneration to occur in these areas; however, if natural regeneration does not occur, the County can provide supplemental plantings.
- 3. As currently proposed, the shore erosion control project will impact beach areas of the property only. The County will keep the Critical Area Commission informed of the status of this project as it proceeds.

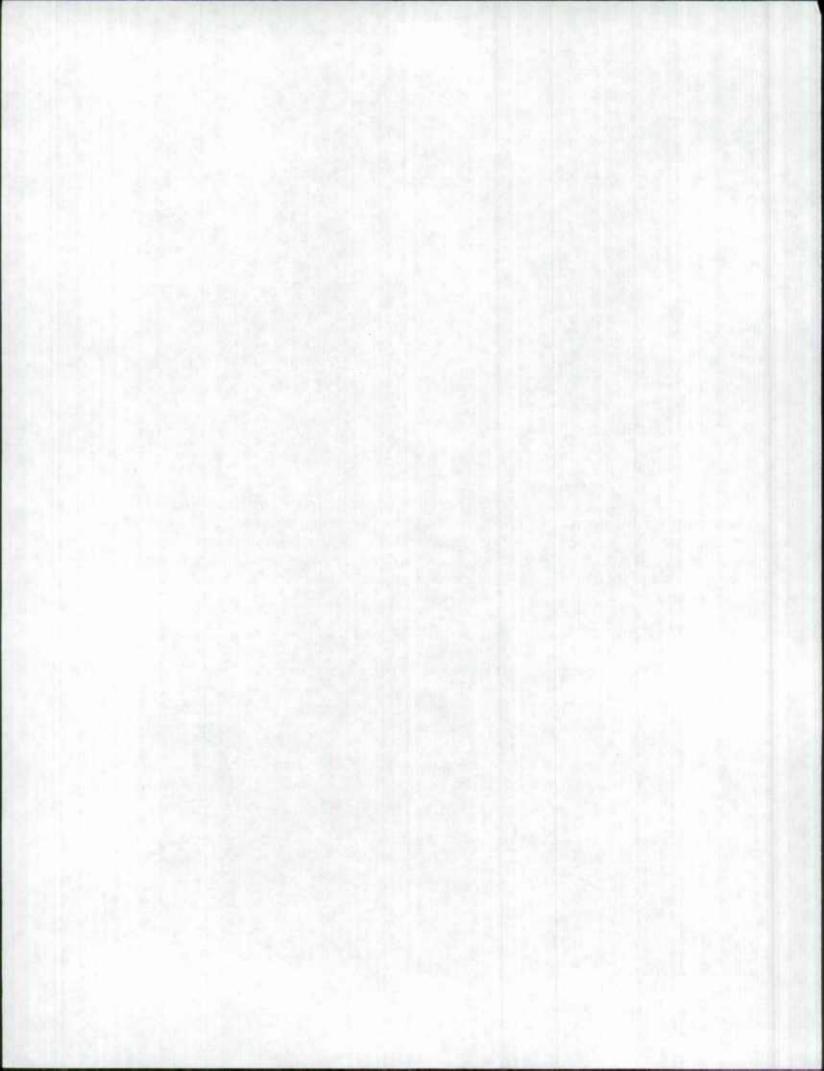
Thank you again for the site visit. Please notify me of the final design selected for the plantings and when the planting will occur. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Charbonneau

Regional Program Chief

Chapmune



Anthony G. Brown Lt. Governor



Margaret G. McHale Chair

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/

May 20, 2010

Mr. Gary Rzepecki Queen Anne's County Dept. of Parks and Recreation 1945 4-H Park Road Centreville, Maryland 21617

Re: Ferry Point Park

Violation of Buffer Management Plan

Dear Mr. Rzepecki:

I am writing regarding my concerns of the removal of trees and understory vegetation at Ferry Point Park. As you know, this development of trails at Ferry Point Park was approved by the Critical Area Commission (CAC) on April 1, 2009 in accordance with a conceptual site plan and appropriate mitigation for impacts to the 100-foot Buffer. That site plan and mitigation planting plan formed the basis of the Commission's review and approval. Any changes to the plan required notification of Commission staff per the April 9, 2009 approval letter (see attached).

As you are aware based on our email correspondence, on April 16, 2010, I visited Ferry Point Park and noted additional clearing of trees not included within the original project approval. This includes at least 10 trees on the eastern portion of the property. Your email to me from April 28<sup>th</sup> stated that trees were grown around debris and other materials and presented a safety hazard to the public. Please note, Critical Area Commission regulations permit removal of hazardous trees in the Buffer provided there is notification of such activities to the proper authorities. In this case, the proper authority would be this office given the requirement of the CAC approval. Violations of the regulations regarding the Buffer require mitigation at a ratio of 4:1. Therefore, please provide this office with a revised planting plan providing the required mitigation for this violation.

Please note, it also appears that significant mowing is occurring within the bottom of the U-portion of the site and high-tide bush and other natural vegetation has been removed over time and converted to grass. A portion of the required mitigation should be located, at an appropriate ratio, in the form of shrubs in this area to prevent future clearing along the shoreline by maintenance staff.

Mr. Gary Rzepecki May 20, 2010 Page 2 of 2

Please provide a copy of this plan by June 20<sup>th</sup>, 2010. If I do not receive a mitigation plan by this time I may request your attendance at the next meeting of the Critical Area Commission. Thank you for your assistance in resolving this issue.

Sincerely,

Kate Charbonneau Regional Program Chief

Cc: Mr. Steve Cohoon, Chief

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Enclosure (1)

Anthony G. Brown Lt. Governor



Margaret G. McHale Chair

Ren Serey
Executive Director

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

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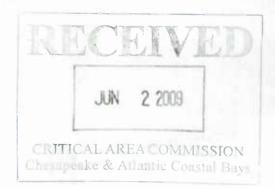
April 9, 2009

Mr. Dave MacGlashan Queen Anne's County Dept. of Parks and Recreation 1945 4-H Park Road Centreville, Maryland 21617

Re: Ferry Point Park Redevelopment Project

Critical Area Commission Conditional Approval

Dear Mr. MacGashan:



The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On April 1, 2009, the Critical Area Commission unanimously approved the County's proposal and site plan to redevelop Ferry Point Park. This approval included the following conditions:

- 1. Prior to the start of construction, Queen Anne's County shall obtain a private tidal wetlands permit from the Maryland Department of the Environment; and
- 2. Queen Anne's County shall retain the existing road and driveways in their current condition, unless it submits any proposed improvements to the Critical Area Commission for review and approval.

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

Sincerely,

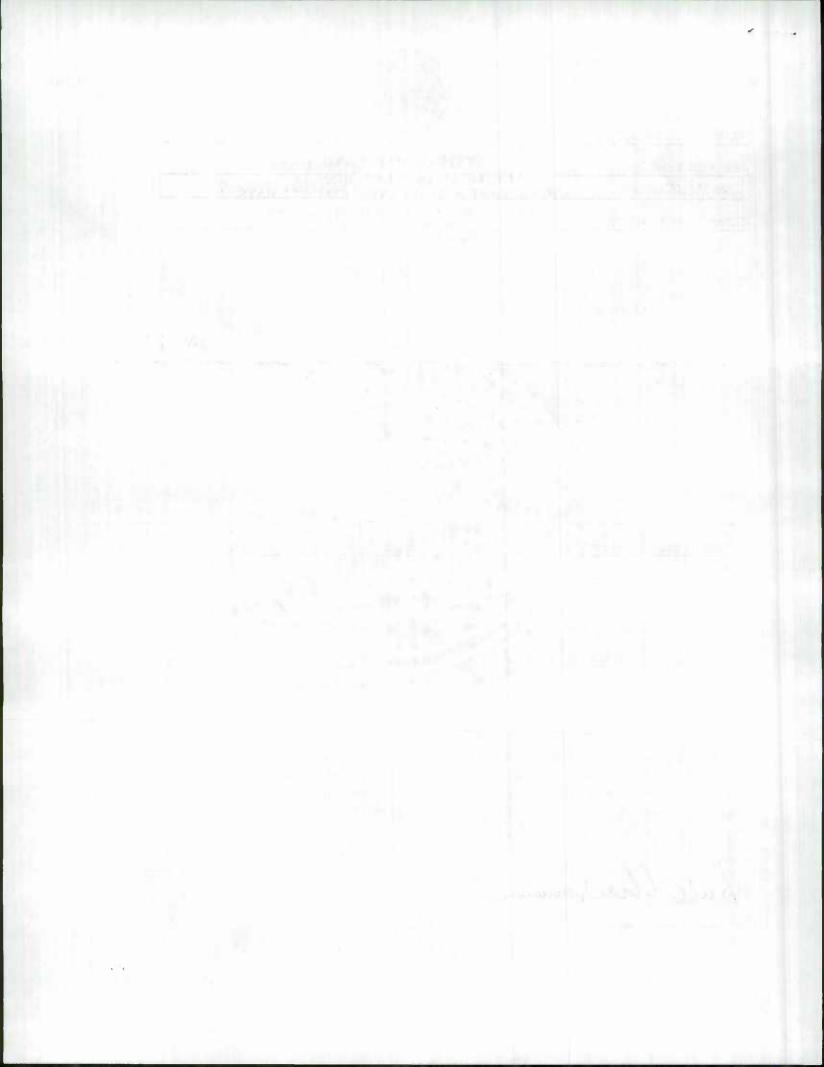
Kate Charbonneau

Regional Program Chief

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Cc: Mr. Steve Cohoon, Department of Land Use & Growth Management

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

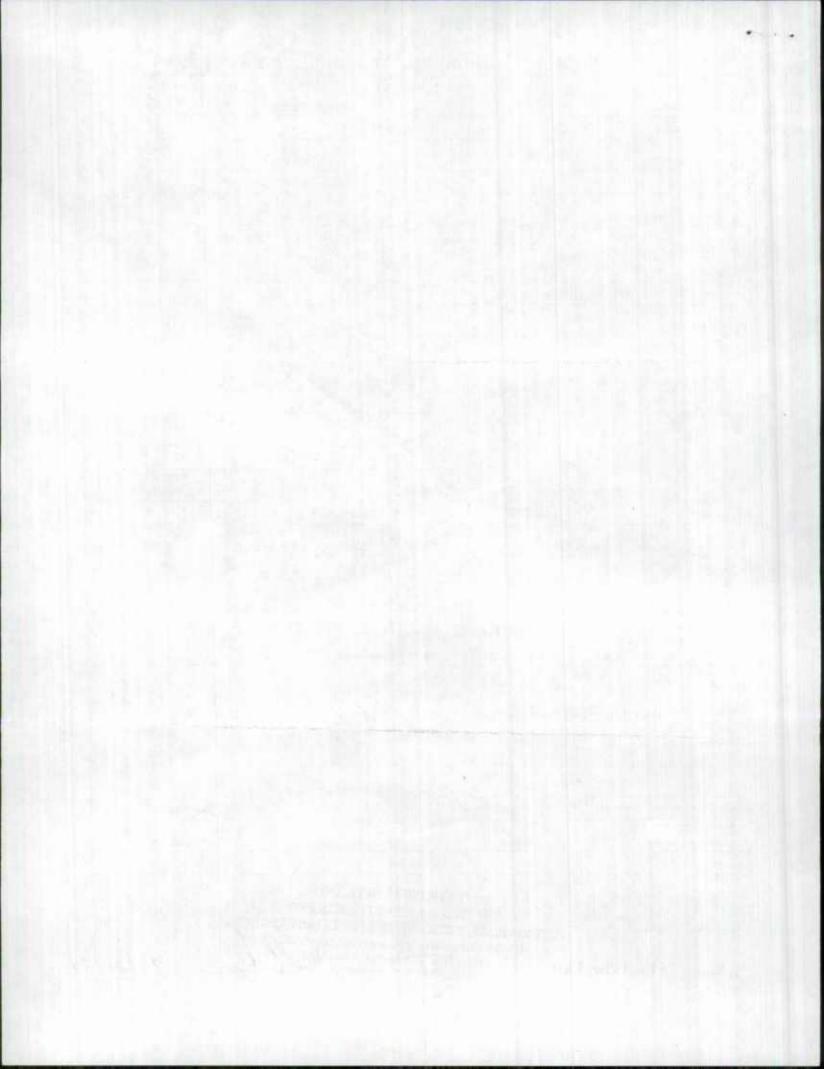


### Planting Agreement for State/Local Projects

State/Local Agency	Project Number
Queen Anne's Dept of Parks & Recreation	QC499-08
Agency Contact	Phone Number
Dave MacGlashan	410-758-0835 x2507
Commision Approval Date	CAC Planner
April 1, 2009	Kate Charbonneau
Project Name	
Ferry Point Park Redevelopment	
Project Location	
Kent Narrows	
Square Feet Cleared Outside 100ft Buffer	Mitigation Ratio for Clearing Outside Buffer
	Mitigation Calculation Outside Buffer
Square Feet Disturbed/Cleared Within Buffer* 28576	Mitigation Ratio for Disturbance/Clearing Within Buffer* 2:1 (3,629 sf) and 3:1 (24,947 sf)
15% Afforestation Requirement Met?	Mitigation Calculation Within Buffer
Yes	82,099
	Total Mitigation Requirement
Planting and Natural Regeneration Plan (attach additional	sheets if necessary)
82300 sf of mitigation will be provided on s	site in the Buffer per the planting plan provided.
Planting Date Year	
NOVEMBER 16th - MARCIH 20th 2009-200	
First Site Visit Date Completed by	Second Site Visit Date Completed By
Pate Mitigation Complete	
	M461
Dave MacGlashan	1) wife 4/21/
Responsible Contact for Mitigation (Print)	Signature Date

\*See reverse for details

Revised 10/22/04



Anthony G. Brown
Lt. Governor



Margaret G. McHale

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/

December 8, 2008

Dave MacGlashan Queen Anne's County Parks & Recreation 1945 4-H Park Road Centreville, MD 21617

RE: Ferry Point Park Concept Plan, Queen Ann's County

Dear Mr. MacGlashan:

Thank you for submitting the revised plans and information for the Ferry Point Park project. This is a County project on County property within the Chesapeake Bay Critical Area. Portions of the site are designated Resource Conservation Area (RCA), Limited Development Area (LDA) and Intensely Developed Area (IDA). As you know, review of the project by the Critical Area Commission is required under Code of Maryland Regulations (COMAR) 27.02.02 (State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions). The following comments apply to the updated plans.

- 1. Please provide a narrative explaining how the project meets each of the criteria listed under COMAR 27.02.06.01 for conditional approval (attached).
- 2. Please indicate the disturbance area required for the work with a "Limit of Disturbance" line on the plan and calculate the area of this disturbance proposed in the Buffer and outside the Buffer. The disturbance area is that required for all trail creation, development activity including any machine maneuvering, stockpiling and staging, soil disturbance and impact to existing vegetation and any other construction related work for the proposed project. This information will be used to calculate the mitigation requirement.
- 3. The paths used for access to the observation platforms and boardwalk are mitigated at a ratio of 2:1. All other Buffer disturbance areas (including any expansion of the impervious surface for the outdoor classroom) are mitigated at a ratio of 3:1. Please calculate the mitigation according to these ratios and the disturbance area described above.

- 4. For the future outdoor classroom please clarify whether the existing dilapidated structure will be repaired or replaced in kind, and if the outdoor classroom footprint will exceed the existing structure, and what materials will be used for the construction. Please note that the pathways leading to the outdoor classroom and the observation structure must be mitigated at the 3:1 ratio.
- 5. Please clarify the area of existing trail and road surfaces versus the area of new surfaces and the area of any resurfacing of existing development. If any portions of existing road/trails, such as the 22 foot wide entry road, will be resurfaced or improved, mitigation at a ratio of 3:1 will be required. If no improvements are anticipated please revise the description of the existing road on the plan to sate: "Existing road to remain in current condition."
- 6. The proposed path design, surface type and width must be justified by providing data regarding expected use and frequency, including use of existing path systems in the vicinity or similar supporting information.
- 7. As we discussed, the Maryland Department of the Environment (MDE) wetland permits must be approved prior to the Commission meeting. The project has been placed on the January 3<sup>rd</sup> Commission agenda tentatively, but will be removed from the agenda if the wetland permits are not approved by that date.

Thank you for the opportunity to comment on this submittal. If you have any questions or concerns, please contact me at (410) 260-3479.

Sincerely,

Marshall Johnson

Natural Resources Planner

cc: Steve Cohoon, Queen Anne's County

QC 499-08

Attachment: Criteria for conditional approval

Anthony G. Brown
Lt. Governor



Margaret G. McHale Chair

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/

September 5, 2008

Dave MacGlashan Queen Anne's County Parks & Recreation 1945 4-H Park Road Centreville, MD 21617

RE: Ferry Point Park Concept Plan, Queen Ann's County

Dear Mr. MacGlashan:

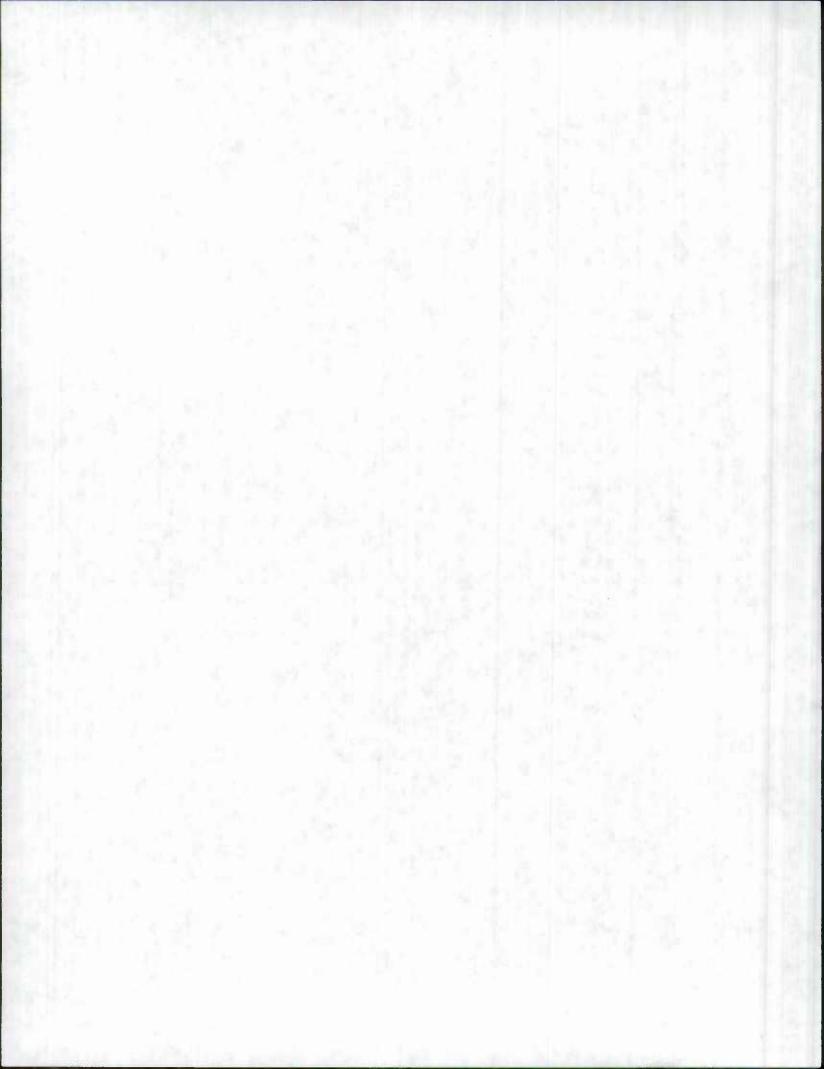
As sated in my previous letter, review of this project by the Critical Area Commission is required under Code of Maryland Regulations (COMAR) 27.02.02 (State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions). Please be aware that the deadline to submit the required materials has passed for this project to be presented to the Critical Area Commission in October. The additional information and materials listed in my August 27, 2008 letter must be received in my office by September 24, 2008 in order for this project to be considered for the November Critical Area Commission agenda. The submittal deadline schedule may be found on the Critical Area Commission website at <a href="http://www.dnr.state.md.us/criticalarea/index.html">http://www.dnr.state.md.us/criticalarea/index.html</a>. If you have any questions or concerns, please contact me at (410) 260-3479.

Sincerely,

Marshall Johnson

Natural Resources Planner

cc: QC 499-08



Anthony G. Brown
Lt. Governor



Margaret G. McHale

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/

August 27, 2008

Dave MacGlashan Queen Anne's County Parks & Recreation 1945 4-H Park Road Centreville, MD 21617

RE: Ferry Point Park Concept Plan, Queen Ann's County

Dear Mr. MacGlashan:

Thank you for submitting the Consistency Report and Concept Plan for the Ferry Point Park project. This is a County project on County property within the Chesapeake Bay Critical Area. Portions of the site are designated Resource Conservation Area (RCA), Limited Development Area (LDA) and Intensely Developed Area (IDA). Review of the project by the Critical Area Commission is required under Code of Maryland Regulations (COMAR) 27.02.02 (State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions). The applicable criteria for this project state that development of local significance on private land or lands owned by local jurisdictions, which is caused by State or local agency actions, shall be consistent with the provisions and requirements of the Critical Area program of the local jurisdiction within which the development is proposed. Therefore, County Critical Area Program standards apply as further explained in the comments below. The project includes a proposed foot bridge, boardwalk, paved and oyster shell trails. picnic pavilion, outdoor classroom area, observation area, kayak launching area, and two observation pier with decks within the Critical Area 100-foot Buffer. The boardwalk, trails, pavilion, outdoor classroom and decks are not considered water dependant facilities under County Code (section § 14:1-11). Therefore, a conditional approval from the Critical Area Commission per COMAR 27.02.06 is necessary for this project due to impacts to the Buffer (County Code § 14:1-51). I have reviewed the material submitted and have the following comments:

1. The criteria listed under COMAR 27.02.06.01 for conditional approval must be met by the project (attached). Please provide a narrative explaining how the project meets the Criteria. In order to meet these criteria, the project should minimize impacts to

the Buffer by proposing a single trial throughout the site, which can be paved and can be wide enough to accommodate the appropriate amount and type of use, accompanied by oyster shell pathways that only run directly (perpendicular to the shoreline) from the main trail to the observation areas, piers, or in the case of the western portion of the site, the oyster shell trail can form that section of the trail system. The picnic pavilion should be moved outside of the Buffer. The number of observation areas should be minimized and they should avoid vegetation removal, should be made with pervious material and should be located outside of the Buffer to the extent possible. The existing structure may be repaired or replaced in kind for the future outdoor classroom, but the footprint of the structure should not be expanded.

- 2. Please show the location of the Critical Area designations on the plan and show the 100-foot Buffer and expanded Buffer. (County Code § 14:1-32)
  - Please indicate the disturbance area required for the work with a "Limit of Disturbance" line on the plan and calculate the area of this disturbance proposed in the Buffer. Please also calculate the area of vegetation (trees/shrubs) in the Buffer that will be impacted by the proposal. For this calculation, isolated trees can be counted as individuals, otherwise the disturbance to vegetation should be calculated on a square foot basis. This information will be used to calculate the mitigation requirement. (County Code § 14:1-32)
    - 4. If any work is proposed in the IDA portion of the property, please address the 10% stormwater pollutant reduction requirement. (County Code § 14:1-33)
  - 5. Please submit a letter from DNR Wildlife and Heritage Service regarding the project. Any additional requirements of DNR Wildlife and Heritage Service for habitat protection areas must be addressed. (County Code § 14:1-32)
  - 6. Any required Maryland Department of the Environment (MDE) wetland permits must be approved prior to scheduling the project for presentation to the Critical Area Commission.
  - 7. A mitigation planting plan will be required for impacts to the 100-foot Buffer and any forest clearing. If total mitigation meets or exceeds 5,000 square feet, the Planting Plan must be completed and submitted prior to scheduling for the Commission. The plan submitted shows Buffer planting areas. Please submit information about the size of the proposed planting area, as well as plant species, density and stock size.
    - 8. Please submit confirmation that coordination with Maryland Historical Trust has occurred for this project and there no outstanding concerns or issues.

Mr. MacGlashan August 27, 2008 Page 3 of 3

Thank you for the opportunity to comment on this submittal. If you have any questions or concerns, please contact me at (410) 260-3479.

Sincerely,

Marshall Johnson

Natural Resources Planner

cc: Steve Cohoon, Queen Anne's County

QC 499-08

Attachment: Criteria for conditional approval

#### Title 27 Chesapeake Bay Critical Area Commission Subtitle 02 Development in the Critical Area Resulting From State and Local Agency Programs

## Chapter 06 Conditional Approval of State or Local Agency Programs in the Critical Area

#### CONDITIONAL APPROVAL REQUEST FORM (27.02.06.01)

- A. If development is proposed to be undertaken or caused in the Critical Area by State or local agency actions and this development is prohibited from occurring by the Criteria in this subtitle, the Agency proposing the development may seek conditional approval for the project or program by the Commission.
- **B.** (1-3) 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:
- (1) That there are special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;
- (2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program; and
- (3) That the project or program is otherwise in conformance with this subtitle.
- C. (1-3) The conditional approval request must 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;
- (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; and
- (3) Measures proposed to mitigate any adverse effects of the project or program on an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

### Consistency Report for Local Government Projects

Project Name: Ferry Point Park

Jurisdiction: District (Queen Anne's County, MD)

**Project Description:** This project will serve to create an interpretive walking trail highlighting cultural and environmental aspects of the Chesapeake Bay, the Chester River and Kent Narrows (bay access, scenic views of watersheds, wildlife observation). The majority of the site improvements are in tidal wetland areas subject to approval from Rick Ayella (MDE). See concept plan for area outside of tidal areas.

Local Agency proposing project: Queen Anne's County Commissioners, Queen Anne's County Department of Parks and Recreation

Contact Name and Phone Number: Dave MacGlashan (410) 758-0835 & Nancy Scozzari (410) 758-0835

Project Location (include street address, tax map and parcel number): Swan Cove Lane – Chester MD 21619, Tax Map# 57, Parcel# 444 (lots 1,3,4,5)

Critical Area acreage and designation: Total Site Area = 41.30 acres, RCA = 35.51 acres, LDA = 5.03 acres, IDA = 0.76 acres

**Project Data** 

Existing forest/woodland/trees: Yes % of site: 5% to 10%

Proposed clearing: None % of existing forest: 0%

Mitigation to be provided: Yes - see site plan

Planting location & species (also show on site plan): TBD

Existing impervious surface: Yes – 30,335 sf % of site: 1.7%

Proposed new impervious: Yes - 54,400 sf - 11,760 sf to be removed = 42,640 sf new

Total impervious surface: 72,975 sf % of site: 4.0%

If the % of impervious cover exceeds the permitted amount in the LDA or RCA, the project may need a Conditional Approval from the Critical Area Commission. Please contact your Commission planner for assistance. N/A (Does not Exceed)

Total Area Disturbed:

Stormwater Management: (If site is in the IDA, the 10% worksheets must be attached. Otherwise, local stormwater requirements must be addressed.)

No improvements in IDA designated areas

Has project received local approval of SWM and sediment and erosion control plans?

Buffer impacts? Yes

Is project water dependent? Yes

If there are Buffer impacts proposed and the project is not water dependent, the project may need a Conditional Approval from the Critical Area Commission. Please contact your Commission planner for assistance.

Other Habitat Protection Areas:

Colonial Nesting Waterbird site? Yes No X

Endangered / threatened species? Yes No X

Waterfowl Staging Area? Yes No X
Forest Interior Dwelling Rind Habitat? Yes No X

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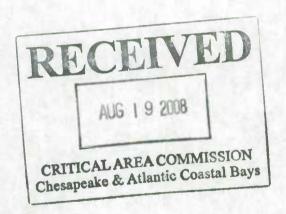
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	Non-tidal Wetland Impacts? Yes x No   If yes, MDE permit #: Pending
19.	Tidal Wetland Impacts? Yes x No   If yes, MDE permit #: Pending
	In accordance with COMAR 27.02.02, we hereby certify that this local agency project is consistent with the requirements of the local Critical Area Program.
	Steve Walls (Director) (Signature

Please sign above, attach the site plan to this report and submit to the Critical Area Commission at 1804 West St., Suite 100, Annapolis, MD 21401



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CRITICAL AREA CONDITIONS
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#### DEPARTMENT OF PARKS AND RECREATION



County Commissioners:
Eric S. Wargotz, M.D., Countywide
Courtney M. Billups, District 1
Paul L. Gunther, District 2
Gene M. Ransom III, District 3
Carol R. Fordonski, District 4

1945 4-H Park Road P.O. Box 37 Centreville, MD 21617

Telephone: (410) 758-0835 Fax: (410) 758-0566 e-mail: parksrus@qac.org

Director: D. Steven Walls

June 4, 2010

Mrs. Kate Charbonneau Critical Area Commission Regional Program Chief 1804 West Street; Suite 100 Annapolis, MD 21401

RE: Additional Mitigation Plantings / Ferry Point Park

Dear Mrs. Charbonneau.

Attached is the mitigation planting plan for the ten (10) additional trees removed at Ferry Point. The mitigation plan is calculated at a 4:1 mitigation ratio. We propose planting 162 one (1) gallon 4' feet in height shrubs along the mowed beach area.

Mitigation: 10 trees @ 200 sq. ft. = 2,000 sq. ft. @ 4:1 ratio = 8,000 required mitigation

Details of the attached plan:

#### Three (3) groupings of shrubs - all shrubs planted 3' foot on center

- Left grouping (west) = 54 shrubs
- Middle grouping = 54 shrubs
- Rights grouping (east) = 54 shrubs

#### Shrubs to be planted:

- Left side (west) = 54 shrubs (# 17 Myrica pensylvanica, # 17 llex laevigata, # 17 Cornus amomum, # 3 Cephalanthus occidentalis L.)
- Middle = 54 shrubs (# 17 Myrica pensylvanica, # 17 Ilex laevigata, # 17 Cornus amomum, # 3 Cephalanthus occidentalis L.)
- Rights side (east) = 54 shrubs (# 17 Myrica pensylvanica, # 17 llex laevigata, # 17 Cornus amomum, # 3 Cephalanthus occidentalis L.)

Please feel free to contact me with any questions.

Thank you,

Dave MacGlashan Queen Anne's County Project Manager Parks & Recreation P.O Box 37 1945 4-H Park Road Centreville, MD 21617 (410) 758-0835 x 2507 - office (410) 758-0566 - fax

cc: Gary Rzepecki / Queen Anne's County Parks Department 'Chief of Operations'

#### **DEPARTMENT OF PARKS AND RECREATION**



County Commissioners:
Eric S. Wargotz, M.D., Commission President
Courtney M. Billups, District I
Paul L. Gunther, District 2
Gene M. Ransom III, District 3
Carol R. Fordonski, District 4

1945 4-H Park Road P.O. Box 37 Centreville, MD 21617

Telephone: (410) 758-0835 Fax: (410) 758-0566 e-mail: parksrus@qac.org

Director: D. Steven Walls

December 10, 2008

Marshall Johnson Natural Resources Planner Critical Area Commission 1804 West Street, Suite 100 Annapolis, MD 21401

**RE:** Ferry Point Park – Conditional Approval Request / Critical Area Commission per COMAR 27.02.06.01

Dear Mr. Johnson:

The following addresses the criteria under COMAR 27.02.06.01 for minimizing impacts to the Critical Area Buffer / Ferry Point Park.

The property known as Ferry Point was acquired by Queen Anne's County on July 11<sup>th</sup>, 2006 through Maryland's Department of Natural Resources Program Open Space. The goal of the county is the preservation of this land rich in wildlife and natural habitat.

#### B (1)

The property is comprised of four (4) parcels of land bordered to the north by the Chester River, the east by the Kent Narrows, the west by Piney Creek. The Ferry Point property is less than 800' from the Cross Island Trail, a hiker/biker trail which has gained local and national recognition. Both the Chesapeake Exploration Center and the Cross Island Trail are both part of the *Dept. of the Interior, National Park Service, Chesapeake Bay Gateways Program.* The Chesapeake Exploration Center is also a designated Chesapeake Bay Gateway Hub. Our ultimate goal is the protection of one of the last remaining scenic vistas highlighting the Chester River/Chesapeake Bay in Queen Anne's County. Almost the entire Ferry Point Property is located within the 100 foot Critical Area Buffer. Literal enforcement of these regulations (COMAR 27.02.06.01) would prevent from the proposed trail systems and outdoor class room from being built.

#### B (2)

The park will be used for passive and interpretive recreation as well as wildlife and environmental habitat education. School trips will transpire teaching our youth environmental education and interpretive programs on Chesapeake Bay restoration efforts including: living shorelines, shoreline restoration and protection initiatives, forest and critical area planting area initiatives, wildlife habitat protection, creation of habitat protection areas (i.e. lagoon area for protection of resident and migratory waterfowl habitat) and creation and protection of a

functioning wetland habitat. All features of the park will be built in compliance with Americans Disability Act (ADA) specifications making the park accessible to all.

#### B(3)

Working closely with Maryland's Critical Area Natural Resources Planner's, Queen Anne's County was able to minimize disturbance to the property. Queen Anne's County will meet and exceed all specified mitigation requirements. With this acquisition, the rights to development were extinguished and the two sewer allocations present on the property were returned to the system. The proposal to connect Ferry Point to the Chesapeake Exploration Center was made to eliminate the need for parking surfaces on the property and to limit access to foot and possible bicycle traffic only. The location and natural features are an integral part of the project (see above), resulting in a certain amount of disturbance in the buffer.

#### C(1)

Except for a few small areas, the entire Ferry Point Property is located within the 100 foot Critical Area Buffer. Literal enforcement of these regulations (COMAR 27.02.06.01) would prevent from the proposed trail systems and outdoor class room from being built, defeating the purpose of the proposed project. The type of education proposed requires a proximity to the shoreline and tidal wetlands.

#### C(2)

The proposed use is allowed in the RCA Buffer in Queen Anne's County under Article 14:1-39.(3)(e)[11], as the nature of the proposed educational programs makes it a public water-oriented education use. In addition to a Buffer Management Plan, building permits will be required as part of the construction of the observation piers and decks. It is assumed that mitigation areas provided on the Buffer Management Plan will not need to be recorded in the land records, as the property is owned by Queen Anne's County.

#### C(3)

To minimize impacts to the critical area buffer we are proposing a single trail throughout the site. An existing twenty two foot wide road will be kept as the main portion of the trail heading north. An existing ten foot wide trail running to the northeast will also remain in tact with a portion at the far northeast point being removed so that the trail can be looped. Perpendicular trail spurs will be built to access observation points, interpretive signage and a future outdoor classroom. The trail spur to the western portion of the site will be kept to 5 feet, minimizing the impact within the buffer. Total mitigation of 82,300 square feet will be performed based on applicable mitigation ratios. All trees, shrubs and grasses proposed for mitigation are native species.

If you have any questions please feel free to reach me at (410) 758-0835, extension 2507.

Sincerely,

Dave MacGlashan Project Manager Queen Anne's County Parks and Recreation

#### Charbonneau, Katherine

From: Gary Rzepecki [GRzepecki@qac.org]
Sent: Thursday, April 29, 2010 7:55 AM

To: Charbonneau, Katherine

Cc: Serey, Ren; Dave MacGlashan

Subject: RE: Davidson Park and Ferry Point Park

Kate,

I would like to respond to your concerns.

- 1. I have a Gateways Grant seminar I need to attend on Wed. May 5<sup>th</sup> and if you don't think I need to be at the CAC subcommittee, I would prefer to attend that seminar.
- 2. I will attend the June subcommittee meeting for storm water management.
- 3. We removed the excess piles of oyster chaff that were brought in for the trail building, on Monday and Tuesday.
- 4. The other existing pile of oyster chaff was dug up from where the tree planting was done. I am not sure we conveyed this to you or not. Until we removed the Phragmities we had no idea if there was any soil underneath to plant the trees in. Kevin Smith wants to use the oyster chaff off the points of Ferry Point as part of an oyster restoration grant/ shoreline erosion grant to rebuild the points.
- 5. We had to remove the black cherry trees that were growing out of the piles of oyster chaff and there were trees growing out of piles of concrete rubble, asphalt, rebar and broken glass. From a public safety standpoint and from an environmental standpoint we had to remove this debris. There was no way to remove these piles with out removing the trees. I guess I need some clarification, when the County purchases some land and there are piles of debris that are not good for public safety or the environment are we not allowed to remove them? In this case these trees sprouted in these piles of debris and oyster chaff probably from bird droppings. Our whole goal here is to diversify the plant habitat, protect a shoreline that is eroding at a faster pace every year, cleanup trash that was left behind and cleanup what continues to wash up from the waters, remove invasive plants and develop an environmental educational program. I have a lot of plants in our nursery that we can plant to replace those removed.
- 6. Kate, that path along the canal at the exploration center is not new. It has been there longer than I have worked for the parks dept which is 6 years. What we did was move it's alignment from the parking lot and had it connect to the boardwalk.
- 7. If you still want to meet next week. I can meet Tuesday afternoon and Friday from 11am-2pm.

From: Charbonneau, Katherine [mailto:KSchmidt@dnr.state.md.us]

Sent: Wednesday, April 28, 2010 3:23 PM

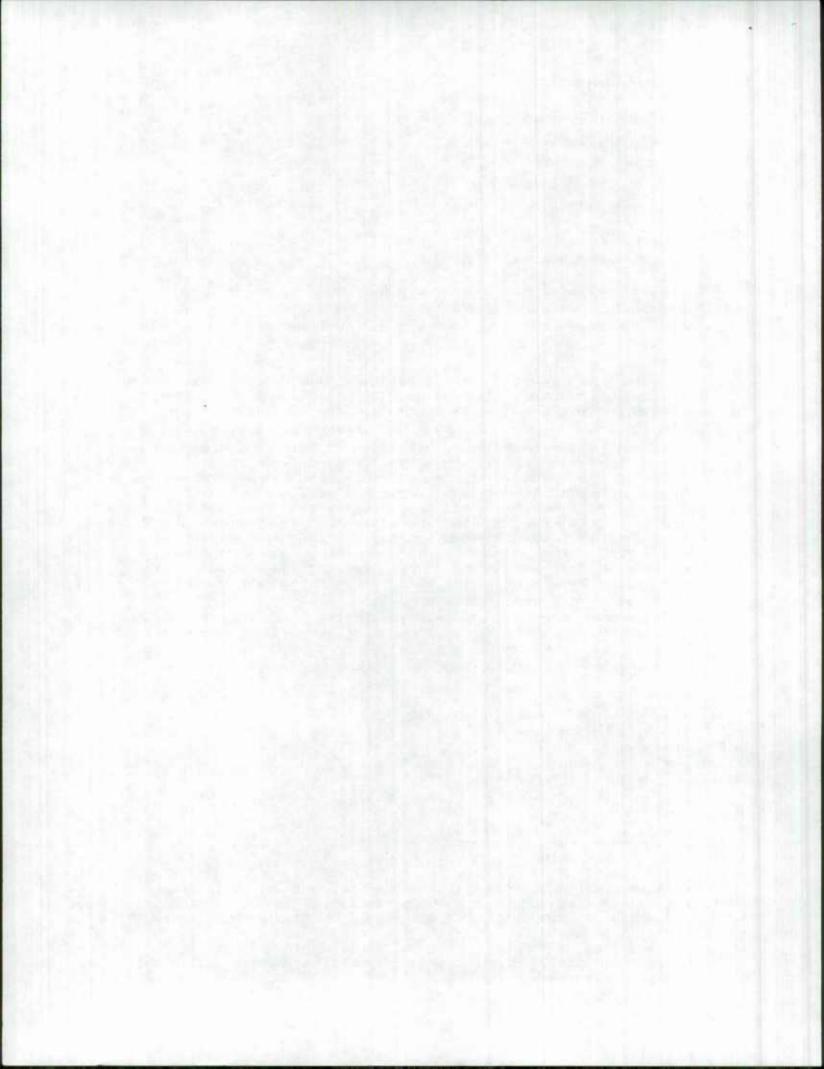
To: Gary Rzepecki Cc: Serey, Ren

Subject: Davidson Park and Ferry Point Park

Good afternoon Gary:

I needed to send you an email about a few things. The first item is easy - Davidson Park:

- (1) The Buffer Management Plan will be reviewed by the Project Subcommittee at the May meeting for their approval. I've prepared a short memo which will recommend approval. It shouldn't take too long and I'll send you the agenda if you'd like to come. But it's up to you. I'll send you the agenda and memo as soon as the email goes out.
- (2) The Stormwater Plan: I did not have time to review this for the May commission meeting so I'm planning to bring it to the June meeting.



The second item I need to review with you is Ferry Point Park. I was out to the site on April 16<sup>th</sup> (we were driving by). I was concerned because I observed a number of trees that were cut (at least 10) and removed from the Buffer. These trees were not included in the plan approved by the Commission and thus were not accounted for the in the mitigation. Attached is a picture of one of the removed trees. I went back and looked at old pictures from previous site visits to determine if I was correct about the trees. From those pictures I've also noted that a lot of high-tide bush was removed from the edge of the shoreline, which is now essentially lawn to the edge. I am also concerned about the storage of the oyster shell piles in the Buffer close to tidal wetlands. And lastly, there is a new path on the Chesapeake Center property at the entrance alongside the canal (see the second picture). Do you know how this was approved?

I understand trying to make the site accessible to the public but this level of removal of vegetation goes beyond the approval granted by the Commission. The Commission just updated it's regulations regarding the Buffer. Given the strict standards that are now applied to the private sector, the public sector needs to make the same type of effort (actually, the public sector already is required to meet the same standards.)

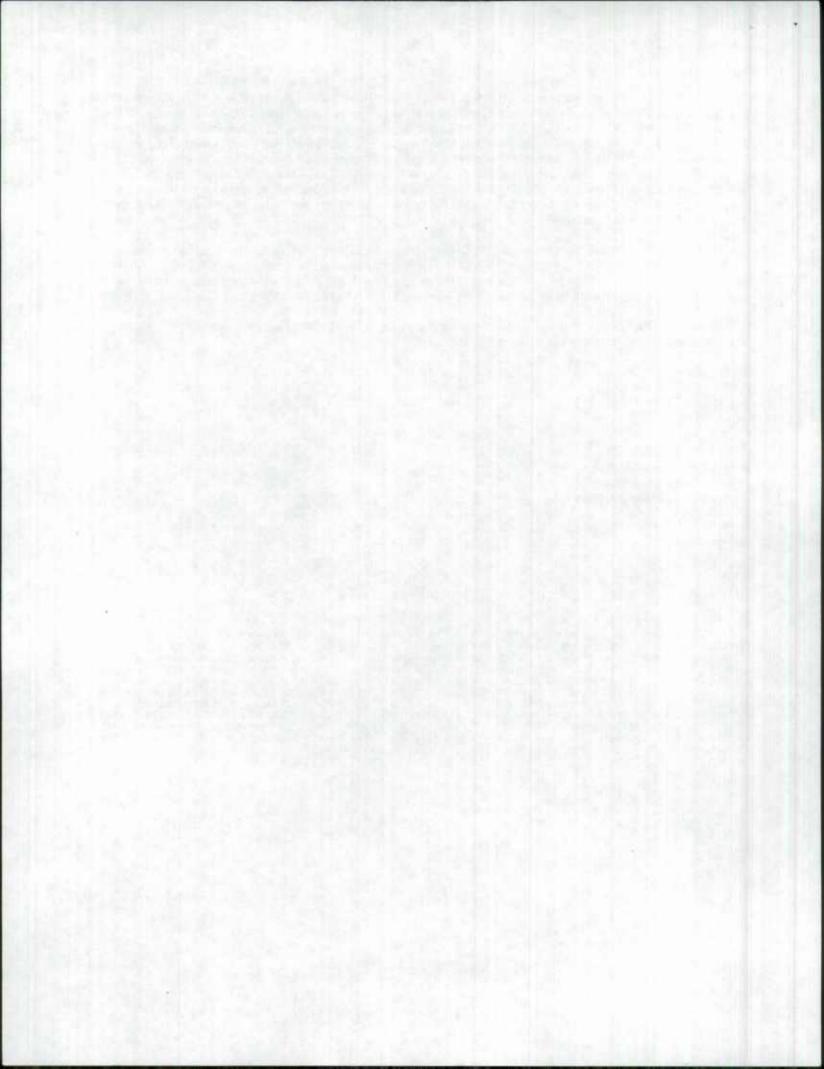
I would like to meet to discuss a mitigation plan for the clearing at Ferry Point Park. Please send me times you are available to meet next week (excluding Wednesday).

Thank you, Kate

Kate Charbonneau
Regional Program Chief
Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, MD 21401
410-260-3475

Please consider the environment before printing this email.

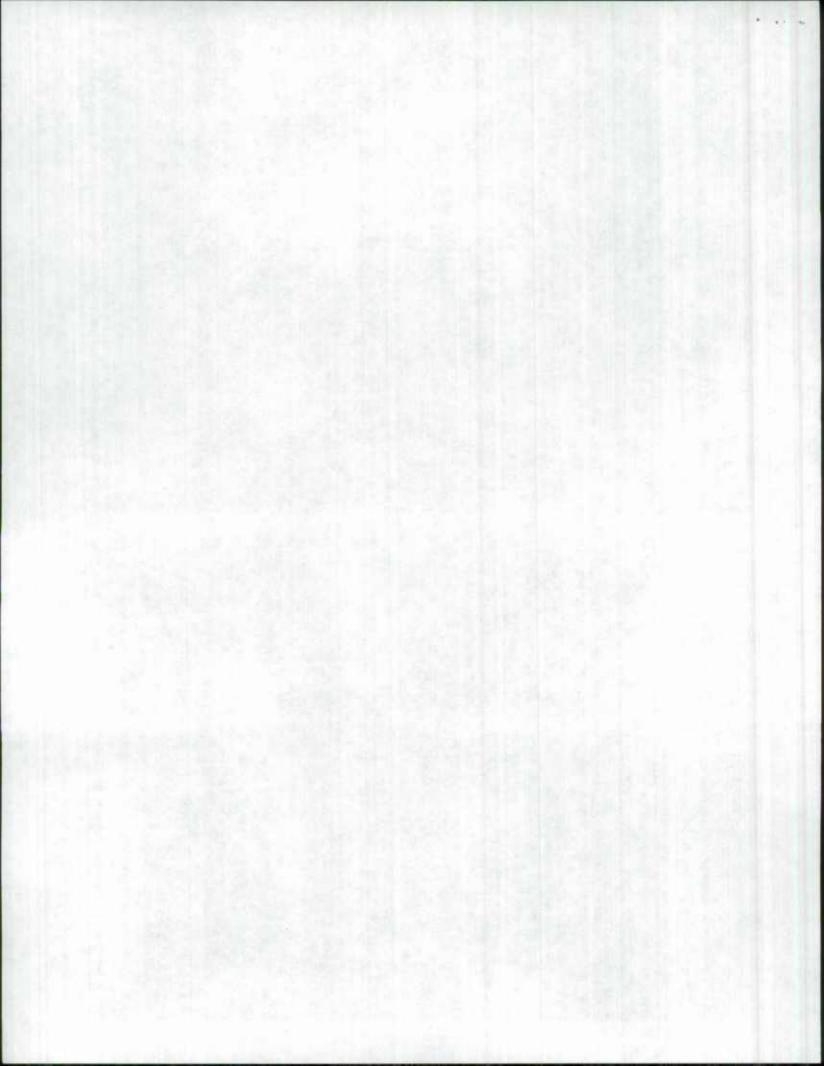
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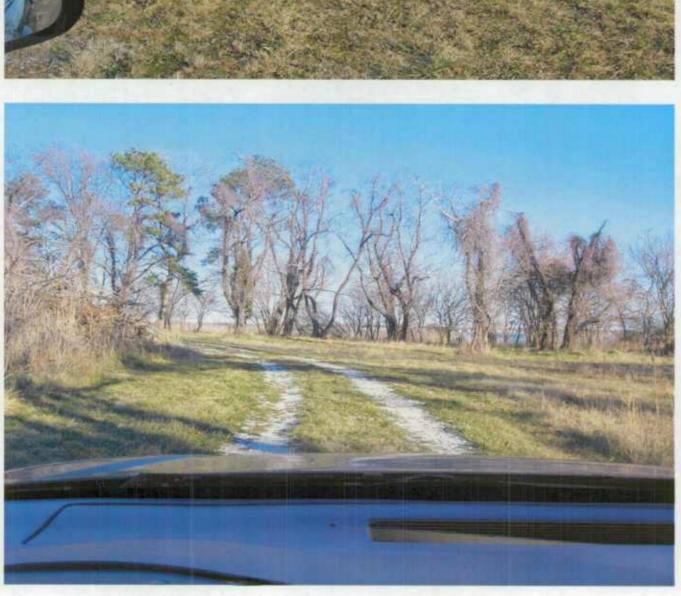


April 15, 2010

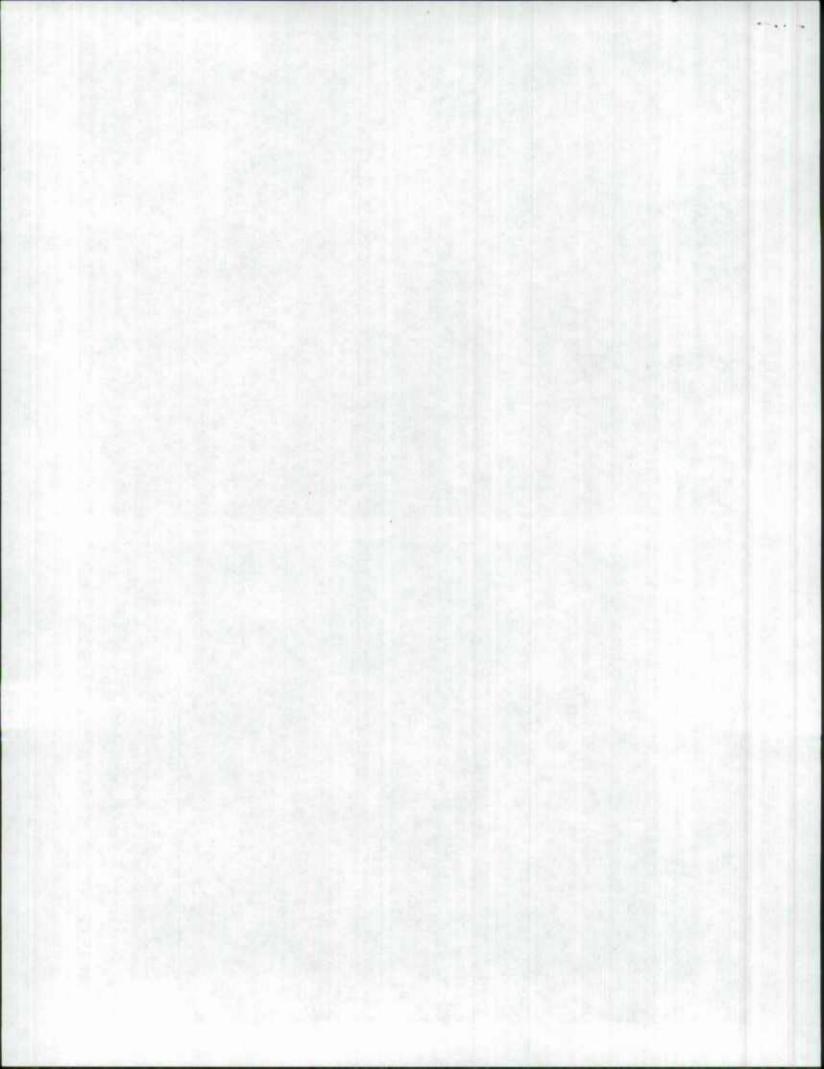








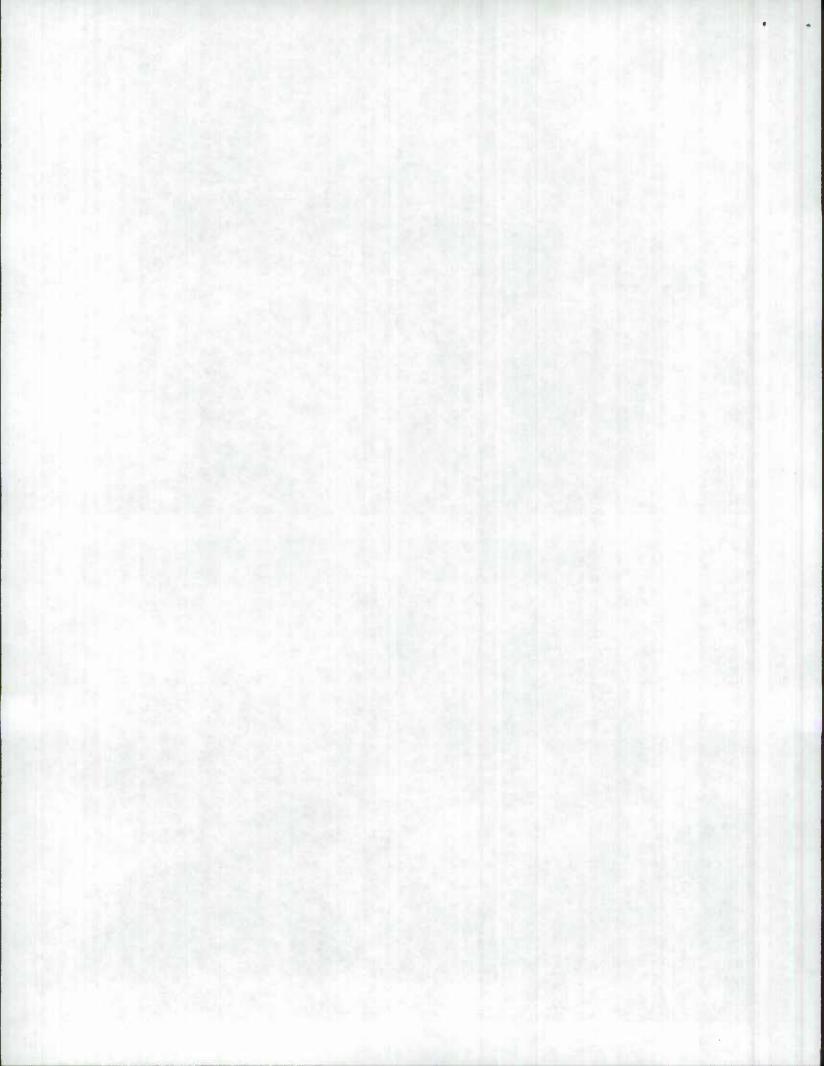


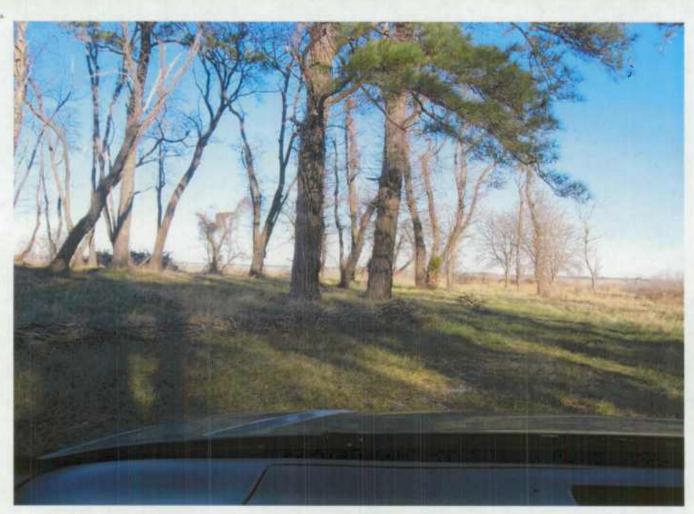


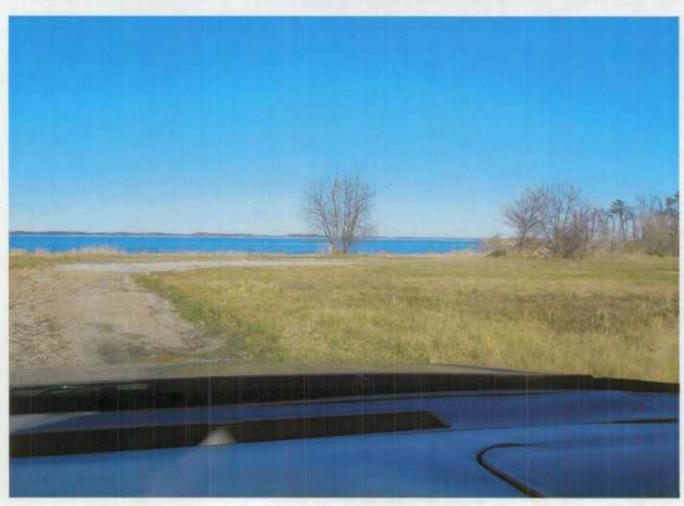
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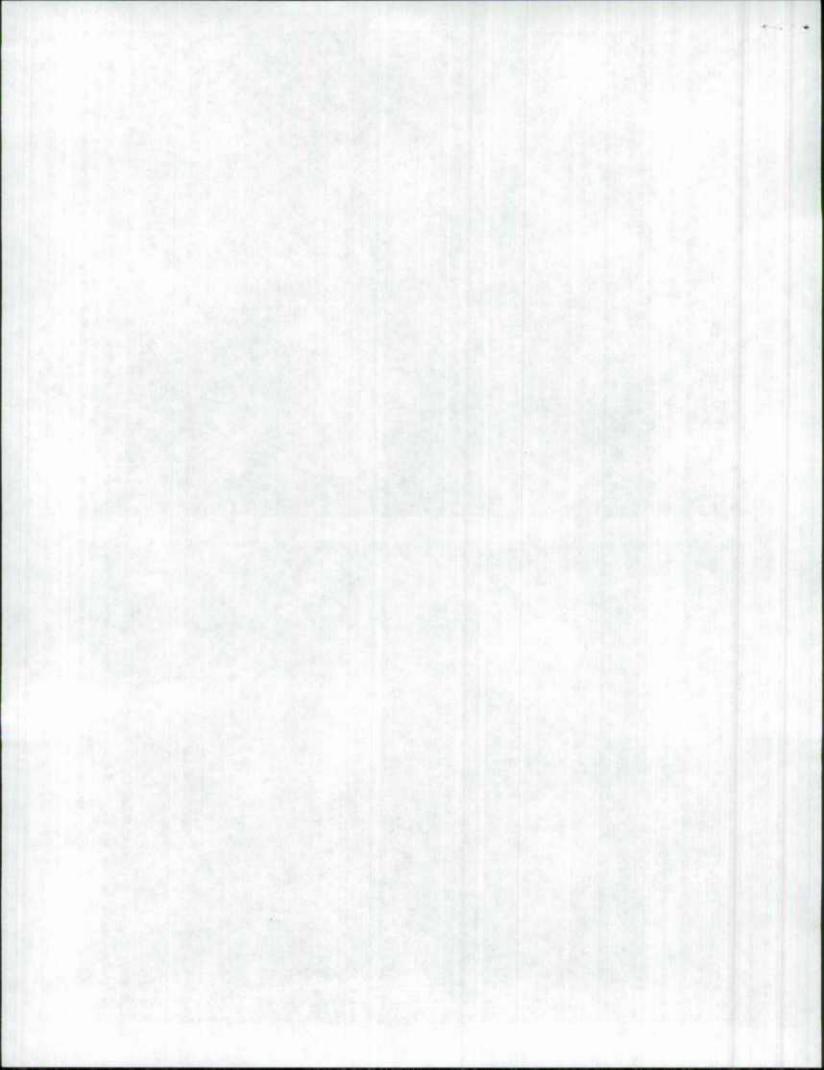


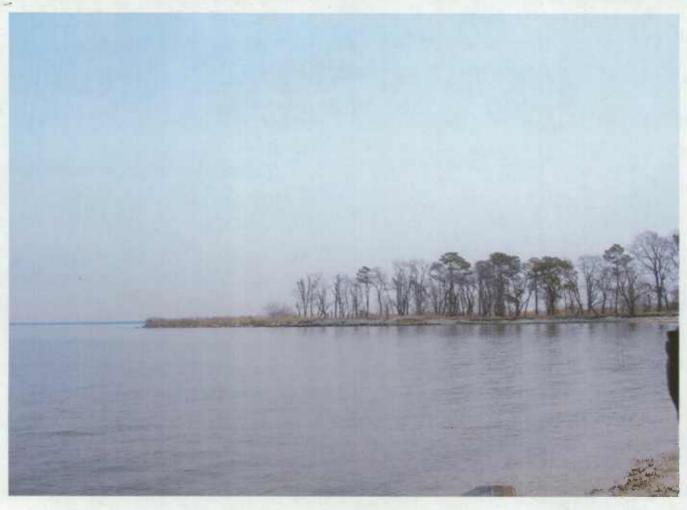














March 17 2005

