

Committee Meetings & Correspondence September 1988

USA 51832-49



8/17/88 file
commis
mtgs.

JUDGE SOLOMON LISS
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION
DEPARTMENT OF NATURAL RESOURCES
TAWES STATE OFFICE BUILDING, D-4
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2426

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

COMMISSIONERS

Thomas Osborne
Anne Arundel Co.

James E. Gutman
Anne Arundel Co.

Ronald Karasic
Baltimore City

Albert W. Zahniser
Calvert Co.

Thomas Jarvis
Caroline Co.

Kathryn D. Langner
Cecil Co.

Samuel Y. Bowling
Charles Co.

G. Steele Phillips
Dorchester Co.

Victor K. Butanis
Harford Co.

Wallace D. Miller
Kent Co.

Parris Glendening
Prince George's Co.

Robert R. Price, Jr.
Queen Anne's Co.

J. Frank Raley, Jr.
St. Mary's Co.

Ronald D. Adkins
Somerset Co.

Shepard Krech, Jr.
Talbot Co.

Samuel E. Turner, Sr.
Talbot Co.

William J. Bostian
Wicomico Co.

Russell Blake
Worcester Co.

CABINET MEMBERS

Wayne A. Cawley, Jr.
Agriculture

J. Randall Evans
Employment and Economic Development

Martin Walsh, Jr.
Environment

Ardath Cade
Housing and Community Development

Torrey Brown
Natural Resources

Constance Lieder
Planning

August 30, 1988

Dear Commission Member:

The next Meeting of the Commission is scheduled for Wednesday, September 7, 1988 at 1:00 p.m. at the Department of Agriculture Building, 50 Harry S. Truman Parkway, Annapolis. The Agenda for the Meeting as well as the Minutes of the August 17th Meeting are enclosed.

Sincerely,


Solomon Liss
Chairman

SL/jjd
Enclosures

CHESAPEAKE BAY CRITICAL AREA COMMISSION

AGENDA

Department of Agriculture
50 Harry S Truman Parkway
Annapolis, Maryland

September 7, 1988

1:00 - 3:30 p.m.

- | | | | |
|-------------|---|--|---|
| 1:00 - 1:10 | Approval of Minutes of August 3, 1988 | Solomon Liss
Chairman | ✓ |
| 1:10 - 1:20 | Votes on Leonardtown Program <i>oh ltr sent.</i> | Sarah Taylor/
Panel | ✓ |
| 1:20 - 1:30 | Vote on Vienna Program <i>oh ltr sent</i> | Ed Phillips/
Panel | ✓ |
| 1:30 - 1:40 | Vote on Secretary Program <i>oh ltr sent</i> | Ed Phillips/
Panel | ✓ |
| 1:40 - 1:50 | Vote on Princess Anne Program (Perhaps) <i>next mty</i> | Ed Phillips/
Panel | ✓ |
| 1:50 - 2:00 | Vote on Baltimore County Map Amendments <i>ghd ltr sent</i> | Marcus Pollock/
Panel | |
| 2:00 - 2:20 | Vote on Chesapeake Beach Program <i>oh ltr sent.</i> | Panel | |
| 2:20 - 2:45 | Presentation By Dorchester County - Amendments for Use of Growth Allocation | Steve Dodd, County Planner
Consultant | ✓ |
| 2:45 - 3:00 | Natural Parks Study - <i>turn over program.</i> | Dawnn McCleary
Panel | I |
| 3:00 - 3:20 | Presentation of Waterway Improvement Project for the Gunpowder Dundee Creek Marina | Kenneth Ropp,
Waterway Improvement
Division, DNR | |
| 3:45 - 4:15 | Presentation of Capital Programs Project for the Gunpowder Dundee Creek Marina | Pat Plocek,
Capital Programs,
DNR | |
| 4:15 - 4:30 | Old Business
New Business <i>Somerset Co. Longford Farms, Bayboro Island. Business to protect the paper...</i> | Solomon Liss
Chairman | |

Chesapeake Beach

Next Meeting: September 28, 1988, Department of Natural Resources

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held
August 17, 1988

The Chesapeake Bay Critical Area Commission met at the Department of Housing and Community Development, Annapolis, Maryland. The meeting was called to order by Chairman Solomon Liss with the following Members in attendance:

Albert Zahniser	Ronald Karasic
James Gutman	Samuel Turner, Sr.
Samuel Bowling ✓	Kathryn Langner
Robert Price, Jr.	G. Steele Phillips
Robert Schoeplein of DEED ✓	Ronald Adkins
John Griffin of DNR	J. Frank Raley, Jr.
Deputy Secretary Cade of DHCD	Victor Butanis
Michael Pawlieukewicz for	Thomas Jarvis
Parris Glendening	Secretary Lieder of DSP
Louise Lawrence for	Susan Scotto for
Secretary Cawley	Robert Perciasepe

The Minutes of the Meeting of August 3, 1988 were approved as written.

Chairman Liss reported on the status of the Program for Crisfield. He said that the City had asked for an exemption of the area of commercial development where certain maritime development is proposed. The Panel had earlier recommended approval of the request and the Assistant Attorney General has submitted a memorandum of advice concerning this exclusion, which set out the statutory criteria the Commission needed to use in its review, and some analysis of them.

Mr. Ed Phillips reported that the Panel has not met since the Assistant Attorney General's advice was given, but he felt the Panel to be unanimous in still approving the exclusion.

Mr. Karasic, Panel Chairman, and Mr. Adkins, Panel member, concurred with Mr. Phillips' statement.

Mr. Gutman inquired of the position of the members of the Panel who were not presently in attendance at the Commission Meeting.

Mr. Phillips replied that Mr. Bostian, Dr. Krech, and Mr. Hickernell had agreed with the approval, but had not yet been given the Assistant Attorney General's advice.

Mr. Gutman suggested that it would more appropriate to apprise a member of the Panel not present, of the advice of the Assistant Attorney General concerning the exclusion for Crisfield, and then have those Panel members give their opinion.

Critical Area Commission
Minutes - 8/17/88
Page Two

Chairman Liss instructed Mr. Karasic and Mr. Adkins to telephone Mr. Bostian during the Meeting's break period, and inform him of the memorandum in order to obtain a majority opinion of the Panel before the Commission vote on the Program and the exemption.

Chairman Liss reported that the Town of Church Creek had signed the Resolution seeking exclusion from the Critical Area Law, suggested by the Commission.

A motion was made and seconded that the Commission accept the Resolution as an exclusion of the Town of Church Creek. The vote was 15:0 in favor.

Chairman Liss asked Dr. Taylor to report on the Program for the City of Salisbury. Dr. Taylor said that she spoke with Mr. Bostian, Panel Chairman, and he informed her that the Panel's recommendation is to return the Program to the City. She said that the comments are similar to those made of Wicomico County's Program. There were some mapping issues still remaining, and Dr. Sullivan has met with the Planning Director and the Commission Panel on these issues, and all were in agreement that these should be made.

A motion was made and seconded that the Commission believes the local Program for the City of Salisbury is a good one, but for final approval pursuant to Section 8-1809(d)(2) of the Critical Area Law, the Commission requests the City of Salisbury to make the changes recommended by the staff report and endorsed by the Panel. Pursuant to Section 8-1809(d)(3), such changed Program must be re-submitted to the Commission within 40 days and only after at least one additional public hearing has been held concerning the changes made to the originally submitted Program, relevant ordinances and plans. The vote was 15:0 in favor.

Chairman Liss asked Mr. Zahniser, Subcommittee Chairman, to report on the Hart Miller Island project. Mr. Zahniser said that the subcommittee had met, and could see no instance where the proposed project would infringe on the Critical Area Law, and therefore, the panel recommends approval of this project.

A motion was made and seconded that the Commission approve the proposed project for the development of Hart Miller Island, as proposed by DNR's Waterways Improvement Division at the last Commission Meeting. The vote 15:0 in favor.

Chairman Liss then reported on the Program for Somerset County. He said that there was a meeting with the Commission staff and the County Commissioners, concerning whether or not the Program, as originally submitted, complied with the Critical Area criteria. The staff had previously provided the County with recommended changes. There are seven major issues still remaining over which there is some disagreement between the County and the Commission staff. Chairman Liss recommended that a tentative approval by the Commission be made.

A motion was made and seconded for the tentative approval of the Somerset County Critical Area Program. This approval is made of those portions of the County's Program which the Commission, its Panel, and staff believe meet the standards set forth in Section 8-1808(b) of the Critical Area Law, and the criteria adopted by the Commission. For those portions of the County Program which the Commission has identified as requiring adjustment, the County and Commission staff will work together, prior to the County's proposed adoption date of September 15, 1988, to resolve. If substantial changes are deemed necessary as a result of that negotiation, the County will return those portions to the Commission after another public hearing, prior to any implementation, and seek Commission approval for such changes to its local Program. Attached to this motion is a summary of the seven major issues still requiring Commission/County discussion, (staff report of the August 6, 1988) and staff report of June 23, 1988, which outlines all of the technical details to which some attention must be given in order to gain the Commission's full and final approval.

Mr. Gutman asked what was the benefit of the Commission's partial approval at this time? Chairman Liss answered that it was a compromise worked out between the County and Commission staff and thus, the request of the County, to have a partial approval at this time.

Mr. Price asked if the vote would be for tentative approval of those seven remaining issues and final approval of those portions of the Program that are acceptable to the Commission?

Mr. Epstein answered that the vote would be for tentative approval for the portions of the Program approved by the Panel and the Commission staff at previous meetings.

The vote on the motion to tentatively approve Somerset County's Critical Area Program was 15:0.

Chairman Liss asked Mr. Ren Serey to report on the Program for Chesapeake Beach. Mr. Serey said that on June 1, 1988, the Commission voted to develop Chesapeake Beach's Program. The Panel had recommended a mapping change to a parcel of approximately 70 acres, but the Town was not in agreement with that change. Subsequent to the takeover notice, the Town had proposed an exclusion for that same area. The Panel had met regarding that issue, and agreed that portions of the parcel could be excluded. The Panel had provided the Town with suggested changes to the rest of the Program, and the Town had agreed to make those changes. The Town will hold a public hearing on September 1, 1988, the Commission's Panel hearing will be September 6, 1988, and a final vote on the Program is scheduled for the September 7th Commission Meeting.

Chairman Liss said that he had spoken with the Panel Chairman, Mr. Glendening, who informed him that the Panel unanimously recommended that the resolution be adopted by the Commission.

A motion was made and seconded to tentatively approve the Program for the Town of Chesapeake Beach, subject to the Town revising its requested exclusion area by mapping as local Critical Areas Resource Conservation Areas, those areas within 1,000 feet of Fishing Creek and those areas within 100 feet of tidal wetlands, and 25 feet of non-tidal wetlands. It is the Commission's finding that the area of wetlands and undeveloped land separating the remaining exclusion area from open water, will serve to protect tidal water quality and fish, wildlife, and plant habitats from adverse impacts of development in the exclusion area. It is not the Commission's intention to subsequently permit revision of (approximately 15 acres of) resulting RCA lands, which buffer the exclusion area from open water, for future higher intensity use with growth allocation. Both the Town and the Commission panel must hold another local hearing on the fully revised Program and maps before the Commission can entertain final approval of such local Program. The vote was 16:0 in favor.

Chairman Liss asked Mr. Zahniser, Panel Chairman, to report on Prince George's County's Map Amendments concerning Waterside and Port America projects. Mr. Zahniser said that when the County submitted its Program more than a year ago, these projects were pending. The County had decided not to grandfather these projects, but use growth allocation. He then asked Mr. Michael Pawlieukewicz, of the Department of Environmental Resources for Prince George's County, to explain some of the mitigation projects and the use of growth allocation for the two projects.

Mr. Pawlieukewicz explained that even though the entirety of the two parcels would not be developed, the County would debit growth allocation for the entire acreage of the parcels. He then discussed the design of the proposed projects and explained how mitigation measures would be taken.

Mr. Zahniser said that the Panel had attended a public hearing on August 15th at which no testimony was given against the projects. The Panel had again met prior to the Commission Meeting, and had agreed that the amendments to the Program were acceptable, and also that the mitigation offsets a considerable use of the Buffer. Mr. Zahniser said it was the Panel's recommendation to accept the amendment to the County's mapping, through use of growth allocation, and that the Buffer can be utilized because the mitigating improvements to waterfront, to runoff, and to fish habitat, both on and off of the project is sufficient.

A motion was made and seconded that pursuant to Section 8-1809 (g) and (h) of the Critical Area Law, the Commission approves Prince George's County's request to amend Block A, Lots 1-15, Block B, Lots 1-3, and Block C, Lots 1-12 of Tax Map #113, from Resource Conservation Area to Limited Development Area through use of growth allocation. The total acreage to be amended is 21 acres. As of December 1, 1985, the subject parcel comprised of 36.9 acres. Pursuant to the Critical Area guidelines for growth allocation, the County shall debit 36.9 acres from its growth allocation. The vote was 16:0 in favor.

A motion was made and seconded that pursuant to Section 8-1809 (g) and (h) of the Critical Area Law, the Commission approves Prince George's County's request to amend Parcel 9, and Parcel 38 of Tax Map #104, from Limited Development Area to Intensely Developed Area through use of growth allocation. The total acreage to be amended is 98 acres. Pursuant to the Critical Area guidelines for growth allocation, the County shall debit 98 acres from its growth allocation. Attached to this resolution is the Port America Mitigation Summary developed by Prince Georges County to monitor and enforce the various projects included in the Summary. The Summary is intended to be taken as a part of the resolution submitted to the Commission for its approval. Approval is granted on the basis that the County will comply with the mitigation program. The vote was 16:0 in favor.

Chairman Liss then asked Mr. Karasic to report on the result of the telephone conversation with Mr. Bostian, concerning the Crisfield's request for an exclusion.

Mr. Karasic reported that he had apprised Mr. Bostian of the Assistant Attorney General's advice, and the issue before the Commission, and the comments of the Commission staff. He said that Mr. Bostian was of the opinion that the consensus of the Panel had not changed in that the recommendation would be to approve the exemption and the City's Program as changed.

A motion was made and seconded that the Commission approve the Program of the City of Crisfield, and to grant exemption to the marine area from the Critical Area Law. The vote was 16:0 in favor.

Chairman Liss asked Dr. Taylor to report on the Program for Charles County. Dr. Taylor said that all of the recommended changes to its Program have not yet been made.

UNDER NEW BUSINESS

Dr. Taylor reported on the schedules for the upcoming Panel hearings as follows:

- | | | |
|---------------------------|---|--|
| Secretary
Panel | - | August 22. Town Hall, 7:00 p.m. |
| | - | Ron Hickernell/Tom Jarvis/Bill
Bostian/Steele Phillips/James
Gutman. |
| Vienna
Panel | - | August 22. Town Hall, 8:30 p.m. |
| | - | Ron Hickernell/Tom Jarvis/Bill
Bostian/Steele Phillips/James
Gutman. |
| Baltimore Co.
Panel | - | August 29. North Point Library,
7:00 p.m., Dundalk. |
| | - | Victor Butanis, Ch./Ron
Karasic/Bob Perciasepe/Ron
Hickernell/Tom Jarvis |
| Chesapeake Beach
Panel | - | September 6. Town Hall, 7:00 p.m. |
| | - | Parris Glendening, Ch./Sam
Bowling/Shepard Krech/Skip
Zahniser/Ron Karasic |

Critical Area Commission
Minutes - 8/17/88
Page Seven

UNDER OLD BUSINESS

Dr. Taylor reported that Talbot County's Panel hearing has been tentatively scheduled for mid-September. Mr. Davis has been reviewing parts of the Program and believes it to be very good. The Panel is comprised of Ron Adkins, Shepard Krech, Bob Price, James Gutman, and Ron Hickernell.

There being no further business, the meeting was adjourned.

entire development parcel will be defined as being within a development envelope and will be counted against the county growth allocation.

- * In the case of conventional (nonclustered) large lot developments at a density less than one dwelling unit per acre, a development envelope encompassing all areas proposed to be physically disturbed for buildings, roads, driveways, patios, tennis courts, swimming pools, on-site sewage treatment and disposal facilities, and so forth will be determined on a lot-by-lot basis. If the development envelope for an individual lot exceeds 1 acre in size, the entire envelope will be counted, but in no case will the area counted be less than 1 acre per dwelling unit.
- * In the case of cluster developments proposing some amount of common open space and individual lot sizes of 1 acre or less, a development envelope encompassing all of the collective actual lot areas, plus any active recreation areas, roads, driveways and other common facilities such as community sewage treatment and disposal facilities and stormwater management facilities, will be determined for the development as a whole and will be counted against the county growth allocation.
- * In the case of cluster developments proposing some amount of common open space and individual lot sizes in excess of 1 acre, a development envelope encompassing all active recreation areas, roads and other common facilities such as sewage treatment and disposal facilities and stormwater management facilities, and the area proposed to be physically disturbed on each individual lot will be determined. As in the second case above, if the development envelope for any individual lot exceeds 1 acre in size, the entire individual lot development envelope will be deducted, but in no case will the area counted for each dwelling unit be less than 1 acre.

In all cases, the deduction from the county growth allocation will be determined by delineating a specific development envelope. This area will include all or portions of any individually owned lots plus any required common buffers, impervious surfaces, utilities, on-site sewage disposal and stormwater management facilities or areas, and any areas subject to significant human use such as active



JUDGE SOLOMON LISS
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION
DEPARTMENT OF NATURAL RESOURCES
TAWES STATE OFFICE BUILDING, D-4
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2426

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

COMMISSIONERS

Thomas Osborne
Anne Arundel Co.

James E. Gutman
Anne Arundel Co.

Ronald Karasic
Baltimore City

Albert W. Zahniser
Calvert Co.

Thomas Jarvis
Caroline Co.

Kathryn D. Langner
Cecil Co.

Samuel Y. Bowling
Charles Co.

G. Steele Phillips
Dorchester Co.

Victor K. Butanis
Harford Co.

Wallace D. Miller
Kent Co.

Parris Glendening
Prince George's Co.

Robert R. Price, Jr.
Queen Anne's Co.

J. Frank Raley, Jr.
St. Mary's Co.

Ronald D. Adkins
Somerset Co.

Shepard Krech, Jr.
Talbot Co.

Samuel E. Turner, Sr
Talbot Co.

William J. Bostian
Wicomico Co.

Russell Blake
Worcester Co.

September 21, 1988

Dear Commission Member:

The next Meeting of the Commission is scheduled for Wednesday, September 28, 1988 at 1:00 p.m. in the Lobby Conference Room of the Department of Natural Resources Building, 580 Taylor Avenue, Annapolis. The Agenda for the Meeting as well as the Minutes of the September 7th Meeting are enclosed.

Sincerely,

Solomon Liss
Solomon Liss
Chairman

SL/jjd
Enclosures

CABINET MEMBERS

Wayne A. Cawley, Jr.
Agriculture

J. Randall Evans
Employment and Economic Development

Martin Walsh, Jr.
Environment

Ardath Cade
Housing and Community Development

Torrey Brown
Natural Resources

Constance Lieder
Planning

comm mtg.

REVISED AGENDA

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland

September 28, 1988

1:00-3:30 p.m.

1:00-1:10 Approval of September 7, 1988 Minutes

Solomon Liss, Chairman

1:10-1:20 Vote on Indian Head Program

not ready yet

Bob Sheesley, Dir, Dept of Environment & Resource Mgmt.
Robert Schoepflein, Panel Chairman

1:10-1:20 *Balt Co. - Owl Corporation*

1:20-1:30 Vote on Cambridge Program

- maps.

Ed Phillips and Panel

1:30-1:40 Vote on Princess Anne Program

- maps

Ed Phillips and Panel

1:40-1:50 Vote on Calvert County Program

- maps.

Sam Bowling, Panel Chairman

1:50-2:15 Discussion on Charles County Program

Solomon Liss, Chairman
James Hatman, Panel Chair

2:15-2:30 Status of St. Mary's County Program Promulgated by Commission

Dr. Kevin Sullivan

2:30-2:50 Old Business:

Solomon Liss, Chairman

*Adkins
Hycknell
Kuech
Price
Stutman*

- *Economic Baseline Study
- *Anne Arundel Co. Growth Allocation
- *Talbot Co. Panel Hearing
- *Cecil Co. Amendment Panel Hearing

*10/11/88
7:00 p.m.
Easton H.S.*

(Distribution of Ex. Summary)
Jim Gutman-summary of mtg. vote on October 5th (date and place arranged)
(date and place arranged)

2:50-3:30 New Business:

*10/20/88
7:00 p.m.
Rm 300
GO Off Bldg.*

- *Court Suit
- *Meeting with Elkton
- *~~Bridge on Moneymake Creek~~
- *~~Talbot Co. appoint panel~~
- *Boardwalk-Merkle Wildlife Sanctuary-State Project-appoint panel

Solomon Liss, Chairman

Solomon Liss, Lee Epstein
Solomon Liss
~~Solomon Liss~~

Solomon Liss
Randy Herrill, Capital Prog.

*Jim Gutman
Ch.
Corry
Boh
Shig
Parus
Schoepflein
Stutman
Gland*

**NEXT MEETING DEPT. OF AGRICULTURE - OCTOBER 5th, 1988

CHANGES TO THE TEXT OF THE CRITICAL AREA PROGRAM

1) Change to the density limitation in the Limited Development District

Discussion: The County Attorney recommended adding wording to make sure that owners of property in the Rural District that had not been subdivided since 1967 would still be entitled to one acre lots. Most of the LDA with the 3 acre limitation is already subdivided so that this would not increase the number of permissible lots very much but would protect the property rights of the owners.

8.04 Density Limitation

add: All properties which are designated LDA but zoned Rural shall have a minimum lot size of three acres except for those one-acre lots created under Section 5-1.02 B of the Zoning Ordinance which can not be located outside of the Critical Area. accommodate

2) Change to the Resource Conservation Section of the Ordinance

Discussion: This change is recommended in order to provide for clustering outside of the Critical Area any lots lost under the Critical Area provisions of the Ordinance that would ordinarily be permitted under the Rural zoning.

4-9.10 Clustering Outside the Critical Area

Any lots which a property owner is entitled to under the Rural Zoning but which are not permitted in the Resource Conservation District, may be clustered on that portion of the property which is outside the Critical Area.

3) Sale of Transferable Development Rights

Discussion: The question was raised at the public hearing as to whether transferable development rights could be sold off of land in the Resource Conservation District. As far as the County is concerned, there is no reason why the same number of TDRs could not be sold as the property owner would have been entitled to before the Critical Area.

4-9.11 Sale of Transferable Development Rights

Under the County's Agricultural Preservation Program, an owner of property in the Resource Conservation District can sell the same number of transferable development rights to which he was entitled under the Rural zoning.



JUDGE SOLOMON LISS
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION
DEPARTMENT OF NATURAL RESOURCES
TAWES STATE OFFICE BUILDING, D-4
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2426

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

COMMISSIONERS

Thomas Osborne
Anne Arundel Co.

James E. Gutman
Anne Arundel Co.

Ronald Karasic
Baltimore City

Albert W. Zahniser
Calvert Co.

Thomas Jarvis
Caroline Co.

Kathryn D. Langner
Cecil Co.

Samuel Y. Bowling
Charles Co.

G. Steele Phillips
Dorchester Co.

Victor K. Butanis
Harford Co.

Wallace D. Miller
Kent Co.

Parris Glendening
Prince George's Co.

Robert R. Price, Jr.
Queen Anne's Co.

J. Frank Raley, Jr.
St. Mary's Co.

Ronald D. Adkins
Somerset Co.

Shepard Krech, Jr.
Talbot Co.

Samuel E. Turner, Sr.
Talbot Co.

William J. Bostian
Wicomico Co.

Russell Blake
Worcester Co.

CABINET MEMBERS

Wayne A. Cawley, Jr.
Agriculture

J. Randall Evans
Employment and Economic Development

Martin Walsh, Jr.
Environment

Ardath Cade
Housing and Community Development

Torrey Brown
Natural Resources

Constance Lieder
Planning

TO: Chesapeake Critical Area Commission

FROM: Sarah J. Taylor

Re: Reveiw of Charles County Program

DATE: September 27, 1988

On September 9, 1988, the Charles County Program was submitted in final form and approved by the County for the Commission to review and to approve. Carolyn Watson and I have reveiwed the proposed Program and make the following recommendation to the Commission:

That final approval not be given because of several elements requiring panel reveiw, discussion, and resolution.

These items are:

- 1) Charles County provides for the cutting of trees in the Buffer to create a view corridor.
- 2) Charles County recognizes restaurants as water dependent and therefore allowable in the Buffer.
- 3) Charles County allows for wet dock shop facilities, Marina offices, locker rooms rest rooms and sales offices to be located in the Buffer for commercial Marinas and other related commercial Maritime facilities.
- 4) Charles County allows Marina offices associated with public beaches in the Buffer.
- 5) The required agricultural buffer of 25 feet is omitted from the Program.
- 6) Charles County does not include the use of stormwater management practices to achieve a 10% reduction in pollutant loadings in its Program.
- 7) Charles County allows an approved Forest Management Plan to be a substitute for the requirement for forest replacement and the protection of retained trees when tree removal is associated with development.

Page Two
September 27, 1988
Commission Members

- 8) The designation of Maxwell Hall from RCA to LDA without the use of growth allocation is questionable.

Eleven other changes were incorporated into the Program.

Carolyn 952-3745

Increase
Septic System
growth allocation

Critical Area Commission
Minutes - 1/20/88
Page Seven

The panels for upcoming Commission hearings were chosen as follows:

Charles Co.	James Gutman, Ch., Connie Lieder, Bob Schoeplein, Skip Zahniser, Parris Glendening
Dorchester Co.	<u>Bill Bostian, Ch.</u> , Solomon Liss, Ron Hickernell, Tom Jarvis, Steele Phillips
North Beach	Ardath Cade, Ch., Sam Bowling, Torrey Brown, J. Frank Raley, Bob Perciasepe
Talbot Co.	Ron Karasic, Shepard Krech, Wallace Miller, Kay Langner, Ron Hickernell
Worcester Co.	Victor Butanis, Russell Blake, Ron Adkins, Bill Bostian, Bob Price

UNDER NEW BUSINESS

Dr. Taylor then informed the Commission that Caroline Co., and Federalsburg, should be in to the Commission this day. Dorchester Co. informally submitted a Program (to be completed after they hold their hearing), Chestertown will be submitted this week, St. Mary's Co. is now complete, Somerset Co. has informally submitted their Program except for the maps, Crisfield and Princess Anne have been submitted, Talbot Co.'s Program has been submitted, and Wicomico and Worcester Cos. have informally submitted their Programs.

Mr. Gutman asked which Program is the Commission staff uncertain of? Dr. Taylor answered Wicomico.

There being no further business, the meeting was adjourned.

Judge -
I need to talk
w/ you re:
Charles Co. &
Kent Co.



Maryland Department of Natural Resources

Capital Programs Administration
2012 Industrial Drive
Annapolis, Maryland 21401

CALL
ASTAF
Judge
call
Bob
Thursday

William Donald Schaefer
Governor

Torrey C. Brown, M.D.
Secretary

Michael J. Nelson
Assistant Secretary
for Capital Programs

September 21, 1988

Honorable Solomon Liss, Chairman
Chesapeake Bay Critical Areas Commission
Tawes State Office Building, D-4
Annapolis, Maryland 21401

Dear Judge Liss:

We are planning to reconstruct an existing 185' long boardwalk across the marsh at the Merkle Wildlife Sanctuary in Prince George's County. The existing boardwalk has deteriorated and is no longer safe. The new boardwalk would be built over the existing boardwalk and would be handicapped accessible. There will be a 10' increase in length at the landward end to accommodate a handicapped ramp and a 2' increase in width to accommodate a handicapped railing and wheelchair passing requirements. All work will be done from the old boardwalk with no additional disturbance of the marsh.

This project is not in a National Heritage Area nor will it disturb any threatened or endangered species or habitat. A copy of the construction drawing, including a site plan, is enclosed.

As I understand the regulations, this would not constitute a substantial alteration of an existing development and, therefore, would not be subject to the critical area regulations for State agency actions on State owned lands.

Please let me know if this interpretation is correct.

Sincerely,

Robert B. Dannecker
Director
Engineering Services

RBD:dlt
Enclosures

Telephone: _____

DNR TTY for Deaf: 301-974-3683