

Commission Meetings & Corresp.

Sept. 1989

MSA-SP32-62



JOHN C. NORTH, II
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

WEST GARRETT PLACE, SUITE 320
275 WEST STREET
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2426

COMMISSIONERS

August 17, 1989

Thomas Osborne
Anne Arundel Co.

James E. Gutman
Anne Arundel Co.

Ronald Karasic
Baltimore City

Ronald Hickernell
Baltimore Co.

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.

William Corkran, Jr.
Talbot Co.

William J. Bostian
Wicomico Co.

Russell Blake
Worcester Co.

Dear Commission Member:

The September 6th Meeting of the Commission has been scheduled for 1:00 p.m., at the Jefferson Patterson Park and Museum, St. Leonard, Calvert County, Maryland. A map is enclosed for your use. If you do not wish to drive, we have arranged for the Governor's Van to meet Commission Members no later than 8:00 a.m. at the Commission office. Please contact Tera to confirm your reservation before September 6th. Her telephone number is (301) 974-2426.

Enclosed are the following items pertaining to the meeting:

- 1) Agenda for the Meeting;
- 2) Subcommittee Agenda;
- 3) Minutes of the Meeting of August 2nd;
- 4) Conceptual Master Plan for the Jefferson Patterson Park and Museum;
- 5) MOU with the Waterway Improvement Division and General Approval for Piers and Ramps; and
- 6) Proposed Policy for Expanding the 1,000-Foot Chesapeake Bay Critical Area Initial Planning Area.

I look forward to seeing on Wednesday. It is a beautiful site on the Patuxent River. Please dress comfortably and casually, as part of the day will be spent traversing the Park.

Sincerely,

Judge John C. North, II
Chairman

CABINET MEMBERS

Wayne A. Cawley, Jr.
Agriculture

Robert Schoeplein
Employment and Economic Development

Robert Perciasepe
Environment

Ardath Cade
Housing and Community Development

Torrey C. Brown, M.D.
Natural Resources

Ronald Kreitner
Planning

Enclosures
cc: Helene Tenner
Ann Swanson

AGENDA

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Jefferson Patterson Park & Museum
Maryland Historical Trust
St. Leonard, Maryland

September 6, 1989

1:00 - 5:00 p.m.

9:30 - 12:00	Subcommittees Meeting: Special Issues Project Evaluation Program Amendment Caroline County Panel MOU with MDOT Panel	Pavillion James E. Gutman, Ch. Kathryn Langner, Ch. Ronald Karasic, Ch. Victor Butanis, Ch. James E. Gutman, Ch.
12:00 - 1:00	Lunch	Home of Mrs. Patterson
1:00 - 1:50	Tour of the Park and Museum	Mr. Wayne Clark, Director
1:50 - 2:00	Approval of the Minutes of August 2, 1989	John C. North, II Chairman
2:00 - 2:30	<u>PROJECT EVALUATIONS</u> Discussion and Vote (Possibly) on Concept Site Plan - Jefferson Patterson Park & Museum Vote on Light Rail Project (Baltimore City, Baltimore Co., Anne Arundel Co.)	Pat Pudelkewicz Kathryn Langner, Ch./ Samuel Bowling, Ch./ Dawnn McCleary
2:30 - 3:00	<u>PROGRAM REVIEW & AMENDMENT</u> Somerset County Update St. Mary's County Update Vote on Kent County Amendment: Zoning Ordinance Vote on Town of Oxford Program Amendment	Robert Price, Ch./ Tom Ventre James E. Gutman, Ch./ Ren Serey Victor Butanis, Ch./ Pat Pudelkewicz John C. North, II Chairman/Pat Pudelkewicz

Vote on Caroline County
Program

Victor Butanis, Ch./
Sarah Taylor

Vote on Dorchester Co.
Program Amendment
(Wigglesworth and the
Trans-Bay Ferry)

Robert Price, Act. Ch./
Tom Ventre

3:00 - 3:30

PRESENTATION & DISCUSSION

Geographic Information
System

Dr. Alade/Staff

3:30-4:00

POLICIES, MOU'S & GENERAL APPROVALS

Vote on Amendments
Procedure

Ronald Karasic, Ch./
Larry Duket

Vote (Possibly) on MOU
with Waterway Improvement
Division and General
Approval for Piers and
Ramps

Abi Rome

Discussion and Vote
(Possibly) on Policy for
Expanding the 1,000-Foot
Critical Area Initial
Boundary

James E. Gutman/
Lee Epstein/
Anne Hairston

4:00 - 4:20

Update - Program Amendment

Ron Karasic, Ch./
Pat Pudelkewicz

Update - Project Evaluation

Kathryn Langner, Ch./
Samuel Bowling, Ch./

Update - Special Issues

James Gutman, Ch./
Sarah Taylor

4:20 - 4:30

New Business
Old Business

John C. North, II
Chairman

Next Commission Meeting: October 4, 1989, Commission Office



JOHN C. NORTH, II
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION
WEST GARRETT PLACE, SUITE 320
275 WEST STREET
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2426

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

COMMISSIONERS

MEMORANDUM

Thomas Osborne
Anne Arundel Co.

TO: Commission Members

James E. Gutman
Anne Arundel Co.

FROM: Judge John C. North, II
Chairman

Ronald Karasic
Baltimore City

Ronald Hickernell
Baltimore Co.

SUBJ: Additional Items for September 6th Commission Meeting

Albert W. Zahniser
Calvert Co.

DATE: August 23, 1989

Thomas Jarvis
Caroline Co.

Enclosed are:

Kathryn D. Langner
Cecil Co.

Samuel Y. Bowling
Charles Co.

1. directions to the Patterson Park & Museum,
2. the draft Master Plan for Patterson Park & Museum and,
3. final draft of the General Approval for Soil Conservation and Water Quality Planning in the Critical Area for Vote under Policies, MOU's and General Approvals.

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.

JCN/tlh

Ronald D. Adkins
Somerset Co.

Shepard Krech, Jr.
Talbot Co.

William Corkran, Jr.
Talbot Co.

William J. Bostian
Wicomico Co.

Russell Blake
Worcester Co.

CABINET MEMBERS

Wayne A. Cawley, Jr.
Agriculture

Robert Schoeplein
Employment and Economic Development

Robert Perciasepe
Environment

Ardath Cade
Housing and Community Development

Torrey C. Brown, M.D.
Natural Resources

Ronald Kreitner
Planning

SOIL CONSERVATION AND WATER QUALITY PLANNING IN THE CRITICAL AREA

INTRODUCTION

COMAR 14.19.03.01A allows state agencies to seek a general approval from the Chesapeake Bay Critical Area Commission for programs or classes of activities that result in development of local significance in the Critical Area. Soil Conservation and Water Quality planning is identified as an activity that results in development of local significance.

In accordance with the terms of the Memorandum of Understanding among the Maryland Department of Agriculture, the Maryland State Soil Conservation Committee and the Chesapeake Bay Critical Area Commission, the following information is submitted to support a request for general approval of soil conservation and water quality planning activities in the Critical Area.

This information constitutes the State's Soil Conservation and Water Quality planning program in the Critical Area. The program is locally implemented by Soil Conservation Districts.

COMAR 14.19.03.01.B requires that the following be supplied to the Commission:

1. A description of the program or class of activities
2. An assessment of the extent to which development resulting from the program or class of activities will be consistent with COMAR 14.15
3. A proposed process by which the program or class of activities will be conducted so as to conform with the requirements of COMAR 14.15.

The information which follows is formulated to be in compliance with these requirements.

PROGRAM DESCRIPTION

Soil Conservation and Water Quality Plans are agricultural land use plans developed to make the best possible use of a landowner's soil and water resources while protecting and conserving those resources for the future. It identifies best management practices (bmps) which the farmer has agreed to install to treat undesirable conditions or to improve the agricultural operation. It also delineates a schedule for installation of bmps with which the landowner concurs.

Soil Conservation Districts work cooperatively with a number of other agencies to promote, develop and assist in the implementation and maintenance of Soil Conservation and Water Quality Plans.

Soil Conservation and Water Quality planning is a dynamic process that considers changing patterns of land use, optimum economic and environmental land use, available resources and their constraints and a landowner's

production objectives and financial standing. Soil Conservation and Water Quality planning must meet local, state and federal program objectives. The Critical Area program is one of these state objectives.

Technical expertise is provided to farmers by Soil Conservation Districts and their cooperating agencies. The agricultural operation and farm's natural resource base are evaluated. Existing conditions that may cause or have the potential to cause soil erosion or detrimental impacts to water quality and other related resources are identified. Best management practices are recommended and designed with the concurrence of the landowner to treat identified problems or to improve the overall environmental or economic conditions of the agricultural operation. Financial and technical assistance may be provided for implementation of best management practices.

The class of program activities that may "result in development of local significance in the Critical Area" relates to the installation of best management practices. Actual installation and construction may cause land disturbance, earth-moving and land shaping to achieve the desired results.

CRITICAL AREA CONSISTENCY

The Critical Area regulations require all agricultural land within the Critical Area to be managed in accordance with a Soil Conservation and Water Quality Plan. They also set forth resource protection components that must be addressed within this process.

Soil Conservation Districts will achieve consistency with critical area requirements through use of their Field Office Technical Guides (FOTG). The USDA Soil Conservation Service develops these guides as a technical reference in accordance with local physical resources and current standards and specifications for best management practices. Maryland's FOTG requires the use of a total Resource Management System for compliance with both the Critical Area Program and the State Water Quality Management Program.

A Resource Management System establishes resource base protection from the impacts of:

- 1) soil erosion
- 2) water disposal
- 3) animal wastes and agri-chemicals
- 4) resource management (soil, plants, animals)
- 5) water management (quantity and quality)
- 6) off-site effects

Specifically, Soil Conservation and Water Quality Plans in the Critical Area will include or address the following elements when applicable:

1. BMPs for the control of nutrients, animal wastes, pesticides and sediment runoff in order to protect productivity and plant and wildlife habitat and enhance water quality.

2. Minimization of contamination of water from animal feeding operations including manure storage systems.

3. Provisions for the identification and protection of Habitat Protection Areas. Protection measures shall include:

- a. Water quality and habitat protection measures equivalent to a vegetated filter strip along the tidal waters 25 feet landward of the mean high water line of tidal waters, tributary streams or from the edge of tidal wetlands.
- b. Prohibition against the feeding or watering of livestock within 50 feet of mean high water or edge of tidal wetlands (whichever is further inland).
- c. Maintenance of a minimum 25-foot buffer or equivalent protection around identified nontidal wetlands where an activity may disturb the wetland or its wildlife resources (grazing of livestock not restricted).
- d. Protection of the hydrologic regime, water quality or plant and wildlife and habitat value of identified nontidal wetlands.
- e. Mitigation for any diking, draining or filling of nontidal wetlands which have a seasonally flooded or wetter water regime. Mitigation shall include measures taken to provide water quality benefits and plant and wildlife habitat equivalent to the wetland destroyed or altered. THE LOCAL SOIL CONSERVATION DISTRICT SHALL WITH THE ASSISTANCE OF THE DEPARTMENT OF NATURAL RESOURCES, DETERMINE IF MITIGATION IS SUFFICIENT TO ACCOMPLISH THESE OBJECTIVES. Agricultural drainage operations conducted pursuant to Agricultural Article §8-603, Annotated Code of Maryland, shall provide mitigation consistent with any regulation developed pursuant to that Section.
- f. Provisions to protect the habitats of species in need of conservation and endangered and threatened species.
- g. Wildlife habitat protection as related to identified colonial water bird nesting sites, historic waterfowl staging and concentration areas in tidal and nontidal wetlands, existing riparian forests, Natural Heritage Areas, forest areas utilized for breeding by forest interior dwelling birds, other wildlife species, and other plant and wildlife habitat areas of state, federal or local significance.
- h. Minimization of adverse impacts to anadromous fish propagation areas.
- i. Provisions to ensure that farming activities, including the grazing of livestock, do not disturb stream banks or tidal shorelines.

- j. Prohibition against clearing of existing natural vegetation (with the exception of noxious weeds) in the buffer.
4. Provisions requiring a Forest Management Plan for farms which harvest timber.
5. PROVISIONS ASSURING THE CREATION OF NEW AGRICULTURAL LANDS IS NOT ACCOMPLISHED UNDER THE FOLLOWING CONDITIONS.
 - a. BY THE DIKING, DRAINING, OR FILLING OF A CLASS OR SUBCLASS OF PALUSTRINE WETLANDS WHICH HAVE A SEASONALLY FLOODED OR WETTER WATER REGIME UNLESS MITIGATION IS PROVIDED.
 - 1) MITIGATION IS NOT REQUIRED FOR ALTERATIONS TO TEMPORARILY FLOODED OR DRIER WETLANDS
 - 2) ALTERATIONS MUST BE ASSOCIATED WITH ACTIVITIES OR OPERATIONS WHICH ARE EITHER WATER DEPENDENT OR OF SUBSTANTIAL ECONOMIC BENEFIT
 - 3) PROPOSED WETLAND ALTERATIONS MAY BE REVIEWED BY THE LOCAL JURISDICTION, WHO MAY REQUEST ASSISTANCE FROM THE CRITICAL AREA COMMISSION TO EVALUATE ECONOMIC BENEFIT AND WHETHER ALTERNATIVE MEASURES EXIST.
 - 4) MITIGATION PLANS WILL BE REVIEWED BY THE SOIL CONSERVATION DISTRICT WITH THE ASSISTANCE OF THE DEPARTMENT OF NATURAL RESOURCES.
 - b. BY THE CLEARING OF FORESTS OR WOODLANDS WITH A SLOPE GREATER THAN 15% OR ON SOILS WITH A "K" VALUE GREATER THAN .35 AND A SLOPE GREATER THAN 5%.

PROPOSED PROCESS

The process for developing a SCWQ plan will continue to be a dynamic one. Soil Conservation Districts will work with each landowner to assure the plan developed can be implemented within the context of the individual's agricultural operation while conforming to the Critical Area Criteria.

Soil Conservation Districts will utilize both technical support references and the cooperation and assistance available from other agencies to implement these programs.

The following references will be utilized in the recommendation, design and installation of suitable best management practices:

- 1) USDA-SCS Field Office Technical Guide
- 2) Manure Management Manual - SSCC, 1989
- 3) Maryland Wildlife Biology and Management Handbook-DNR & SCS

The Soil Conservation Service will act as technical lead providing up-to-date standards and specifications for best management practices. The

University of Maryland, Cooperative Extension Service will provide information and assistance related to the rates, timing and methods of application for animal and chemical fertilizers as well as information in the use of pesticides and integrated pest management.

Soil Conservation Districts will obtain copies of all mapped resource areas such as nontidal wetlands, Natural Heritage Areas, anadromous fish propagation areas, and habitat areas for threatened and endangered species from the local jurisdiction or Department of Natural Resources.

These areas will be identified in the SCWQ plan with reference to the requirement for additional protection or management if the landowner proposes conversion or activities affecting these sensitive areas. In these cases the appropriate section within the Department of Natural Resources will be contacted for site specific information and input related to resource protection and enhancement.

Habitat protection or enhancement practices may be included in the SCWQ plan, but will not be required unless existing activities are impacting a sensitive habitat area.

Soil Conservation Districts will continue to work with the Department of the Environment to resolve identified agricultural water quality problems.

STAFF PROJECT REPORT

PROJECT: Amendment B to Master Plan - Jefferson Patterson Park and Museum

BACKGROUND: In 1983, a 512-acre estate on the Patuxent River in Calvert County was donated to the State by Mrs. Jefferson Patterson. This site was donated with the intent that it be used for the analysis and interpretation of the natural, cultural, archaeological, architectural and historical resources of the Chesapeake Bay region.

A 10-year Master Plan for the Jefferson Patterson Park and Museum (JPPM) was adopted in 1984 laying out the development of programs and facilities. The mission of JPPM was to preserve, research and interpret the resources of the property while providing regional and statewide services and programs related to its museum and archaeological resources and responsibilities. The Master Plan called for adapting existing buildings and grounds for new uses whenever possible, and focusing public activities to the center of the property. Support facilities were planned for the southern section, while the northern section was to be maintained as a natural and archaeological preserve.

Amendment A (1986) and Amendment B (1988) to the Master Plan were adopted to reflect the expanded role of JPPM, new opportunities and changing responsibilities.

SUMMARY OF PROJECT: Amendment B focuses on the operating programs of JPPM and what facilities will be needed to meet its goals and objectives.

Proposed development at JPPM includes:

1. Maryland Archaeological Conservation Facility (MAC) - research, conservation and curation programs; new 32,000 sq. ft. building
2. Museum Service Center - administrative, operations and exhibition programs; adaptive reuse of 8 existing buildings
3. Agricultural Exhibit Building - partial private funding
4. Academy of Natural Sciences Laboratory - 98 year lease for 6 acre parcel, new 25,000 sq. ft. building
5. Asbury House - resident for seasonal students and staff; adaptive reuse of existing building

STATE PROJECT REPORT (Cont.)

6. Road System - reorganized
7. Shore Erosion Protection - traditional innovative methods; in cooperation with DNR and SCS

STAFF RECOMMENDATION: Critical Area Commission endorse Amendment B to the Final Master Plan for Jefferson Patterson Park and Museum, subject to each individual development project within the Critical Area being submitted to the Critical Area Commission for site plan review and approval.

STAFF CONTACT: Pat Pudelukewicz

DIRECTIONS TO PATTERSON PARK

FROM THE WASHINGTON BELTWAY: Exit on Route 4 south (Upper Marlboro). Travel approximately 48 miles south to Prince Frederick. Two miles south of Prince Frederick, turn right on Route 264 (Broomes Island Road). After approximately two miles, turn right on Route 265 (Mackall Road). Proceed six miles to the museum entrance. Travel time from Washington is about one and one-half hours.

FROM THE BALTIMORE METROPOLITAN AREA: Take Route 3 south until it becomes Route 301. Continue south on Route 301 to Route 4. Go south on Route 4 to Prince Frederick. Two miles south of Prince Frederick, turn right on Route 264 (Broomes Island Road). After approximately two miles, turn left on Route 265 (Mackall Road). Proceed six miles to the museum entrance. Travel time from Baltimore is about two hours.

FROM ANNAPOLIS AND THE EASTERN SHORE: Follow Route 2 south until it joins Route 4 (approximately 20 miles). Travel south on Route 4 about 12 miles to Route 264 (Broomes Island Road). Turn right on Route 264 and go approximately two miles to Route 265 (Mackall Road). Turn right on Route 265. Proceed six miles to the museum entrance. Travel time from Annapolis is about one and one-half hours.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held
August 2, 1989

The Chesapeake Bay Critical Area Commission met at the Chesapeake Bay Critical Area Commission Office, 275 West Street, Annapolis, Maryland. The meeting was called to order by Chairman North with the following Members in attendance:

Albert Zahniser	Ronald Karasic
Dr. Shepard Krech	Victor Butanis
Ronald Hickernell	Robert Price, Jr.
James E. Gutman	Parris Glendening
G. Steele Phillips	Samuel Bowling
Thomas Jarvis	William Corkran
J. Frank Raley, Jr.	Ronald Adkins
Kathryn Langner	Fred Samadani for
Natalie McPherson for	Secretary Cawley
Robert Schoeplein	Robert Perciasepe of MDE
Deputy Secretary Cade of DHCD	Secretary Brown of DNR

The Minutes of the Meeting of July 5th, 1989, were approved as written.

Chairman North asked Mr. Thomas Ventre to report on the status of Somerset County's Program. Mr. Ventre reported that there have been no new developments in terms of the items brought to the Commission's attention at the last meeting. The exception was that the letter expressing the Commission's concern of the County's method for the allocation of growth, has been composed and reviewed, and will be sent to the Chairman of the County Commissioners.

Chairman North asked Mr. Ren Serey to report on St. Mary's County's Program status. Mr. Serey reported that the Panel had met to discuss the County's three proposed methods for deducting growth allocation. He said that the staff and Panel approved of the cluster option, but did not approve of minor subdivision and single-lot subdivision options, because these two methods were not consistent with the Commissions' guidelines for counting growth allocation.

Mr. Gutman, Panel Chairman, reported that the County's hearing would be held on the following Wednesday or Thursday, and the County would then submit its Program to the Commission.

Chairman North then asked Ms. Pat Pudelkewicz to report on the Program amendment for Kent County. Ms. Pudelkewicz reported that the amendment had been officially submitted to the Commission, and the staff and Panel had proceeded to review the zoning ordinance. A joint hearing had been held, and the Panel had met to discuss comments to be sent to the County.

Ms. Pudelkewicz said that there were several issues for the Panel to comment upon. One issue concerned proposed map changes that reduce the RCA by a total of approximately 59 acres, and would reduce the County's growth allocation by approximately 3 acres. She said that the Panel recommended that the County call these changes an original "mistake", which would allow the County to make these changes under the criteria.

She said that concerning the County's proposal for commercial uses in the RCA, the Panel recommended that no new uses be allowed to occur in the RCA.

Concerning development on slopes greater than 15%, the County proposed that the Planning Commission be able to grant a waiver based on certain conditions. The Panel saw this as a variance which needed to be voted on by the Board of Appeals, and recommended that the waiver be considered a variance.

Ms. Pudelkewicz said that the County desired to have variances based on practical difficulty instead of hardship and the Panel felt that this was unacceptable. Ms. Pudelkewicz discussed a number of other Panel recommendations.

Mr. Butanis, Panel Chairman, remarked that the County had received these comments informally and had begun to act upon them. He said that Mr. Epstein had advised the Panel to informally submit the Panel comments to the County for action.

Mr. Gutman asked that a justification from the County be sent to the Commission for the uses proposed in the RCA to assure that these uses would comply with the RCA criteria.

Chairman North acknowledged the presence of County Commission President Alexander Raisin. President Raisin concurred that the County had been acting to comply with the Panel's requested changes and comments and would continue to meet with the Panel to address all of the Panel's concerns.

Mr. Hickernell asked, if the County's proposal was to utilize commercial and industrial uses in the RCA, were these uses justifiable, and if not, what specifically were the uses not approved by the Panel. President Raisin answered that some of these uses were an environmental educational camp, country inns, and convalescent homes. Railway right-of-ways are the suggested industrial uses. President Raisin said that the County is concerned with existing uses only, and that no new building of structures was proposed.

Critical Area Commission
Minutes - 8/2/89
Page Three

Mr. Gutman stated that he was concerned that these uses should enhance ecological values, and suggested that the Panel review these thoroughly.

A motion was made and seconded that for final approval of Kent County's proposed Program amendment pursuant to Section 8-1809(d) (2) of the Critical Area Law, the Commission requests the County to make the changes recommended by the staff report and endorsed by the Panel. Pursuant to Section 8-1809(d) (3), such changed Program amendment must be resubmitted 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 amendment, relevant ordinances and plans. The vote was 17:0 in favor.

Chairman North asked Mr. Perciasepe, Panel Chairman, and Ms. Anne Hairston, to report on the amendment to Baltimore County's Program concerning growth allocation, Bill 180-88. Mr. Perciasepe reported that a hearing had been held on June 27th. He said that the record had been opened to receive comments for an extended period of time. Mr. Perciasepe said that there were two conditions for approval that the Panel had agreed upon.

Ms. Hairston explained that this amendment defines the procedure for Baltimore County to award its growth allocation and sets up the following activities: 1) approval of requests by the Board of Appeals; 2) reviewing proposals on the basis of all of the development criteria and County mapping rules; 3) development and use of specific submission requirements and evaluation objectives on which to judge growth allocation proposals; 4) public hearings on all growth allocation proposals; 5) use of 170 acres of growth before December 31st, 1991 by a design competition and 170 acres afterward; and 6) approval of successful proposals by the Critical Area Commission.

Ms. Hairston said that the Panel's two conditions were as follows: 1) the language must be written into the bill which requires the County to send a copy of the submission requirements and evaluation objectives for the design competition to the Critical Area Commission for review; and 2) that the language in Section 22-21(g)(2) must be clarified to limit off-site enhancement offered by a proposal to only that which can show a nexus, or direct relationship to the proposal and its impacts.

Mr. Price asked if the Commission would review the grading of the competition. Ms. Hairston answered that the Commission would not grade any particular project, but would review the

Critical Area Commission
Minutes - 8/2/89
Page Four

submission requirements and the evaluation objectives that Baltimore County would set-up for the design competition. The County itself, would judge the projects.

A motion was made and seconded that the Commission, pursuant to the Critical Area Law, Section 8-1809(d), approve the proposed amendment to the Baltimore County local Critical Area Program, with the conditions that: 1) the language must be written into the bill which requires the County to send a copy of the submission requirements and evaluation objectives for the design competition to the Critical Area Commission for review; and 2) that the language in Section 22-21(g)(2) must be clarified to limit off-site enhancement offered by a proposal to only that which can show a nexus, or direct relationship to the proposal and its impacts, and direct that pursuant to Section 8-1809(e), within 90 days, the County shall adopt the amendment, together with all relevant ordinance changes. The vote was 19:0 in favor.

Chairman North then asked Ms. Pudelkewicz to report on the Program amendment for the Town of St. Michael's. Ms. Pudelkewicz reported that the Town had made a minor technical change in its Zoning Ordinance concerning community piers. The Commission had informed the Town that it needed to come before the Commission for approval. The Town had corrected the language to the satisfaction of the Panel.

A motion was made and seconded that the Commission, pursuant to the Critical Area Law, Section 8-1809(d), approve the proposed amendment to the Town of St. Michael's local Critical Area Program, and direct that pursuant to Section 8-1809(e), within 90 days, the Town shall adopt the amendment, together with all relevant ordinance changes. The vote was 18:0 in favor.

Chairman North asked Ms. Abi Rome to report on the Program amendment for the Town of Oxford. Ms. Rome reported that the Town was to amend section 31.05 of its Zoning Ordinance to permit the construction of certain slips, piers and mooring buoys where applications to the Board of Port Wardens were submitted prior to May 30, 1988. This originated from a request by an applicant for a four-lot subdivision on one acre of land on Town Creek. She said that a joint public hearing had been held. The staff had not heard the decision of the Town Commissioners, but the Panel did not approve the amendment as it concerns only that one particular project, and there were no other similar submissions before May 30th, 1988.

Mr. Epstein stated that he did not feel the Commission should approve or disapprove an amendment if the Commission had not received an official submittal from the Town.

Critical Area Commission
Minutes - 8/2/89
Page Five

Ms. Rome answered that the Town had officially introduced this amendment, and may have voted on it, to date. The Panel had not heard the results of their decision, but had decided that it would not apprise the Town of its decision, until the Town's decision was known.

Mr. Epstein said that if the Town had not yet made a decision, the Commission should not yet make one.

Ms. Rome said that the Town knows the Commission will need to make a decision, and if the Town waits until the September Commission meeting, it would be beyond the 10-day deadline for Commission action.

Mr. Gutman asked if it would be possible, with a telephone call, to find out the Town's official request. Ms. Rome answered that that would be possible, and Chairman North suggested that it be accomplished immediately.

Chairman North then asked Dr. Taylor to report on the status of the Program for Snow Hill. Dr. Taylor distributed an assessment of the Town's Program to the Commission. She said that the Panel was to meet before the Commission meeting, but there were only two Panel members present.

Ms. Langner, Panel Chairman, reported that the Panel members present, were in concurrence with the staff report to approve the Program.

Dr. Taylor said that the Program had been submitted to the Commission on December 22, 1987. She said that it was decided that the Program was not complete because it lacked the necessary Ordinance language. In March of 1988, the ordinances were submitted and a hearing was held on the Program and ordinances in May. The Commission had returned the Program to the Town in October, for changes. In May of 1989, the Program was resubmitted with the changes. She explained that the Town had survived five changes of Town Managers which extended the Program completion time.

Dr. Taylor said that she and Mr. Epstein have reviewed the Program, and all comments have been incorporated.

A motion was made and seconded that the Commission, pursuant to the Critical Area Law, Section 8-1809(d), approve the Town of Snow Hill's local Critical Area Program, and direct that pursuant to Section 8-1809(e), within 90 days, the Town of Snow Hill shall adopt the Program together with all relevant ordinance changes. The vote was 18:0 in favor.

Dr. Taylor then reported that the assessment for the Program of Caroline County had not been completed, but would hopefully be finished by September.

Chairman North asked Mr. Ventre to report on the Program amendment for Dorchester County. Mr. Ventre reported that the County Commissioners requested an approval of growth allocation and land reclassification for a residential subdivision of four lots in the RCA, on Fishing Creek. He said that this was one of that class of 19 subdivision which the Commission approved last January. A hearing had been held and was well-attended. The Panel had discovered that, with regard to this subdivision, Health Department approval had not been received for the bermed infiltration pond. He said that the 90-day period is at an end on August 30th, which is why the Panel is now requesting a decision of the Commission.

Ms. Langner suggested that the Commission grant a conditional approval subject to the County's acquisition of Health Department approval.

A motion was made and seconded to approve Dorchester County's request for growth allocation/land reclassification on 38.2 acres in the County's Critical Area for a residential subdivision known as Middleton Train/Camelot, with the condition that the subdivision must be approved for a shared (sewerage) facilities infiltration pond by the Dorchester County Health Department. The vote was 17:0 in favor.

Chairman North then asked Mr. Hal Kassoff, Director, State Highway Administration to present to the Commission. Mr. Kassoff introduced Mr. Charles Adams, Chief of Landscape Architecture, whose Division is concerned with design of plans for minimizing impacts, Mr. Ed Stein, Assistant to the Chief Engineer, whose Division is concerned with all projects having issues relating to wetlands, waterway construction, etc., and Ms. Cynthia Simpson, Chief of the Environmental Section, whose Division is concerned with the project planning process of highway construction.

Mr. Kassoff provided the background to the SHA Program and how it is structured. Mr. Kassoff said that the Program is now the largest it has ever been, spending, during the last Fiscal Year, \$750 Million in highway construction. He said that SHA produces approximately 275 construction projects per year, 40 or 50 of which are \$5 - \$50 million projects. The intention of SHA is to build a concensus program and then to plan and design, locate the facilities, and and construct them in a way that is legal and proper and meets a broad array of environmental and community constraints.

Mr. Kassoff said that projects are taken through several phases. Project planning is concerned with location, size, essential features, and the selection of alternates and what their impacts are environmentally and socially, and if the project is on an engineering standpoint, an acceptable and feasible process. The next phase is concerned with engineering. The concept of the project is reviewed by permit agencies and must pass federal scrutiny. Half-way through the engineering process is begun right-of-way acquisition.

Senator Raley asked if there are environmental reports made of projects under construction, and asked where were they sent. Mr. Kassoff answered that when a project was under construction, there were inspectors whose job was to make sure that all of the environmental controls were in place. There were also regional construction engineers who reported to the Deputy Chief of Construction, and submitted to him independent reports. He said that there was also a third group of independent consultants hired solely for the environmental aspects of a project, particularly erosion and sediment control.

Senator Raley asked who reviewed those reports. Mr. Kassoff answered that they were reviewed by the Deputy Chief Engineer and if there was a major issue, it was brought to his attention.

Senator Raley asked if copies of those reports were sent to any environmental agencies. Mr. Kassoff answered that SHA worked closely with the Department of the Environment.

Ms. Simpson then explained the project planning process. She said that project planning may take four to five years to complete. During this time, a project undergoes several phases of review on four different levels--Project Development Activities, Environmental Assessment, Environmental Agency Coordination, and Public Involvement. She said that within each level of review, several meetings are held at various phases of project development under the Administration, and the last meetings are held for the public and community. Ms. Simpson then explained each step that the project must take and the agencies involved in the review process.

Mr. Gutman asked, since the adoption of the "Regulations Resulting From State and Local Agency Programs" in June of 1988, how SHA had involved the Critical Area Commission. Ms. Simpson answered that two projects, MD Route 228, MD Route 358, had been submitted to the Commission and the local government agencies.

Mr. Gutman said that he would like to make certain that there are no omissions of apprising the Commission and involving it when needed, during project development.

Ms. Rome clarified that in the past there had been some misunderstanding and lack of communication, but that now SHA is aware of the Commission's process as the Commission is aware of SHA's.

Mr. Kassoff agreed that the problem in the past had been 'at what point in the process was project planning considered complete', but he thought that now, since the Administration was made aware of the Commission's concerns, communications between the two would flow more smoothly.

Mr. Adams then explained the transition and design phase of highway projects, and the persons involved in that process. Mr. Adams said that all projects, both in the design phase and those about to enter the design phase, would now be sent to the Commission for its review.

Mr. Hickernell said that he had one particular concern in the execution of a project affecting Weems Creek. He said that a review needed to be made to make certain that the mechanism established by the Administration to hold runoff, was working effectively.

Mr. Kassoff answered that the restrictions for sediment and erosion are not so stringent that a project of duration spanning several construction seasons can withstand unusual storm occurrences. He explained that no one is really equipped to prevent runoff of silt during heavy storms, and that discoloration often looks worse than it actually is. In speaking with the Administration's engineers, it was explained to him that the particles of the soil are so fine that it doesn't settle quickly, nor disperse easily. He remarked that the Administration is spending seven percent of its main budget comprising of 30 to 40 million dollars, on sediment and erosion control.

Mr. Zahniser said that as a result of the Subcommittee meeting held that morning, the Commission will be asking the Administration for specific qualitative improvements over what was now being done and perhaps, what was required of the Administration at this time.

Mr. Gutman said that his concern was the lack of sediment controls and restrictions made at the site of a project, not in its design phase, and he felt that the Administration's standards should be as stringent as Anne Arundel County's.

Mr. Kassoff agreed that the Administration should be as stringent as the County, but pointed out that the Administration is improving in its erosion and sediment control, and will continue to do so.

Mr. Perciasepe said that the Department of the Environment feels that the Administration has improved over the last ten years in the ability to meet the Department's requirements. He pointed out that SHA's plans were approved by MDE, and how those plans were approved was an ongoing discussion. He said there may be a need to make changes in the MDE's requirements.

Mr. Gutman said that he had been informed that because of cost, the Administration was not willing to expand its sediment controls. Mr. Kassoff answered that although he stated that the Administration was already spending seven percent of its budget on sediment controls, that does not suggest that it would not be willing to spend more, but that such was an important policy decision that needed to be made--in terms the allocation of money in a project.

Mr. Glendening remarked that focus should be placed on what needed to be done by the Administration in the future not the mistakes of the Administration in the past, and to fully utilize the Administration's willingness to work with the Commission.

Chairman North then asked Ms. Langner to report on the Waterfowl Enhancement Project in Somerset County. Ms. Langner reported that the Panel approved of the project, and asked Ms. McCleary to give the Commission an overview.

Ms. McCleary explained that the project was located on the Pocomoke Sound below the mouth of the Pocomoke River. The Department of Natural Resources' Forest, Park and Wildlife Service owned and managed the area. The proposal was to create two adjacent tidal impoundments. She said that an area of marginal waterfowl use would be enhanced to provide high quality breeding, and migratory and wintering habitat. In addition, an area of high mosquito breeding will be managed in such a manner as to greatly reduce the use of the area by mosquitos. Complete tidal circulation would be restored, and would increase the attractiveness of the area for shorebirds and wading birds.

A motion was made and seconded to approve the Department of Natural Resources' Waterfowl Enhancement project at Handy Point, in Somerset County. The vote was 19:0 in favor.

Chairman North asked Ms. Rome to report on Stemmer's Run Boat Facility in Cecil County. Ms. Rome reported that Stemmer's Run is on the Elk River, on Federal land, in an area where there is a large dredge disposal site nearby. Waterway Improvement Division of DNR would like to construct two boat ramps with two catwalks, a comfort station, and a 50-car parking lot and access road to the lot and the facility. She said that comments from the County had been received. The Subcommittee had been concerned about the safety of the area, and were informed that the County will be taking steps to assure that the area would be tended and no admittance allowed at night. Ms. Rome said that the Subcommittee had recommended approval with the assurances that the safety of the area would be maintained.

Mr. Zahniser asked how the runoff from the parking area had been treated, and if it was segregated from the boat ramp. Ms. Rome answered that it was a separate system from the boat ramp, and thought that it would be infiltrated, but would ask to make certain.

A motion was made and seconded that the Commission approve Stemmer's Run Boat Facility project in Cecil County, with the conditions that planting be done in the Buffer, and that runoff be treated satisfactorily to the Commission. The vote was 19:0 in favor.

Chairman North asked Dr. Taylor to report on the Light Rail project for Baltimore City and Anne Arundel County. Dr. Taylor reported that as MDE still had questions on the sediment control plans, and the Subcommittee had not yet received comments from Baltimore County, there would be no vote on the project thus far.

Chairman North asked Mr. Serey to report on the project for St. Mary's College's Montgomery Hall. Mr. Serey reported that the College proposed to make improvement to its Fine Arts Building such as reconfiguration of the loading dock area and service drive, relocation of the entrance walk, removal of concrete pavers and replace them with grass, and adding landscape planting with trees and shrubs. He said that runoff characteristics would likely be improved overall, and that the Subcommittee had approved the proposal.

A motion was made and seconded that the Commission approve the project for improvements at St. Mary's College's Montgomery Hall. The vote was 19:0 in favor.

Chairman North asked Ms. Rome to report on the decision of the Town of Oxford's Commissioners concerning its Program amendment. Ms. Rome said that the Commissioners had not yet made a decision, but would do so at the end of the week, to enable the applicant, Mr. Sutton, to provide more information to the Town and Panel.

Chairman North then asked Mr. Karasic, Subcommittee Chairman, to report on Program Amendment review. Mr. Karasic reported that the Subcommittee had met to review the most recent draft of the Program Amendments and Refinements paper, which included input of the Subcommittee, Mr. Epstein, the Chairman, and Mr. Duket. Mr. Duket then explained the major changes, as follows:

(1) New definitions would separately describe "Program amendments" and so-called "Program refinements", and a new process would allow the Commission to review the latter in a much more efficient manner;

(2) the every four year local review would be clarified;

(3) clarification that mistake need not be proved for growth allocation or zoning changes, consistent with area designations in adopted Programs;

(4) ability of Commission to require newly discovered Program deficiencies to be remedied or withhold technical/funding assistance;

(5) ability of Commission to make changes to criteria.

Mr. Gutman asked if that would change the State's general legal requirements concerning the need to prove mistake or change. Mr. Duket answered that it would not have any relevance to piecemeal rezonings of Euclidian applications that require the "change or mistake rule".

UNDER NEW BUSINESS

Dr. Taylor distributed a status report on the Critical Area Commission's Management and Geographic Information System, to the Commission for its information.

Dr. Taylor announced that Prince George's County has completed all of its Soil Conservation and Water Quality Plans in the Critical Area, meeting the five-year deadline in advance.

There being no further business, the Meeting was adjourned.

Program Amendments and Refinements (August 2, 1989)

1. AMEND NRA §8-1802. Definitions.

Add new (a)(4) "DEVELOPMENT AREA DESIGNATION" MEANS THE DESIGNATION OF LAND IN THE CRITICAL AREA AS INTENSELY DEVELOPED, LIMITED DEVELOPMENT, OR RESOURCE CONSERVATION AREAS UNDER COMAR 14.15.02.

Add new (a)(5) "GROWTH ALLOCATION" MEANS THE AMOUNT OF ACRES THAT A LOCAL JURISDICTION MAY USE TO CREATE NEW INTENSELY DEVELOPED AND LIMITED DEVELOPMENT AREAS.

Re-number existing (a)(4) to NEW (a)(6).

Re-number existing (a)(5) to NEW (a)(7).

Amend existing (a)(6) and re-number to (a)(8) "Program" means the critical area protection program AND ALL IMPLEMENTING LAWS, ORDINANCES, AND REGULATIONS of a local jurisdiction, including any amendments OR REFINEMENTS to ~~it~~ THESE.

Add new (a)(9) "PROGRAM AMENDMENT" MEANS ANY CHANGE TO AN ADOPTED PROGRAM WHICH THE COMMISSION DETERMINES WILL RESULT IN A USE OF LAND OR WATER IN THE CRITICAL AREA IN A MANNER NOT PROVIDED FOR IN THE ADOPTED PROGRAM, INCLUDING, BUT NOT LIMITED TO, A CHANGE TO A ZONING MAP THAT IS NOT CONSISTENT WITH THE DEVELOPMENT AREA DESIGNATION OF THE ADOPTED PROGRAM, AND A USE OF GROWTH ALLOCATION THAT IS NOT CONSISTENT WITH THE ~~_____~~ **METHOD FOR DEDUCTING GROWTH ALLOCATION CONTAINED IN THE ADOPTED PROGRAM.**

Add new (a)(10) "PROGRAM REFINEMENT" MEANS ANY CHANGE TO AN ADOPTED PROGRAM WHICH THE COMMISSION DETERMINES WILL RESULT IN A USE OF LAND OR WATER IN THE CRITICAL AREA IN A MANNER ALREADY PROVIDED FOR IN THE ADOPTED PROGRAM, INCLUDING, BUT NOT LIMITED TO, A CHANGE TO A ZONING MAP THAT IS CONSISTENT WITH THE DEVELOPMENT AREA DESIGNATION OF THE ADOPTED PROGRAM, AND THE USE OF GROWTH ALLOCATION IN ACCORDANCE WITH THE ~~_____~~ **METHOD FOR DEDUCTING GROWTH ALLOCATION CONTAINED IN THE ADOPTED PROGRAM.**

Amend existing (a)(7) and re-number to NEW (a)(11) "Project Approval" means the approval of development...authority. The term includes approval of REZONINGS, subdivision plats, and site plans;...and conditional use permits; and issuance of zoning permits. (Note: Definition of "Project Approval" in Criteria also amended)

2. AMEND NRA §8-1809. Approval and Adoption of Program.

Amend existing (g) Proposed amendments AND REFINEMENTS. -- Each local jurisdiction shall review ~~and propose any necessary amendments to~~ its ENTIRE program, including local zoning maps, at least ONCE every four years, ~~Amendments shall be submitted to and acted on by the Commission in the same manner as the original program~~ BEGINNING WITH THE FOUR YEAR ANNIVERSARY OF THE DATE THAT THE ADOPTED PROGRAM BECAME EFFECTIVE, AND EVERY FOUR YEARS THEREAFTER. EACH LOCAL JURISDICTION SHALL SEND IN WRITING TO THE COMMISSION, WITHIN 60 DAYS OF EACH FOUR YEAR ANNIVERSARY, THE FOLLOWING:

- (1) A STATEMENT CERTIFYING THAT THE REQUIRED COMPREHENSIVE REVIEW HAS BEEN ACCOMPLISHED;
- (2) ANY NECESSARY REQUESTS FOR PROGRAM AMENDMENTS, REFINEMENTS, OR OTHER MATTERS WHICH THE LOCAL JURISDICTION WISHES THE COMMISSION TO CONSIDER;
- (3) AN UPDATED RESOURCE INVENTORY; AND
- (4) A STATEMENT QUANTIFYING ACREAGES WITHIN EACH LAND CLASSIFICATION, GROWTH ALLOCATION USED, AND GROWTH ALLOCATION REMAINING.

THE COMMISSION MAY WITHHOLD OR DENY STATE TECHNICAL OR FUNDING ASSISTANCE FOR LOCAL PROGRAM ACTIVITIES IF A LOCAL JURISDICTION FAILS TO COMPLY WITH THIS SUBSECTION.

Add new (h) PROPOSED AMENDMENTS AND REFINEMENTS. -- AS NECESSARY, BUT NOT MORE THAN FOUR TIMES PER CALENDAR YEAR, EACH LOCAL JURISDICTION MAY PROPOSE AMENDMENTS AND REFINEMENTS TO ITS ADOPTED PROGRAM. EXCEPT FOR AMENDMENTS OR REFINEMENTS DEVELOPED DURING PROGRAM REVIEW UNDER SUBSECTION (g) OF THIS SECTION, A ZONING MAP AMENDMENT MAY BE GRANTED BY A LOCAL APPROVING AUTHORITY ONLY ON PROOF OF A MISTAKE IN THE EXISTING ZONING. THE REQUIREMENT IN THIS SUBSECTION THAT A ZONING MAP AMENDMENT MAY BE GRANTED ONLY ON PROOF OF A MISTAKE SHALL NOT APPLY TO PROPOSED CHANGES TO A ZONING MAP THAT ARE CONSISTENT WITH THE DEVELOPMENT AREA DESIGNATIONS IN THE ADOPTED PROGRAM, OR THAT PROVIDE FOR THE USE OF GROWTH ALLOCATION.

Amend existing (h) and renumber to (i) Program not to be amended OR REFINED without approval of Commission. -- A program may not be amended OR REFINED except with the approval of the Commission. ~~Except for existing zoning.~~

Amend existing (i) and renumber to new (j) Standards for approval by Commission. -- The Commission shall approve programs, and amendments AND REFINEMENTS that meet...this subtitle.

Renumber existing (j) to new (k).

Add new (l) NOTIFICATION OF PROGRAM DEFICIENCY BY THE COMMISSION. -- IF THE COMMISSION DISCOVERS THAT AN ADOPTED PROGRAM WILL NOT ACHIEVE THE GOALS OF THE LAW AND CRITERIA, IT SHALL THEN NOTIFY THE LOCAL JURISDICTION OF THE SPECIFIC DEFICIENCY AND REQUEST THAT THE JURISDICTION SUBMIT A PROPOSED AMENDMENT OR REFINEMENT TO CORRECT THE DEFICIENCY. WITHIN 90 DAYS, THE LOCAL JURISDICTION SHALL SUBMIT TO THE COMMISSION, AS PROGRAM AMENDMENTS OR REFINEMENTS, SUCH PROPOSED CHANGES AS ARE NECESSARY TO CORRECT ANY DEFICIENCY OF WHICH IT IS NOTIFIED BY THE COMMISSION, IN ORDER TO REMAIN ELIGIBLE FOR STATE TECHNICAL OR FUNDING ASSISTANCE FOR LOCAL PROGRAM ACTIVITIES.

Add new (m) PROCEDURES FOR PROGRAM AMENDMENTS AND REFINEMENTS. THE COMMISSION MAY PROMULGATE REGULATIONS THAT DESCRIBE THE PROCEDURES AND INFORMATION REQUIREMENTS FOR PROGRAM AMENDMENTS AND REFINEMENTS. IN THE ABSENCE OF SUCH REGULATIONS, LOCAL JURISDICTIONS MAY PROPOSE CHANGES IN ADOPTED PROGRAMS AND WITHIN 14 DAYS OF RECEIVING A PROPOSAL, THE COMMISSION SHALL ACCEPT IT FOR PROCESSING, OR RETURN IT AS INCOMPLETE. A LOCAL JURISDICTION MAY SPECIFY WHETHER IT INTENDS A PROPOSED CHANGE TO BE A PROGRAM AMENDMENT OR REFINEMENT. HOWEVER, THE COMMISSION SHALL TREAT A PROPOSED CHANGE AS A PROGRAM AMENDMENT UNLESS THE CHAIRMAN DETERMINES THAT IT IS A PROGRAM REFINEMENT. FOR PROPOSED PROGRAM AMENDMENTS, A COMMISSION PANEL MAY HOLD A PUBLIC HEARING IN THE LOCAL JURISDICTION AND A QUORUM OF THE COMMISSION SHALL ACT UPON THE PROPOSED AMENDMENT WITHIN 90 DAYS OF ITS ACCEPTANCE. IF ACTION IS NOT TAKEN WITHIN 90 DAYS, THE PROPOSED AMENDMENT IS DEEMED APPROVED. THE LOCAL JURISDICTION SHALL INCORPORATE THE APPROVED AMENDMENT INTO THE ADOPTED PROGRAM WITHIN 120 DAYS OF RECEIVING NOTICE FROM THE COMMISSION THAT THE AMENDMENT HAS BEEN APPROVED.

Refinements shall be decided as follows:

- (1) THE CHAIRMAN MAY, ON BEHALF OF THE COMMISSION AND WITHIN 30 DAYS OF THE COMMISSION'S RECEIPT OF ANY PROPOSED CHANGE TO AN ADOPTED PROGRAM, DETERMINE THAT THE PROPOSED CHANGE IS A PROGRAM REFINEMENT. THE COMMISSION SHALL NOTIFY THE LOCAL JURISDICTION WHEN A PROPOSED CHANGE THAT WAS SPECIFICALLY INTENDED TO BE A REFINEMENT WAS NOT ACTED ON BY THE CHAIRMAN WITHIN THE 30 DAY PERIOD AND SHALL INFORM THE JURISDICTION THAT THE PROPOSAL HAS BEEN DEEMED A PROGRAM AMENDMENT.
- (2) THE COMMISSION MAY OVERRIDE THE CHAIRMAN'S DETERMINATION ONLY BY A MAJORITY VOTE OF A QUORUM TAKEN AT THE FIRST COMMISSION MEETING THAT FOLLOWS THE CHAIRMAN'S DETERMINATION. IF THE CHAIRMAN'S DETERMINATION IS OVERRIDDEN, THE PROPOSED CHANGE IS DEEMED A PROGRAM AMENDMENT AND SHALL BE DECIDED BY THE COMMISSION IN ACCORDANCE WITH THE PROCEDURES FOR PROGRAM AMENDMENTS SET FORTH IN THIS SECTION, EXCEPT THAT THE COMMISSION SHALL ACT ON THE AMENDMENT WITHIN 60 DAYS OF ITS VOTE TO OVERRIDE THE CHAIRMAN.

- (3) IF THE CHAIRMAN'S DETERMINATION IS NOT OVERRIDDEN, THE CHAIRMAN, ON BEHALF OF THE COMMISSION, SHALL THEN APPROVE THE PROPOSED REFINEMENT OR SEND IT BACK TO THE LOCAL JURISDICTION FOR THE MAKING OF SPECIFIC CHANGES. THE LOCAL JURISDICTION SHALL INCORPORATE THE APPROVED REFINEMENT INTO THE ADOPTED PROGRAM WITHIN 120 DAYS OF RECEIVING NOTICE FROM THE COMMISSION THAT THE REFINEMENT HAS BEEN APPROVED.

Add new (n) AMENDMENTS AND REFINEMENTS IN CONNECTION WITH PROJECT APPROVAL. -- AS NECESSARY, A LOCAL JURISDICTION MAY COMBINE ANY OR ALL PROPOSED PROGRAM AMENDMENTS OR REFINEMENTS REQUIRED FOR A SPECIFIC PROJECT APPROVAL INTO A SINGLE REQUEST TO THE COMMISSION FOR PROGRAM AMENDMENT OR REFINEMENT. APPROVAL BY THE COMMISSION OF AN AMENDMENT OR REFINEMENT DOES NOT AFFECT THE COMMISSION'S AUTHORITY TO RECEIVE NOTICE OF, OR INTERVENE IN, A PROJECT APPROVAL THAT WAS NOT SPECIFICALLY APPROVED BY THE COMMISSION AS PART OF ITS APPROVAL OF AN AMENDMENT OR REFINEMENT.

Add new (o) AMENDMENTS TO THE CRITERIA. AFTER THE INITIAL PROMULGATION OF THE CRITERIA FOR PROGRAM DEVELOPMENT ON OR BEFORE DECEMBER 1, 1985, AND THEIR AFFIRMATION BY THE GENERAL ASSEMBLY, THE COMMISSION MAY, FROM TIME TO TIME, MAKE SUCH AMENDMENTS TO THE CRITERIA AS IT DEEMS NECESSARY AND APPROPRIATE.

- (1) PRIOR TO PROMULGATING ANY SUCH CHANGES, A PANEL OF THE COMMISSION SHALL HOLD AT LEAST TWO PUBLIC HEARINGS, ONE ON THE EASTERN SHORE AND ONE ON THE WESTERN SHORE OF THE CHESAPEAKE BAY.
- (2) THE COMMISSION SHALL FOLLOW ALL OF THE PROCEDURES FOR ADOPTING RULES OR REGULATIONS SET OUT IN TITLE 2, SUBTITLE 5 (JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW) AND TITLE 10, SUBTITLE 1 (ADMINISTRATIVE PROCEDURES ACT) OF THE STATE GOVERNMENT ARTICLE, IN AMENDING THE CRITERIA.

~~(2) (CONDITIONAL OVERSIGHT BY GENERAL ASSEMBLY)~~

- (3) WITHIN SIX MONTHS AFTER THE PROMULGATION OF AMENDED CRITERIA, THE LOCAL JURISDICTION SHALL SEND TO THE COMMISSION, AS PROPOSED PROGRAM AMENDMENTS OR REFINEMENTS, CHANGES TO ADOPTED PROGRAMS THAT ADDRESS THE AMENDED CRITERIA, OR SHALL SEND TO THE COMMISSION A STATEMENT CERTIFYING THAT THE ADOPTED PROGRAM IS CONSISTENT WITH THE AMENDED CRITERIA.

AGENDA

CHESAPEAKE BAY CRITICAL AREA COMMISSION

275 West Street
Suite 320
Annapolis, Maryland

August 2, 1989

1:00 - 5:00 p.m.

- | | | |
|-------------|--|---|
| 1:00 - 1:10 | Approval of the Minutes of July 5, 1989 | John C. North, II
Chairman |
| 1:10 - 2:15 | <u>Program Review & Amendment</u> | |
| | Somerset County Update & Discussion | Robert Price, Ch./
Tom Ventre/Panel |
| | St. Mary's County Program Update & Discussion | James Gutman, Ch./
Ren Serey/Panel |
| | Vote on Baltimore Co. Amendment | Bob Perciasepe, Ch./
Anne Hairston/Panel |
| | Vote on Kent County Amendment | Ron Karasic, Ch./Pat
Pudelkewicz/Panel |
| | Vote on St. Michael's Program Amendment | John C. North, II
Chairman, Pat
Pudelkewicz/Panel |
| | Vote on Town of Oxford Program Amendment | John C. North, II
Chairman/Abi Rome |
| | Vote on Town of Snow Hill Program | Kathryn Langner, Ch./
Sarah Taylor |
| | Vote on Caroline County Program | Victor Butanis, Ch./
Sarah Taylor |
| 2:30 - 3:00 | <u>Project Evaluation</u> | |
| | Vote on Waterfowl Enhancement Project, DNR (Handy Property, Somerset County) | Kathryn Langner, Ch./
Samuel Bowling, Ch./
Dawnn McCleary |
| | Vote on Stemmer's Run Boat Facility, DNR (Cecil County) | Kathryn Langner, Ch./
Samuel Bowling, Ch./
Abi Rome |

Vote (Possibly) on Light
Rail Project for Baltimore
City and Anne Arundel Co.
(Awaiting consistency
determination)

Kathryn Langner, Ch./
Samuel Bowling, Ch./
Dawnn McCleary

Presentation and Vote on
St. Mary's College-
Montgomery Hall

Kathryn Langner, Ch./
Samuel Bowling, Ch./
Pat Pudelkewicz

3:00 - 4:00 PRESENTATION

Project Development and
Enforcement Within State
Highway Administration

Mr. Hal Kassoff,
SHA

4:00 - 4:30 Policies & MOUs

Update - Amendments
Procedure and Other
Subcommittee Work

Ronald Karasic, Ch./
Pat Pudelkewicz

Update - Special Issues

James Gutman, Ch./
Sarah Taylor

Update - Project Evaluation

Kathryn Langner, Ch./
Samuel Bowling, Ch./
Ren Serey

4:30 - 5:00 Update - Geographic
Information System

Dr. O'wole Alade

5:00 - 5:30 New Business
Old Business

John C. North, II
Chairman

Next Meeting: September 6, 1989, Patterson Farm and Museum,
Calvert County 1:00 p.m.

SUBCOMMITTEE MEETINGS

9:30 - 10:30 Panel for the MOU with Dept. of Transportation

James Gutman, Sam Bowling, Skip Zahniser, Shepard Krech, Bill Corkran, Bob Perciasepe

9:30 - 11:30 Project Evaluation Subcommittee

Kay Langner, Sam Bowling, Bill Corkran, Tom Jarvis, Steele Phillips, Russell Blake, Ardath Cade, Bob Schoeplein, Louise Lawrence

10:30 - 11:30 Special Issues Subcommittee

James Gutman, Bill Bostian, Parris Glendening, Bob Perciasepe, Bob Price, Skip Zahniser, Torrey Brown, Wayne Cawley

Program Amendments Subcommittee

Ron Karasic, Ron Adkins, Shepard Krech, Ron Kreitner, Ron Hickernell, J. Frank Raley, Tom Osborne, Victor Butanis, Larry Duket

11:30 - 12:00 Snow Hill Panel

Kay Langner, Bill Bostian, Ron Adkins, Russell Blake

12:00 - 12:30 Caroline County Panel

Vic Butanis, Ron Karasic, Tom Jarvis, Wayne Cawley, Bob Price

SUBCOMMITTEE REPORT

August 2, 1989

APPLICANT: St. Mary's College

PROJECT: Montgomery Hall Improvements

RECOMMENDATION: APPROVAL

DISCUSSION:

St. Mary's College proposes to make the following improvements to the grounds of Montgomery Hall, the school's fine arts building:

1. Reconfiguration of the loading dock area and service drive.
2. Relocation of the entrance walk.
3. Removal of concrete pavers, with replacement of grass.
4. Landscape planting with trees and shrubs.

The improvements will result in the reduction of 1,644 square feet of impervious surface and the correction of erosion problems.

STAFF REPORT

August 2, 1989

JURISDICTION: St. Mary's County

ISSUE: Growth Allocation; proposed methods of deduction.

RECOMMENDATION: APPROVAL of cluster option;
DENIAL of minor subdivision and single-lot subdivision options.

St. Mary's County has approximately 1,500 acres of Growth Allocation. The County proposes that deductions from Growth Allocation occur in one of three ways:

1. Major subdivisions (over five lots), Planned Unit Developments, and other large projects (60% of Growth Allocation, approximately 900 acres):
 - * deductions will be consistent with the Commission's established policy for development envelopes;
 - * lots will be clustered;
 - * all individually-owned lots will be deducted;
 - * a minimum 20 acre undeveloped area, community-owned, will be controlled by covenants or other protective measures.
2. Minor subdivisions (20% of Growth Allocation, approximately 300 acres):
 - * individually-owned lots will not be fully deducted;
 - * a 20,000 square foot development pad will be deducted; five acre minimum lot size;
 - * represents 10 times the number of dwelling units anticipated by full-parcel deduction.
3. Single-lot subdivisions (20% of Growth Allocation; approximately 300 acres):
 - * individually-owned lots not fully deducted;

- * a 20,000 square foot development pad will be deducted; six acre minimum lot size;
- * represents 13 times the number of dwelling units anticipated by full-parcel deduction.

In February, 1988, the Commission approved Guidelines For The Counting of Growth Allocation. The Guidelines establish that the Commission "will entertain alternative proposals" for the deduction of Growth Allocation other than for the full acreage of a parcel. The approval of less-than-full-parcel deduction is discretionary, intended for "circumstances where the overall goals of the Critical Area Program would be enhanced." Enhancement is possible, theoretically, because the deducted area, the development envelope, would include:

"individually-owned lots, any required Buffers, impervious surfaces, utilities, stormwater management measures, on-site sewage disposal measures, any areas subject to human use such as active recreation areas, and any additional requirements of the criteria."

In order to be exempted from deduction, the remaining area, outside the development envelope, must be 20 acres in size and protected by covenants or other restrictive measures.

The Guidelines specifically reject deductions based on a development area or pad within an individually-owned lot. The Commission recognized several reasons for this rejection, including:

- * adverse environmental impacts result from the number, movement and activities of people in the Critical Area;
- * an RCA parcel developed, by use of Growth Allocation, at a density greater than one dwelling unit per 20 acres no longer exhibits RCA characteristics; therefore, the entire parcel should count against Growth Allocation;
- * flexibility in development location and site design is provided through the use of Growth Allocation and the concept of the development envelope for large-scale projects;
- * concentration of development is encouraged; 20,000 square foot LDAs and IDAs are discouraged.

4 TO 5 YEARS

PROJECT DEVELOPMENT PROCESS FOR MAJOR PROJECTS

	PROJECT PLANNING					DESIGN & R.O.W.					
SHA PROJECT DEVELOPMENT ACTIVITIES	PROJECT SCOPING	DEVELOPMENT OF PRELIMINARY ALTERNATES	DEVELOP DETAILED ALTERNATES	SELECTION OF ALTERNATE	NEPA APPROVAL	OBTAIN LOCATION/DESIGN APPROVAL	DETAILED ENGINEERING	PRELIMINARY FIELD INVESTIGATION	DEVELOPMENT OF CONSTRUCTION PLANS	FINAL REVIEW	ADVERTISEMENT AND CONSTRUCTION
SHA ENVIRONMENTAL ASSESSMENT	ENVIRONMENTAL INVENTORY	ENVIRONMENTAL ANALYSIS	PREPARATION OF DRAFT ENVIRONMENTAL DOCUMENT (DED)	PREPARATION OF FINAL ENVIRONMENTAL DOCUMENT (FED)				ENVIRONMENTAL RE-EVALUATION		RE-EVALUATION	
ENVIRONMENTAL AGENCY COORDINATION	INTERAGENCY SCOPING MEETING *		ENVIRONMENTAL FIELD REVIEW	CIRCULATION OF DED	INTERAGENCY REVIEW *			ENVIRONMENTAL FIELD REVIEW	INTERAGENCY REVIEW *		PERMIT ACTIVITIES AND APPROVALS
PUBLIC INVOLVEMENT		ALTERNATES PUBLIC MEETING	ATTEND COMMUNITY MEETINGS	PUBLIC HEARING		ATTEND COMMUNITY MEETINGS					

* SHA & ENVIRONMENTAL AGENCIES MEET QUARTERLY TO REVIEW PROJECTS INFORMAL STAFF



JOHN C. NORTH II
~~JAMES SOLOMON~~
 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.

MEMORANDUM

TO: Town of Snow Hill Panel

 Kathryn Langner/Bill Bostian
 /Russell Blake/Ron Adkins

FROM: Dr. Sarah Taylor

DATE: August 1, 1989

SUBJ: Analysis of Town Program

HISTORY

On December 22, 1987, Snow Hill's Program was submitted. It was decided that the Program was not complete because it lacked the Ordinance language. In May 1988, a hearing was held on the Program and ordinances, which had been submitted to the Commission in March. In October 1988, the Commission reviewed the Program and voted to send it back to the Town because changes needed to be made and the ordinances were not in the proper form. In May 1989, the Program was resubmitted with the changes. During this time, the Town survived 5 changes of Town Managers, which is why it took the Town so long to produce the Program.

The following is an assessment of the major items that were identified as being needed in order to attain a final approval by the Commission. There are typos in the final submittal and in one instance, a paragraph was omitted, but I believe that this omission was by mistake.

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

COMMENTS

Program Document Draft

Proposed Final

- | | | |
|----|--|--|
| 1) | Map 2 missing, showing Central Business Area (p. 5) | provided |
| 2) | Area adjacent to Town, but owned by County, is being requested by Town to be mapped IDA by the county (p.5) | agreed to by County and worked out |
| 3) | Remove description of how a septic system works (pp. 11 & 12) because there are less than 10 septic systems in the Town | removed |
| 4) | Eliminate the laundry wastes discussion since there have been no violations and surface discharge has been eliminated (p. 12) | removed |
| 5) | Map 4 showing various soil types not provided (p. 13) | provided |
| 6) | For compliance within IDAs, the Town must follow the 10% stormwater requirement, look at sites for off-site offsets, implement an urban forestry program and not just "consider" doing all of those things (p. 17) | language changed, eliminating "consider" and using terms "shall, will", etc. |
| 7) | Map 3 showing areas for public access, water dependent uses, etc., not provided (p. 23): | provided |
| 8) | Evaluation process for locating new or expanding old marinas and other water dependent facilities (including community piers) not provided (p. 25) | added as appendix 2E in Program document and provided for in Ordinance pp. 23 - 27 |

- 9) Need an Ordinance for shore erosion in order to enforce what kinds of structures go where and in order to change or revise the existing Grading and Sediment Control Ordinance to meet the objectives of the Critical Area Program (p. 25)
- 10) Map 5 showing forest and woodland areas not provided.
- 11) Mention should be made that MFPWS may help in preparing an FMP, but the approval is the responsibility of the District Forestry Board. There should be an Ordinance allowing the Town to require compliance with criteria described in COMAR 14.15.09.01 which includes submittal of sediment control plan, no disturbance to streambanks, maintenance of wildlife cover, etc. Need ordinance to require avoidance of tree cutting during new development in the Buffer and to encourage replacement of trees pp. 27 & 28.
- 12) Where is Appendix 4 which presents information about certification of the park as an Urban Wildlife Sanctuary? (p. 29).
- included in overlay ordinance pp. 27 & 28. Trigger - building application permit for the device
- provided. Analyzed - looks fine.
- Town does not have lands upon which 1 acre or more will be disturbed. If so, Worcester Co. will help, through the Bay Forester, with the development of FMPs. Provided for in Ordinance pp. 28-31.
- not provided at this time because the Town is working on it.

13) Is the proposed Buffer exemption for the Central Business District being asked for now because if that is so, there is no assessment made that shows that existing patterns of development plus local regulations are equivalent to a Buffer being established thereby negating its need (p. 31). What about offsets to building or using the Buffer? (p. 32). Where is the proposal for accommodating habitat functions as required in Chapter .09.01C (8)? (p. 32).

The Central Business District contains uses already in the Buffer. There is only one parcel that may require a Buffer exemption and if and when that happens, the project, complete with exemption request and data backup will be submitted.

14) Need a designation process for establishing nontidal wetlands, developing management plans in the future including public hearings (p. 32).

covered by Ordinance (pp. 39-40). Trigger is a use permit. Includes how wetlands will be identified, management plans drawn up, and hearings.

15) Need a process for establishing areas for threatened and endangered species/species in need of conservation as well as management plans for the future (pp. 32 - 33).

covered in the Ordinance (pp. 40 - 42). Trigger is a use permit. There are no T's and E's or NH sites.

16) Need a process for establishing and managing plant and wildlife habitats, need to include the Protection Plan as per COMAR 14.15.09.04 and inventory as per COMAR 14.15.10.01A(9) (p. 34)

inventory is provided in Map 5. Identification and hearing process covered in Ordinance pp. 42-45. Trigger - use permit.

17) Need an ordinance to enforce the protection of anadromous fish and prevent disturbance during certain times of the year (p. 34).

Ordinance provided pp. 45-46.

- 18) The 10% stormwater management requirement needs to be added to the existing stormwater management ordinance (p. 37). provided for in Critical Area Overlay Ordinance (p.14).
- 19) Growth Allocation procedure must follow same procedure as used to adopt the original Program including the pertinent public hearing (p. 40). included in the Program document (p. 37) and Ordinance (pp. 50-51).

The County and Town have agreed to a growth allocation figure when needed by the Town

Ordinance

- 1) Change MD Dept. of Health & Mental Hygiene to MD Dept. of the Environment. done (p. 13)
- 2) Change all cites referring to a "COMAR" section as noted to read "this Ordinance" (all over the place). done (all over the place)
- 3) Clarify the clearing language ratio for trees. Omit the fee-in-lieu unless provisions are explicitly cited. done (p. 18)
- 4) Eliminate "k, l, m, and n" which are not forest and woodland requirements. done (p. 19)
- 5) Cite under Article XI that new designations for IDA or LDA depend on receipt of growth allocation from Worcester Co. (p. 22) done (p. 22)
- 6) Add MFPWS role in preparing the FMP and the DFB's role in approving it (p. 30). done (p. 30)
- 7) Add release of bond after two successful growing seasons (p. 31). done (p. 31)

Snow Hill Panel

August 1, 1989

Page 6

- 8) Reference to the Nontidal Wetlands Guidebook for identification and management of these areas needs to be included (p. 39). done (p. 39)
- 9) For T's and E's on page 41 note that a development must receive FPWS comments on the protection plan and that if the Secretary of DNR designates additional species in the future with protection measures, these shall be adopted within 12 months of the date of designation (p. 41) done (p. 41) and (p. 42)
- 10) Clarify ^{role}~~vote~~ of Planning Commission with designation of HPAs, etc. done (p. 46)

/jjd

cc: Lee Epstein
Tom Ventre

KENT COUNTY AMENDMENT - ZONING ORDINANCE

FINAL CRITICAL AREA COMMISSION COMMENTS

- p.2 Article III, Section 1 - County should clarify which districts are RCA, LDA and IDA.
- p.14 Section 2.1 - omitted COMAR 14.15.02.05B(3) from the Statement of Intent for Resource Conservation Districts.
- p.14-15 Section 2.2 - Critical Area criteria permit no new industrial or commercial uses in RCA. New commercial and industrial uses should be deleted.
- p.15 #11 - Allows railroads in RCA; this is inconsistent with Article II, B(6), p.2.
- p.15 #15 - Expansion of marinas in RCD District: no mention is made of expansion of existing marinas if a new improvement in water quality at or leaving the site of the marina (COMAR 14.15.03.06C). Kent County should add phrase underlined above.
- p.16 Section 2.3 Conditional Uses - commercial uses should be deleted as conditional uses in RCD.
- p.19 B(1)(c) - Clearing of forest will necessarily destroy plant and wildlife habitat. COMAR 14.15.06.02C(3) states, "...plant and wildlife habitat as defined in COMAR 14.15.09." The County does not have to cite COMAR, but should refer to its own ordinance and various Habitat Protection Areas (HPA's). (Also occurs on pages 40, 67, 100, 120)
- p.20 County should make reference to Habitat Protection Areas. Anadromous fish waters is a HPA, and if so designated by the County, is to be protected.
- p.20 #3a(1) Development in Buffer - The last sentence, "This restriction does not apply to activities necessarily associated with water-dependent facilities" is in conflict with COMAR 14.15.03.03B, because not all water-dependent facilities are permitted in the Buffer in RCA areas. This statement should be modified to reflect this. Also add "minimum" prior to 100 foot buffer.
- p.20 #3a(2) New marinas or related maritime facilities are not permitted in the Buffer in RCA areas (COMAR 14.15.03.06B); with the exception of public beaches and other public water-oriented recreation or education areas. (COMAR 14.15.03.08B). #3a(2) should be modified to reflect the criteria.
- p.20 #3b(1)(a) Clarify who will prepare the forest harvesting plan and the buffer management plan in 3b(3).
- p.20 #3b(1)(b) There should be mention of mitigation or replacement (COMAR 14.15.09.01C(5)(d).)

- p.20 #3b(1)(d): clarifying phrase "...providing the device, measure or facility has received all necessary State and federal permits" has been omitted. COMAR 14.15.09.01C5(c).
- p.20 #3b(1)(e) Suggest deleting "prune all deadwood and." To do so won't change the intent, but to leave it in would suggest action that could be quite detrimental to habitat value. Also p.41.
- p.20 #3b(3) Awkward wording: "Natural vegetation...shall develop and follow..."
- p.21 #4d - Add "easements": "shall be maintained through easements, recorded..."
- p.21 #4f - Last sentence. Add phrase, "These funds shall be placed in a dedicated fund and used to ensure..." This is important for legal challenges. Also, p.42.
- p.21 #6b - Add: "During and after development..."
- p.21 #6c - With regard to phrase "...sites of significance to wildlife such as...," these should be called "designated HPA's."
- p.22 #8 and #9. These are HPA's. Should be so designated.
- p.22 Nontidal Wetlands - COMAR 14.15.09.02C(4) indicates that if additional nontidal wetlands are identified, the public shall be given the opportunity to comment on protection measures. This should be included at some point in the County's Critical Area Program, perhaps the section on HPA's (p.137).
- p.22 #9(d) - Add "Some activities that are demonstrated to be water; dependent..."
- p.22 #10 - Delete the second sentence, "In the case where..., waive this requirement."
This should be handled via a variance and not in the ordinance via a "wavier." Waiver is usually with lesser standards, and, as we can see, in a less formal setting (Planning Commission instead of Board of Appeals). Also pages 43, 71, 103, 124.
- p.23 #11a - Additions and deletions to wording should be: "Any development shall include a report from the applicant [statement from the Maryland National Heritage - delete] on the type...and [any] recommendations for maintaining and protecting that habitat from the Maryland Forest, Park and Wildlife Service."

Kent County Amendment
Page Three

- p.23 #12c - Wording is backward: states "...is permitted, provided" instead of "prohibited." COMAR 14.15.09.01C5.
- p.23 #12c(1) and (4) - Since this section deals with timber harvesting, it may be confusing to include nontimber harvesting criteria, as in #12c(1).
- p.24 #5 should be Buffer Management Plan instead of forest management plan.
- p.34 Section 4.1 - Omitted COMAR 14.15.02.04A(3) from definition of LDA..
- p.38 Section 4.6 - 1st paragraph - clarify what is meant by "other objectives."
- p.40 C2 and C3 - These are HPA's, if so designated by County. They should be treated as such, labeled as such, etc. See earlier comment for page 19. This occurs throughout the Ordinance.
- p.40 C3(a)(1) - Add minimum 100 feet buffer.
- p.41 3b(1)(a) - Same comment as p.20 #3b(1)(a); also on pages 68, 101, 121.
- p.42 4(d) - Add "...through recorded easements, restrictive covenants..."
- p.42 4(e) - Should be maximum instead of minimum - COMAR 14.15.02.04C(5)(c). Also on pages 21, 69, 102, 122.
- p.42 #8, 9 - These are HPA's. Same comment as p.19.
- p.43 #9d - Add "Some activities that are demonstrated to be water dependent or of substantial economic benefit and which will cause..."
- p.43 #10 - See previous comment p.22; should require full variance review and standards.
- p.43 #11 - HPA - earlier comment.
- p.43 #12(c) - Same comments as p.23, #12c.
- p.61 It should be clear that the permitted uses will be out of the Buffer, or at least those not water-dependent, like 6.2(6), or most of the conditional uses in 6.3, or accessory uses in 6.4.

- p.65 #5a - Criteria require a minimum of 15% afforestation on unwooded sites. Also, pages 77, 98.
- p.67-71 Same comments as previously (pages 20-24).
- p.74 Section 7 - Intense Marine - Should be clearly designated IDA.
- p.75 Section 7.5 - Should include "minimum 100' buffer" because there are nonwater-dependent uses allowed in this zone. Even IDA's require Buffer, unless exempted.
- p.83 Intense Marine Environmental Standards - nothing on Buffer, nontidal wetlands, Natural Heritage Areas; must be included to be consistent with COMAR 14.15.02.03D(2).
- p.83-85 Same comments as previously (pages 20-24).
- p.61 & p.74 Limited Marine and Intense Marine Districts - there should be some statement about nonwater-dependent uses in these zones outside the Buffer.
- p.94 Section 9 - Should be clearly designated LDA.
- p.95 Section 9.6 - Need to include "minimum 100' buffer."
- p.100-105 Same comments as pages 20-24.
- p.115 Industrial District - designated LDA - should be clearly stated if so. There are no ceilings as implied in LDA, and no density limitations as in LDA.
- p.120 Section 10.16 - Should read "industrial" - not "Commercial."
- p.121 #3a(2) - There are more stipulations on development in the Buffer in COMAR 14.15.03.03A. These should be added. Also pages 20, 40, 67, 101.
- p.120-125 Same comments as pages 20-24 (i.e., HPA's, slopes, etc.)
- p.136 #12d(1) - Add in "...one slip for 300 feet of shoreline in a subdivision in RCA."
- p.137 #13 - Omitted COMAR 14.15.03.08B(4) and (5). This should be added.
- p.137 3.8 Habitat Protection Areas - The 100 foot buffer, nontidal-wetlands, T&E species habitats, and anadromous fish streams are all HPA's according to COMAR 14.15.09. All that is noted in 3.8 is under "Plant and Wildlife Habitat" of COMAR 14.15.09.04. These other areas should be recognized by Kent County as HPA's

and accordingly protected. Kent County should clearly state what is the significance of the HPA, what are the consequences of this designation. Also describe what is the process for designating HPA's, and how will future HPA's be established (identify what triggers this, who participates, public hearings, etc.)

- p.145 #10 - Add Critical Area Buffer and Critical Area HPA's. These must be mapped.
- p.145 #16 - Consider adding reforestation plans, net wetlands, and management plans for special habitats. This information could be added to Section F on page 147.
- p.153 Section 2 - Add #14. Consistency with spirit, intent and specific requirements of Kent County Critical Area Program.
- p.153 Section 3, #11, #13, #41 - Commercial use in RCD is generally inappropriate.
#16 - Add in 100' Buffer setback.
- p.158 #42 - Addresses surface mining in Critical Area; however, definition of surface mining (COMAR 14.15.07) not given; no mineral resources plan for the County (COMAR 14.15.07.03A); no identification or mapping of undeveloped land in Critical Area for future mineral extraction (COMAR 14.15.07.03C(1)). Need to address COMAR 14.15.07.03F: "Existing wash ponds shall be reclaimed as soon as possible after the cessation of a sand and gravel operation."
- p.161 #47 - Should be clear that shopping centers in CCA District need to meet all requirements for LDA, with regard to density, character of neighborhoods, Buffer, etc.
- p.163 #50 - Restrictions on public landings in RCA required by COMAR 14.15.03.08B need to be presented.
- p.165 Section 10 - Add "Any lawful, nonconforming use existing..."
- p.166 Section 2, #3 - Term "practical difficulties" is unacceptable, as Maryland law defines it much less stringently than undue or unwarranted hardship, with a lesser burden that needs to be shown than for undue hardship.
- p.166 Section 2, #3d(2) - Phrase "or other condition" is an open-ended invitation. Should be deleted.
- p.167 Section 3 - Need to add language from COMAR 14.15.11A(2) and (3).

- p.171 Buffer - Buffer should also be expanded due to hydric soils or highly erodible soils, whose development or disturbance may impact streams, wetlands or other aquatic environments (COMAR 14.15.09.01C(7)).
- p.178 #109 - Definition of marina different than criteria. Adds in a phrase "and provision of lodging, food, beverages, and entertainment accessory uses."
Since this new definition includes nonwater-dependent uses, it will pose a conflict with Critical Area definition of marina.
- p.184 #183 - After 7½ add "minute topographic quadrangle maps..."
- p.186 Section 3, #3, 3rd line: "...such information as [which] may be..."
- p.188 Section 6 - Amendments - need to address need for Critical Area Commission approval prior to amendment in Critical Area districts or of Critical Area-related items.

General Comments:

- There is no definition of "water-dependent facilities."
- COMAR 14.15.09.01C(4) - Agricultural activities are only described very briefly on page 19 in the RCD. All criteria must be addressed.
- Grandfathering and growth allocation need to be addressed in the County Critical AREA Program.

Maps

- Mapping section should state that a "mistake" was made in original Critical Area designation to make zoning changes acceptable under NRA §8-1809(h).



JOHN C. NORTH, II
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION
WEST GARRETT PLACE, SUITE 320
275 WEST STREET
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2426

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

COMMISSIONERS

August 2, 1989

Thomas Osborne
Anne Arundel Co.

James E. Gulman
Anne Arundel Co.

Ronald Karasic
Baltimore City

Ronald Hickernell
Baltimore Co.

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.

William Corkran, Jr.
Talbot Co.

William J. Bostian
Wicomico Co.

Russell Blake
Worcester Co.

The Honorable Phillip L. Gerald
President
Somerset County Commissioners
County Office Building
Princess Anne, MD 21853

Dear President Gerald:

As you know, the Chesapeake Bay Critical Area Commission and Somerset County have sought to reconcile, through negotiation at the technical staff level, a number of inconsistencies that remained between the Commission's established critical-area regulations, criteria and policy, and wording in the County's proposed Critical Area Protection Program. These staff level discussions were established as part of a parliamentary motion of the Commission (made at its August 17, 1988 meeting) that gave tentative approval to the balance of the County's program. The discussions were to focus on seven major issues.

After nearly one year of staff discussion, the County has agreed to modifications in its program that bring it into compliance with six of the seven issues.

The remaining issue concerns the method that the County would use to calculate deductions from its growth reserve in its awarding of growth allocation to new or expanded development. On this key issue, the Commission and the County are at an impasse.

CABINET MEMBERS

Wayne A. Cawley, Jr.
Agriculture

Robert Schoepflein
Employment and Economic Development

Robert Perciasepe
Environment

Ardath Cade
Housing and Community Development

Torrey C. Brown, M.D.
Natural Resources

Ronald Kreitner
Planning

The County's method is not in conformance with the Commission's expressed, adopted policy on the method of calculating areas to be deducted from a jurisdiction's growth reserve. The

The Honorable Phillip L. Gerald
August 2, 1989
Page Two

County, for its part, is not willing to accept the Commission's policy and bring this element of its program into conformance with that policy. The Commission, for its part, can neither make nor allow exceptions to conformance with its policy, one with which all other Critical Area jurisdictions are in conformance.

In our view, this situation is both unfortunate and unnecessary. It is also our view--shared with the Attorney General of Maryland--that a nonconforming and noncomplying local program is exposed to significant legal risk.

Over the year that the Commission and the County have sought to reconcile the disagreements and resolve the issues between them, there has always been the hope--at least on the part of this Commission--for the possibility of making the Critical Area Program work in Somerset County, as it is working in other parts of the Eastern Shore and Western Shore. We shall continue to do what is necessary to make it work, and to make the hope a reality. In the meantime, this Commission will not approve any awards of growth allocation at the local level until this issue is resolved. We suggest that the Commission use part of its September meeting where both sides of the presentation can be heard and where a decision will be made.

Sincerely,


John C. North, II
Chairman

JCN:msl

THE STATUS OF THE CRITICAL AREA COMMISSION
MANAGEMENT AND GEORGRAPHIC INFORMATION SYSTEM

A little over a year ago, the status of the Commission's Management Information System was presented to the Commission and staff members. The system was designed to acquire land parcel records and to create the associated land parcel maps using the computer technology. The method of map creation was to use legal records such as the deeds and plats acquired from the County courthouses.

Conceptually, map creation using coordinate geometry in terms of encoding the metes and bounds and other surveying descriptions in deeds and plats is one of the most accurate methods of automated mapping. However, due to the raw data inadequacies, discrepancies and other flaws usually associated with land survey information in deeds, this mapping technique was terminated.

As the result of the deficiencies that led to the termination of the computer mapping project, the Executive Director, Dr. Sarah Taylor, requested an in-depth examination into the most appropriate, efficient and functional system that will meet our information processing needs. In view of the Commission's need to develop a land-use and natural resources database that is pertinent to monitoring the Critical Area Programs, an alternative computer mapping and data processing system was developed. It was decided that a remote sensing based GIS that is capable of providing the tools to manage, utilize and manipulate land-related data for tracking development and

evaluating projects was the most appropriate. It should be noted that the computer hardware will be upgraded commensurably with the GIS application capabilities so desired.

The Reason for Computer Upgrade

The computer system currently in use cannot meet the additional demands being placed upon it. The word architecture, processing speed, storage capacity, and single-user capability features that enabled the Commission to begin its GIS three years ago, are now insufficient, ineffective, and inefficient.

Background

The Chesapeake Bay Critical Area Commission began to develop a GIS three years ago, because of: 1) the mandate under the Law for project analysis, tracking, and approval (§8-1814 and §8-1809); 2) the mandate under the Law for tracking the development of 60 Programs; 3) accountability to the Legislature and to the Governor and citizens of Maryland as to whether the Chesapeake Bay Critical Area Program was an effective tool that made a difference to the health of the Chesapeake Bay through tracking the changes in land use; and 4) greater need to streamline decision-making on projects between the 60 local governments and the State agencies.

In FY 87, the Commission staff devoted time to develop a Program with the City of Annapolis as a demonstration to begin to place data of various types into a micro-computer and merge these

data with parcel by parcel tax maps. Data formats were tested and information was aligned on a geodetic grid.

In FY 88, the demonstration project with Annapolis continued. The Program was de-bugged and the entire 1000' shoreline for the City was placed in the computer so that resources could be assessed and changes to land use could be tracked. The City personnel were trained to use the system so that tracking of projects and programmatic changes could be accomplished locally.

In FY 89, with assistance from the MCZMP (NOAA/OCRM Grant), the Commission expanded its service to Cecil County, Kent County, Queen Anne's, and St. Mary's County. In addition, the Commission has begun to incorporate resource data from other State agencies so as not to duplicate the effort for the 1000' area. Two software packages are being used: MIPS (Mapping and Image Processing System), and Arc/Info.

It is anticipated that within the next three years, State FY 91, 92, and 93, 80 - 90% of the county governments (16 counties and the City of Baltimore) will be using the tracking system.

Justification For The Choice Of System

It is the intention of the Commission staff to accomplish the required program implementation process in the most consistent and efficient manner. Hence, in designing the existing system for the Commission, not only was the hardware and software configuration thoroughly evaluated for functionality, but the user needs, application, data input and output methods,

data processing procedures, data types and scales, and data structures were critically examined for useability.

In view of the above, it was decided that the information processing system must have the capability to:

- 1) Do image processing for visual referencing, land-use classification and natural resources recognition.
- 2) Handle large volume of data, considering the amount of information needed for all the 60 local jurisdictions.
- 3) Link related graphical (maps), non-graphical (textural) and photographic (remotely sensed) data simultaneously and interactively to one another using the application overlays and topology. (Topology is also called geographic intelligence. This is the hallmark of GIS, because it allows the computer to present spatial phenomena to the understanding of human eyes or perception. Hence, we are able to create the linkages and interrelationships between one land feature and another. Topology simple means where land features or natural resources lie in relation to other resources or features).
- 4) Process both raster (descrete or dot) and vector (continuous or line) data types that are acquired through the scanning or digitizing of hard copy data such as maps, photographs and graphs.
- 5) Convert raster data type into vector and vice versa.
- 6) Process information through data manipulation without having to halt data input.
- 7) Accommodate multi-users.

- 8) Interface with other systems in the State agencies and in local jurisdictions in order to import and export information on a data sharing basis so as to reduce duplication of effort.
- 9) Interact with the existing computers and peripherals such as digitizer, printer, plotter or optical disc drive.

The justification for the selection of an enhanced system for the Commission is based on the shortcomings of the microcomputers and the current technological capabilities, and the hardware requirements needed for meeting the performance level envisioned for an image processing based GIS. The basic conceptual configuration for the level of sophistication needed by the Commission can be adequately met by a minicomputer platform.

This notion is based on the GIS and mapping and image processing configuration that has the multi-user, multi-tasking processor and processing power of the host computer and the mass volume, as well as diverse database that needs to be supported.

In the light of the image processing capability designed for the Commission's GIS, the data storage capacity needed on the platform becomes very crucial. Because analog images can only be scanned to become computer compatible, the converted images are stored in raster mode. An overwhelming amount of disk space is a necessity for the storage space needed in a computer that not only processes vector data, but also processes image data and, at the same time, generates new descriptive attribute files.

It is a generally accepted notion that spatial information processing systems require large databases in a permanent manner on massive storage devices. Also, there is no multi-user support capability available on microcomputer platforms. Therefore, a comparative investigation of various hardware that can meet the Commission's GIS capabilities has led us to choose the Hewlett Packard 9000 series, model 370. It is believed that this choice of system will attain the desired functions needed for image processing based GIS application.

System Description

As opposed to the microcomputers that have been in use for the past three years, the Commission will be installing in about two to three weeks, a newly funded minicomputer that will handle the Commission's operations more efficiently. The minicomputers will readily interface with the mainframe system being developed by the Department of Natural Resources in concert with the Office of Planning.

The upgrading of the Commission's system will meet the envisioned GIS capability and will attain an efficient performance level per dollar of investment and still be able to use existing peripheral equipment.

The selected system has been found to be the most ideal for attaining the envisioned GIS capabilities because it has a 33-megabyte/32-bit internal interactive architecture. Also, the product will have a built-in local area network with interfaces for high connectivity; a direct memory access; multi-user

servers; input/output (I/O) expansion to create a communication path for integrating a multi-vendor environment; support of shared peripherals to reduce the cost of a work cluster; and provide file server capability to allow centralized access to programs and data with revision control, as well as provide linkage to the mainframe.

The product's 33 megahertz Random Access Memory (RAM) capability and floating point co-processor's clock rate to yield floating points makes it a very unique processor. In addition, the proposed model 370 CH has a 64 kilobyte cache, and supports a high resolution colour monitor needed for image processing. This product also supports the Hewlett-Packard "read and write many times" optical disk drive which provides the data editing capability required of the Commission's GIS.

System Selection Criterion and Application

It was realized that as important as the hardware is to data storage and processing, and the software is to data manipulation and application, so also is the availability of data, format of existing data, hardware platform (micro or minicomputer), number and sophistication of users. The budget and management support are equally important to the overall system. Therefore, all of these factors were considered in the selection process to ensure the appropriateness of the system to effect development tracking and project evaluation.

Regardless of all of the above factors, the selected system for GIS application must have a database structure simple enough to ensure efficient database management. Hence, the database for the selected system is such that it is designed and structured to do image processing and spatial assessments using map data and associated textual information.

In view of the database structure and the application for which the system is to be used, the operations of the Commission's system are grouped into five categories: 1) data compilation and screening; 2) data conversion from hard copy into digital formats using scanning and digitizing devices; 3) spatial and non-graphical database management and analyses; 4) quantitative data processing (spatial statistics); and 5) qualitative data processing (spatial evaluation).

Because mapping and database capabilities are the backbones of GIS when spatial analysis is the primary function, it is deemed necessary for the Commission's purposes to complement those capabilities with image processing capability. Reason being that it will provide visual and spatial referencing to assess those changes that are manifested on the landscape as the result of the prescribed development patterns and natural resources management practices in the Critical Area Protection Plan. Hence, the effectiveness of the Critical Area program can be objectively assessed and future decisions or amendments to the law can be based on empirical evidences.

The Commission's GIS application is to enable the computer to represent spatial phenomena (e.g., IDA, LDA, and RCA; Agricultural/Forest land-uses; or man-caused disturbances on the landscape) and spatially-related data (e.g., acreage of forestland in RCA, shore length or percentage of impervious surface created on a given site). When a planner looks at a map of the State, he must be able to create the linkages between the various features such as the Chesapeake Bay and the adjoining forestland or built-up areas. The interactive capability of GIS in terms of overlays of spatial data is not simply displaying one map on top of another. It is the ability to know, for example, whether a forestland in an RCA borders the Bay, or lies within or lies outside of a non-tidal wetland boundary.

In the light of the above examples, the Commission has engaged in defining the logical selection of the elements in the Critical Area criteria on a geographic basis, using what is being developed as "program implementation monitoring indices". Program Implementation Monitoring Indices are those resource management indicators that can be spatially assessed to determine if proposed projects meet the minimum requirements and standards stipulated in the Critical Area statute. That is, the Commission's Regional or Natural Resources Planners will be able to manipulate the database, for example, to delineate all of the areas in an LDA or RCA that lie within Habitat Protection Areas, and fall within 100 feet of the newly constructed highway 97, but less than 500 feet from Route 50 in Anne Arundel County. This

example can be used to monitor some specific areas of a Program that deals with habitat protection in the Critical Area.

Commission planners in charge of project evaluation will be able to assess site plans. For example, a proposed housing subdivision plan can be assessed or verified for compliance with the amount of impervious surface to be created. If the area of imperviousness exceeds 15% of the project site, as stipulated in the criteria, such a project application may be denied approval.

Explanation Of The Commission's GIS And Scope OF Work

Currently, the Commission is engaged in a demonstration project with St. Mary's, Kent, Queen Anne's and Cecil Counties as part of the efforts to establish a much-needed GIS for tracking development in the Critical Area, and monitoring local jurisdiction Program implementation. Presented below is an in-depth description of the scope of work we have been and will be engaged in to establish a functional GIS for the Critical Area Commission.

In view of the variety of GIS capabilities, the diversity of its applications, and the proliferation of the application packages, a definition of the Commission's GIS is as follows: GIS is a concept that provides the tools to manage, utilize, and manipulate land-related data or location-related phenomena through its ability to interactively combine layers of spatial data with corresponding descriptive data using its topological properties. The Commission's GIS will enable the computer to represent spatial phenomena (e.g., IDA, LDA, and RCA;

Agricultural/Forest land-uses, or man-caused disturbances on the landscape) and spatially-related data (e.g., acreage of forestland in RCA, shore length or percentage of impervious surface created on a given site).

Explaining the basis upon which the Commission's GIS is being developed, our scope of work includes the following:

1. The database needs and data types were assessed so as to design a database structure and data management system that can meet the Commission's needs. As a result, a Land Information System is being established. Land Information System is a concept in Information organization which is the structuring and formatting of land-related data files. The data files structure must, however, consist of a geodetic control and a base map that will allow spatial registration of the various layers of data.

For the purposes of the Commission, the tax map was selected as the base map as opposed to the USGS Quad Maps. The reason for the selection is that spatial registration of resource or land-base data to other ancillary data is important for the management and regulation of land uses. For example, habitat protection mitigation measures require the knowledge of the relationships between the boundaries of the area to be protected and boundaries of land ownership in order to delineate or identify parcels that can adversely impact such habitat. Delineating buffer areas adjacent to forestland or agricultural land must be related to other ancillary data so that planners can identify parts of land ownership parcels

where exceptions can be permitted for commercial harvesting of trees if clearing is done by selection.

2. Hard copy maps and analog images are being converted into computer-compatible formats. This is being done by digitizing tax maps upon which the geodetic controls will be established and by scanning remotely-sensed data as well as other ancillary data such as topographic, soils, and land-use maps. Also, for those data needed for project evaluation, they will be scanned or digitized. The mode of data conversion will depend upon the most appropriate method of converting the data type, such as site plans, proposed project reports, or other types of data submitted for evaluation.
3. We will be testing and applying the various data identified and assembled for project evaluation using the two software packages being assessed for our GIS. The two packages are mapping and Image Processing System (MIPS) and Arc/Info. Using the tax maps as our base map, other ancillary data will be overlaid in a variety of combinations so as to ensure compliance with the different elements of the criteria.
4. Employing the various data that we convert into computer compatible formats, an examination of the useability of rasterized (scanned) data and vectorized (digitized) data will be done. This is an important consideration in order to assess the cost-effectiveness of building the database needed for GIS. The reason for such an examination is to ensure that computer-assisted data management and manipulation is

the most efficient method to perform the task at hand. While GIS has been advocated for efficacy, the cost-effectiveness and affordability is of the essence to most local jurisdictions who depend on the Commission for technical assistance. Therefore, as a secondary objective, the economic feasibility of the GIS concept for the Commission and the local jurisdictions is being examined.

Summary

The Commission's Information Management System Division (IMSD) has embarked upon developing a computer-aided program implementation monitoring method. The development of a computer-based data management system for tracking development in the Critical Area is necessary, so as to empirically assess the effectiveness of the local programs in accomplishing the goals of the Critical Area statute.

In view of this, the Executive Director of the Commission initiated the GIS concept to be studied if it can meet our needs. Upon thorough examination of the GIS concept, it was concluded that it is the most efficient way to establish a methodology by which projects can be evaluated in a consistent manner. Consequently, this will give the Commission a tool for monitoring development in the Critical Area. As part of the Critical Area Law requirements, it is imperative that such a system be established so that projects can be evaluated for consistency and in compliance with the program (Critical Area Law, Section 8-1811). If such a system can be put in place, it

will provide the Commission with the capability to assess its overall Program.

In order to have in place a GIS that will meet the needs of the Commission, the IMSD has been working in concert with other divisions to develop a useable database and a functional methodology. For a GIS to be useful, the database has to be assembled and structured in a way that can expedite the functions for which it is designed. Therefore, the GIS that has been developed for the Commission is intended to be useable for both the Commission and the local jurisdictions. The reason for considering the local jurisdictions is to ensure consistency in the approval and data types with which projects are evaluated. Such a consideration is important because the Commission relies on the local jurisdictions to report those classes of applications for project approval. Hence, a useable database and methodology at the local level is deemed important for consistency.

Because of the uniqueness of the Commission's GIS which will be image processing based, and considering the large volume of data to be handled, the Commission's computer system will be moved away from the microcomputer platform to a minicomputer level. Because this computer is high-powered in data processing and data storage, most State agencies that work with the Critical Area program will have unrestricted access to the data being developed on the system.



JOHN C. NORTH, II
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

WEST GARRETT PLACE, SUITE 320
275 WEST STREET
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2426

August 1, 1989

COMMISSIONERS

- Thomas Osborne
Anne Arundel Co.
- James E. Gutman
Anne Arundel Co.
- Ronald Karasic
Baltimore City
- Ronald Hickernell
Baltimore Co.
- 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.
- William Corkran, Jr.
Talbot Co.
- William J. Bostian
Wicomico Co.
- Russell Blake
Worcester Co.

The Honorable Richard H. Trainor, Secretary
Maryland Department of Transportation
The Secretary's Office
P.O. Box 8755
BWI Airport, Maryland 21240

Dear Secretary Trainor:

This is to acknowledge receipt of the Maryland Transportation Plan and the Consolidated Transportation Program (CTP) for FY 1989-1994 from Mr. William Mangels of your staff. The Critical Area Commission Staff has reviewed the CTP (list enclosed) and has identified those projects that affect the Critical Area which the Commission membership must review and approve prior to construction in accord with Section 8-1814 of the Critical Area Law and under the procedures set forth in COMAR 14.19.

As outlined in the draft Memorandum of Understanding between your Department and the Critical Area Commission, staff from the Commission is to review the environmental impact statements, environmental assessments and/or other relevant studies and convey comments to the appropriate Administration within the Department. When projects reach final design, the Critical Area Commission staff is to prepare a synopsis of the project for the Commission members to vote upon at their monthly meetings. Projects proposed by the State agencies cannot move forward with construction until Commission approval is obtained. Your assistance in facilitating this process within your Department is needed and appreciated.

CABINET MEMBERS

- Wayne A. Cawley, Jr.
Agriculture
- Robert Schoepflein
Employment and Economic Development
- Robert Perciasepe
Environment
- Ardath Cade
Housing and Community Development
- Torrey C. Brown, M.D.
Natural Resources
- Ronald Kreitner
Planning

Commission staff would like to work with your Department staff as these projects move through the design stages, and in fact, I would hope that as review teams are established for the various projects, that Commission staff will be asked to participate. I am also aware that other projects may arise which are not covered by the CTP. Should projects falling within this category, also affect the Critical Area, my staff would need to be involved as well.

Page Two
Secretary Trainor
August 1, 1989

I hope that through this form of cooperation, especially during the initial planning stages of project design, that coordinated planning process can be effectuated. I look forward to your response in this matter and if you believe a briefing is important for your various Administrations, I would be pleased to fulfill that request.

Sincerely,


Judge John C. North, II
Chairman

JCN/AR/tlh

Enclosure

cc: Mr. Clyde E. Pyers
Director, Office of Transportation Planning

Mr. William Mangels
Manager, Plan Development and Evaluation Section

Mr. Theodore E. Mathison
Administrator, State Aviation Administration

Mr. Hal Kassoff
State Highway Administrator, State Highway Administration

Mr. Ronald J. Hartman
Administrator, Mass Transit Administration

Mr. Brendan W. O'Malley
Executive Director, Maryland Port Administration

Mr. Isaac Shafran
Director of Development, Maryland Port Administration

Mr. Richard Keen
Administrator, State Railroad Administration

Mr. David Carroll
Chesapeake Bay Coordinator, State of Maryland Executive Department

Mr. Ronald Kreitner
Director, Maryland Office of Planning

Ms. Abi Rome
Natural Resources Planner, Critical Area Commission

Maryland Department of Transportation
 PROJECTS IN THE CRITICAL AREA
 From the Consolidated Transportation Program FY 1989 - FY 1994

	<u>Page</u>	<u>Location</u>	<u>Project</u>	<u>Status</u>
<u>MVA</u>	46	Easton, Chesapeake City	Offices - construction and reconstruction	D&E
<u>SAA</u>	63	BWI area	Road improvements	D&E, Con.
	65	Martin State Airport	Hangar construction	D&E
<u>SRA</u>	79	Kent, Queen Anne's, Dorchester, Calvert Counties	Track and bridge restoration	Con.
	85	Baltimore, Harford, Cecil Counties	Commuter rail stations	D&E
<u>MPA</u>	89	Baltimore City	Harbor dredging	Con.
	91	Baltimore City	Cargo terminal	Con.
	92	Dundalk	Marine terminal	D&E, Con.
	98		Dredging Disposal Master Plan	D&E
	99	Chesapeake City	C&D Canal Study	D&E
<u>MTA</u>	103,104	Baltimore City	Metro - Sections A, B	Con.
(Mass Transit)	108	Baltimore Area	Suburban Transit Program	Con.
	110	Baltimore City	Penn Station	Con.
	111	Baltimore City	Metro extension	Con.
	112	Baltimore Area	Light Rail System	Con.

PROJECTS IN THE CRITICAL AREA (Cont.)

Page Two

<u>SHA</u>	<u>Page</u>	<u>Location</u>	<u>Project</u>	<u>Status</u>
	150,151	Anne Arundel, Prince George's Counties	I-68 (US 50/301)	Con.
	154-157	Anne Arundel County	I-97	Con.
	159,381	Anne Arundel, Prince George's Counties	MD 4 (MD 258 to Patuxent River Bridge)	D&E, Con.
	160,161	Anne Arundel County	MD 10, Arundel Freeway	Con.
	168-172	Anne Arundel County, Annapolis	US 50/301 in Annapolis	Con.
	173	Anne Arundel County	MD 177, Mountain Road	Con.
	174	Anne Arundel, Baltimore Counties	MD 648, Bridge Replacement Over Patapsco River	Con.
	167,175	Anne Arundel County	MD 665, Patuxent Boulevard	Con.
	178	Anne Arundel County	I-68 (US 50/301)	D&E
	179,180, 210,211	Baltimore County	I-695, Baltimore Beltway	D&E
	181	Anne Arundel County	MD 2, College Parkway	D&E
	182	Anne Arundel County	MD 3 (P.G. line to I-97)	D&E
	185	Annapolis	MD 436, Bridge over Weems Creek	D&E
	186	Annapolis, Anne Arundel County	MD 450, Old Severn River Bridge	D&E
	187	Annapolis, Anne Arundel County	MD 665, Patuxent Boulevard	D&E
	188	Anne Arundel County	East-West Boulevard (I-97-MD 2)	D&E

PROJECTS IN THE CRITICAL AREA (Cont.)

Page Three

<u>SHA</u>	<u>Page</u>	<u>Location</u>	<u>Project</u>	<u>Status</u>
	191, 292	Baltimore, Harford Counties	I-95 Upgrade, JFK Memorial Hwy.	Con.
	193	Baltimore County	MD 25, Falls Rd. Bridge Replacement	Con.
	194,213	Baltimore County	MD 43 Extended	D&E, Con.
	195,214	Baltimore County	MD 45, York Road	D&E, Con.
	198	Baltimore County	MD 702, Southeast Boulevard	Con.
	199-200, 216,217, 307,308	Baltimore, Harford Counties	US 1, Belair Road	D&E, Con.
	201	Baltimore County	US 40, Bridge Replacement	Con.
	202	Baltimore County	Bethlehem Steel Access Roads	Con.
	203	Baltimore County	Metro Access Improvements	Con.
	209	Baltimore County	I-83, Jones Falls Expressway	D&E
	220,426	Calvert, St. Mary's Counties	MD 4, Bridge Rehab.	Con.
	224	Caroline County	MD 404, Denton-Bridgeville Rd.	Con.
	226,422, 442	Caroline, Queen Anne's, Talbot Counties	MD 404, Hillsboro-Denton Rd.	D&E
	240	Cecil County	MD 213, Bohemia River Bridge Replacement	Con.
	241	Cecil County, Elkton	MD 213, Bridge St. Bridge Replacement	Con.
	242,246	Cecil County	MD 7, Old Philadelphia Road Bridge replacements	Con.

PROJECTS IN THE CRITICAL AREA (Cont.)

Page Four

<u>SHA</u>	<u>Page</u>	<u>Location</u>	<u>Project</u>	<u>Status</u>
	243	Elkton	US 40, Bridge Replacement	Con.
	244	Cecil County	US 222, Perryville Rd. Bridge Replacement	Con.
	247	Cecil County	MD 7, Delaware Ave. Bridge	D&E
	248	Cecil County	MD 213, Singerly Rd. Bridge Replacement	D&E
	251,408	Charles, Prince George's Counties	US 301 Upgrade	D&E, Con.
	253	Charles County	MD 425, Mason Springs Ironsides Rd.	Con.
	255,407	Charles, Prince George's	US 301, Eastern Bypass Study	D&E
	257	Charles County	MD 205, Mattawoman-Beantown Rd.	D&E
	261,457	Dorchester, Wicomico Counties	US 50, Vienna Bypass	Con.
	263	Dorchester County	MD 313, Sharptown Road	Con.
	264	Dorchester County	MD 335, Blackwater River Bridge Replacement	Con.
	265,266, 269	Dorchester County	MD 335, Hooper Island Road Bridge Replacement	D&E, Con.
	268	Cambridge	US 50, Meteor Avenue Bridge	D&E
	293,294, 304	Harford County	MD 22, Churchville Road	D&E, Con.
	296	Harford County	MD 24, Emmorton Road	Con.
	297	Harford County	MD 543, I-95 Interchange	Con.

PROJECTS IN THE CRITICAL AREA (Cont.)

Page Five

<u>SHA</u>	<u>Page</u>	<u>Location</u>	<u>Project</u>	<u>Status</u>
	301	Harford County	US 1, Hickory Bypass	D&E
	302	Harford County	MD 7, Philadelphia Rd. Bridge Replacement	D&E
	303	Harford County	MD 7, Old Philadelphia Road Relocation	D&E
	305	Harford County	MD 152, Mountain Road	D&E
	306	Harford County	MD 161, Darlington Rd. Bridge Replacement	D&E
	330,418	Kent, Queen Anne's Counties	MD 213, Chester River Bridge	Con.
	332,424	Kent, Queen Anne's Counties	MD 28, Chestertown Bypass	D&E
	391	Prince George's County	MD 210, Indian Head Highway	Con.
	393	Prince George's County	MD 228 - MD 210	Con.
	405	Prince George's County	MD 4, I-95 to Anne Arundel County	D&E
	406	Prince George's County	MD 5, Branch Avenue	D&E
	414,417	Queen Anne's County	US 50/301	D&E, Con.
	419	Queen Anne's County	MD 309, Starr Road	Con.
	420	Queen Anne's County	MD 838, Wye Island Road	Con.
	423	Queen Anne's County	US 50, MD 301 - MD 404	D&E
	427	St. Mary's County	MD 5, Leonardtown Bypass	Con.
	428	St. Mary's County	MD 246, Great Mills	Con.

PROJECTS IN THE CRITICAL AREA (Cont.)

Page Six

	<u>Page</u>	<u>Location</u>	<u>Project</u>	<u>Status</u>
<u>SHA</u>	430	St. Mary's County	MD 5, St. Mary's City	D&E
	431	St. Mary's County	MD 237, Chancellors Run Road	D&E
	432	St. Mary's County	MD 471, Indian Bridge Road	D&E
	434	Somerset County	MD 358 Extended, Jacksonville Rd.	Con.
	436	Somerset County	US 13, MD 413 to Wicomico County	D&E
	437	Somerset County	MD 362 Extended	D&E
	440	Talbot County	MD 33, St. Michaels Parkway	Con.
	456,458	Wicomico County, Salisbury	US 13, Salisbury Bypass	Con.
<u>MTA</u>	471	Baltimore City	I-895, Bayview Railroad Bridge Widening	Con.
	472-474	Baltimore City	I-895, Baltimore Harbor Tunnel Noise barrier, toll plaza, rehab tunnel	Con.
	478	Baltimore County	MD 695, Sparrows Point Viaduct	D&E
	481	Cecil County	US 40, Thomas Hatem Memorial Bridge	Con.
	484,488	Cecil, Harford Counties	I-95, JFK Memorial Highway - Tydings Memorial Bridge	Con.
	485	Baltimore County	I-95, Raphael Rd. and Joppa Rd. Bridge Replacement	Con.
	486	Harford County	MD 152 Interchange - I-95	Con.
	487	Baltimore, Harford Counties	I-95, Clayton Rd. & New Forge Rd.	Con.

PROJECTS IN THE CRITICAL AREA (Cont.)

Page Seven

	<u>Page</u>	<u>Location</u>	<u>Project</u>	<u>Status</u>
<u>MTA</u>	489	Baltimore County	I-95, MD 43 to MD 24	Con.
	495-498	Baltimore City	Seagirt Marine Terminal	Con.



JOHN C. NORTH, II
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

WEST GARRETT PLACE, SUITE 320
275 WEST STREET
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2426

August 1, 1989

COMMISSIONERS

Thomas Osborne
Anne Arundel Co.

James E. Gutman
Anne Arundel Co.

Ronald Karasic
Baltimore City

Ronald Hickernell
Baltimore Co.

Albert W. Zahniser
Calvert Co.

Thomas Jarvis
Caroline Co.

Kathryn D. Langner
Cecll 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.

William Corkran, Jr.
Talbot Co.

William J. Bostian
Wicomico Co.

Russell Blake
Worcester Co.

The Honorable Richard H. Trainor, Secretary
Maryland Department of Transportation
The Secretary's Office
P.O. Box 8755
BWI Airport, Maryland 21240

Dear Secretary Trainor:

This is to acknowledge receipt of the Maryland Transportation Plan and the Consolidated Transportation Program (CTP) for FY 1989-1994 from Mr. William Mangels of your staff. The Critical Area Commission Staff has reviewed the CTP (list enclosed) and has identified those projects that affect the Critical Area which the Commission membership must review and approve prior to construction in accord with Section 8-1814 of the Critical Area Law and under the procedures set forth in COMAR 14.19.

As outlined in the draft Memorandum of Understanding between your Department and the Critical Area Commission, staff from the Commission is to review the environmental impact statements, environmental assessments and/or other relevant studies and convey comments to the appropriate Administration within the Department. When projects reach final design, the Critical Area Commission staff is to prepare a synopsis of the project for the Commission members to vote upon at their monthly meetings. Projects proposed by the State agencies cannot move forward with construction until Commission approval is obtained. Your assistance in facilitating this process within your Department is needed and appreciated.

CABINET MEMBERS

Wayne A. Cawley, Jr.
Agriculture

Robert Schoepflein
Employment and Economic Development

Robert Perciasepe
Environment

Ardath Cade
Housing and Community Development

Torrey C. Brown, M.D.
Natural Resources

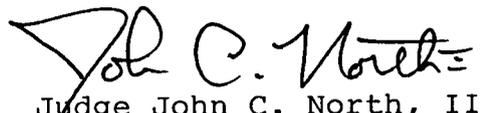
Ronald Kreitner
Planning

Commission staff would like to work with your Department staff as these projects move through the design stages, and in fact, I would hope that as review teams are established for the various projects, that Commission staff will be asked to participate. I am also aware that other projects may arise which are not covered by the CTP. Should projects falling within this category also affect the Critical Area, my staff would need to be involved as well.

Page Two
Secretary Trainor
August 1, 1989

I hope that through this form of cooperation, especially during the initial planning stages of project design, that coordinated planning process can be effectuated. I look forward to your response in this matter and if you believe a briefing is important for your various Administrations, I would be pleased to fulfill that request.

Sincerely,


Judge John C. North, II
Chairman

JCN/AR/tlh

Enclosure

cc: Mr. Clyde E. Pyers
Director, Office of Transportation Planning

Mr. William Mangels
Manager, Plan Development and Evaluation Section

Mr. Theodore E. Mathison
Administrator, State Aviation Administration

Mr. Hal Kassoff
State Highway Administrator, State Highway Administration

Mr. Ronald J. Hartman
Administrator, Mass Transit Administration

Mr. Brendan W. O'Malley
Executive Director, Maryland Port Administration

Mr. Isaac Shafran
Director of Development, Maryland Port Administration

Mr. Richard Keen
Administrator, State Railroad Administration

Mr. David Carroll
Chesapeake Bay Coordinator, State of Maryland Executive Department

Mr. Ronald Kreitner
Director, Maryland Office of Planning

Ms. Abi Rome
Natural Resources Planner, Critical Area Commission

Maryland Department of Transportation
 PROJECTS IN THE CRITICAL AREA
 From the Consolidated Transportation Program FY 1989 - FY 1994

	<u>Page</u>	<u>Location</u>	<u>Project</u>	<u>Status</u>
<u>MVA</u>	46	Easton, Chesapeake City	Offices - construction and reconstruction	D&E
<u>SAA</u>	63	BWI area	Road improvements	D&E, Con.
	65	Martin State Airport	Hangar construction	D&E
<u>SRA</u>	79	Kent, Queen Anne's, Dorchester, Calvert Counties	Track and bridge restoration	Con.
	85	Baltimore, Harford, Cecil Counties	Commuter rail stations	D&E
<u>MPA</u>	89	Baltimore City	Harbor dredging	Con.
	91	Baltimore City	Cargo terminal	Con.
	92	Dundalk	Marine terminal	D&E, Con.
	98		Dredging Disposal Master Plan	D&E
	99	Chesapeake City	C&D Canal Study	D&E
<u>MTA</u>	103, 104	Baltimore City	Metro - Sections A, B	Con.
(Mass Transit)	108	Baltimore Area	Suburban Transit Program	Con.
	110	Baltimore City	Penn Station	Con.
	111	Baltimore City	Metro extension	Con.
	112	Baltimore Area	Light Rail System	Con.

PROJECTS IN THE CRITICAL AREA (Cont.)

Page Two

<u>SHA</u>	<u>Page</u>	<u>Location</u>	<u>Project</u>	<u>Status</u>
	150,151	Anne Arundel, Prince George's Counties	I-68 (US 50/301)	Con.
	154-157	Anne Arundel County	I-97	Con.
	159,381	Anne Arundel, Prince George's Counties	MD 4 (MD 258 to Patuxent River Bridge)	D&E, Con.
	160,161	Anne Arundel County	MD 10, Arundel Freeway	Con.
	168-172	Anne Arundel County, Annapolis	US 50/301 in Annapolis	Con.
	173	Anne Arundel County	MD 177, Mountain Road	Con.
	174	Anne Arundel, Baltimore Counties	MD 648, Bridge Replacement Over Patapsco River	Con.
	167,175	Anne Arundel County	MD 665, Patuxent Boulevard	Con.
	178	Anne Arundel County	I-68 (US 50/301)	D&E
	179,180, 210,211	Baltimore County	I-695, Baltimore Beltway	D&E
	181	Anne Arundel County	MD 2, College Parkway	D&E
	182	Anne Arundel County	MD 3 (P.G. line to I-97)	D&E
	185	Annapolis	MD 436, Bridge over Weems Creek	D&E
	186	Annapolis, Anne Arundel County	MD 450, Old Severn River Bridge	D&E
	187	Annapolis, Anne Arundel County	MD 665, Patuxent Boulevard	D&E
	188	Anne Arundel County	East-West Boulevard (I-97-MD 2)	D&E

PROJECTS IN THE CRITICAL AREA (Cont.)

Page Three

<u>SHA</u>	<u>Page</u>	<u>Location</u>	<u>Project</u>	<u>Status</u>
	191, 292	Baltimore, Harford Counties	I-95 Upgrade, JFK Memorial Hwy.	Con.
	193	Baltimore County	MD 25, Falls Rd. Bridge Replacement	Con.
	194,213	Baltimore County	MD 43 Extended	D&E, Con.
	195,214	Baltimore County	MD 45, York Road	D&E, Con.
	198	Baltimore County	MD 702, Southeast Boulevard	Con.
	199-200, 216,217, 307,308	Baltimore, Harford Counties	US 1, Belair Road	D&E, Con.
	201	Baltimore County	US 40, Bridge Replacement	Con.
	202	Baltimore County	Bethlehem Steel Access Roads	Con.
	203	Baltimore County	Metro Access Improvements	Con.
	209	Baltimore County	I-83, Jones Falls Expressway	D&E
	220,426	Calvert, St. Mary's Counties	MD 4, Bridge Rehab.	Con.
	224	Caroline County	MD 404, Denton-Bridgeville Rd.	Con.
	226,422, 442	Caroline, Queen Anne's, Talbot Counties	MD 404, Hillsboro-Denton Rd.	D&E
	240.	Cecil County	MD 213, Bohemia River Bridge Replacement	Con.
	241	Cecil County, Elkton	MD 213, Bridge St. Bridge Replacement	Con.
	242,246	Cecil County	MD 7, Old Philadelphia Road Bridge replacements	Con.

PROJECTS IN THE CRITICAL AREA (Cont.)

Page Four

<u>SHA</u>	<u>Page</u>	<u>Location</u>	<u>Project</u>	<u>Status</u>
	243	Elkton	US 40, Bridge Replacement	Con.
	244	Cecil County	US 222, Perryville Rd. Bridge Replacement	Con.
	247	Cecil County	MD 7, Delaware Ave. Bridge	D&E
	248	Cecil County	MD 213, Singerly Rd. Bridge Replacement	D&E
	251,408	Charles, Prince George's Counties	US 301 Upgrade	D&E, Con.
	253	Charles County	MD 425, Mason Springs Ironsides Rd.	Con.
	255,407	Charles, Prince George's	US 301, Eastern Bypass Study	D&E
	257	Charles County	MD 205, Mattawoman-Beantown Rd.	D&E
	261,457	Dorchester, Wicomico Counties	US 50, Vienna Bypass	Con.
	263	Dorchester County	MD 313, Sharptown Road	Con.
	264	Dorchester County	MD 335, Blackwater River Bridge Replacement	Con.
	265,266, 269	Dorchester County	MD 335, Hooper Island Road Bridge Replacement	D&E, Con.
	268	Cambridge	US 50, Meteor Avenue Bridge	D&E
	293,294, 304	Harford County	MD 22, Churchville Road	D&E, Con.
	296	Harford County	MD 24, Emmorton Road	Con.
	297	Harford County	MD 543, I-95 Interchange	Con.

PROJECTS IN THE CRITICAL AREA (Cont.)

Page Five

<u>SHA</u>	<u>Page</u>	<u>Location</u>	<u>Project</u>	<u>Status</u>
	301	Harford County	US 1, Hickory Bypass	D&E
	302	Harford County	MD 7, Philadelphia Rd. Bridge Replacement	D&E
	303	Harford County	MD 7, Old Philadelphia Road Relocation	D&E
	305	Harford County	MD 152, Mountain Road	D&E
	306	Harford County	MD 161, Darlington Rd. Bridge Replacement	D&E
	330,418	Kent, Queen Anne's Counties	MD 213, Chester River Bridge	Con.
	332,424	Kent, Queen Anne's Counties	MD 28, Chestertown Bypass	D&E
	391	Prince George's County	MD 210, Indian Head Highway	Con.
	393	Prince George's County	MD 228 - MD 210	Con.
	405	Prince George's County	MD 4, I-95 to Anne Arundel County	D&E
	406	Prince George's County	MD 5, Branch Avenue	D&E
	414,417	Queen Anne's County	US 50/301	D&E, Con.
	419	Queen Anne's County	MD 309, Starr Road	Con.
	420	Queen Anne's County	MD 838, Wye Island Road	Con.
	423	Queen Anne's County	US 50, MD 301 - MD 404	D&E
	427	St. Mary's County	MD 5, Leonardtown Bypass	Con.
	428	St. Mary's County	MD 246, Great Mills	Con.

PROJECTS IN THE CRITICAL AREA (Cont.)

Page Six

	<u>Page</u>	<u>Location</u>	<u>Project</u>	<u>Status</u>
<u>SHA</u>	430	St. Mary's County	MD 5, St. Mary's City	D&E
	431	St. Mary's County	MD 237, Chancellors Run Road	D&E
	432	St. Mary's County	MD 471, Indian Bridge Road	D&E
	434	Somerset County	MD 358 Extended, Jacksonville Rd.	Con.
	436	Somerset County	US 13, MD 413 to Wicomico County	D&E
	437	Somerset County	MD 362 Extended	D&E
	440	Talbot County	MD 33, St. Michaels Parkway	Con.
	456,458	Wicomico County, Salisbury	US 13, Salisbury Bypass	Con.
<u>MTA</u>	471	Baltimore City	I-895, Bayview Railroad Bridge Widening	Con.
	472-474	Baltimore City	I-895, Baltimore Harbor Tunnel Noise barrier, toll plaza, rehab tunnel	Con.
	478	Baltimore County	MD 695, Sparrows Point Viaduct	D&E
	481	Cecil County	US 40, Thomas Hatem Memorial Bridge	Con.
	484,488	Cecil, Harford Counties	I-95, JFK Memorial Highway - Tydings Memorial Bridge	Con.
	485	Baltimore County	I-95, Raphael Rd. and Joppa Rd. Bridge Replacement	Con.
	486	Harford County	MD 152 Interchange - I-95	Con.
	487	Baltimore, Harford Counties	I-95, Clayton Rd. & New Forge Rd.	Con.

PROJECTS IN THE CRITICAL AREA (Cont.)

Page Seven

	<u>Page</u>	<u>Location</u>	<u>Project</u>	<u>Status</u>
<u>MTA</u>	489	Baltimore County	I-95, MD 43 to MD 24	Con.
	495-498	Baltimore City	Seagirt Marine Terminal	Con.