

Chesapeake Bay Critical Area Commission
Department of Housing and Community Development
People's Resource Center
Crownsville, Maryland
August 1, 2001

SUBCOMMITTEES AND PANELS

Project Evaluation Subcommittee

Members: Bourdon, Witten, Giese, Goodman, Cooksey, Setzer, Graves, Olszewski, Jackson, McLean, Andrews, Jones, Rice

No Project Subcommittee meeting this month. Some members have Panel meetings. See below.

9:00 a.m. – 11:00 a.m. Program Implementation Subcommittee

Members: Foor, Myers, Bailey, Evans, Barker, Wynkoop, Johnson, Lawrence, Duket, Samorajczyk, Bradley, Wenzel

**Town of Easton – Easton Village Planned Unit
Development – Discussion of Growth Allocation**

**Mary Owens
Lisa Hoerger**

**Queen Anne's County – Gibson's Grant
Discussion of Growth Allocation**

LeeAnne Chandler

**Dorchester County – Allotment of Growth Allocation
To Municipalities**

**Mary Owens
Amber Widmayer**

Town of Snow Hill – Mapping Mistake

**Tracey Greene
LeeAnne Chandler**

Panels

11:00 a.m. – 11:15 a.m.

**Anne Arundel County – County Bill 49-01
Government Reuse Facilities / Buffer Exemption Areas**

**Mary Owens
Lisa Hoerger**

Members: Foor, McLean, Evans, Cooksey, Samorajczyk

11:15 a.m. – 11:50 a.m.

**Anne Arundel County – Mayo Elementary School
Conditional Approval of Alternate Site**

LeeAnne Chandler

Members: Foor, Evans, Lawrence, Bourdon, Duket

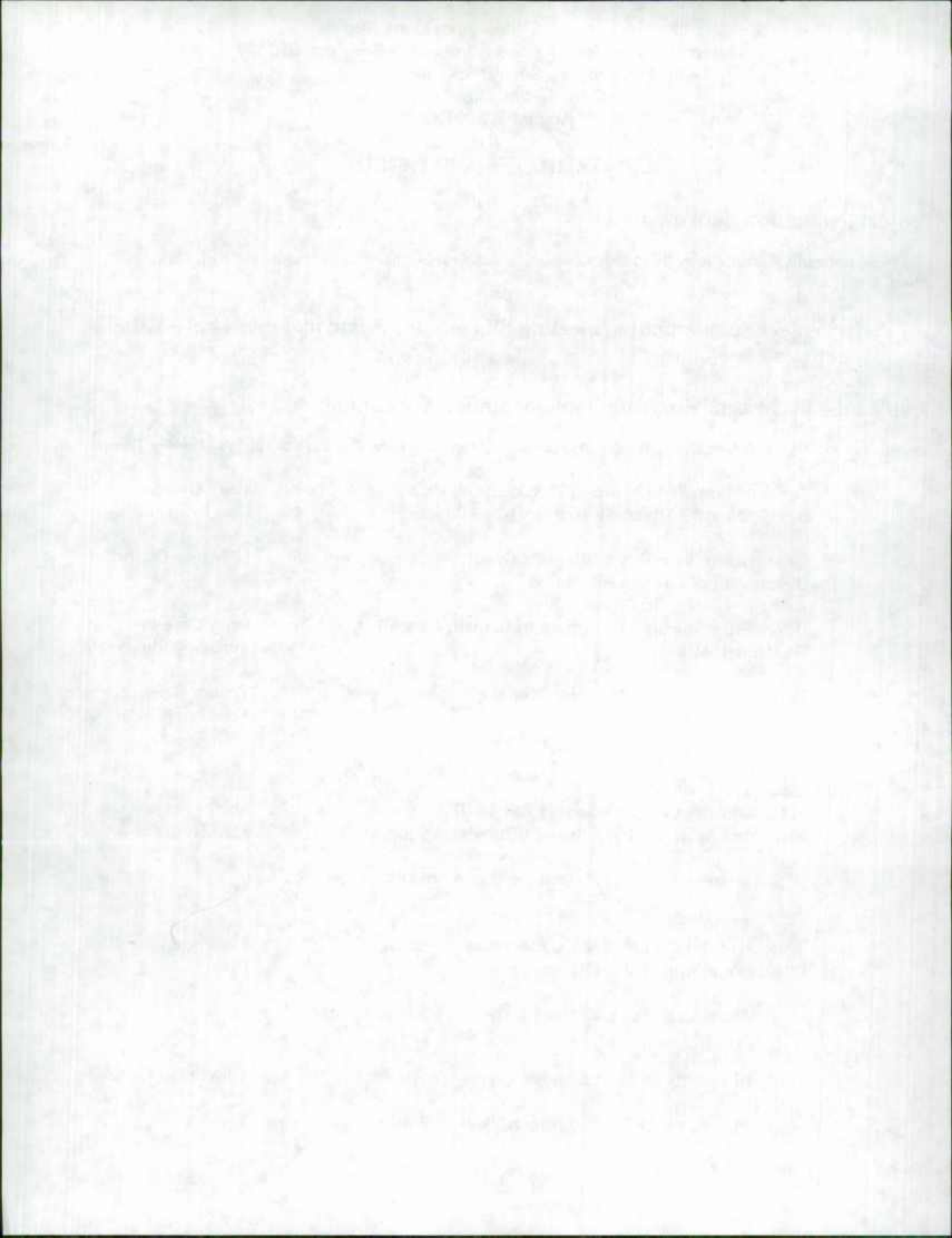
11:50 a.m. – 12: p.m.

Harford County Comprehensive Review

Dawnn McCleary

Members: Duket, Goodman, Barker, Evans

12:00 p.m. - 1:00 p.m. - LUNCH



**Chesapeake Bay Critical Area Commission
Department of Housing and Community Development
Peoples Resource Center
Crownsville, Maryland
August 1, 2001**

AGENDA

- | | | |
|--------------------------------|---|---------------------------------------|
| 1:00 p.m. - 1:05 p.m. | Approval of Minutes
of July 11, 2001 | John C. North, II
Chairman |
| 1: 05 p.m. - 1: 25 p.m. | Special Presentation:
Sea Level Rise and Shore Erosion in the
Chesapeake Bay | David Burke
DNR |

PROGRAM AMENDMENTS and REFINEMENTS

- | | | |
|------------------------------|---|---|
| 1:25 p.m. - 1:35 p.m. | VOTE - Anne Arundel County
County Bill #49-01
Government Reuse Facilities / BEAs | Lisa Hoerger |
| 1:35 p.m. - 1:45 p.m. | VOTE - Harford County
Comprehensive Review | Dawnn McCleary |
| 1:45 p.m. - 1:55 p.m. | Refinement - Town of Snow Hill
Mapping Mistake | Tracey Greene
LeeAnne Chandler |
| 1:55 p.m. - 2:05 p.m. | Refinement - Dorchester County
Growth Allocation to Municipalities | Amber Widmayer |

PROJECTS

- | | | |
|------------------------------|---|---------------------------------------|
| 2:05 p.m. - 2:25 p.m. | VOTE - Anne Arundel County Board of
Education - Mayo Elementary School
Conditional Approval for Alternate Site | LeeAnne Chandler |
| 2:25 p.m. - 2:35 p.m. | Old Business | John C. North, II
Chairman |
| | Legal Update | Marianne Mason, Esq. |
| 2:35 p.m. - 2:45 p.m. | New Business | John C. North, II
Chairman |

The Department of Housing and Community Development
 People Resource Center
 1000 North 1st Street
 Columbus, Ohio 43215
 August 1, 2001

AGENDA

John C. North, II Chairman	Approval of minutes of July 11, 2001	1:00 pm - 1:05 pm
David Baker DHR	Special Presentation and Level Review and Sports Expansion in the Enterprise Area	1:05 pm - 1:25 pm

PROJECTS, AMENDMENTS and REFINEMENTS

Lisa Horgan	VOTE - Anne Arundel County County Bill 20-01 Government Center Facilities / BEA	1:25 pm - 1:35 pm
Dawn McCarty	VOTE - Harford County Comprehensive Review	1:35 pm - 1:45 pm
Terry Greene Leanne Chondra	Refinement - Town of Snow Hill Map Amendment	1:45 pm - 1:55 pm
Amber Widmayer	Refinement - Worcester County Event Allocation to municipalities	1:55 pm - 2:05 pm

PROJECTS

Lee Anne Chondra	VOTE - Anne Arundel County Board of Education - Mary Therman School Additional approval for alternate site	2:05 pm - 2:15 pm
John C. North, II Chairman	Old Business	2:15 pm - 2:35 pm
Marlene Mason, Esq.	Legal Update	
John C. North, II Chairman	New Business	2:35 pm - 2:45 pm

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Chesapeake Bay Critical Area Commission
People's Resource Center
Department of Housing and Community Development
Crownsville, Maryland
July 11, 2001

The Chesapeake Bay Critical Area Commission met at the Department of Housing and Community Development in Crownsville, Maryland. The meeting was called to order by John C. North, II, Chairman, with the following **Members in attendance**:

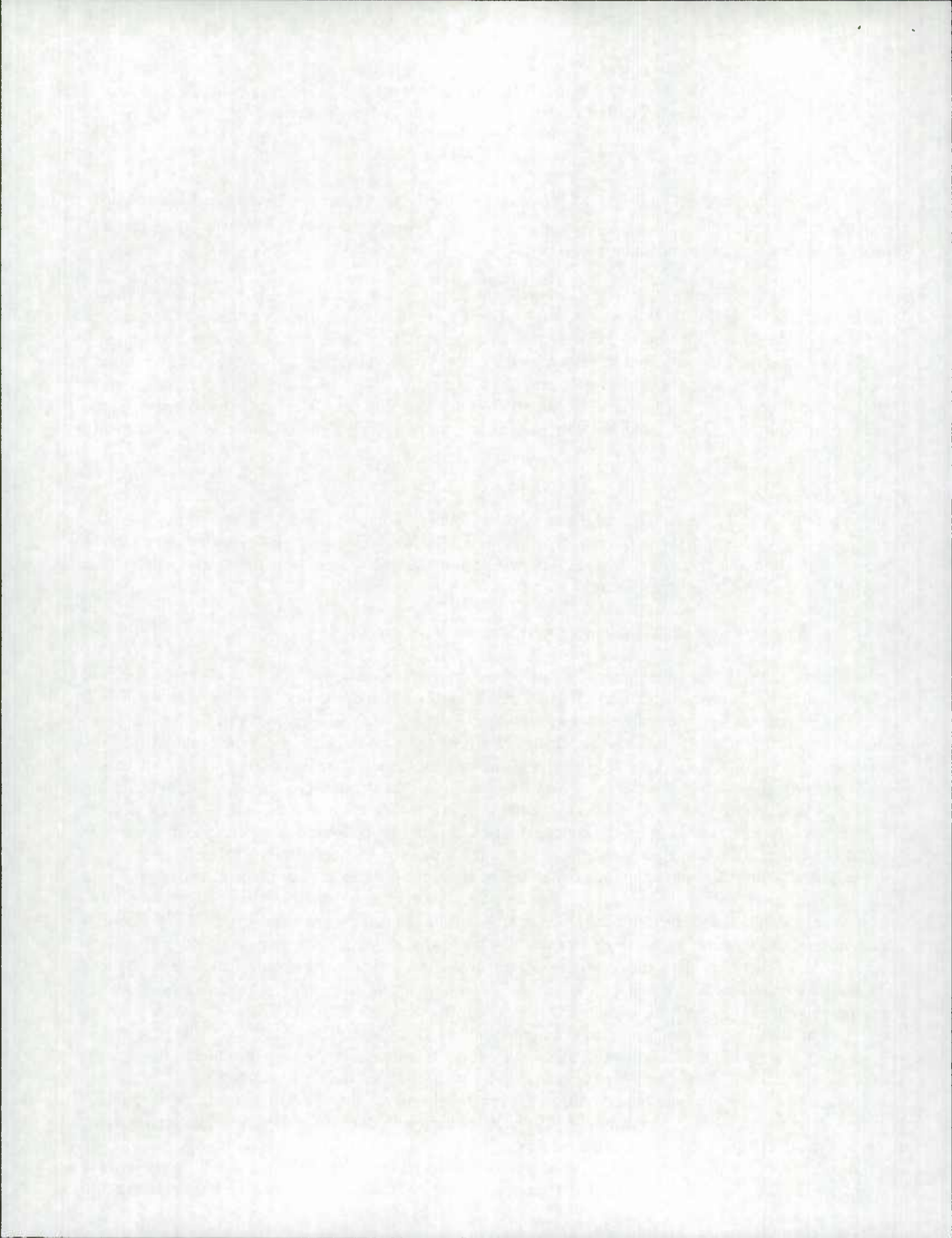
Barker, Philip, Harford County; Bailey, The Honorable Margo, Kent County; Bradley, Clinton, Eastern Shore Member at Large; Evans, Judith, Western Shore Member at Large; Graves, Charles C., Baltimore City; Goodman, Bob, Md. Dept. Housing and Community Development; Johnson, Samuel Q., Wicomico County; Rice, William, Somerset County; Samorajczyk, Barbara, Anne Arundel County; Setzer, Gary, Md. Department of the Environment; Duket, Larry, Md. Dept. of Planning; Lawrence, Louise, Dept. Agriculture; McLean, Jim, Governor's Office of Business and Economic Development; Olszewski, John A., Baltimore County; Andrews, Meg, Md. Department of Transportation; Wenzel, Lauren, Md. Department of Natural Resources

Not In Attendance:

Cain, Deborah B., Cecil County; Cooksey, Dave, Charles County; Bourdon, Dave, Calvert County; Foor, Dr. James, C. Queen's Anne's County; Giese, Wm. Jr. Dorchester County; Jackson, Joseph, Worcester County; Jones, Paul, Talbot County; Myers, Andrew, Caroline County; Witten, Jack, St. Mary's County; Wynkoop, Samuel, Prince George's County

The Minutes of June 6, 2001 were approved as read.

Chairman North asked Ren Serey, Executive Director, CBCAC to update the Commission on the Four Seasons Kent Island Growth Allocation. He told the Commission that at the December meeting of the Critical Area Commission growth allocation was approved for the Four Seasons project which generated a lot of discussion and debate about the County amendment process. Mr. Serey clarified for the Commission the amendment process in Queen Anne's County. He said that the County Commissioners send amendments, including growth allocation amendments, to the Critical Area Commission in a conceptual approval format. The County Commissioners do not hold a public hearing before sending those to the Commission and in the Four Seasons discussion this was a central concern of the Commission. Following that meeting, Chairman North sent a letter to the Commissioners informing them that this process needed to be changed. Steve Cohoon, Queen Anne's County's Planning Office, talked about the changes in their process since receiving the Chairman's letter. He said that Steve Ziegler, Planning Director of Queen Anne's County, and other County Staff have met with Ren and the Critical Area Staff on adjusting some of the procedures and are in the position of presenting to the County Commissioners a text amendment that they have proposed and the new process for adoption. Mr. Cohoon said that the draft language will change the sequence for approval and will place the Critical Area Commission's review directly after the County Commissioners review. Currently, there are three public hearings in the Queen Anne's County process, one by the Planning Commission and the second currently is by the Critical Areas Commission and the third is by the County Commissioners. The change in process order proposed is: the Planning Commission, County Commissioners and then the Critical Area Commission. Following the Critical Area Commission recommendations and decisions the County Commissioners would then consider and ratify their conceptual approval for which they already held a public hearing. After the change in process the County Commissioners will have the benefit of having the Critical Area Commission's input before they ratify and finalize their decision. Mr. Serey said that it is the recommendation of the subcommittee that Chairman North send *another* letter to the County Commissioners informing them that the Commission has been informed that there is now a new process under consideration by



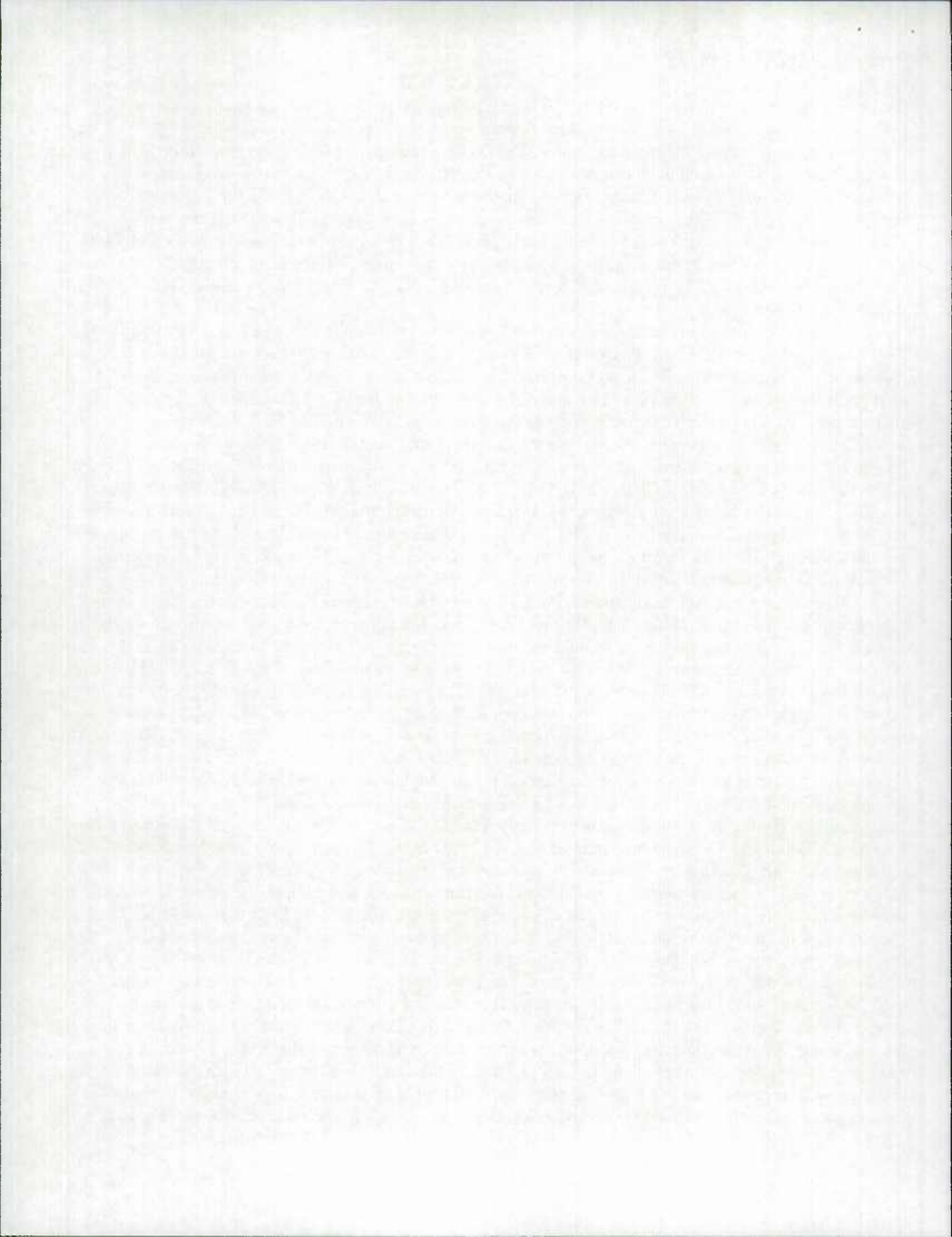
the County and that a time line for completion and implementation is desired as quickly as possible. In the meantime, there are other projects coming to the Commission under the old or current process.

Mr. Serey said that 293 acres were approved by the Commission for growth allocation for the Four Seasons Project at Kent Island in Queen Anne's County which changes RCA to IDA. A second action redesignated 79 acres of previously granted growth allocation from LDA to IDA. The Commission approved the Four Seasons growth allocation with *10 conditions*. Since that approval, the Board of County Commissioners of Queen Anne's County held a public hearing and subsequently adopted Resolution No. 01-13 that proposes to approve the petition for growth allocation for the Four Seasons project subject to *25 conditions* (**Resolution No. 01-13** attached and made a part of these Minutes). The Critical Area's conditions are included in this Resolution.

Mr. Serey presented the conditions of the Critical Area Commission from the Resolution attached to the Staff Report, placed on the growth allocation request and he said that the County Commissioners have incorporated all ten of those and have added many others. He asked Lee Anne Chandler to present the changes to the amended concept plan as enumerated in the Staff Report. Larry Duket, Panel Chair, reported that the panel found no changes to the Commission's conditions as a result of the added conditions.

Mr. Richard O'Connor, Esquire, representative of the Kent Island Defense League in opposition to this growth allocation request, summarized the concerns of the League in a document titled "STATEMENT OF KENT ISLAND DEFENSE LEAGUE, LLC REGARDING THE FOUR SEASONS PROJECT" which was distributed to the Commission (attached to and made a part of these Minutes). He said that this should not be considered a program refinement based on the conditions that were added but should be a program amendment instead which should be sent back for a panel review and full public hearing. He talked about the concerns as outlined in his Statement and asked the Commission to deny the request for growth allocation.

Tom Deming, Esquire, of Annapolis, formerly Counsel to Critical Area Commission, attended as a paid representative/Counsel to the Kent Island Defense League, asked the Commission to deny the growth allocation request. He said that Resolution opens up fundamental questions that the Commission should review and believes that this project does not comply with the Criteria for growth allocation. Wynn Krozak, 100 Harbor Sound, Bayside Community, Chester Maryland adjacent to the Four Seasons project spoke in opposition to the project stating that it is not smart growth, not a priority funding area, does not comply with the growth areas, does not comply with the 1993 Comprehensive plan nor does it comply with Critical Area Criteria. Mr. Krozak expounded on these precepts and submitted a document from the Maryland Department of Planning (a letter) which states that these properties are not registered as priority funding areas (PFA) (attached to and made a part of these Minutes). Mike Koval, 1208 Cox Neck Road, Chester, Maryland spoke in opposition to the growth allocation refinement and was in agreement with Mr. O'Connor and Mr. Krozak in their comments. Joe Stevens, Consultant for Four Seasons reiterated that this is a designated growth area for growth allocation requests, that this request has been reviewed for two years and revised and met all the conditions of the Commission and has been approved by the County Commissioners. He claimed intimate knowledge of the smart growth concept having previously been a Planner Director in Queen Anne's County and submitted into the record a letter from the Secretary of the Maryland Department of Planning, Harriet Tregoning (attached to and made a part of these Minutes) stating that the letter suggests an overall approval of the smart growth ideal employed in this development and the selection of this site for growth, etc. Mr. Stevens gave very succinct calculations in support of his dispute with the issues of concern of the opposition speakers and asserted that this project development achieves the goals of County Planning. Steve Cohoon stated for the record in response to a question regarding the "rights and responsibilities of the developer" document that it is an agreement between the County and the applicant regarding the responsibilities of the developer. There was much discussion among the Commission members regarding the testimony. Larry Duket moved that the full Commission ratify the County's approval of the Four Seasons Growth Allocation. The motion was seconded by Mr. McLean and carried 13-3. Lauren Wenzel, Barbara Samorajczyk and Margo Bailey voted in the negative.

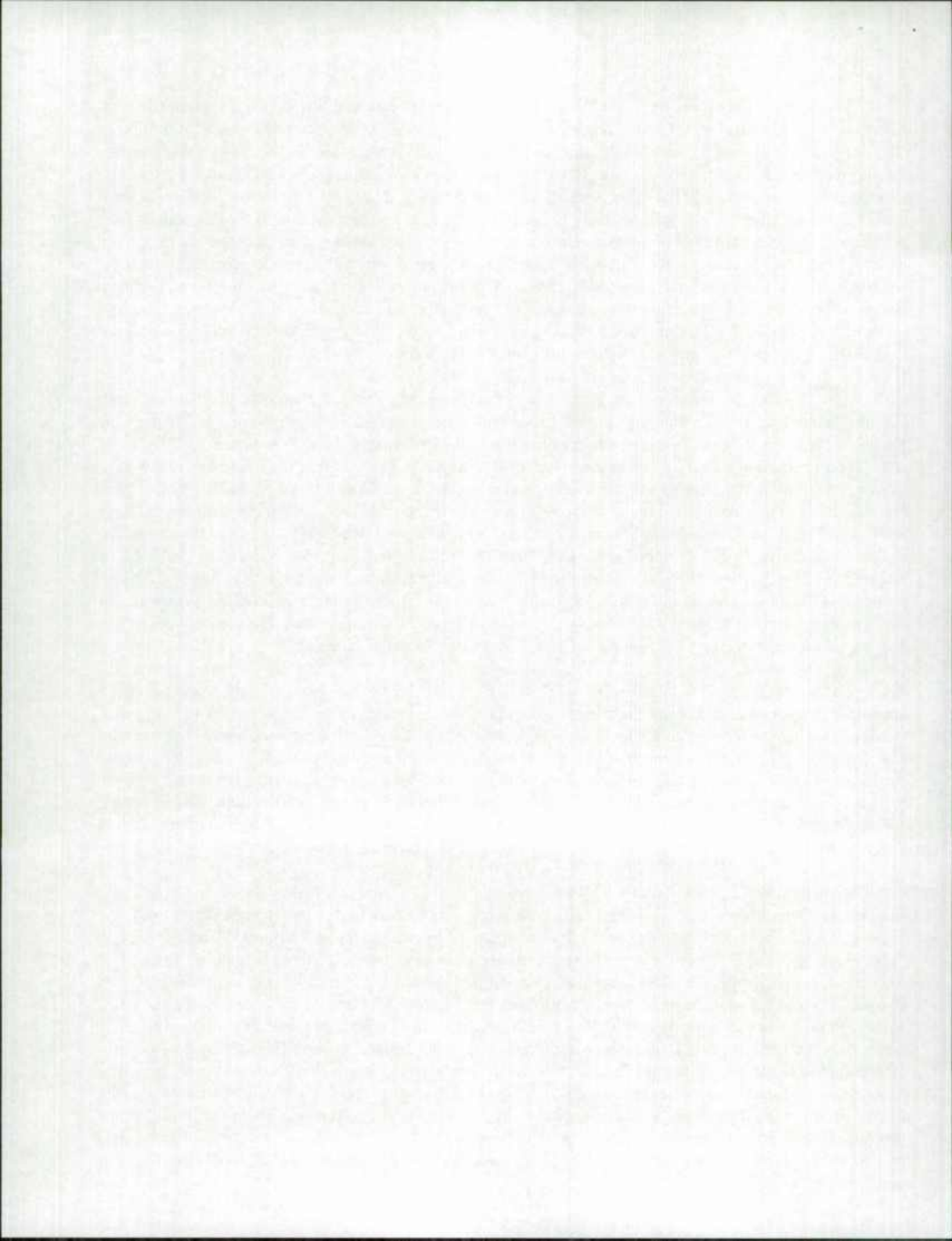


LeeAnne Chandler, Planner, CBCAC presented for Concurrence with the Chairman's determination of Refinement the Queen Anne's County request for approval of the use of 5.0103 acres of growth allocation to change the designation of the Grasonville Station commercial subdivision from LDA to IDA. The proposed area for redesignation is adjacent to exiting IDA, and meets the Commission's policy on the use of growth allocation. This property is at the outer limits of the Critical Area and the entire acreage of the Critical Area is included in the request. The property has a total of 13.798 acres. The proposed use is a 9 lot commercial subdivision. No Habitat Protection Areas exist on the site. The Maryland Department of the Environment has issued a letter of authorization to disturb 6753 square feet of "farmed wetland" for a pocket of non-tidal emergent wetland identified in the Critical Area portion of the property. A proposed stormwater management facility will be near the existing non-tidal wetland and stormwater will be addressed with a wet pond construction. The 10% pollutant reduction calculations have been provided with treatment of runoff. The Commission supported the Chairman's determination of Refinement.

Ms. Chandler presented for Concurrence with the Chairman's determination of Refinement, Charles County's request to correct a mapping mistake for Camp Merrick and minor text amendments. Charles County has asked the Critical Area Commission to review a proposal to redesignate 20 acres of land designated as RCA to LDA on the basis of mistake made in the original RCA mapping. She said that the Critical Area law provides local jurisdictions an opportunity to correct errors and omissions in the Critical Area designation of a property based on proof of mistake in the original mapping and that the proposed change in land designation of 20 acres of RCA will result in the loss of one (1) acre from the County's Growth Allocation. She said that the County has determined that 1) the developed portion of Camp Merick was developed prior to the original Critical Area mapping of the property in 1985; 2) the developed portion of Camp Merrick was not fully considered for the purposed of mapping LDA; 3) the developed portion satisfies the criteria for mapping as LDA, as provided in the State regulations (COMAR 27.01.02.04(A)); and 4) the proposed map amendment as a correction to a mistake in original mapping was approved by the Charles County Commissioners.

Several Sections of the Charles County Critical Area Overlay Zoning Ordinance are proposed for amendments to provide additional clarifying language or to delete language that was stricter than the State criteria following the recently completed four-year comprehensive review. "Insofar as possible" language was restored to the grandfathering provision with the added language, "if approved through the variance process by the Board of Appeals and the Critical Area Commission." Deleted was the entire section regulating shore erosion control and language was added to the section titled, "Buffer Standards" so that Buffer impacts can be addressed through a Buffer Management Plan. The Commission supported the Chairman's determination of Refinement.

Claudia Jones, Science Advisor, CBCAC presented for VOTE the proposal by the Maryland State Police through the Department of General Services to construct a new barrack facility in Somerset County near Princess Anne. Preconstruction site prep work was approved by the Project Subcommittee Chair prior to Subcommittee or full Commission approval to accommodate availability of a contractor prior to the meeting predicated on post approval by the Commission. The project includes a drive, parking space, garage, transmission tower, fuel tanks and a pump. Mitigation for clearing on the site will be on a 1:1 ratio for 1.19 acres of forest cover and mitigation for 0.39 acres of forest loss will be replaced on-site. Fee-in-lieu will compensate for the remaining 0.08 acres of lost forest. Stormwater management will be designed to meet the 10% pollution reduction requirement for the increase in impervious surface. There are no known rare, threatened, or endangered species on the site. Bob Goodman moved to approve the construction of the new barrack facility with the following condition: that DGS must report back to the Commission at its August 1st meeting on the status of locating an acceptable mitigation site and at the October 3rd meeting with a proposal on how the remaining forest mitigation will be completed. The motion was seconded by Judith Evans and carried unanimously.



Dawnn McCleary, Planner, CBCAC presented for VOTE the stabilization and shore erosion project proposal by the Department of Transportation, State Highway Administration (SHA), in the City of Annapolis. The project involves the repair of an existing concrete ditch and the elimination of the continuing erosion of the channel into St. Anne's Cemetery in the 100-foot Buffer and will reduce the sediment loading into College Creek. 2.684 square feet of vegetation will be removed within the Buffer but will be replaced at 1:1 mitigation ratio. The project is designed to minimize impacts to the Buffer and the wetland and waterway where feasible. All disturbed areas will be stabilized upon completion of the project, which will include a landscaping plan. All applicable permits have been issued by the Maryland Department of Environment (MDE), Wetland/Waterways Division. Mike Lynch, project engineer with SHA told the Commission that the City of Annapolis and St. Anne's Cemetery have approved access to the cemetery for the SHA project. Bob Goodman moved to approve the College Creek Channel Stabilization project with two conditions: 1) SHA shall revise the landscaping plan to show "MORE" native species in the 100-foot Buffer and in the Critical Area to mitigate for impacts to the forest in the areas disturbed during construction. 2) SHA will review and report back to Commission staff to ensure a 1:1 ratio mitigation requirement. The motion was seconded by Bill Rice and carried unanimously.

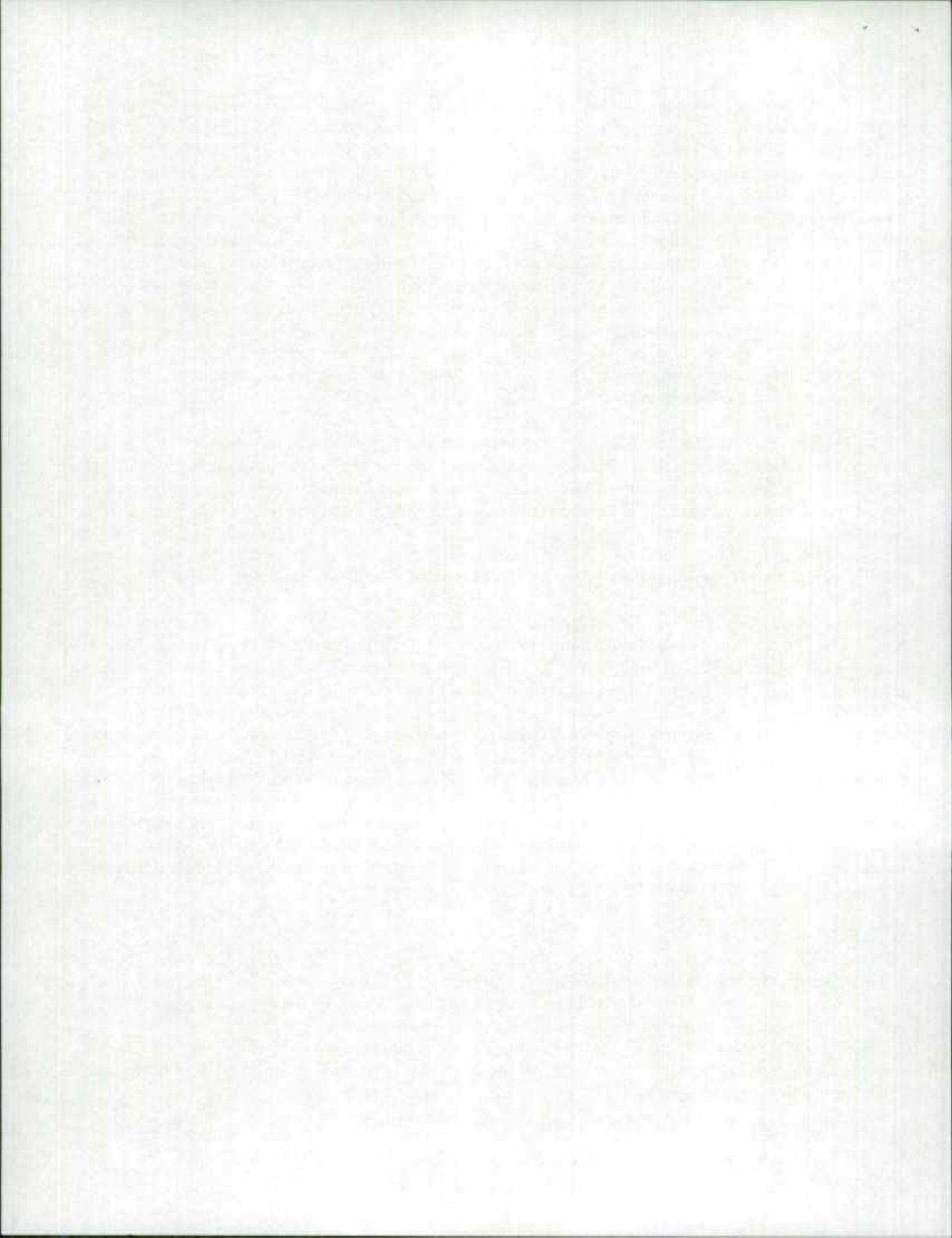
Ms. McCleary presented for VOTE the proposal by the Maryland Port Administration (MPA), Department of Transportation, to stabilize the Colgate Creek Shoreline south of the Broening Highway Bridge in the City of Baltimore. The project involves the use of an articulated concrete mat revetment and vegetated filter strip and landscaped plantings at the waters edge. Also proposed is a 5,600 square foot filter strip and plantings to be located within the open cell blocks. Ms. McCleary the engineer for MPA who described the design and function of the materials used in this project. Bob Goodman moved to approve the Colgate Creek Shoreline Protection project as presented. The motion was seconded by Bill Rice and carried unanimously.

Ms. Wanda Cole, Planner, CBCAC presented for VOTE the proposal by the Maryland Environmental Service (MES) to construct a boat ramp adjacent to an existing pier at the Hart-Miller Island Dredged Material Containment Facility (HMI) in the 100-foot Critical Area Buffer. This area is not an IDA and is being converted to wildlife habitat area.. The boat ramp will allow various-sized craft to be brought on-shore for protection from sudden storms and for maintenance of on-board equipment, to allow a variety of craft to be available on-site, and for emergency response of landing craft at the facility. Ms. Cole described the structural details of the boat ramp. MES has offered to improve the conditions of the non-tidal wetland area impacted by the displacement of 4,165.9 square feet of tidal wetlands and 814.1 square feet of the 25-foot nontidal wetland buffer by restoring 9,960 square feet of nontidal wetlands. They will be removing the phragmites and planting suitable wetland species even though this is not required. There are no proposed impacts to any other Habitat Protection Areas. MDE must issue a State tidal wetland license and has indicated that the project, as proposed, presents no concerns. Bob Goodman moved to approve the boat ramp at HMI as presented in the Staff report. The motion was seconded by John Olszewski and carried unanimously.

OLD BUSINESS

Marianne Mason, Esquire, Assistant Attorney General for DNR and Commission Counsel, gave a legal update to the Commission. Ms. Mason said that LeeAnne Chandler of the Commission staff provided testimony in a hearing at Indian Head. She and LeeAnne were requested to appear in support of the Town in an enforcement action of the cutting of trees in excess of the amount permitted way beyond what any reasonable person should expect. She reported that there is no decision as yet but the Board has requested all parties to submit post-hearing briefs.

In Wicomico County (where the Board Appeals turned down a variance request for Mr. Edwin Lewis who had built 6 cabins on an island) a Brief has been filed in Circuit Court to which Ms. Mason will be responding.

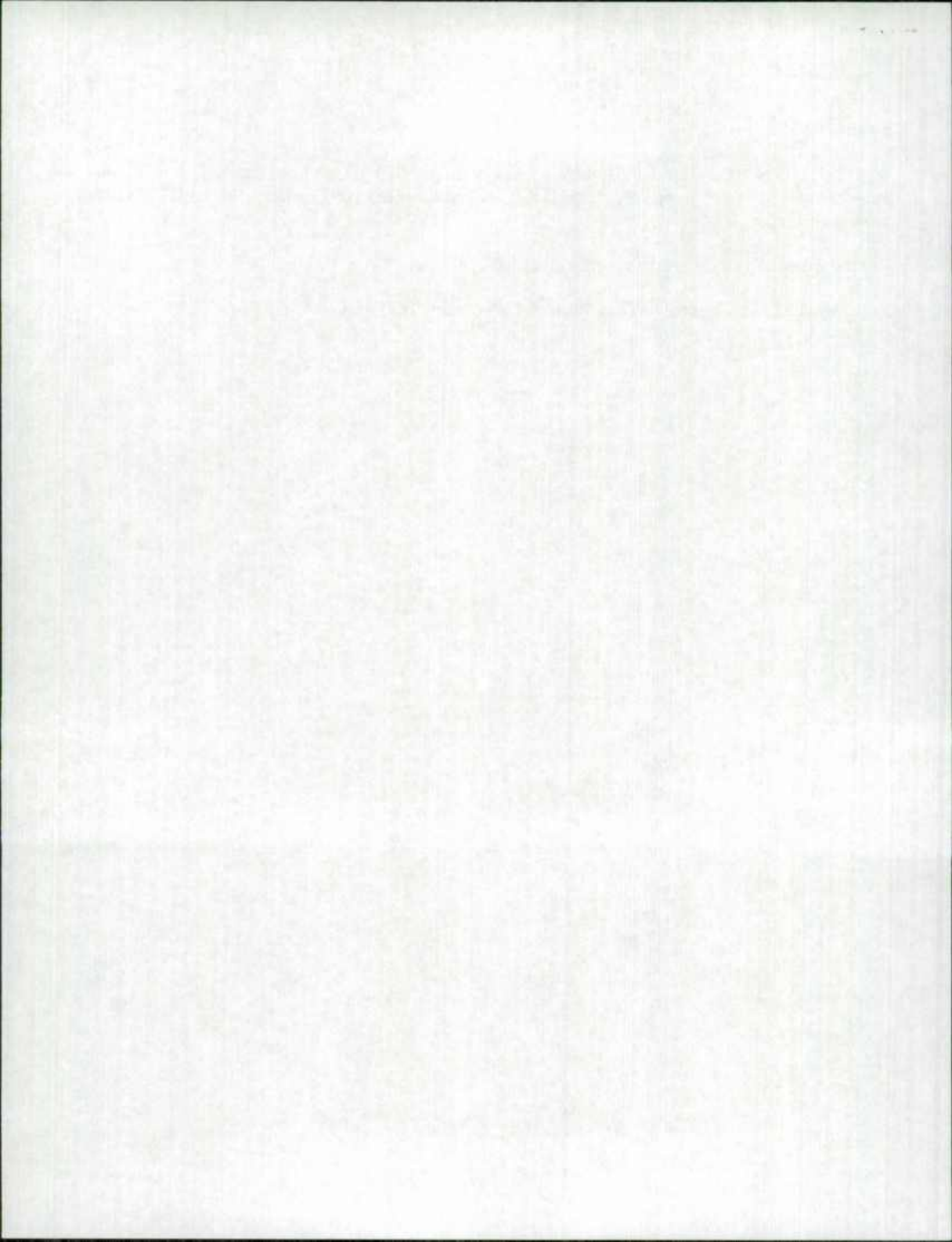


NEW BUSINESS

Chairman North announced that there will be a hearing at 6:00 p.m. on July 12th for Harford County's Comprehensive Review. He appointed Larry Duket to Chair the panel, Bob Goodman, Phil Barker and Judith Evans as members.

There being no further business, the meeting adjourned.

Minutes prepared and submitted by Peggy Mickler, Commission Coordinator.



CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Program Subcommittee

From: Mary Owens, Lisa Hoerger

Date: July 16, 2001

Subject: Easton Village on the Tred Avon River PUD

This project is located south of Maryland Route 33, west of the Tred Avon River and north of the Ratcliffe Manor subdivision. You may recall reviewing the Ratcliffe Manor subdivision proposal last year. That subdivision proposal was for sixteen lots. On the attached map, this subdivision is on the left hand side of the map. It has one development envelope. The requested growth allocation is for 58.80 acres to be changed from RCA to LDA. There is greater than twenty acres set aside on the remainder of the parcel to support the remaining RCA. A 100-foot Buffer is provided.

On the parcel to the north (on the right hand side of the map) is the Easton Village PUD. This proposal will require growth allocation to change the critical area designation from RCA to IDA. At the present time, the proposal is to request 106.94 acres of growth allocation and to use the development envelope approach. Areas outside of the development envelope include a 300-foot setback and adjacent habitat for Delmarva Fox Squirrel.

The project will provide for a 300-foot setback except for one portion of the shoreline where the applicant proposes to provide for a 100-foot Buffer. This total area in the 100-foot Buffer and the 300-foot setback is approximately 66.87 acres. The site supports Delmarva Fox Squirrel (DFS) habitat and may also support two endangered plant species. The Heritage Division of the Department of Natural Resources and the U.S. Fish and Wildlife Service has reviewed the plans and revisions have been made to protect and conserve the DFS habitat.

The project proposes 340 residential units. The commercial component originally planned for the site near Maryland Route 33 has been eliminated. There will be approximately five acres of forest clearing, and 27.5 acres will be retained. Those areas of the 100-foot Buffer and 300-foot setback that are not currently forested will be planted in forest vegetation.

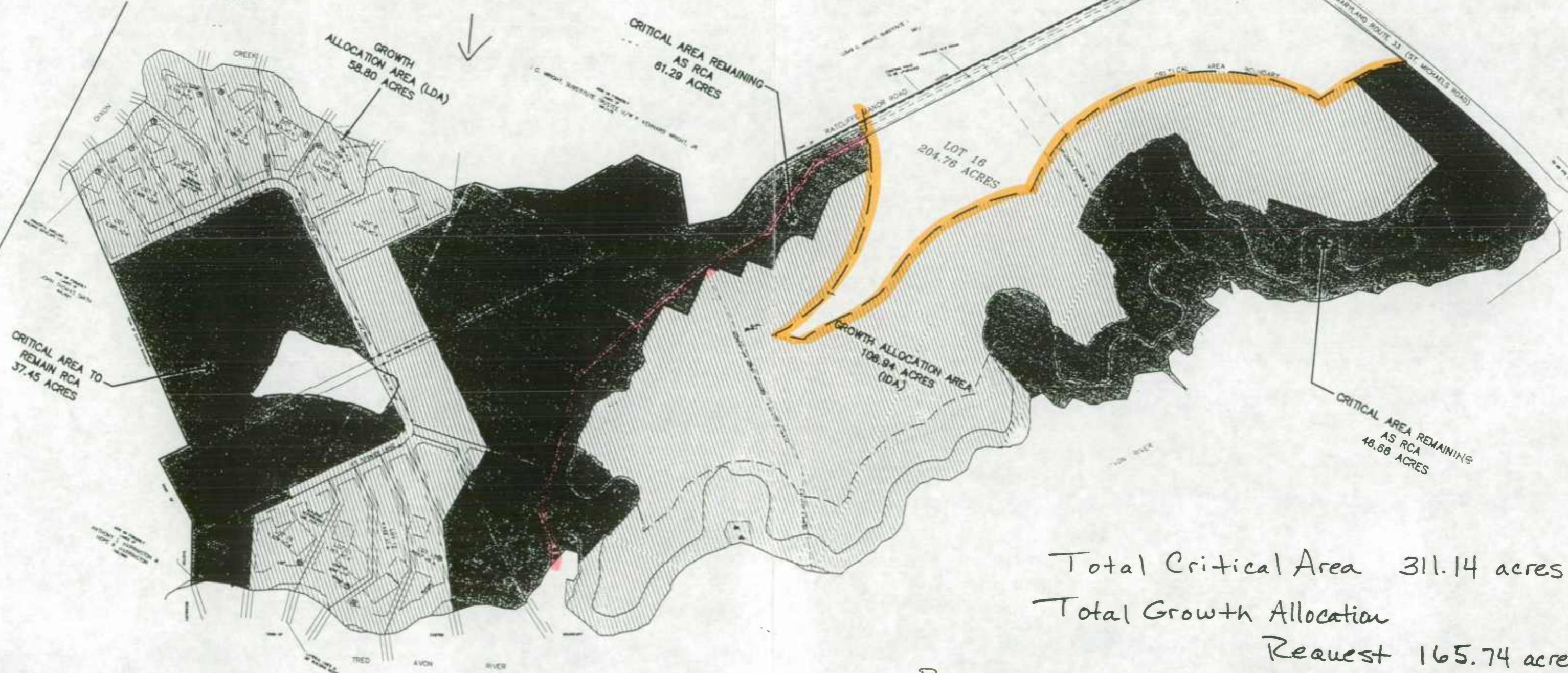
At the August Subcommittee Meeting, the applicant will be present to discuss the proposal before it is presented to the Talbot County Council and the Easton Town Council. You may recall that Talbot County passed a provision in its ordinance last year requiring that all towns who request supplemental growth allocation must hold joint hearings with the County.

The issues for discussion will be the configuration and size of the development envelope and the 300-foot setback. Also, staff will discuss the issue of providing a 100-foot Buffer along one portion of the shoreline at Easton Village.

Growth Allocation Plan EASTON VILLAGE PUD



Ratcliffe Manor




Total Critical Area	311.14 acres
Total Growth Allocation	
Request	165.74 acres
Ratcliffe Request RCA to LDA	58.80 acres
Easton Village Request RCA to IDA	106.94 acres

CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Program Subcommittee

From: LeeAnne Chandler 

Date: July 23, 2001

Subject: Gibson's Grant - Discussion of Growth Allocation Issues

A large neo-traditional development project called Gibson's Grant is currently working its way through the Queen Anne's County development review process. It is located on Kent Island, across Macum Creek from the recently approved Four Seasons at Kent Island. It will require Growth Allocation to change RCA to IDA and a redesignation of LDA (resulting from previous Growth Allocation) to IDA. The property is a total of 138.6 acres in size, with 103.3 acres in the Critical Area. Within the Critical Area, 70.8 acres are designated LDA (resulting from growth allocation granted previously) and 32.5 acres are designated RCA. See the attached "Site Opportunities and Constraints Plan" which shows the RCA/LDA demarcation line. The proposed development includes a community of 750 mixed dwelling units in a neo-traditional style similar to the Kentlands in Gaithersburg. See the attached "Proposed Site Plan" which shows the proposed community design.

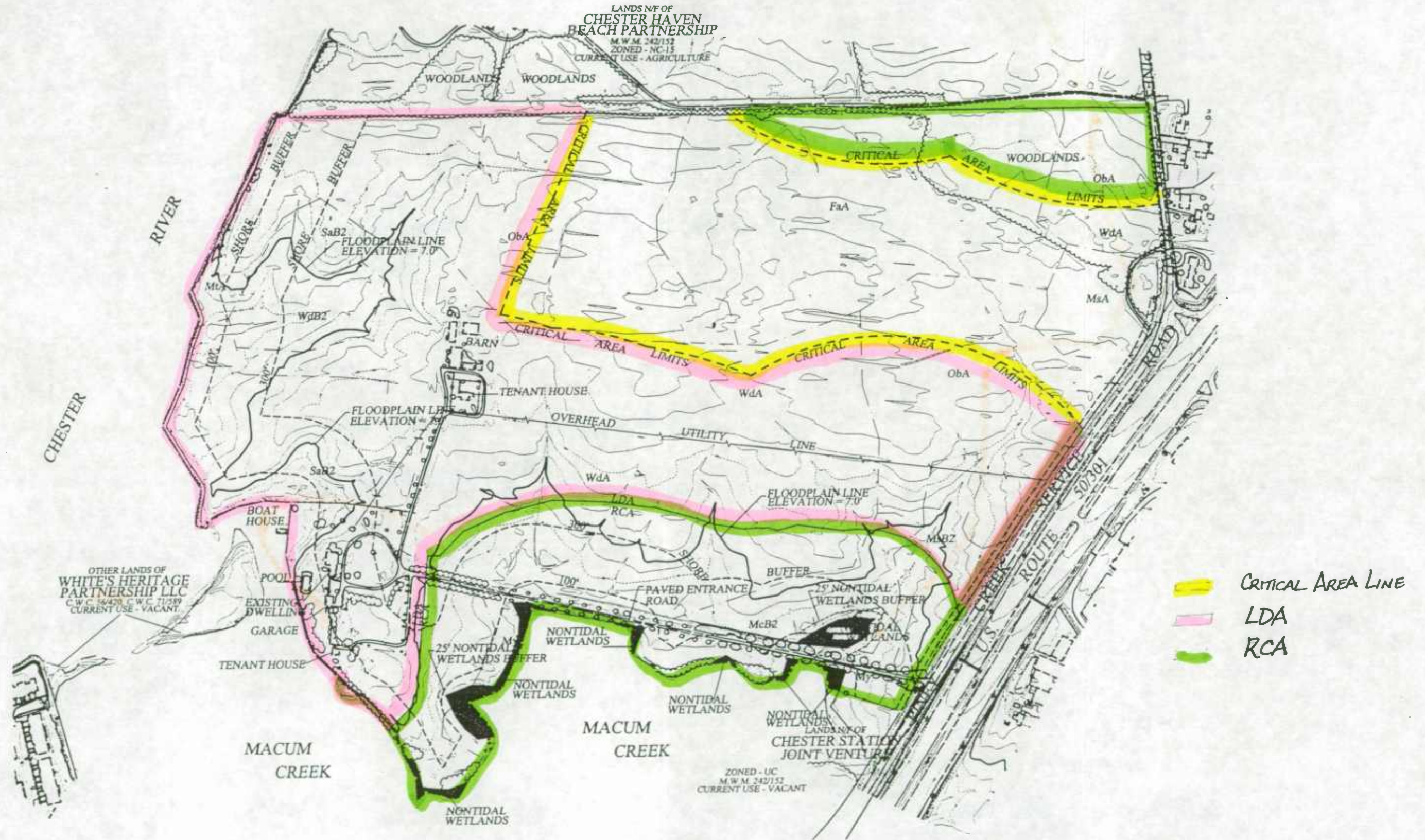
The property is located at the confluence of Macum Creek and the Chester River. The property contains a manor house, a caretaker's cottage, and a farm tenant house. It is currently being farmed. A 100-foot Buffer is proposed along the Chester River shoreline (which is rip-rapped and bulkheaded) and the entrance to Macum Creek. A 300-foot setback is proposed along a portion of Macum Creek. The Commission required a 300-foot fully forested Buffer along Macum Creek as a condition of approval of the growth allocation for the Four Seasons project.

The central issue to be discussed is the establishment of the development envelope and the acreage of growth allocation that needs to be deducted. The Commission's policy on growth allocation states that "for growth allocation areas proposed in the RCA, a 300' naturally vegetated Buffer is strongly encouraged, and in the case where it is provided, it shall not be deducted, even if that Buffer does not meet the 20-acre requirement." As stated above, the project proposes a 300-foot setback along a portion of Macum Creek and a 100-foot Buffer along the Chester River.

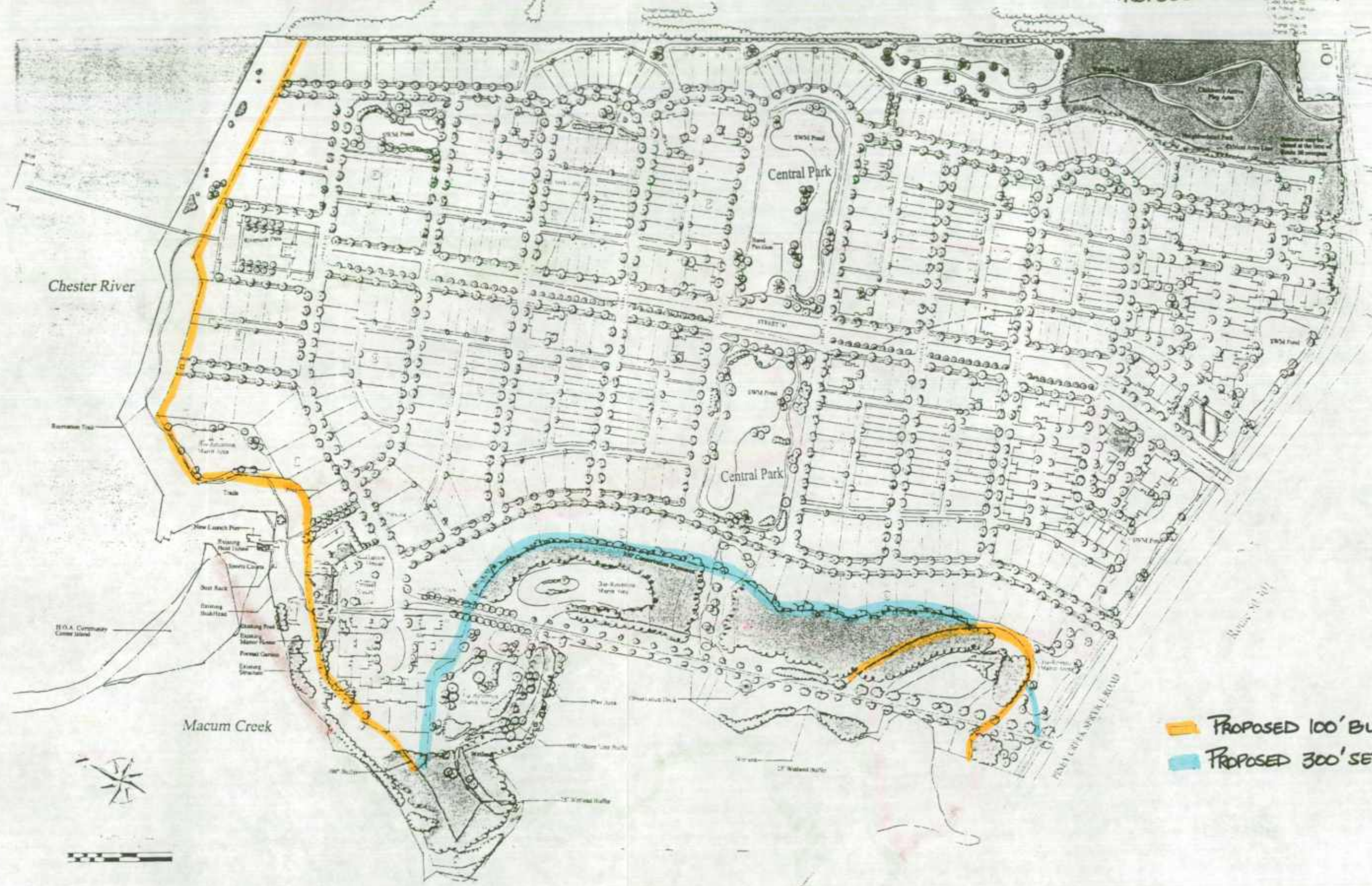
In discussing the proposal with the developer and the County, the following issues have been raised and discussed at length:

1. Stormwater facilities in the 300-foot setback. - The Commission's policy and the Queen Anne's County Critical Area Program clearly state that stormwater management measures must be included within the development envelope. One option proposed includes a facility that would have a sediment forebay (the primary area which would require maintenance) outside of the 300-foot setback leading to a wetland within the setback. *Staff's position is that even with the sediment forebay outside of the 300-foot setback, new runoff associated with the project would be brought into the setback and should be within the development envelope. The Commission has consistently required all types of best management practices for stormwater to be included within the development envelope.*
2. The starting point for the 300-foot setback. - If a 300-foot setback is required along Macum Creek, the area of the setback may not need to be deducted from Growth Allocation. However, the starting point for the 300-foot setback is debatable. Technically, Macum Creek begins at the point where it clearly meets the Chester River. However, due to the existing location of the Manor House and outbuildings, a 300-foot setback is not feasible all the way to the mouth of the Creek. *Staff's position is that the 300-foot setback should begin at the point where the existing bulkhead ends. This point coincides with the extent of the existing structures within the setback. Staff feels that although this area of 300-foot setback is less than 20 acres and the applicant is not proposing a 300-foot setback for the whole project, if the Commission requires the 300-foot setback on Macum Creek, it should not be deducted.*
3. Setback around the tidal pond. - There is a tidal pond at the headwaters of Macum Creek on the subject property. It is connected to Macum Creek through a culvert under the existing driveway entering the property. Currently the proposal includes a 100-foot Buffer around this tidal pond. A 300-foot setback from the pond would impact a number of lots and one of the three entrance roads. The Commission's policy is not clear as to how growth allocation should be deducted if a 300-foot setback is provided along only a portion of a water body. (On the adjacent Four Seasons project, where there were intrusions into the 300-foot Buffer, the area to the mean high water line was counted against growth allocation. Credit was given for the 300-foot Buffers only in 20-acre minimum increments.) *Staff's position is that if the Commission is going to require a 300-foot setback on Macum Creek, it should also be provided for the pond directly connected to the creek. During the recent deliberations on the Four Seasons project, the developer proposed several intrusions into the 300-foot setback along Cox Creek. The Commission required minimum 20-acre contiguous increments of 300-foot setbacks between the intrusions to allow the setback not to be counted against growth allocation.*

Representatives of the developer and staff from Queen Anne's County have been invited to discuss these issues with the Program Subcommittee. The goal is to provide guidance as the development continues through the County review process.



PROPOSED SITE PLAN



█ PROPOSED 100' BUFFER
█ PROPOSED 300' SETBACK



Gibson's Grant

Chesapeake Bay Critical Area Commission

*Project
Denied / CA*

STAFF REPORT

August 1, 2001

APPLICANT: Anne Arundel County Public Schools

PROPOSAL: Mayo Elementary School – Request for Second Conditional Approval

COMMISSION ACTION: Vote

PANEL MEMBERS: Dr. Foor (Chairman), Dave Bourdon, Larry Duket, Judith Evans, Louise Lawrence

PANEL RECOMMENDATION: Pending final discussion

STAFF: LeeAnne Chandler

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

DISCUSSION:

In August 2000, Anne Arundel County Public Schools (AACPS) requested and received conditional approval from the Critical Area Commission for a project which would exceed the impervious surface limits on the existing Mayo elementary school site. AACPS planned to demolish and rebuild the school on the existing site. Impervious surfaces were proposed to increase from 20% to 33% of the 7.28 acre site. This project involved no impacts to Habitat Protection Areas. The Commission approved the request for reasons including the following (1) the existing school already exceeded the impervious surface limits; (2) the proposal included substantial native landscaping; and (3) a stormwater management facility was proposed to offset the new impervious areas. AACPS received the conditional approval for the existing site. This approval has not been relinquished and is still valid.

Despite the existing approval on the current school site, AACPS is seeking another conditional approval from the Critical Area Commission approval for an alternative site for a new Mayo Elementary School. Commission approval is necessary for proposed impacts to a stream, the 100-foot Buffer, non-tidal wetlands (a designated Habitat Protection Area under the Anne Arundel County Critical Area Program), and to exceed the 15% impervious surface limits. AACPS proposes to construct a new school, parking lot, playgrounds, a multi-purpose field, and stormwater management facilities on a 13.56 acre site. Approximately 6.93 acres are located

Chesapeake Bay Critical Area Commission

BEACH REPORT
August, 2003

APPLICANT:	Area Agency for Public Schools
PROPOSAL:	Area Agency for Public Schools
COMMISSION ACTION:	Vote
PANEL DESIGNATION:	Beach Commission, 1300 Boulevard, Suite 100, Annapolis, MD 21403
NAME: RECOMMENDATION:	Beach Commission
START:	Location
APPLICABLE LAW:	COMAR 21.01.01 - Conditional Approval of State
REGULATIONS:	Local Agency Program with Critical Area

DISCUSSION

The Area Agency for Public Schools (AAPS) submitted and received a conditional approval from the Critical Area Commission for a project which would consist of a beach area on the eastern shore of the Chesapeake Bay. The project would be located on the eastern shore of the Chesapeake Bay, near the intersection of the Eastern Shore Expressway and the Chesapeake Bay Bridge-Tunnel. The project would consist of a beach area of approximately 100,000 square feet. The project would be located on the eastern shore of the Chesapeake Bay, near the intersection of the Eastern Shore Expressway and the Chesapeake Bay Bridge-Tunnel. The project would consist of a beach area of approximately 100,000 square feet. The project would be located on the eastern shore of the Chesapeake Bay, near the intersection of the Eastern Shore Expressway and the Chesapeake Bay Bridge-Tunnel. The project would consist of a beach area of approximately 100,000 square feet.

The project would be located on the eastern shore of the Chesapeake Bay, near the intersection of the Eastern Shore Expressway and the Chesapeake Bay Bridge-Tunnel. The project would consist of a beach area of approximately 100,000 square feet. The project would be located on the eastern shore of the Chesapeake Bay, near the intersection of the Eastern Shore Expressway and the Chesapeake Bay Bridge-Tunnel. The project would consist of a beach area of approximately 100,000 square feet. The project would be located on the eastern shore of the Chesapeake Bay, near the intersection of the Eastern Shore Expressway and the Chesapeake Bay Bridge-Tunnel. The project would consist of a beach area of approximately 100,000 square feet.

within the Critical Area and are designated LDA.

The project site is owned by the Mayo Community Association and the St. Andrew the Fisherman Church and currently contains a residential structure constructed in the early 1900's (currently being used by the Mayo Community Association), a gravel driveway, tennis courts, and a basketball court. The remaining portion of the site, approximate 9.2 acres, is forested. In addition, there are approximately 1.1 acres of wetlands on the site, including a tributary stream. The wetlands and stream on the subject property are the headwaters to Cadle Creek, a tributary to the Rhode River. The surrounding area includes Maryland Route 214 to the east and residential development to the north, west and south.

The proposed development consists of the demolition of the existing residential structure and tennis/basketball courts, the clearing of 8.55 acres of forest, and the construction of the new school with a 400 student capacity. The school would be located in the middle of the site with an entrance drive from Route 214. A parking lot sized to hold 57 vehicles would be separated from the bus drop-off area. Hard and soft surface play areas are proposed at either end of the school with the grass multi-purpose field located behind the school. A stormwater management facility would be located behind the field in the western corner of the site. Design of the extended detention facility is in accordance with the new MDE stormwater regulations.

There are numerous proposed impacts to Habitat Protection Areas on this site.

- The stream will be channelized and piped.
- The 100-foot stream Buffer, now forested, will be cleared and graded. (Total Buffer impacts: 2.21 acres)
- The 1.1 acres of forested non-tidal wetlands will be filled and drainage will be directed to the on-site stormwater facility.
- The Critical Area portion of the site (6.93 acres) contains a mixture of young and mature forest. Over 89% of the Critical Area portion of the site will be cleared and graded.
- In addition, proposed impervious surfaces within the Critical Area portion of the site total 32.61%.

The County's Critical Area Program requires mitigation at a 3:1 ratio for clearing over 30% of a forest on site. Required mitigation for the Critical Area impacts would total over 18.5 acres. Presently, the County has a surplus of over a million dollars in their reforestation fund due to the lack of available land to plant. With regard to the proposed wetland impacts, a Jurisdictional Determination was completed last summer, though AACPS and their consultant have just begun the Army Corps of Engineers permitting process. According to Corps staff, it is likely that the proposal will be considered Level Four (Individual Permit) due to the significant impacts as compared to the minimal impact on the existing school site. The Corps permitting process will require an alternatives analysis to demonstrate why the proposed impacts are unavoidable.

Due to the extensive impacts associated with this request, Chairman North appointed a Panel to review the project, hold a public hearing and make a recommendation to the full Commission concerning approval or denial of the request. The hearing was held on June 27, 2001 and was well attended by members of the community. Representatives of AACPS made a presentation to

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the panel outlining their justification for the request. Factors presented include:

1. The Interagency Committee on School Construction has a "guideline" of a minimum parcel size of 15 acres for new elementary schools. The existing school site is only 7.2 acres. The alternate size (the subject of this request) is closer in size (13.5 acres) to this guideline.
2. The Maryland Department of Transportation will require improvements such as a traffic light and acceleration and deceleration lanes if the alternate site is used. This will increase safety at the entrance to the school.
3. There are limited alternative sites on the Mayo peninsula. The community is nearly built-out and there are few parcels that are large enough to accommodate an elementary school.
4. There is a concern in the community about transporting the children to Annapolis Middle School during reconstruction of the school on the existing site. The trip will take 45 minutes and will have to travel through the Route 2 widening project.
5. The amount of impervious surface proposed within the Critical Area on the alternate site is comparable to the amount proposed on the existing site.
6. A two-story school is proposed with less parking and sidewalks than usually approved.
7. Mitigation would be provided as required.
8. The project conforms insofar as possible with the County's Critical Area Program.

The AACPS representative was asked if the School Board was abandoning the approval on the existing site. The School Board is not giving up the approval on the existing site but rather is seeking approval for the alternate site while holding onto the current approval.

COMAR 27.02.06 sets out specific criteria that must be addressed in consideration of a conditional approval.

The sponsoring agency must show that the project has the following characteristics:

1. *That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;*
2. *That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;*
3. *That the project or program is otherwise in conformance with this subtitle.*

1. The proposed program is designed to provide a comprehensive system of care for the mentally ill. The program is based on the principles of community care and is designed to provide a continuum of care from crisis intervention to long-term care.

2. The proposed program is designed to provide a comprehensive system of care for the mentally ill. The program is based on the principles of community care and is designed to provide a continuum of care from crisis intervention to long-term care.

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9. The proposed program is designed to provide a comprehensive system of care for the mentally ill. The program is based on the principles of community care and is designed to provide a continuum of care from crisis intervention to long-term care.

10. The proposed program is designed to provide a comprehensive system of care for the mentally ill. The program is based on the principles of community care and is designed to provide a continuum of care from crisis intervention to long-term care.

11. The proposed program is designed to provide a comprehensive system of care for the mentally ill. The program is based on the principles of community care and is designed to provide a continuum of care from crisis intervention to long-term care.

The conditional approval request must contain the following:

1. *A showing that a literal enforcement of the provision of this subtitle would prevent the conduct of an authorized State or local agency program or project;*
2. *A proposed process by which the project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program; and*
3. *Measures proposed to mitigate any adverse effects of the project on an approved local Critical Area program.*

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

1. *The extent to which the project is in compliance with the requirements of the relevant chapters of this subtitle;*
2. *The adequacy of any mitigation measures proposed to address the requirements of this subtitle that cannot be met by the project; and*
3. *The extent to which the project, including any mitigation measures, provides substantial public benefits to the overall Chesapeake Bay Critical Area Program.*

After the public hearing, review of the record and public comments, and a follow-up work session attended by all Panel members and Commission counsel, the Panel made the following draft findings in accordance with the factors listed above:

1. The Panel finds that the proposed project does not comply with the Anne Arundel County Critical Area Program or the Critical Area Criteria with regard to development standards in the Limited Development Area including the 15% impervious surface limitation, minimization of destruction of woodland vegetation, and protection of streams.
2. The Panel finds that the proposed project does not comply with the Anne Arundel County Critical Area Program or the Critical Area Criteria with regard to protection of Habitat Protection Areas including the Buffer and non-tidal wetlands.
3. The Panel finds that the project does not meet the requirements of COMAR 27.02.06. Specifically, there has not been a showing that the literal enforcement of the provisions of COMAR 27.02 would prevent the conduct of an authorized State or local agency project. Due to the Commission's conditional approval of the existing site and to the viability of rebuilding the school on the existing site, literal enforcement of the provisions would not prevent a new school from being built. While the 15-acre minimum size "guideline" was cited as an issue, this "guideline" is not a regulation and there are no repercussions if this "guideline" is not followed.

The following report was prepared on the following:

- 1. A review of the financial records of the project for the period of the audit and the results of the audit.
- 2. A review of the financial records of the project for the period of the audit and the results of the audit.
- 3. A review of the financial records of the project for the period of the audit and the results of the audit.

The Commission will provide a copy of this report to the following:

- 1. The State of Michigan, Department of Treasury, Office of the Auditor General.

The results of the audit are as follows:

In the course of the audit, the auditor has identified the following:

1. The financial records of the project are not properly maintained.

2. The financial records of the project are not properly maintained.

3. The financial records of the project are not properly maintained.

4. The financial records of the project are not properly maintained.

5. The financial records of the project are not properly maintained.

6. The financial records of the project are not properly maintained.

7. The financial records of the project are not properly maintained.

8. The financial records of the project are not properly maintained.

4. The Panel finds that AACPS has not proposed a process by which the project could be conducted insofar as possible with the approved local Critical Area program. In fact, the proposed site layout places a prototype school and required accessory uses in the middle of the site, causing extensive Critical Area impacts. While other site layouts were discussed, it is not possible to eliminate the impacts without compromising the required school features or student safety. The Panel finds that, by using the existing approved site for the school, AACPS can conduct the project insofar as possible with the approved local Critical Area program.
5. The Panel finds that AACPS has not proposed adequate mitigation measures to address the Critical Area requirements. The request did not include details of proposed mitigation; rather the applicant addressed mitigation in general terms and stated that the County may have a site available for planting. In addition to Critical Area forest mitigation, mitigation would also be required (by the Army Corps of Engineers) to offset impacts to the stream and non-tidal wetlands as well as the forest clearing outside of the Critical Area.
6. The Panel finds that the project does not otherwise provide substantial public benefits to the Chesapeake Bay Critical Area Program.

The Panel will make a formal recommendation to the full Commission after a final review and discussion of these draft findings.

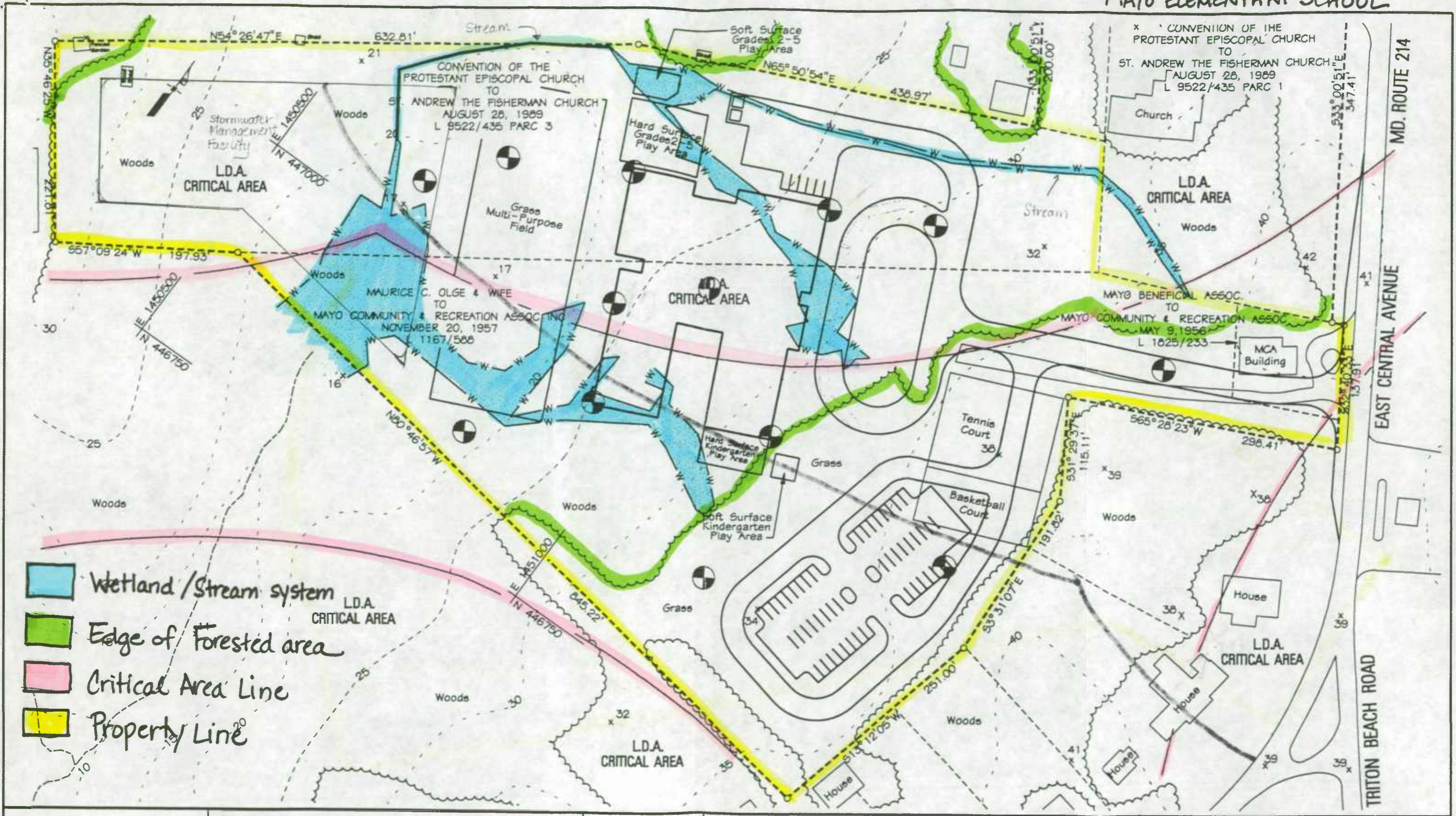
The first time that AACTE has not recognized a process by which the accreditation process would be possible with the program level (initial, final, renewal) in fact, the process of accreditation should be a continuous one. While there is no one-way process, it is not possible to maintain the status without accreditation. The process of accreditation is a continuous one. The first time that by which the status is renewed for the second AACTE was a process which is consistent with the renewed level of accreditation.

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MAYO ELEMENTARY SCHOOL



- Wetland / Stream system
- Edge of Forested area
- Critical Area Line
- Property Line

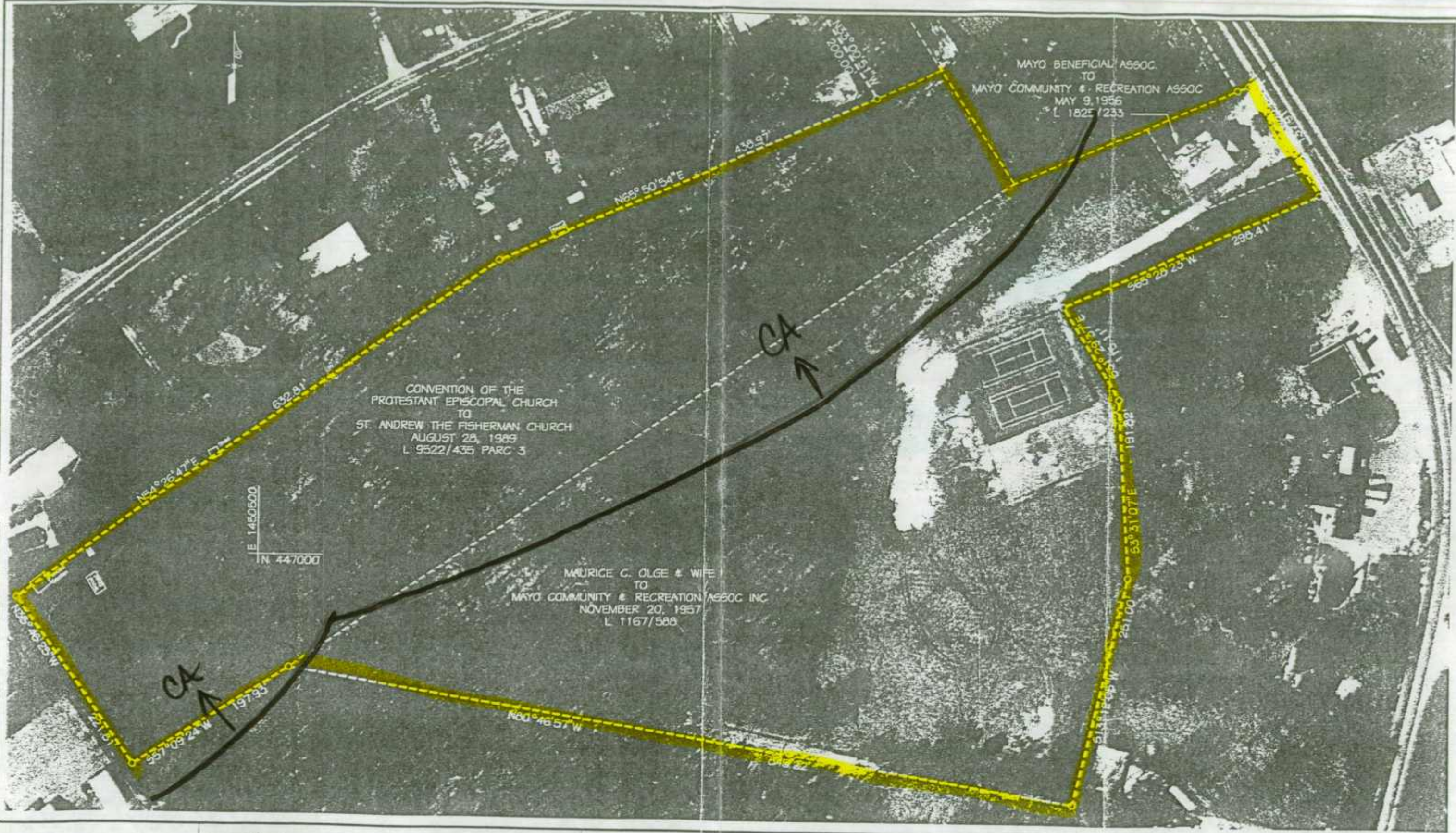
Grimm and Parker
 11785 Beltsville Drive
 Suite 1400
 Calverton MD 20706
 301.596.1000
 301.596.0088 Fax

KCI TECHNOLOGIES INC.
 ENGINEERS - PLANNERS - SCIENTIST
 10 NORTH PARK DRIVE
 HUNT VALLEY, MARYLAND 21230
 (410) 316-7800



OWNER:
 ANNE ARUNDEL COUNTY
 PUBLIC SCHOOLS
 2644 RIVA ROAD
 ANNAPOLIS, MD 21401

**SITE PLAN
 PROPOSED SOIL BORING PLAN
 MCA PROPERTY
 MAYO E.S. FEASIBILITY STUDY**



Grimm and Parker
 11785 Baltimore Drive
 Suite 400
 Calverton MD 20705
 301.596.1000
 301.596.0088 fax



KCI TECHNOLOGIES INC.
 ENGINEERS - PLANNERS - SCIENTIST
 10 NORTH PARK DRIVE
 HUNT VALLEY, MARYLAND 21200
 (410) 316-7800



OWNER:
 ANNE ARUNDEL COUNTY
 PUBLIC SCHOOLS
 2644 RIVA ROAD
 ANNAPOLIS, MD 21401

SITE PLAN
 AERIAL PHOTOGRAPH
 MCA PROPERTY
 MAYO E.S. FEASIBILITY STUDY

cbcac@toad.net

From: <rserey@dnr.state.md.us>
To: <cbcac@toad.net>
Sent: Friday, August 03, 2001 1:05 PM
Subject: Panel denies school plan

From: Ren Serey

The School Board's engineering consultants called yesterday. They said that the Board may ask us to reconsider the denial of the new Mayo Elementary School. Our regulations say that applicants must request reconsideration within 30 days. So, we'll see.

Panel denies school plan

Parents had hoped to have replacement built across street

By Laura Cadiz
Sun Staff

August 2, 2001

With little discussion, the Chesapeake Bay Critical Area Commission unanimously denied yesterday a proposal to construct a new Mayo Elementary School across the street from the existing school, deflating Mayo parents' hopes for the site.

The commission had approved construction of a school on the site of the current school, but parents were pushing for the other site to avoid forcing students to commute to an Annapolis school during construction.

James Foor, chairman of the commission's five-member panel that studied the proposal and recommended denying the request, said the environmental issues were ultimately a "moot point" because the commission approved rebuilding the school a year ago on its current site.

Not wanting to be left with no site on which to build the school, the school board has not relinquished the approval for the first site.

8/3/2001

000000000000

From: [Redacted]
To: [Redacted]
Sent: [Redacted]
Subject: [Redacted]

From: [Redacted]

The school board's engineering consultants visited yesterday. They said that the Board may not be to
represent the best of the school district. Our consultants are in the process of
conducting an extensive review of the school district.

Thank you for your plan.

I think you need to have a meeting with your staff.

Best regards,
[Redacted]

January 2, 2001

With this letter, we are providing you with a summary of the Board's current position
regarding the proposed changes to the school district. The Board has received
input from the community and is currently reviewing the proposals.

The Board has approved a plan of action for the school district. The plan
will be implemented as soon as possible. The Board is committed to
improving the quality of education for all students.

Thank you for your interest in the school district. We appreciate your
input and feedback. We will continue to work with the community to
improve the school district.

For more information, please contact the school district office. We will
be happy to answer any questions you may have.

Foor, a Queen Anne's County resident, said his initial reaction to the school board's seeking approval for a second site was, "You want them both?"

In denying the request, the commission concluded that the board did not offer ways to lessen the construction's impact on the environment or show that denying the request would prevent a school from being built.

The school board can appeal the decision.

Although the commission allowed time for public comment at yesterday's meeting, no parents or community members testified. Afterward, Barbara Palmer, an attorney who represents 10 Mayo-area community associations, said the parents felt they had made their feelings known during a public hearing in June.

Palmer said the decision wasn't a surprise after the commission's informal decision to deny the request last month.

"It was clear and, in many respects, logical," she said.

Trying to avoid bus ride

Mayo parents have lobbied for the alternative site in hopes of avoiding a 45-minute bus ride to Annapolis Middle School for 340 children during construction of the school. They worry that the commute would disrupt pupils' extracurricular activities and that a school rebuilt on the site would be crowded within a short time.

Robin Greulich, chairwoman of the Mayo Relocation Committee, said later yesterday that she was unsure what the community's next step would be, and that she would wait to see whether the school board appeals the decision.

Greulich said she thinks the board has not explored all site possibilities.

"The existing site is too small," she said. "They should look for a site that's large enough that will allow for an expansion."

Residents had hoped to turn the original school building into a community center if the alternative site was approved.

The school board needed the commission's approval for both sites - which are in a critical area, within 1,000 feet of the bay and its tributaries - because the construction would cover more than the allowed portion of the land with concrete and other impervious materials.

To construct the school on the alternative 13.56-acre site across the street, an acre of wetlands and 8.6 acres of forest would be destroyed.

Critical of design

8/3/2001

The Commission has received a number of requests for information regarding the proposed changes to the rules of procedure of the Council of Ministers.

In the light of the above, the Commission considers that the proposed changes to the rules of procedure of the Council of Ministers would be in line with the objectives of the Treaty.

The Commission has also received a number of requests for information regarding the proposed changes to the rules of procedure of the Council of Ministers.

According to the Commission, the proposed changes to the rules of procedure of the Council of Ministers would be in line with the objectives of the Treaty. The Commission has also received a number of requests for information regarding the proposed changes to the rules of procedure of the Council of Ministers.

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One panel member had criticized the design for the alternative site, which included a driveway crossing a stream, saying it didn't consider the environmentally sensitive area.

Foor said yesterday that only two people who testified at the hearing last month mentioned environmental concerns.

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Link to the article: <http://www.sunspot.net/bal-ar.mayo02aug02.story>

Visit <http://www.sunspot.net>

The first part of the report discussed the results for the 1990-1995 period, which included a five-year study of the program. The second part of the report discussed the results for the 1996-2000 period. The third part of the report discussed the results for the 2001-2005 period. The fourth part of the report discussed the results for the 2006-2010 period. The fifth part of the report discussed the results for the 2011-2015 period. The sixth part of the report discussed the results for the 2016-2020 period. The seventh part of the report discussed the results for the 2021-2025 period. The eighth part of the report discussed the results for the 2026-2030 period. The ninth part of the report discussed the results for the 2031-2035 period. The tenth part of the report discussed the results for the 2036-2040 period. The eleventh part of the report discussed the results for the 2041-2045 period. The twelfth part of the report discussed the results for the 2046-2050 period. The thirteenth part of the report discussed the results for the 2051-2055 period. The fourteenth part of the report discussed the results for the 2056-2060 period. The fifteenth part of the report discussed the results for the 2061-2065 period. The sixteenth part of the report discussed the results for the 2066-2070 period. The seventeenth part of the report discussed the results for the 2071-2075 period. The eighteenth part of the report discussed the results for the 2076-2080 period. The nineteenth part of the report discussed the results for the 2081-2085 period. The twentieth part of the report discussed the results for the 2086-2090 period. The twenty-first part of the report discussed the results for the 2091-2095 period. The twenty-second part of the report discussed the results for the 2096-2100 period.

Government of Ontario

Ministry of the Environment, Conservation and Forestry

Environmental Protection

cbcac@toad.net

From: <RSEREY@dnr.state.md.us>
To: <cbcac@toad.net>
Sent: Monday, July 30, 2001 11:33 AM
Subject: FW: Wasted taxpayer dollars

Peggy: I'm forwarding two emails with editorials from the Baltimore Sun for Judge North. This one talks about the Mayo Elementary School, which is on our agenda for Wednesday. The other, sent separately, talks a little about Wil Castleberry, our former CAC member.

-----Original Message-----

From: REsslinger@dnr.state.md.us [<mailto:REsslinger@dnr.state.md.us>]
Sent: Monday, July 30, 2001 8:36 AM
To: RSerey@dnr.state.md.us
Subject: Wasted taxpayer dollars

From: Regina

Saturday's Sun editorial about the Mayo school site.

Wasted taxpayer dollars

Local pork: Even as communities oppose overspending, they lobby for their own expensive school projects.

July 28, 2001

MANY SUBURBAN taxpayers want government to do everything possible to control costs - except when money helps their own neighborhood. Then government spending on local pork is cherished.

But wasteful spending at home is still waste.

Two examples of community-supported excess come from Anne Arundel County, where, in a 1992 referendum, citizens voted to impose a tax revenue cap to check government spending.

In one case, the southern Arundel community of Mayo persuaded the school board to reject a relatively inexpensive way to rebuild its aging elementary school.

The administration wanted to demolish the antiquated building and move teachers, administrators and students to an unused wing of an Annapolis

7/30/2001

cc: [redacted]

From: [redacted]
To: [redacted]
Sent: Monday, July 20, 2008 11:23 AM
Subject: FW: Western Express - Dallas

Page 1 of 1
The following two emails will be made available to the public on the public record. This document is the Western Express School, which is an organization for Western Express. The office is currently taking a little break. Will C. Attorney - out to the CA number.

-----Original Message-----

From: [redacted]
Sent: Monday, July 20, 2008 8:38 AM

To: [redacted]
Subject: Western Express - Dallas

From: [redacted]

Western Express - Dallas
The following two emails will be made available to the public on the public record. This document is the Western Express School, which is an organization for Western Express. The office is currently taking a little break. Will C. Attorney - out to the CA number.

-----Original Message-----

Western Express - Dallas
The following two emails will be made available to the public on the public record. This document is the Western Express School, which is an organization for Western Express. The office is currently taking a little break. Will C. Attorney - out to the CA number.

July 28, 2008

ALAN PERKINS
The following two emails will be made available to the public on the public record. This document is the Western Express School, which is an organization for Western Express. The office is currently taking a little break. Will C. Attorney - out to the CA number.

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cbcac@toad.net

From: <RSEREY@dnr.state.md.us>
To: <cbcac@toad.net>
Sent: Monday, July 30, 2001 11:34 AM
Subject: FW: Too much politics crowding BWI?

-----Original Message-----

From: REsslinger@dnr.state.md.us [<mailto:REsslinger@dnr.state.md.us>]
Sent: Monday, July 30, 2001 8:40 AM
To: RSerey@dnr.state.md.us
Subject: Too much politics crowding BWI?

From: Regina

FYI - former CAC member makes the commentary page...

Too much politics crowding BWI?

By Barry Rascovar

July 29, 2001

WHY DID David L. Blackshear suddenly resign as the top official at busy Baltimore-Washington International Airport?

Mr. Blackshear knows more than he's willing to state publicly. For the record, he says he's leaving in "total frustration" over a red-tape laden government bureaucracy that makes it impossible to hire people or get construction projects going quickly.

His forced departure could create a big mess as BWI gets further into its \$1.8 billion expansion program.

Mr. Blackshear wasn't impressed with the depth and skills of the state's aviation team.

His problems stemmed from Annapolis pressure to place members of the "Prince George's mafia" into aviation posts.

7/30/2001

Unrecorded mail

From: PRESBY, John [mailto:presby@...]
To: ...
Sent: Monday, July 2, 2001 4:04 AM
Subject: FW: The main ...

---Original Message---
From: ...
Sent: Monday, July 2, 2001 8:40 AM
To: ...
Subject: The main ...

From: ...

FW: ...

The main ...

John Presby

July 28, 2001

WY/D/D David L. Black...
Hanson & Washington International Agency

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school for two years. Meanwhile, the new school would rise on the existing Mayo site.

Outraged Mayo residents pushed an option that requires more tax dollars - avoiding temporary busing by building on a nearby site, which requires new designs and more costly studies.

The temporary transfer of students wasn't a perfect solution, but it was the most practical and economical - not to mention the least environmentally burdensome. The Chesapeake Bay Critical Area Commission will decide Aug. 1 whether the residents' plan violates Maryland law.

The other example comes from another Arundel community, Crofton, where residents crave a new high school to ease crowding.

The wiser alternative - redistricting students to fill underused space in existing schools - never had a chance. Community pressure was strong enough that when construction costs for the new high school came in at \$64 million, no one blinked.

Catering to the demands of community groups at any cost is a profligate way of spending taxpayer dollars. School officials and local politicians have to start showing more discipline, even if it causes complaints and unhappiness in some neighborhoods.

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Link to the article: <http://www.sunspot.net/bal-ed.waste28jul28.story>

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school for two years. At present, the new school would rise on the existing site.

Further, these features would be optional and require more tax dollars. Working together, these features would also allow for more design and more cost savings.

The majority of students would be in a separate building. It was the most practical and economical way to maintain the best educational environment. The Commission will discuss this with the Board of Education and the Board of Finance.

The other schools come from another school community. Other schools would have a new high school to ease crowding.

The new facilities would allow students to fill unoccupied space in existing schools - new and old. Community pressure was so strong that a new construction cost for the new high school came in at \$20 million or less.

Looking to the demands of community future, it is a profitable way of showing progress. School officials and local business have an important role to play in the future. It is a challenge and opportunity in some respects.

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According to several knowledgeable individuals, the airport is littered with political appointees with no background in managing a vast and expanding airport handling 20 million passengers this year.

Their expertise lies in political ties to Gov. Parris N. Glendening or Senate President Mike Miller.

Take William D. Castleberry, the airport's young marketing chief, whose efforts in Mr. Glendening's 1994 and 1998 campaigns earned him jobs first in the state economic development agency and then as airport marketing director.

Last year, he took time off to run the state Democratic Party's Gore for President campaign.

Mr. Castleberry has close connections to the governor, not only through his campaign efforts, but through Jennifer E. Crawford, the fast-rising and powerful deputy chief of staff. He's also engaged to Ms. Crawford's replacement as the governor's appointments secretary, Erin L. Ferguson.

He and F. Kirwan Wineland have become behind-the-scenes powers at the airport, fueling the anti-Blackshear movement.

Mr. Wineland, the deputy director, is a former Prince George's County councilman and the son of a former state secretary of state.

He was placed there only reluctantly by Transportation Secretary John D. Porcari. And it wasn't long before Mr. Blackshear was told to "retire" BWI's most knowledgeable aviation manager and No. 2, Nicholas Schaus.

(Mr. Castleberry's airport arrival also forced BWI officials to "retire" another savvy and successful airport executive, Jay Hierholzer.)

Even before Mr. Porcari became DOT secretary, pressure from the governor's office to make transportation agencies havens for political appointees had frustrated his predecessor as secretary, David Winstead.

Mr. Blackshear, with no local political patrons, couldn't win. The veteran airport manager had lived through the grand era of Louisiana hijinks under Gov. Edwin ("Let the good times roll") Edwards. But, he told people privately, that didn't compare to the overt political interference he encountered in Maryland.

Clearly, Mr. Blackshear's days were numbered. He's a hard-charging, "do it now" type of leader who dared to rein in the airport's political "brat pack."

He managed to leave with his head held high and with enough public attention focused on the airport that it could be difficult for Mr. Glendening to slip a P.G. politico into the BWI director's seat.

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Last week's developments came on the heels of a mysteriously canceled trip to Europe by the governor and aviation officials.

The group, including a gubernatorial entourage, was supposed to visit Paris and Rome, two of the world's most captivating cities.

At the last minute, the governor dropped out. Only Mr. Castleberry was dispatched to make amends.

When inquiries were made about the cancellation, no one wanted to talk. The trip agenda vanished. And just a week or so later, Mr. Blackshear resigned.

Were the two events related? Was Mr. Blackshear driven out by politicians eager to control the airport's jobs and contracts?

Don't expect answers to those questions. Mr. Blackshear is busy scouting other aviation positions. He should be a hot commodity.

In leaving, though, he put the spotlight squarely on BWI and its enormous construction program. Any more funny business won't be easy to hide.

Barry Rascovar is deputy editorial page editor.

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Chesapeake Bay Critical Area Commission

STAFF REPORT

August 1, 2001

APPLICANT: Anne Arundel County

PROPOSAL: Amendment – County Council Bill # 49-01
Government Reuse Facilities in Buffer Exemption Areas

COMMISSION ACTION: Vote

PANEL RECOMMENDATION: Pending Final Panel Discussion

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809(h)

DISCUSSION:

At the Commission meeting of April 7, 2001, Anne Arundel County requested the Commission approve County Council Bill #78-00. This Bill set standards for Government Reuse Facilities in Buffer Exemption Areas (BEAs). A public hearing was held in March and there was public opposition to the Bill for a variety of reasons. With regard to the Critical Area, it appeared that the Bill did not adequately cover the standards for development and redevelopment outlined in the Commission's policy on BEAs.

At the afternoon meeting of the full Commission, Panel Chairman Dr. James Foor reported that the County requested the matter be tabled, and that work would continue between the County staff and Commission staff to further refine the Bill.

Over the past two months the Panel and Commission staff met with County staff, and an amended version of Bill #78-01 was drafted. The amended version is Bill # 49-01 and is attached for your review. This version of the Bill addresses those issues identified in the April 4, 2001 staff report. Below, I have outlined the deficiencies of Bill #78-01 along with the provisions addressing those issues in Bill #49-01.

Commission on the Status of Women

REPORT
1975

THE UNITED STATES

REPORT

Submitted to the Commission on the Status of Women
by the Secretary of State

REPORT

COMMISSION ON THE STATUS OF WOMEN

PART I: EXECUTIVE SUMMARY

THE UNITED STATES

REPORT

Submitted to the Commission on the Status of Women
by the Secretary of State

REPORT

The Commission on the Status of Women was established in 1946 by the United Nations to study the position of women in all countries. It has held several sessions and has produced a number of reports. The Commission's work is carried out through a secretariat in Geneva, Switzerland. The Commission's reports are submitted to the Economic and Social Council of the United Nations. The Commission's work is carried out through a secretariat in Geneva, Switzerland. The Commission's reports are submitted to the Economic and Social Council of the United Nations.

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Bill #78-00

Bill #49-01

<p>Did not include language to suggest the County should consider whether feasible alternatives exist and whether the impacts to the Buffer have been minimized. This language is found in the Commission's policy on page two, item "C. Standards".</p>	<p><i>See 1A-109 (d)(1) The County included language that amended the Bill to include "minimize impact to the Buffer".</i></p>
<p>Did not include language stating that development and redevelopment activities may not impact any Habitat Protection Areas other than the Buffer, including nontidal wetlands. See Commission's policy, page four, item #4.</p>	<p><i>The County's Critical Area Program provides for protection of Habitat Protection Areas, including nontidal wetlands which applies in BEAs.</i></p>
<p>Did not include language that no natural vegetation may be removed in the Buffer, and that existing natural vegetation in the Buffer must be maintained. See Commission's policy, page four, item #5.</p>	<p><i>Section 1A-109(d)(6) The amended version states, "Existing native vegetation may not be removed from the 100-foot Buffer except in accordance with an approved Buffer Management Plan designed to enhance the Buffer; and..."</i></p>
<p>Did not include language that BEA designation shall not be used to facilitate the filing of tidal wetlands that are contiguous to the Buffer to create additional buildable land. See Commission's policy, page four, item #6.</p>	<p><i>The definition of Habitat Protection Area (HPA) in the County's Zoning Ordinance includes wetlands as an HPA, and the Ordinance provides for preservation of HPAs.</i></p>
<p>There was no clear indication as to how subdivision will be handled on areas mapped as Buffer Exemption Areas. The panel believed that there should be at a minimum, a generic statement about subdivision and that any subdivisions would require approval of the Commission in order to retain BEA status.</p>	<p><i>See Section 1A-109(e) which includes provisions that could permit subdivision, but only if the subdivision were implemented in accordance with other requirements in the County Code pertaining to an overall development plan for a government re-use facility.</i></p>
<p>If subdivision is proposed there should be language indicating that the applicant must show there will be some net environmental benefit as a result of the subdivision (i.e. reduction of impervious surface in the Buffer).</p>	<p><i>See Section 1A-109(d) This section requires an applicant to demonstrate a net environmental benefit. They include a net reduction in impervious surface, and a vegetated buffer of no less than 25% of the total area within the Buffer.</i></p>
<p>There should be some definitions for the terms development and redevelopment since the Commission's policy distinguishes between these terms, and subsequently the setbacks are different. For example new development</p>	<p><i>See Section 1A-109(d)(4) II. The primary reason for requesting the County to distinguish between development and redevelopment was for the purpose of determining which setback to use. In the case of government reuse</i></p>

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<p>activities (less than 15% impervious) require a 50-foot setback, whereas redevelopment activities (15% or greater existing impervious) require a 25-foot setback.</p>	<p><i>facilities, the County is allowing existing buildings to remain or new buildings to be constructed no closer than 25 feet from the water.</i></p>
<p>The County's Bill should recognize that all development activities, whether they are new development or redevelopment, require 2:1 mitigation.</p>	<p><i>See Section 1A-109(d)(5)(I) which references Section (C)(5) of the existing ordinance which includes language for 2:1 mitigation.</i></p>
<p>There should be some clarification regarding the definition of the Buffer versus how a Buffer functions. For example, in the County's Program the Buffer is defined as an existing naturally vegetated area or an area established in vegetation; however, in our discussions with the County their interpretation is that the Buffer cannot properly function if portions of that 100-foot area, while they may be vegetated, are behind buildings or other impervious areas, therefore the County is not giving Buffer mitigation credit for any vegetated areas behind buildings.</p>	<p><i>The County included the 2:1 mitigation and requires 25% of the Buffer to be vegetated. Commission staff believe this addresses our previous concerns about the need to provide sufficient mitigation and re-establish some functions of the Buffer.</i></p>
<p>There needs to be some clarification regarding how mitigation is required. The bill discusses that 25% of the Buffer shall be vegetated; however, it does not address the 25-foot bufferyard in the Commission's policy. The idea behind the bufferyard concept was to make an effort to create a vegetated strip between the development and the shoreline.</p>	<p><i>The County agreed that 25 % of the Buffer would be vegetated and that 2:1 mitigation would be provided for all new impervious area in the Buffer.</i></p>

Staff have reviewed the amended bill and believe it provides the necessary mechanisms to ensure that Government Reuse Facilities in BEAs will meet or exceed those provisions for BEAs outlined in the Commission's BEA policy for Commercial, Industrial, Institutional, Recreational and Multi-Family Residential BEAs.

The Panel will meet on the morning of the Commission meeting and formulate its final recommendation for the full Commission.

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

August 1, 2001

APPLICANT: Harford County Planning and Zoning

PROPOSAL: Harford County Comprehensive Review

JURISDICTION: Harford County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

PANEL RECOMMENDATION: Pending

PANEL MEMBERS: Larry Duket, Ch., Phil Barker, Judith Evans, and Robert Goodman

**APPLICABLE LAW/
REGULATIONS:** Annotated Code of Maryland, Section 8-1809(g)

DISCUSSION:

Harford County has recently completed the four-year comprehensive review of their Critical Area Program. The review resulted in the following amendments: 1) Bill 00-53 which amends the subdivision regulations, 2) Bill 00-54 which amends Section 267-41.1 of the Harford County Development Code and includes all amendments to the Critical Area Overlay District; and 3) Bill 00-55 which amends the County's Critical Area Program Management Document, appendices, and maps.

CHASSAMERIE STRATEGIC AREA COORDINATOR

START DATE

August 1, 2001

Strategic Planning and Review

APPLICABLE

Human Resources Management Review

PROJECTS

Internal Control

INTERNAL

None

COMMISSION ACTIONS

2001-2002

STAFF RECOMMENDATION

Development

START

2002-2003

CAREER RECOMMENDATION

Local Council for Public Health, 2002-2003

PANEL MEMBERS

Health Review

APPLICABLE LAW

A regulated Code of Practice, 2002-2003

RIGHTS

DISCIPLINE

Health Council has issued a report on the implementation of the Health Act 2001. The report is available on the Council's website at www.healthcouncil.ie. The Council has also issued a report on the implementation of the Health Act 2001. The report is available on the Council's website at www.healthcouncil.ie. The Council has also issued a report on the implementation of the Health Act 2001. The report is available on the Council's website at www.healthcouncil.ie.

The Critical Area resource inventory has also been updated, and the Critical Area maps have been revised in the expansion areas to be consistent with the new floodplain delineations that were adopted by the County in January 2000. The County followed the Commission's policy for expansion of the Critical Area for the floodplain map. The general policy requires that the expansion of the Critical Area should result in improvements in water quality protection, improvement in plant and wildlife habitat or the reduction of adverse human impacts. The major changes to the County's Critical Area Program are as follows:

Bill 00-53 (Subdivision Regulations)

In this section, the County revised the existing definition for Buffer Exemption Areas (BEAs) to incorporate the definition in the Commission's revised policies. Other changes involved information required on plats submitted for review and recordation.

Bill 00-54 (Harford County Development Code: 267-41.1 Chesapeake Bay Critical Area Overlay District)

In this section, the County made minor changes to their Chesapeake Bay Critical Area Overlay District including incorporating the Commission's new policy for residential, commercial, industrial, recreational and institutional uses; establishing guidelines for the siting of stormwater management facilities for the 10% reduction of pollutant loadings; and clarifying that individual piers are not permitted in developments with community piers

The County also addressed the approval of marina master plans, the expansion of water-dependent facilities, and requirements for Buffer Management Plans for cutting trees or removing vegetation in the Buffer.

The Commission reviewed changes in this section and identified the following issues that needed to be addressed:

1. Section 267-41.1.F (3)(a)(2) requires the reduction of pollutant loadings by 10 percent over pre-development levels ("10% Rule") in Intensely Developed Areas only when the impervious area is increased by greater than 250 square feet. The Commission's guidance on the "10% Rule" requires compliance when a development project disturbs greater than 250 square feet.

The Commission has been asked to review the Commission's work in the area of the environment and to report on its findings. The Commission has been asked to report on its findings in the area of the environment and to report on its findings in the area of the environment.

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Suggested Change: Revise paragraph (2) as follows:

*(2) Pollutant loadings associated with construction outside of the Critical Area Buffer of accessory structures and minor additions that **disturb** ~~increase the total impervious surfaces by~~ greater than 250 square feet on residential lots of record as of 12/1/85 in the IDA shall be mitigated by the use of stormwater management/best management practices (BMPs) as specified in Appendix C, as amended, and/or through the use of additional landscaped plantings on that lot or parcel.*

2. Section 267-41.1.F (3)(a)(2)(d) exempts the construction of accessory structures which cover less than 250 square feet from mitigative planting requirements. This section should be clarified to exempt only those projects that disturb less than 250 square feet.

Suggested Change: Revise paragraph (d) as follows:

*(d) Construction of accessory structures which **disturb** ~~cover~~ less than 250 square feet are exempt from mitigative planting requirements.*

3. Section 267-41.1.F (3)(c) does not address nonresidential uses that may be permitted in the RCA. Section 267-41.1.F (3)(c) also does not address institutional uses, which are generally not compatible with the RCA designation. The Commission has requested that during the comprehensive review process, local jurisdictions identify nonresidential and quasi-institutional uses that may be permitted in the RCA, or specify that any zoning authorization issued for one of these uses in the Critical Area will be submitted to the Critical Area Commission for review and comment.

Suggested change: Add the following language to Section 267-41.1.F (3)(c)(2):

(2) New industrial, institutional, and commercial development shall be prohibited.

Suggested change: Add the following language to Section 267-41.1.F (3)(c):

Certain non-residential uses may be permitted in the Resource Conservation Areas if it is determined by Harford County, with the concurrence of the Critical Area Commission, that the proposed use would have no adverse impacts on plant and wildlife habitat and water quality, and that the proposed use would be consistent with the intent of the RCA classification and the County's Critical Area Program.

2. Proposed changes to the program...

The proposed changes to the program are designed to improve the efficiency of the program and to ensure that the program is able to meet the needs of the community. The changes include...

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4. Section 267-41.1.F (3)(d)(1) states that clearing of forested areas greater than 5,000 square feet anywhere within the Critical Area, prior to the issuance of a grading permit, or the clearing of areas exceeding the maximum area allowed shall constitute a violation. This section appears to limit violations to those activities that involve more than 5,000 square feet. This is not consistent with the Critical Area Criteria.

Suggested Change: Revise paragraph (1) as follows:

(1) Clearing of forested areas ~~greater than 5,000 square feet~~ anywhere within the Critical Area, other than as set forth in this section and in the Buffer as specified in Section 267-42.1.1. G (4)(a)(4) prior to the issuance of a grading permit, or of areas exceeding the maximum amount allowed by this section, constitutes a violation of this section in addition to any other applicable County regulations.

Suggested Change: Revise paragraph (1) as follows:

(1) Clearing of forested areas ~~greater than 5,000 square feet~~ anywhere within the Critical Area, other than as set forth in this section and in the Buffer as specified in Section 267-42.1.1. G (4)(a)(4) prior to the issuance of a grading permit, or of areas exceeding the maximum amount allowed by this section, constitutes a violation of this section in addition to any other applicable County regulations.

5. Section 267-41.1, F (6)(a) does not include provisions prohibiting new or expanded development activities within the Buffer in the RCA. Community piers and other noncommercial boat docking and storage facilities, public beaches and public water-oriented recreation or education areas, and fisheries activities may be permitted in the Buffer in RCA subject to the standards set forth in the Criteria.

Suggested change: Add the following language to paragraph (a):

(a) Except as otherwise provided in this regulation, new or expanded water dependent activities may not be permitted in those portions of the Buffer which occur in the RCA.

Suggested change: Revise paragraph 267-41.1.F (6)(d)(1)(c) as follows:

(c) New or expanded community marinas and other noncommercial boating, docking

Section 20-111 (b) (1) (i) The Commission shall have the authority to...
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Section 20-111 (b) (3)

(a) Except as otherwise provided in this regulation, any...
dependent activities may be permitted in those portions of the...
in the city.

Section 20-111 (b) (4)

(a) The Commission shall have the authority to...
to the extent of the Commission's jurisdiction...
the Commission shall have the authority to...
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and storage facilities may be located in the Critical Area Buffer in the RCA, LDA, and IDA, if they meet the following conditions:

Suggested change: Revise paragraph 267-41.1. F (6)(d)(2) as follows:

(2) Public beaches or other public water-oriented recreation or education areas. Public beaches or other public water-oriented recreation or education areas, including but not limited to publicly owned boat launching and docking facilities and fishing piers, are allowed in the Critical Area Buffer in the RCA, LDA, and IDA, provided that the following conditions are met:

Suggested change: Add the following language to paragraph 267-41.1. F (6)(d)(3):

Commercial water-dependent fisheries activities and shore based facilities necessary for aquaculture operations may be located in the Buffer in RCA, LDA, and IDA.

6. Section 267-41.1 F(6)(b) only addresses expansion activities that increase the total impervious surface by more than 5,000 square feet. It appears that projects that involve less than 5,000 square feet of new impervious surface would not be required to address the conditions in the Criteria for the protection of habitat and water quality.

Suggested change: Revise paragraph 267-41.1 F (6)(b) as follows:

(b) Expansion of existing water-dependent facility includes: expansion of services, extension or construction of additional slips or piers, construction of new buildings, expansion of existing impervious surfaces ~~which increase the total impervious surfaces by more than 5,000 square feet~~, or installation of new or additional boat storage facilities. Expansion ...

7. Section 267-41.1 G (3)(b) does not reflect the language in the Criteria.

Suggested change: Revise paragraph 267-41.1.G (3)(b) as follows:

(b) The location of roads, bridges or utilities shall be prohibited within the boundaries of a Habitat Protection Area unless there is no feasible reasonable alternative, as determined by the Zoning Administrator ...

and to have the same as in the case of the other two cases in the West. It is said that the same is the case in the other two cases in the West.

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8. Section 267-41.1.H does not clearly indicate that the Board of Appeals shall issue written findings demonstrating that denial of the requested approval would result in an unwarranted hardship to the applicant.

Suggested change: Add the following language as the first condition for the granting of variances in Section 267-41.1.H:

H. That special conditions or circumstances exist that are peculiar to the land or structure within the County's Critical Area, and a literal enforcement of the Critical Area Program would result in an unwarranted hardship;

9. Section 267-41.1.M does not include the provisions of the Critical Area Commission's growth allocation policy pertaining to existing grandfathered uses that are less than 20 acres.

Suggested change: Add the following language to Section 267-41.1.M (1)(b)(1):

(1) Such areas shall be located adjacent to an existing Limited Development Area or Intensely Developed Area. New Intensely Developed Areas must be a minimum of 20 acres in size unless they are adjacent to an existing IDA or LDA or are an existing grandfathered commercial, industrial, or institutional use that existed as of the date of local Program approval.

Bill 00-55 (Chesapeake Bay Area Program Management Document, Appendices, and Maps)

In this section, the County made minor changes to include the use of offset measures to meet the 10% pollution reduction requirements; revised the growth allocation review process and updated information on related regulatory and management programs such as the Conservation Reserve Enhancement Program (CREP) and the Forest Legacy Program.

The Critical Area Buffer Management Plan was added to Appendix F, and the Forest Interior Dwelling Bird Draft Guidance Paper was added to Appendix N. The Commission reviewed changes to the program document and identified the following issues that needed to be addressed:

Section 101-101 of the Code of Ordinances of the City of Chicago, Illinois, is hereby amended to read as follows:

Section 101-101. The Board of Health shall have the honor to advise the Board of Health of the City of Chicago, Illinois, of the results of its investigations.

Section 101-102. The Board of Health shall have the honor to advise the Board of Health of the City of Chicago, Illinois, of the results of its investigations.

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Section 101-107. The Board of Health shall have the honor to advise the Board of Health of the City of Chicago, Illinois, of the results of its investigations.

Section 101-108. The Board of Health shall have the honor to advise the Board of Health of the City of Chicago, Illinois, of the results of its investigations.

1. On Page 1-3 of the Critical Area Management Program, Habitat Protection Areas are identified and large forested areas are described as being 100 acres or greater. Forest Interior Dwelling Birds have been found in smaller forests, and the Criteria use 100 acres as an example, not as a minimum tract size.

Suggested change: Revised the language as follows:

- *Large forested areas (~~100 acres or greater~~ as described and defined in the Critical Area Commission's guidance on Forest Interior Dwelling Birds, dated June 2000) utilized as breeding areas by forest interior dwelling birds and other wildlife species;*

2. On Page 2-1 of the Critical Area Management Program, Habitat Protection Areas are identified and large forested areas are described as being 100 acres or greater. Forest Interior Dwelling Birds have been found in smaller forests, and the Criteria uses 100 acres as an example, not as a minimum tract size.

Suggested change: Revise the language as follows:

Riparian forest areas, and large forested areas (~~100 acres or greater~~ as described and defined in the Critical Area Commission's guidance on Forest Interior Dwelling Birds, dated June 2000) utilized as breeding areas by forest interior dwelling birds and other wildlife species;

--

3. On Page 2-4 of the Critical Area Management Program, there are provisions for regulating land use within RCA. The provisions do not address new institutional uses.

Suggested change: Revise the language as follows:

Prohibit new industrial, institutional, and commercial uses in RCA; and

4. On Page 2-20 of the Critical Area Management Program, there are provisions for generally requiring strict compliance with the guidelines for growth allocation in the Criteria. This language seems confusing.

The first part of the report deals with the general situation in the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved.

The second part of the report deals with the financial situation of the organization. It shows that the income has increased during the year and that the expenses have been kept within the budget.

The third part of the report deals with the personnel situation. It shows that the staff has been expanded and that the work has been carried out in a very efficient manner.

The fourth part of the report deals with the future plans of the organization. It shows that the organization is planning to expand its work in the coming year and to carry out a number of new projects.

The fifth part of the report deals with the conclusions of the year. It shows that the organization has achieved a great deal of success and that it is well prepared for the future.

The sixth part of the report deals with the recommendations of the board of directors. It shows that the board is satisfied with the work of the organization and that it recommends the continuation of the present policy.

The seventh part of the report deals with the closing remarks of the chairman of the board. It shows that the chairman is very pleased with the work of the organization and that he wishes to thank the staff for their hard work.

Suggested change: Revise the language as follows:

Strict Compliance with the guidelines for growth allocation listed in the Criteria will generally be required; however, alternatives determined to meet the general spirit and intent of the guidelines may be considered.

Map Changes

When Harford County initially mapped the Critical Area, the Critical Area boundary was expanded in several areas to coincide with the floodplain boundaries of several significant tributaries. Two years ago, the County updated their floodplain maps based on more detailed topographic information, and these map revisions affected the floodplain boundaries. In six areas, the change in the floodplain boundary coincided with areas where the Critical Area had been initially expanded, and the County wanted to adjust the Critical Area boundary to reflect the updated floodplain information. These adjustments, which primarily involved adjustment in the width of the floodplain, resulted in 14.7 acres being removed from the Critical Area and 19 acres being incorporated into the Critical Area.

County staff believes that these adjustments are consistent with the Commission's "Policy For Extension" of the Critical Area" dated December 6, 1989 for the following reasons:

The extension will result in improvement of water quality and water quality protection, improvement in plant and wildlife habitat, and reduced human impacts to several significant tributaries.

The land in the expansion areas is undeveloped and the Critical Area designation will afford these areas additional protection particularly through the Buffer provisions. The additional areas will be designated Resource Conservation Area.

The land in the expansion areas is adjacent to tributaries and includes areas of non-tidal wetlands, steep slopes, and riparian forests. The extensions are generally contiguous to the 100-foot Buffer and in most cases expand the Buffer to the head of tributary streams that would fall outside of the 1000 foot Critical Area boundary. The extensions significantly enhance the water quality and habitat functions of the Buffer by protecting more linear feet of the tributary from the adverse impacts of development.

3. General Comments

These comments were prepared for the information of the Commission and will generally be confined to those items which are determined to be of general interest and which are of a nature to be considered.

4. Findings

The Commission has conducted an investigation of the proposed project and has held public hearings. The Commission has also received comments from interested parties. The Commission has considered all the information and has concluded that the proposed project is in the public interest and that the proposed conditions are reasonable and appropriate. The Commission has also considered the comments received and has determined that they do not require any change to the proposed conditions.

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August 1, 2001
Page Nine

The Maryland Economic Growth, Resources, and Planning Act of 1992 identified the 100-year floodplain as a sensitive area that should be protected by local plans and ordinances. Floodplains help maintain water quality, recharge groundwater, protect fisheries, and provide habitat and natural corridors for wildlife. Extending the Critical Area to include the 100-year floodplain is consistent with the 1992 Planning Act and the spirit and intent of the Critical Area Act and Criteria.

The extension of the Critical Area as proposed by the County includes developable land. Because the extensions are relatively small and involve several parcels and property owners, the change will not increase the intensity of development adjacent to the Critical Area or allow a significant increase in dwelling units within the Critical Area. All affected property owners have been notified.

The Critical Area Commission Panel held a public hearing on July 12, 2001 in Harford County. There was no public comment at the hearing. The County staff has agreed to the conditions outlined in this staff report and anticipate that the County Council will adopt them.

The National Economic Council (NEC) was established in 1962 to advise the President on economic policy. It is a key component of the Executive Office of the President. The NEC is headed by the Director of the NEC, who is appointed by the President. The NEC's primary function is to provide the President with a comprehensive analysis of the economic situation and to recommend appropriate policy responses. The NEC also coordinates the economic policy of the various executive departments and agencies. The NEC's work is carried out through a series of committees and working groups. The NEC's reports and recommendations are submitted to the President for his consideration and approval.

The NEC is a permanent institution and is not subject to the same political pressures as other advisory bodies. It is designed to provide the President with a long-term perspective on economic issues. The NEC's work is carried out in a confidential and non-partisan manner. The NEC's reports and recommendations are often the basis for the President's economic policy decisions. The NEC's work is also an important part of the President's economic policy-making process. The NEC's work is carried out in a confidential and non-partisan manner. The NEC's reports and recommendations are often the basis for the President's economic policy decisions. The NEC's work is also an important part of the President's economic policy-making process.

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Chesapeake Bay Critical Area Commission

STAFF REPORT

August 1, 2001

APPLICANT: Town of Snow Hill

PROPOSAL: Refinement – Mapping Mistake

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Approval

STAFF: Tracey Greene, LeeAnne Chandler

**APPLICABLE LAW/
REGULATIONS:** Annotated Code of Maryland, Natural Resources Article §8-1809(h): Proposed program amendments and refinements

DISCUSSION:

The Critical Area Law provides local jurisdictions with an opportunity to correct errors and omissions in the Critical Area designation of a property based on proof of a mistake in the existing zoning and original mapping. As provided in the law, "Except for program amendments or program refinements developed during program review...a zoning map amendment may be granted by a local approval authority only on proof of a mistake in the existing zoning."

The Town of Snow Hill has requested that the Critical Area Commission review a proposal to redesignate three parcels of land designated as a Resource Conservation Area (RCA) to Limited Development Area (LDA) on the basis that a mistake was made in applying the RCA designation. The Town made the following findings:

1. As indicated on the attached map, Parcel 139 is 1.61 acres and is designated as RCA. When the original mapping took place, it appeared as if this parcel was one piece of land with one existing dwelling. However, this parcel was subdivided into four lots in 1962, though the subdivision was never shown on the State Tax Assessment Maps. If the subdivision had been shown on the tax map, then the Critical Area consultant would have seen that rather than one house on 1.61 acres, the average existing density for Parcel 139 was one dwelling unit per 0.40 acres, making Parcel 139 consistent with the LDA mapping criteria.
2. A portion of Parcel 142 was mapped as RCA, while another portion of the parcel was mapped as LDA. At the time of original mapping, there were two existing duplexes on

the property (i.e., four dwelling units). This parcel is 0.97 acres in size and has a density of over four dwelling units per acre. This is consistent with LDA mapping criteria and clearly inconsistent with RCA mapping criteria. It was also an error to give such a small parcel two different classifications.

3. Parcel 143 is 0.47 acres and was mapped as RCA. The existing dwelling was constructed prior to passage of the Critical Area Law. Such density is consistent with LDA mapping criteria rather than RCA criteria. It appears that the mistake on Parcel 142 led to the mistake on this parcel.
4. These parcels are not dominated by agriculture, wetland, forest, barren land, surface water or open space, and were developed prior to the original Critical Area mapping of the property in 1985. This was verified through review of aerial photography dated September 1970.
5. When these properties were examined more closely, it became apparent that the intensity of existing uses was not taken into consideration when they were mapped as RCA.

Upon consideration of the findings listed above for this request, the proposed mapping mistake appears consistent with the conditions for proof of a mistake set forth in the Critical Area Law. The Chairman of the Commission has determined that this change, as well as the minor text amendments, constitute a refinement to the County's Critical Area Program and is seeking concurrence with that determination.

If this mapping change is approved by the Critical Area Commission, the proposed 2.63 acre reduction in RCA will result in a 0.13 acre reduction in the County's Growth Allocation.

Chesapeake Bay Critical Area Commission

STAFF REPORT

August 1, 2001

APPLICANT: Dorchester County

PROPOSAL: Text Amendment Regarding Growth Allocation

JURISDICTION: Dorchester County

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Amber Widmayer

**APPLICABLE LAW/
REGULATIONS:**

COMAR 27.01.02.06, Location and Extent of
Future Intensely Developed and Limited Development
Areas

Dorchester County Critical Area Program IV.B.3,
Distribution of Permitted Growth Allocation

DISCUSSION:

Dorchester County is requesting approval of a text change to provide for the allotment of a portion of Dorchester County's growth allocation to the municipalities within the County. This text change to the County's Critical Area Program provides for the allotment of growth allocation acreage to the City of Cambridge and the Towns of Vienna, Secretary, Church Creek, Eldorado, Brookview, and Galestown. The change also includes a provision that designates 150 acres of the County's growth allocation acreage to be reserved for nonresidential uses that involve conversions from LDA to IDA and from RCA to LDA. Consultations with the County since the Commissioners' action have resulted in a clarification of this provision to include conversions from RCA to IDA as well.

Dorchester County originally had 2902.49 acres of growth allocation. Since December 1, 1985 the County has used 1165.75 acres, and Cambridge has used 176.23. Currently, Dorchester County has a total of 1560.51 acres of growth allocation. The proposed allotment of the County's remaining growth allocation is as follows:

- 240 acres reserved for the City of Cambridge, less the 174.86 acres used for the Hyatt Resort and 1.37 acres used for Walmart development. The remaining balance is 63.77

Chesapeake Bay Critical Area Commission

HEARINGS REPORT

August, 2001

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DISCUSSION

The Commission is pleased to provide for the applicant's request for a permit to construct a building on the property located at the intersection of the County Road 100 and the Chesapeake Bay Critical Area. The Commission has reviewed the applicant's proposal and the Commission's staff has conducted a site visit. The Commission has also reviewed the applicant's proposal and the Commission's staff has conducted a site visit. The Commission has also reviewed the applicant's proposal and the Commission's staff has conducted a site visit.

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acres.

- 30 acres will be reserved for the Town of Vienna
- 20 acres will be reserved for the Town of Secretary
- 20 acres will be reserved jointly for the Town of Church Creek, Eldorado, Brookview, and Galestown
- 150 acres reserved for either LDA to IDA, RCA to LDA, or RCA to IDA for non-residential uses, less the 2.36 acres for Pack Rat/Tramp Inc., resulting in a current total of 147.64 acres.

The remaining growth allocation balance of 1279.10 acres will be reserved for future residential development elsewhere in RCA or LDA.

The County's request is consistent with section 27.01.02.06.A(2) of the Critical Area Criteria, which states, "When planning future expansion of intensely developed and limited development areas, counties, in coordination with affected municipalities, shall establish a process to accommodate the growth needs of the municipalities." The County proposes to incorporate the growth allocation allotments in their Critical Area Program under section IV.B.3, "Distribution of Permitted Growth Allocation." The allotment will allow these municipalities to award growth allocation within existing municipal boundaries without additional approval or authorization by the Dorchester County Commissioners.

This method of setting aside growth allocation for towns is favorable because it streamlines the procedure for applicants within the towns, which is consistent with the state's Smart Growth initiatives. As a result, new development and redevelopment will be encouraged in the appropriate place, amongst existing infrastructure. Additionally, this method enhances the towns' abilities to efficiently and effectively implement their local comprehensive plans.

- 10. The Board will be responsible for the following:
- 11. To ensure that the Board is properly constituted in terms of its composition and size.
- 12. To ensure that the Board is properly constituted in terms of its composition and size.
- 13. To ensure that the Board is properly constituted in terms of its composition and size.
- 14. To ensure that the Board is properly constituted in terms of its composition and size.
- 15. To ensure that the Board is properly constituted in terms of its composition and size.

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