

FORMER Commission member, Bob Pinto, Somerset Co.,
passed away 2 wks ago at his home.

Chesapeake Bay Critical Area Commission
Department of Housing and Community Development
Peoples Resource Center
Crownsville, Maryland
January 9, 2002

DON HALLIGAN, MOOT
FOR MEG ANDREWS

AGENDA

1:00 p.m. – 1:05 p.m. Approval of Minutes for December 5, 2001 John C. North, II
Chairman

1:05 p.m. – 1:25 p.m. Delmarva Fox Squirrel Protection U.S. Fish & Wildlife
Service

Charissa Moore

PROJECTS

1:25 p.m. – 1:35 p.m. VOTE: SHA – MD 286 Bridge and Walkway Julie LaBranche

1:35 p.m. – 1:50 p.m. VOTE: DNR / St. Mary's County Recreation
and Parks – Elms Beach ADA
Improvements Wanda Cole

1:50 p.m. – 2:00 p.m. VOTE: Maryland Port Administration
Shed 5B and Berths 5 & 6 Dawnn McCleary

PROGRAMS

2:00 p.m. – 2:15 p.m. Refinement: St. Mary's County: Text
Amendments for Growth Allocation
Deductions Wanda Cole

2:15 p.m. – 2:40 p.m. Refinement: Chesapeake Beach Mapping
Mistake Mary Owens

OLD BUSINESS

2:40 p.m. – 2:50 p.m. Legislative Update Ren Serey
← Coastal Bays

WorYh Bay
update

Legal Update

Marianne Mason,
Esq.

2:50 p.m. – 3:00 p.m.

NEW BUSINESS

John C. North, II
Chairman

Panel Appt.
Centreville Comp. Trs.
Mr. Pinto's passing

The Commission on the ...
passed ...

Don't ...
for ...

— ...

...
...
...

Chesapeake Bay Critical Area Commission
Officers' Club
United States Naval Academy
Annapolis, Maryland 21401
December 5, 2001

The Chesapeake Bay Critical Area Commission met at the Officers' Club in Annapolis, Maryland. The meeting was called to order by John C. North, II, Chairman, with the following Members in attendance:

Bailey, Margo, Kent County	
Barker, Philip, Harford County	Bourdon, Dave, Calvert County
Evans, Judith, Western Shore Member at Large	Cooksey, Dave, Charles County
Duket, Larry, Md. Dept. of Planning	
Foor, Dr. James, C. QA Co.	Goodman, Robert, Dept. Housing and Community Dev.
Giese, Wm. Jr. Dorchester County	
Jackson, Joseph, Woreester County	Johnson, Samuel Q. Wicomico County
Jones, Paul, Talbot County	
Rice, William, Somerset County	Myers, Andrew, Caroline County
Samorajczyk, Barbara, Anne Arundel Co.	
Wynkoop, Samuel, Princee George's County	Setzer, Gary, Md. Department of the Environment
Andrews, Meg, Md. Department of Transportation	
Lawrence, Louise, Md. Dept. Agriculture	McLean, Jim, Governor's Office of Business and Economic Development
Olszewski, John A., Baltimore County	
Wenzel, Lauren, Md. Department of Natural Resources	

Not In Attendance:

Graves, Charles C., Baltimore City
Pugh, Michael, Cecil County
Witten, Jack, St. Mary's County

The Minutes of November 7th, 2001 were approved as read.

Roby Hurley, Circuit Rider, CBCAC presented for concurrence with the Chairman's determination of Refinement the request to approve a Critical Area map amendment for the Town of Queenstown to change 3.46 acres from LDA to IDA for a residential subdivision. Another property involved consists of 3.5 acres which is proposed to be further subdivided into seven lots. Growth allocation will be used and the total acreage of both parcels will be deducted. Subdivision plans and the 10% calculations will be forwarded to the Commission staff for review. There are no Habitat Protection Areas on site and this is not waterfront property. The property is served by water and sewer and no forest clearing is proposed. The property is adjacent to existing LDA and meets the adjacency guidelines. The Commission supported the Chairman's determination of Refinement.

LeeAnne Chandler, Planner, CBCAC presented for VOTE the proposal by the State Highway Administration to construct a new sidewalk and a boardwalk over tidal wetlands and to install an improved drainage system on MD 18C in the Town of Queenstown in Queen Anne's County. This is an area of intense development and the 10% pollutant reduction requirement must be addressed. This project is located within the 100-foot Buffer. There are no threatened or endangered species and the required mitigation for Buffer disturbance is 3:1. Commission staff is working with the Town and SHA to develop a Buffer Management Plan for this property. The Commission staff recommends approval of this project with two conditions: 1. All MDE permits will be acquired prior to any construction; 2. A Buffer Management Plan will be prepared and implemented by SHA with review and approval by Commission and Town staff. Dave Bourdon moved to approve the project as presented with the stated two conditions. The motion was seconded by Dave Cooksey and carried unanimously.

John Frece from the Office of Smart Growth told the Commission that the Governor put this initiative together in 1996. A series of maps were put together by the Department of Planning beginning in 1900 showing the spread of development in the last century. He told the Commission that the goals of this initiative are to preserve natural resources, support existing communities and to save on the

Approved

Handwritten text at the top of the page, possibly a header or title, which is mostly illegible due to fading.

Handwritten text in the upper section of the page, appearing to be a list or series of notes.

Handwritten text on the left side of the page, possibly a marginal note or a page number.

Main body of handwritten text in the upper half of the page, consisting of several lines of notes.

Handwritten text in the middle-right section of the page, possibly a sub-section or a specific note.

Main body of handwritten text in the lower half of the page, continuing the notes or list.

Handwritten text in the lower-middle section of the page, possibly a concluding paragraph or a summary.

Handwritten text at the bottom of the page, possibly a footer or a final note.

**Critical Area Commission Minutes
December 5, 2001**

cost of new infrastructure protecting over 200,000 acres within five years. Mr. Frece said that this program has received national attention because it is an incentive based program and not regulatory and it is a very successful program receiving strong environmental support. He explained how the Smart Growth Law identifies projects not consistent and cancels them or modifies them to bring them into compliance and told the Commission that there is now a Smart Growth Scholarship program for local government officials. He asked the Commission to consider the Smart Growth initiatives when reviewing growth allocation requests.

Ren Serey, Executive Director, CBCAC told the Commission that the Governor is still moving in the direction of preparing legislation to incorporate Coastal Bays in Worcester County and Ocean City into the Critical Area Program. He said that Worcester County has proposed in a County bill that if the Coastal Bays were part of the Critical Area program, instead of having the three Critical Area zones, the Critical Area development would be based on existing county zones rather than based on development as of a certain date which would allow development to continue according to whatever the zoning category might be. It remains to be seen whether the Governor's bill will incorporate the County's proposal or the traditional Critical Area approach of three areas based on existing development. Another County concern is that there be a group that could advise and participate in discussions. Joe Jackson suggested a standing subcommittee of the Critical Area Commission to be headed by the Worcester County representative, and including two members from the Critical Area general membership and three members from the State agencies representation. This committee would make recommendations to the full Critical Area Commission. He said that Secretary Fox seemed to support that suggestion.

Mr. Serey said that last year's Critical Area variance bill is still alive and the Governor's office is looking at the Bill now as one they may want to propose and possibly tie together with the Coastal Bays Bill as a package.

Marianne Mason, Esquire, Assistant Attorney General and Commission Counsel told the Commission that she, Ren Serey and Claudia Jones, the Commission's Science Advisor, attended a hearing in Harford County in the Old Trail variance case involving a 56 home subdivision on 31 acres owned by a former County Executive. She said that the owner's partnership is represented by a former Planning Director and Critical Area Commission member. More hearings are scheduled.

Ms. Mason stated that there are four cases filed and three are still alive in the Four Seasons project in Queen Anne's County. She said that she has filed a motion to dismiss the only case that the Commission is involved as the defendant in a Writ of Mandamus action, where a suit was filed claiming that the Commission failed to perform a legal duty by not handling revisions to the Four Seasons project as a separate program amendment. She filed a motion to dismiss on the grounds that the Commission has no legal duty to the plaintiffs, who have an adequate remedy they can pursue against the County concerning the County's decision to grant growth allocation. Also in regard to Four Seasons, she said that The Kent Island Defense League filed a suit attempting to petition the County ordinance to referendum. She has called the Attorney General's office to see if they have any interest in the case.

Chairman North announced that the January 2002 meeting will be held on the 9th of January at Crownsville. A sympathy card was circulated to be signed to send to Mrs. Bradley. Commission member Clinton Bradley passed away recently and he will be greatly missed.

The Chairman thanked all the Commission members for their regular attendance throughout the year and dedicated efforts to achieve the Commission's goals.

There being no further business, the meeting adjourned.

Minutes submitted by: Peggy Mickler, Commission Coordinator

Chesapeake Bay Critical Area Commission

STAFF REPORT January 9, 2002

APPLICANT: Maryland State Highway Administration

PROPOSAL: Bridge Replacement No. 7053, MD 286 over Back Creek,
Chesapeake City

JURISDICTION: Chesapeake City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval of Bridge Replacement
Conditional Approval of Walkway

STAFF: Julie LaBranche and Mary Ann Skilling

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Actions Resulting in Development
on State-Owned Lands

COMAR 27.02.06 Conditional Approval of State or Local Agency
Programs in the Critical Area

DISCUSSION:

The State Highway Administration is proposing to construct a new pedestrian walkway in conjunction with replacement of an existing bridge on MD 286 over Back Creek in the Town of Chesapeake City in Cecil County. The gravel walkway (five-feet wide and 1,800 feet in length) will connect a marina on the west approach of the bridge to the U.S. Army Corps of Engineers' Museum entrance on the east approach of the bridge (Attachment A). The project is located within the LDA and within the 100-foot Buffer of Back Creek.

The proposed pedestrian walkway will add 1,436 square feet of additional impervious surface within the Buffer. The Buffer disturbances associated with the walkway will be limited to mowed and grassed areas and will not impact any existing riparian vegetation. Additional disturbances to the Buffer include 2,075 square feet for expansion of existing riprap beneath the bridge and 819 square feet for widening the approach to the new bridge. The total area of disturbance within the Buffer will be 4,330 square feet. The required mitigation for disturbance to the 100-foot Buffer is 3:1 or 12,990 square feet. A Critical Area Buffer Management Plan has been prepared for the required mitigation (Attachment B). Approximately 9,800 square feet of the mitigation plantings will be located in non-vegetated areas of the Buffer between the new walkway and MD 286. The remaining 3,190 square feet of mitigation plantings will be located at the U.S. Army Corps of Engineer's Museum parking lot, adjacent to the east approach of the new bridge. Because this project is within the LDA, the 10% Rule is not applicable.

Chesapeake Bay Critical Area Commission

STATE REPORT
January 2, 2002

INDICANT: Chesapeake State Highway Administration
PROPOSED: State Department No. 7022 MD200 over B & E Road
Cooperstown, Va
MEMORANDUM: Chesapeake Bay
COMMISSION ACTION: None
STATE REG. QUALIFICATION: Approval of Board of Registration
Chesapeake Department of Planning
STATE: Virginia
APPLICABLE LAW: Section 102 of the Virginia Statewide Planning
Act
REGULATION: COMAR 10.01-01-01 of the Code of Virginia, Article 102-1 of the
Statewide Planning Act
COMAR 10.01-01-01 of the Code of Virginia, Article 102-1 of the
Statewide Planning Act

DISCUSSION:
The project involves the construction of a new residential development with
approximately 100 units located on MD 200 over B & E Road in
Cooperstown, Virginia. The project is subject to the Chesapeake Bay
Critical Area Act and the Statewide Planning Act. The project is
located within the Chesapeake Bay Critical Area and is subject to
the Chesapeake Bay Critical Area Act. The project is also subject to
the Statewide Planning Act. The project is located within the
Chesapeake Bay Critical Area and is subject to the Chesapeake Bay
Critical Area Act. The project is also subject to the Statewide
Planning Act. The project is located within the Chesapeake Bay
Critical Area and is subject to the Chesapeake Bay Critical Area
Act. The project is also subject to the Statewide Planning Act.

Although Back Creek is a Use I waterway, no in-stream work is proposed during construction of the pedestrian walkway. According to the Department of Natural Resources and the U.S. Fish and Wildlife Service, no threatened or endangered species are present within the areas to be impacted by the pedestrian walkway. Minor impacts to tidal wetlands, consisting mostly of *Phragmites*, will occur during replacement of the existing bridge over Back Creek. Mitigation for tidal wetland impacts will be determined through the MDE tidal wetland permit process.

Requirements of Conditional Approval by the Commission

COMAR 27.02.06, Conditional Approval of State or Local Agency Programs in the Critical Area, sets out specific criteria that must be addressed in consideration of a conditional approval. In order to qualify for conditional approval, the proposing local agency must show that the project or program 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;

There exist both special features and special circumstances on this site that preclude the State Highway Administration from avoiding impacts to the 100-foot Buffer. The purpose of the project is to create a connection between an existing pedestrian walkway located within the 100-foot Buffer and an existing museum. Because of the location of the existing facilities, the new walkway must be located within the Buffer. The development of a single developed walkway will potentially avoid impacts associated with pedestrians creating various access routes through the Buffer to reach the museum.

Special circumstances include the relatively small project area owned by the State Highway Administration and the location of existing Maryland Route 286.

- 2) *That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;*

The construction of a sidewalk adjacent to the bridge over Back Creek will enhance pedestrian access in Chesapeake City by providing a safe pedestrian crossing over Back Creek and waterfront access along Back Creek to the U.S. Army Corps of Engineers Museum.

- 3) *That the project or program is otherwise in conformance with this subtitle.*

Except for the proposed impacts to the 100-foot Buffer to Back Creek, the project is otherwise in conformance with the State criteria and the Cecil County Critical Area Program.

The Commission must find that the conditional approval request contains 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 program or project;*

A literal enforcement of the provisions of the Critical Area Criteria would prevent the State Highway Administration from providing safe public access along Maryland Route 286 and from creating a continuous walkway system within the corporate limits of Chesapeake City.

Although Back Creek is a local stream, an irrigation well is provided...
According to the Department of Public Health and the U.S. Fish and Wildlife
Service, the stream is not navigable and the stream is not to be navigated by the...
with a...
of the...
the...

Comments: ...

GENERAL 2-02 (b) Conditional Approval is given for...
specific...
conditional approval...
conditions...

(1) This...
...

There...
...

Special...
...

2) That...
...

The...
...

3) That...
...

The Commission...
...

It is...
...

...

- 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; or if the development is to occur on State-owned lands, with the Criteria set forth in COMAR 27.02.05;*

Commission staff has determined that except for impacts to the 100-foot Buffer, the project meets the requirements for State projects on State-owned land. The replacement of the existing bridge itself and the new pedestrian walkway have been designed in such a way as to minimize impacts. The widening of the approach to the bridge and the expansion of the rip-rap beneath the bridge are necessary for safety reasons. The proposed pedestrian walkway will be constructed of gravel, which will be partially pervious, depending on the level of use, and there are sufficient open areas adjacent to the walkway to provide for infiltration of stormwater run-off.

- 3) *Measures proposed to mitigate any adverse effects of the project on an approved local Critical Area program.*

The total area of disturbance to the Buffer is 4,330 square feet, and this impact will be mitigated at 3:1. A Critical Area Buffer Management Plan has been prepared showing 9,800 square feet of planting adjacent to MD Route 286 and an additional 3,190 square feet of mitigation planting near the U.S. Army Corps of Engineers parking lot. The mitigation plantings will provide enhanced water quality protection for the site and will provide some wildlife habitat in a relatively urban area.

Recommendations:

Along with the conditions listed below, the conditional approval request is consistent with COMAR 27.02.06, the Commission's regulations for conditional approval of State or Local Agency Programs in the Critical Area. Commission staff recommends conditional approval of this project with two conditions:

- 1) All MDE permits shall be acquired prior to any construction.
- 2) The State Highway Administration will coordinate final review and approval of the Buffer Management Plan by Commission and Town staff, and mitigation plantings will be completed in conjunction with replacement of the bridge.

If you have any questions, please contact Julie LaBranche at (410) 260-3475.

21. If proposed project is within the project could be so conducted as to conform with or provide with the approved local & regional farm program or if the development is to occur on State-owned lands with the County as set forth in CUMAR 22 02.02.

Commission staff has determined that except for impacts to the 100-foot buffer, the project does not require the State project on State-owned lands. The requirement of the existing buffer shall not be waived. The new project shall be designed in such a way as to minimize impacts. The widening of the roadway to the length and the widening of the sidewalk shall be necessary for safety reasons. The proposed project shall not be constructed of gravel which will be directly adjacent to the roadway. The level of use and there are sufficient open areas adjacent to the roadway to provide for installation of stormwater runoff.

22. If project is proposed in violation of any other effects of the project on the regional level of CUMAR farm program.

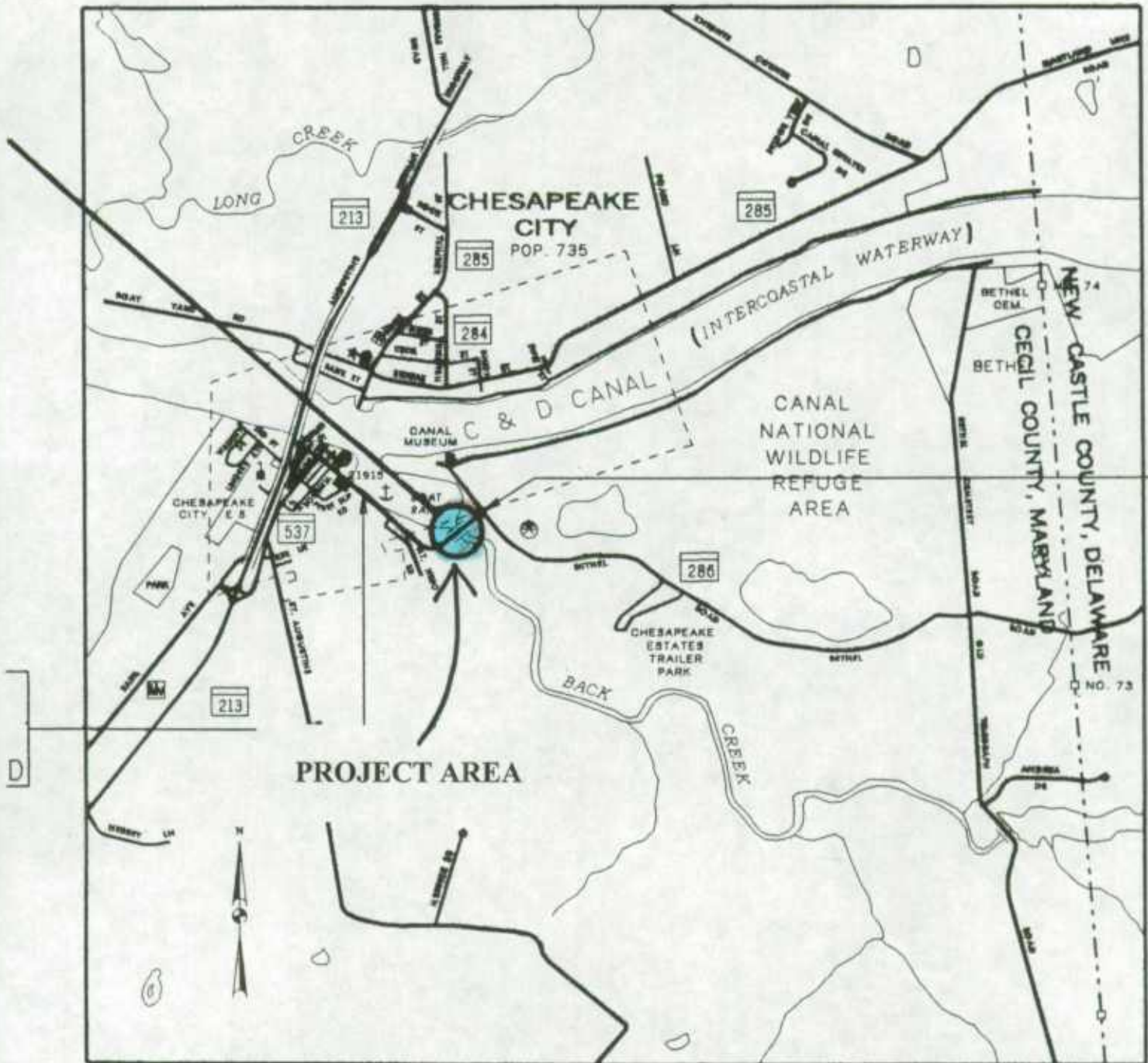
The total area of disturbance to the buffer is 4,350 square feet, and the impact will be mitigated by a 100-foot buffer. Management Plan has been prepared showing 2,000 square feet of planting adjacent to the 100-foot buffer. The mitigation plan will provide enhanced water quality protection for the site and will provide some aesthetic impact and improve water quality.

Recommendation:

Along with the conditions listed below, the conditional approval request is consistent with CUMAR 22 02.02. The Commission's recommendation for conditional approval is State of Local Agency. Project is to be approved. Commission and community conditions conditional approval of this project follows conditions:

- 1) If the project is approved, it shall be subject prior to any construction.
- 2) The State Highway Administration will coordinate site review and approval of the buffer.
- Management Plan by Commission and Town staff and mitigation findings will be completed in coordination with Department of the Interior.

If you have any questions, please contact Julee Williams at (419) 266-3432.



CECIL COUNTY

LOCATION MAP

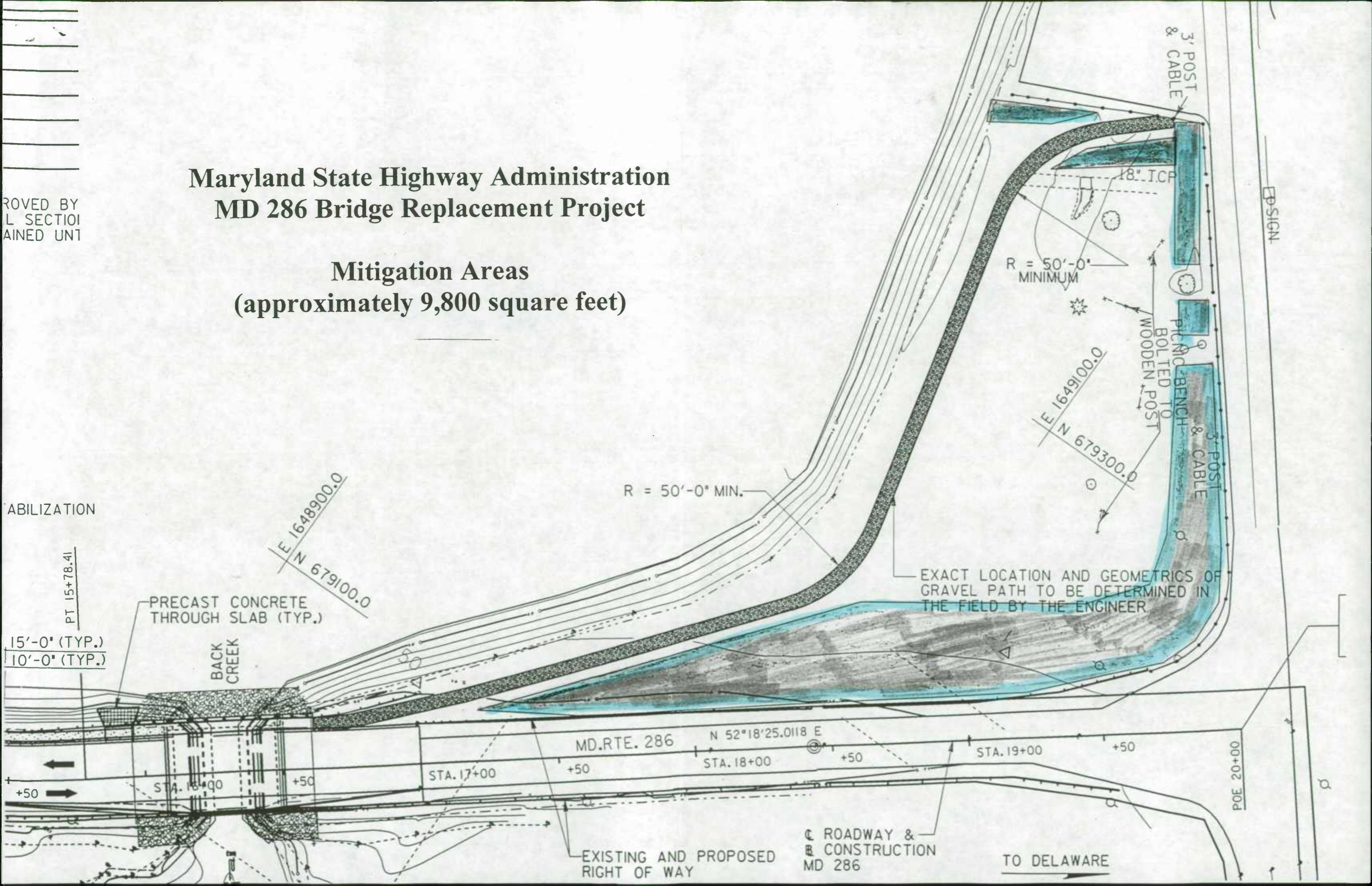
SCALE : 1" = 2000'

DESIGN TRAFFIC DATA

SURVEY INFORMATION

Maryland State Highway Administration
MD 286 Bridge Replacement Project

Mitigation Areas
(approximately 9,800 square feet)



ROVED BY
L SECTION
AINED UNIT

ABILIZATION

PT 15+78.41

15'-0" (TYP.)
10'-0" (TYP.)

PRECAST CONCRETE
THROUGH SLAB (TYP.)

BACK
CREEK

E 1648900.0
N 679100.0

R = 50'-0" MIN.

R = 50'-0"
MINIMUM

18" T.C.P.

3' POST
& CABLE

WOODEN
POST

PILN BENCH
& CABLE

3' POST
& CABLE

EXACT LOCATION AND GEOMETRICS OF
GRAVEL PATH TO BE DETERMINED IN
THE FIELD BY THE ENGINEER

MD.RTE. 286

N 52°18'25.0118 E

STA. 17+00

STA. 18+00

STA. 19+00

+50

+50

+50

+50

+50

POE 20+00

EXISTING AND PROPOSED
RIGHT OF WAY

ROADWAY &
CONSTRUCTION
MD 286

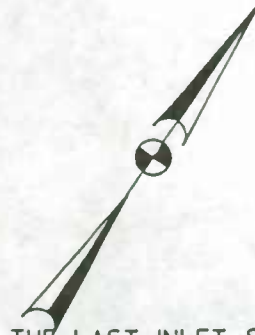
TO DELAWARE

EP-SIGN

Maryland State Highway Administration
MD 286 Bridge Replacement Project

Proposed Impervious Surfaces
within the 100-foot Buffer

13+72 TO 14+83 LT	105
14+93 TO 15+35 LT	41
15+45 TO 15+77 LT	400
17+00 TO 19+79 LT	380



THE LAST INLET SHALL BE INSTALLED AFTER THE STREAM DIVERSION PIPE HAS BEEN REMOVED AND THE BANK HAS BEEN BACKFILLED.

FOR EROSION AND SEDIMENT CONTROL DETAILS AND STREAM DIVERSION DETAILS FROM STATION 15+45.19 TO STATION 17+00 SEE EROSION AND SEDIMENT CONTROL PLAN AND STREAM DIVERSION FOR BRIDGE SHEET.

SIDEWALK FROM EDGE OF INLET TO EDGE OF BRIDGE SIDEWALK SHALL NOT BE CONSTRUCTED UNTIL THE SHEET PILING AND THE STREAM DIVERSION FOR THE BRIDGE HAS BEEN REMOVED.

Back Creek

100-foot Critical Area Buffer

100-foot Buffer

CITY

E 2

STA. 14+00

STA. 15+00

STA. 16+00

STA. 17+00

STA. 18+00

STA. 20

PT 15+76.98

N 679100.0

E 1649100.0

N 679300.0

100 YEAR FLOODPLAIN

E2EM WETLAND BOUNDARY

DELAWARE

ROAD

3' POST & CABLE

18" TOP

PICNIC BENCH & CABLE BOLTED TO WOODEN POST

3' POST & CABLE

EP-SIGN

Back Creek

*Goodman → approve as presented
Witten sec. /cpu*

Chesapeake Bay Critical Area Commission

**STAFF REPORT
January 9, 2002**

APPLICANT: Maryland Department of Natural Resources, Lessor
St. Mary's County Dept. of Recreation and Parks, Lessee

PROPOSAL: ADA Pathways and Parking Spaces

JURISDICTION: Saint Mary's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approve

STAFF: Wanda Cole

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

DISCUSSION:

Saint Mary's County Department of Recreation and Parks has a long-term lease with the Maryland Department of Natural Resources (DNR) on a portion of the Elms Power Plant Site, which is situated on the Chesapeake Bay at the southern end of the county. The County uses the area for public swimming and day uses. It has been partially developed with access roads, parking, a pavilion, a pier, shoreline protection structures, and picnic tables. Due to the Americans With Disabilities Act, the County needs to upgrade its facilities to provide better accessibility to visitors with special needs.

This project involves the construction of 4,550 square feet of paved pathways, 450 square feet of timber boardwalk, and 100 square feet for a paved pad, for a total of 5,150 square feet of new impervious area across a large area. The pathways will directly access the beach and tidal pond areas so that special needs visitors may also enjoy the scenic vistas of the park, and engage in opportunities to fish from the pier or relax on the beach. Some of the proposed work will occur within the 100-foot Critical Area Buffer, therefore, a Conditional Approval from the Commission is required.

meets requirements of Conditional approval

The pathways can be sited so that no trees will need to be removed. If it is found that trees must be removed to provide access for equipment, they will be replaced at a 1:1 ratio for trees located outside the 100-foot Buffer and at 3:1 for trees inside the Buffer. Mitigation for impervious surface impacts in the Buffer will be at a 2:1 ratio. The amount of new impervious surface area to be created in the 100' Buffer is 1,360 square feet, therefore the required mitigation using native plantings will be 2,720 square feet (7 trees and 21 shrubs) to be provided in the Buffer.

The pathway to the beach and picnic areas cross a relatively flat area while the pathway to the pier will descend a gentle to moderate slope. All ADA pathways must have a slope no greater than 1:12 (or 8%), therefore the latter pathway will need to cross the slope at an angle. Much of this slope has been

Handwritten notes at the top of the page, possibly including a date and a name.

Commission on Environmental Quality

STATE REPORT
January 1972

Division of Environmental Quality
1000 Pennsylvania Avenue, N.W.
Washington, D.C. 20540

APPLICANT

PROJECT

PERMIT TYPE

COMMISSION ACTION

STAFF STATE COMMENTS

STATUS

APPLICABLE LAW
REGULATION

DIRECTION

The Commission on Environmental Quality (CEQ) was established by Executive Order on January 15, 1970, to study and report on the environmental quality of the Nation. The Commission is composed of representatives from the Executive Branch, the Congress, and the States. The Commission's mandate is to identify and address the most serious environmental problems facing the Nation and to recommend effective measures to solve these problems.

The Commission has held numerous public hearings and has received many suggestions and comments from interested parties. The Commission is currently reviewing the information received and will issue its report to the President and the Congress in the near future.

The Commission is currently reviewing the information received and will issue its report to the President and the Congress in the near future. The Commission is currently reviewing the information received and will issue its report to the President and the Congress in the near future.

The Commission is currently reviewing the information received and will issue its report to the President and the Congress in the near future. The Commission is currently reviewing the information received and will issue its report to the President and the Congress in the near future.

Handwritten signature and name at the bottom of the page.

compacted by repeated, undirected pedestrian use. It is possible that the presence of this pathway might encourage all visitors to use the pathway exclusively, thus allowing the slope and the root zone under the trees a chance to recover.

Paved parking areas will be located within the existing bank run gravel parking lot. Therefore, there is no increase in impervious surface, only in the method of surface treatment.

The timber boardwalk to the beach will cross over a small, vegetated dune area which appears to be in the spring high tide zone. This zone may be considered a private tidal wetlands by Maryland Department of the Environment (MDE). A determination by MDE is pending as to whether a private wetlands license is needed.

The timber boardwalk to the pier at the tidal pond most likely lies within the 100-year floodplain of the drainage area to the pond. The County is also awaiting a determination from MDE as to whether a waterway construction permit will be required.

This property is not an intensely developed area, and the 10% Rule need not be addressed. Mitigation for stormwater quality and quantity will not be necessary as the lease area is large, the amenities are narrow or small in size and are not placed close together, and there are large, grassy or wooded areas buffering the proposed walkways. All of this will allow runoff to sheet flow across vegetated areas which would intercept and infiltrate much, if not all, of the runoff.

There will be no impacts to any other Habitat Protection Areas. This project provides a public health and safety need at a public facility, and will allow a higher visitation rate at this facility.

RECOMMENDATION: Staff recommends that this project be approved to include a maintenance agreement that will address any erosion problems that might result from runoff or pedestrians traveling alongside the pavement. The County has provided sufficient evidence that this project cannot be located entirely outside the Buffer.

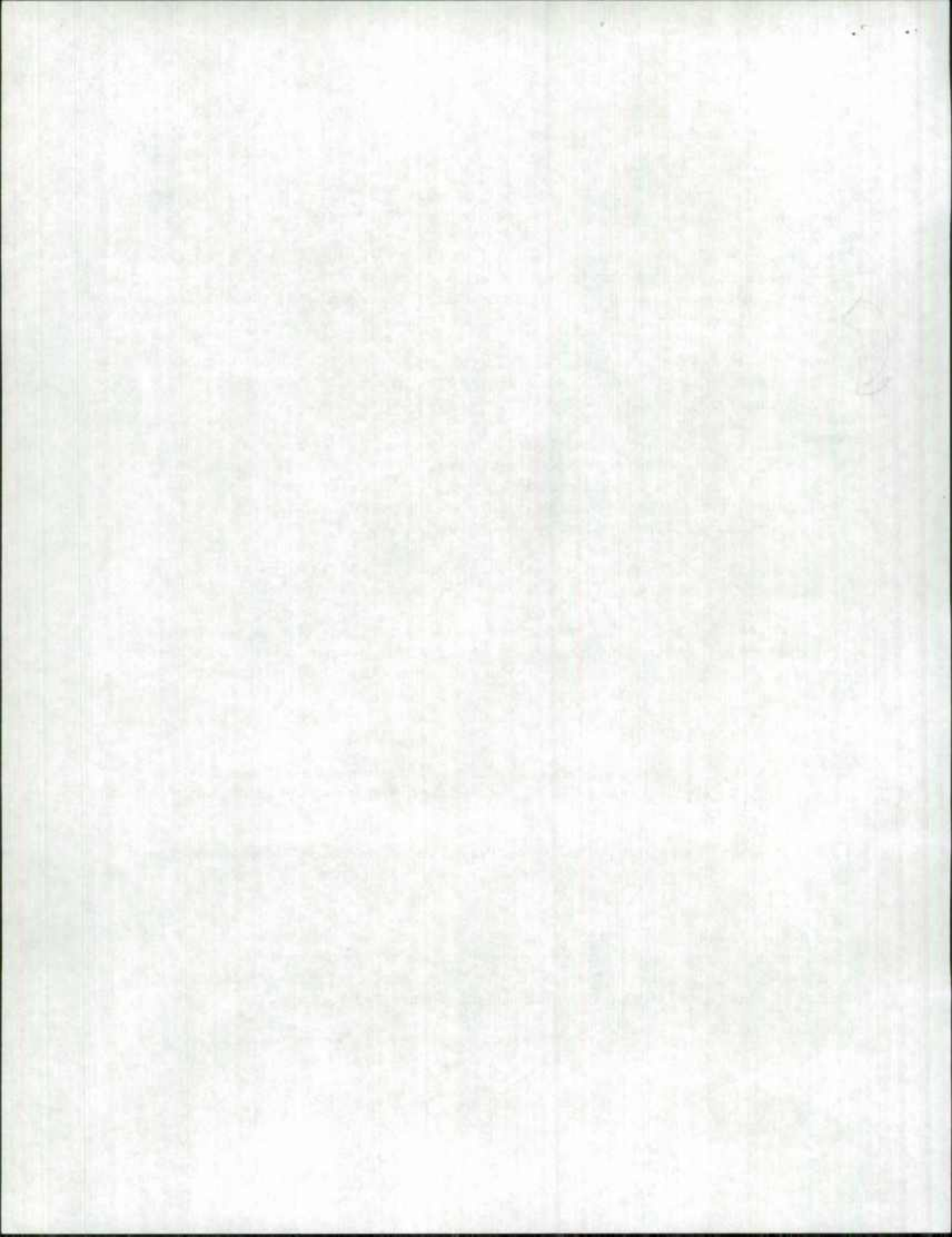
COMAR 27.02.06.01 Criteria

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

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

The special circumstance that exist at this site is its use as a public recreational swimming beach and fishing pond. The nature of these activities requires park users to access the shoreline, thus support facilities need to be located in the 100' Critical Area Buffer. ADA requirements include providing infrastructure that allows safe access to shoreline areas. These pathways will provide that safe access.

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



The project provides a general public benefit by enabling other user groups to visit the park. It provides a benefit to the Critical Area Program in that the project allows these users to access the shoreline and engage in recreational activities that also include passive, educational encounters with wildlife, wetlands, site geology, and local geography. This is consistent with the Critical Area Act, which encourages public access.

From a construction standpoint, the project has been designed to the minimum footprint possible, has been sited to avoid impacts to vegetation, and minimizes slope disturbances. Thus impacts to local Chesapeake Bay water quality and wildlife habitat will be negligible. Changes in the overall site impacts (relative to the uses that already occur at the property) will be negligible.

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

Pathways will be no more than 4 feet wide. The resultant increase in impervious surfaces is well within the maximum limit of 15% for this property. Clearing of forest vegetation will either not occur or will be negligible in scope, and 3:1 forest mitigation plantings will be provided accordingly.

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

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

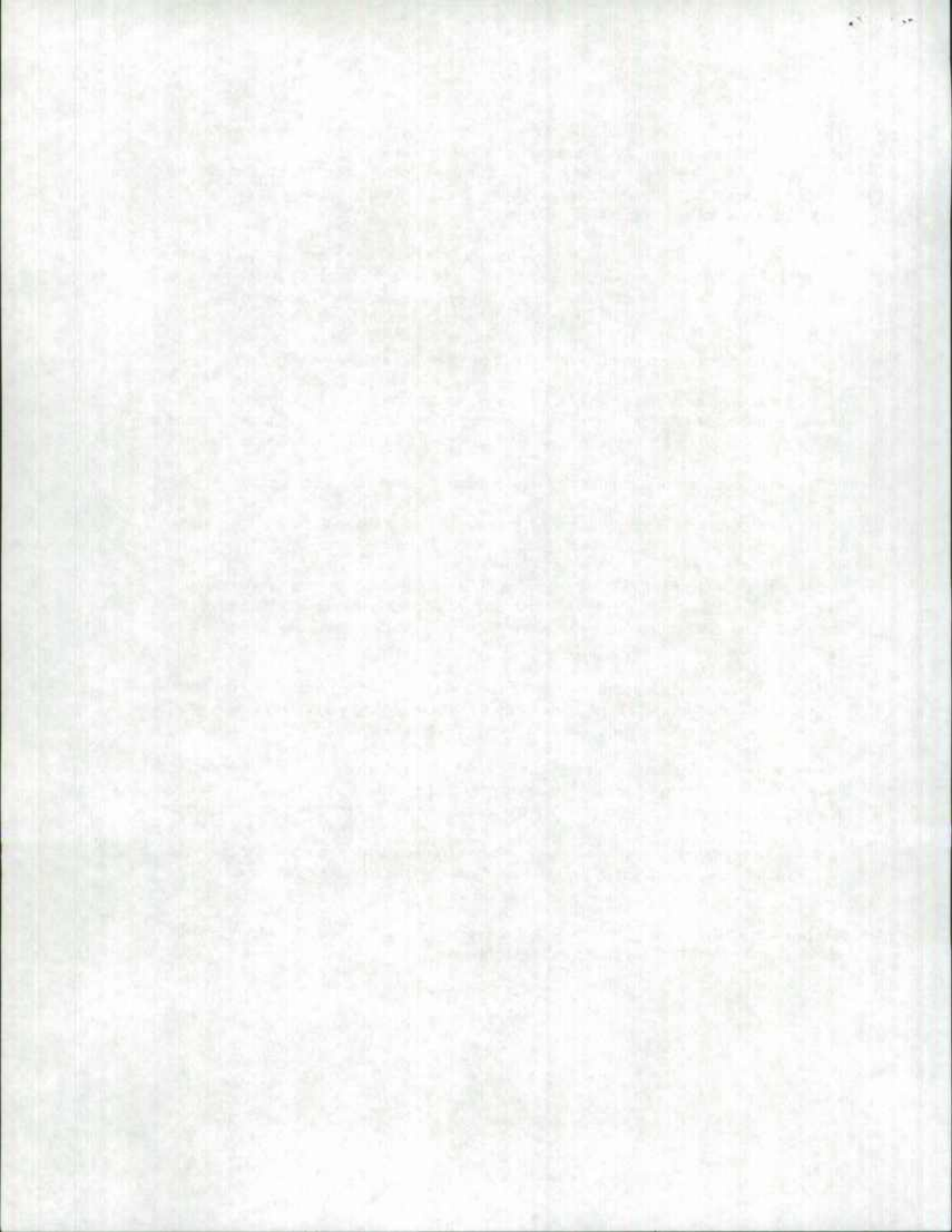
The ADA requires upgrading of existing facilities. This is a public day use area whose recreational opportunities include a beach, a pier, and picnic facilities where access to the shoreline is necessary. Literal enforcement would prevent the project from meeting compliance with the ADA requirements regarding safe and suitable access to facilities.

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

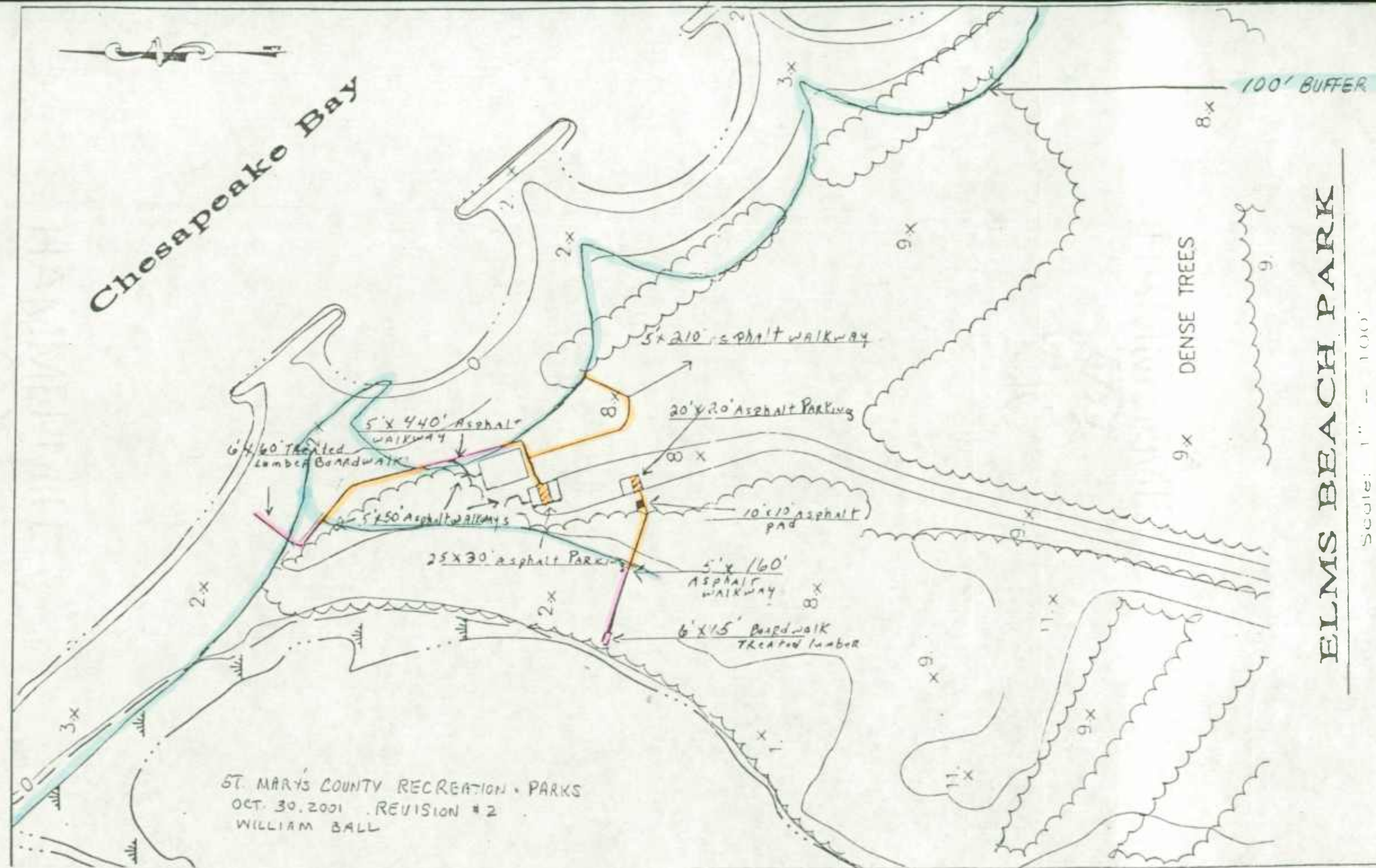
The dimensions and locations of pathways and parking spaces have been designed to the minimum footprint possible. In fact, the parking spaces occur in existing parking areas- only the surface treatment changes- so that no increase in impervious surfaces will occur to provide paved parking.

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

Any loss of trees will be mitigated according to the appropriate ratio. A maintenance agreement will address any unforeseen erosion problems that might occur.



Chesapeake Bay



ST. MARYS COUNTY RECREATION • PARKS
OCT. 30. 2001 REVISION # 2
WILLIAM BALL

ELMS BEACH PARK

Scale: 1" = 100'

59

Zoning Boundary

CHESAPEAKE BAY

Project Area

RPD

RPD

CHESAPEAKE

RPD

Town Center Boundary

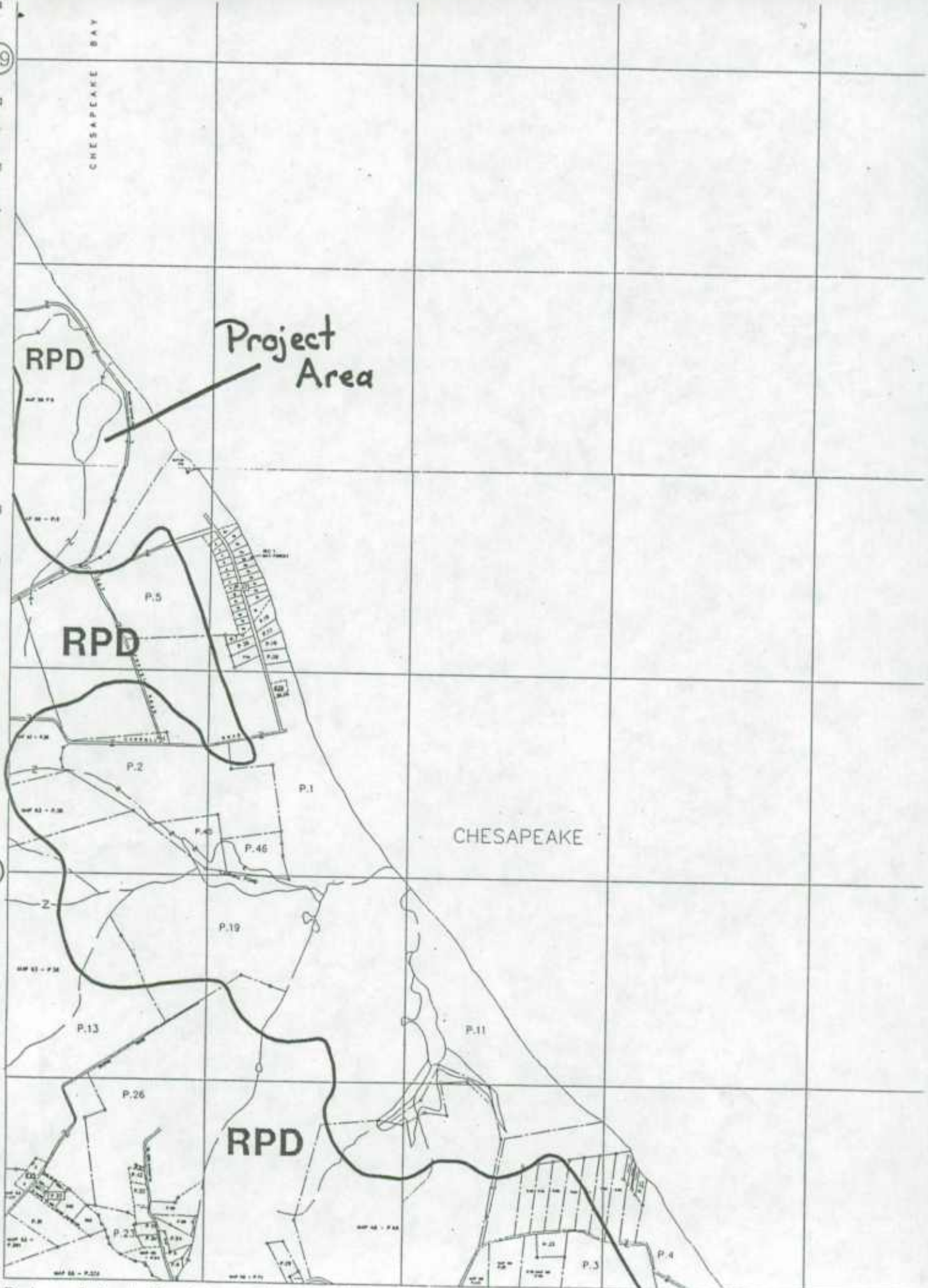
63

Zoning Boundary

Date of last Revision: August 01, 1990

68

SCALE : 1"



CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

January 9, 2002

APPLICANT: Maryland Port Administration (MPA)

PROPOSAL: Dundalk Marine Terminal:
Shed 5B Construction and Area 600 Surcharge
Reconstruction of Berths 5 and 6

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with Conditions

STAFF: Dawnn McCleary

**APPLICABLE LAW
REGULATIONS:** COMAR 27.02.05 - State Agency Actions Resulting in
Development on State-Owned Lands

DISCUSSION:

The project site is located on the Patapsco River in the southeast sector of Baltimore City at the Maryland Port Administration's Dundalk Marine Terminal off of Broening Highway. The Maryland Port Administration is proposing two development projects within the Critical Area and the 100-foot Buffer.

Shed 5B Construction in Area 500, and Area 600 Surcharge

Area 500 at the Dundalk Marine Terminal contains approximately 45,000 cubic yards of surcharged material that was placed on the formerly paved cargo storage lot. After two years of surcharging, the soils beneath this lot have been properly consolidated and primed for the development of the Forest Products handling facility. The proposed work consists of the following elements:

1. Construction of a 110,000 square foot single-story, pre-engineered metal building with a concrete pile foundation and associated concrete end ramps; a 15,000 square foot truck loading area canopy; a 2,200 square foot truck loading area canopy, and 10,300 square feet of rail loading dock at Area 500.
2. Demolition and removal of an existing electrical substation and miscellaneous site utilities and structures.

CHESAPEAKE BAY NUTRICAL AREA COMMISSION

STATE REPORT
January 9, 2002

Meeting for Commission (10A)

10:00 AM - 11:00 AM
11:00 AM - 12:00 PM
12:00 PM - 1:00 PM
1:00 PM - 2:00 PM
2:00 PM - 3:00 PM

11:00 AM

Vote

Agree with Commission

11:00 AM

10:00 AM - 11:00 AM - State Agency Action Hearing in
Development on State-Funded Land

APPLICANT

PROPOSAL

JURISDICTION

COMMISSION ACTION

AT THE RECOMMENDATION

DATE

APPLICANT/SEE LAW
REGULATIONS

DISCUSSION

The project site is located on the western side of a wooded section of Baltimore, MD, in the vicinity of
Administration Center, Marine Terminal, and the Baltimore Harbor. The site is currently zoned for
development within the Chesapeake Bay National Estuary Program.

2. The Commission is in 11:00 AM and 11:00 AM meetings.

11:00 AM - 12:00 PM - The Commission is in 11:00 AM meetings. The Commission is in 11:00 AM meetings.
The Commission is in 11:00 AM meetings. The Commission is in 11:00 AM meetings. The Commission is in 11:00 AM meetings.
The Commission is in 11:00 AM meetings. The Commission is in 11:00 AM meetings. The Commission is in 11:00 AM meetings.

1. Construction of a 110,000 square foot building with a capacity of 1,000 people for associated operations and support. The building will be located on the site.
The building will be located on the site. The building will be located on the site. The building will be located on the site.

The office and removal of an existing building and associated infrastructure. The building will be located on the site.

3. Site work associated with the installation of underground utilities including electric power and communications duct bank, electrical switchgear and transformer, domestic and fire supply water mains, sanitary gravity and force main, sanitary ejector pit, and storm sewer; and the installation of protective concrete bollards, bituminous concrete paving, and approximately 3,895 track feet of rail siding with rail stops and traffic signals;
4. Site demolition at Area 600, in preparation for the associated relocation of temporary surcharge from Area 500 to Area 600.
5. Incidental related utility work necessary to integrate new power, lighting, ventilation and fire protection systems into existing systems at Dundalk Marine Terminal.

Reconstruction of Berths 5 and 6

Berths 2 through 6 were constructed in the late 1920's to early 1930's and were rehabilitated in the 1960's. Berth 1 was constructed in the late 1960's. The 41-foot wide wharf structure is supported on timber piles and consists of a low level deck with approximately 6 feet of fill and hot mix asphalt pavement. Berths 1 through 6 consists of approximately 3,800 linear feet of marginal bulkhead wharf along Colgate Creek. Berths 1, 2, and 3 are primarily used for loading and unloading of roll-on/roll-off cargo such as automobiles, whereas Berths 4, 5, and 6 are used primarily to handle "breakbulk" cargo such as paper rolls. The Cruise Terminal is also located at Berth 5.

The proposed work consists of replacement of the existing wharf structure and utilities in the area with a new wharf structure and utilities. The new wharf structure will accommodate bigger ships because the wharfside channel depth will be increased and the live load capacity of the wharf structure will be increased from 600 pounds per square foot to 1000 pounds per square foot. The width of the proposed structure will be increased by 30 feet to 74-feet wide, will be supported on concrete piles, and will consist of a low level concrete deck with approximately 3.5 feet of fill and asphalt pavement.

This project is the first phase of a three-phase effort to reconstruct all six berths at the Dundalk Marine Terminal. The construction will take place two berths at a time starting from the south corner of Berth 6. The first phase of construction involving 1,300 linear feet of Berths 5 and 6 is scheduled to start in the early part of year 2002.

10 % Pollution Reduction Requirements For Stormwater

This fall, Commission staff met with representatives from the Maryland Port Administration (MPA) to discuss the MPA's problems with compliance with the 10% pollutant removal requirement by constructing best management practices (BMPs) on-site. After much discussion Commission staff agreed that at the Dundalk Marine Terminal, the use of on-site BMPs for 10% Rule compliance is generally not feasible for the following reasons:

The work described in this report is a continuation of the research on the design of electrical power systems for the space station. The work was done at the Goddard Space Flight Center, Greenbelt, Maryland, under the direction of Dr. Robert L. Taylor. The work was supported by the National Aeronautics and Space Administration, Washington, D.C., under the direction of Dr. Robert L. Taylor. The work was done during the period from October 1973 to October 1974.

The design of the electrical power system for the space station is a complex task. It involves the design of the power distribution system, the power conditioning system, and the power storage system. The design must take into account the unique requirements of the space station, such as the need for high reliability and the need for a long life span.

This report describes the design of the power distribution system for the space station. It includes a description of the power distribution system architecture, the power distribution system components, and the power distribution system performance.

2.1 Description of the Space Station

The space station is a large, complex structure that will be used for a variety of scientific and technical experiments. It will consist of a central module, two large solar panel arrays, and two large antenna arrays. The central module will be used for living quarters, laboratory space, and command and control facilities. The solar panel arrays will be used to generate power for the station. The antenna arrays will be used for communication with Earth.

The power distribution system for the space station will be a complex system that will have to be designed to meet the unique requirements of the station. It will have to be able to provide power to a large number of loads, and it will have to be able to store power for use during periods when the solar panel arrays are not generating power. It will also have to be able to handle a wide range of power levels, from a few watts to several kilowatts.

The design of the power distribution system for the space station is a complex task. It involves the design of the power distribution system architecture, the power distribution system components, and the power distribution system performance. This report describes the design of the power distribution system for the space station.

2.2 Power Distribution System Architecture

The power distribution system architecture for the space station will be a complex system that will have to be designed to meet the unique requirements of the station. It will have to be able to provide power to a large number of loads, and it will have to be able to store power for use during periods when the solar panel arrays are not generating power. It will also have to be able to handle a wide range of power levels, from a few watts to several kilowatts.

1. The dynamics of the marine terminal are such that the land is in a constant state of change based upon tenant needs. This makes the location of permanent on-site BMPs impractical.
2. Surface BMPs generally require too much leasable space, effectively making them too costly to construct in terms of lost State revenues.
3. The subsoils at the site contain chromium ore contamination, and disturbance and excavation should be minimized.
4. Underground structural BMPs are subjected to extremely heavy wheel loads, often in excess of 50 tons. These loads make it prohibitively expensive to construct an underground BMP.
5. Soils at the Dundalk Marine Terminal are extremely compacted underneath the impervious paving, making the use of infiltration-type stormwater systems unfeasible.

Commission staff also discussed the inherent problems with the constant redevelopment of various portions of the site and continued compliance with the 10% pollutant reduction requirement. It was agreed that for this project and future projects the MPA would address the project area (i.e. Area 500, Area 300, etc.) and would perform the calculations based on a post-development condition of 100% imperviousness. The MPA would then address the resulting pollutant load, most likely through the use of offsets or off-site BMPs. If the Area is redeveloped in the future, additional compliance with the 10% pollutant reduction requirement would not be necessary because the site would already be considered 100% impervious and would be determined to have already met the requirement during the previous redevelopment.

The applicant has completed the 10% Rule worksheets for both projects and determined that the total pollutant load that needs to be removed is 7.027 pounds with 3.907 pounds of phosphorus removal for Shed 5B and 3.12 pounds of phosphorus removal for Berths 5 and 6.

Earlier this year, the Critical Area staff was asked to approve MPA's request to bank and apply one pound of phosphorus removed towards future projects. The one-pound credit was left over from the Colgate Creek Shoreline Protection Project that the Commission approved back July, 2001. The Commission agreed that MPA could bank the one-pound of phosphorus for future projects in the Critical Area at the port. It was also agreed that when a project was selected, MPA would notify Critical Area staff that they intended to use the one-pound credit for pollutant reduction.

After deducting the one-pound credit, the total remaining removal requirement for both projects is 6.09 pounds of phosphorus. The MPA would like to address this removal requirement through two offset projects involving marsh restoration and intertidal wetland plantings at Fleming Park and North Point State Park, which are located in Baltimore County. The Commission's Applicant's Guide to 10% Rule Compliance contains a list of acceptable offset options that includes the restoration of a degraded tidal or non-tidal wetland that has been disturbed by previous urban or agricultural drainage activity. The restoration may be accomplished through removal of fill, restoration of original water circulation patterns, and marsh plantings. The applicant has submitted some preliminary calculations relating the

The location of the existing terminal and such that the land is a suitable site of change from open
farmland to built-up areas. This will be the location of the terminal on the B&P site.

The site is suitable for the proposed development and the proposed development is in accordance
with the relevant planning policies.

The proposed development is in accordance with the relevant planning policies and the proposed
development is in accordance with the relevant planning policies.

The proposed development is in accordance with the relevant planning policies and the proposed
development is in accordance with the relevant planning policies.

The proposed development is in accordance with the relevant planning policies and the proposed
development is in accordance with the relevant planning policies.

The proposed development is in accordance with the relevant planning policies and the proposed
development is in accordance with the relevant planning policies.

The proposed development is in accordance with the relevant planning policies and the proposed
development is in accordance with the relevant planning policies.

The proposed development is in accordance with the relevant planning policies and the proposed
development is in accordance with the relevant planning policies.

The proposed development is in accordance with the relevant planning policies and the proposed
development is in accordance with the relevant planning policies.

offset projects to the outstanding phosphorous removal requirement; however, the calculations need some revisions. Commission staff would like to visit the proposed mitigation sites to determine the degree to which the sites are currently legraded and the effectiveness of the proposed restoration strategy.

Commission staff recommends approval of Shed 5B Construction and Area 600 Surcharge and the Reconstruction of Berths 5 and 6 with the following conditions:

1. That all required Maryland Department of the Environment permits be obtained prior to any construction;
2. That MPA revise the 10% calculations for approval by Commission staff.
3. That Commission staff continue to work with MPA on the proposed offsets to meet the 10% pollutant reduction requirement. Commission staff will report back to the Commission within 60 days regarding the suitability of the proposed offsets to meet the pollutant removal requirement.

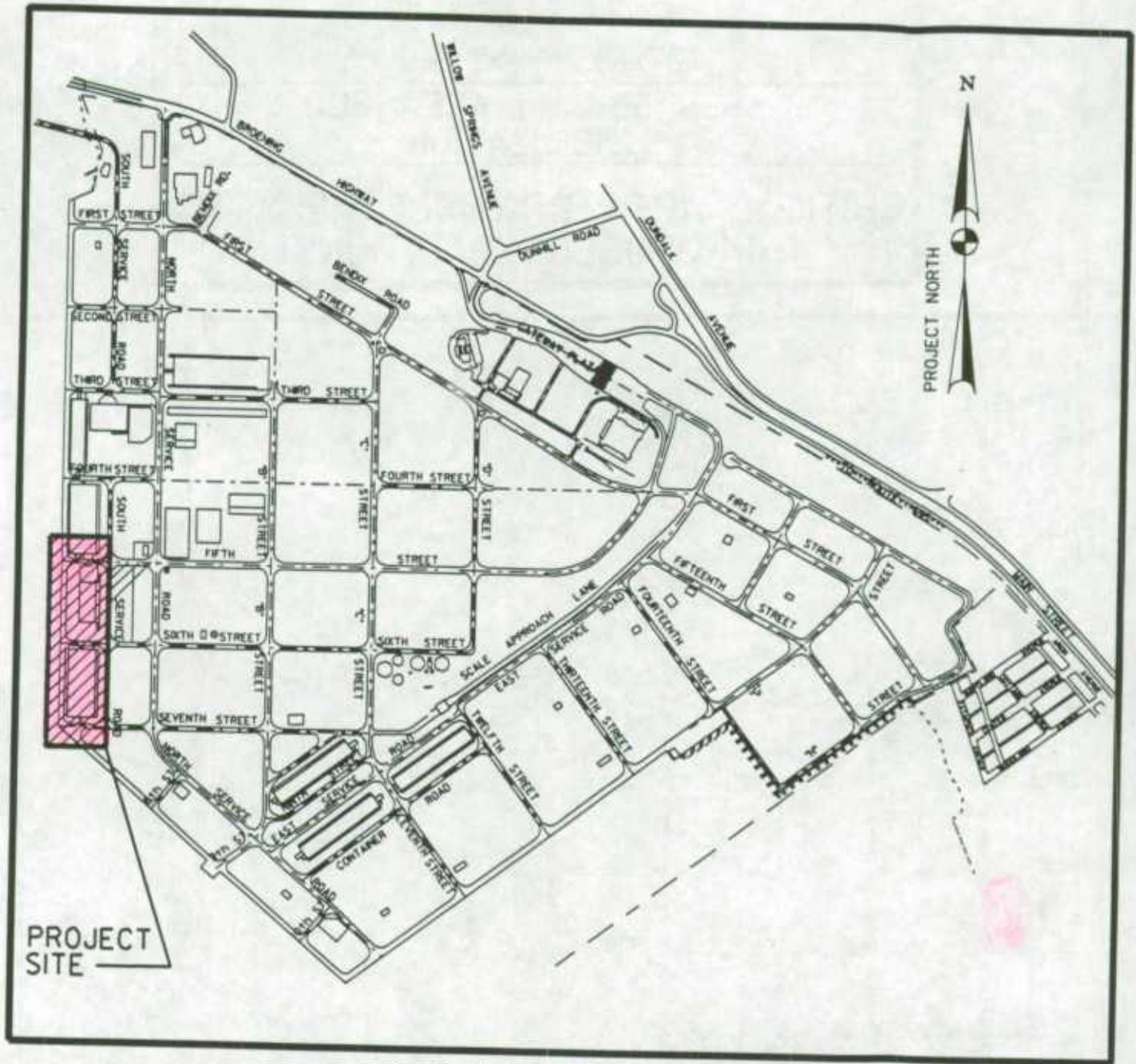
...of projects to the ... and ...
...and the effective ... of the ...

...of ... of ... and ...

...of ... of ... and ...

...of ... of ... and ...

...of ... of ... and ...



LOCATION MAP

MARYLAND PORT ADMINISTRATION
 DIVISION OF ENGINEERING
 DUNDALK MARINE TERMINAL

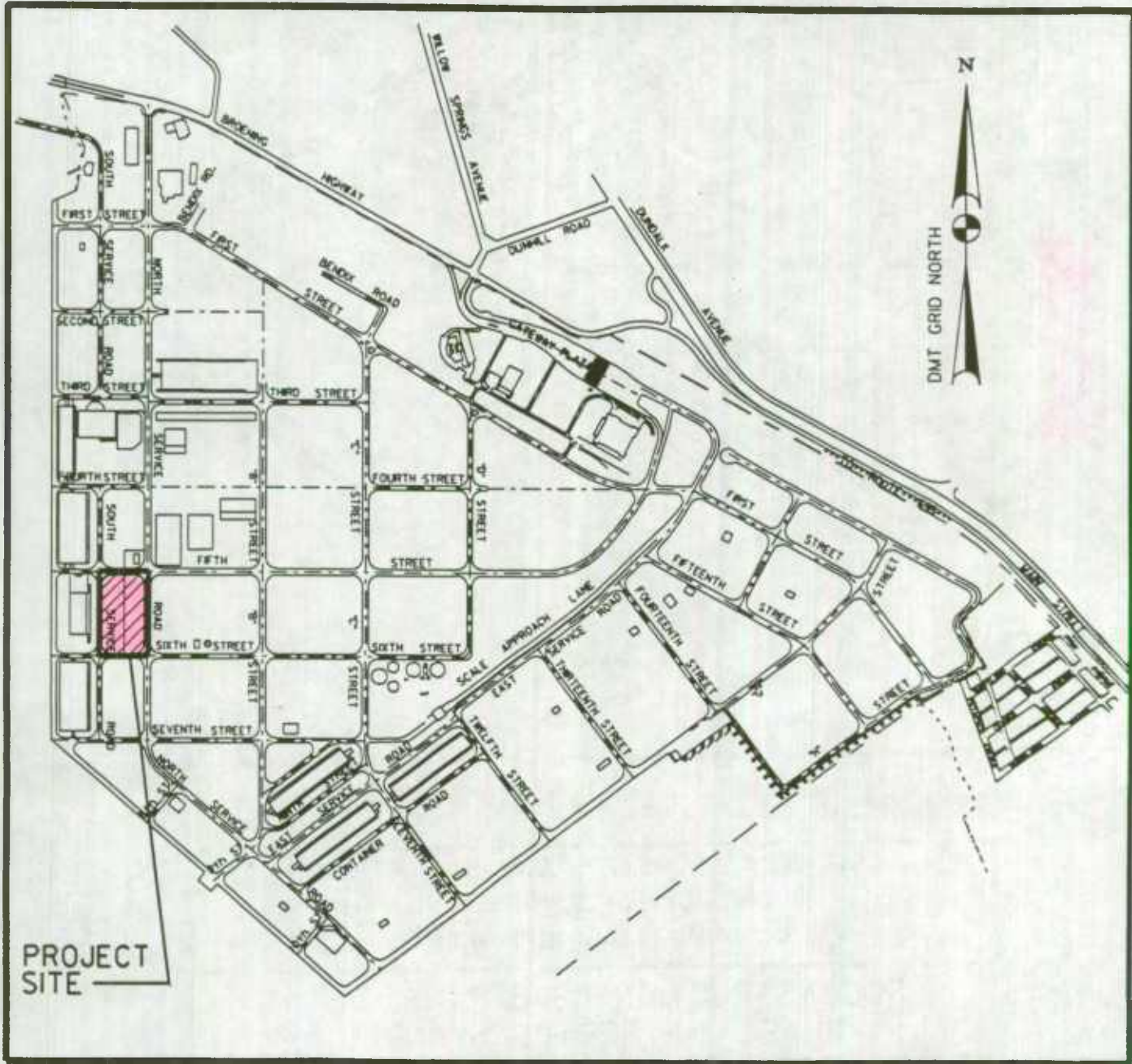
RECONSTRUCTION OF BERTHS 1 - 6
 PHASE 1 - BERTHS 5 AND 6

CRITICAL AREA DRAINAGE AREA MAP
 (PROPOSED CONDITIONS)

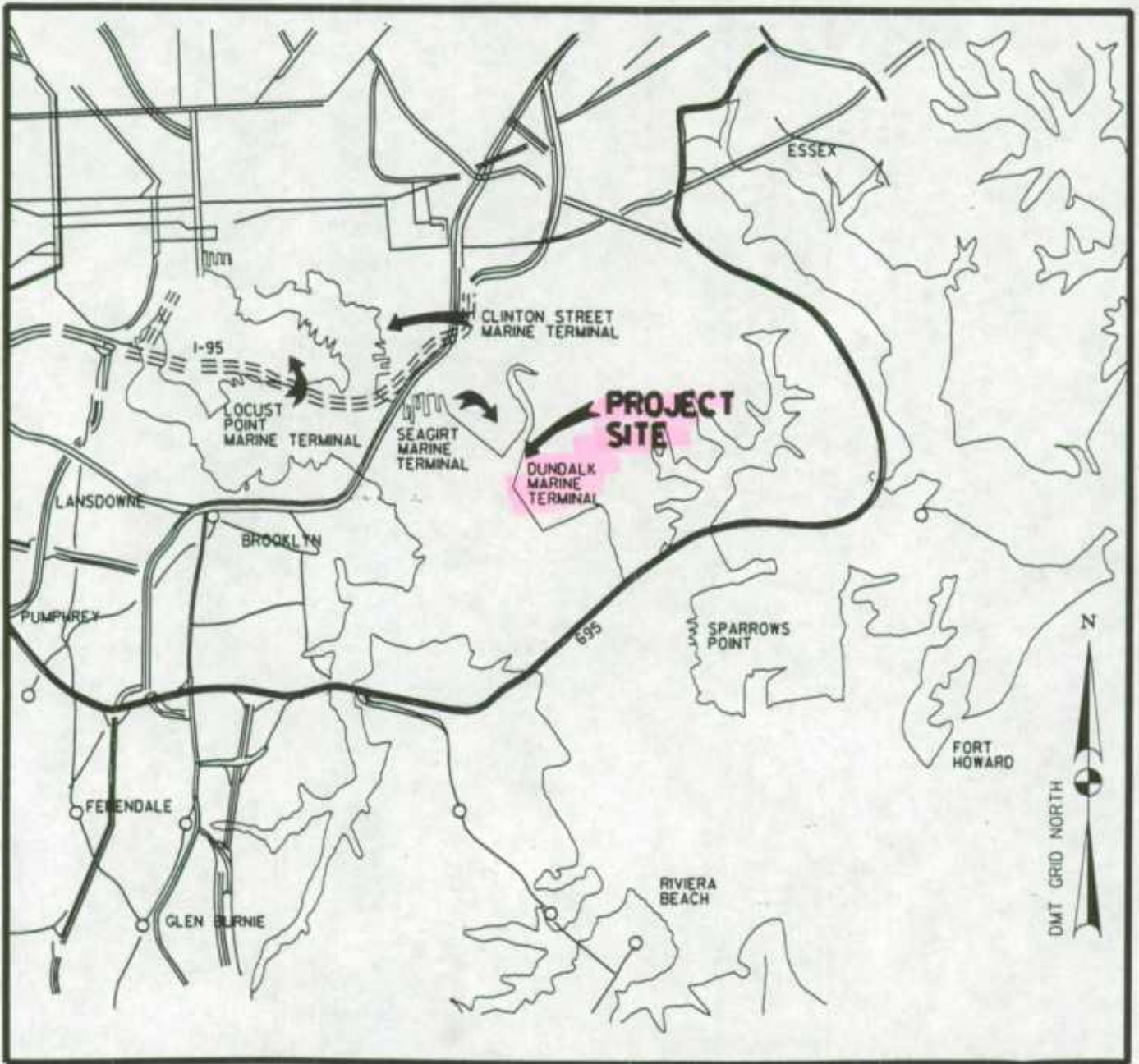
MARYLAND PORT ADMINISTRATION
DIVISION OF ENGINEERING
DUNDALK MARINE TERMINAL

SHED 5B AND AREA 600
STABILIZATION

CRITICAL AREA DRAINAGE AREA MAP
(PROPOSED CONDITIONS)



LOCATION MAP



VICINITY MAP

Concur

Chesapeake Bay Critical Area Commission

STAFF REPORT
January 9, 2002

APPLICANT: Saint Mary's County

PROPOSAL: Text Amendment Regarding Growth Allocation

JURISDICTION: Saint Mary's County

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Wanda Cole

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.01.02.06 Location and Extent of
Future Intensely Developed and Limited Development
Areas

Saint Mary's County Zoning Ordinance
Section 38.02.19 (a-c) Computing the Use of Growth
Allocation

DISCUSSION:

Saint Mary's County is requesting a text amendment to their existing zoning ordinance that will correct the language regarding growth allocation deductions. The current ordinance language is not consistent with the Chesapeake Bay Critical Area Commission's Growth Allocation Policy dated February 3, 1993. This change is pursuant to a Consent Decree dated September 21, 2001 by and between the Board of County Commissioners of St. Mary's County and Judge John C. North, II, Chairman, Chesapeake Bay Critical Area Commission.

The Consent Decree was executed as part of the settlement of three growth allocation awards by the County that were appealed by the Commission. The three subdivisions, known as Lores Landing, Eppard Subdivision, and St. Clements Woods, were appealed by the Commission because the deduction methodology used by the County was not consistent with the Commission's growth allocation policy.

Attached is a copy of the County's Resolution regarding these changes. Please note that the amended text results in the awarding of 13.5 acres of growth allocation for the three subdivisions. The Consent Decree included provisions that allowed the award of growth allocation for the

1870

three projects to be approved as submitted. Revised maps reflecting these changes will be provided to the Commission. The Commission does not need to approve these three growth allocations.

RECOMMENDATION: Concurrence with the Chairman's Determination that these text changes are a refinement.

cc: SMA 3
SMA 8
SMA 14

These projects will be carried out by the National Bureau of Economic Research, which will be
responsible for the Commission. The Commission does not intend to give any other form of
assistance.

RECOMMENDATION: The Commission should continue to support the projects which are
being carried out.

to: 1971
200
214

ORDINANCE

FOR THE PURPOSE OF IMPLEMENTING THE PROVISIONS OF THE SEPTEMBER 20, 2001 CONSENT DECREE WITH THE CHESAPEAKE BAY CRITICAL AREA COMMISSION; AND FOR THE PURPOSES OF ALLOCATING 13.5 ACRES OF ST. MARY'S COUNTY'S CHESAPEAKE BAY CRITICAL AREAS GROWTH ALLOCATION FOR THE SUBDIVISION AND DEVELOPMENT OF LOTS WITHIN THE CHESAPEAKE BAY CRITICAL AREAS; AND THEREBY AMENDING THE CHESAPEAKE BAY CRITICAL AREA MAP OVERLAY DESIGNATION FOR THESE SITES FROM RESOURCE CONSERVATION AREA (RCA) TO LIMITED DEVELOPMENT AREA (LDA) TO REFLECT THE GROWTH ALLOCATIONS.

WHEREAS, after due processing and consideration by the Planning Commission, and a public hearing held by the Board of County Commissioners on March 19, 1990, the following requests for growth allocation for Lores Landing (CSUB 90-1725), Maydell Manor (CSUB 90-1724), and Eppard Subdivision (CSUB 88-0775) were recommended for approval by the Board of County Commissioners on May 14, 1991, and

WHEREAS, on October 2, 1991, the Chesapeake Bay Critical Area Commission denied approval of the three projects because the acreage to be deducted from the County's growth allocation based on the County's Ordinance was contrary to the Chesapeake Bay Critical Area Commission's policy for deduction of growth allocation dated February 3, 1993; and

WHEREAS, the denial was appealed by the Board of County Commissioners, the appeals consolidated in April 1993 and a Joint Motion to Stay further proceedings was filed as the parties agreed to work toward an administrative resolution of the issues raised in each appeal; and

WHEREAS, the applicants in Maydell Manor thereafter revised their application to comply with the Chesapeake Bay Critical Area Commission's policy for deduction of growth allocation dated February 3, 1993 and received subsequent approval; and

WHEREAS, a growth allocation application was submitted by applicants for St. Clements Woods, which was the subject of a public hearing before the Board of County Commissioners on February 15, 1994, and approved on March 1, 1994, without a deduction of the residue acreage upon certain terms and conditions, that was again alleged by the Chesapeake Bay Critical Area Commission as inconsistent with the Chesapeake Bay Critical Area Commission's policy for deduction of growth allocation dated February 3, 1993; and

WHEREAS, in 1995, a settlement agreement in the matter of the appeals of Lores Landing and Eppard Subdivision and the then-pending application of St. Clements Woods was proposed; and for reasons outside the control of the current Board of County Commissioners and Judge North, Chairman of the Critical Area Commission, resolution of the appeal was not consummated; and

WHEREAS, the County, on September 21, 2001, entered into a Consent Decree between the Board of County Commissioners of St. Mary's County and Judge John C. North, II, Chairman, Chesapeake Bay Critical Area Commission, (the "Consent Decree"), for the purposes of disposing of the pending application of St. Clements Woods and the appeals arising from denial by the Critical Area Commission of Growth Allocation of approval for Lores Landing and Eppard Subdivision as a result of reinitiating settlement negotiations in May 2000; and

WHEREAS, the terms and conditions of said Consent Decree require amendment of the Growth Allocation deduction provisions of Section 38.02.19, paragraphs (a) through (c) of the current St. Mary's County Zoning Ordinance to conform to the Chesapeake Bay Critical Area Commission policy on Growth Allocation dated February 3, 1993; and

WHEREAS, revised provisions of the St. Mary's County Zoning Ordinance comporting with the requirements of the Chesapeake Bay Critical Area Commission's policy on Growth Allocation dated February 3, 1993, were included as Section 42.9.6 "Computing the Use of Growth Allocation" of the proposed Unified Land Development Code; and

WHEREAS, the St. Mary's County Planning Commission, after holding a public hearing on June 26 and June 27, 2000, forwarded to the Board of County Commissioners for St. Mary's County, Maryland, a recommendation by Planning Commission Resolution 00-01, dated October 23, 2000, that the entire proposed Unified Land Development Code, including these revisions to "Computing the Use of Growth Allocation" be adopted; and



Faint, illegible text or markings, possibly a title or header, located below the stamp.

WHEREAS, by authority of the Board of County Commissioners for St. Mary's County, Maryland, notice of a public hearing was published in The Enterprise, a newspaper of general circulation in St. Mary's County, on June 29, 2001, July 6, 2001 and July 13, 2001, in accordance with the statutory provisions of Sections 3 (r) of Article 25 of the Annotated Code of Maryland, and which notice provided that the provisions that were the subject of the public hearing may be modified in whole, or in part, either substantively or procedurally as a result of the hearing; and

WHEREAS, upon due notice, the Board of County Commissioners for St. Mary's County, Maryland conducted public hearings on July 17 and 18, 2001 regarding the adoption of these revisions to "Computing the Use of Growth Allocation" and other amendments to the St. Mary's County Zoning Ordinance as set forth in the draft Unified Land Development Code; and

WHEREAS, at the public hearings, the public and Board of County Commissioners were presented the County's revised Critical Areas Program, which included the provision related to "Computing the Use of Growth Allocation", as a revision to the County's current Critical Areas Program and drafted to comply with the Chesapeake Bay Critical Area Commission's on Growth Allocation dated February 3, 1993; and

WHEREAS, the Board of County Commissioners directed, based on public comment taken at the hearings, that extensive revision to and reorganization of the proposed Unified Land Development Code in areas unrelated to the County's Critical Area Program is needed; and

WHEREAS, said proposed language of the to "Computing the Use of Growth Allocation", as set forth and presented at the aforementioned public hearings as Section 42.9.6 of the draft Unified Land Development Code conforms to the requirements of the Consent Decree and was the subject of a public hearing as part of the Unified Land Development Code; and

WHEREAS, the Board of County Commissioners, having considered all of the public testimony and staff comments, has determined that it is in the best interest of the citizens of St. Mary's County to adopt the provisions of Section 42.9.6 of the draft Unified Land Development Code as a revision to the St. Mary's County Critical Areas Program by repealing and readopting with amendment Section 38.02.19, paragraphs (a) through (c) of the St. Mary's County Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, to repeal the language of Section 38.02.19(a)-(c), "Growth Allocation Mapping", of the St. Mary's County Zoning Ordinance and adopt new Section 38.02.19(a)-(c), "Computing the Use of Growth Allocation", as presented at public hearing as Section 42.9.6 draft Unified Land Development Code and as amended and set forth below:

19. COMPUTING THE USE OF THE GROWTH ALLOCATION. Growth Allocation acreage shall be computed as follows:
- a. Parcels of land that were recorded as of December 1, 1985 and classified as RCA or LDA, where all or part of the parcel is identified by the County as a growth allocation area, shall result in the acreage of the entire parcel not in State wetlands being deducted from St. Mary's County's Growth Allocation allotment, unless the development envelope concept outlined below is used.
 - b. On an RCA parcel proposed for use of growth allocation, a single development envelope may be specified, whereupon the acreage of the development envelope, rather than the entire parcel, shall be deducted from the County's Growth Allocation allotment if the development meets the following criteria:
 - (1) The development envelope shall include individually owned lots, required buffers (including the 100-foot Critical Area Buffer, 25 foot nontidal wetlands buffers, and any zoning buffers), impervious surfaces, roads, utilities, stormwater management measures, on-site sewage disposal measures, any areas subject to human use such as active recreation areas, and any additional acreage needed to meet the development requirements of this Code; and
 - (2) Only one development envelope is established per parcel of land; and
 - (3) If less than 20 acres remains outside the development envelope, the residue is contiguous to a 20 acre or larger area of land with an RCA designation under the St. Mary's County Critical Areas Program that is permanently protected from development by an easement.
 - c. For growth allocation areas proposed in the RCA, a 300-foot naturally vegetated Buffer provided on a growth allocation site is not required to be deducted from the County's allocated Growth Allocation, even if the Buffer does not meet the 20-acre requirement. If the 300-foot Buffer area is not deducted, a deed



UNIVERSITY OF

MINNESOTA

LIBRARY

ST. PAUL, MINN.

1900

restriction and easement identifying the activities and management practices, if any, allowed in the Buffer area must be approved as a condition of growth allocation award by the County and recorded in the land records and on the subdivision plat.

BE IT FURTHER ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND that 13.5 acres (total) of the County's available Growth Allocation shall be awarded, in accordance with the Consent Decree, to the projects identified below, and that the Official Zoning Maps shall be amended to reflect such an award of Growth Allocation as identified below. The award of Growth Allocation for each project shall be subject to the conditions of approval, if any, set forth by the Board of County Commissioners at the time of original request to the Chesapeake Bay Critical Area Commission for approval of award for:

Lores Landing (CSUB 90-1725) for 6 acres of the County's Growth Allocation and to map the 6 acre area as Limited Development Area (LDA);

Eppard Subdivision (CSUB 88-0775) for 6 acres of the County's Growth Allocation and to map the 6 acre area as Limited Development Area (LDA); and

St. Clements Woods (CSUB 90-1724) for 1.5 acres of the County's Growth Allocation and to map the 1.5 acre area as Limited Development Area (LDA).

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND that the foregoing recitals are hereby adopted as written above.

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND that this ORDINANCE shall be effective at the date written below.

Date of Adoption: _____ Ayes: _____
Nays: _____
Effective Date: _____ Abstain: _____

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND**

Alfred A. Lacer
County Administrator

Julie B. Randall, President

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**

Joseph F. Anderson, Commissioner

John B. Norris, III
Deputy County Attorney

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner



REVISED



UNIVERSITY OF



Chesapeake Bay Critical Area Commission

STAFF REPORT

January 9, 2002

APPLICANT: Town of Chesapeake Beach

PROPOSAL: Refinement – Chesapeake Beach Mapping Mistake
Kellam's Field Recreational Complex

JURISDICTION: Town of Chesapeake Beach

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Mary Owens and Julie LaBranche

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

DISCUSSIONS:

The Town of Chesapeake Beach is requesting a mapping amendment to rectify a mapping mistake that involved the designation of a portion of a parcel of land as a Resource Conservation Areas (RCA) when it should have been designated as an Intensely Developed Area (IDA). The property is part of the Kellam's Field Recreational Complex, and is located west of Route 261 and directly north of Fishing Creek Landings Marina. It has become apparent that this property was designated RCA even though it met the criteria for IDA designation and several surrounding properties were designated IDA.

The Town determined that the Critical Area overlay zoning for a portion of the Kellam's Field Recreational Complex was classified as a Resource Conservation Area in 1988, when the Town first passed its Critical Area Protection Program. The land classifications were based upon land uses established on or before December 1, 1985, which is the point of reference for determining whether such a classification was a "mistake".

Section 27.01.02.07(C) of the Critical Area Criteria states that, "For purposes of implementing this regulation, a local jurisdiction shall have determined, based on land use and development in existence on December 1, 1985, which land areas fall within the three types of development areas described in this chapter."

Chesapeake Beach Mapping Mistake

January 9, 2002

Page 2

STATE REPORT
January, 1982

APPLICANTS	Town of Chesapeake Beach
PROPOSAL	Recreation - Chesapeake Beach Mapping District Kellam's Field Development Company
JURISDICTION	Town of Chesapeake Beach
COMMISSION ACTION	Consistent with Commission's Determination
STAFF RECOMMENDATION	Approval
STATE	Deputy Secretary of the Environment
APPLICABLE LAW	Natural Resources Article - 28B(2)(b)(i)
RELEVANT DATE	

DISCUSSION

The Town of Chesapeake Beach is to acquire property adjacent to certain property located there. The acquisition is a portion of a property located in the Chesapeake Beach Mapping District. The property has been developed as an intensive residential development. The property is part of the Kellam's Field Development Company and is located west of Route 267 and north of Potomac Creek. The Commission has reviewed the proposal and the property and has determined that the property is not a "critical area" as defined in the Commission's determination and that the property is not a "critical area" as defined in the Commission's determination.

The Commission has determined that the Critical Area Ordinance is not applicable to the property. The Commission has determined that the property is not a "critical area" as defined in the Commission's determination. The Commission has determined that the property is not a "critical area" as defined in the Commission's determination. The Commission has determined that the property is not a "critical area" as defined in the Commission's determination.

Section 28B(2)(b)(i) of the Natural Resources Article states that: "For purposes of this section, a 'critical area' means any area of land which is of such a nature that its development would result in a significant adverse effect on the environment." The Commission has determined that the property is not a "critical area" as defined in the Commission's determination.

The Criteria further explain that IDAs are those areas where residential, commercial, institutional, and/or industrial, developed land uses predominate, and where relatively little natural habitat occurs. These areas shall have at least one of the following features:

- (1) Housing density equal to or greater than four dwelling units per acre;
- (2) Industrial, institutional, or commercial uses are concentrated in the area; or
- (3) Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acre.

After reviewing the Criteria and the mapping of the subject property, the Town Council, with the recommendation of the Planning Commission, approved Ordinance O-01-1 to amend the zoning map on April 19, 2001. The Planning Commission and the Town Council believe for the following reasons, a mistake was made in the original mapping, and that the area should have been mapped IDA.

1. In 1985, the area in question was characterized by intense residential and commercial development. Generally, development was concentrated in the center of Town, and the subject parcel is approximately in the center of the Town. The designation of the property as RCA was inconsistent with the mapping methodology used within the corporate limits of the Town and within other municipalities within the Critical Area. It is believed that the mistake occurred because the property was evaluated without consideration of the intense use of the property for public recreation.
2. The property is completely surrounded by an IDA district. The pattern of development in the surrounding area, the isolated location of the property, and the small size of this 6.47-acre parcel establish that there was no intent to manage the property as a natural habitat or conserve its natural resources in a manner that would be typical of other lands designated RCA and as specified in the Town's Critical Area Protection Program.
3. In 1985, the property was developed as a recreational facility, including ball fields, which were actively used by local residents. At the time of original mapping, Resource Conservation Areas were those areas characterized by nature-dominated environments (wetlands, forests, abandoned fields) and resource utilization activities. Although the subject property was primarily an open field, the intense use of the property for recreation was not consistent with the RCA designation. It appears that the use of the property was not thoroughly considered, and that the designation was based primarily on the undeveloped appearance of the ballfields.
4. The Town adopted their local Critical Area Program in October 1988, and as early as 1990, when the Town updated its comprehensive plan, it was acknowledged that the RCA designation was not compatible with current or proposed land use in the center of

Chesapeake Beach Mapping Mistake

January 9, 2002
Page 3

Town. When the 1990 Comprehensive Plan was prepared, the property was designated to be an IDA District. Although this does not prove the previous zoning classification a mistake, it does indicate that the plan for the region did not consider the pattern of development in the area to be consistent with that of a RCA District.

The first thing I noticed when I stepped out of the plane was the humidity. It was a relief after the dry air of the desert. The humidity was perfect. I had heard that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed.

I had heard that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed.

I had heard that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed.

I had heard that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed.

I had heard that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed.

I had heard that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed.

I had heard that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed.

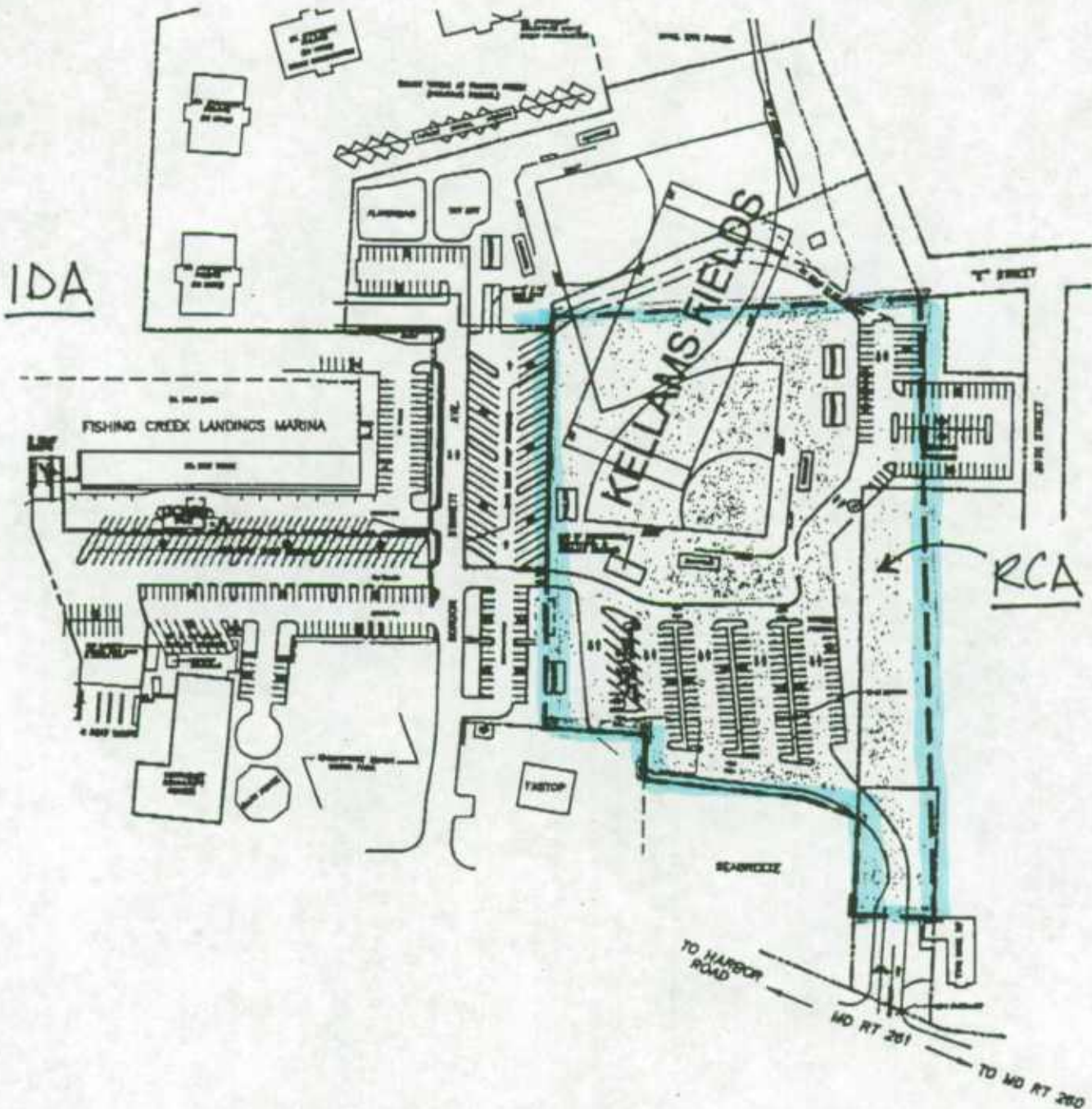
Environmental Impact Statement

January 1, 1987

The first thing I noticed when I stepped out of the plane was the humidity. It was a relief after the dry air of the desert. The humidity was perfect. I had heard that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed. I had been told that the humidity was bad, but it was just what I needed.

In conclusion, the information presented shows that the subject property met the mapping standards for IDA and should have been mapped IDA and that a mistake was made in evaluating the use of the subject property at the time of initial mapping.

The first part of the paper discusses the importance of the study and the objectives of the research. It also outlines the scope of the study and the limitations of the research. The second part of the paper discusses the methodology used in the study and the results of the study. The third part of the paper discusses the conclusions of the study and the implications of the study. The fourth part of the paper discusses the limitations of the study and the directions for future research.



 AREA PRESENTLY MAPPED AS RESOURCE CONSERVATION AREA (RCA) TO BE CHANGED TO INTENSELY DEVELOPED AREA (IDA)

REVISIONS

John A. Hofmann P.C.
 246 MERRIMAC CT.
 P. O. BOX 2542
 PRINCE FREDERICK, MARYLAND 20678
 PHONE 410-335-5940
 FAX 410-257-1693

MAP AMENDMENT
 TOWN OF CHESAPEAKE BEACH
 CRITICAL AREA PROGRAM
 CALVERT COUNTY, MARYLAND

SCALE:
 1" = 200'
 DATE:
 JAN. 2001
 SHEET NO.
 1 of 1

EXHIBIT 1

Chesapeake Bay Critical Area Commission

STAFF REPORT January 9, 2002

APPLICANT: Department of Natural Resources and Erickson Foundation

PROPOSAL: NorthBay Camp, Elk Neck State Park

JURISDICTION: Cecil County

COMMISSION ACTION: Informational Presentation

STAFF RECOMMENDATION: N/A

STAFF: Julie LaBranche, Claudia Jones, Mary Owens, Ren Serey

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands

DISCUSSION:

Introduction. The Department of Natural Resources is working with the Erickson Foundation on a lease agreement, including 97 acres at Elk Neck State Park and easements on an additional 253 acres, for an environmental education camp for underprivileged youth. The camp will serve 300 children at a time, plus staff, on a year-round basis. The site is located between the Bowers Conference Center and Camp Rodney on the western shore of Elk Neck State Park.

Due to the proposed scale of this project, which will require conditional approval from the Commission, we have scheduled a joint presentation for both the Project Evaluation Subcommittee and the Program Implementation Subcommittee in order to provide guidance to the Department of Natural Resources and the Erickson Foundation for development of the project site plan. Based on continued preliminary review of the project, Commission staff identified several concerns and outstanding issues, which are summarized below.

Buffers and Expanded Buffers

Andrews Miller and Associates has submitted a revised plan showing the location of buffers for streams, wetlands and steep slopes, and expansion of the 100-foot Buffer to include steep slopes. Commission staff have not completed their evaluation of the revised plan, but are generally in agreement with the revisions, with a few minor changes possible. Commission staff will field verify several of the buffer lines at a site visit scheduled for Thursday, January 3, 2001.

Chrysalis Bay Clinical Area Commission

STATE REPORT
January 9, 2002

APPLICANT: Department of Mental Resources and Community Development

PROPOSAL: Community Center for the State Park

INDUSTRY: Community

COMMISSION ACTION: Conditional Approval

STAFF RECOMMENDATION: YES

STAFF: John B. Smith, Executive Director, State Park

APPLICABLE LAW:

COMAR 21.07.02 and 21.07.03
and 21.07.04

DIRECT STATE

The Department of Mental Resources is working with the State Park Commission on a long-term agreement to develop a center at the State Park. This center will provide a wide range of services to the community and will be a significant addition to the State Park's offerings. The center will provide a wide range of services to the community and will be a significant addition to the State Park's offerings.

The center will provide a wide range of services to the community and will be a significant addition to the State Park's offerings. The center will provide a wide range of services to the community and will be a significant addition to the State Park's offerings.

cc: [illegible]

Staff and Applicant

Staff and Applicant: [illegible]
The center will provide a wide range of services to the community and will be a significant addition to the State Park's offerings. The center will provide a wide range of services to the community and will be a significant addition to the State Park's offerings.

Sensitive and Endangered Species

FID Habitat

The entire NorthBay site is forest interior dwelling bird (FID) habitat. The site includes a large area of contiguous forest interior, as well as extensive riparian habitat greater than 300 feet in width. Of the 25 species of FIDs documented as breeding in the Critical Area, 17 have been documented as most likely breeding within the quadrangle that includes this portion of Elk Neck State Park. One of these species is the Cerulean Warbler, a species of bird being considered as a candidate for federal listing as a threatened or endangered species because of severe declines in this region. This is the eastern-most breeding area documented for the Cerulean Warbler in Maryland.

The current site plan will impact a significant area of FID habitat, including riparian forest and forest interior. In particular, the main access road and accessory roads will bisect the large wooded area in the center of the property, and buildings in the main camp area will impact substantial areas of FID habitat. Numerous buildings are currently proposed in riparian forest along the wetland between the Bower's Conference Center and the NorthBay site. Riparian forest is particularly important to many of these birds because of the aquatic component of the habitat.

Rare, Threatened, and Endangered Plants

The wetland between the Bower's Conference Center and the NorthBay site contains several rare plants. These plants may be affected by changes in hydrology and/or water chemistry.

A plant survey at Camp Rodney, immediately north of NorthBay, documented approximately a dozen rare species. These species were located in both wetlands and uplands on that site. There is the potential for most of these species to occur in the vicinity of the proposed NorthBay campsite based on the similarity of soils and topography. It is not known at this time what the impact may be on these plants from the current camp proposal.

More information on possible impacts to the rare plants will be provided at the Commission meeting.

Storm Water Management

Commission staff met with representatives from MDE and the Erikson Foundation's consultants, Andrews Miller and Associates, on Thursday, December 20, 2001 to discuss storm water management plans for the NorthBay site. The following is a summary of the issues discussed, based on the current site plans provided by Site Resources, Inc.

- 1) **Both water quantity and water quality control must be provided for storm water discharges to nontidal wetlands and streams. Water quality control must be provided for storm water discharges to tidal wetlands and waters. Channel protection volume (CP_v or 1-year, 24 hour extended detention) must be provided for storm water discharges to streams.**

The entire 2000 year old forest has been designated as a National Historic Landmark. The site includes a large area of old-growth forest, an area of old-growth forest, and an area of old-growth forest. The site includes a large area of old-growth forest, an area of old-growth forest, and an area of old-growth forest. The site includes a large area of old-growth forest, an area of old-growth forest, and an area of old-growth forest.

The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest.

100-1000-1000-1000

The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest.

The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest.

The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest.

100-1000-1000-1000

The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest.

The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest. The project will be a significant part of the old-growth forest.

- 2) Certain site characteristics exist that may restrict the use of some storm water Best Management Practices (BMPs) along the main access road. These site characteristics include steep slopes, nontidal wetlands, topography, and soils.
- 3) The representative from Andrews Miller and Associates (Ken Usab) agreed that the use of some BMPs may require additional clearing adjacent to the main access road. These BMPs include grass swales, infiltration trenches, and detention ponds used for the collection and conveyance of storm water runoff.
- 4) The MDE representative (Debbie Cappuccitti) noted that severe erosion has occurred in the ravines crossing the access road as a result of the current storm water runoff regime under 100 percent forested conditions. Stabilization of these eroded areas will need to be addressed in the final storm water management plan to prevent further erosion under developed conditions.
- 5) Soil boring information must be provided at the location of all storm water BMPs proposed for infiltration purposes.
- 6) An MDE storm water representative will join the DNR team on a site visit scheduled for Friday, January 4, 2002 (this is separate from the Commission's site visit on January 3rd) to assess potential restrictions on the use of storm water BMPs and estimate the amount of forest clearing that may be required for specific BMPs.

Soils

Highly erodible soils are present throughout the lease area for the NorthBay camp, as well as the adjacent lands. These soils are present in several steeply sloped areas adjacent to the proposed access road alignment. We have not obtained data from the soil borings completed on the property. The Cecil County Soil Survey indicates that many of the soils within the former Camp Chesapeake area contain a significant amount of clay. (Refer to attached soils map for soil descriptions and their distribution within the general area.)

A site visit is scheduled for Thursday, January 3, 2002. If you have any questions regarding this project or wish to attend the January 3rd site visit, please contact Julie at (410) 260-3475, Claudia at (410) 260-3476, or Mary at (410) 260-3480.

[Attachments: Soil map and descriptions.]

1. The first objective of the study was to determine the extent of the problem of...

The first objective of the study was to determine the extent of the problem of...

The second objective of the study was to determine the extent of the problem of...

The third objective of the study was to determine the extent of the problem of...

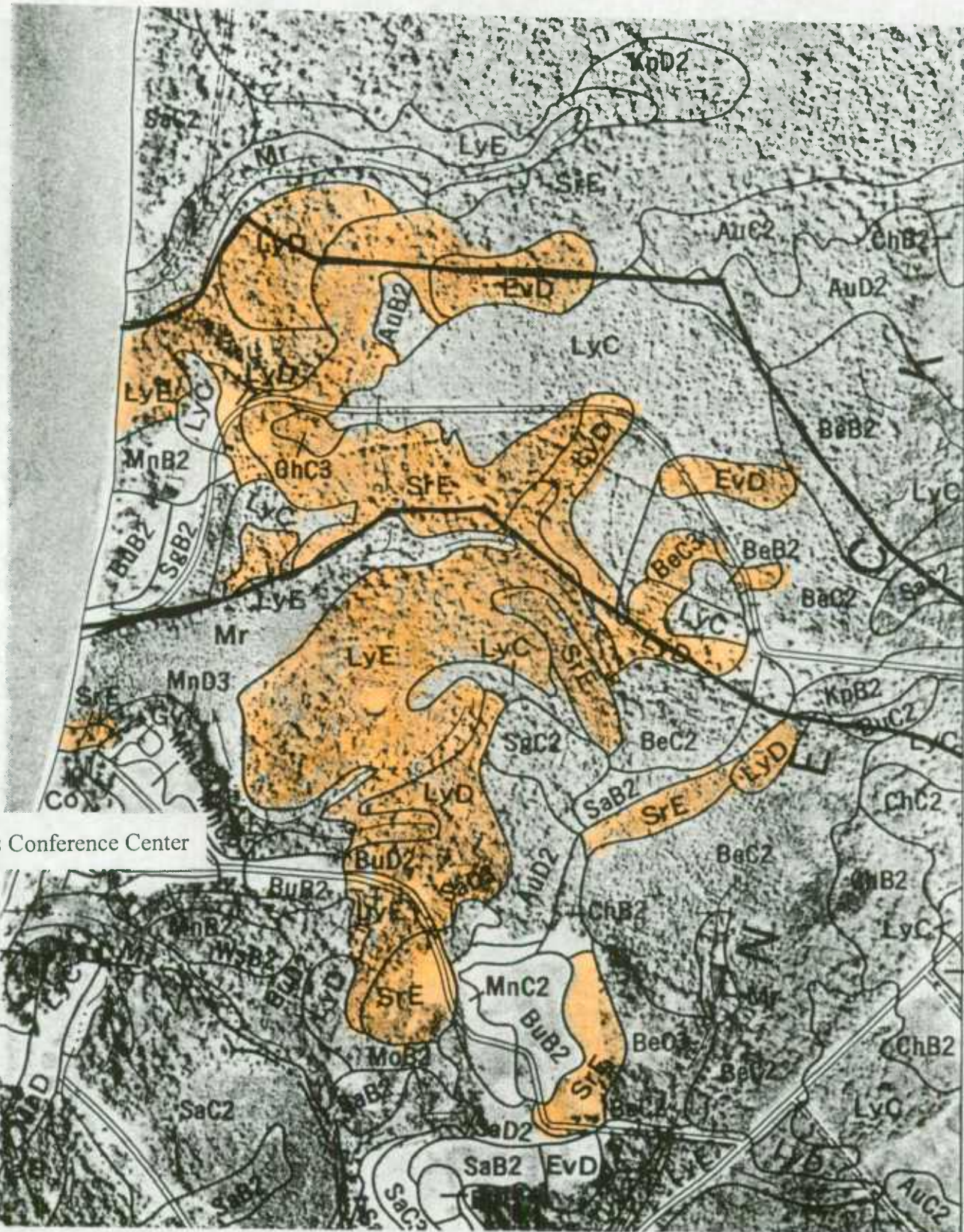
The fourth objective of the study was to determine the extent of the problem of...

The fifth objective of the study was to determine the extent of the problem of...

The sixth objective of the study was to determine the extent of the problem of...

The seventh objective of the study was to determine the extent of the problem of...

Approximate Lease Area for the North Bay Camp (dark outline)



Bowers Conference Center

sheet 34)

Note: ~~Moderately to~~ highly erodible soils are highlighted in orange.

ATTACHMENT A: Soil Descriptions and Distribution Map

Beltsville Series

The Beltsville series consists of nearly level to moderately sloping, moderately well drained soils on the Coastal Plain, mostly in the central or north-central part of the county. These soils are dominantly yellowish-brown and loamy. They have a subsoil that is sticky in the upper part and is very firm to extremely firm and brittle in the lower part and does not permit the ready movement of moisture. The native vegetation is mixed hardwoods, including many white oaks and some pines. Many areas of these soils have been cleared for use for crops or pasture.

In a representative profile the surface layer is about 7 inches of yellowish-brown silt loam. The subsoil is about 39 inches thick. The upper 14 inches is yellowish-brown silt loam and the lower 25 inches is a very firm, yellowish-brown, silty clay loam and sandy clay loam fragipan. The underlying material, to a depth of about 5 feet, is stratified fine sandy loam, loamy sand, or fine sand.

Beltsville soils are fairly easy to work at the right moisture content, but they are frequently wet in spring and are late to warm. Planting of early crops is frequently delayed. Artificial drainage is needed for some uses, particularly on the more nearly level soils. Available moisture capacity is moderate. Water and roots do not readily penetrate the fragipan, and these soils dry less quickly than more permeable and porous soils.

If these soils are well managed, they are moderately well suited to crops. They are limited for some uses by slope, impeded drainage, a seasonally perched water table, very slow movement of subsoil moisture, and susceptibility to erosion. The water table and slow moisture make building sites seasonally wet and severely limit use of the soils for septic tanks for disposal of sewage effluent.

Beltsville silt loam, 5 to 10 percent slopes, moderately eroded (BeC2).—This soil has been fairly well protected and has not been severely damaged by erosion. A few areas are cut by gullies. Included in mapping are some areas that have a somewhat sandier surface layer than this soil.

The hazard of further erosion is severe if this soil is tilled. If the soil is cultivated regularly, measures for control of erosion are needed. Drainage is needed in places, and runoff must be carefully disposed of. Capability unit IIIe-13; woodland suitability group 3w16.

Beltsville silt loam, 5 to 10 percent slopes, severely eroded (BeC3).—Much of the original surface layer of this soil has been washed away, and the areas are cut by many shallow to deep gullies. The present plow layer is brighter colored than the one in the profile described as representative of the series. It is less granular and more cloddy and sticky and is more difficult to work and to protect.

Included with this soil in mapping are some somewhat sandy spots and some scattered areas where slopes are more than 10 percent.

Use of this soil for cultivated crops is marginal. Capability unit IVE-9; woodland suitability group 3w16.

Butlertown Series

The Butlertown series consists of level to moderately sloping, moderately well drained soils on uplands in the southern, or Coastal Plain, part of the county. These soils have a little fragipan in the lower part of the subsoil. The vegetation is mixed upland hardwoods, though some pines grow in eutover areas. Almost all areas of these soils are used as cropland.

In a representative profile the surface layer is about 8 inches of dark grayish-brown silt loam. The subsoil is about 36 inches thick. The upper 20 inches is brown and yellowish-brown silt loam that is slightly sticky and plastic. The lower 16 inches is a very firm, yellowish-brown silt loam fragipan. Below this is a light brownish-gray, silt loam fragipan that is 5 inches thick. The underlying material, to a depth of more than 5 feet, is massive sandy clay loam.

Butlertown soils have a friable plow layer that is easy to work, but they are somewhat wet in spring and are a little late to warm. Planting is delayed for most very early crops. Artificial drainage is needed in places, particularly in the more nearly level areas. Tile drains generally function well in these soils. Available moisture capacity is high in these soils.

Butlertown soils are limited for some uses by seasonal wetness and impeded drainage and by the hazard of erosion in sloping areas. They are not well suited to use as building sites because of seasonal wetness, and during wet periods septic tanks in these soils do not function properly.

Butlertown silt loam, 2 to 5 percent slopes, moderately eroded (BuB2).—In most places this soil has lost much of its original surface layer through erosion. The hazard of further erosion is moderate.

Included with this soil in mapping are a few small areas of a severely eroded soil that contain some shallow gullies and a few deeper ones. Also included are small areas where there is an accumulation of silt on the surface as a result of surface wash. Other inclusions consist of hummocky areas that contain small sinks or wet spots, and areas where the soil is mottled closer to the surface than is normal for Butlertown soils.

In managing this soil, protection from erosion is generally more important than improving drainage. Nevertheless, some spot drainage would be beneficial in places. Capability unit IIe-16; woodland suitability group 2o7.

ATTACHMENT A: Soil Descriptions and Distribution Map (continued)

Chillum Series

The Chillum series consists of moderately deep, gently sloping to sloping, well-drained, loamy soils on uplands of the Coastal Plain. These soils are underlain by very old loamy and in places sometimes gravelly, sediment that normally is very hard, dense, and compact. The native vegetation is mixed upland hardwoods, but pines grow in cutover areas.

In a representative profile the surface layer is about 9 inches of dark-brown silt loam. This is underlain by a thin, friable, dark yellowish-brown, silt loam subsurface layer. The subsoil is 51 or more inches thick. The upper 25 inches is yellowish-brown heavy silt loam. At a depth of 36 inches to 6 feet or more is very dense and firm, yellowish-red loam.

Chillum soils generally are easy to work. They have moderate available moisture capacity. The lower part of the solum and the substratum generally are excellent sources of gravelly borrow material for roadbuilding and other uses.

These soils are limited for some uses because of the hardness of the lower part of the solum and the thinness of that part of the solum above the hard horizon. Erosion is a hazard in all sloping areas. Chillum soils generally are well suited as building sites, but in places slope and erosion cause limitations. They have some limitations for septic tanks because of the generally compact, gravelly substratum.

Chillum silt loam, 5 to 10 percent slopes, severely eroded (ChC3).—Most of the original surface layer of this soil is gone, and in places part of the subsoil is exposed. In places the hard underlayer is at a depth of only a foot or less. Some gullies have cut down to the hard layer, and a few gullies have cut into the hard layer.

This soil is very severely limited for cultivation, but it is suited to hay, pasture, or trees if good management is used. The hard underlayer is very gravelly, and in places the soil is a source of gravel. Capability unit IVe-7; woodland suitability group 3o10.

Evesboro Series

The Evesboro series consists of very deep, excessively drained, nearly level to moderately steep soils of the uplands in the Coastal Plain part of the county. These soils are sandy, but the underlying material is even more sandy. Evesboro soils formed mainly in old sand dunes. The native vegetation is chiefly scrub hardwoods, but pines grow in places. A few acres are used for cropland or pasture.

In a representative profile the surface layer is about 4 inches of brown loamy sand. The subsoil, about 30 inches thick, is yellowish-brown loamy sand. It is underlain by yellowish-brown sand at a depth between 34 and 60 inches.

Evesboro soils are easy to work and can be worked throughout a wide range of moisture content. They are probably the first soils in the county to warm in spring. Some of the earliest crops, particularly garden and truck crops, can be planted on these soils. Evesboro soils are very low in available moisture capacity and in natural plant nutrients. Crops on these soils require supplemental

irrigation in seasons of short moisture supply, and they respond very well. Large amounts of fertilizer are needed for most crops.

The Evesboro soils are fairly well suited to many field and truck crops, but most of the acreage is wooded. Cultivated areas are subject to soil blowing if the surface becomes dry and lacks a cover of protective vegetation. These soils make dry building sites. The soils are loose, however. They are suitable for septic tanks, but effluent liquids generally move rapidly through these soils and are a pollution hazard to wells, streams, and downslope areas, particularly on strong slopes.

Evesboro loamy sand, 5 to 15 percent slopes (EvD).—This soil is seldom used for cultivated crops, because of the erosion hazard and other limitations. It should be kept under permanent vegetation. Included in mapping are a few areas of soil that is finer textured than this soil in the lower part of the subsoil.

This soil can be used for orchards, for limited production of hay crops, or for limited grazing, if a suitable cover of close-growing plants is kept on the areas. Capability unit VIIe-1; woodland suitability group 3s14a.

Matapeake Series

The Matapeake series consists of nearly level to moderately sloping, well-drained, loamy soils that are on uplands of the southern, or Coastal Plain, part of the county. These soils formed in sediment high in silt. The native vegetation is primarily mixed hardwoods, generally dominated by oaks. Most of the acreage has been cleared for use as cropland.

In a representative profile the surface layer is about 8 inches of dark grayish-brown silt loam. Below this is a brown, friable, silt loam subsurface layer about 4 inches thick. The subsoil is about 25 inches of brown, yellowish-brown, and strong-brown silt loam and loam. The underlying material is yellowish-red sandy loam to a depth of 48 inches and is strong-brown loamy sand to a depth of about 60 inches.

Matapeake soils are easy to work and warm early in spring. These soils have a high available moisture capacity.

Matapeake soils are suited to most uses. They are especially suited to leafy truck crops, and to asparagus, because the surface layer contains little sand. These soils are well suited as building sites and generally are suitable for septic tank filter fields. Strongly sloping areas have some limitation for these uses.

Matapeake silt loam, 2 to 5 percent slopes, moderately eroded (MnB2).—This soil has lost part of the original surface layer. In most places plowing to normal depth turns up nearly all of the surface and subsurface layers. This soil is undulating to slightly hummocky. Included in mapping are some widely scattered, severely eroded areas that are cut by shallow gullies in places and a few, deeper gullies. Also included are depressional areas that contain an accumulation of silty material.

Slope is a moderate limitation on this soil. If this soil is well managed, it can be cultivated regularly. Capability unit IIe-4; woodland suitability group 3o10.

ATTACHMENT A: Soil Descriptions and Distribution Map (continued)

Loamy and Clayey Land

These miscellaneous land types consist chiefly of old clay deposits in the upper parts of the Coastal Plain that have a mantle chiefly of sandy loam, loam, or silt loam. Both the mantle and the underlying clay vary widely within short distances.

The loamy surface mantle ranges in color from gray through yellow and brown to almost red and in thickness from very thin to several feet. It is underlain by clay. In a few places the underlying material contains a small amount of sand. The clay is almost any color or mixture of colors and includes red, purplish red, gray, yellow, brown, pink, and white. The clay is very plastic and sticky and is very unstable. Cuts into the material are difficult to stabilize, and the clay frequently slides, slumps, or flows down the surface of the cut and onto roads or other areas below (fig. 4). Stability is even poorer if the clay has been disturbed by land leveling or filling.

This land type has variable, but generally low, available moisture capacity, and it is very low in plant nutrients. Other limitations are slope and the hazard of erosion. Most areas are idle, wooded, or in residential developments.

This unstable land type has properties that make it unsuitable and in a few places dangerous for some uses especially if it has been disturbed. The clay flows, slumps or slides when wet, particularly under pressure or load. It squeezes out from below building foundations, and this causes footings or basements to crack and settle. In places buildings have been severely damaged. Banks and fills of this material are likely to collapse and cause severe and expensive property damage and injury or death to people.

Loamy and clayey land, sloping (LyC).—This land type has slopes that range up to about 10 percent. A small acreage is suitable for farming. It can be used for various crops, but crop growth is not very good. Erosion control is needed for all crops. The kind of conservation measure to use, however, needs to be determined on the site in each particular field. Capability unit IVe-3; woodland suitability group 3c16a.

Loamy and clayey land, moderately steep (LyD).—This land type has slopes that range from about 10 to 15 percent. The hazard of erosion is severe, and the areas should be kept under a protective cover of vegetation most of the time. Some areas can be used for hay or for limited grazing. Capability unit VIe-2; woodland suitability group 3c16b.

Loamy and clayey land, steep (LyE).—This land type has slopes ranging from about 15 to 50 percent. It is too erodible and too unstable for farming or for a number of nonfarm uses. Areas in trees should remain in trees, and cleared areas should be kept under a protective cover of vegetation. Capability unit VIIe-2; woodland suitability group 3c16b.

Sassafras Series

The Sassafras series consists of deep, nearly level to moderately steep, well-drained, loamy soils on uplands in the southern, or Coastal Plain, part of the county. These soils formed in sandy sediment that contains a moderate amount of silt and clay and gravel in places. The native vegetation is mostly mixed hardwoods, and some second-growth pines. Most of the acreage has been cleared for use as cropland.

In a representative profile the surface layer is about 8 inches of dark yellowish-brown sandy loam. Below this is a brown sandy loam subsurface layer 3 inches thick. The subsoil is about 21 inches of brown or dark-brown sandy clay loam. The underlying material, to a depth of about 50 inches, is mostly brown loamy sand.

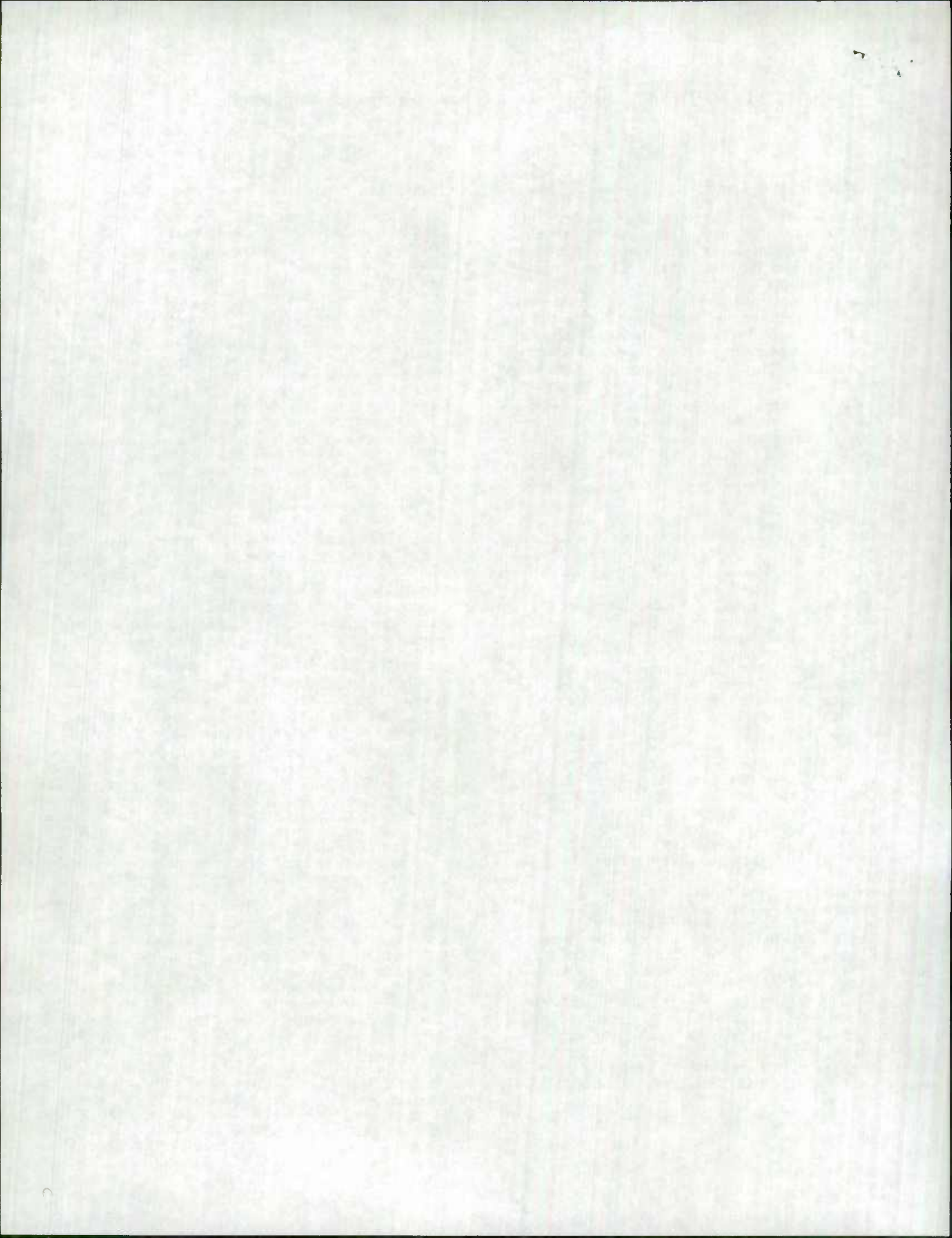
Sassafras soils are easy to work and warm quickly in spring. They have moderate available moisture capacity. These soils are suited to most uses, but in places they are limited by slope and erosion. Sassafras soils are well suited to use as building sites. Slope generally is the only limitation to use for septic tanks.

Sassafras sandy loam, 2 to 5 percent slopes, moderately eroded (SgB2).—This is an important soil in the county for farming. Part of the surface layer is gone in most areas, and further erosion is a moderate hazard. Erosion can be controlled by easily applied conservation measures. Included in mapping are some spots that are severely eroded, some gullies, and a few somewhat grav-

Sassafras gravelly loam, 2 to 5 percent slopes, moderately eroded (SgB2).—This soil has a surface layer and a subsoil that contain less sand, more silt, and in a few places more clay than that in the profile described as representative of the series. This soil also has higher available moisture capacity and greater ability to hold plant nutrients. It contains from 15 to about 20 percent fine to medium, smooth, quartz pebbles or gravel. The percentage of gravel commonly is even greater in the subsoil, and especially in the substratum. In places the subsoil is redder than that described as representative of the series. Included in mapping are a few nearly level areas and some spots of severely eroded soils. Capability unit IIe-4; woodland suitability group 3o10.

Sassafras and Aura soils, 15 to 40 percent slopes (SrE).—This mapping unit consists of strongly sloping to moderately steep areas of Sassafras and Aura soils on the Coastal Plain. The surface layer is dominantly sandy loam, but in places it is gravelly loam and silt loam. In places wet spots and seepage areas are present. Many areas are thin to underlying sandy material. Most areas that have been cleared are severely eroded. Exposed subsoil and shallow, deep, and caving gullies are common.

These soils are severely limited for cultivation, but they can be used for controlled grazing, woodland, wildlife habitat, and certain recreational uses. Because of the dominantly sandy loam surface layer these soils are easy to work or to improve for grazing. A vegetative cover on these soils helps to protect the water and other soils from the harmful effects of excessive runoff, erosion, and siltation. Capability unit VIIe-2; woodland suitability group 3r10.



MEMORANDUM

To: Judge North

From: LeeAnne Chandler 

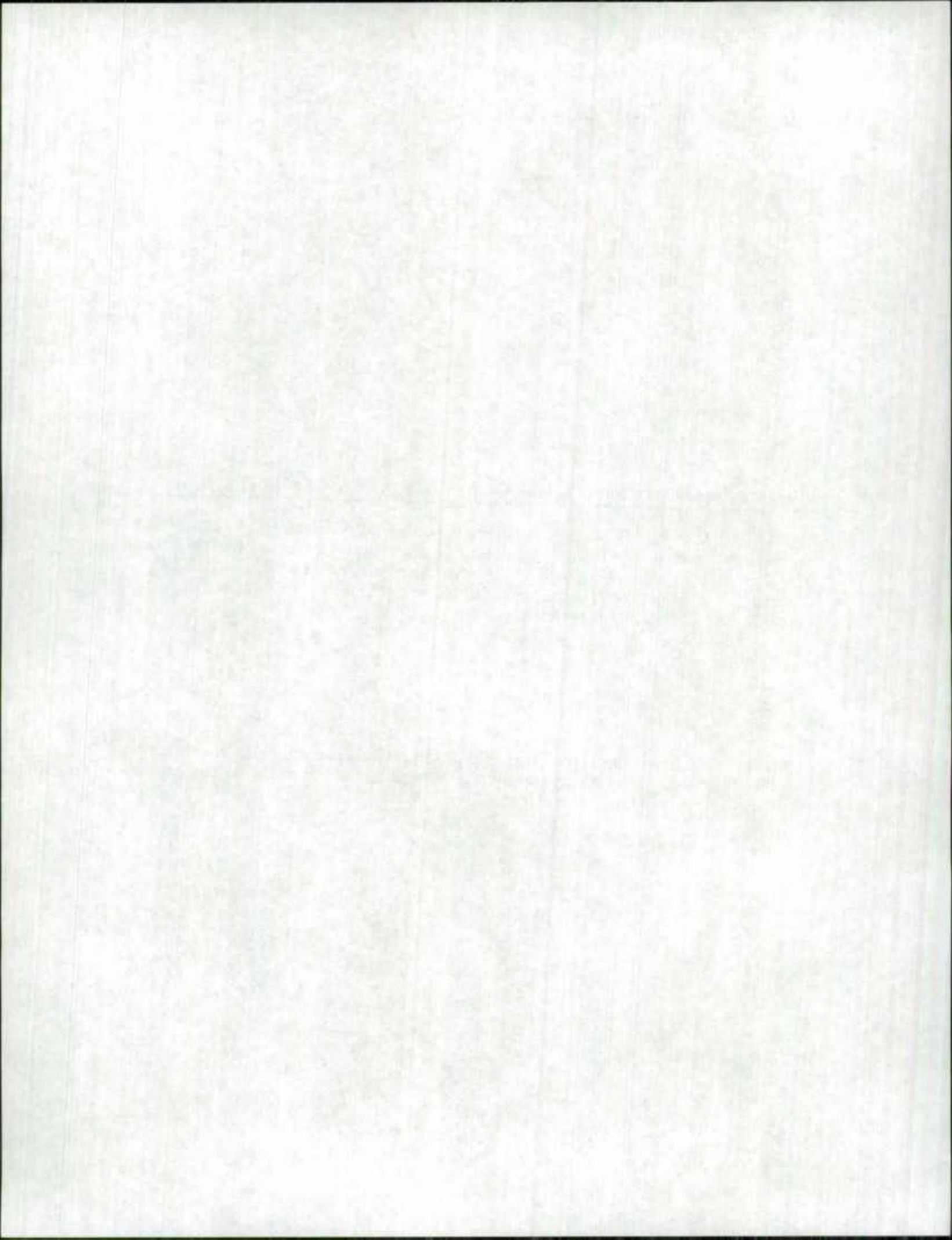
Date: December 31, 2001

RE: Panel appointment for the Town of Centreville Comprehensive Review

The Town of Centreville's Planning Commission has completed work on the Town's four-year comprehensive review. The Town Council wishes to hold a joint public hearing with the Critical Area Commission panel on January 17, 2002. I have contacted several Commission members about their availability to serve on the panel. The following members have indicated that they are willing and able to serve on the panel:

Lauren Wenzel
Margo Bailey
Andrew Myers
Paul Jones

If these members are suitable to you, please appoint them at the January 9, 2002 Commission meeting. I also would suggest that Lauren Wenzel be appointed Chairman. If you have any questions or concerns, please contact me at (410) 260-3477.



Serey, Ren

From: Surrick, John
Sent: Tuesday, January 08, 2002 12:39 PM
To: Fox, J. Charles; White, Karen; Petty, Jennifer; Gill, Joe; Mason, Marianne D; Harrison, Verna E.; Watson, Carolyn; Serey, Ren
Cc: Coleman, Dorie; Contee, Tabitha; Dennis, Daffney; Lynch, Heather; Pisani, Darlene; Porcarl, Chuck; Wald, John
Subject: 1/9 Capital editorial

Our say: After court rulings, Critical Area Law needs attention

By THE CAPITAL EDITORIAL BOARD

WHEN A term-limited elected official looks at the calendar and realizes that less than a year in office remains, he feels the urge to do some legacy-polishing.

Gov. Parris N. Glendening is no exception, but the recession and the revenue shortfall limit his options. He can't commit the state to more spending. But he can still push for laws that will help Maryland in the years ahead -- for instance, when it comes to trying to protect the bay.

That's why one of the governor's priorities this session will be ensuring that the state's landmark 1984 Chesapeake Bay Critical Area Law is at least as strong as when he took office.

The law -- thanks to three decisions by the state Court of Appeals -- has recently developed loopholes Mr. Glendening describes as "big enough to drive development tractors right through."

The three decisions, two of them involving Crownsville, have made it easier for property owners to get permission to build inside the 1,000-foot buffer the law sets up around the bay and its tributaries.

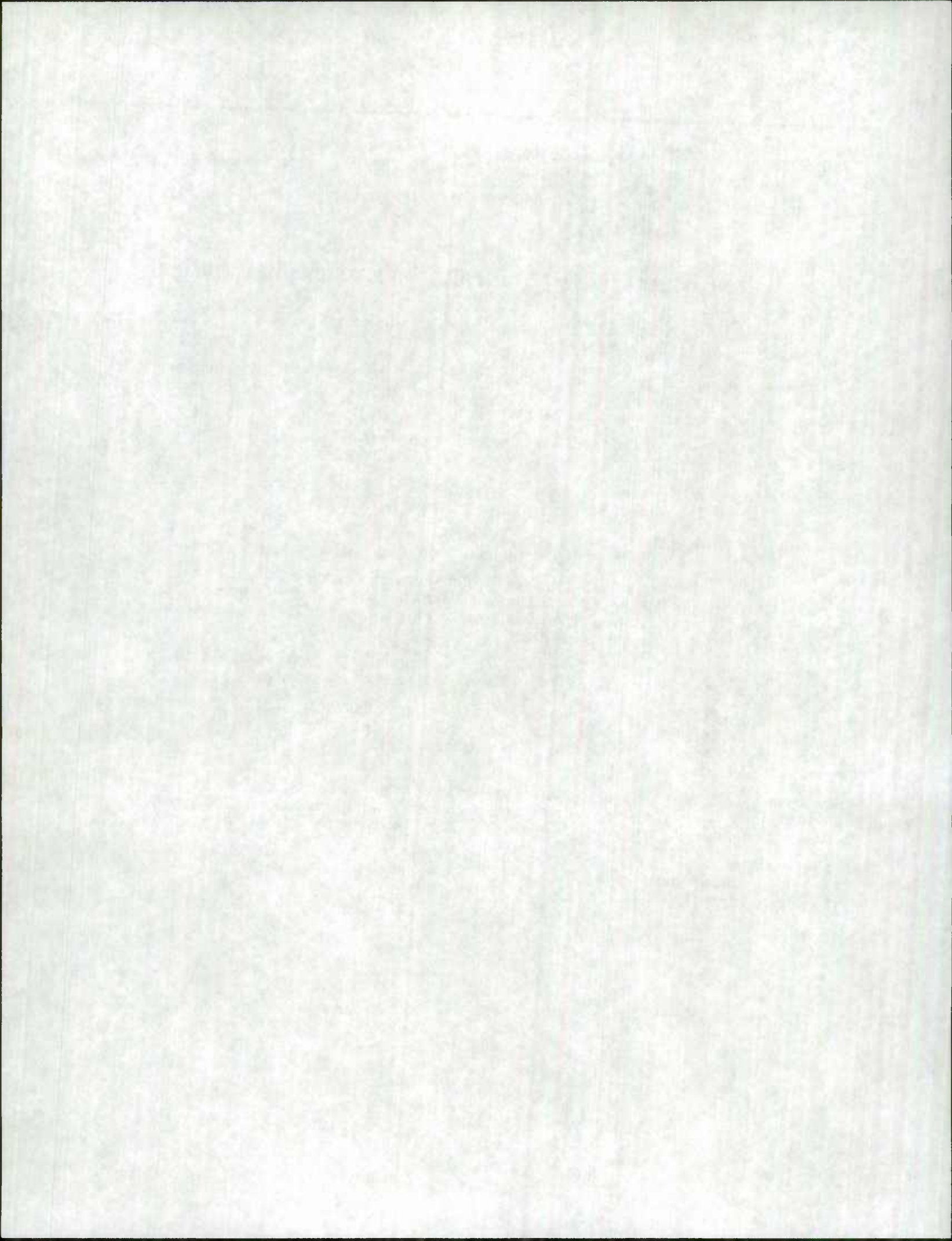
Property owners now have to meet only some, not all, of the necessary conditions for gaining a variance. And the court made it easier for them to prove that blocking construction would be an "unwarranted hardship." As things stands now, the property owner can make his case by citing uses of the Critical Area approved before the law was passed. How much sense does that make?

Perhaps the specific uses approved in Crownsville -- a new house on some waterfront property in Herald Harbor and 18 boat slips along Maynadier Creek -- aren't likely to do much environmental harm.

But the loosening of the law has already resulted in a flood of applications that would have been automatically rejected before the Court of Appeals decisions. And according to the executive director of the Critical Area Commission, which administers the law, applicants are now much less willing to work with the panel to lessen the environmental impact of their projects.

A bill to repair the damage to the Critical Area Law was approved by the state Senate last year but died in a House committee. But this year, with a new chairman leading that House panel and with the governor making this matter a priority, environmentalists and the Critical Area Commission are hoping for some action.

The bay has enough major problems without a dilution of the Critical Area Law, which was designed to provide some protection against erosion and polluted runoff. The General Assembly should take time to make sure the law is in good working order.



Serey, Ren

From: Surrick, John
Sent: Tuesday, January 08, 2002 12:39 PM
To: Fox, J. Charles; White, Karen; Petty, Jennifer; Gill, Joe; Mason, Marianne D; Harrison, Verna E.; Watson, Carolyn; Serey, Ren
Cc: Coleman, Dorie; Contee, Tabitha; Dennis, Daffney; Lynch, Heather; Pisani, Darlene; Porcari, Chuck; Wald, John
Subject: 1/9 Capital editorial

Our say: After court rulings, Critical Area Law needs attention

By THE CAPITAL EDITORIAL BOARD

WHEN A term-limited elected official looks at the calendar and realizes that less than a year in office remains, he feels the urge to do some legacy-polishing.

Gov. Parris N. Glendening is no exception, but the recession and the revenue shortfall limit his options. He can't commit the state to more spending. But he can still push for laws that will help Maryland in the years ahead -- for instance, when it comes to trying to protect the bay.

That's why one of the governor's priorities this session will be ensuring that the state's landmark 1984 Chesapeake Bay Critical Area Law is at least as strong as when he took office.

The law -- thanks to three decisions by the state Court of Appeals -- has recently developed loopholes Mr. Glendening describes as "big enough to drive development tractors right through."

The three decisions, two of them involving Crownsville, have made it easier for property owners to get permission to build inside the 1,000-foot buffer the law sets up around the bay and its tributaries.

Property owners now have to meet only some, not all, of the necessary conditions for gaining a variance. And the court made it easier for them to prove that blocking construction would be an "unwarranted hardship." As things stands now, the property owner can make his case by citing uses of the Critical Area approved before the law was passed. How much sense does that make?

Perhaps the specific uses approved in Crownsville -- a new house on some waterfront property in Herald Harbor and 18 boat slips along Maynadier Creek -- aren't likely to do much environmental harm.

But the loosening of the law has already resulted in a flood of applications that would have been automatically rejected before the Court of Appeals decisions. And according to the executive director of the Critical Area Commission, which administers the law, applicants are now much less willing to work with the panel to lessen the environmental impact of their projects.

A bill to repair the damage to the Critical Area Law was approved by the state Senate last year but died in a House committee. But this year, with a new chairman leading that House panel and with the governor making this matter a priority, environmentalists and the Critical Area Commission are hoping for some action.

The bay has enough major problems without a dilution of the Critical Area Law, which was designed to provide some protection against erosion and polluted runoff. The General Assembly should take time to make sure the law is in good working order.

