Critical Area Commission

Department of Housing and Community Development
Crownsville, Maryland
September 4, 2002

AGENDA

1:00 p.m. – 1:05 p.m.	Approval of Minutes for August 7, 2002	John C. North, II Chairman
1:05 p.m. – 1:15 p.m.	Welcome and Introduction of Coastal Bays Advisory Committee	John C. North, II Chairman

PROJECTS

1:15 p.m. – 1:45 p.m.	INFORMATION: Maryland Stadium Authority and the Town of Leonardtown Preliminary Briefing: Tudor Hall Golf Course Revised Gary Player Design: Leonardtown (St. Mary's County)	Ren Serey Mary Owens
1:45 p.m. – 1:55 p.m.	St. Mary's College: New Entrance Road (St. Mary's County)	

PROGRAMS

1:55 p.m. – 2:25 p.m.	Discussion: Talbot County Comprehensive Review	Ren Serey Lisa Hoerger Mary Owens
2:25 p.m. – 2:40 p.m.	Refinement: Somerset County Growth Allocation: Pirates Cove Marina	Claudia Jones

OLD BUSINESS

2:40 p.m. – 2:55 p.m.	Update: Anne Arundel County: David Taylor Government Reuse Facility	Barbara Samorajczyk
2:55 p.m. – 3:00 p.m.	Legal Update	Marianne Mason

NEW BUSINESS

3:00 p.m. – 3:05 p.m.

Adjourn

Critical Area Commission
Weinberg Center
802 South Caroline Street
Living Classrooms Foundation
Baltimore, Maryland 21231
August 7, 2002

The full Critical Area Commission met at the Weinberg Center, Living Classrooms Foundation in Baltimore, Maryland. The meeting was called to order by Chairman John C. North, II with the following Members in Attendance:

Dave Cooksey, Charles County; Judith Evans, Western Shore Member-at-Large; Dr. James C. Foor, Queen Anne's County; Robert Goodman, DHCD, Joseph Jackson, Worcester County; Q. Johnson, Eastern Shore Member-at-Large; Samuel Wynkoop, Prince George's County; Elder Ghigiarelli for Gary Setzer, Maryland Department of the Environment; James McLean, Maryland Department of Business and Economic Development; Meg Andrews, Maryland Department of Transportation; Dave Blazer, Coastal Bays; Douglas Wilson, Harford County; James N. Mathias, Jr., Ocean City; Louise Lawrence, Maryland Department of Agriculture; Barbara Samorajczyk, Anne Arundel County; Charles Graves, Baltimore City, Dave Bourdon, Calvert County; Ed Gilliss, Baltimore County

Not in Attendance:

Paul Jones, Talbot County; Douglas Stephens, Wicomico County; Jack Witten, St. Mary's County; Larry Duket, Maryland Department of Planning; William Giese, Dorchester County; Margo Bailey, Kent County; William Rice, Somerset County; Lauren Wenzel, Maryland Department of Natural Resources; Mike Pugh, Cecil County

The Minutes of July 10, 2002 were approved as read.

James Bond, President of Living Classrooms Foundation, welcomed the Commission to the Weinberg Center and gave a brief history of the organization.

Chairman North introduced the newly appointed Commission members: Mr. Ed Gilliss, Baltimore County who succeeds John Olszewski; and, Douglas Richards, Caroline County who succeeds Andrew Myers; Elder Ghigiarelli represented Gary Setzer of MDE. Interning with the Legal Office of Marianne Mason at DNR, Daniela Vella-Camilleri, and Nicole Wittenstein, interning with the Critical Area Commission, were introduced. All were welcomed by the Commission.

Wanda Cole presented for Concurrence with the Chairman's Determination of Refinement, Charles County's map amendment request. Inconsistencies in Charles County's maps were discovered during the County's four-year comprehensive review process and the County is proposing map amendments. Ms. Cole summarized the proposed amendments. On Tax Map 75, grids 19 and 20, parcels 23 and 31 the Critical Area boundary and Resource Conservation Overlay Zone were added. Included in this map is the area around Budd's Creek, the County boundary between Charles and St. Mary's Counties. Most of the area is in St. Mary's County, thereby the original map was not received by Charles County, which may have led to the omission. Also, minor drafting amendments to several Critical Area maps and Zoning maps were proposed for consistency and accuracy. Mistakes were due to computer and printing errors. Ms. Cole reviewed the proposed corrections. On July 8, 2002 the Charles County Commissioners voted to adopt the

mapping amendments with no changes. The Commission supported the Chairman's determination of Refinement.

Mary Owens presented for VOTE the proposed water access improvements at Sotterley in St. Mary's County by the Department of Natural Resources (DNR). DNR owns a 14-acre parcel of land adjacent to the Sotterley Plantation, property which is leased by the Sotterley Foundation. These improvements are to enhance the visitor experience by providing water access. Ms. Owens described the improvements of a pier access road, a timber pier, a boat-learning pavilion, parking area and waterside, historic core and directional signage. An archaeological investigation was performed in the area of the new proposed pier. The location indicated that no significant resources were affected. Shore erosion control measures are currently under design and will be submitted at a later date for approval. There are no known threatened or endangered animal or plant species that will be affected by the project and the pier location has minimized tidal wetland impacts associated with the project. The project is consistent with the Critical Area Program and complies with COMAR 27.02.05. Dave Bourdon moved to approve this project as presented. The motion was seconded by Dave Cooksey and carried unanimously.

Lisa Hoerger presented for VOTE the proposed Aquatic Mitigation Package proposed for the Woodrow Wilson Bridge by the State Highway Administration in Prince George's County. Ms. Hoerger reminded the Commission that the replacement of the Woodrow Wilson Bridge was approved by the full Commission in July 2000 with four conditions. One of those conditions was the approval of the Aquatic Mitigation package. The goal is to locate most of the mitigation sites in Prince George's County and to assure that the proposed mitigation will not adversely impact any other Habitat Protection Areas in the Critical Area. Ms. Hoerger outlined the components of the Aquatic Mitigation package involving tidal wetland loss, SAV loss and fill of open waters. All the resource agencies have reviewed the mitigation plans and given their approval. The Commission staff have been kept apprised of the proposals that make up the entire mitigation package, which generally includes the same sites with the addition of the Bladensburg Marina site. Dave Bourdon moved to approve the State Highway Administration's proposal for the Aquatic Mitigation Package for the Woodrow Wilson Bridge in Prince George's County with three conditions: 1) State Highway Administration will return to the Commission for approval of new sites if any of the proposed sites are not secured due to circumstances unforeseen at this time. 2) A Planting Agreement and Planting Plan will be agreed upon between Commission staff and the Project representatives. The Planting Agreement will include the monitoring schedule. The Planting Plan will include species selection and planting methods. 3) Staff will work with SHA on a long-term protection agreement and report to the Commission next month (September). The motion carried with 18 in favor and one abstention, Dave Cooksey.

Wanda Cole presented for VOTE the Lackey High School Sewer Line Extension proposal by Charles County Public Schools. This extension will be located in the 100' Buffer of Mattawoman Creek and a conditional approval is required. There will be 56,250 square feet of the Buffer impacted, both temporary and permanent. Approximately 4,200 square feet of forested, nontidal wetlands will be temporarily impacted, as well as 75 linear feet of stream channel. MDE is not requiring mitigation for the nontidal wetlands and buffer impacts provided original elevations are restored and the area is stabilized appropriately. Actual forest

cover loss will be mitigated at a 3:1 ratio. The tributary to Mattawoman Creek would be rated as pristine if not for the effluent from the school's existing wastewater treatment plant and runoff from MD 224. Therefore, abandoning the existing Lackey High School wastewater treament plant in favor of the sewer line extension would vastly improve this stream's ecosystem and elevate it to nearly pristine. This project meets the criteria for a conditional approval. Dave Bourdon moved to approve the Lackey High School Sewer Line Extension Conditional Approval request. The motion was seconded by Dave Cooksey and carried unanimously.

Ms. Cole presented for VOTE the request by St. Mary's College, located in the Critical Area of St. Mary's River in St. Mary's County, to construct new student housing. The development of the college is governed by a master plan previously approved by the Commission and this project is consistent with the master plan. With most of the campus developed, the site is considered intensely developed and compliance with the 10% Rule for pollutant removal is required for new development and redevelopment. There will be 2.76 acres of disturbance in the Critical Area and the project will create a total of 2.94 acres of new impervious surface areas. No forest cover will be affected. The College will be providing 15% afforestation to meet Forest Conservation Act requirements. MDE is reviewing the sediment and stormwater plans. Dave Bourdon moved to approve the request to construct the new student residence at St. Mary's College with one condition: That a Planting Agreement be executed with Commission staff prior to initiating construction on this project. The motion was seconded by Dave Cooksey and carried unanimously.

Mary Owens presented for VOTE the request of St. Mary's College to expand and renovate Somerset Hall, the instructional gymnasium. Two single story additions will be located in an existing developed area on existing parking areas and playing fields. No forest clearing is involved but some landscape vegetation will be removed. The College proposes to meet the Forest Conservation Act requirements and the Critical Area requirements by providing a combination of landscape planting and afforestation equal to 15% of the development site area. Since St. Mary's College is recognized as an area of intense development this project must comply with the 10% pollutant reduction requirement. The project will be constructed in an existing developed area outside to the 100-foot Buffer, and there are no known threatened or endangered plant or animal species affected. There are no tidal or nontidal wetland impacts. This project is consistent with COMAR 27.02.05. Dave Bourdon moved to approve the request by St. Mary's College to expand and renovate Somerset Hall as presented. The motion was seconded by Jim McLean and carried unanimously.

Ms. Owens presented for VOTE the request by the Department of Natural Resources and the Greenwell Foundation in St. Mary's County to develop in Greenwell State Park an accessible memorial garden for people with physical disabilities who are otherwise limited to the confines of the Francis Knott Lodge. The Hospice of St. Mary's is a sponsor of the Memorial Garden project as part of a bereavement camp for children who will attend the camp and be planting perennials and shrubs in memory of lost family members. The garden has been designed to avoid impact to the 100-foot Buffer and expanded Buffer. No existing trees will be removed and all pathways are located in existing open areas or trails. There are no known threatened or endangered plant or animal species and no tidal or nontidal wetland impacts associated with the project. The project is consistent with COMAR 27.02.5. Dave Bourdon

moved to approve the Greenwell State Park Memorial Garden project. The motion was seconded by Jim McLean and carried unanimously.

OLD BUSINESS

Marianne Mason updated the Commission on legal matters. She said that in the Ed Lewis case in Wicomico County, the Commission has prevailed at every level so far and she will be arguing before the Court of Special Appeals on September 6th.

In Harford County in the Old Trails case, the neighboring property owners have filed a notice of appeal with the Board of Appeals, which in Harford County is the County Council. The legal arguments will be heard on the record of the County Hearing Examiner for a variance granted to build 56 houses on a 30-acre tract despite extensive expert testimony from the Commission staff. Chairman North and Ms. Mason have determined that it is important that the Commission weigh in on the case, which probably will be heard in October.

Ms. Mason reported that the Commission was successful in the variance cases before the Anne Arundel County Zoning Board of Appeal heard in late June, but she has not been officially notified of those decisions.

Ren Serey reported that the Talbot County Comprehensive Review has been ongoing for about 9 years with issues still in conflict with Commission Staff, County Staff, and the Commission's Program Subcommittee. He said that all the necessary changes to the County's Critical Area Program still have not been made and there are four major issues that need to be addressed and corrected. A letter was sent in October 2001 to the County requesting a plan for completion by December 31, 2001. The County Council has held hearings on the local bills resulting from the comprehensive review, but has taken no action and continues to approve certain projects that are inconsistent with the Critical Area Act and Criteria. After much discussion, and on Commission recommendation, Chairman North determined that a letter will be sent to the County notifying them that they must "show cause" why these issues have not been addressed and to let them know that the Commission may be prepared to act at its next meeting.

NEW BUSINESS

Chairman North advised the Commission that he has received the names of persons who are interested in and have been recommended for membership on the Coastal Bays Advisory Committee. Chairman North asked that any other recommendations be sent or called in to him. A list of persons already being considered was circulated and it is anticipated that the first meeting will be held on September 4, 2002 at the full Commission meeting.

There being no further business the meeting adjourned.

Minutes submitted by Peggy Mickler, Commission Coordinator

Critical Area Commission

STAFF REPORT
August 7, 2002

APPLICANT:	Town of Leonardtown Maryland Stadium Authority
PROPOSAL:	Tudor Hall Golf Course (Revised Gary Player Design)
JURISDICTION:	Leonardtown
COMMISSION ACTION:	Preliminary Briefing
STAFF:	Mary Owens
APPLICABLE LAW/ REGULATIONS:	COMAR 27.02.06 State Agency Actions Resulting in Development on State-Owned Lands

DISCUSSION:

In 1998 and 1999, the Commission reviewed two growth allocation requests in Leonardtown associated with the development of a hotel and conference center that are part of a Planned Unit Development Project located on an undeveloped agricultural parcel within the Town limits. The project involves a 390-acre parcel with 195.8 acres within the Critical Area. In addition to the hotel and conference center, the project includes 557 dwelling units, an 18-hole golf course, a restaurant, and other commercial facilities.

During the two years preceding the growth allocation approval, Commission staff had been working with the developers, their engineers, and environmental consultants on the design for the golf course. The golf course will ultimately be a public course, owned and operated by a non-profit corporation associated with the Town. The design of the course involved many challenges because of the presence of numerous streams and wetlands on the property (including a designated Wetland of Special State Concern), areas of steep slopes, and extensive areas of 100-foot Buffer and expanded Buffer adjacent to McIntosh Run and several tributary streams. The site also included Forest Interior Dwelling Species (FIDS) habitat that was determined to be of very high quality because of the presence of contiguous streams and wetlands. There are also several significant archaeological sites on the property.

Ultimately a Concept Development Plan for the golf course was completed and the developers applied for and obtained a Nontidal Wetlands and Waterways Permit from the Department of the Environment (MDE) for "permanent impacts to 7,786 square feet of

forested nontidal wetlands, 62,332 square feet of the nontidal wetland buffer, and 1,167 linear feet of water of the State (tributaries of McIntosh Run, Use I streams), and permanent conversion of 45,260 square feet of forested nontidal wetlands to scrub-shrub nontidal wetlands." The permit required mitigation for all permanent impacts to nontidal wetlands, including conversion.

In addition to the impacts to wetlands authorized by MDE, the Concept Development Plan for the golf course also involved impacts to the 100-foot Buffer of several tributary streams, impacts to steep slopes, and impacts to FIDS habitat. The Concept Plan was proposed to be presented to the Commission for conditional approval after the FIDS mitigation and Buffer mitigation amounts and locations had been determined.

In February 2000, the "public or open space portion of the project" was purchased from the developers by the State of Maryland using $2.5 million of Program Open Space funds, and these lands were subsequently transferred to the Town of Leonardtown. The purpose of the acquisition was to allow for the development of a stream valley park along McIntosh Run with beach and waterfront access as well as the protection of a diverse ecosystem that includes significant forested areas, fresh water and tidal wetlands, and endangered species of plants and animals.

Last month, Commission staff attended a meeting organized by the staff of the Governor's Office working with the Maryland Stadium Authority to review a substantially revised plan for the golf course. See attached drawing labeled "Tudor Hall Golf Course – Plan #1." The course design had been revised as a result of a new partnership with Gary Player Incorporated to design a "championship course" for the site. Following the meeting, Commission staff organized a site visit to the property with representatives from other State and federal environmental review agencies. Following the site visit, the attached memo to Ren Serey dated August 1, 2002 was prepared. A second meeting was held on August 9, 2002 to discuss revisions to the plan, and the golf course designers and the engineers are currently working on a second plan (Tudor Hall Golf Course – Plan #2). This plan will be presented at the Commission meeting, and the Stadium Authority will provide a preliminary briefing on the project. Commission staff has not yet received a copy of this plan; therefore, it is not included in the mailing.

MEMORANDUM

TO: Ren Serey

FROM: Mary Owens

DATE: August 1, 2002

SUBBJECT: Tudor Hall Golf Course

I have reviewed the latest concept plan for the referenced project, and I have performed a site visit with representatives from other State and federal agencies. In providing the following comments, my calculations regarding impacts are based on roughly scaling off areas where the "fairway outline" intersects with wetlands, streams, buffers, and steep slopes as shown on the plans. I have the following comments:

1. The plan proposes extensive impacts to an area of Forest Interior Dwelling Species habitat both inside and outside the Critical Area. There are approximately 52.5 acres of FIDS habitat in the Critical Area and approximately 30 acres outside the Critical Area. Fairways 14, 15, 16, and 17 bisect this area, and it appears that no functional FIDS habitat would remain. Mitigation for the impacts within the Critical Area would be calculated using the Commission's FIDS Guidance document.

2. A portion of the area that is designated as FIDS habitat is also a Nontidal Wetland of Special State Concern. Three fairways are located directly within this area and one other fairway is close enough that it would most likely have an impact on the hydrology of the wetland.

3. Fairways 1, 2, 10, 11, 12, 13, and 14 are not located within the Critical Area; therefore, I have not provided specific comments on these fairways. Based on discussions during the site visit, other agencies may have substantive comments regarding these holes and fairways.

4. Fairway 3 is located within the Critical Area and appears to involve extensive clearing, grading, and filling of the 100-foot Buffer and expanded Buffer of a major stream and wetland network. It seems that there will also be extensive impacts to the stream and wetlands themselves. It appears there would be approximately 135,000 square feet (3.1 acres) of impacts.

5. Fairway 4 is located within the Critical Area and appears to involve extensive clearing, grading, and filling of the 100-foot Buffer, expanded Buffer, tidal and non-tidal wetlands. Dredging may also be necessary to create the island-type "signature hole" that Gary Player envisions. It appears that there would be approximately 126,950 square feet (2.9 acres) of impacts.

6. Fairway 5 is located within the Critical Area and appears to involve clearing and grading within the 100-foot Buffer and impacts associated with constructing a fairway on steep slopes. It appears that there would be approximately 70,000 square feet (1.6 acres) of impacts to the Buffer and expanded Buffer and 60,000 square feet (1.4 acres) of impacts to steep slopes.

7. Fairway 6 is primarily located outside the Critical Area.

8. Fairway 7 is located within the Critical Area and appears to involve extensive clearing, grading, and filling of the 100-foot Buffer of a major stream and wetland system. It also seems that there would be extensive impacts to the stream and wetlands. It appears there would be approximately 90,000 square feet (2.1 acres) of impacts.

9. Fairway 8 is located within the Critical Area and involves significant impacts to the 100-foot Buffer of McIntosh Run, a minor stream, and a major stream and wetland system. Much of the fairway is located within 40-feet of McIntosh Run. It appears that there may also be impacts to the stream and wetlands themselves. It appears there would be approximately 215,000 square feet (4.9 acres) of impacts.

10. Fairway 9 is located within the Critical Area and involves significant impacts to the 100-foot Buffer of two major stream and wetland systems. It seems that there will also be impacts to the streams and wetlands themselves. It appears there would be approximately 152,500 square feet (3.5 acres) of impacts.

11. Part of the driving range is located within the Critical Area and involves some impacts to the 100-foot Buffer of a major stream. It appears that there would be approximately 42,000 square feet (1.0 acre) of impacts.

12. Part of Fairway 15 is located within the Critical Area and involves impacts to FIDS habitat and a Wetland of Special State Concern, both of which are considered Habitat Protection Areas (HPAs). It appears that there would be approximately 90,000 square feet (2.1 acres) of impact to two HPAs

13. Fairway 16 is located within the Critical Area and involves impacts to FIDS habitat and a Wetland of Special State Concern, both of which are considered Habitat Protection Areas (HPAs). It appears that there would be approximately 315,000 square feet (7.2 acres) of impact to two HPAs.

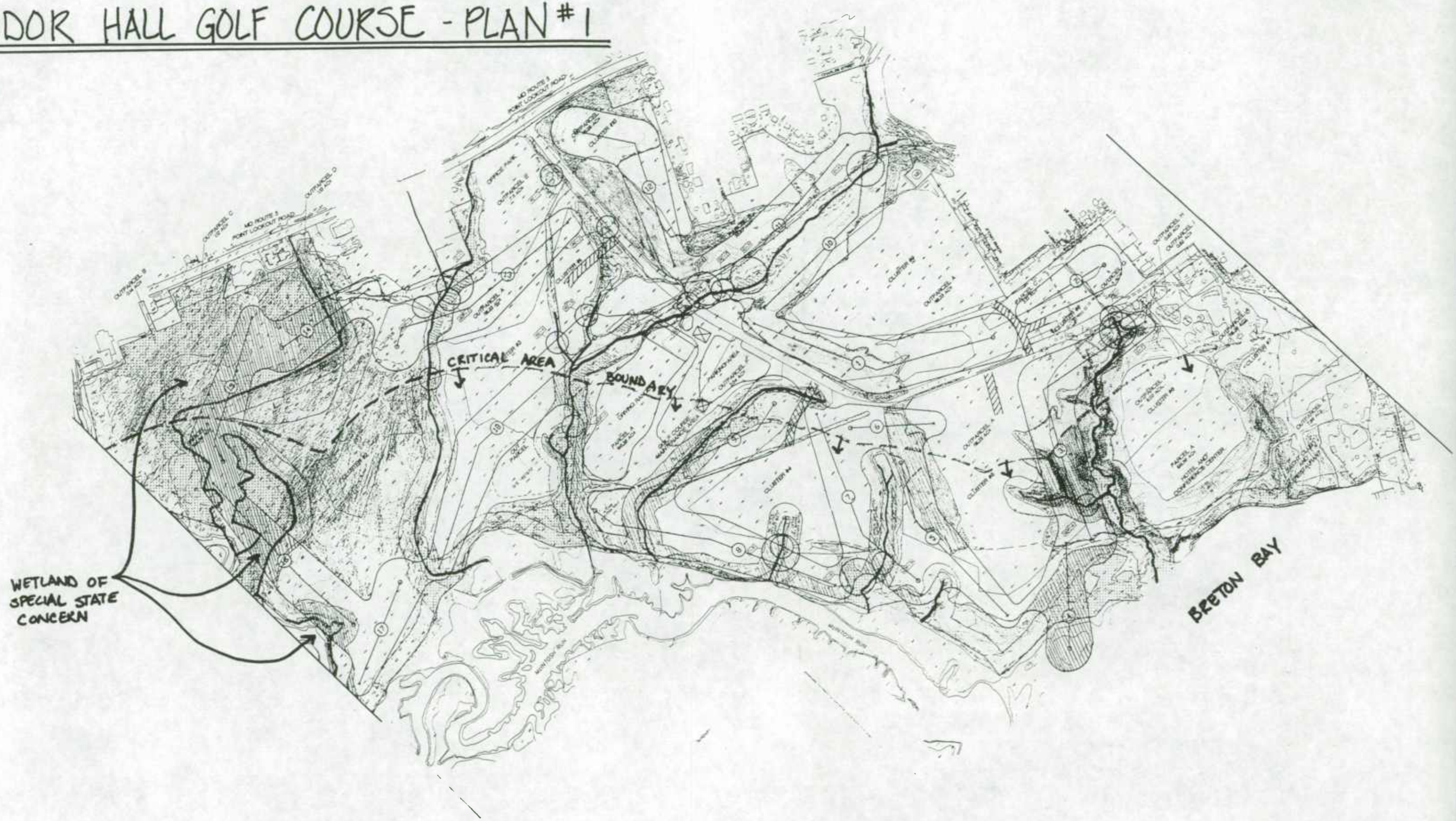
14. Fairway 17 is located within the Critical Area and involves impacts to FIDS habitat and a Wetland of Special State Concern, both of which are considered Habitat Protection Areas (HPAs). It appears that there would be approximately 180,000 square feet (4.1 acres) of impact to two HPAs.

15. Most of Fairway 18 is located within the Critical Area and involves impacts to the 100-foot Buffer of two major stream and wetland systems. It seems that there will also be impacts to the streams and wetlands themselves. It appears there would be approximately 15,000 square feet (0.3 acres) of impacts.

16. In 1999, 2.5 million dollars of Program Open Space funds were used to purchase 239 acres of this property for subsequent transfer to the Commissioners of Leonardtown for the stated purposes of developing a golf course and allowing for the development of a stream valley park along McIntosh Run with beach and waterfront access as well as the protection of a diverse ecosystem that includes significant forested areas, fresh water and tidal wetlands, and endangered species of plants and animals.

In summarizing my review, I think it is important to compare the current plan with the prior plan dated May 11, 1998. The 1998 plan involved no impacts to the Nontidal Wetlands of Special State Concern, less than 2 acres of impacts to the 100-foot Buffer (all of which were carefully designed to maintain Buffer function), and moderate impacts to the FIDS habitat, which were to be completely, mitigated elsewhere in the McIntosh Run watershed. The current plan involves major impacts to (and potentially the destruction of) a Nontidal Wetland of Special State Concern, total destruction of approximately 80 acres of FIDS habitat, and roughly 34 acres of impacts to the 100-foot Buffer, streams, wetlands, and steep slopes in the Critical Area. (Because of the limited information that I have received at this time, it is not possible to determine if any of the 34 acres of impacts to the Buffer would allow for continued Buffer function.)

TUDOR HALL GOLF COURSE - PLAN #1



TUDOR HALL
McINTOSH RUN GOLF COURSE

LEONARDTOWN, MARYLAND

THE BASE DATA SHOWN HEREON IS TAKEN FROM DATA PROVIDED BY OTHERS AND DOES NOT REPRESENT ANY ANALYSIS OR FIELD WORK BY NG&O ENGINEERING, INC.

GENERAL NOTES

1. The property is located on Tax Map 133, Block B, Parcel 228.
2. The total tract area = 390.16 acres±
   Total area outside the Critical Area = 194.32 acres±
   Total area inside the Critical Area = 195.84 acres±
3. Maximum dwelling units allowed = 1,754 units
   Maximum dwelling units allowed outside the Critical Area (5 units per acre) = 971 units
   Maximum dwelling units allowed inside the Critical Area (4 units per acre) = 783 units
4. PROPOSED DEVELOPMENT
   Total Residential Units = 531
   Single Family = 194 units
   Townhouses = 137 units
   Condominiums = 200 units
   Office Park
   Hotel and Conference Center
   Yacht Club and Restaurant
5. CRITICAL AREA DATA
   Total area = 195.84 acres±

FOREST RESOURCES IN THE CRITICAL AREA IMPACT

ITEM	AREA			%	
	TOTAL	LDA	IDA	LDA	IDA
Existing Forest	105.00 ac±	87.39 ac±	17.61 ac±	100.0	100.0
Proposed Retention	70.33 ac±	65.87 ac±	4.46 ac±	75.4	25.3
Proposed Clearing	34.67 ac±	21.52 ac±	13.15 ac±	24.6	74.7

PROPOSED DEVELOPMENT IN THE CRITICAL AREA

PROPOSED DEVELOPMENT USE	IMPERVIOUS AREA		% OF CRITICAL AREA	
	IDA	LDA	IDA	LDA
Single Family Homes	0 ac±	14.2 ac±	0	8.9
Town Homes	1.5 ac±	5.5 ac±	4.1	3.5
Golf Course	0.2 ac±	1.4 ac±	0.5	0.9
PUD M*	5.5 ac±	0 ac±	15.0	0
Total	7.2 ac±	21.1 ac±	19.6	13.3

* PUD M includes restaurant, hotel, conference center and condominiums

CODE	DESCRIPTION	NON-TIDAL WETLANDS PERMANENT IMPACT AREA	NON-TIDAL WETLANDS BUFFER PERMANENT IMPACT AREA	WATERS OF THE U.S. PERMANENT IMPACT	CRITICAL AREA BUFFER PERMANENT IMPACT AREA
RC-1	ROAD CROSSING	800 SF±	3,089 SF±	0 LF±	0 SF±
RC-2	ROAD CROSSING	3,163 SF±	8,384 SF±	0 LF±	0 SF±
RRC-3	ROAD CROSSING	0 SF±	0 SF±	52 LF±	10,310 SF±
RC-4	ROAD CROSSING	853 SF±	4,884 SF±	181 LF±	0 SF±
RC-5	ROAD CROSSING	1,419 SF±	4,088 SF±	79 LF±	0 SF±
RFC-1	FAIRWAY CONVERSION	17,630 SF±	19,555 SF±	0 LF±	0 SF±
RFC-2	FAIRWAY CONVERSION	1,413 SF±	3,882 SF±	95 LF±	0 SF±
RFC-3	FAIRWAY CONVERSION	0 SF±	0 SF±	134 LF±	14,404 SF±
RFC-4	FAIRWAY CONVERSION	0 SF±	0 SF±	154 LF±	0 SF±
RFC-5	FAIRWAY CONVERSION	0 SF±	0 SF±	103 LF±	3,819 SF±
RFC-6	FAIRWAY CONVERSION	0 SF±	0 SF±	170 LF±	16,289 SF±
RFC-7	FAIRWAY CONVERSION	4,472 SF±	13,477 SF±	0 LF±	0 SF±
RFC-8	FAIRWAY CONVERSION	0 SF±	0 SF±	387 LF±	0 SF±
RFC-9	FAIRWAY CONVERSION	37 SF±	1,552 SF±	0 LF±	0 SF±
RFC-10	FAIRWAY CONVERSION	10,788 SF±	12,411 SF±	0 LF±	15,481 SF±
RFC-11	FAIRWAY CONVERSION	0 SF±	1,010 SF±	0 LF±	0 SF±
RGCP-1	GOLF CART PATH	158 SF±	500 SF±	0 LF±	0 SF±
RGCP-2	GOLF CART PATH	0 SF±	0 SF±	24 LF±	0 SF±
RGCP-3	GOLF CART PATH	316 SF±	422 SF±	0 LF±	0 SF±
RGCP-4	GOLF CART PATH	0 SF±	0 SF±	24 LF±	0 SF±
RGCP-5	GOLF CART PATH	0 SF±	0 SF±	24 LF±	1,600 SF±
RGCP-6	GOLF CART PATH	0 SF±	0 SF±	24 LF±	0 SF±
RGCP-7	GOLF CART PATH	0 SF±	0 SF±	24 LF±	0 SF±
RGCP-8	GOLF CART PATH	0 SF±	459 SF±	0 LF±	0 SF±
RGCP-9	GOLF CART PATH	0 SF±	0 SF±	24 LF±	1,654 SF±
RGCP-10	GOLF CART PATH	0 SF±	0 SF±	0 LF±	1,610 SF±
	TOTALS	41,254 SF±	71,247 SF±	1,496 LF±	65,824 SF±

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CONSTRUCTION MANAGEMENT • ENVIRONMENTAL

REVISIONS	CONCEPT DEVELOPMENT PLAN
	THIRD ELECTION DISTRICT
	ST. MARY'S COUNTY, MARYLAND
	DATE: JULY 2002 / PLOTTED: 9-3-2002
	SCALE: 1" = 200' / JOB NO.: 0200202004
	DRAWN BY: DMA/JAG/JJB
	REVIEWED BY: JBR
	SHEET NUMBER 1 of 1

MEMORANDUM

August 14, 2002

TO: Asuntha M. Chiang-Smith, Special Assistant

FROM: Ren Serey

SUBJECT: Tudor Hall Golf Course

Following the meeting in your office last Friday regarding the proposed Tudor Hall Golf Course, Gene Lynch requested that the Critical Area Commission place the project on its agenda for preliminary discussion. The next Commission meeting is September 4, 2002. It will be held at the Department of Housing and Community Development in Crownsville. The meeting will begin at 1:00 p.m. We can schedule the project first on the agenda, if that is convenient.

Although the Commission often receives preliminary briefings on proposed projects, it would facilitate discussion if we could receive as much of the following information as possible before the meeting. This will enable our staff to copy certain items and summarize the material for the Commission members.

1. A revised "Concept Development Plan" clearly showing the fairway conversion areas, tees, and greens.

2. A square footage estimate of all development, including fairways, tees, greens, stormwater management measures, and structures located within the 100-foot Buffer and expanded Buffer of McIntosh Run, Breton Bay, and all tributary streams within the Critical Area. The current plans include some areas where the Buffer has not been correctly expanded for contiguous steep slopes.

3. A square footage estimate of all permanent impacts to tidal wetlands, non-tidal wetlands, waters of the U.S. (streams), and non-tidal wetlands buffers. Impacts to tidal wetlands buffers and stream buffers are included in #2 above.

4. The location and square footage of all areas where streams, the 100-foot Buffer and expanded Buffer, wetlands, and wetland buffers will be modified to facilitate "forced carries."

5. A square footage estimate of impacts to Forest Interior Dwelling Species (FIDS) habitat including both direct and indirect habitat loss as specified in the Commission's guidance entitled "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" (June 2000, enclosed).

6. A preliminary proposal for meeting the FIDS mitigation requirement which will most likely need to take place off site.

7. A square footage estimate of any impacts to the wetland of Special State Concern and its required 100-foot buffer including development, clearing, and stormwater discharge.

8. A square footage estimate of any impacts to slopes greater than 15% that are not part of the expanded Buffer.

9. The location and square footage of all areas where the100-foot Buffer is required to be established in natural vegetation.

10. Comments on the revised golf course plan and proposed impacts from the U.S. Army Corps of Engineers, Fish and Wildlife Service, National Marine Fisheries, Maryland Department of the Environment, Department of Natural Resources Environmental Review Unit, Heritage Division, and Forest Service.

11. A summary of other environmental impacts to sensitive resources associated with golf course construction and golf course maintenance including the use of an Integrated Pest Management Program, the use of treated gray water for irrigation, etc.

Obviously, this list is substantive and comprehensive. It is not necessary to provide all of the information prior to the September 4th meeting in order to obtain initial feedback from the Commission. However, as the project progresses through its planning and design stages, the Commission's ability to provide you with the clearest guidance will depend on the timing of the information it receives. I have enclosed a copy of our project checklist so you can see the range of information necessary for final approval of a State project. If the final design is not consistent with the Commission's regulations for State projects (COMAR 27.02.05), we will also need to build in time for the Commission to conduct a public hearing.

To speed the review process, we normally work closely with an agency's consulting engineer as well as its consulting environmental firm, as we did previously on the earlier plans for this project. I understand that your office is anxious to proceed as quickly as possible. In that regard, it would be most helpful if, in addition to your engineer, we could be put in contact with your environmental consultant in order to begin discussions concerning wetland Buffers, FIDS conservation and other important matters.

Critical Area Commission

STAFF REPORT
September 4, 2002

APPLICANT:	St. Mary's College
PROPOSAL:	St. John's Archaeological Exhibit – New Entrance Road
JURISDICTION:	St. Mary's County
COMMISSION ACTION:	Vote
STAFF RECOMMENDATION:	Approval
STAFF:	Wanda Cole
APPLICABLE LAW/ REGULATIONS:	COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands

DISCUSSION:

This project involves the relocation and reconfiguration of an existing entrance road at St. Mary's College. Currently, Fisher Road connects Point Lookout Road to Mattapany Road and provides access to the Admissions Building, North Campus academic buildings, and several student housing complexes. The entrance of the road is being relocated to the location of the existing driveway to the Admissions Building located approximately 360 feet north of the current entrance.

The existing access road needs to be relocated because the heavy traffic on the road compromises an important archaelogical site that is located very close to the edge of the road. The foundation of an historic structure is beginning to experience significant deterioration because of the proximity to the road. The current road location also impedes the development of a proposed Visitor's Center and parking lot associated with the site. The new location of the road will provide better access to the Admissions Building and to existing student housing and will facilitate the development of a much-needed parking lot near the St. John's Archaeological Site.

St. Mary's College is recognized as an area of intense development; therefore new development and redevelopment must comply with the 10% pollutant reduction requirements. For purposes of developing the design for the stormwater management system, the project site has been divided into four drainage areas totaling 27.72 acres. The removal requirement is 12 pounds of phosphorus which shall be removed by a dry swale and a multiple pond system. An underground collection system will be used to direct stormwater to the multiple pond. The Maryland Department of the Environment is reviewing the stormwater management design, and it is anticipated that it will be approved by the date of the Commission meeting.

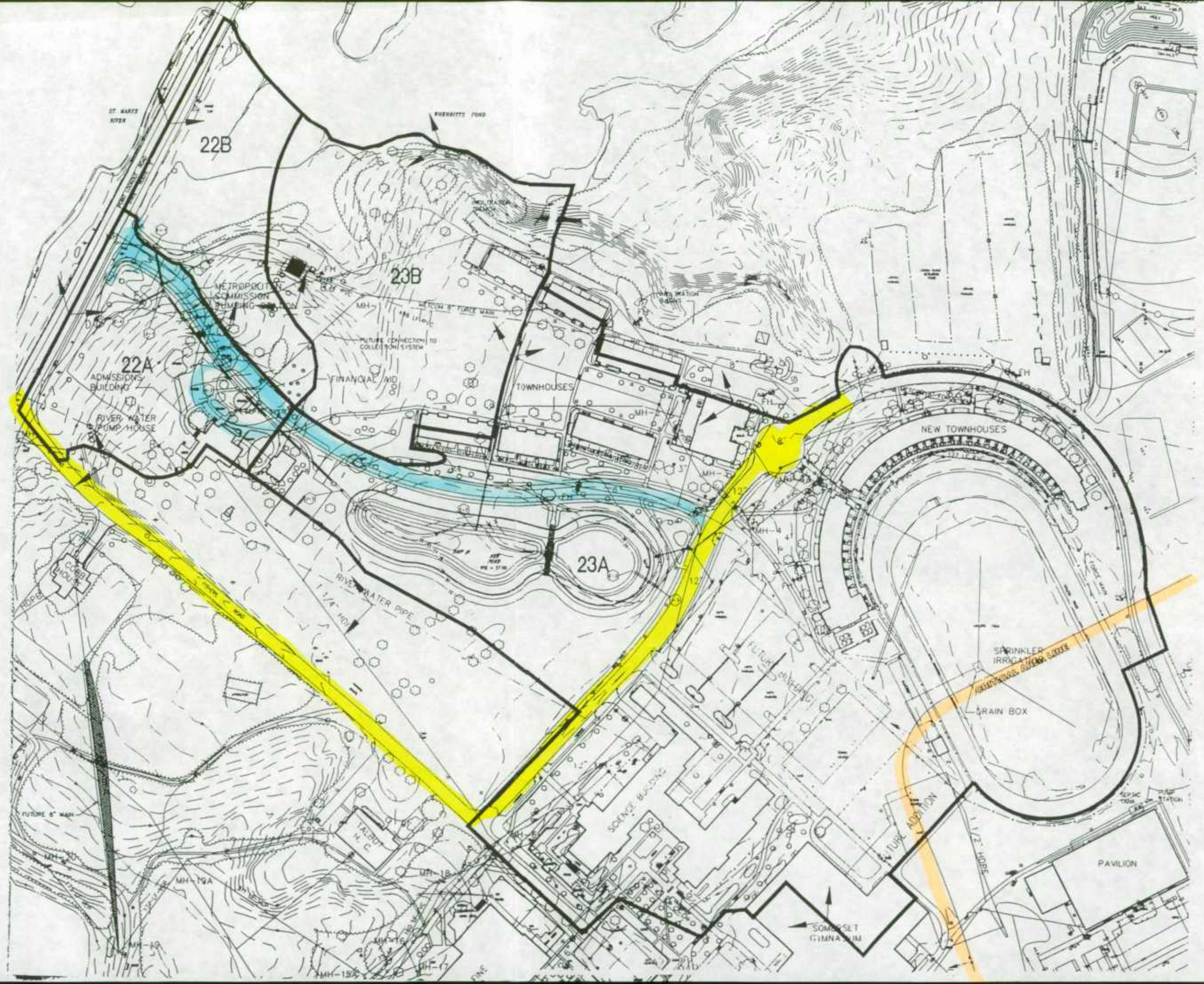
A portion of Fishers Road and the existing driveway that will be converted to the new entrance road are located within the 100-foot Buffer of the St. Mary's River and an existing tidal pond, identified as Wherrits Pond. The total proposed impervious area in the Buffer includes a turning lane on Point Lookout Road, modifications to the existing driveway to meet State Highway Administration entrance standards, and the construction of a sidewalk to the Admissions Building and other North Campus buildings. The total proposed impervious area in the 100-foot Buffer is 11,717 square feet. Existing impervious area in the Buffer is 6,863 square feet. The total new impervious area in the Buffer is 4,854 square feet, which will be mitigated at three-to-one. A landscaping plan has been developed which provides 14,562 square feet of plantings within the 100-foot Buffer on the project site.

The project will be constructed in an existing developed area outside of the 100-foot Buffer, and there are no known threatened or endangered plant or animal species that will be affected by the project. The tidal and nontidal wetland impacts associated with the project are being reviewed by the Maryland Department of the Environment and the Army Corps of Engineers, and it is anticipated that a letter of authorization will be issued by the date of the Commission meeting.

This project is consistent with COMAR 27.02.05, the Commission's regulations for State projects on State lands.

St. Mary's College

New entrance road



Roy Dyson
Senator

Annapolis Office
1-800-492-7122
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E-mail Roy_Dyson@senate.state.md.us

District Office
P.O. Box 229
Great Mills, Maryland 20634-0229
301-994-2826

THE SENATE OF MARYLAND
Annapolis, Maryland 21401-1991

September 3, 2002

The Honorable John C. North II
Chairman
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401

Dear ~~Judge~~ John North:

It is my honor to represent the citizens of the Town of Leonardtown, as well as St. Mary's County, in the Maryland General Assembly. In recent years Leonardtown has made great strides in the redevelopment of its downtown. The most significant project to ensure the future success of the entire St. Mary's County region is the Tudor Hall Village development.

The Tudor Hall Village project is a direct result of Governor Glendening's Smart Growth Initiative. This project has major economic impacts on the State, County and Town. The McIntosh Run Golf Course will serve as a catalyst for the hotel and conference center, slated as phase two of the project. These facilities will be a boon to state and local tourism efforts. The County will see increased job opportunities and a boost to existing businesses, as well as much-needed diversification to the local economy.

In addition this project is designed to encourage residential growth in a developmental area with central utilities, thereby helping to preserve rural areas. This project is sensitive to all environmental issues. This aspect is particularly important to me in my position as Senate Chair for the Joint Committee on Chesapeake Bay Critical Areas. Bordering the project, a three-mile stretch of McIntosh Run to Breton Bay has been designated as a watershed restoration project. The Town is developing a comprehensive recreational, environmentally sensitive plan for the entire Breton Bay area, including trails, picnic areas and canoe launch facilities.

I am asking for your support and approval for this vital project. Time is of the essence to keep this project moving forward toward reality. Once approval is received, staff can work to finalize any outstanding concerns. Thank you in advance for your consideration of support for the Tudor Hall Village plan. Should you have any questions please feel free to contact me.

Sincerely,

Roy Dyson

Maryland Senator Roy Dyson

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

MEMORANDUM

To: Commission Members

From: Lisa Hoerger

Date: September 4, 2002

Subject: Talbot County Comprehensive Review Issues

Last month Ren and I briefed the full Commission on four major deficiencies in the Talbot County Critical Area Program that require immediate attention. As a result of the afternoon discussion of these issues at the August 7, 2002 Commission meeting, Judge North sent a letter to the Planning Officer, Daniel Cowee, inviting him to attend the September Commission meeting to discuss these issues.

The letter from Judge North to the County is attached for your review. It includes those issues discussed at the last meeting and that will be the subject of discussion for the September meeting.

If you have any questions prior to the meeting, please telephone myself or Mary Owens at the Commission office at (410) 260-3460.

Attachment

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

August 15, 2002

Mr. Daniel R. Cowee
Planning Officer
Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601-3178

Re: Talbot County Comprehensive Review

Dear Mr. Cowee:

At the Critical Area Commission meeting on August 7, 2002, the Commission's Program Subcommittee requested an update on the status of the Talbot County Comprehensive Review including information regarding any implementation problems with the current County Critical Area Program. This is a regular function of the Subcommittee in its oversight of local Critical Area programs; I wrote to you previously on this matter in a letter dated October 5, 2001 (attached). Commission staff informed the Program Subcommittee that several proposed bills are before the County Council; however, not all of the issues identified by Commission staff have been addressed in the new legislation nor has a vote on the legislation been scheduled. Staff also informed the Subcommittee that the County is continuing to approve certain projects that are inconsistent with the Critical Area Act and Criteria, and that reports of violations in Talbot County are becoming more frequent. Unfortunately, it appears that the Office of Planning and Zoning is unable to pursue certain violations without substantial revisions to the County Zoning Ordinance, because the current provisions are insufficient to effectively correct these problems.

The Program Subcommittee discussed these issues with the full Commission which has requested that you attend the next Commission meeting to provide an update regarding the comprehensive review and address these concerns. The next meeting is scheduled for September 4, 2002 at the Department of Housing and Community Development in Crownsville. The time for discussion of the Talbot County program will be approximately 1:30 p.m.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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

As you are aware, in accordance with Section 8-1809 (1) of the Annotated Code of Maryland, the Commission may take action to ensure the proper implementation of local Critical Area programs. The provision reads as follows:

(l) Correction of clear mistakes, omissions, or conflicts with criteria or laws.

(1) If the Commission determines that an adopted program contains a clear mistake, omission, or conflict with the criteria or law, the Commission may:
   (i) Notify the local jurisdiction of the specific deficiency; and
   (ii) Request that the jurisdiction submit a proposed program amendment or program refinement to correct the deficiency.

(2) Within 90 days after being notified of any deficiency under paragraph (1) of this subsection, the local jurisdiction shall submit to the Commission, as program amendments or program refinements, any proposed changes that are necessary to correct those deficiencies.

(3) Local project approvals granted under a part of a program that the Commission has determined to be deficient shall be null and void after notice of the deficiency.

If the Commission should decide to take this type of action the County would be notified of the deficiencies in its local program, ordinance, and regulations, and the deficiencies would need to be corrected within 90 days. Any approvals granted after such notification would be null and void until the County corrected the problems, and the Commission approved any revisions.

The Commission's discussion at the August 7, 2002 meeting focused on the following issues, and the members would like you to be prepared to discuss these on September 4, 2002:

Afforestation, forest clearing and reforestation.

Sections 19.2, 19.11, and 19.12 of the County Code include Critical Area provisions pertaining to the definitions of applicable terms, permitted forest clearing and required reforestation and afforestation. The County defines *tree* as a "a tall woody plant with a trunk of at least four inches in diameter measured four feet above grade." This definition has evolved over time and has become the basis for many of the current problems. The Critical Area Criteria, particularly in respect to Buffer protection, are based on the habitat and water quality values associated with riparian shorelines. When trees are removed from the Buffer to facilitate development, replacement is crucial. On site replacement is preferred if possible; off site replacement or payment of a fee-in-lieu

are permitted if necessary. The County's position, that trees smaller than four inches in diameter are not considered trees, does not provide for the protection, replacement, and creation of various types of forest habitat required by the Critical Area Act. Revisions to these provisions are needed to correct these problems.

Clearing in the 100-foot Buffer

Section 19.12 (b) (5) (iii) of the Code refers to activities allowed in the 100-foot Buffer. The Code allows "normal maintenance" which may include the "mowing of ground cover." This provision was initially understood by the Commission to allow mowing of existing grass lawns within the Buffer on grandfathered lots. This practice was and is acceptable under the Criteria; however, the local ordinance has been broadly interpreted to allow extensive bushhogging and clearing of natural vegetation within the 100-foot Buffer including the Buffer on new and undeveloped subdivisions and non-grandfathered lots. This situation, coupled with the County's practice of only protecting "trees" as defined above, has resulted in extensive loss of vegetation in the Buffer. These practices are inconsistent with the Critical Area Criteria and have increased dramatically in the last two years. Due to the fact that contractors often work in several jurisdictions, Commission staff receives frequent complaints from neighbors and persons in adjoining counties regarding the inequities and inconsistencies in the way the Buffer is managed in Talbot County. In the meantime, the loss and degradation of fully functioning Buffers continues to permanently degrade water quality and destroy habitat.

Guest Houses

Section 19.14 (a) of the Code allows for the development of new guesthouses in the RCA that are not counted in the calculation of residential density under the one-unit-per-20-acre density requirement. The local bill that proposes changes to this section retains the guesthouse allowance and is inconsistent with the Critical Area Criteria. County staff have met with the Program Subcommittee on this issue on numerous occasions in the last five years. The Subcommittee has made it clear to the County that guesthouses are not exempt from the density requirements, and that the County's ordinance must be amended.

Nonconforming Structures

Section 19.13 (d) (2) (i) of the County Code allows nonconforming structures, such as grandfathered dwellings in the 100-foot Buffer, to be expanded without a variance as long as the expansion maintains the current setback from the water. The Commission has approved similar provisions in other local programs as part of a Buffer Exemption Area (BEA) or Buffer Management program. However, in a BEA, development of this sort is automatically accompanied by mitigation, and an applicant

must demonstrate to the local government that the project has been designed to minimize Buffer impacts. Under provisions of the Talbot County ordinance, in many cases a building permit is the only procedural requirement. The applicant is not required to meet the variance standards or to minimize impacts, or provide mitigation. This situation has resulted in significant impacts to the Buffer, many of which could have been avoided or reduced.

Commission staff have worked closely with County staff to map potential Buffer Management Areas, so that a Buffer Management Program may be implemented that would allow for the expansion or replacement of a grandfathered dwelling while requiring mitigation. The Commission has required similar changes in all other local Critical Area jurisdictions where these types of provisions appeared in the original programs. The Talbot County practice should be replaced with the Buffer Management Program as soon as possible.

The Commission members and I look forward to seeing you on September 4, 2002. If you have any questions, please call Lisa Hoerger or Ren Serey at (410) 260-3460.

Very truly yours,

John C. North, II
Chairman

cc: Marianne D. Mason, Esq., Assistant Attorney General
Mr. Ren Serey
Ms. Lisa Hoerger
Ms. Mary Owens

Chesapeake Bay Critical Area Commission

STAFF REPORT

APPLICANT:	**Somerset County**
PROPOSAL:	Pirate's Cove Growth Allocation
COMMISSION ACTION:	Concurrence with Chairman's Determination of Refinement
STAFF RECOMMENDATION:	Approval
STAFF:	Claudia Jones
APPLICABLE LAW/ REGULATIONS:	Annotated Code of Maryland §8-1808.1 – Growth Allocation in Resource Conservation Areas

DISCUSSION:

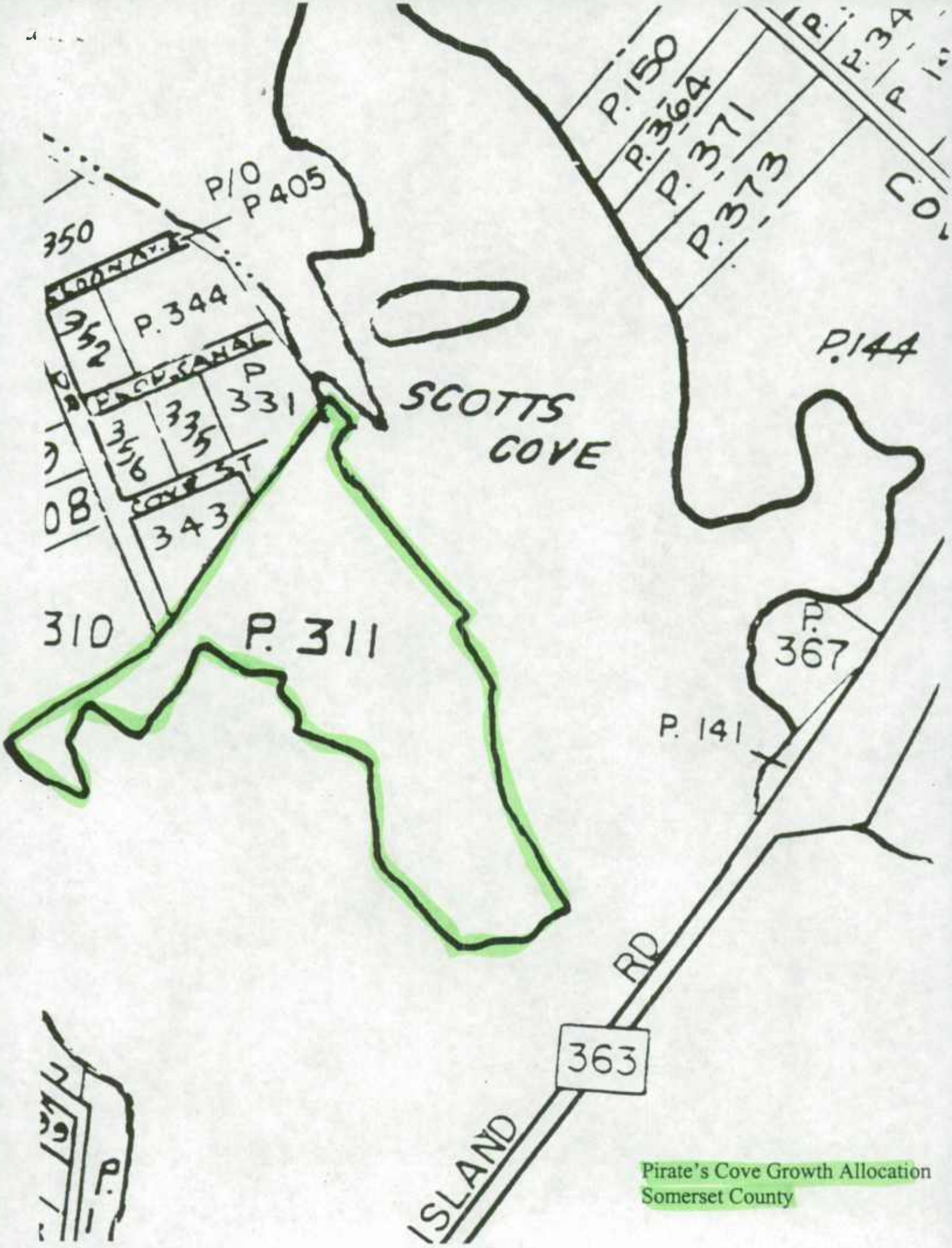
The Somerset County Commissioners have requested 5.8 acres of growth allocation for a project known as Pirate's Cove Marina. The property is completely within the Critical Area within an area that is currently mapped as a Limited Development Area (LDA). The proposal for growth allocation would change the designation of the entire property to an Intensely Developed Area (IDA) and it will be deducted in its entirety. The parcel is adjacent to a moderate density residential area that is mapped as LDA.

The purpose of the growth allocation is to upgrade and expand an existing marina. The parcel is the site of an old marina and a number of slips are currently in use. A substantial portion of the property was at one time used for dredge disposal. Currently the site is covered with grass and has several scattered trees. There are two small wetland pockets on the site and a fringe of marsh along most of the shoreline.

The Department of Natural Resources, Wildlife and Heritage Division has no record of Rare, Threatened or Endangered species on the site.

Local approval of the growth allocation was given on the basis of a concept plan rather than an approved site plan. The applicant is currently working with the Department of the Environment on amount and configuration of additional slips. The applicant has applied for the property to be designated a Buffer Exemption Area (BEA). The Somerset County Planning Commission tabled this portion of the application for future consideration.

This proposal for growth allocation is consistent with the Commission's Growth Allocation Policy.



Pirate's Cove Growth Allocation
Somerset County

TOWN OF
OCEAN CITY
The White Marlin Capital of the World

MAYOR & CITY COUNCIL
P.O. BOX 158
OCEAN CITY,
MARYLAND 21843-0158

www.town.ocean-city.md.us

August 28, 2002

Honorable John C. North, II
Chairman
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401

Dear Chairman North:

The Mayor and City Council of the Town of Ocean City, Maryland wish to nominate the members of the Town of Ocean City's Standing Legislative Committee, known as the Coastal Resources Committee, to serve on the Critical Area Advisory Committee. Currently, those members are:

Council President Richard Meehan
Council Member Erin Fitzsimmons
Council Member Joseph Hall, II

You may correspond with these nominees at: P. O. Box 158, Ocean City, Maryland 21843.

If I may be of further assistance, please advise.

Sincerely,

Jim

JAMES N. MATHIAS, JR.
Mayor

Ocean City, MD
All-America City
2001

MAIN STREET ECONOMICS

PO BOX 11
TRAPPE, MARYLAND
21673 · USA
410/822-5998
FAX 410/-176-9648

RECEIVED
JUL 31 2002
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Judge John C. North
Critical Areas Commission
1804 West Main Street
Annapolis, MD 21401

Dear Judge North:

Your response to my question for the Talbot Rivers Protective Association Town Meeting was forwarded to me by John Jessup.

I wonder why the Critical Areas Commission would look askance at trading growth allocations? Perhaps I was imprecise in my question. It was based on peripheral knowledge of attempts to trade development density conditions between properties owned by, say, a Corbin and an Isaak Walton League. And, on comments by a County consultant to the effect that some easements do not survive changes in ownership of some Talbot County parcels.

The latter was particularly worrisome to me and I thought that, since the densities in RCA and other Critical Area land use delineations were Critical Area issues, these would be overseen by the Critical Areas Commission. Is there not some opportunity to trade development densities across similarly zoned properties in the Critical Areas? And, if so, how does the Commission track and assure these trades? That was my intended question.

With respect to your interpretation of my question, I am surprised that you would look unfavorably on an idea primarily, let alone, only, because it was "fraught with uncertain political ramifications". Politicians and government officials may be concerned about losing authority over development decisions in the way that a market for inter-county growth allocation trading would do. But I am not sure that the market-place would be any worse a place for making such decisions than government offices.

Inter-county growth allocation trading might allow counties who want to do the right thing but who can't afford it to be compensated for foregoing development. And, if development in the Critical Areas were truly bound by a numerical cap, this could presumably be done without harm to the overall Bay. This is an interesting idea that you propose.

Thank you for your reply. If you have the opportunity to answer my revised question, I can be reached on (410) 822 5998 or at the address above.

Yours sincerely,

Robert Wieland