

Critical Area Commission
Department of Housing and Community Development
Crownsville, Maryland
October 2, 2002

AGENDA

- | | | |
|-----------------------|---|-------------------------------|
| 1:00 p.m. – 1:05 p.m. | Approval of Minutes for September 4, 2002 | John C. North, II
Chairman |
| PROJECTS | - <i>Talbot County</i> | <i>Ren Sevey</i> |
| | - <i>Calvert County</i> | |
| 1:05 p.m. – 1:15 p.m. | VOTE: State Highway Administration:
Woodrow Wilson Bridge: Amendment to
Forest Mitigation Package
(Prince George's County) | Lisa Hoerger |
| 1:15 p.m. – 1:25 p.m. | - <i>Concrete Wash Water Detention Basin</i> <i>Lisa</i>
VOTE: Department of Natural Resources:
Greenwell State Park: Park Host Campsite
(St. Mary's County) | Nicole Wittenstein |
| 1:25 p.m. – 1:35 p.m. | VOTE: Department of Natural Resources:
Greenwell State Park: Observation Area
(St. Mary's County) | Nicole Wittenstein |
| 1:35 p.m. – 1:55 p.m. | VOTE: Maryland Stadium Authority:
Tudor Hall Golf Course (St. Mary's County) | Mary Owens |
| 1:55 p.m. – 2:05 p.m. | VOTE: Department of General Services:
Tawes Daycare Center (Annapolis) | Dawnn McCleary |
| 2:05 p.m. – 2:15 p.m. | VOTE: St. Mary's College: Student Services
Building Parking Lot (St. Mary's County) | Wanda Cole |
| PROGRAMS | | |
| 2:15 p.m. – 2:25 p.m. | Refinement: Cecil County
Growth Allocation: Lanphar Property | Julie LaBranche |

OLD BUSINESS

- | | | |
|-----------------------|--------------|----------------|
| 2:25 p.m. – 2:30 p.m. | Legal Update | Marianne Mason |
|-----------------------|--------------|----------------|

2:30 p.m. – 2:35 p.m.	NEW BUSINESS
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Adjourn

- *Worcester Co. - change of meeting date*
- ~~*Baltimore*~~
- *Worcester Co. Panel*
- *Baltimore City Panel*

Department of Housing and Community Development
 Greenway, Maryland
 October 2, 2002
 -October 2, 2002

AGENDA

Time	Topic	Staff
1:00 p.m. - 1:30 p.m.	Approval of Minutes for September 4, 2002	John C. Hoff, II Chairman
1:30 p.m. - 1:45 p.m.	PROJECTS	
1:45 p.m. - 1:55 p.m.	VOTE: State Highway Administration Woodrow Wilson Bridge; Annetta Forest Mitigation Package Prince George's County	Lisa Horger
1:55 p.m. - 2:15 p.m.	VOTE: Department of Natural Resources Greenwell State Park; Park Map; Camps (St. Mary's County)	Nicole Wittstein
2:15 p.m. - 2:35 p.m.	VOTE: Department of Natural Resources Greenwell State Park; Observation Area (St. Mary's County)	Nicole Wittstein
2:35 p.m. - 2:55 p.m.	VOTE: Maryland Stadium Authority Tutor Hall Golf Course (St. Mary's County)	Mary Owen
2:55 p.m. - 3:15 p.m.	VOTE: Department of General Services Towson Gyroscopic Center (Anne Arundel)	David McHenry
3:15 p.m. - 3:45 p.m.	VOTE: St. Mary's College; Student Services Building Renovation (St. Mary's County)	Wanda Cole
3:45 p.m. - 4:15 p.m.	PROGRAMS	
4:15 p.m. - 4:35 p.m.	Refinement: Green County Growth Allocation; Linear Property	Julie Fancher
4:35 p.m. - 4:55 p.m.	OLD BUSINESS	
4:55 p.m. - 5:25 p.m.	Legal Update	Matthew Mason
5:25 p.m. - 5:55 p.m.	NEW BUSINESS	
5:55 p.m. - 6:00 p.m.	Adjourn	

Critical Area Commission
For the Chesapeake and Atlantic Coastal Bays
100 Community Place
People's Resource Center
Crownsville, Maryland

approved

The full Critical Area Commission met at the People's Resource Center, Crownsville, Maryland on September 4, 2002. The meeting was called to order by Chairman John C. North, II, with the following Members in Attendance:

Meg Andrews, Maryland Department of Transportation; Margo Bailey, Kent County; Dave Blazer, Coastal Bays, Worcester County; Dave Cooksey, Charles County; Larry Duket, Maryland Department of Planning; Judith Evans, Western Shore Member-at-Large; Dr. James C. Foor, Queen Anne's County; Bill Giese, Dorchester County; Ed Gilliss, Baltimore County; Charles Graves, Baltimore City; Robert Goodman, DHCD, Joseph Jackson, Worcester County; Paul Jones, Talbot County; Q. Johnson, Eastern Shore Member-at-Large; Louise Lawrence, Maryland Department of Agriculture; James Mathias, Ocean City Coastal Bays; James McLean, Maryland Department of Business and Economic Development; William Rice, Somerset County; Barbara Samorajczyk, Anne Arundel County; Douglas Stephens, Wicomico County; Douglas Wilson, Harford County; Samuel Wynkoop, Prince George's County, Elder Ghigiarelli for Gary Setzer, Maryland Department of Environment

Edwin Richards, Caroline Co.

Not in Attendance:

Dave Bourdon, Calvert County; Jack Witten, St. Mary's County; Mike Pugh, Cecil County

The Minutes of August 7, 2002 were approved as read.

Chairman North welcomed the new members of the Coastal Bays Advisory Committee to the Critical Area Commission's meeting.

Mary Owens presented for information the Maryland Stadium Authority and the Town of Leonardtown's proposed Tudor Hall Golf Course-Revised Gary Player Design in St. Mary's County. She explained that as part of a growth allocation approval for a PUD development located on an undeveloped agricultural parcel, the design of this golf course involved many challenges because of the presence of numerous streams and wetlands, the buffer, expanded buffer and steep slopes, FIDS and archaeological sites. A Concept Development Plan for a golf course was previously completed and the appropriate environmental agencies granted permits for construction. The plan would have been presented to the Commission after FIDS mitigation and Buffer mitigation amounts and locations had been determined. However, before the project was presented, the public or open spaces portion of the site was purchased from the developers by the State of Maryland and transferred to the town of Leonardtown to allow for the development of a stream valley park along McIntosh Run.

The Governor's Office worked with the Maryland Stadium Authority to review a substantially revised plan for the golf course as a result of a new partnership with Gary Player Incorporated to design a championship golf course. Ms. Owens described the new concept plan for the Commission as well as the results of her site visit with representatives of other State and federal agencies. In summary, she told the Commission that the original 1998 plan showed no impacts to the Nontidal Wetlands of Special State Concern, less than 2 acres of impacts to the 100-foot Buffer, and moderate impacts to the FIDS habitat. Although the current plan also shows no impacts to the Nontidal Wetland of Special State Concern, it will require approximately 80 acres of mitigation for

Handwritten notes or initials in the top left corner.

Official letterhead or title block, possibly including the name of the organization or department.

Dear Sir, I have the pleasure to acknowledge the receipt of your letter of the 14th inst. in relation to the proposed...

The proposed scheme for the construction of a new road through the village of... The route is shown on the attached plan and is subject to the approval of the relevant authorities...

Yours faithfully,
[Signature]

The Secretary, [Organization Name], [Address]

The Minutes of the Meeting of the Committee held on the 14th inst.

The Committee has considered the report of the Secretary and has agreed to the proposed scheme...

The Committee has also agreed to refer the matter to the relevant authorities for their consideration and to report back to the next meeting of the Committee...

The Secretary is requested to advise the relevant authorities of the decision of the Committee and to keep the Committee informed of any developments...

FIDS habitat and will have roughly 34 acres of impacts to the 100-foot Buffer, streams, wetlands, and steep slopes in the Critical Area. She said that because of the limited information she has received, it would not be possible to determine at this time whether the 34 acres of impacts to the Buffer would allow for continued Buffer function.

Representatives from the Governor's office, Maryland Stadium Authority, Mayor Norris of Leonardtown, and State government officials, including Delegate Wood, as well as consulting engineers were present to encourage support for the project and approval of the concept plan so that they could go the financial market for support. They also presented a letter of support from Senator Roy Dyson.

Ren Serey said that the subcommittee reviewed the site design and that the project will probably be approvable, but because it will have buffer and FIDS impacts a conditional approval is necessary. Therefore, the project will have to show that it has the characteristics set out in COMAR for a conditional approval vote at the next meeting. Bob Goodman moved to table the request until next month when the Commission has sufficient information to vote on a conditional approval. The Commission was in agreement that there was insufficient information submitted, such as stormwater management, and that the conditional approval would require findings concerning the project's impacts and mitigation measures. Joe Jackson seconded the motion and it carried unanimously.

Wanda Cole presented for Vote the St. Mary's College proposed relocation and reconfiguration of an existing entrance road at St. Mary's College in St. Mary's County. She said that the existing access road needs to be relocated because the heavy traffic compromises an important archaeological site that is located very close to the edge of the road and also impedes the development of a proposed Visitor's Center and parking lot. St. Mary's College is recognized as an area of intense development and this project complies with the 10% pollutant reduction requirements by removing 55 pounds of phosphorus when the required amount is only 12 pounds. The total new impervious surface of 4,854 square feet in the Buffer will be mitigated at three-to-one. There are no impacts to nontidal wetlands and there is a 100-foot buffer around the tributary streams. There are no known threatened or endangered species. The project is consistent with COMAR 27.02.05. Bob Goodman moved to approve the request to relocate and reconfigure the existing entrance road at the St. John's Archaeological Exhibit at St. Mary's College as presented in the Staff Report. The motion was seconded by Bill Giese and carried unanimously.

Ren Serey, Lisa Hoerger and Mary Owens presented for discussion the Talbot County Comprehensive Review and several outstanding issues. The Commission was briefed on the history of the implementation issues unresolved by Talbot County in their Critical Area Program Comprehensive Review. Mr. Serey said that the Commission staff has been working to resolve problems in the Talbot County program for nine years. He stated that the Commission's Program Subcommittee requested an update and was briefed on the status of the comprehensive review at the last Commission meeting on August 7, 2002. The Subcommittee was informed that several proposed bills are before the County Council but not all of the issues identified by the Commission staff and the Subcommittee were addressed in the new legislation nor has a vote been scheduled. The County also continued to approve projects that are inconsistent with the Critical Area Act and Criteria, and reports of violations in the County are more frequent. The Office of Planning and Zoning is unable to pursue many of these situations without substantial revisions to the Zoning Ordinance because the current provisions are insufficient to effectively correct these problems.

It is noted that the Commission on the Organization of the Medical Profession, which was established in 1959, has been unable to reach a consensus on the proposed changes in the structure of the medical profession. The Commission's report, published in 1962, recommended a number of changes, including the creation of a new medical profession, the elimination of the medical boards, and the establishment of a new medical profession. The Commission's report was widely criticized, and the proposed changes have not been implemented.

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The Chairman sent a letter to Mr. Daniel Cowee, the Planning Officer for Talbot County, inviting him to come to the September meeting to discuss the following concerns: afforestation, forest clearing and reforestation; clearing in the 100-foot Buffer; Guest Houses; and Nonconforming structures. Mr. Cowee addressed the Commission and described the positions the County Council is taking on these issues. He said that proposed Council bills concerning guest houses and non-conforming structures received a negative recommendation from the Planning Commission. The County Council appointed a task force to consider the bills. The task force held workshops and ultimately did not recommend approval of the bills. Mr. Cowee said that at this time the Council's position is not to support legislation having to do with these issues. He stated that the Council's position could change after public comment and hearing on the other bills in the legislative package. Introduction is scheduled for early October with a vote by the end of October. With respect to the 100 foot Buffer and Afforestation, forestation and reforestation issues, he said the County has developed a manual concerning these items which will be incorporated by reference into Chapter 11 of the County's Zoning Ordinance. The manual has some of the changes the Commission is seeking. Mr. Cowee stated that he discussed with the Council the needed changes and the reasons for them. Ms. Owens stated that regardless of the political process, there is no language – and therefore no resources – in the County's program to effectively deal with the problems that are presented daily concerning planting and clearing. After much discussion among the Commission members, the Chair called the question. Dr. Foor moved the Program Subcommittee's recommendation to the Commission for a request in a letter to the Council for a resolution under Natural Resources Article 8-1809 (l) of these program deficiencies within 90 days of the letter's having been sent; and that any 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. Bob Goodman seconded the motion. The four issues in questions were clarified as those outlined in the Chairman's letter to Mr. Cowee dated August 15, 2002, attached to and made a part of these minutes. The Chairman called the question. The motion carried with 24 in favor; Samuel Wynkoop and Paul Jones were in opposition.

Claudia Jones presented for concurrence with the Chairman's determination of Refinement, Somerset County's request to designate 5.8 acres of growth allocation from LDA to IDA for a project known as Pirate's Cove Marina. This acreage will be deducted in its entirety and is consistent with the Commission's policy for Growth Allocation. The purpose is to upgrade an existing marina. There are no rare, threatened or endangered species. The Commission supported the Chairman's determination of Refinement.

Old Business

Jim McLean told the Commission that the Hyatt in Cambridge has officially opened. He thanked Chairman North and the Commission on their hard work on this project and he said that this is the result of Smart Growth at work and he extolled the economic virtues of this project with 350 jobs in economically depressed Cambridge.

Marianne Mason, Esquire and Commission Counsel, updated the Commission on legal matters. She said that the Lewis case in Wicomico County is in the Court of Special Appeals. She will argue it on September 6th. This case involves the construction of 7 cabins in the Buffer on an island with 275 acres and all but five acres under water.

Ms. Mason represented LeeAnne Chandler before the Anne Arundel County Board of Appeals on a project in the Herald Harbor area of the County. A variance for disturbance of steep

September 4, 2002

slopes, Buffer and stream impacts is being sought for the creation of new lots from consolidating old lots 20 feet.

In the first case that has been heard under the new variance law at the Anne Arundel County Board of Appeals in June, the Commission has won. This case involves a freestanding deck in the Buffer. The Board turned it down unanimously.

There is a case in Calvert County before the Board of Appeals involving a Buffer issue in the Solomons Town Center area. An individual has claimed that the County's 30-foot setback for the Town Center, enacted several years before the start of the Critical Area program, applies instead of the 100-foot Buffer on a large lot over four acres. There is plenty of room to put whatever the applicant wants to put outside the Buffer. The hearing is rescheduled for October.

New Business

Ren Serey told the Commission that the Coastal Bays Advisory Committee will meet two times in the next couple of weeks to consider Worcester County's draft Critical Area program.

There being no further business, the meeting adjourned.

Minutes submitted by: Peggy Mickler, Commission Coordinator

...the creation of any job opportunities...

...the fact that the... Commission has...

...the... Commission... the...

New Business

...the Commission... will...

...the...

...the...



COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND

COURT HOUSE
11 N. WASHINGTON STREET
EASTON, MARYLAND 21601-3178

LEVIN F. HARRISON, IV, President
WAYNE DYOTT, Vice President

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PHILIP CAREY FOSTER
ROBERT D. HIGGINS
HILARY B. SPENCE

September 30, 2002

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

Dear Judge North:

Talbot County is in receipt of your correspondence dated September 23, 2002 regarding the Critical Area Commission's determination that portions of Talbot County's critical area program are deficient and require legislative action by the County Council.

Legislation can only be introduced on the second and fourth Tuesdays of the month, with the exception of November in a council manic election year, discussed below. The Talbot County Charter establishes specific provisions for public notice of proposed legislation, which in practice require a minimum three-week interim following introduction for public notice and hearing.

Elections for the Talbot County Council are scheduled for November 5, 2002. The Charter prohibits the Council from holding a legislative session during the month of November in a council manic election year. At least two of the current council members will not be members of the newly elected Council. The new Council will not be sworn in until December 2nd. Any legislation introduced now would not be eligible to be voted on until the new council is seated, and at least two, perhaps more, of the five members of the new council will not have had the opportunity to participate as members of the council in any public hearing scheduled on these matters in the interim.

Moreover, issues of this complexity invariably lead to the need for additional review and consideration following comment offered at the required public hearing. Under the Charter, any substantive amendment would necessitate readvertising and an additional opportunity for public comment prior to legislative action.

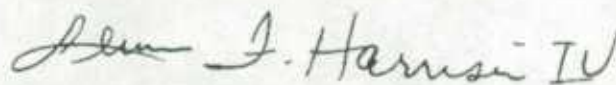
The Charter's restrictions combined with the timing of the Commission's letter effectively eliminate the Council's ability to respond to the 90-day deadline for legislative action.

For this reason I am requesting that the 90-day deadline be extended. This extension is sought as a courtesy, and is, of course, without advance commitment or indication of what course either party may eventually take. Hopefully the additional time will provide an opportunity for the new Council and the Commission to resolve any differences which may exist as to identifying and implementing solutions which are in the public interest.

Thank you for your time and attention.

Sincerely,

COUNTY COUNCIL OF TALBOT COUNTY



Levin F. Harrison, IV, President

LFH: kmr

Cc: County Council
Dan Cowee

September 23, 2002

Honorable Levin F. Harrison, President
Talbot County Council
Courthouse
11 N. Washington Street
Easton, Maryland 21601

RE: Notice of Action pursuant to Maryland Annotated Code, Natural Resources Article §8-1809

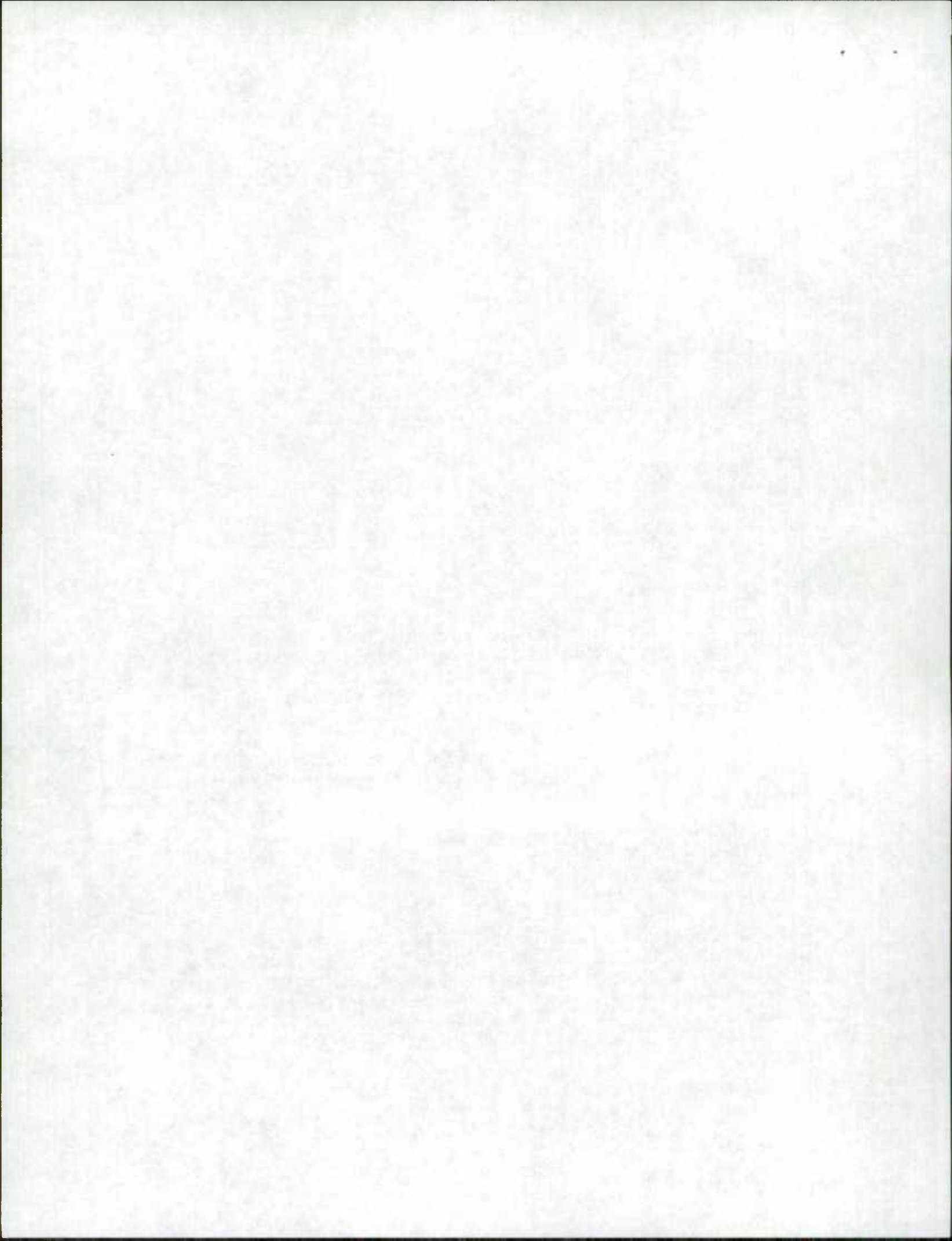
Dear Councilman Harrison:

This letter serves as notice of action taken by the Critical Area Commission ("Commission") at its regular meeting on September 4, 2002, pursuant to Maryland Annotated Code, Natural Resources Article ("NR") §8-1809 (1). The Commission voted to declare four provisions of Talbot County's Critical Area Program ("County Program") to be in conflict with the Commission's Criteria.

At its September 4, 2002 meeting, the Commission discussed concerns regarding the Talbot County Critical Area Program with Mr. Dan Cowee and Commission staff. The Commission focused on the following four issues:

1. Afforestation, forest clearing and reforestation
2. Clearing in the 100-foot Buffer
3. Guest Houses
4. Nonconforming Structures

The Commission compared these elements of the Talbot County Program with the requirements of the State Critical Area law and COMAR 27.01 et seq. The Commission performed this comparison pursuant to its responsibility under Section 8-1809 of the Natural Resources Article, Maryland Annotated Code. After the discussion, the Commission voted on a Motion:



Mr. Daniel R. Cowee
September 23, 2002
Page Two

To invoke Annotated Code, Natural Resources Section 8-1809(l)(1); and

To determine that the Talbot County Critical Area Program contains clear mistakes, omissions and conflicts with the Commission's criteria; and

To notify the County of the deficiencies; and

To direct the County to submit a proposed program amendment(s) or refinement(s) to correct the deficiencies.

The Motion passed by a vote of 25 in favor, 2 opposed. The specific provisions of the Talbot County Program affected by this action of the Commission are:

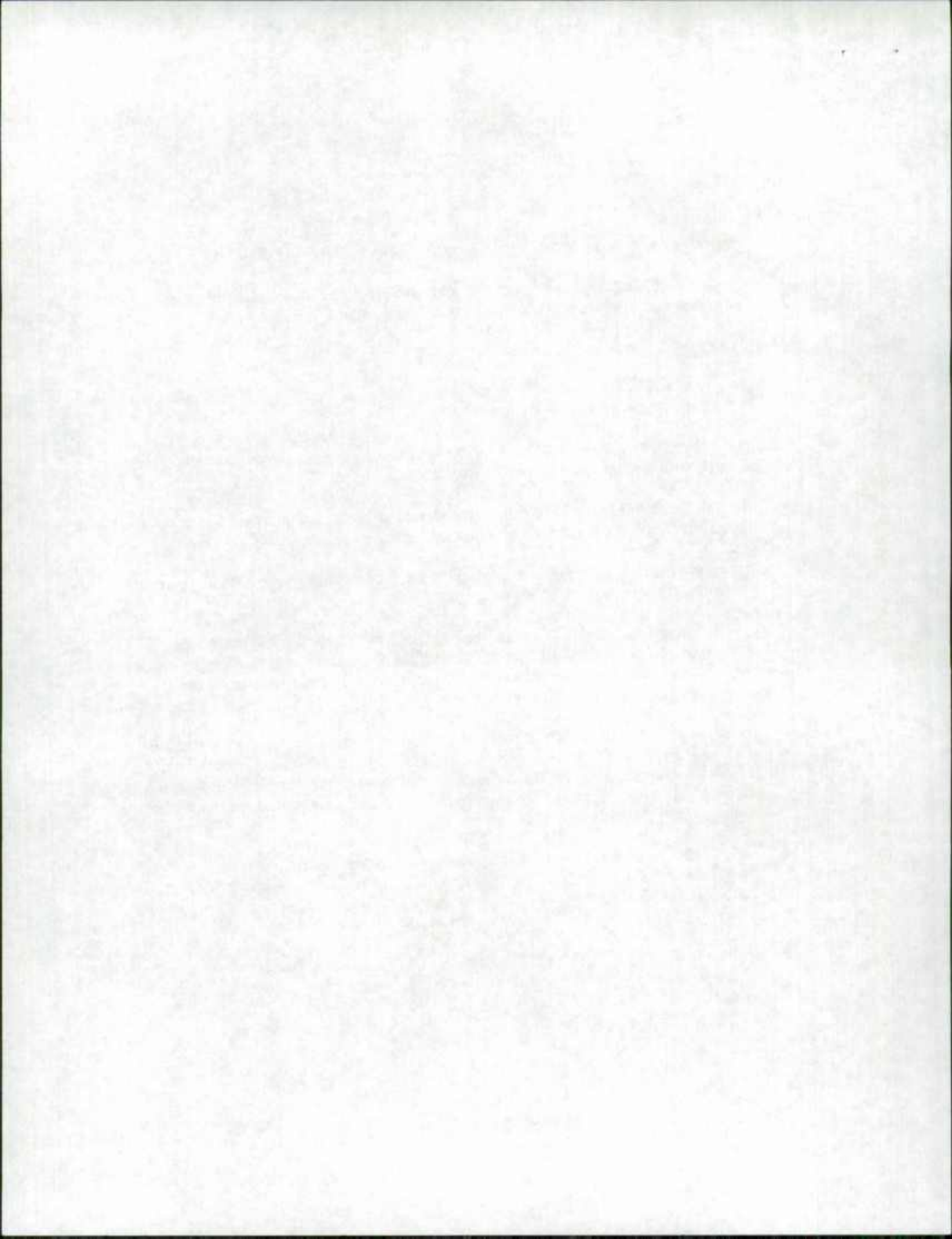
1. **Section 19.2 Definitions:** The Commission voted to direct the County to remove the definition of "tree - CA" and the definition of "maintenance, normal - CA."

The draft proposed Talbot County Critical Area Planting and Mitigation Manual contains the following definition of "natural vegetation."

Natural Vegetation -- Canopy trees, understory trees, shrubs, and herbaceous plants that are typically found in the Critical Area. Areas of natural vegetation that are planted to satisfy mitigation requirements shall mimic the structure and species composition of natural forests.

Although not required by the Commission's action pursuant to Section 8-1809 (l) of the Critical Area Act or this letter, we recommend that the County insert the above definition into the Definitions section of the Ordinance. Implementing this definition along with approved Buffer Management Plans would enable the County to protect existing Buffers and to establish Buffers on newly approved lots.

2. **Section 19.4 Land Use Regulations by Zoning Districts:** The Commission voted to direct the County to amend the General Table of Land Use Regulations to assure that all Guest Residences approved in the RC zone are counted as dwelling units for the purpose of calculating permitted Critical Area residential density in the RC zone.
3. **Section 19.12 (b)(5)(iii)[c] Site Plan Review:** The Commission voted to direct the County to amend the section as follows, deleting the language appearing in ~~format:~~



Mr. Daniel R. Cowee
September 23, 2002
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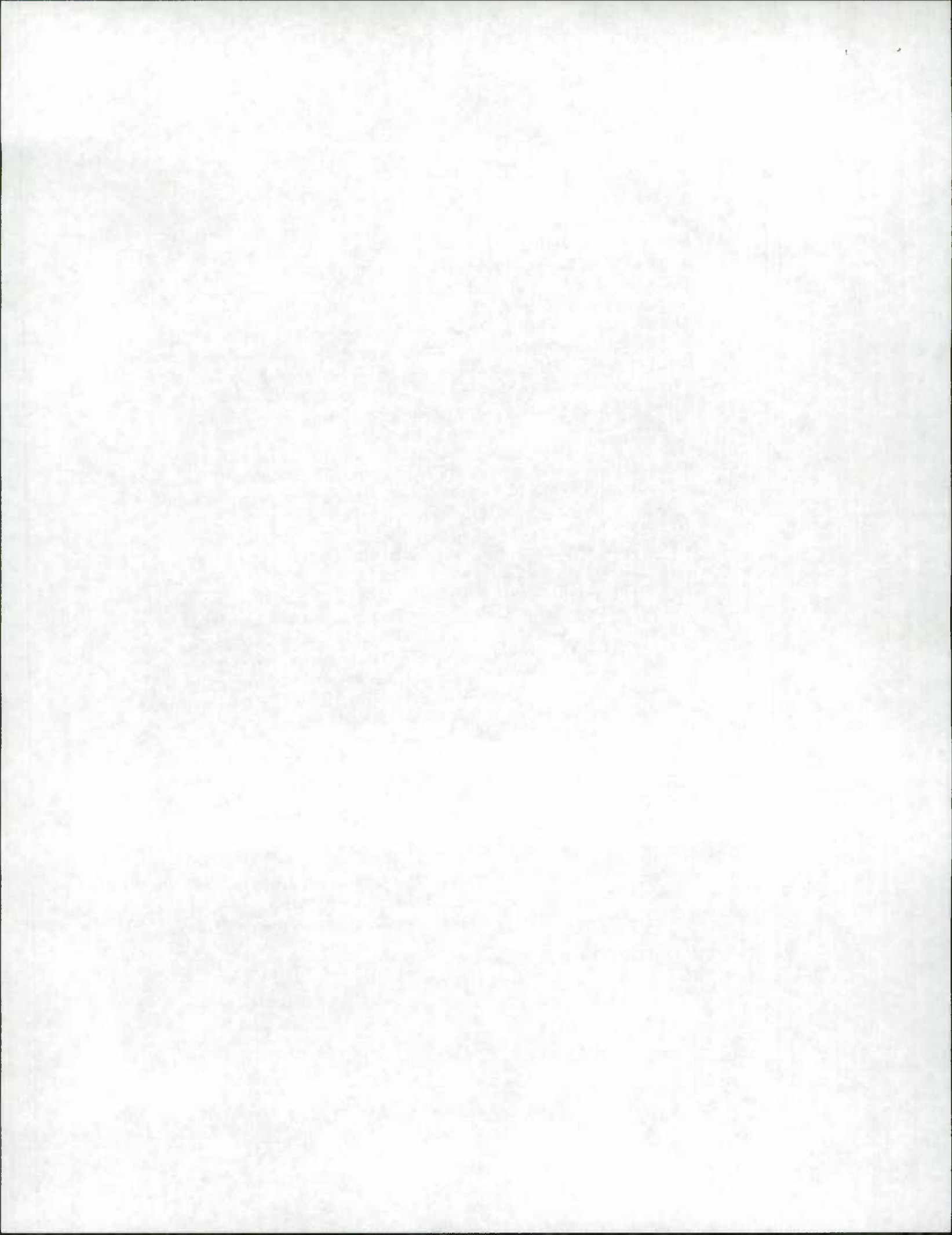
~~[c] New development activities, including structures, roads, parking areas and other impervious surfaces, mining and related facilities, or septic systems are not permitted in the Buffer. The only exception to this limit are structures and roads so closely associated with water dependent activities that they can not be located outside the buffer. Clearing existing natural vegetation in the Buffer is not allowed. except for normal maintenance. Such maintenance shall be consistent with the forest activities in the Buffer not requiring approval from the Maryland Forest, Park and Wildlife Service as described in Section 19.11(a)(2)(i) [f], and may include the mowing of ground cover. Additional vegetation should be planted where necessary to protect, stabilize, or enhance the shoreline.~~

Alternatively, if the County wishes to permit certain cutting or clearing activities in the Buffer, we recommend amending section 19.12 (b) (5) (iii) [c] as follows, deleting the language appearing in ~~strikeout~~ format and adding the language appearing in capital letters:

~~[c] New development activities, including structures, roads, parking areas and other impervious surfaces, mining and related facilities, or septic systems are not permitted in the Buffer. The only exception to this limit are structures and roads so closely associated with water dependent activities that they can not be located outside the buffer. Clearing existing natural vegetation in the Buffer is not allowed except for normal maintenance. Such maintenance shall be consistent with the forest activities in the Buffer not requiring approval from the Maryland Forest, Park and Wildlife Service as described in Section 19.11(a)(2)(i) [f], and may include the mowing of ground cover. Additional vegetation should be planted where necessary to protect, stabilize, or enhance the shoreline. UNLESS PERMITTED BY A BUFFER MANAGEMENT PLAN, WHICH WILL BE SUBJECT TO THE PERMITTED CLEARING ACTIVITIES DESCRIBED IN SECTION 19.11(A)(2)(I) [F]. ALL CLEARING ACTIVITIES PERMITTED UNDER A BUFFER MANAGEMENT PLAN SHALL REQUIRE REPLANTING IN THE BUFFER.~~

Amending the section by adding the language set out immediately above will enable the County to permit certain activities in the Critical Area Buffer while protecting the overall Buffer functions and recognizing the grandfathered status of certain situations such as grass lawns.

4. **Section 19.13(d)(2)(i) Nonconforming Uses, Lots, Parcel and Structures:** The Commission voted to direct the County to remove this section in its entirety.



Mr. Daniel R. Cowee
September 18, 2002
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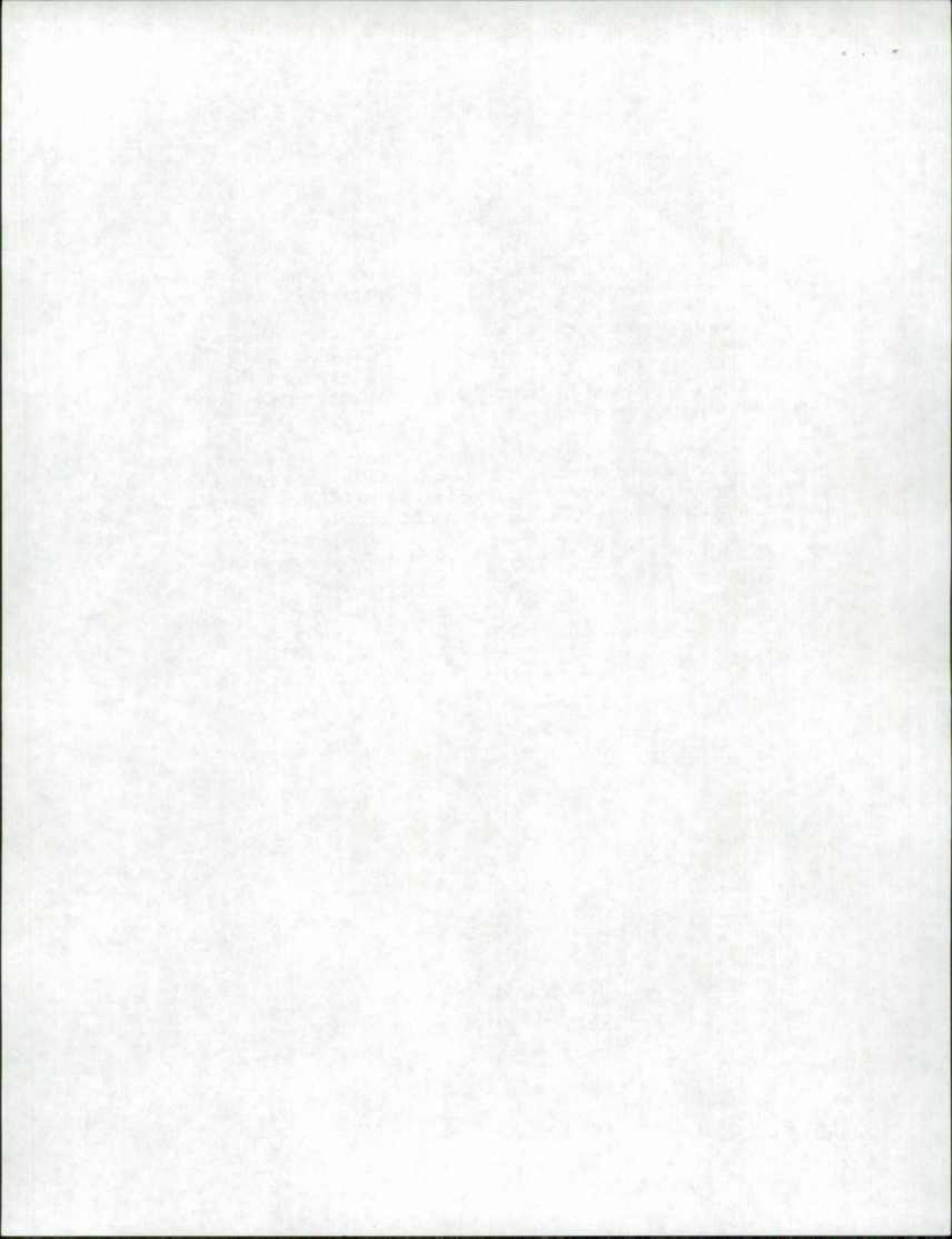
The Commission takes this action pursuant to Natural Resources Article §8-1809(I). As a result of this vote, the County shall submit to the Commission as a program amendment or program refinement, any changes to the County Program necessary to correct the identified deficiencies. This submission shall be made within 90 days of the date of this letter. The corrections may be submitted as one package or as separate submissions. The Commission also notifies you that, as a result of this vote by the Commission, from the date of this letter, any local project approval granted under a part of the local program that the Commission has determined to be deficient shall be null and void.

For your information, I will send two items by separate mailing. These are 1) for use as an example, provisions from the Charles County Critical Area Program, amended in 2001 to add language for Buffer Management Plans on individual properties; and 2) a model form for Buffer Management Plans that you can adapt specifically for Talbot County.

If you have questions or need additional information, please contact me or Mr. Ren Screy, the Commission's Executive Director.

Very truly yours,

John C. North, II
Chairman



Critical Area Commission

STAFF REPORT

October 2, 2002

APPLICANT: Department of Transportation
State Highway Administration

PROPOSAL: Woodrow Wilson Bridge (WWB)
Amendment to the Forest Mitigation Package

JURISDICTION: Prince George's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Pending City Council Hearing

STAFF: Lisa Hoerger

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

DISCUSSION:

At its meeting on October 3, 2001, the Critical Area Commission approved the Forest Mitigation Package for the Woodrow Wilson Bridge project. The original approval by the Commission included a condition that any changes be reviewed and approved by the Commission. Within the last month one of the sites required some reconfiguring in order to meet the requirements of a local user group of the site; therefore, the reconfiguration of this site must be reexamined and approved by the Commission.

The total required mitigation for the project was 81.8 acres. Four sites were screened and selected for use as the mitigation sites. The following sites were included as part of that package: the Oxon Hill Children's Farm, owned by the National Park Service; a site owned by the Washington Suburban and Sanitary Commission; the Puterbaugh farm, a privately-owned site; and the Hohensee Farm, a site owned by the City of Bowie.

The Hohensee tract, owned by the City of Bowie, is the tract that requires an amendment to the Forest Mitigation Package. This site is currently an agricultural field. The City allows a model airplane club to use this site. This was known when the site was selected; however, the project forester carefully designed the mitigation site so that a large area of the agricultural field remained open for the park users. After a recent public meeting, the City Council instructed the State Highway Administration to work with this user group to create a larger area for their use.

STATE REPORT
October 2, 1962

Department of Transportation
State Highway Administration

Wash. State Highway Dept. (WSHD)
Investigation to the State Highway Dept.

State Highway Dept.

Yes

STATE RECOMMENDATION: Transfer to Council Hearing

Case Number

OM 62-27-02-02 - State Agency Action
Section 11 Development and State-owned Land

APPLICANT:

PROJECT:

JURISDICTION:

COMMISSION ACTION:

APPLICABLE LAWS
REGULATIONS

DISCUSSION:

At its meeting on October 1, 1962, the Clinton State Commission approved that it should conduct an investigation for the Washington State Highway Dept. The original purpose of the investigation was to determine if any changes in the highway system were warranted. Within the law, the Commission has the authority to conduct an investigation of a local or state agency if the investigation is requested by the Commission and the investigation is approved by the Commission.

The total project location for the project was 81.8 acres. Four acres were located and located for the project. The total area was included as part of the project. The project was approved by the Clinton State Commission. The project was approved by the Clinton State Commission. The project was approved by the Clinton State Commission.

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Staff Report
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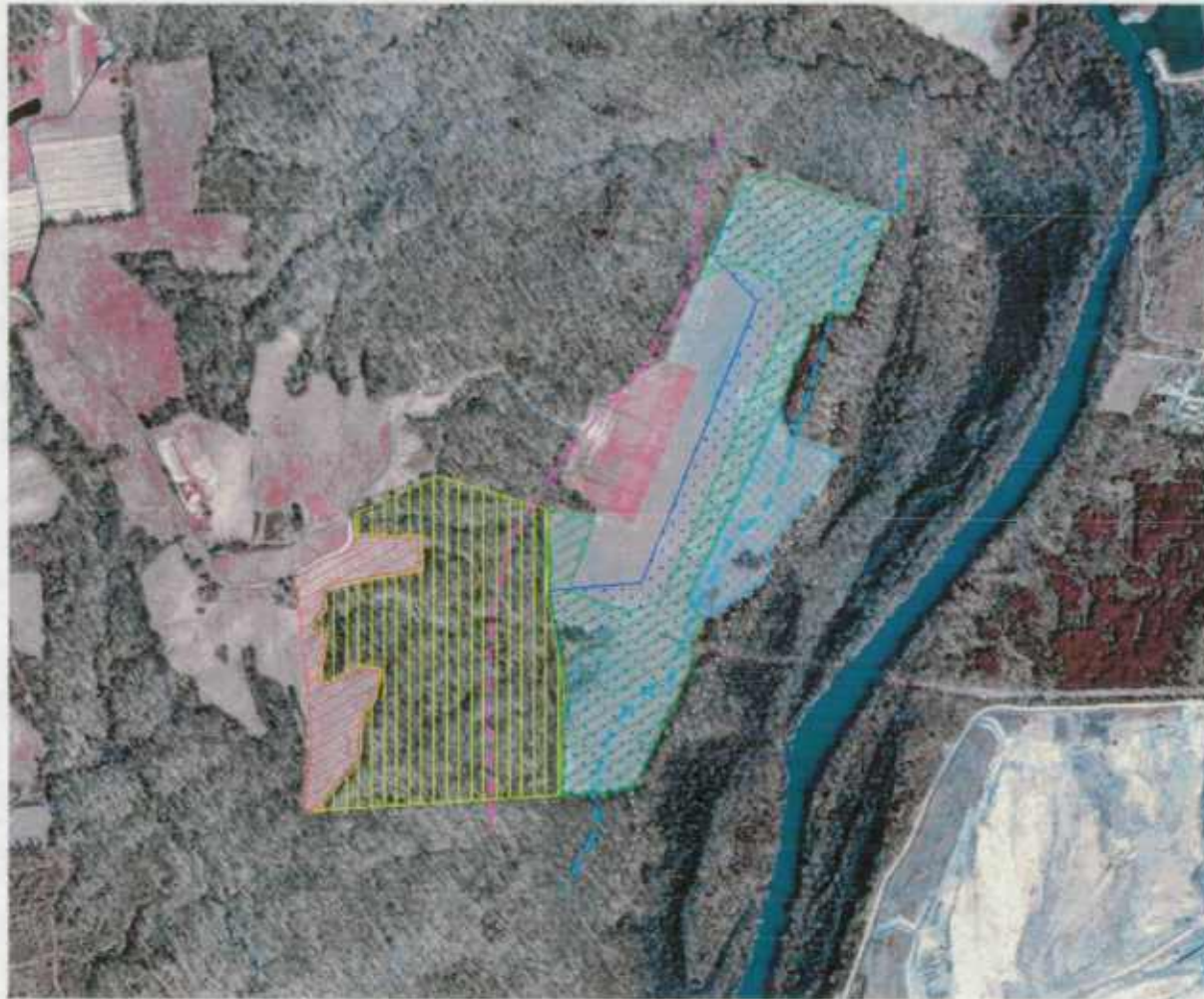
After two meetings with this group and the City of Bowie, Department of Public Works, both groups found a compromise position. The proposal includes removing no more than five acres of the 30 acres from the existing, approved mitigation site, to a nearby open field that is not used by the model airplane club. This site is also part of the Hohensee tract owned by the City of Bowie and is available for planting. It is directly adjacent to a forested area which is adjacent to the site proposed for the original mitigation site.

Approximately 25 acres will remain on the tract that was originally proposed for mitigation; however, it will be configured to allow the maximum area for the model airplane club users. The forester has also amended his planting list to include slower growing, shorter tree species.

Claudia Jones, the Commission's Science Advisor, reviewed the request and determined this site offers the same benefits from reforestation as the original site. It appears this tract and adjacent tracts may support Forest Interior Dwelling Birds. With the additional plantings at the original location approved by the Commission at the proposed site, it appears more interior habitat could be created.









The issue that concerns Commission staff is the protection measures afforded to the forested tract that will connect the two planting areas. The City's Department of Public Works suggested that an easement is placed on this area; however, this provision will have to be reviewed and approved by the City Council which meets just prior to the Commission's October 2 meeting. Also, the protective measure for the mitigation sites must be decided.

Commission staff recommendation is pending the outcome of the City Council's public hearing. Once we are assured that appropriate protective measures will be placed on the two mitigation sites and the forested tract in between, we will offer a recommendation.



600 0 600 1200 Feet

LEGEND

-  1000' CBCA Boundary
-  300' Expanded Buffer
-  Approximate Wetland Boundary
-  30 Acre Original Planting Area
-  25 Acre Adjusted Planting Area
-  5 Acre Relocated Planting Area
-  Existing Reforestation Area
-  Proposed Forest Conservation Easement Area (approx 33 acres)

POTENTIAL CBCA CREDITS
Buffer: 4.1 acres
General CBCA: 25.9 acres

**Woodrow Wilson Bridge Project
City of Bowie - Hohensee Property
Reforestation Site PAX81
PG map 86 parcel 3**

plan prepared September 2002
PA X81p2 apr

Critical Area Commission

STAFF REPORT

October 2, 2002

APPLICANT: Department of Transportation
State Highway Administration

PROPOSAL: Woodrow Wilson Bridge (WWB)
Construction Staging Area
Concrete Wash Water Detention Basin

JURISDICTION: Prince George's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Pending Subcommittee Discussion

STAFF: Lisa Hoerger

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

DISCUSSION:

The State Highway Administration (SHA), on behalf of Tidewater/Keiwit/Clark Joint Venture ("TKC"), the foundation's contractor for the Woodrow Wilson Bridge project, requests the Critical Area Commission consider a proposal to site a detention basin in the 100-foot Buffer inside the existing construction staging area.

In order to trap and contain concrete wash water as required through the Maryland Department of the Environment's (MDE) General Mineral and Mines Permit (Registration No. 00-MM-9727), TKC and SHA propose to construct a temporary detention basin adjacent to the existing batch plant within the TKC staging area. This basin will serve all components of the concrete system that produce wash water, including the wash water from the barges in the river and from the anticipated increase of frequency and volume of production and placement of wash water that will be generated by the batch plant.

A two-stage basin is proposed in order to minimize impacts to the greatest extent possible. No excavation is required, only the construction of a 3' high berm. The bermed area has no outfall. The southern portion requires minimal excavation to create a sump that batch plant wash water will flow into. The management of concrete wash water generated on the three transport barges will be pumped into the second stage of the detention basin for proper treatment.

Approximately 18,000 gallons of wash water will be generated from the barge conveyance / placement system and 1,500 gallons of wash water will be generated from the batch plant; therefore, total usage for these pours is anticipated to be approximately 20,000 gallons. The detention basin has been designed to accommodate 40,000 gallons which will safely hold twice the maximum volume anticipated.

Water within the detention basin will primarily infiltrate into the ground or evaporate, leaving only sediment for disposal. If necessary, water can be pumped out and utilized on the project for dust control once the pH stabilizes between 6 and 9. Sediment will be removed on an as needed basis prior to reaching 50% of basin capacity. Disposal of sediment will be in an approved upland disposal site.

The Maryland Department of the Environment issued approval of this modification on September 30, 2002.

The State Highway Administration is seeking conditional approval for the use of a detention basin, located along the Smoot Cove shoreline, south of the existing Woodrow Wilson Bridge, to support receive the concrete wash water from the barges that transport the concrete. In accordance with COMAR 27.02.06, TKC and the SHA provided justification to the Critical Area staff for conditional approval to permit certain activities within the 100-foot Buffer.

Below are the criteria that must be met in order for the Commission to approve the request. The text that appears in **bold** are the Critical Area Commission staff's responses, and the text that appears underlined are SHA's responses.

01 Criteria

B.(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;

The General Mineral and Mines permit (Registration No. 00-MM-9727) requires no discharge to surface waters from concrete batch plant operations. The site naturally drains to the northwest corner of the staging area and requires some means to prevent wash water from leaving the staging area. Reasons for requesting approval of the detention basin:

- a) Construction activities / concrete production are increasing. Generation of additional wash water needs to be contained.
- b) The sediment basin outside the staging area has been removed to prepare the site for new contracts in the future. With this sediment basin removed, there is increased risk that water could be discharged into surface waters in violation of the Mineral and Mines Permit and Private Wetlands Permit. A detention basin is necessary to ensure compliance at all times.

- c) Note that this is a proactive measure to accommodate the influx of additional wash water.

While there is no additional area left inside the construction staging area for additional activities outside the 100-foot Buffer, there is sufficient room outside of the 100-foot Buffer adjacent to Smoots Cove to locate the proposed detention basin. On September 19th, SHA provided me a copy of a proposal to locate the detention basin adjacent to the existing construction staging area, outside of the 100-foot Buffer. At that time it was suggested the water could be pumped through a hose. Pumping will be required to transport the concrete wash water from the barges to the land anyway, so locating the detention basin outside the 100-foot Buffer appears feasible and will still allow SHA to meet the requirements of the General Mineral and Mines permit.

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

The addition of a detention basin ensures protection of water quality relating to concrete production activities.

The proposal to locate the detention basin in the 100-foot Buffer will not provide substantial public benefits to the Critical Area Program especially if there is an overflow incident. Locating the detention basin in the 100-foot Buffer as opposed to outside the Buffer allows little if no opportunity for a spill to be contained or averted before it would reach Smoots Cove.

B.(3)

That the project or program is otherwise in conformance with this subtitle.

The project site is in conformance with the Critical Area Criteria. Work in this area was originally authorized by the CBCAC on June 7, 2001. Since that time, TKC has been in compliance with conditions as permitted. PCC inspectors have conducted daily inspections and summarize these in the PCC Environmental Inspection reports. No non-compliance issues have been noted.

The detention basin is in conformance with this subtitle in as much as it enhances and protects the water quality of Smoots Cove and the Potomac River; however, detention basins are not appropriate in the 100-foot Buffer.

The Commission's approval of this site as a construction staging area did not allow any activities in the Buffer with the exception of a "lay-down" area, which allows space for inert construction materials such as steel plates, sheet piles, steel piles, steel forms, and reinforcement bar. The concrete batch plant, an aggregate storage area, trailers for TKC, a trailer for MDOT/SHA, mechanical areas, temporary storage containers, and parking were to remain outside of the 100-foot Buffer.

C.(1)

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

Refer to B.(1). Approval of this proposal will ensure that this Federal / State project may continue in compliance with the General Mineral and Mines Permit as well as water quality special conditions in other Federal and State Permits. Conversely, literal enforcement may result in a non-compliance or violation which may result in a stop-work order. In addition, SHA or the Contractor may elect to stop activities if a non-compliance or violation is eminent, preventing progress of the project.

The requirements of the General Mineral and Mines Permit can be met without requiring a conditional approval to place the detention basin inside the 100-foot Buffer since there appear to be opportunities to locate the detention basin outside the Buffer.

C.(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;

This task will remain in conformance with the process outlined in accordance with the June 6, 2001 CBCAC Staff Report. Please note that this is a temporary basin with minimal excavation that will be removed at the completion of the contract (approximately July 1, 2003). The affected area will be restored to its original condition at completion.

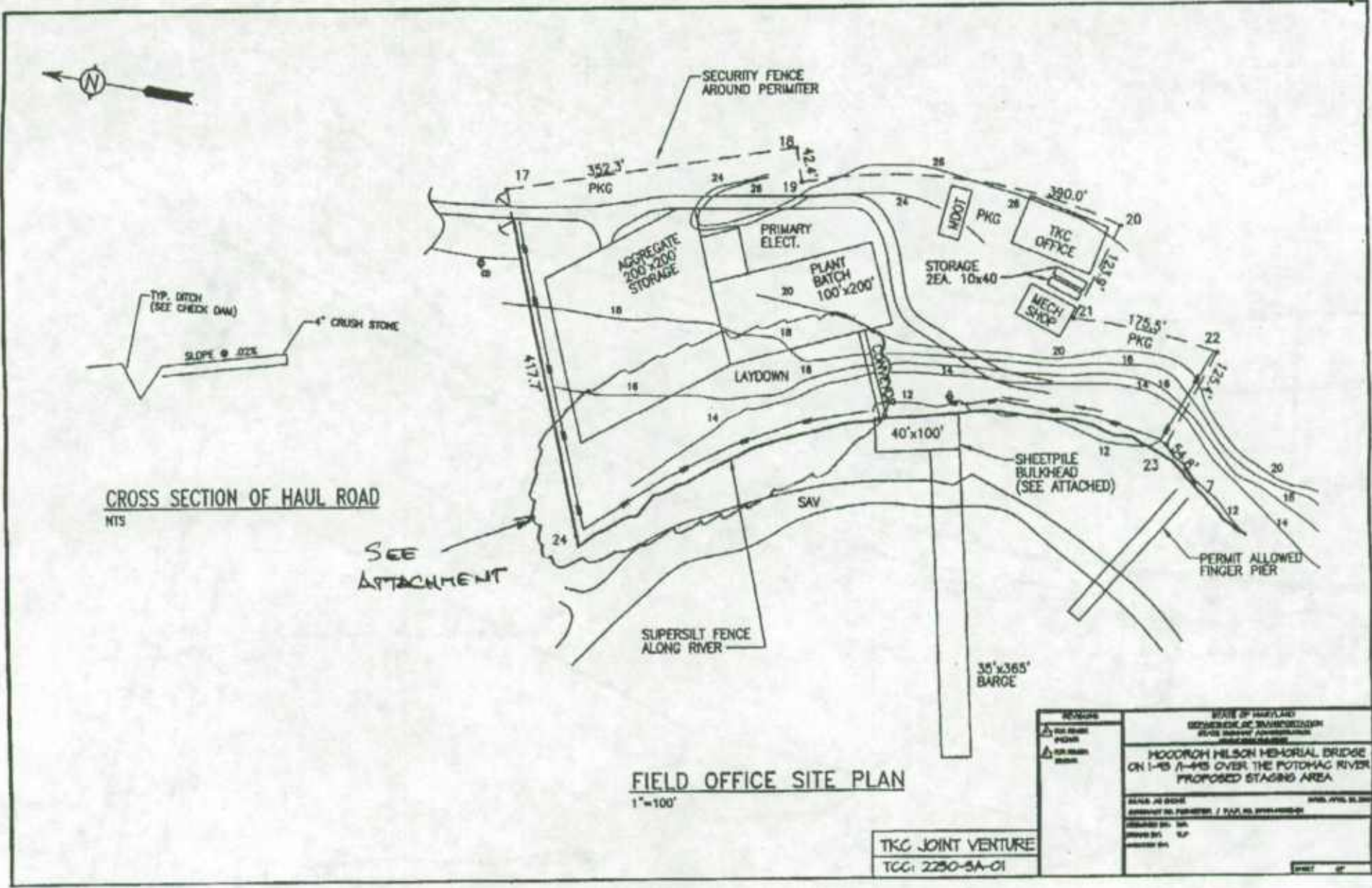
Not applicable since it appears this project can meet the criteria in COMAR 27.02.05 without the need to impact the 100-foot Buffer.

C.(3)

Measures proposed to mitigate any 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.

This proposal does not include disturbance of any additional area above and beyond that previously approved. The required 3:1 mitigation as noted in the June 7, 2001 CBCAC approval letter has been added to the Woodrow Wilson Bridge Project Reforestation Package.

No mitigation would be necessary for the alternative location outside the Buffer.

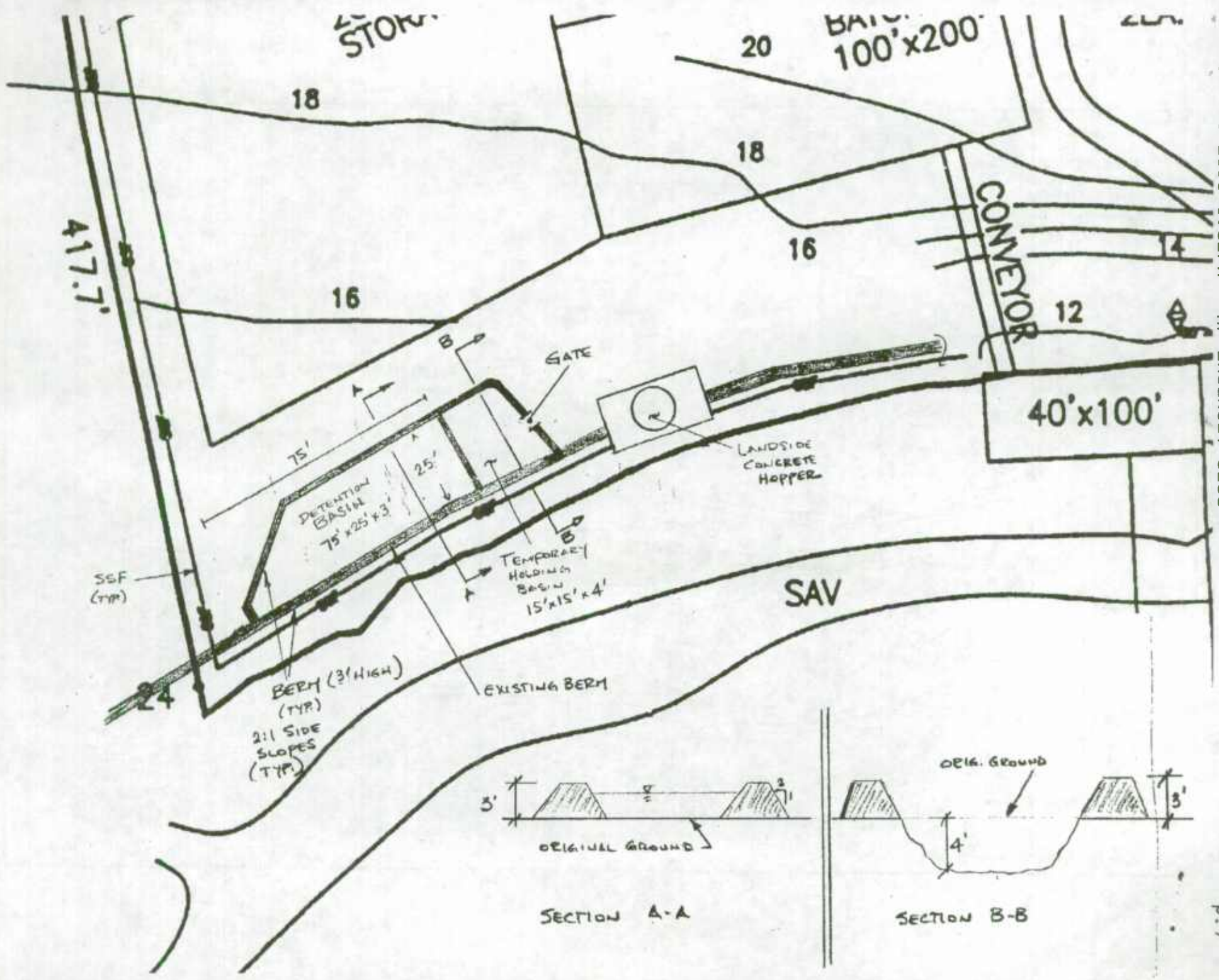


CROSS SECTION OF HAUL ROAD
NTS

FIELD OFFICE SITE PLAN
1"=100'

TKG JOINT VENTURE
TCG: 2250-5A-01

REVISIONS FOR REVIEW FOR REVIEW	STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION (MDC/MS/MDOT)
	HOODRON NELSON MEMORIAL BRIDGE ON I-495 / I-495 OVER THE POTOMAC RIVER PROPOSED STAGING AREA
DRAWN BY: [blank] CHECKED BY: [blank] APPROVED BY: [blank]	DATE: APRIL 20, 2000 PROJECT NO. [blank] / PLAN NO. [blank]



Chesapeake Bay Critical Area Commission

STAFF REPORT

October 2, 2002

APPLICANT: Department of Natural Resources and the Greenwell Foundation

PROPOSAL: "Park Host" Campsite at Greenwell State Park

JURISDICTION: St. Mary's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Conditional Approval

STAFF: Nicole Witenstein

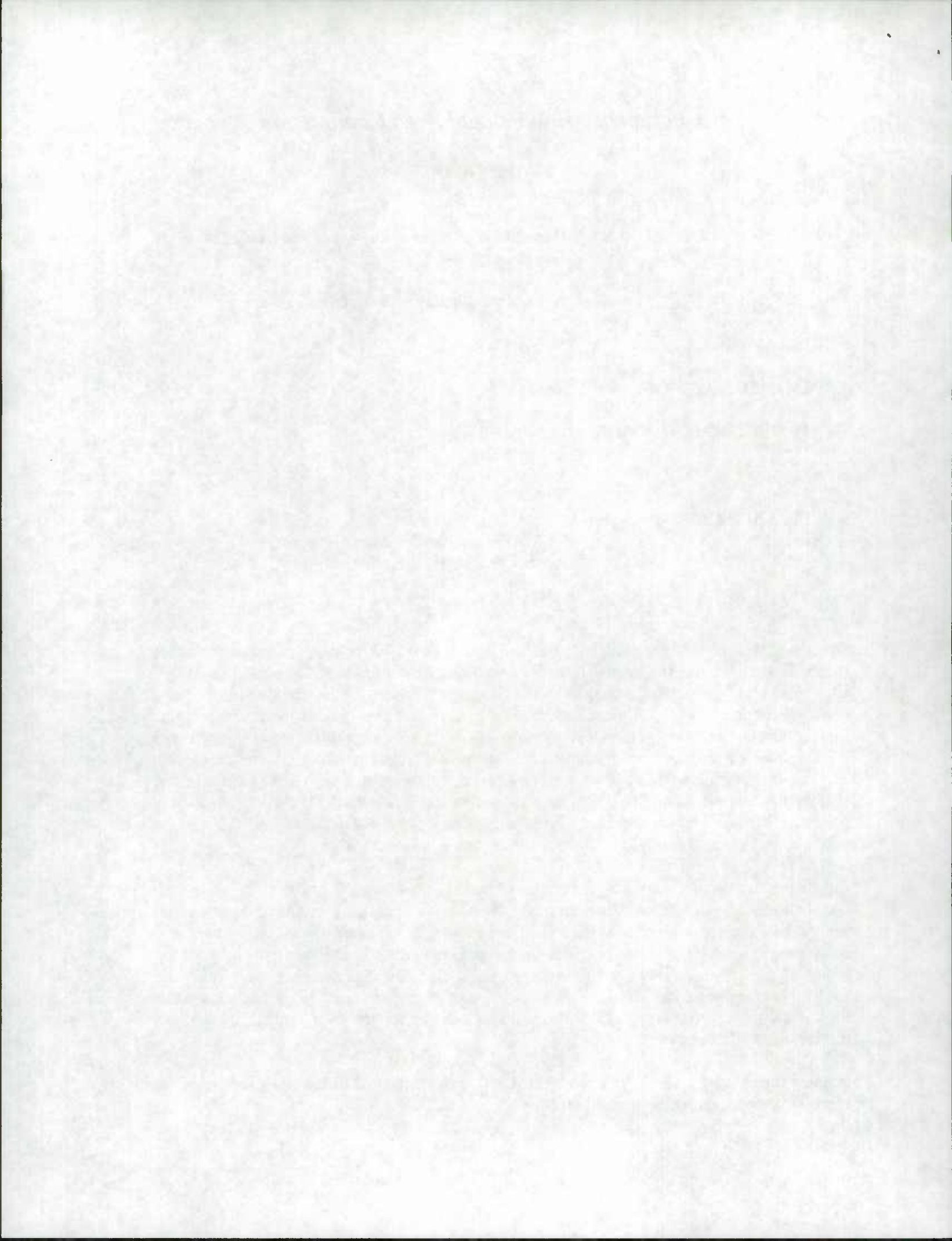
**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

DISCUSSION:

Greenwell Foundation is seeking an "after-the-fact" approval to locate a "park host" campsite at the main barn complex in Greenwell State Park. The park consists of 596 acres in St. Mary's County and is cooperatively managed by the Greenwell Foundation and the Department of Natural Resources. The park currently contains several structures, including the Francis Knott Lodge, which is an overnight lodge and meeting facility; a barn complex consisting of a horse barn and stalls, sheds for storing maintenance equipment and other materials; and a park shop. The requested campsite will allow a park host to lodge their camper within the barn complex in order to provide constant surveillance and maintenance of that area in the park. A significant portion of the barn complex and the entire campsite is located within the expanded Buffer area due to steep slopes adjacent to a tributary stream and tidal wetlands.

The campsite is located partially on an existing parking area that was previously used to store farm equipment, vehicles, construction materials, and other debris. Portions of this area are gravel and other areas are compacted soil. The location for the campsite within the barn complex was chosen because it provides an unobstructed view of facilities in the area without impeding the daily activities within the complex. The location near the barn provides additional security for the horses stabled in the barn that are used by the Greenwell Foundation for their therapeutic riding program. The site also contains existing water, sewer, and electric utilities to service the host's camper.

Because the proposed development is located within the expanded Buffer, the proposal requires conditional approval by the Commission.



Conditional Approval Process

In order to qualify for consideration by the Commission 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 exists both special features and special circumstances on this site that compel the Greenwell Foundation to locate the campsite within the expanded buffer. The layout of the barn complex limited the number of options where the site could be situated. The campsite needed to be close enough and within line of sight of facilities but not adjacent to the manure pit or in the way of barn operations. Further, the location of the site was constrained by the need to connect the camper to existing water, sewer, and electric utilities.

Special circumstances include the addition of new facilities, programs, and park users to the park without the adequate funds for additional staff to run the programs and provide constant surveillance in the park.

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

The park host will provide constant surveillance and skilled labor to improve the safety and the quality of the programs and facilities at the park.

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

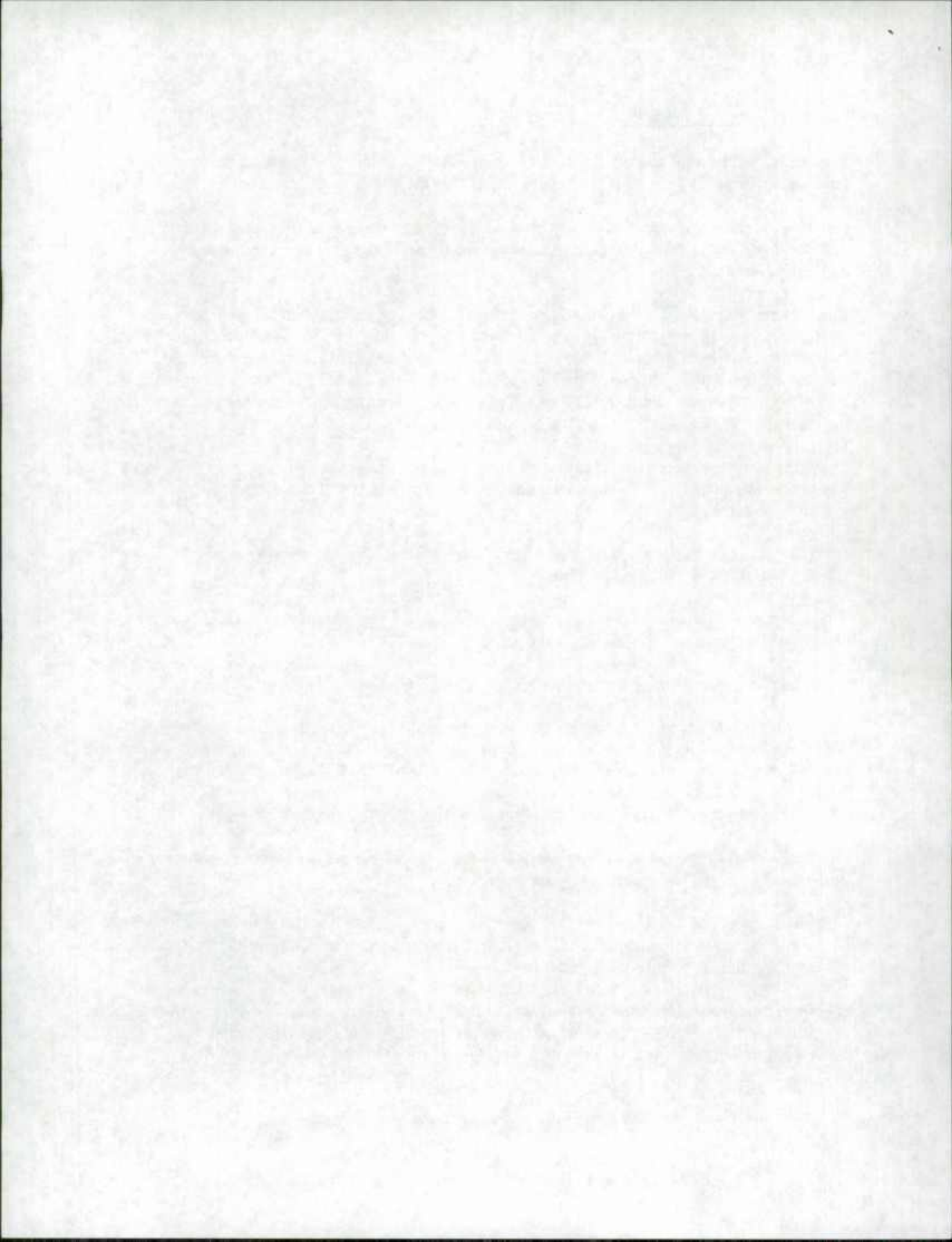
Except for the impacts to the expanded Buffer, the project is otherwise in conformance with the State Criteria. Impacts to the Buffer require 3:1 mitigation. Critical Area staff conducted a site investigation to ensure this project is otherwise consistent with COMAR 27.02.06.

The Commission must find that the conditional approval request contains the following:

(1) That a literal enforcement of the provision of this subtitle would prevent the conduct of an authorized State or local agency program or project;

A literal enforcement would prevent the Greenwell Foundation from locating the camper in the barn complex due to siting restrictions in the area, thereby impeding the additional security and maintenance that the park host will provide.

(2) There is a 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; and



Impacts to the 100-foot Buffer within the Critical Area are not consistent with the State Criteria; however, all disturbances have been minimized. Construction processes were employed to conform to the intent of the Criteria. Greenwell staff utilized sand bags and straw bales along the edge of the site in order to control run-off from the camper and to divert stormwater away from steep slopes and towards a grassy area where it could be infiltrated.

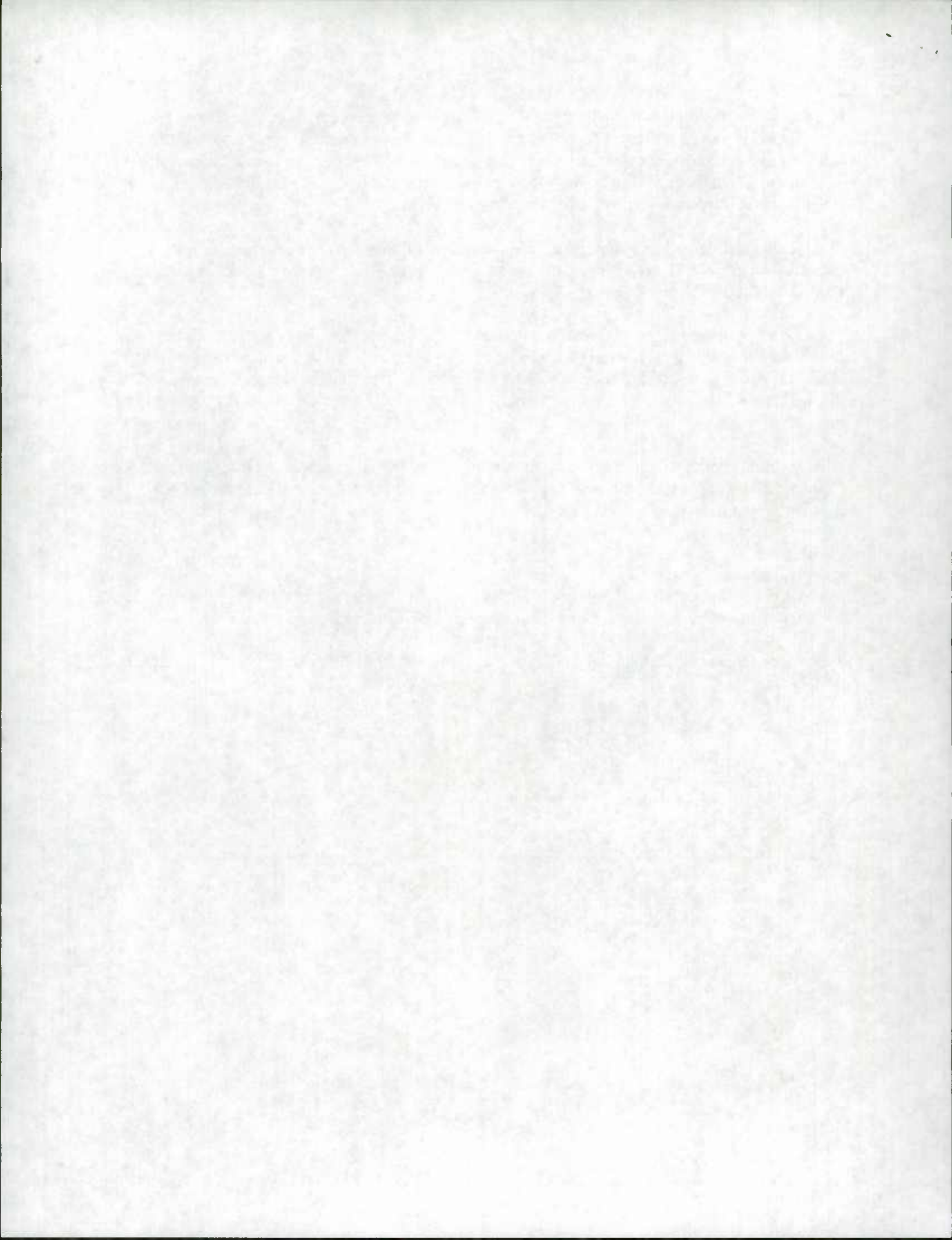
(3) Measures proposed to mitigate any adverse effects of the project or program on an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

The Greenwell Foundation will provide mitigation for the project by planting an area three times the size of the campsite. This 1,500 square foot area will be installed as a strip of plantings located between the existing parking area and the tree line. This planting strip will provide water quality benefits and stabilization for the slope. Currently, there is no stormwater management on this site.

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.

Conditions:

- 1) Greenwell Foundation shall not locate any additional park-host campsites within the Buffer area in the Park without conditional approval by the Commission.
- 2) The Greenwell Foundation shall install the required mitigation planting within 60 days.



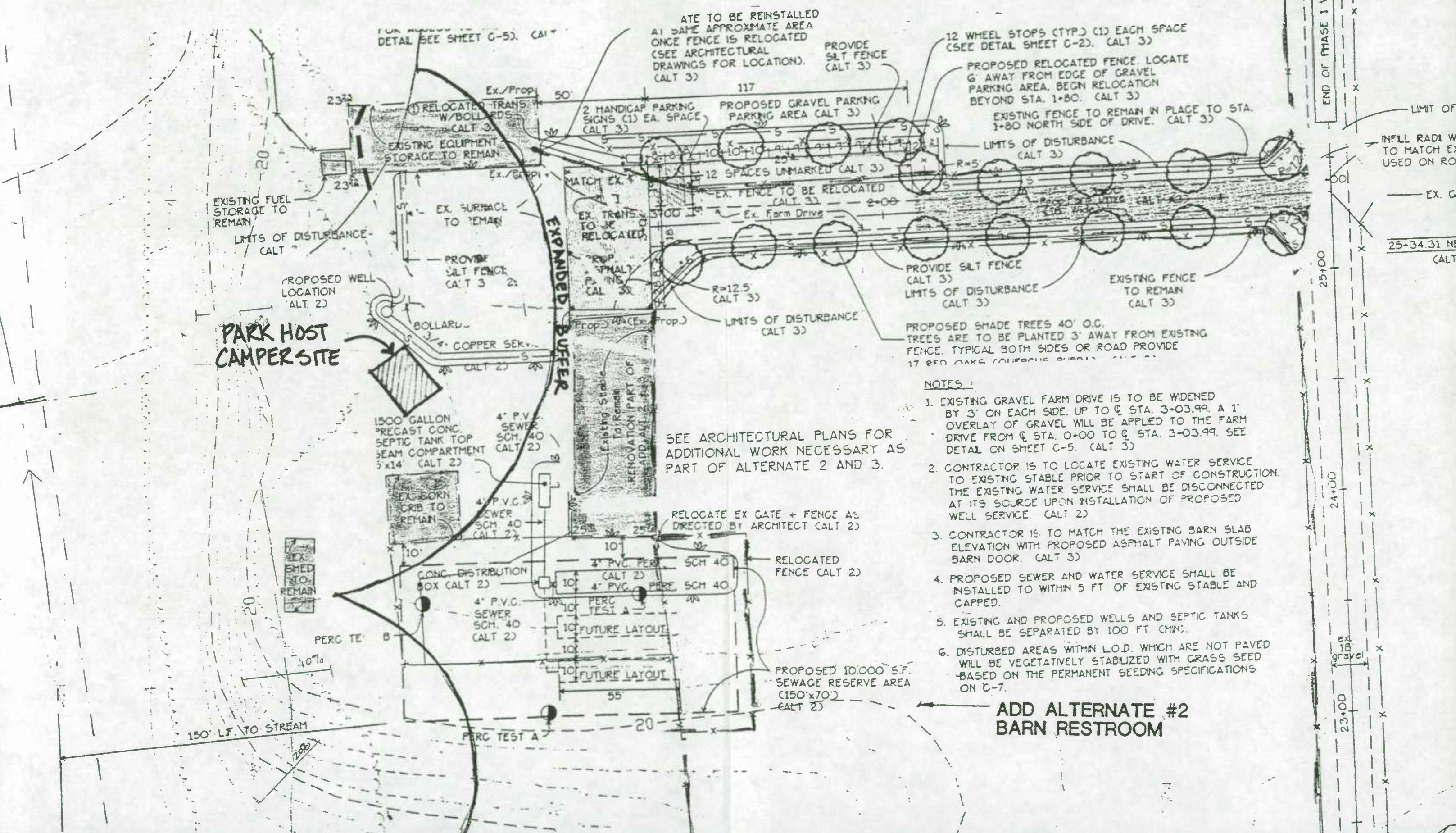
TO BE UPGRADED WITH SMOG. CALT 3)
 NOT BE EQUIPPED WITH DOWNSPOUTS AND
 WITH SMOG. CALT 3)

PARK HOST CAMP SITE AT GREENWELL STATE PARK

SCALE: 1" = 40'-0"

STABLE PARKING CALT 3)
 SPACES REQUIRED = 13
 SPACES PROVIDED = 7 (STANDARD 9' x 19')
 3 (10' x 19')
 2 (VAN ACCESSIBLE)
 12 TOTAL

ADD ALTERNATE #3
 BARN RENOVATION



NOTES:

- EXISTING GRAVEL FARM DRIVE IS TO BE WIDENED BY 3' ON EACH SIDE. UP TO STA. 3+03.99. A 1' OVERLAY OF GRAVEL WILL BE APPLIED TO THE FARM DRIVE FROM STA. 0+00 TO STA. 3+03.99. SEE DETAIL ON SHEET C-5. (CALT 3)
- CONTRACTOR IS TO LOCATE EXISTING WATER SERVICE TO EXISTING STABLE PRIOR TO START OF CONSTRUCTION. THE EXISTING WATER SERVICE SHALL BE DISCONNECTED AT ITS SOURCE UPON INSTALLATION OF PROPOSED WELL SERVICE. (CALT 2)
- CONTRACTOR IS TO MATCH THE EXISTING BARN SLAB ELEVATION WITH PROPOSED ASPHALT PAVING OUTSIDE BARN DOOR. (CALT 3)
- PROPOSED SEWER AND WATER SERVICE SHALL BE INSTALLED TO WITHIN 5 FT OF EXISTING STABLE AND CAPPED.
- EXISTING AND PROPOSED WELLS AND SEPTIC TANKS SHALL BE SEPARATED BY 100 FT (MIN).
- DISTURBED AREAS WITHIN L.O.D. WHICH ARE NOT PAVED WILL BE VEGETATIVELY STABILIZED WITH GRASS SEED BASED ON THE PERMANENT SEEDING SPECIFICATIONS ON C-7.

SEE ARCHITECTURAL PLANS FOR ADDITIONAL WORK NECESSARY AS PART OF ALTERNATE 2 AND 3.

ADD ALTERNATE #2
 BARN RESTROOM

EX. GATE T

LIMIT OF

INFILL RADI WIT TO MATCH EXIS USED ON ROA

EX. GA

25+34.31 NE CALT

END OF PHASE 1 WORK AT STA 25+6

25+00

24+00

23+00

18' gravel

Chesapeake Bay Critical Area Commission

STAFF REPORT

October 2, 2002

APPLICANT: Department of Natural Resources and the Greenwell Foundation

PROPOSAL: Observation Area at Greenwell State Park

JURISDICTION: St. Mary's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

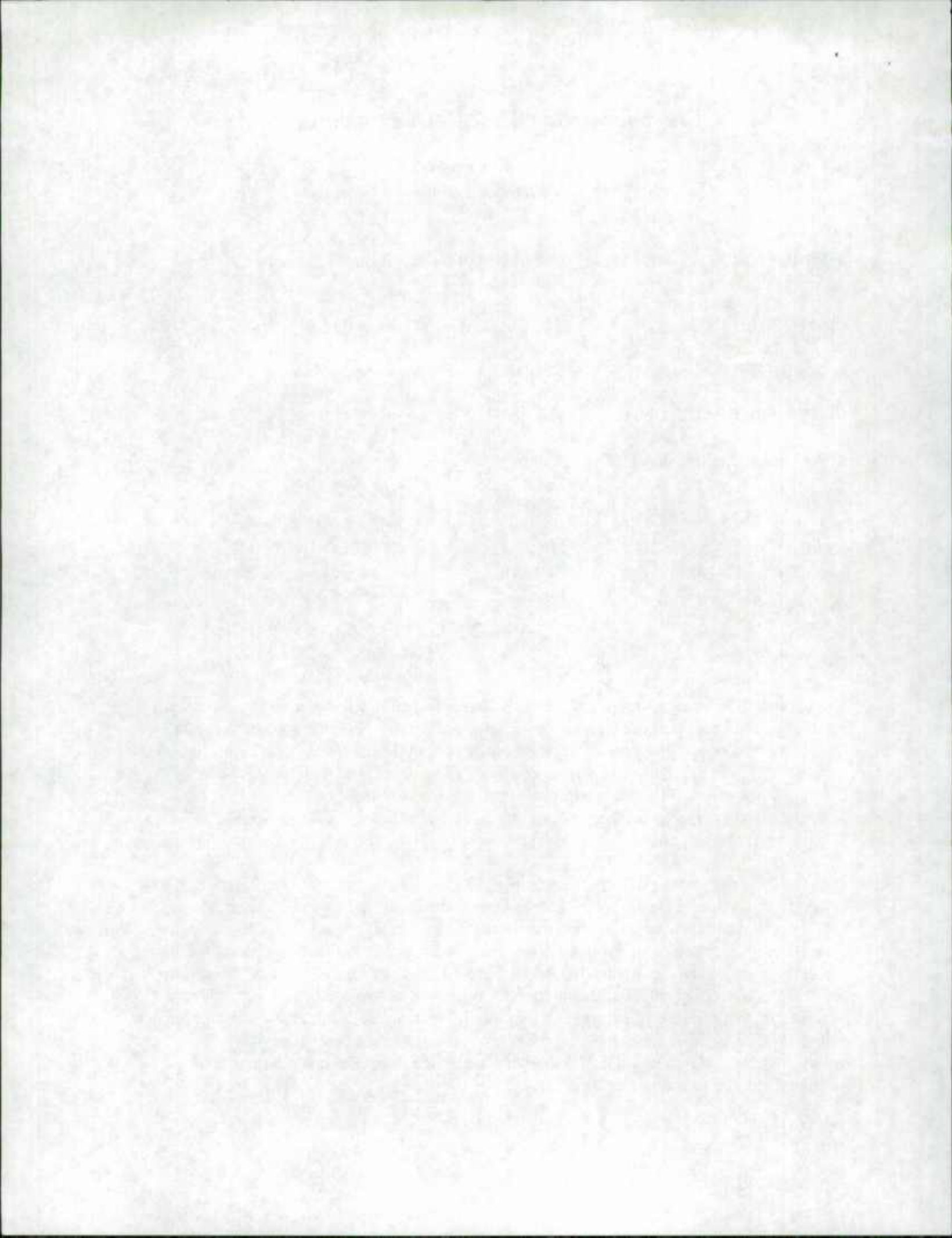
STAFF: Nicole Witenstein

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

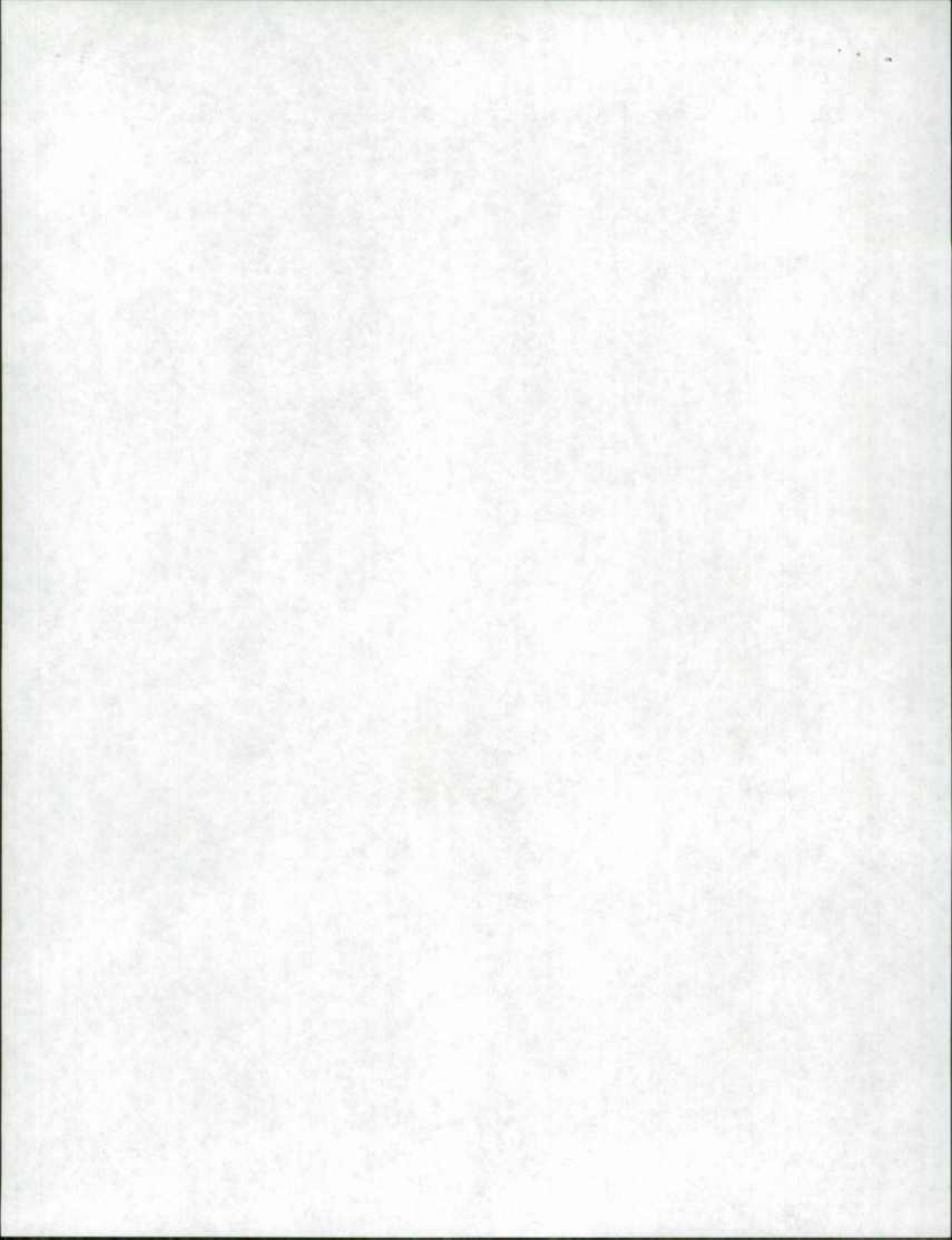
DISCUSSION:

The Greenwell Foundation proposes to establish an observation area adjacent to the Francis Knott Lodge at Greenwell State Park. The observation area involves the construction of a 10-foot by 10-foot viewing area and a single 6-foot wide ADA accessible path to the observation area that will include an interpretive sign or signs. The path and the station are located within the 100-foot Critical Area Buffer and will provide visual access to the water and educational opportunities for persons with limited mobility. Because of the steep slopes behind the Lodge, there is no ADA accessible direct physical access to the water at this time.

The improvements, which will cover no more than 1,000 square feet of the park, are proposed to be constructed of pervious pavers in order to minimize impacts to the area. One or more signs will be located at the observation area, and the themes for the sign(s) will include one or more of the following: 1) the value of the intermittently flooded wetland; 2) the dynamics and geologic processes which shape the Bay; and 3) the identification and ecological value of the wildlife that can be observed. The content of the interpretive signs will be reviewed and approved by the Resource Planning staff of the Department of Natural Resources. Mitigation for Buffer impacts will be provided at a 3:1 ratio in the form of trees and shrubs surrounding the path and observation area. Commission staff will review a planting plan. Stormwater runoff will be infiltrated into the surrounding planted areas.



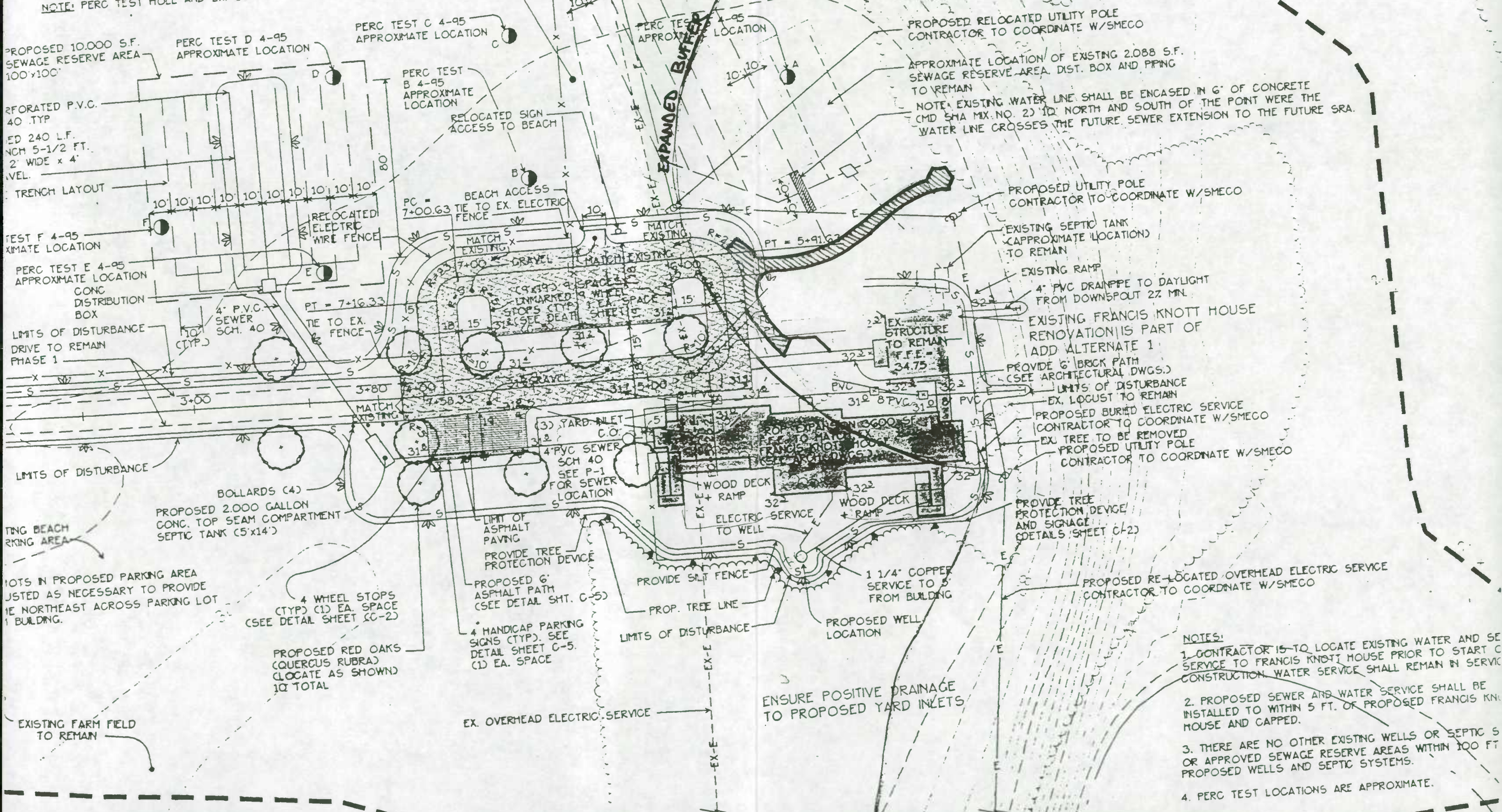
This project is consistent with COMAR 27.02.05, the Commission's regulations for State projects on State lands.



OBSERVATION AREA AT GREENWELL STATE PARK

SCALE: 1" = 40'-0"

NOTE: PERC TEST HOLE AND EX. SEWER LOCATION SHOWN AND



- NOTES:**
1. CONTRACTOR IS TO LOCATE EXISTING WATER AND SEWER SERVICE TO FRANCIS KNOTT HOUSE PRIOR TO START OF CONSTRUCTION. WATER SERVICE SHALL REMAIN IN SERVICE.
 2. PROPOSED SEWER AND WATER SERVICE SHALL BE INSTALLED TO WITHIN 5 FT. OF PROPOSED FRANCIS KNOTT HOUSE AND CAPPED.
 3. THERE ARE NO OTHER EXISTING WELLS OR SEPTIC OR APPROVED SEWAGE RESERVE AREAS WITHIN 100 FT. OF PROPOSED WELLS AND SEPTIC SYSTEMS.
 4. PERC TEST LOCATIONS ARE APPROXIMATE.

Critical Area Commission

STAFF REPORT

October 2, 2002

APPLICANT: Town of Leonardtown
Maryland Stadium Authority

PROPOSAL: Tudor Hall/McIntosh Run Golf Course (Revised
Gary Player Design)

JURISDICTION: Leonardtown

COMMISSION ACTION: Vote on Conditional Approval

STAFF RECOMMENDATION: Pending

STAFF: Mary Owens

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

DISCUSSION:

Last month, Commission staff presented the latest concept plan for the development of a golf course on land owned by the Town of Leonardtown. The portion of the property on which the golf course is located was acquired by the State from the developer of the project using Program Open Space funds and was subsequently transferred to the Town of Leonardtown. The Board of Public Works approved the acquisition of 238.96 acres of the total 389.5 acre site. The purpose of the acquisition was to allow for the development of a golf course, hotel and conference center, and 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.

The Maryland Stadium Authority, working with the Governor's Office, is providing technical assistance on the design for the golf course and various other aspects of the open space portion of the project. In 1998, a Concept Development Plan for the golf course had been prepared by the developers and reviewed by Commission staff; however, the project had not been formally submitted to the Commission for conditional approval because final revisions to the plan had not been completed, and required mitigation sites had not been identified. Although the Commission had not reviewed the 1998 project, staff believed that the project could be submitted for conditional approval.

BACKGROUND:

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 this project. The project is located on an undeveloped agricultural parcel within the Town limits. The project involves a 389.5 acre parcel with 195.8 acres within the Critical Area. In addition to the hotel and conference center, the project included 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 was proposed to 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 were 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.

CURRENT PROJECT:

When the State became involved in the project, it became apparent that the design of the golf course as a component of a much larger development project located in a Priority Funding Area would need to be substantially revised. The State began working with the Gary Player Design Group to create a "championship course" for the site. The

Governor's Office believed that a championship course was necessary to make the project economically viable. The changes to the golf course necessitated changes to the project as a whole and required that the Commission reassess all environmental impacts associated with the revised plan. The primary changes to the course involved increasing the overall length of play and reconfiguring some of the fairways to facilitate better safety zones around the fairways.

The revised plan for the golf course involves no impacts to the Nontidal Wetland of Special State Concern or the 100-foot buffer associated with this wetland. Buffer impacts associated with the golf course are approximately 97,100 square feet, which includes both fairway conversions and cart paths, and 10,300 square feet of Buffer impacts associated with a road crossing. The Governor's Office is proposing to provide more than the required 322,200 square feet (7.4 acres) of Buffer mitigation. This mitigation will be accomplished on site by planting 12.23 acres within the Buffer of McIntosh Run and the many tributary streams on the property. Most of these areas are only partially forested and this planting will substantially enhance water quality and habitat on the site.

The current plan proposes 15.91 acres of forest clearing in FIDS habitat with a forest interior loss of 33.1 acres. The Commission's guidance for the conservation of FIDS habitat includes provisions that allow for mitigation when projects involve impacts to the forest interior that cannot be avoided. The Governor's Office is proposing to provide 92.23 acres of planting, and is fully committed to optimally meeting the mitigation requirement. If sufficient State land is not available to satisfy the mitigation requirement, additional land will be acquired.

In addition to the "public portion" of the project which includes the golf course and hotel and conference center, the current plan includes 194 single family detached units, 137 townhouses, and 262 condominiums for a total of 593 units. The residential component of the site has been designed to minimize forest clearing and avoid steep slopes. Except for a primary access road, there are no impacts to the 100-foot Buffer or expanded Buffer associated with this part of the project. The plan also includes 81,000 square feet of commercial office space, 12,800 square feet of commercial space for a restaurant, and parking as required by the Leonardtown Zoning Ordinance. The Commission will not be formally reviewing the "private portion" of the project; however, this portion of the project, which will likely be accomplished in phases, will be submitted to the Commission for review and comment by staff as required by COMAR 27.03.01.03.

STANDARDS FOR CONDITIONAL APPROVAL:

In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show or demonstrate that the project or program has the following characteristics:

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;

This site is unique in that it is a large undeveloped tract located within the town limits of Leonardtown. Water and sewer service are available to serve the site, and it could be intensely developed with a variety of residential, commercial, and industrial uses. The maximum allowable density on the site is 1,754 dwelling units. The site is characterized by numerous sensitive resources including streams and wetlands (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 includes approximately 51.98 acres of 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.

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

An important component of this project relative to the Critical Area Program is the proposed innovative use of treated effluent from the Leonardtown sewage treatment plant to provide irrigation for the golf course during the two years of grow-in and later to provide both irrigation for the golf course and a non-potable water supply for the hotel and conference center. Currently, wastewater receives primary treatment from the sewage treatment plant and is discharged into Breton Bay. Although treated, the effluent contains high levels of phosphorus and nitrogen, as well as some suspended solids. As part of this project, the State is working with the Maryland Department of the Environment, the Community Development Block Grant Program, the Direct Federal Assistance Program, and the Town of Leonardtown to upgrade the sewage treatment plant and provide the necessary infrastructure improvements to allow the treated effluent or "gray water" to be used on the golf course where the nutrients can be utilized to maintain the course and additional removal of suspended solids will take place through infiltration. The use of gray water for golf course irrigation on this site will be the first application of this innovative approach in Maryland and will hopefully serve as a model for other golf courses and other municipal sewage treatment facilities.

In addition, the development of a golf course on the public portion of the property facilitates the protection of many of the sensitive resources on the site by integrating the golf course into the areas to be protected and using the necessary "safety areas" around the golf course fairways to allow for natural areas to remain essentially undisturbed.

That the project or program is otherwise in conformance with this subtitle (COMAR 27.02, Development in the Critical Area Resulting from State or Local Agency Programs);

The conditional approval is requested for this project to allow for significant impacts to FIDS habitat and to allow the permanent conversion of portions of the 100-foot Buffer to maintained areas of low growing vegetation for the golf course. As presented, the concept plan will otherwise fully comply with COMAR 27.02. Within the LDA portion of the site, no development will take place on slopes greater than 15%, clearing will not exceed 30% of the existing forest cover and will be mitigated as required, and impervious surface area will not exceed the maximum limits. Stormwater management will be provided in accordance with the 2000 Maryland Stormwater Design Manual and structures will be designed to handle recharge volume, water quality volume, channel protection, over bank flood protection volume, and extreme flood volume. A variety of Best Management Practices (BMPs), including pocket wetlands, sand filters, and bioretention areas will be used. The Critical Area regulations do not permit BMPs to be located within the Buffer. Within the IDA portion of the site, where the hotel and conference center are located, the project will comply with the 10% pollutant reduction requirement, and an extensive planting plan is proposed to establish permeable areas in natural vegetation.

Although the conditional approval request pertains only to the public portion of the project, the private portion will also fully comply with COMAR. If at a later date, more detailed designs for the residential and commercial portions of the project indicate that the impervious surface limits will be exceeded, then growth allocation will be requested to change the designation of these areas from LDA to IDA.

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

Without the conditional approval, it is unlikely that this site would be able to be developed as a mixed-use project involving extensive open space and recreation areas. It is likely that the site would be developed much more intensely with approximately three times the number of dwelling units currently proposed and a significantly greater portion of the site dedicated to commercial and industrial development. This type of development would likely require the site to be converted entirely from LDA to IDA, which would permit far higher levels of impervious surface area and only minimal natural vegetation. Although stormwater management would be required, it is likely that some adverse impacts associated with higher volumes and velocities of runoff would be unavoidable.

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; and

As presented, the concept plan will fully comply with COMAR 27.02. Within the LDA portion of the site, no development will take place on slopes greater than 15%, clearing will not exceed 30% of the existing forest cover and will be mitigated as required, and impervious surface area will not exceed the required limits. Because the project does involve impacts to Habitat Protection Areas, mitigation is required. The Governor's

Office proposes to prepare and submit a FIDS Mitigation Plan and a Buffer Management Plan to the Commission for approval.

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

The current plan proposes 15.91 acres of forest clearing in FIDS habitat with a loss of 33.1 acres of forest interior. The Governor's office is proposing to provide 92.23 acres of planting, and is fully committed to optimally meeting the mitigation requirement. If sufficient State land is not available to satisfy the mitigation requirement, additional land will be acquired. Additional information regarding the FIDS mitigation will be presented at the meeting.

The current plan also involves 107,407 square feet of impacts to the Buffer associated with the golf course, which includes fairway conversions, cart paths, and a road crossing. The Governor's office is proposing to provide 12.23 acres of Buffer mitigation which will be planted within the Buffer of McIntosh Run and the many tributary streams on the property. Most of these areas are only partially forested and this planting will substantially enhance water quality and habitat on the site.

The project as proposed includes a stormwater management system that will be utilized to remove sediments and pollutants prior to the stormwater entering any of the wetlands, streams, or water bodies on or adjacent to the property. Detention basins or other BMPs will not be located within any of the wetlands, streams, water bodies, or the 100-foot Buffer. Outfalls will not be located in any wetlands, streams, or water bodies.

An Integrated Pest Management (IPM) will be developed and implemented for the golf course. The purpose of the plan is to reduce chemical dependency for insect, fungi, weed and disease control.

COMPARISON WITH 1998 PLAN:

In comparing the current plan with the prior plan dated May 11, 1998, and assessing the environmental impacts in the Critical Area portion of the project associated with lengthening the course, it is important to note that the areas of sensitive resources on the site are so extensive that it is difficult to reduce impacts in one area without increasing impacts in another area. It is important to look at both the impacts associated with the private portion of the project consisting of a mixture of residential and commercial development, and the impacts associated with the public portion, which includes the golf course and hotel and conference center. The 1998 plan included 593 residential units: 243 single family detached units, 150 townhouses, and 200 condominiums. Although the overall number of units has not changed, the numbers of single-family detached units and townhouses have been reduced, effectively reducing the area of the site used for residential development and allowing more flexibility to avoid steep slopes and establish forested Buffers along streams and McIntosh Run.

The changes to the golf course primarily involved expansion of the golf course and reconfiguration of some of the safety zones around the fairways. The former course length was 6,360 yards, and the current course length is 6,805 yards. The increase in land area associated with lengthening the golf course has the effect of generally reducing environmental impacts associated with the project. The increased land area associated with the golf course lowers the impervious surface area on the site as a whole, allows for more forest mitigation to be accomplished on site, facilitates the establishment of forest vegetation within the 100-foot Buffer of all streams on the property, as well as McIntosh Run, and potentially will allow for the use of fewer structural stormwater Best Management Practices and more infiltration.

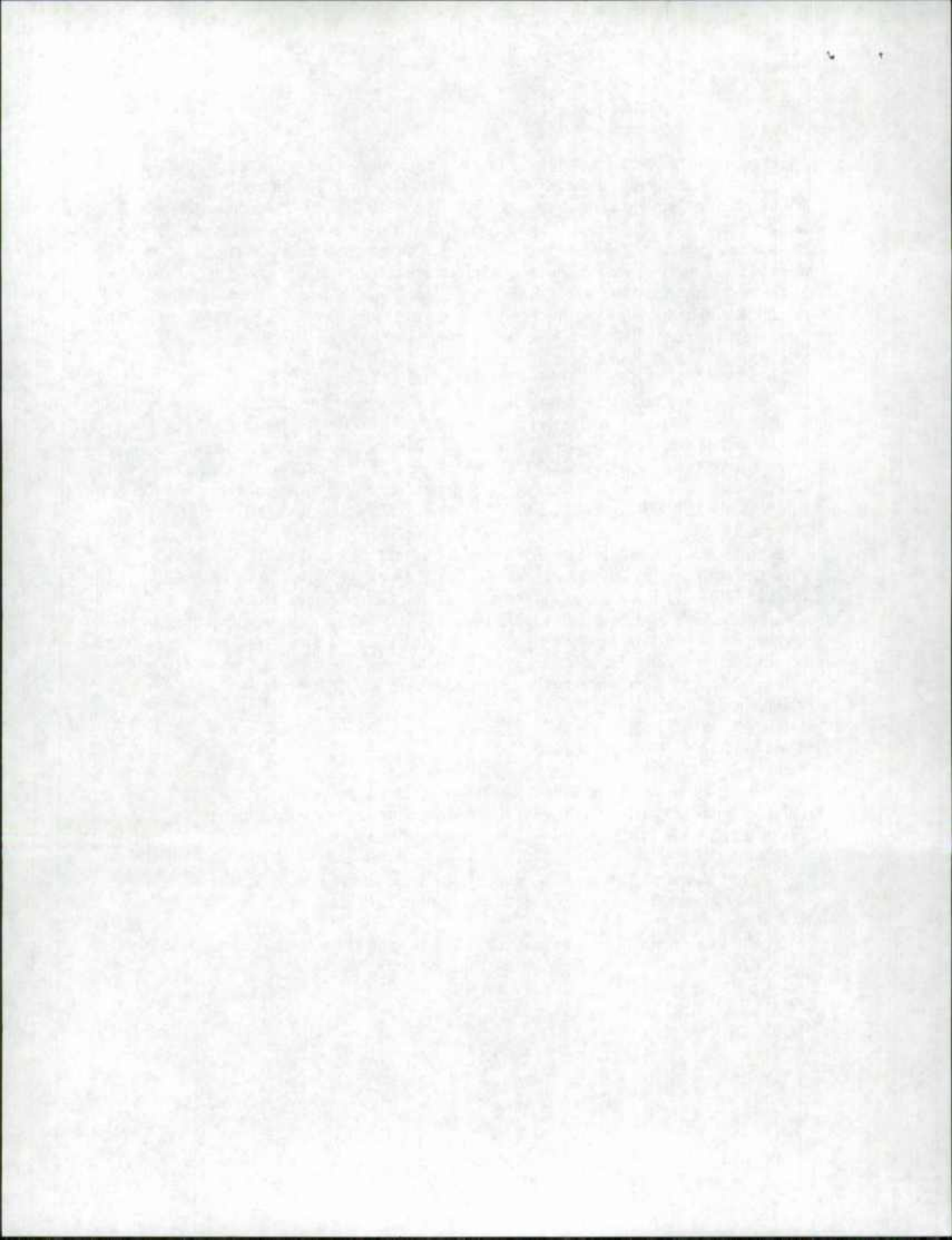
The 1998 plan involved no impacts to the Nontidal Wetlands of Special State Concern, approximately 75,000 square feet on impacts to the 100-foot Buffer and expanded Buffer associated with fairway conversions (all of which were carefully designed to maintain Buffer function), approximately 3,500 square feet of Buffer impacts associated with cart paths, and approximately 6,000 square feet of impacts associated with a road crossing. Impacts to the 100-foot Buffer associated with the current project are slightly greater.

Both the original plan and the current plan involve significant impacts to FIDS habitat associated with clearing for the golf course and residential development. The 1998 plan involved 13.0 acres of forest clearing and a loss of forest interior of 25.55 acres. Although the 1998 plan involved a smaller impact to FIDS habitat, no mitigation strategy had been developed. Preliminary analysis indicated that mitigation was going to be difficult and potentially costly. It seemed likely that some of the mitigation may have been in the form of easements on existing forest which is less desirable than creating new habitat through planting.

SUMMARY AND CONDITIONS:

With the conditions below, the conditional approval request appears to be generally consistent with COMAR 27.02.06, the Commission's regulations for Conditional Approval of State or Local Agency Programs in the Critical Area.

1. The Governor's Office will submit a Buffer Management Plan for the project to the Commission for review and approval within 90 days.
2. The Governor's Office will submit a FIDS Mitigation Plan for the project to the Commission for review and approval within 90 days.



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 (1) PERMANENT IMPACT AREA	CRITICAL AREA BUFFER (2) IMPERVIOUS AREA
RC-1	ROAD CROSSING	809 SF±	3,055 SF±	0 LF±	0 SF±	0 SF±
RC-2	ROAD CROSSING	3,163 SF±	9,364 SF±	0 LF±	0 SF±	0 SF±
RRC-3	ROAD CROSSING	0 SF±	0 SF±	52 LF±	10,310 SF±	6,200 SF±
RC-6	ROAD CROSSING	853 SF±	4,894 SF±	181 LF±	0 SF±	0 SF±
RC-8	ROAD CROSSING	1,419 SF±	4,056 SF±	79 LF±	0 SF±	0 SF±
RFC-1	FAIRWAY CONVERSION	17,630 SF±	15,555 SF±	0 LF±	0 SF±	0 SF±
RFC-2	FAIRWAY CONVERSION	1,413 SF±	3,992 SF±	95 LF±	0 SF±	0 SF±
RFC-3	FAIRWAY CONVERSION	0 SF±	0 SF±	134 LF±	18,127 SF±	0 SF±
RFC-4	FAIRWAY CONVERSION	0 SF±	0 SF±	154 LF±	0 SF±	0 SF±
RFC-5	FAIRWAY CONVERSION	0 SF±	0 SF±	103 LF±	21,211 SF±	0 SF±
RFC-6	FAIRWAY CONVERSION	0 SF±	0 SF±	170 LF±	31,340 SF±	0 SF±
RFC-7	FAIRWAY CONVERSION	4,472 SF±	13,477 SF±	0 LF±	0 SF±	0 SF±
RFC-8	FAIRWAY CONVERSION	0 SF±	0 SF±	387 LF±	0 SF±	0 SF±
RFC-9	FAIRWAY CONVERSION	37 SF±	1,552 SF±	0 LF±	0 SF±	0 SF±
RFC-10	FAIRWAY CONVERSION	10,786 SF±	12,911 SF±	0 LF±	21,565 SF±	1,600 SF± (3)
RFC-11	FAIRWAY CONVERSION	0 SF±	1,010 SF±	0 LF±	0 SF±	0 SF±
RGCP-1	GOLF CART PATH	156 SF±	500 SF±	0 LF±	0 SF±	0 SF±
RGCP-2	GOLF CART PATH	0 SF±	0 SF±	24 LF±	0 SF±	0 SF±
RGCP-3	GOLF CART PATH	516 SF±	422 SF±	0 LF±	0 SF±	0 SF±
RGCP-4	GOLF CART PATH	0 SF±	0 SF±	24 LF±	0 SF±	0 SF±
RGCP-5	GOLF CART PATH	0 SF±	0 SF±	24 LF±	1,600 SF±	1,600 SF±
RGCP-6	GOLF CART PATH	0 SF±	0 SF±	24 LF±	0 SF±	0 SF±
RGCP-7	GOLF CART PATH	0 SF±	0 SF±	24 LF±	0 SF±	0 SF±
RGCP-8	GOLF CART PATH	0 SF±	459 SF±	0 LF±	0 SF±	0 SF±
RGCP-9	GOLF CART PATH	0 SF±	0 SF±	24 LF±	1,654 SF±	1,654 SF±
RGCP-10	GOLF CART PATH	0 SF±	0 SF±	0 LF±	1,600 SF±	1,600 SF±
TOTALS		41,254 SF±	71,247 SF±	1,499 LF±	107,407 SF±	12,654 SF±

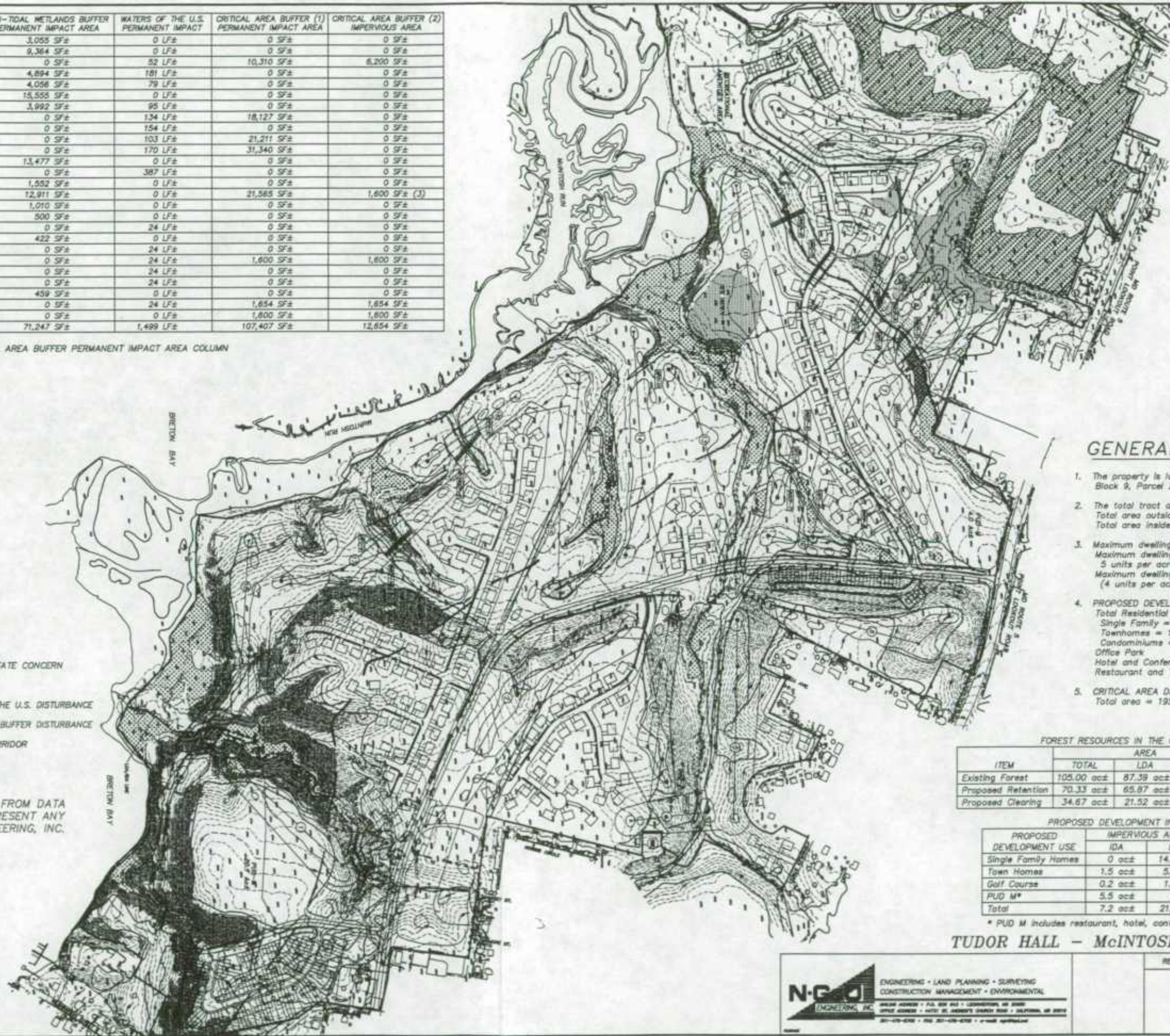
(1) INCLUDES NON-FORESTED AREAS IN THE 100' BUFFER
(2) IMPERVIOUS AREAS ARE ALSO INCLUDED IN THE CRITICAL AREA BUFFER PERMANENT IMPACT AREA COLUMN
(3) EXISTING SEWER EASEMENT TO BE UTILIZED

LEGEND

- 1,000' CRITICAL AREA BOUNDARY
- LDA / IDA BOUNDARY
- - - 100 YEAR FLOOD PLAIN
- - - TIDAL WETLANDS
- - - TIDAL WETLANDS BUFFER
- ▨ NON-TIDAL WETLANDS
- - - NON-TIDAL WETLANDS BUFFER
- SHORELINE
- STREAMS
- - - STREAM BUFFER
- TREE LINE and BRUSH LINE
- ▨ ARCHEOLOGICAL SITES
- ▨ NON-TIDAL WETLANDS OF SPECIAL STATE CONCERN
- - - PROPOSED CLEARING LIMITS
- ▨ PROPOSED WETLAND AND WATERS OF THE U.S. DISTURBANCE
- ▨ PROPOSED WETLAND BUFFER AND 100' BUFFER DISTURBANCE
- ▨ PROPOSED GOLF COURSE SAFETY CORRIDOR
- ▨ 15% AND GREATER SLOPES

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.

VICINITY MAP



GENERAL NOTES

- The property is located on Tax Map 133, Block 9, Parcel 228.
- 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
- 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
- PROPOSED DEVELOPMENT
Total Residential Units = 593
Single Family = 194 units
Townhomes = 137 units
Condominiums = 262 units
Office Park
Hotel and Conference Center
Restaurant and Yacht Club with 100 boat slips
- CRITICAL AREA DATA
Total area = 195.84 acres

FOREST RESOURCES IN THE CRITICAL AREA IMPACT

ITEM	TOTAL	AREA		%	
		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
Single Family Homes	0 ac±	14.2 ac±	0
Town Homes	1.5 ac±	5.5 ac±	4.1
Golf Course	0.2 ac±	1.4 ac±	0.5
PUD M*	5.5 ac±	0 ac±	15.0
Total	7.2 ac±	21.1 ac±	19.6

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

TUDOR HALL - McINTOSH RUN GOLF COURSE

	ENGINEERING • LAND PLANNING • SURVEYING CONSTRUCTION MANAGEMENT • ENVIRONMENTAL	REVISIONS	CRITICAL AREA PLAN
	THIRD ELECTION DISTRICT ST. MARY'S COUNTY, MARYLAND		
	DATE: SEPTEMBER 2002 PLOTTED: 9-19-2002 SCALE: 1" = 800' DRAWN BY: ENB CHECKED BY: JEM		

Critical Area Commission

STAFF REPORT

October 2, 2002

APPLICANT: Department of General Services

PROPOSAL: Tawes Daycare Center

JURISDICTION: City of Annapolis

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICATION LAW
REGULATION:** COMAR 27.02.05.03 - State Agency Actions
Resulting in Development on State-Owned Lands

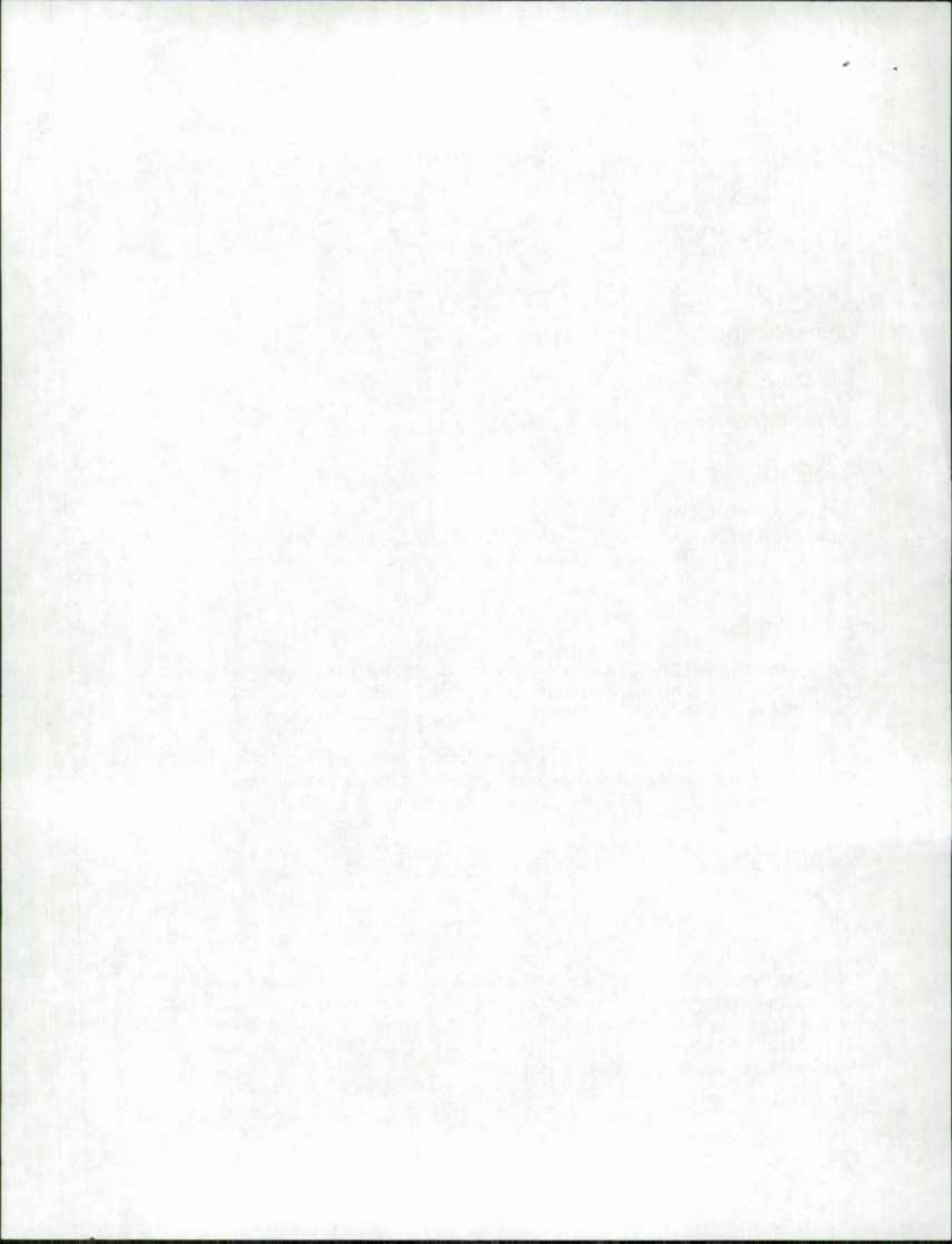
DISCUSSION:

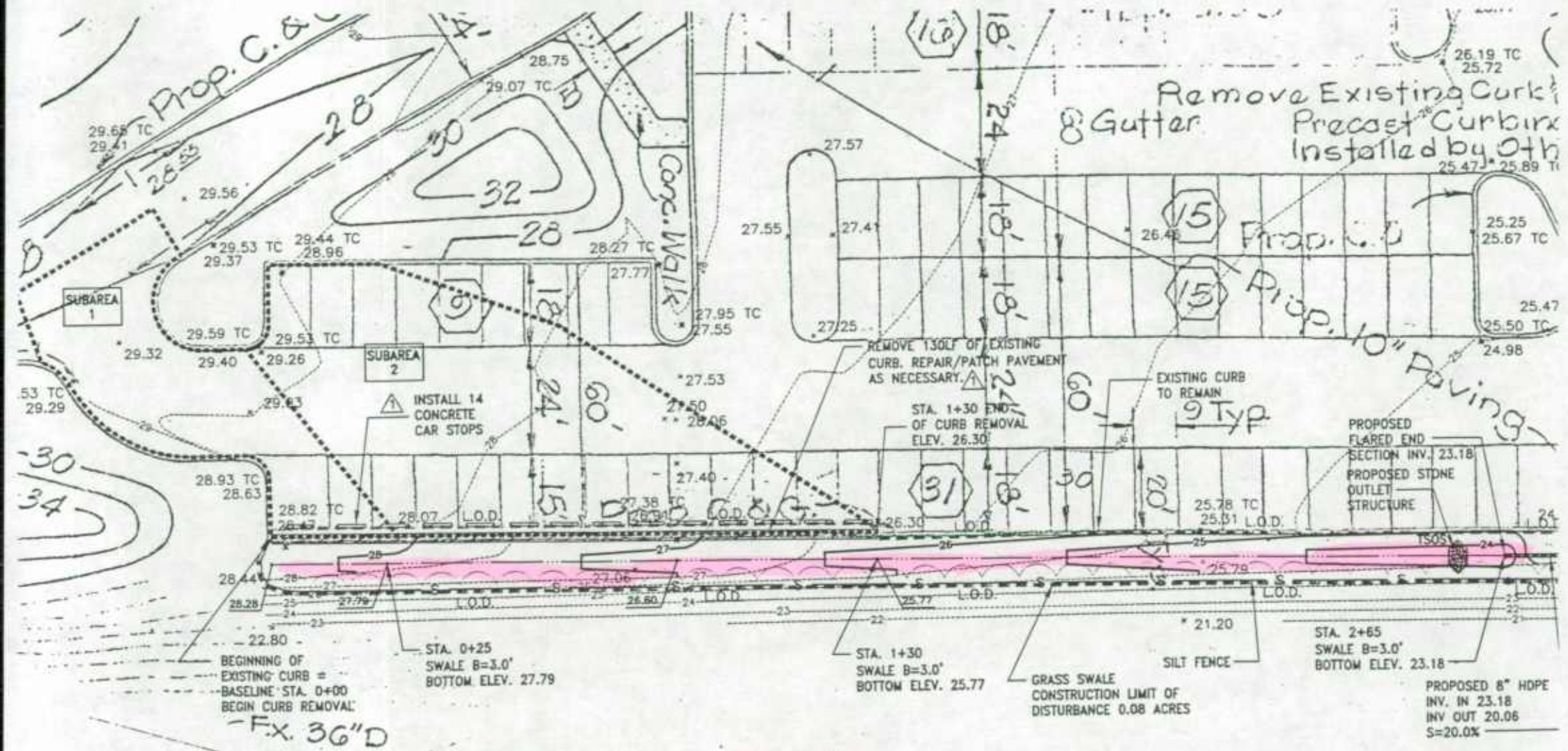
On September 5, 2001, the Commission reviewed and approved the Department of General Services's proposal to put a daycare center in the Tawes Building and to install a playground in front of the existing building. The Commission's approval included the following conditions:

1. Commission staff approval of 10% pollutant reduction requirement calculations;
2. Final approval of stormwater management by MDE with any additional and significant change coming back to the Commission for approval.

The final design consists of expanding the existing vehicular drop-off area, constructing a new impervious playground area by filling in an existing fish pond, and providing stormwater management.

The applicant is required to remove 0.32 pounds of phosphorus. Stormwater management was originally proposed on site. Now it is proposed offsite at the Robert C. Murphy (Maryland Court of Appeals) Courthouse parking lot adjacent to DNR. MDE and Anne Arundel County Soil Conservation District have approved the proposed grass channel along the back curb of the courthouse parking lot; the existing parking lot currently has no best management practice in use. The channel will be treating 6,680 square feet of runoff. The 10 % calculations have been reviewed and approved by the Critical Area staff.





TAWES DAYCARE

AS-BUILT CERTIFICATE

I HEREBY CERTIFY THAT THE STORMWATER MANAGEMENT FACILITY CONSTRUCTED IN ACCORDANCE WITH THE PLANS APPROVED BY THE ENVIRONMENT, EXCEPT AS NOTED IN RED ON THE "AS-BUILT" DRAWING.



SCALE: 1" = 20'

EXISTING CURB TO REMAIN OR PROPOSED CONCRETE CAR STOP

Critical Area Commission

STAFF REPORT

October 2, 2002

APPLICANT: Cecil County

PROPOSAL: Refinement – Lanphar Growth Allocation

COMMISSION ACTION: Concurrence with Chairman's Determination of Refinement

STAFF RECOMMENDATION: Approval with conditions

STAFF: Julie LaBranche

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.01.02.06

DISCUSSION:

The Cecil County Board of Commissioners have requested 1.3 acres of growth allocation for two adjacent parcels (TM 31, Parcels 1211 and 1112), making them consistent with the underlying zoning for the purpose of commercial development. The parcels, which are only partially within the Critical Area, are designated as a Limited Development Area (LDA). The proposal for growth allocation would change the designation of the Critical Area portion of these parcels to an Intensely Developed Area (IDA). The parcels are adjacent to a LDA to the west, containing a mix of commercial and residential development, and an IDA to the north, which forms the southern boundary of the Town of Northeast.

Section 212 of the Cecil County Zoning Ordinance specifically provides for growth allocation to be considered for parcels included in the Development District of the Cecil County Comprehensive Plan (1990). Both parcels are zoned for commercial development. No Habitat Protection Areas (HPAs) have been identified on the property. However, the Department of Natural Resources (in a letter from Lori Byrne of June 4, 2002) stated that a recent record indicated that the state listed endangered species (Rough Aster) is known to occur within the vicinity of the project site. The applicant's consultant (Ben Brockway of Biota Environmental Design & Restoration) provided documentation from the scientific literature stating that this plant species is limited to bogs, swamps and stream bank habitats. Mr. Brockman's site investigation revealed that these habitats are not present on the two parcels, therefore no further evaluation is needed.

The County made the following findings in support of this growth allocation request.

- 1) The parcels are adjacent to existing Limited Development Areas and Intensely Developed Areas.
- 2) The request for growth allocation is consistent with the County's guidelines for the granting of growth allocation.
- 3) There are no Habitat Protection Areas identified on the parcels.
- 4) There are no Resource Conservation Areas in the vicinity of the parcels.
- 5) The parcels are located adjacent to the Critical Area boundary, and a portion of each parcel lies outside of the Critical Area.

The Cecil County Office of Planning and Zoning made the following recommendations (as well as others pertaining to local zoning requirements) to the Cecil County Board of Commissioners regarding this growth allocation request. The County's recommendations provide certain restrictions on the granting of this growth allocation request, given that it is not based on a specific development plan. Commission staff support the County's recommendations.

- 1) The site plan for any future development of the property, before being approved, be contingent upon the satisfactory demonstration of conformity with all Critical Area regulations, as well as Section 291 of the Cecil County Zoning Ordinance.
- 2) The awarding of growth allocation is limited to a period of two years. If construction has not begun of improvements to the property within two years, the growth allocation shall be withdrawn.

NORTHEAST

SEE 1"=200' SUPPLEMENTALS

NELCO ASSOCIATES
NDS 199/654
16.54A
P. 898

NORTH EAST
PORT FACILITY, INC.
NDS 8/957
33.13A
P. 1079

CHURCH

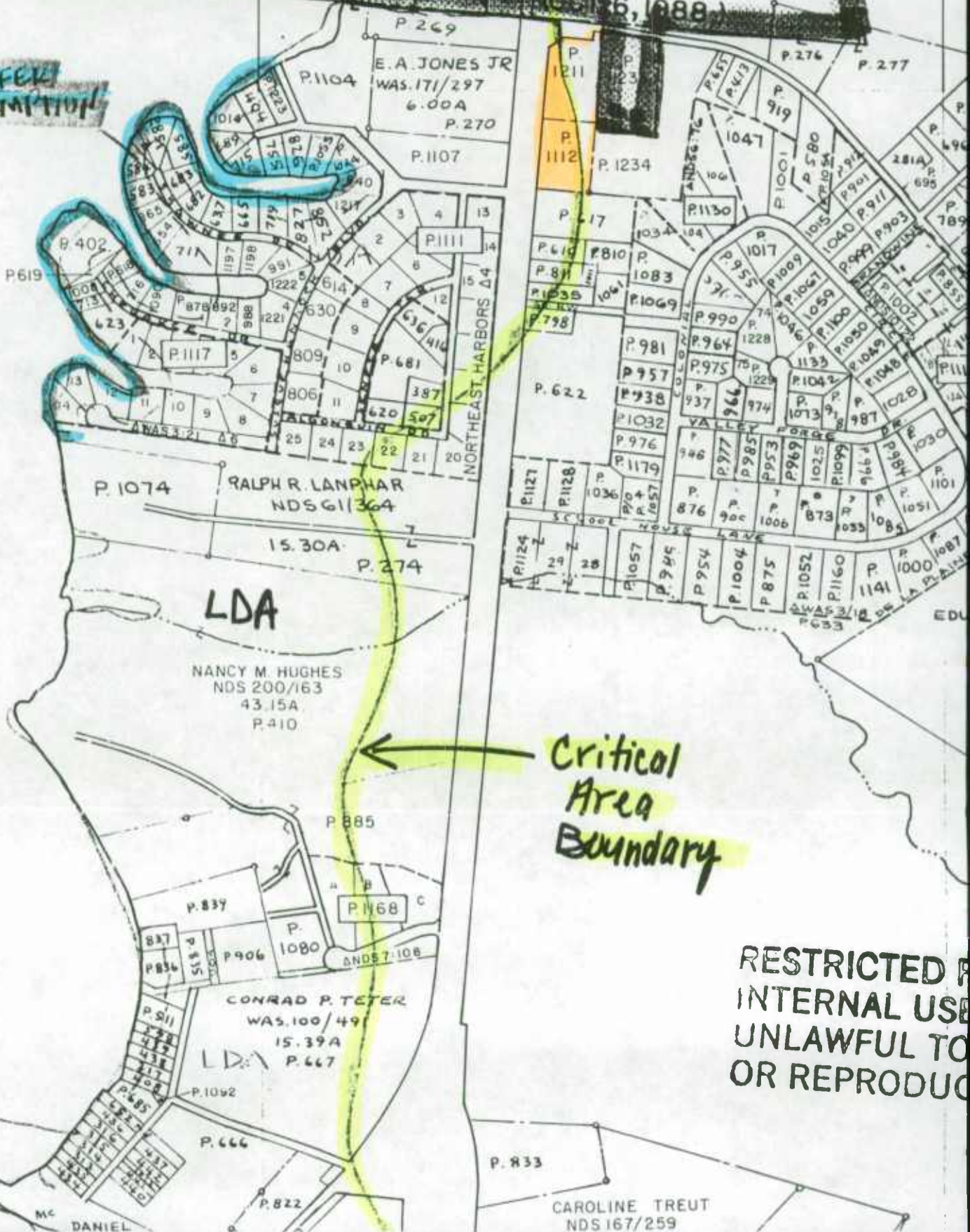
THOMAS

IDA

CORPORATE LIMIT

6, 1988

Buffer Exemption



North East River

LDA

NANCY M. HUGHES
NDS 200/163
43.15A
P. 410

LDA

CONRAD P. TETER
WAS. 100/49
15.39A
P. 667

Critical Area Boundary

RESTRICTED
INTERNAL USE
UNLAWFUL TO
OR REPRODUCE

Buffer Exemption

Mc DANIEL

CAROLINE TREUT
NDS 167/259



Critical Area portion
of Lots 1211 and 1112

Lanphar Growth Allocation

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

MEMORANDUM

To: Project Subcommittee Members

From: Lisa Hoerger

Date: October 2, 2002

Subject: Anne Arundel County Department of Public Works
Woodland Beach Pumping Station

At its meeting on October 3, 2001, the Critical Area Commission approved the Woodland Beach Pumping Station Expansion project in Anne Arundel County. This action constituted a conditional approval by the Commission since a portion of the expansion would be in the 100-foot Buffer to a tributary stream; therefore mitigation was required.

In the approval letter that was sent to the DPW, Commission staff requested the Planting Agreement Form be returned within 90 days. When the 90-day period passed, no form was submitted so staff wrote DPW a second letter requesting the form be submitted.

At the time of writing the second letter, Commission staff spoke with the County staff and was informed that DPW was looking for a site to serve as a banking site for future DPW projects. Commission staff informed the County verbally and in the second letter, that the County's efforts to locate a banking site should continue and encouraged the County to continue that search. Commission staff requested the mitigation required for the Woodland Beach Pumping Station project be selected prior to locating the banking site since that process could take an uncertain amount of time.

The Woodland Beach Expansion project has not been completed to date; however, the site has been graded and prepared for construction. We have requested that a representative from DPW attend the Project Subcommittee's October meeting to provide an update on the search for a mitigation site.

If you have any questions about this project prior to the meeting, please telephone me at (410) 260-3478.

