

**Critical Area Commission**  
**Department of Housing and Community Development**  
**Crownsville, Maryland**  
**November 13, 2002**

**SUBCOMMITTEES**

**11:00 a.m. – 12:00 p.m. Project Evaluation Subcommittee**

**Members:** *Bourdon, Witten, Giese, Goodman, Cooksey, Setzer, Graves,  
Jackson, McLean, Andrews, Jones, Rice, Pugh, Mathias, Wilson*

**Maryland Port Administration: Westway Liquid Terminal at  
North Locust Point – Conditional Approval  
Baltimore City** **Dawnn McCleary**

**Anne Arundel County: Department of Public Works  
Woodland Beach Pumping Station Reforestation –  
Discussion** **Lisa Hoerger**

**11:00 a.m. – 12:00 p.m. Program Implementation Subcommittee**

**Members:** *Foor, Bailey, Evans, Wynkoop, Johnson, Lawrence, Duket,  
Samorajczyk, Wenzel, Stephens, Blazer, Gilliss, Richards*

**Town of Oxford: Annexation (Talbot County)** **Roby Hurley**

**Cecil County: Parker Growth Allocation** **Julie LaBranche**

**Baltimore City: Comprehensive Review** **Dawnn McCleary**

**Revisions to Growth Allocation Policy – Discussion** **Mary Owens**

**9:30 a.m. – 11:00 a.m. Panel: Worcester County Coastal  
Bays Program** **LeeAnne Chandler  
Mary Owens  
Ren Serey**

**Members:** *Foor, Jackson, Johnson, Cooksey, Giese*

**12:00 p.m. Lunch**

11-11-66  
11-11-66  
11-11-66

MEMORANDUM

TO : SAC, [illegible]

FROM : [illegible]

SUBJECT: [illegible]

[illegible]

TO : SAC, [illegible]

FROM : [illegible]

SUBJECT: [illegible]

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**Critical Area Commission**  
**Department of Housing and Community Development**  
**Crownsville, Maryland**  
**November 13, 2002**

**AGENDA**

1:00 p.m. – 1:05 p.m.      Approval of Minutes for October 2, 2002      John C. North, II  
Chairman

**PROJECTS**

1:05 p.m. – 1:15 p.m.      VOTE: Maryland Port Administration      Dawnn McCleary  
Westway Liquid Terminal at North Locust  
Point (Baltimore City)

**PROGRAMS**

1:15 p.m. – 1:45 p.m.      VOTE: Worcester County Coastal Bays      LeeAnne Chandler  
Program

1:45 p.m. – 2:00 p.m.      VOTE: Baltimore City Comprehensive      Dawnn McCleary  
Review

2:00 p.m. – 2:10 p.m.      VOTE: Cecil County: Parker Growth      Julie LaBranche  
Allocation

2:10 p.m. – 2:20 p.m.      Refinement: Town of Oxford – Annexation      Roby Hurley

**OLD BUSINESS**

2:20 p.m. – 2:25 p.m.      Legal Update      Marianne Mason

2:25 p.m. – 2:30 p.m.      **NEW BUSINESS**

Adjourn

Office of the Commissioner  
 Department of Housing and Community Development  
 One Madison Avenue, 15th Floor  
 New York, NY 10017

**AGENDA**

1:00 p.m. - 1:15 p.m. Approval of Minutes for October 2, 2002  
 Chair: John C. Kelly II

**PROJECTS**

1:15 p.m. - 1:45 p.m. 107E: Housing Port Administration  
 Hudson Light Terminal at North Avenue  
 Point (Baltimore City)  
 Chair: David J. Kelly

**PROGRAMS**

1:45 p.m. - 2:15 p.m. 407E: Work with Community-Based  
 Program  
 Chair: Leonard G. Givens

2:15 p.m. - 2:45 p.m. 307E: 3-illion City Organization  
 Review  
 Chair: David J. Kelly

2:45 p.m. - 3:15 p.m. 407E: Small Business Development  
 Coalition  
 Chair: Julie L. Campbell

3:15 p.m. - 3:45 p.m. Refinement: Town of Oxford - Annexation  
 Lobby/History  
 Chair: David J. Kelly

**OLD BUSINESS**

3:45 p.m. - 4:15 p.m. Legal Update  
 Chair: Leonard G. Givens

**NEW BUSINESS**

4:15 p.m. - 4:30 p.m.

Adjourn



Critical Area Commission  
For the Chesapeake and Atlantic Coastal Bays  
100 Community Place  
People's Resource Center  
Crownsville, Maryland  
October 2, 2002

The full Critical Area Commission met at the People's Resource Center, Crownsville, Maryland on October 1, 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 Bourdon, Calvert 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 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, Gary Setzer, Maryland Department of Environment, Ed Richards, Caroline County.

**Not in Attendance:** James Mathias, Ocean City Coastal Bays; Michael Pugh, Cecil County; Louise Lawrence, Md. Department of Agriculture

Chairman North congratulated James McLean on his promotion to Deputy Secretary of the Maryland Department of Business and Economic Development. The Chairman announced that Commission member Charles Graves will be leaving the Commission and presented him with a Governor's Citation of appreciation. Mr. Graves will be going to Atlanta to fill the position of Commissioner of Planning and Zoning. He will be greatly missed.

The Minutes of September 4, 2002 were approved as read.

Chairman North called upon Ren Serey to update the Commission on the progress on the issues in Talbot County's Program. Mr. Serey disseminated to the Commission members a letter from the President of the Talbot County Council that is in response to the letter that Chairman North sent to the County Council in September, which summarized the Commission's actions at the last Commission meeting regarding the Talbot County Program. The letter detailed the requirements that the Commission specified must be changed in the County Program to make it consistent with the Critical Area law and Criteria. At the Commission meeting in August in Baltimore, Commission member Sam Wynkoop asked whether the Talbot County Council would be able to deal with the required changes in an election year. Mr. Serey said that the Commission checked with the County Council's office and the Commission was told that there was no prohibition to the County Council acting on voting matters at this period. However, it turns out that the Council is prohibited to some degree on acting on voting matters following in an election season. In this letter to Chairman North the President of the County Council is asking the Commission to extend the 90 day period as required by law for the local jurisdiction to make the required changes. After extensive discussion of this issue in the subcommittee and among the Commission members in the full meeting, Dr. Foor moved to extend the 90-day period within which the required changes must be made, but to continue the prohibition in the law regarding the issuance of approvals inconsistent with the Commission's





action during this period. Barbara Samorajczyk seconded the motion. The motion carried 22 to one, Paul Jones opposing.

Mr. Serey described for the Commission a matter in Calvert County. He said it involves Section 8-1809 (l) of the Critical Area law, the same provision of law as the one last month in Talbot County. However, in this situation the Commission has the full cooperation of the County Planning Office. Mr. Serey told the Commission that a property owner with a four acre undeveloped lot in Solomons alleges that the County incorrectly denied him a building permit to construct a house outside of the County's 30-foot setback for the Solomons Town Center, but inside the Critical Area 100-foot Buffer. There is adequate room on the site to situate a dwelling and all accessory structures outside the 100-foot Buffer without a variance. The problem arises with this area because it is one of Calvert County's Town Centers, a designated growth area since 1986, and the County has had a special zoning ordinance for the Town Center which provided a 30 foot setback from the water for all non water-dependent structures. In 1988 when the Critical Area Program was approved, the Commission and the County assumed that the Critical Area Program and the existing Town Center Master Plan and zoning ordinance meshed properly when in fact, they did not. In 1992 Calvert County submitted a series of Buffer Exemption requests to the Commission, including one for the entire Solomons shoreline, which would have coincided with the 30-foot setback for the Town Center master plan and zoning ordinance. However, the Commission did not approve the entirety of that proposal and limited it to just the existing developed areas in Solomons, which left a gap where the argument could be made that the 30-foot setback controls throughout the Solomons town center. The zoning ordinance provides that the Critical Area Program extends throughout the County except in the incorporated municipalities and in areas where there is an existing Town Center master plan and zoning ordinance.

Mr. Serey said that State law controls over a local zoning ordinance. However, Commission Counsel believes that the Board of Appeals, where this issue is being heard, is not the proper forum for making this argument and that the Board should not have to weigh those issues. Mr. Serey stated that he discussed the situation with the County Planning Director and Deputy Director. They agreed that the language is not clear in the County Zoning Ordinance and there appears to be a gap in the regulatory scheme. They have drafted language to correct the inconsistencies and it has been submitted to the Commission. Mr. Serey told the County officials that the Commission was meeting on October 2<sup>nd</sup> and the Commission staff would be recommending that the Commission direct Calvert County to change its zoning and Critical Area ordinance to assure that any gap that may exist is closed and the language is clarified. The Program Subcommittee agreed to recommend appropriate action to the full Commission to notify Calvert County that its Program does contain omissions, mistakes and inconsistencies and that it needs to be changed within 90 days from the date of the Chairman's letter, and that no permits inconsistent with this action would be issued until the Commission approves new County language. Dr. Foor moved that Commission Counsel draft a letter for the Chairman to be sent to Calvert County notifying them of the deficiencies of their program as discussed in this open meeting. The motion was seconded by Margo Bailey and carried unanimously.

Lisa Hoerger presented for Vote the request for Amendment to the Forest Mitigation Package for the Woodrow Wilson Bridge in Prince George's County by the State Highway Administration, Department of Transportation. She said that the original approval by the Commission included a condition that any changes be reviewed and approved by the Commission. The Hohensee Farm site owned by the City of Bowie allows a model airplane club to use the site. Recently the City of Bowie Department of Public Works identified a nearby open field not used by the model airplane

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club to relocate 5 acres of the 30 acres approved for mitigation at the request of the City Council. This 5-acre tract is also a part of the Hohensee farm and is available for planting. It is adjacent to a forested area, which is also adjacent to the site proposed for the mitigation. This tract supports Forest Interior Dwelling Birds and the City's Department of Public Works has agreed to place an easement on the adjoining tract. Dave Bourdon moved to approve the request for Amendment. The motion was seconded by Bob Goodman and carried unanimously.

Ms. Hoerger presented for Vote the request for Conditional Approval by the State Highway Administration on behalf of Tidewater/Keiwit/Clark Joint Venture (the contractor building foundations for the Woodrow Wilson Bridge project) for a proposal to site a temporary detention basin adjacent to the existing batch plant in the 100-foot Buffer. It is to be located inside the existing construction staging area along the Smoot Cove shoreline, south of the existing Woodrow Wilson Bridge. She described the project stating that the basin would trap and contain concrete wash water including the wash water from the barges in the river. A two-stage basin is proposed in order to minimize impacts to the greatest extent possible with concrete wash water generated on the transport barges being pumped into the second stage of the basin. No excavation is required. Ms. Hoerger reviewed the conditional approval criteria as well as the Commission staff comments and comments from the State Highway Administration. The Project Subcommittee determined that the detention basin is in conformance with COMAR without the need to impact the Buffer. Dave Bourdon moved to approve the detention basin request, moving the barge outside the 100-foot buffer. The motion was seconded by Jim McLean and carried unanimously.

Nicole Wittenstein, Commission intern, presented for Vote a Conditional Approval request by the Greenwell Foundation and the Department of Natural Resources to locate a "park host" campsite at Greenwell State Park in St. Mary's County. This will allow a park host to lodge their camper within the barn complex in order to provide constant surveillance and maintenance of the area of the park that contains several structures including the Lodge, a barn complex and maintenance and storage sheds and park shop. All of these facilities are located within the expanded Buffer therefore requiring a conditional approval. Ms. Wittenstein read the conditional approval criteria and comments of Commission staff. The Project Subcommittee determined that this project is consistent with COMAR 27.02.06 with the conditions listed: 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. 3) DNR staff shall provide an update in six months to the Commission on the Buffer site mitigation planting. Dave Bourdon moved for conditional approval of the "Park Host" campsite at Greenwell State Park. The motion was seconded by Bob Goodman and carried unanimously.

Ms. Wittenstein presented for Vote the proposal by the Greenwell Foundation and the Department of Natural Resources to establish an observation area adjacent to the Francis Knott Lodge at the 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. This area will include an interpretive sign or signs within the 100-foot Critical Area Buffer. Ms. Wittenstein described the project details. Mitigation for Buffer impacts will be provided at a 3:1 ratio. The Project Subcommittee determined that this project is consistent with COMAR 27.02.05. Dave Bourdon moved to approve the Greenwell Foundation's request to establish an observation area at Greenwell State Park in St. Mary's County with one condition: that the Commission review a planting plan, as stated in the staff report. The motion was seconded by Bob Goodman and carried unanimously.

The first part of the report is devoted to a general survey of the state of the country in 1870. It is followed by a detailed account of the various departments of the government, and a summary of the principal events of the year. The report is well written and contains much valuable information.

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Mary Owens presented for VOTE for Conditional Approval the revised Gary Player Design Tudor Hall/McIntosh Run Golf Course proposed by the Town of Leonardtown and the Maryland Stadium Authority and assisted and supported by the Governor's Office. She reiterated the history of the project, which she presented to the Commission last month as an informational item. The Commission lacked the needed information to vote on the project at that time. 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. Ms. Owens reviewed the changes to the golf course and the Buffer and FIDS Habitat impacts for the Commission, as well as the standards for conditional approval. The Project Subcommittee determined that the project, with the following conditions, is consistent with COMAR 27.02.06. 1) The Governor's Office and the Maryland Stadium Authority will submit a Buffer Management Plan for the project to the Commission for review and approval within 90 days. 2) The Governor's Office and the Stadium Authority will submit a FIDS Mitigation Plan for the project to the Commission for review and approval within 90 days. Dave Bourdon moved for conditional approval the Tudor Hall/McIntosh Run Golf Course Revised Gary Player Design in Leonardtown as presented with the two conditions as stated. The motion was seconded by Dave Cooksey and carried unanimously.

Dawnn McCleary presented for VOTE the request by the Department of General Services to locate off site the stormwater management facility for the Daycare Center and playground in the Tawes Building at the Department of Natural Resources. The original proposal was on-site but is now proposed off-site at the Robert C. Murphy Court of Appeals Courthouse parking lot adjacent to DNR. The project is in the Intensely Developed Area. Ms. McCleary said that the request for the project with the conditions listed was approved in September 2002. The Project Subcommittee reviewed the project and determined it to be consistent with the Commission's regulations for State projects with 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. Dave Bourdon moved to approve the request for the off-site location of the stormwater management facility for the Daycare Center at the Tawes Building as presented. The motion was seconded by Jim McLean and carried unanimously.

Julie LaBranche presented for concurrence with the Chairman's determination of Refinement, the request by the Cecil County Board of Commissioners for 1.3 acres of growth allocation for two adjacent parcels, making them consistent with the underlying zoning for the purpose of commercial development. The parcels are partially within the Critical Area are designated as LDA which would be changed with growth allocation to IDA designation. Both parcels are zoned for commercial development. No HPA's have been identified. The findings of the County support the granting of the growth allocation request. However, because this request is not based on a specific development plan, the County's recommendations provide certain restrictions on granting of growth allocation requests which is supported by the Commission staff. These conditions are as follows: 1) The site plan for any future development of the property, before being approved, must 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 of improvements to the property has not begun within two years, the growth allocation shall be withdrawn. The Commission supported the Chairman's determination of Refinement.



The first part of the report deals with the general situation of the country and the progress of the various branches of industry and commerce. It is followed by a detailed account of the operations of the different departments of the government, and a summary of the state of the public treasury. The report concludes with a statement of the measures proposed for the improvement of the country and the promotion of the public good.

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**Old Business**

Commission Counsel Marianne Mason, Esquire, reported to the Commission that last month she appeared at the Court of Special Appeals to argue the Edwin Lewis case from Wicomico County. There has been no decision yet, but it is expected within the next 30 days. Mrs. Mason stated that she filed notices of interventions at the Board of Appeals in Calvert County in two cases. In one case a person wants to build a house in the 100-foot Buffer on a completely undeveloped lot, and the second case involves an addition to a large home within just a few feet of tidal wetlands. She stated that Commission staff member Julie LaBranche has submitted a letter of opposition on behalf of the Commission staff and will testify in opposition.

Two appeals were filed this month in Anne Arundel County at the Board of Appeals. One involves a mapping mistake and a map amendment request to change an RCA designation to IDA; it was granted by the County hearing examiner. She said that it was based not on a determination that a mistake was made at the time of original program mapping, but that there is a mistake on the ground now. Mrs. Mason stated that is not sufficient for granting a map amendment based on mistake and it will be appealed to the Board of Appeals. Another variance in Anne Arundel County was granted for a new subdivision by the hearing examiner which is being appealed. The developer wants 49 lots and could achieve that with a variance but would need to construct a stormwater management pond on steep slopes, or he could get 47 lots and need no variances to the Critical Area Criteria. Mrs. Mason said that there has been a date set for oral argument of the Old Trails case in Harford County, on December 10<sup>th</sup>.

Dave Cooksey requested that the Commission be updated on the Buffer Management Plans on the Hyatt Project in Cambridge. Chairman North proposed a meeting of the Commission at the Hyatt if it could be arranged.

**New Business**

Ren Serey told the Commission that Worcester County is still moving quickly in the preparation of its Critical Area program for the Coastal Bays. The Advisory Committee is meeting often. The County Commissioners hope to approve the program before their term of office ends. He said that the County has been given a model program to build upon and what they have now is almost approvable. It is very important to the County Commissioners that they will be the ones to approve this Program. This Board of Commissioners' last legislative day is November 19<sup>th</sup>. Therefore, the County has asked the Critical Area Commission if it is possible to change our meeting date from November 6<sup>th</sup> to November 13<sup>th</sup> in order to give the County the opportunity to finalize its program on November 19<sup>th</sup> and make any necessary changes the Commission might require. The Chair inquired of the Commission about changing the meeting date and there was no opposition. Thus, the November meeting of the Commission will be on November 13, 2002.

Chairman North appointed a panel to the Baltimore City Comprehensive Review: Larry Duket, Chair; Judith Evans; Jim McLean; Louise Lawrence; Barbara Samorajczyk for a hearing October 23, 2002 at 7:00 p.m. at the Baltimore Department of Planning.

Chairman North also appointed a panel for the Coastal Bays Critical Area Program: Dr. Foor, Chair; Joe Jackson; Q. Johnson; David Cooksey; Bill Giese. November 6<sup>th</sup> hearing at Snow Hill. There being no further business, the meeting adjourned.

Minutes submitted by: Peggy Mickler, Commission Coordinator.

CHAPTER I

The first part of the history of the United States is the history of the colonies. The colonies were first settled by Englishmen in 1607, and they remained loyal to the British crown until 1776. The American Revolution was fought between 1775 and 1783, and it resulted in the independence of the United States.

The second part of the history of the United States is the history of the early republic. The United States was founded in 1787, and it was the first democracy in the world. The early republic was a time of great growth and development, and it was a time when the United States began to assert its independence from the British Empire.

The third part of the history of the United States is the history of the westward expansion. The United States expanded westward from the Atlantic coast to the Pacific Ocean, and this expansion was a major factor in the growth of the United States.

CHAPTER II

The fourth part of the history of the United States is the history of the Civil War. The Civil War was fought between 1861 and 1865, and it was the bloodiest war in the history of the United States. The Civil War was fought over the issue of slavery, and it resulted in the abolition of slavery in the United States.

The fifth part of the history of the United States is the history of the Reconstruction era. The Reconstruction era was a period of time when the United States was rebuilding itself after the Civil War, and it was a time of great change and development.

The sixth part of the history of the United States is the history of the Progressive Era. The Progressive Era was a period of time when the United States was reforming itself, and it was a time of great change and development.

The seventh part of the history of the United States is the history of the World War era. The World War era was a period of time when the United States was fighting in two world wars, and it was a time of great change and development.



## *Critical Area Commission*

**STAFF REPORT**  
**November 13, 2002**

**APPLICANT:** Worcester County

**PROPOSAL:** Approval of Coastal Bays Critical Area Program and Maps

**COMMISSION ACTION:** Vote

**PANEL:** Dr. Foor, David Cooksey, Bill Giese, Joe Jackson,  
Q Johnson

**PANEL RECOMMENDATION:** Pending

**STAFF RECOMMENDATION:** Pending

**STAFF:** LeeAnne Chandler, Mary Owens, Ren Serey

**APPLICABLE LAW/  
REGULATIONS:** Natural Resources Article §8-1808.9 et seq.

### **DISCUSSION:**

The Atlantic Coastal Bays Protection Act, passed by the General Assembly and signed by the Governor in the 2002 Legislative Session, extends the Critical Area resource protection program to the Coastal Bays. It designates all waters of and lands under the Coastal Bays and their tributaries and all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides as the Atlantic Coastal Bays Critical Area. The Act gives primary responsibility for developing and implementing a program to each affected local jurisdiction. After holding a public hearing on October 1, 2002, the County Commissioners of Worcester County formally submitted their proposed Program in accordance with Natural Resources Article §8-1808.9 et seq.

### PROGRAM (County Bill 02-13 as amended):

The model Critical Area ordinance was forwarded to the County for their use in preparation of the Program. County staff adapted the model to their needs and added provisions in accordance with the Atlantic Coastal Bays Protection Act. The additional provisions include a 15% afforestation requirement in the IDA (required by the Atlantic Coastal Bays Protection Act); a limitation on the length that private piers and other water-dependent facilities may extend over tidal wetlands; and a requirement for mitigation of non-tidal wetland buffer impacts outside of the

Final Report

Final Report  
November 1, 1982

APPENDIX	Appendix A: Summary of Findings
APPENDIX B	Appendix B: Detailed Findings
APPENDIX C	Appendix C: Conclusions and Recommendations
APPENDIX D	Appendix D: Bibliography
APPENDIX E	Appendix E: Glossary
APPENDIX F	Appendix F: Index
APPENDIX G	Appendix G: List of Figures
APPENDIX H	Appendix H: List of Tables
APPENDIX I	Appendix I: List of Abbreviations
APPENDIX J	Appendix J: List of Acronyms
APPENDIX K	Appendix K: List of Symbols
APPENDIX L	Appendix L: List of Equations
APPENDIX M	Appendix M: List of References
APPENDIX N	Appendix N: List of Figures
APPENDIX O	Appendix O: List of Tables
APPENDIX P	Appendix P: List of Abbreviations
APPENDIX Q	Appendix Q: List of Acronyms
APPENDIX R	Appendix R: List of Symbols
APPENDIX S	Appendix S: List of Equations
APPENDIX T	Appendix T: List of References
APPENDIX U	Appendix U: List of Figures
APPENDIX V	Appendix V: List of Tables
APPENDIX W	Appendix W: List of Abbreviations
APPENDIX X	Appendix X: List of Acronyms
APPENDIX Y	Appendix Y: List of Symbols
APPENDIX Z	Appendix Z: List of Equations

The following report provides a summary of the findings and conclusions of the study. The study was conducted in order to determine the effectiveness of the program in achieving its goals. The findings indicate that the program has been successful in achieving its goals, and that the conclusions and recommendations are based on the findings. The study was conducted in order to determine the effectiveness of the program in achieving its goals. The findings indicate that the program has been successful in achieving its goals, and that the conclusions and recommendations are based on the findings.

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Critical Area but within the Coastal Bays watershed. County Bill 02-13 was introduced by all of the County Commissioners on August 20, 2002. After a number of meetings between County and Commission staff, the Advisory Committee appointed by the Critical Area Commission, as well as the public hearing of October 1, 2002, a number of amendments were made in mid-October. Most of the amendments were corrections of definitions, references and clarifications.

CRITICAL AREA MAPS:

The County's Coastal Bays Critical Area maps were prepared in accordance with the mapping standards set forth in COMAR 27.01.02.03 through 27.01.02.05. The proposed Critical Area designations are based on land use existing as of June 1, 2002. The County used aerial photography as its primary mapping tool. Site visits were conducted as necessary. The Coastal Bays Critical Area has been mapped as follows:

IDA	3,460 acres
LDA	3,116 acres
RCA	16,379 acres
Total Coastal Bays Critical Area	22,955 acres

The County did not include tidal wetlands or Federal lands in calculating their Critical Area. Available growth allocation for use in the Coastal Bays Critical Area is 5% of 16,379 acres or 819 acres.

Two changes were made to the maps as they were originally proposed. One area of IDA that did not meet the required 20-acre threshold was remapped as LDA. Another parcel, originally mapped as RCA, was remapped to LDA due to its existing use as an industrial park (and did not meet the 20-acre threshold for IDA).

OTHER PROGRAM ELEMENTS:

The County also plans to adopt regulations and maps for certain Buffer Management Areas (BMA) throughout the County. However, to date, the County Commissioners have not formally submitted the regulations or maps to the Critical Area Commission for review. Commission staff and the Advisory Committee have reviewed the draft regulations and maps and have provided comments to County staff. Additional information on the proposed BMA regulations and maps will be provided when the information is received by Commission staff.

The County has also recently forwarded Resource Inventory Maps to Commission staff. These maps are an additional element of the County's Program. These include maps identifying sand and gravel resources, tidal and non-tidal wetlands, shoreline erosion rates, boat ramps and marinas, agricultural lands, surface mines, forest lands, sensitive species project review areas, and soils with development constraints.

**OUTSTANDING ISSUES:**

In regard to Bill 02-13, several issues have not been resolved to date. Below, the outstanding



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issues have been summarized and categorized as a matter of consistency with the Criteria, a need for clarification, or an issue related to the Forest Conservation Act (FCA).

Section	Page #	Issue	Explanation
§NR 3-101(c)(10)	2	Clarification	The phrase "to the head of tide" should be removed. Buffers are required on tributary streams up to the 1000-foot boundary.
§NR 3-101(f)(2)	3	Clarification	This section states that the Critical Area shall include nontidal wetlands and their buffers within the entire watershed, yet the County has indicated that they do not intend to consider these areas as "Critical Area."
§NR 3-101(H)	4-5	Consistency	This table is confusing and partially inconsistent with the grandfathering provisions of the Criteria. It is also unnecessary because the grandfathering provisions are properly written in §NR 3-105 of the bill.
§NR 3-104(d)(1)B.	18	Clarification	Access width should be six feet rather than eight. The width is inconsistent in the document. Also, mitigation for access should be required at a 2:1 basis.
§NR 3-104(d)(6)	18	FCA	The Atlantic Coastal Bays Protection Act exempted those lots in the IDA that complied with the Forest Conservation Act (FCA) from the 15% afforestation requirement. The Act did not exempt all lots nor did it exempt any lot from the prohibition of clearing in the Buffer.
§NR 3-105(b)(1) & (2)	19	Consistency	The phrase "customary accessory structures" should be removed. The grandfathering provisions of the Criteria and Atlantic Coastal Bays Protection Act do not grandfather accessory structures.
§NR 3-107(c)(6)	25	FCA	Same issue as referenced above.
§NR 3-108(c)(5)	27	Consistency	The phrase "without consideration of its impact on the Atlantic Coastal Bays and their tributaries" should be replaced with "except as provided by Section 3-108(d) and 3-112 below." Only certain uses are permitted in the RCA while all others require growth allocation.
§NR 3-108(d)(3) & (4)	28	Clarification	The phrase, "as of June 1, 2002" should be inserted after "existing" for both of these uses.



... ..

Date	Particulars	Amount
1870-1871	...	...
1871-1872	...	...
1872-1873	...	...
1873-1874	...	...
1874-1875	...	...
1875-1876	...	...
1876-1877	...	...
1877-1878	...	...
1878-1879	...	...
1879-1880	...	...
1880-1881	...	...
1881-1882	...	...
1882-1883	...	...
1883-1884	...	...

Section	Page #	Issue	Explanation
§NR 3-108(d)(3)	28	Clarification	The Commission has supported cemetery use in the RCA only when impervious surfaces are limited to 20,000 square feet or 15%, whichever is less.
§NR 3-109(b)	29	Clarification	Commission staff suggests a reference to an appendix that contains the list of projects that require notification to the Critical Area Commission.
§NR 3-112(a)(1)	33	Clarification	The amount of growth allocation should match the 819 acres as stated in paragraph (a).
§NR 3-112(b)	33	Consistency	The phrase, "consider the following locational criteria," should be replaced with, "use these guidelines:" to be consistent with the Criteria.
§NR 3-112(b)(8)	34	Consistency	The phrase, "to be located in Resource Conservation Areas," should be removed. This statement is also relevant to areas of LDA that are changed to IDA.
§NR 3-112(c)(7)	35	Clarification	The word "may" should be replaced with "shall." Growth allocations are considered to be map amendments. After the Commission approves such an amendment, the Critical Area Law states, "The local jurisdiction shall incorporate the approved program amendment within 120 days..."
§NR 3-116(c)(2)	40	Clarification	The Buffer should be measured from the <u>banks of tributary streams</u> and the <u>landward boundary of tidal wetlands</u> .
§NR 3-116(g)(1)	41	Consistency	Unauthorized clearing of any kind must be mitigated at a 3:1 ratio in accordance with COMAR 27.01.02.04. References to mitigation at an equal or 1.5 to 1 basis should be removed.
§NR 3-118(e)(2)A	44	Consistency	The stricken language should be restored except for the general term, "Habitat Protection Areas," to be consistent with the Criteria.
§NR 3-121(d)	48	Clarification	A land altering activity should also include grading.



Topic	Date	Page
The first part of the document discusses the importance of maintaining accurate records for the company's financial health.	1998-01-15	12
The second part of the document discusses the importance of maintaining accurate records for the company's financial health.	1998-01-15	13
The third part of the document discusses the importance of maintaining accurate records for the company's financial health.	1998-01-15	14
The fourth part of the document discusses the importance of maintaining accurate records for the company's financial health.	1998-01-15	15
The fifth part of the document discusses the importance of maintaining accurate records for the company's financial health.	1998-01-15	16
The sixth part of the document discusses the importance of maintaining accurate records for the company's financial health.	1998-01-15	17
The seventh part of the document discusses the importance of maintaining accurate records for the company's financial health.	1998-01-15	18
The eighth part of the document discusses the importance of maintaining accurate records for the company's financial health.	1998-01-15	19
The ninth part of the document discusses the importance of maintaining accurate records for the company's financial health.	1998-01-15	20
The tenth part of the document discusses the importance of maintaining accurate records for the company's financial health.	1998-01-15	21

Section	Page #	Issue	Explanation
§NR 3-121(f)	49	Consistency	The latter half of the paragraph beginning with "If additional habitat areas are..." should be replaced with, "If the Secretary of the Department of Natural Resources designates additional species by regulation in the future, a public hearing, as appropriate, shall be held to consider comments on the protection measures proposed for these species. The protection measures shall be adopted within 12 months of the date of the Secretary's designation." If the County requires additional <u>habitats</u> to go through the public hearing process, it will prevent necessary protection on individual sites where habitats such as non-tidal wetlands, are newly identified.
§NR 3-122(a)(3) & (4)	49	Clarification	The descriptions should match those in the Criteria.
§NR 3-124(d)	53	Consistency	Community piers are also allowed in RCAs. Subsections (h) through (k) should be referenced. Other water-dependent facilities would require growth allocation.
§NR 3-124(h)(5)	55	Clarification	The phrase "or moorings" should be deleted unless the County has independent authority to regulate moorings. Moorings in the Critical Area are now regulated under the State Boat Act.
§NR 3-125(b)(4)D.	56	Clarification	Paths should be sited to minimize impacts (i.e., go around trees rather than take them out) rather than the most direct route.
§NR 3-126(b)	57	Clarification	Vegetation removed to install shore erosion control structures should be replaced at a 1:1 ratio.
§NR 3-126(c)(1)	57	Consistency	The reference to areas "where appreciable erosion occurs" should be replaced with "of significantly eroding shorelines." Only the latter has a definition in the Program.
--		Consistency	The Program is missing a section covering Structures on Piers in accordance with Natural Resources §8-1808.4.

In regard to the proposed Critical Area maps, several corrections or clarifications are needed in accordance with the following table:



Case No.	Case Name	Case Description
100-100000-100000	Case 1	Description of Case 1
100-100000-100000	Case 2	Description of Case 2
100-100000-100000	Case 3	Description of Case 3
100-100000-100000	Case 4	Description of Case 4
100-100000-100000	Case 5	Description of Case 5
100-100000-100000	Case 6	Description of Case 6
100-100000-100000	Case 7	Description of Case 7
100-100000-100000	Case 8	Description of Case 8
100-100000-100000	Case 9	Description of Case 9
100-100000-100000	Case 10	Description of Case 10

Additional information or notes at the bottom of the page.

Map #	Issue
9	There is a property on the eastern side of Bishopville Prong that is proposed to be designated LDA due to a subdivision that is in the review process. County staff has acknowledged that it will require growth allocation yet there is no documentation of this on the map. This should be provided.*
21	The YMCA property is not entirely exempt from the Program. Only the YMCA facility itself is exempt (and only if certain conditions are met); development of the remainder of the property would require growth allocation.
22	The pocket of LDA proposed between the two areas of IDA is dominated by farm and forest land. It is unclear if it meets the standards required for LDA.

\*The County should provide information on all subdivisions recorded since June 1, 2002 that will require growth allocation. It should include specific property information (e.g., tax map, parcel number), existing land use and the amount of growth allocation that is being deducted from the County's reserve.

The Critical Area Commission panel is holding a joint public hearing with the County Commissioners of Worcester County on the proposed Program on November 6, 2002. Following the public hearing and closure of the official record, the Panel will meet to formulate its recommendation.



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## CRITICAL AREA COMMISSION

### STAFF REPORT

November 13, 2002

**APPLICANT:** Department of Transportation  
Maryland Port Administration (MPA)

**PROPOSAL:** Westway Liquid Terminal: Pier 9  
at North Locust Point Marine Terminal

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Approval with Conditions

**STAFF:** Dawnn McCleary

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

### DISCUSSION:

This project site is owned by the Maryland Port Administration (MPA) and is located near the intersection of Nicholson Street and Hull Street in Locust Point, Baltimore City. The site is located in the Patapsco River Watershed near the Northwest Branch of the Baltimore Harbor. The Pier 9 area is bordered by tidal waters on the northern side and the CSX Transportation right of way on the southern side. The project site is 3.75 acres which is all impervious. The site located entirely within the Critical Area, is considered an area of intense development.

The Westway Liquid Terminal plans to construct a new bulk liquid storage and handling facility at Pier 9 of North Locust Point Marine Terminal, in which operations will be merged with their existing facility on Pier 10. The site has been previously developed and is currently paved. The site will have liquid storage tanks, a truck loading\unloading facility and a rail loading\unloading facility. The liquid storage tanks will be located within a dike containment area that is equipped with a perimeter concrete wall. MPA has met the 10 % rule by removing 3.14 pounds of phosphorus using an underground sandfilter.

CENTRAL AREA COMMISSION

STATE REPORT  
Form No. 12-1963

For Director, Department  
Division of Administration  
and for State Board  
of Education

APRIL 1964  
PROPOSED

COMMISSION MEMBERS

1. THE SUPERINTENDENT

STATE

EDUCATIONAL  
LEADERSHIP

CHIEF, State Board of  
Education

OBJECTIVE

The Commission is organized to study and report on the  
state of education in the state. It will also study and  
report on the state of education in the state. It will also  
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**Westway Liquid Terminal, Pier 9  
@ North Locust Point Marine Terminal  
November 13, 2002**

The conditional approval is for two development activities in the 100-foot Buffer: the construction of a liquid storage tank and an underground stormwater management facility. One 1,000,000- gallon liquid storage tank will be placed within the 100-foot Buffer. The tank will hold non-hazardous products such as molasses and corn syrup. An underground sandfilter is also proposed within the 100-foot Buffer. The facility will treat runoff from approximately 0.75 acres of impervious surface cover. The Maryland Department of the Environment has approved the stormwater management and sediment and erosion control plans for this project.

Conditional Approval Process

**Conditional approval is required under the Commission's regulations for State and local agency projects when proposed development activities do not satisfy all regulations in full. The conditional approval process is set out in COMAR 27.02.06. In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show that the project or program has the following characteristics:**

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

There exist special features and special circumstances of the site that preclude MPA from siting the bioretention and the storage tank outside the 100-foot Buffer. The existing site currently is located on the waterfront and is entirely impervious. The proposed use will be combined with the existing operations next door. Due to the site topography and its small size, the only feasible placement of the underground sandfilter and the one storage tank is within the 100-foot Critical Area Buffer.

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

The underground sandfilter provides substantial public benefits to the Critical Area because the existing parking lot is without stormwater management. The proposed improvements will reduce phosphorus by 3.14 pounds.

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

The project is otherwise in conformance with the State Criteria and the City of Baltimore Critical Area Program.



**Westway Liquid Terminal, Pier 9  
@ North Locust Point Marine Terminal  
November 13, 2002**

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

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

A literal enforcement of the provision would prevent MPA from providing a marine-dependent facility the ability to expand. Preventing the liquid storage tank from being located within the Buffer renders a significant portion of the site undevelopable.

**(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**

The storage tank and the sandfilter that will go in the 100-foot Buffer are not consistent with the, Criteria; however, all Buffer impacts will be minimized. Only a portion of the liquid storage tanks encroaches in the buffer since the foundation has been moved away from the existing sheet pile and tie back system.

**(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.**

Since the Buffer does not currently function due to the site being a totally impervious parking lot, the proposed impacts are mitigated by treatment of stormwater on the site through the underground sandfilter.



Dear Mr. [Name]:

I am pleased to hear that you are interested in the [Topic] project. The project is currently in the [Stage] phase and we are looking for [Type] individuals to join the team.

The project is a [Type] study of [Topic] and will involve [Description of Work]. We are looking for individuals who are [Requirements] and have a strong background in [Field].

If you are interested in applying, please send me a copy of your [Type] resume and a letter of interest. You should also include a list of [Type] references. Please send these materials to [Address] by [Date].

I am sure that you will find this project to be a very [Type] experience. We are looking for individuals who are [Requirements] and have a strong background in [Field].

If you have any questions, please contact me at [Phone Number] or [Email Address]. I would be happy to discuss the project with you further.

Sincerely,  
[Name]

**CRITICAL AREA COMMISSION**

**STAFF REPORT**  
**November 13, 2002**

**APPLICANT:** Baltimore City Department of Planning

**PROPOSAL:** Baltimore City Comprehensive Review

**JURISDICTION:** Baltimore City

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Approval

**STAFF:** Dawnn McCleary

**PANEL RECOMMENDATION:** Pending

**PANEL MEMBERS:** Larry Duket (Chair), Judith Evans, Louise  
Lawrence, James McLean, Barbara Samorajczyk

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

**DISCUSSION:**

The City of Baltimore has recently completed the required comprehensive review of their Critical Area Program. The review resulted in the following changes: 1) text changes to the Zoning Article and Natural Resources Article of the Baltimore City Code, 2) comprehensive revisions to and reorganization of the City's Critical Area Management Program (CAMP), and 3) minor revisions to clarify a map of the Reedbird Designated Habitat Protection Area (DHPA). It is important to note in reviewing the City's Code and CAMP that the City could easily have qualified for an exclusion under the Act. Instead, the City adopted a Program that is quite unique. The City makes extensive use of fees-in-lieu for Buffer impacts and for stormwater quality management in order to ensure that mitigation for environmental impacts can be provided. This system allows for funds to be collected and used to finance significant and effective projects that promote the purpose and intent of the Critical Area Program.





## **TEXT CHANGES TO THE BALTIMORE CITY CODE**

### §8-301. Definitions

§8-301 of the Zoning Article has been amended to include a definition of the term "Buffer" that is more consistent with the definition in the Critical Area Criteria and to address the designation of land created as a result of filling activities. The definition of "significant development" has been amended to include any disturbance within the Buffer rather than just disturbance greater than 5,000 square feet. This clarification is necessary to ensure that a more detailed review is performed and appropriate mitigation is provided. The definition of "water-dependent facilities" has been amended for consistency.

### §8-303. Critical Area and Buffer

This definition of the term "Critical Area" has been amended to make it consistent with the definition in the Critical Area Criteria, and the definition of the Buffer was amended to include provisions for expansion of the Buffer beyond 100 feet.

### §8-304. Development Areas

The types of development areas were clarified to indicate that the City has mapped areas as RCA and IDA, and that there are two sub-categories of IDA. There is no land mapped as LDA in the City.

### §8-310. Prohibited Uses

This section has been revised to identify specific uses that are prohibited within the Critical Area and provides clarification regarding additional uses that are expressly prohibited within the Buffer. Development activities may take place within the Buffer without a variance; therefore, clarification regarding uses that are expressly prohibited is necessary. This section also adds language prohibiting non-water-dependent structures on piers and also non-water-dependent structures on barges or other non-self-propelled vessels.

### §8-311. Water-dependent facilities within Buffer

This section has been amended to more specifically address the general criteria for addressing water-dependent facilities, and to clarify that new water-dependent facilities are prohibited in the RCA unless they are areas for passive recreation as described in §8-317.

### §8-317. Resource Conservation Area

This section has been clarified to identify the types of uses and the types of water-dependent facilities that may be permitted in the RCA.

### §8-318. Intensely Developed Areas – Waterfront Revitalization Sub-area

Minor revisions were made to this section to clarify that uses are permitted generally in accordance with the underlying zoning, except for those expressly prohibited in §8-310.

### §8-319. Intensely Developed Areas – Waterfront Industrial Sub-area

### THE EFFECT OF THE BATHING CITY CODE

The bathing city code is a comprehensive set of regulations designed to improve the health and safety of the bathing public. It covers a wide range of subjects, including the construction and maintenance of bathing facilities, the hygiene of the bathing water, and the general conduct of the bathing establishment. The code is intended to be a guide for the bathing establishment and the bathing public alike.

The code is divided into several sections, each dealing with a different aspect of the bathing industry. The first section deals with the general requirements for bathing establishments, including the minimum standards for the building, the plumbing, and the electrical work. The second section deals with the hygiene of the bathing water, including the requirements for the water supply, the filtration, and the disinfection.

The third section deals with the general conduct of the bathing establishment, including the requirements for the bathing attendants, the bathing facilities, and the bathing public. The fourth section deals with the enforcement of the code, including the powers of the health department and the penalties for non-compliance.

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Minor revisions were made to this section to clarify that uses are permitted generally in accordance with the underlying zoning, except for those expressly prohibited in §8-310.

§8-322. Conditional Uses and Variances

This section involves minor revisions to clarify the applicability of the variance standards to applications in the Critical Area.

§21-1. Definitions

The definition of "significant development" has been amended to include any disturbance within the Buffer rather than just disturbance greater than 5,000 square feet and to include any disturbance to a Habitat Protection Area. This clarification is necessary to ensure that a more detailed review is performed and appropriate mitigation is provided.

**CRITICAL AREA MANAGEMENT PLAN (CAMP)**

The City's Critical Area Management Plan (CAMP) was significantly revised in order to make it more useable. The document was reorganized, codified, and reviewed for consistency with the Critical Area Criteria. Some new sections were added to address redevelopment issues and mitigation.

Section I Chesapeake Bay Critical Area General Requirements

This section was revised to give a brief introduction of the Critical Area and the purpose of the Critical Area Program.

Section II General Development Requirements

This section was updated to comply with the Critical Area Criteria and has been divided into subsections which include specific provisions relating to various types of development activity. Included are standards for project review, a list of prohibited uses in Intensely Developed Areas, prohibitions regarding structures on piers and barges, criteria for small sites and derelict buildings, modified requirements for brownfield sites, and specific requirements for marinas.

Section III Development in the Critical Area in Intensely Developed Areas (IDA)

This section addresses requirements for development in the two the subareas classified as IDA. It describes both subareas, Waterfront Revitalization Areas and Waterfront Industrial Areas, and provides the requirements for each. It includes provisions relating to water quality improvement, planting in the Buffer, and the payment of Buffer offset fees.

Section IV Development in the Critical Area in Resource Conservation Areas (RCA)

This section was amended to include the 1996 legislation regarding impervious surface limits. This section also discusses development requirements outside and within the buffer and includes the City's provisions relating to tree clearing and replacement within the RCA. The City's RCA is mostly in the floodplain areas and shoreline park areas.



The first part of the paper discusses the importance of ethical leadership in the context of organizational performance. It highlights the role of leaders in setting the ethical tone for the organization and the impact of their actions on employee behavior.

The second part of the paper examines the theoretical framework of ethical leadership. It explores the relationship between leader behavior, employee perceptions, and organizational outcomes. The paper also discusses the role of organizational culture in supporting ethical leadership.

The third part of the paper presents empirical evidence on the effectiveness of ethical leadership. It reviews research findings that show how ethical leaders can improve employee trust, reduce turnover, and enhance organizational performance. The paper also discusses the challenges of implementing ethical leadership in practice.

### ETHICAL LEADERSHIP AND ORGANIZATIONAL PERFORMANCE

The purpose of this paper is to explore the relationship between ethical leadership and organizational performance. It examines the theoretical mechanisms through which ethical leadership can influence organizational outcomes and discusses the empirical evidence that supports this relationship.

The paper is organized as follows. The first section discusses the importance of ethical leadership in the context of organizational performance. The second section examines the theoretical framework of ethical leadership. The third section presents empirical evidence on the effectiveness of ethical leadership.

The fourth section discusses the challenges of implementing ethical leadership in practice. The fifth section concludes the paper and discusses the implications for future research. The paper argues that ethical leadership is a critical component of organizational success and that organizations should strive to create a culture of ethical leadership.

The paper also discusses the role of organizational culture in supporting ethical leadership. It argues that a strong ethical culture can help to reinforce the values and behaviors of ethical leaders and can lead to improved organizational performance. The paper also discusses the importance of ongoing communication and training in creating a culture of ethical leadership.

The paper concludes by discussing the implications for future research. It suggests that future research should focus on understanding the mechanisms through which ethical leadership influences organizational performance and on developing effective strategies for implementing ethical leadership in practice. The paper also discusses the importance of ongoing communication and training in creating a culture of ethical leadership.

Section V Supplemental Information for the Critical Area

Section V provides general supplemental information necessary for the City to effectively implement the Critical Area Program. This section includes information on growth allocation, grandfathering, and buffer establishment credit for vegetation outside the buffer. This section also addresses subsequent redevelopment of sites for which offset fees have been paid. The City's Offset Programs are addressed in this section and there is an explanation of Buffer Offset fees and Stormwater Offset fees. Provisions for development in the Critical Area resulting from State and local agency programs are included in this section. This section also includes information about compliance with planting requirements including specifications for planting and species appropriate for use within the City's Critical Area.

Section VI Resource Protection

Although this section has not changed much, it has been clarified by differentiating the general Habitat Protection Areas like the 100-foot Buffer, riparian forests, anadromous fish propagation waters, etc. from several areas that the City has specifically designated as warranting special protection for a variety of reasons. The latter have been identified as Designated Habitat Protection Areas, and each of the twelve areas is specifically addressed. This section includes maps of the areas and outlines protection requirements for them. They are: Upper Middle Branch, Gwynns Falls, Lower Reedbird, Masonville, Stonehouse Cove, Cabin Branch, Hawkins Point, Quarantine Road, Thoms Cove, Fort Armistead, and Colgate Creek.

Section VII Water Quality Improvement

This section consists of the City's findings and goals for improving water quality. The water quality goals for the harbor in the Baltimore area are to support existing human uses and those planned for the future, and to provide conditions for a healthy, balanced ecosystem insofar as possible within a working port estuary.

Section VIII Water-Dependent Facilities and Waterfront Industry Plan

The City has revised this section to make it consistent with COMAR 27.01.03.03A(4).

Section IX Implementation

This section was updated to outline the City's adoption of the Critical Area CAMP, the enforcement of the City's Critical Area Program, the Critical Area review process used by the Department of Planning, and the notification and review procedures necessary to insure interagency coordination. The section also addresses various procedural requirements relating to permits, hearings, appeals, and program amendments. The City also revised the provisions relating to variances and the variance standards to make them consistent with COMAR 27.01.11.

Section X Materials Needed for Compliance

This section of the City's program was revised and modified to include worksheets for the "10% Rule" calculations, forms for calculating the City's stormwater offset fees, requirements for final site plan review, and agreements for landscape maintenance and certification.

Section XI Definitions

This section included minor text changes to clarify several definitions.

The first part of the report deals with the general situation of the country and the progress of the war. It is a very interesting and detailed account of the events of the year.

The second part of the report deals with the military operations of the year. It is a very detailed and accurate account of the campaigns and battles.

The third part of the report deals with the political and administrative changes of the year. It is a very clear and concise account of the events.

The fourth part of the report deals with the financial and economic situation of the country. It is a very detailed and accurate account of the state of the treasury.

The fifth part of the report deals with the social and cultural life of the country. It is a very interesting and detailed account of the progress of civilization.

The sixth part of the report deals with the foreign relations of the country. It is a very clear and concise account of the diplomatic events.

The seventh part of the report deals with the military and naval forces of the country. It is a very detailed and accurate account of the state of the arms.



## ***Critical Area Commission***

### **STAFF REPORT November 13, 2002**

**APPLICANT:** Cecil County

**PROPOSAL:** Amendment – Estate of Mary Parker Growth Allocation

**JURISDICTION:** Cecil County

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Pending Panel Discussion

**STAFF:** Julie V. LaBranche

**APPLICABLE LAW/  
REGULATIONS:** Natural Resources Article §8-1808.1 Growth  
Allocation in Resource Conservation Areas

#### **DISCUSSION:**

Cecil County is requesting approval of the use of 1.5 acres of growth allocation to change the designation of a portion of Parcel 1 (TM 60, Parcel 1) from Resource Conservation Area (RCA) to a Limited Development Area (LDA). The property that is the subject of this growth allocation request is located on the west side of Center Road in Earleville, Maryland. A proposal to subdivide the Parker Property was reviewed by this office previously and comments were provided to the County (see attachment). The growth allocation is required because the proposed subdivision does not meet the density requirements of one dwelling unit per twenty acres within the RCA. The Cecil County Board of Commissioners approved this request for growth allocation on July 2, 2002. Based on the information provided to this office regarding the growth allocation request for the Mary Parker Estate, Critical Area Commission Chairman John C. North II determined this request to be an amendment to the County's Program.

A public hearing was held on Wednesday, October 30, 2002 at 6:00 pm. in the Cecil County Commissioners meeting room, Elkton, Maryland. Cecil County staff, Steve Parker, and Keith Baynes, Esq. offered comments regarding this request. A letter from the Department of Natural Resources, Wildlife and Heritage Division, was entered into the record (see attachment). This letter addressed the presence of a federally threatened and State endangered species, Puritan Tiger Beetle (*Cicindela puritana*).

# CONFIDENTIAL

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TIME: 10:00 AM

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RE: [Reference]

DATE: [Date]

TIME: [Time]

LOCATION: [Location]

PERSONNEL: [Personnel]

STATUS: [Status]

APPLICABLE: [Applicable]

REMARKS: [Remarks]

DISTRICT: [District]

SECTION: [Section]

DESCRIPTION: [Description]

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The Commission panel requested that the record remain open in order to gather the following supplemental information prior to the Commission meeting on November 13, 2002:

- 1) The Department of Natural Resources (DNR) should provide a rationale for their recommendation of a minimum 200-foot cliff setback for protection of tiger beetle habitat.
- 2) The U.S. Fish and Wildlife Service (USFWS) should provide comments regarding this case.
- 3) A site visit to the Parker property should be made prior to Commission consideration of the request.
- 4) Cecil County should provide an explanation regarding their recommendation to place a protective easement on the Parker property. This should address who will hold the easement, and whether the easement will prohibit shore erosion control measures at the base of the cliff from being implemented in the future.
- 5) Commission staff will coordinate with staff from the Department of Natural Resources and U.S. Fish and Wildlife Service to obtain this information.

Commission staff continues to investigate outstanding issues regarding this growth allocation request, and additional information will be presented at the Commission meeting. Although additional information will be forthcoming, currently the following issues are pertinent to this growth allocation request:

- 1) As set forth in COMAR 27.01.02.07, local jurisdictions shall use all of the established guidelines when locating new Limited Development Areas within the Critical Area. The County has not provided a complete assessment as to how these guidelines have been addressed. It has not been demonstrated that the current proposal to create a new Limited Development Area will: minimize impacts to Habitat Protection Areas (Puritan Tiger Beetle habitat) and optimize benefits to water quality; be located to minimize impacts to the defined land uses of the Resource Conservation Area; and be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.
- 2) The County has not demonstrated how the protective standards, set forth in Section 9.3 (Threatened and Endangered Species Protection Program Element) of the Cecil County Critical Area Program, have been met with respect to (federal) threatened and (State) endangered species, Puritan Tiger Beetle. The Department of Natural Resources recommended (in a letter of June 13, 2001) that a 500-foot setback be required for protection of Tiger Beetle habitat, with a minimum 200-foot setback if the County granted an exception. The Cecil County Critical Area Program (Section 9.3 Threatened and Endangered Species Protection Program Element) provides repeatedly for protection of threatened and endangered species within the Critical Area, especially those found within Resource Conservation Areas (page 9.3-10). The proposal as submitted provides for a minimum 110-foot setback from the cliff and Puritan Tiger Beetle habitat. It does not appear that a 110-foot setback is consistent



THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
5800 S. UNIVERSITY AVENUE  
CHICAGO, ILLINOIS 60637

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FROM: [Name]  
SUBJECT: [Subject]

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with the recommendations of the Department of Natural Resources to provide sufficient protection for the habitat of this species. The Department of Natural Resources and U.S. Fish and Wildlife Service are further evaluating the threatened and endangered species issue, and their evaluations will be provided at the Commission meeting on November 13, 2002.

- 3) Based on the revised subdivision plan received on August 14, 2002, it appears that an additional lot could be created without the use of growth allocation and with the recommended setbacks for protection of the HPA. It appears that two new lots (as opposed to one lot as shown) could be created within the LDA portion of the property. This alternative lot configuration would maintain the maximum cliff setback, for protection of Tiger Beetle habitat, and would not require growth allocation. It is our understanding that the applicant wishes to create a waterfront lot, and that is why the current location has been proposed.

Please contact me at (410) 260-3475 if you have questions regarding this case.

with the recommendations of the Department of Health, Education and Welfare (1968) and the American Psychological Association (1969) that the use of the term "personality" should be restricted to the study of the individual and his behavior. The Department of Health, Education and Welfare (1968) and the American Psychological Association (1969) have recommended that the term "personality" should be restricted to the study of the individual and his behavior.

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Please contact us at (410) 366-2421 for more information regarding this article.



## *Critical Area Commission*

### **STAFF REPORT November 13, 2002**

**APPLICANT:** Town of Oxford

**PROPOSAL:** Annexation

**COMMISSION ACTION:** Refinement

**STAFF RECOMMENDATION:** Concur with Chairman's Determination of Refinement

**STAFF:** Roby Hurley

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

#### **DISCUSSION:**

The Town of Oxford recently annexed 42 acres from Talbot County. This annexation resulted in a change to the Town's Critical Area maps and must be reviewed by the Commission. Chairman North has determined this map change to be a refinement to the Town's Critical Area Program since it is consistent with the Town's Comprehensive Plan and Critical Area Program.

The annexation added two lots and a section of County road into the Town's Critical Area. Parcel 152 consists of approximately 29 +/- acres and has a County zone of RC (RCA). The property is improved with a small cabin with well and septic. The existing septic system is currently failing. The applicants propose to build a new single family home and connect to the Town sewer and water.

Lot 194 and Bachelor Point Road contain approximately 13 +/- acres. Lot 194 is zoned RR (LDA) by the County. The inclusion of Bachelors Point Road will improve access to Town utilities within the right of way and ease maintenance issues between the Town and the County. Also consideration of a pedestrian trail beside the road and across part of parcel 194 is now feasible.

The Town Commissioners held public hearings on July 9 and August 6, 2002. There was considerable public comment received that related to how this annexation might enable future annexations. The Town Commissioners approved the new Critical Area Map on August 13, 2002. There are no proposed changes in the Critical Area designations on any of the properties annexed into the Town.

Chairman North has determined this annexation request to be a refinement to the Town of Oxford's Critical Area Program and seeks your concurrence.

1. Introduction

2. Methodology

3. Results

4. Discussion

5. Conclusion

6. Acknowledgements

7. References

8. Appendix

9. Bibliography

10. Index

The first part of the paper discusses the background and motivation for the study. It highlights the importance of understanding the underlying mechanisms of the phenomenon being investigated. The second part describes the methodology used, including the experimental design, data collection, and analysis techniques. The results are presented in the third part, showing the key findings and their statistical significance. The fourth part discusses the implications of these findings and compares them with existing literature. Finally, the paper concludes with a summary of the main points and suggestions for future research.

The study was supported by the National Science Foundation (NSF) Grant #1234567. The authors would like to thank the anonymous reviewers for their helpful comments and suggestions. The data used in this study were collected from a series of experiments conducted over a period of six months. The participants were recruited from a local university and were compensated for their time. The results of the experiments are presented in the following sections.

The first experiment was designed to test the hypothesis that the phenomenon is influenced by the presence of a specific factor. The results showed a significant positive correlation between the factor and the phenomenon. The second experiment was designed to test the hypothesis that the phenomenon is influenced by the duration of exposure. The results showed a significant positive correlation between the duration of exposure and the phenomenon.

The third experiment was designed to test the hypothesis that the phenomenon is influenced by the intensity of the stimulus. The results showed a significant positive correlation between the intensity of the stimulus and the phenomenon. The fourth experiment was designed to test the hypothesis that the phenomenon is influenced by the frequency of exposure. The results showed a significant positive correlation between the frequency of exposure and the phenomenon.

The fifth experiment was designed to test the hypothesis that the phenomenon is influenced by the type of stimulus. The results showed a significant positive correlation between the type of stimulus and the phenomenon. The sixth experiment was designed to test the hypothesis that the phenomenon is influenced by the duration of exposure. The results showed a significant positive correlation between the duration of exposure and the phenomenon.

The authors would like to thank the National Science Foundation (NSF) for their support of this research. The authors would also like to thank the anonymous reviewers for their helpful comments and suggestions. The data used in this study were collected from a series of experiments conducted over a period of six months. The participants were recruited from a local university and were compensated for their time. The results of the experiments are presented in the following sections.

**CRITICAL AREA COMMISSION**  
**1804 West Street, Suite 100**  
**Annapolis, Maryland 21401**  
**(410) 260-3460**

**MEMORANDUM**

**TO:** Critical Area Commission

**FROM:** Mary Owens

**DATE:** November 13, 2002

**SUBJECT:** Minor Revisions to the Critical Area Commission's Growth Allocation Policy

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During the last year, the Program Subcommittee has met informally with several local government staff and project applicants to discuss project proposals that involve the use of growth allocation. For several of these projects, the proposals involved the incorporation of a 300-foot "Buffer" or setback on all or a portion of the project site.

The Commission's policy with regard to this issue reads as follows:

*Buffer*

*For growth allocation areas proposed in the RCA, a 300' naturally vegetated Buffer is strongly encouraged, and in the case where it is provided, it shall not be deducted, even if the Buffer does not meet the 20-acre requirement.*

*For waterfront projects, a minimum 100' naturally vegetated Buffer must be established and be included in any acreage deduction.*

Various questions pertaining to the Commission's interpretation of the 300-foot setback provisions of the policy have been discussed extensively. One issue involves the definition of the "300' Buffer" and what, if any, portions of a project may be located in this area. For projects reviewed over the last several years, the Commission has consistently interpreted the "300' Buffer" to mean a 300 foot wide strip of RCA land that is not included in any individually owned lots and within which, no development activities may take place. The Commission has supported the use of the 300-foot setback for passive recreation and has not opposed the construction of trails within the setback as long as forest canopy coverage can be maintained, or established, and no other Buffer functions are impaired in any other way. The Commission has also not opposed the construction of a community pier and necessary access in this setback.



EDUCATIONAL EQUITY DIVISION

1500 West Street, Suite 1000  
Annapolis, Maryland 21401  
(410) 268-2300

MEMORANDUM

TO: [Illegible]

FROM: [Illegible]

DATE: [Illegible]

SUBJECT: [Illegible]

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The second issue that has frequently been the subject of discussion is whether an applicant can provide a 300-foot setback on a portion of the project site and still receive some credit regarding a reduced growth allocation deduction, even if the 300-foot setback does not meet the 20-acre requirement. In the past, the Commission has consistently interpreted the policy to require that the 300-foot setback must either meet the 20-acre requirement, or if the parcel is of such a size that this is not feasible, provide the 300-foot setback on the entire shoreline area of the project. This interpretation provides an incentive to an applicant to provide a 300-foot setback on a small project without allowing for a piecemeal approach to the 300-foot setback on a larger project.

In order to clarify the Commission's policy regarding these two issues, the following amendments to the Commission's policy are proposed:

#### Buffer

*For growth allocation areas proposed in the RCA, a 300' naturally vegetated Buffer setback is strongly encouraged, and in the case where it is provided, the area of the setback is not required to ~~it shall not~~ be deducted even if that Buffer does not meet the 20-acre requirement. The setback shall not include all or a portion of an individually owned lot, impervious surfaces, roads, utilities, stormwater management measures, on-site sewage disposal measures, or areas subject to human use such as active recreation areas. Lot lines shall not extend into the 300-foot setback. If the 300-foot setback does not meet the 20-acre requirement, it is not required to be deducted as long as it is provided for all of the shoreline areas of the project.*

The first part of the report is a general introduction to the subject of the study. It discusses the importance of the study and the objectives of the research. The second part of the report is a detailed description of the methodology used in the study. This includes a description of the data sources, the sampling method, and the statistical methods used to analyze the data. The third part of the report is a discussion of the results of the study. This includes a description of the findings and a comparison of the results to the objectives of the study. The final part of the report is a conclusion and a list of references.

The methodology used in this study was a combination of qualitative and quantitative methods. The data was collected through a series of interviews and focus groups. The data was then analyzed using a content analysis technique. The results of the study are presented in a series of tables and graphs. The findings of the study are discussed in detail in the following section.

The results of the study show that there is a significant relationship between the variables studied. The findings indicate that the independent variable has a positive effect on the dependent variable. This relationship is supported by the statistical analysis. The results also show that there are significant differences between the groups studied. These differences are discussed in detail in the following section. The findings of the study have important implications for the field of study. They provide a new perspective on the relationship between the variables studied. The results of the study are discussed in detail in the following section.