

Critical Area Commission
Department of Housing and Community Development
Crownsville, Maryland
May 7, 2003

AGENDA

1:00 p.m. – 1:05 p.m.	Remarks Approval of Minutes for April 2, 2002	Chairman Martin G. Madden
-----------------------	--	------------------------------

PROJECTS

1:05 p.m. – 1:10 p.m.	VOTE: Department of Transportation / Maryland Transportation Authority: Nice Memorial Bridge Salt Dome (Charles County)	Wanda Cole
-----------------------	---	------------

1:10 p.m. – 1:20 p.m.	VOTE: Town of Highland Beach (Anne Arundel County): Expansion of Town Hall: Conditional Approval to Exceed Impervious Surface Limits	Lisa Hoerger
-----------------------	--	--------------

1:20 p.m. – 1:25 p.m.	VOTE: Department of Natural Resources: Smallwood State Park: Pathways Consistent with Americans with Disabilities Act (Charles County)	Wanda Cole
-----------------------	--	------------

1:25 p.m. – 1:35 p.m.	VOTE: Harford County: Flying Point Park Retaining Wall: Conditional Approval for Structure in the Buffer	Regina Esslinger
-----------------------	--	------------------

DELETED →

1:35 p.m. – 1:40 p.m.	VOTE: Department of Transportation / State Aviation Administration: Martin State Airport: Comprehensive Stormwater Plan (Baltimore County)	Wanda Cole
-----------------------	--	------------

PROGRAMS

1:40 p.m. – 1:50 p.m.	Update: Talbot County Program Changes	Ren Serey
-----------------------	---------------------------------------	-----------

1:50 p.m. – 1: 55 p.m.	Refinement: Talbot County Non-conforming Uses Bill	Lisa Hoerger
------------------------	--	--------------

1:55 p.m. – 2:00 p.m.	Refinement: Wicomico County Critical Area Map Amendment	LeeAnne Chandler
-----------------------	---	------------------

2:00 p.m. – 2:05 p.m.	Refinement: Harford County Bush River Boat Club Growth Allocation	Dawnn McCleary
-----------------------	---	----------------

2:05 p.m. – 2:10 p.m.	Refinement: St. Mary's County Bohanan Growth Allocation	Wanda Cole
2:10 p.m. – 2:15 p.m.	Refinement: St. Mary's County Colton Growth Allocation	Wanda Cole
2:15 p.m. – 2:20 p.m.	Refinement: St. Mary's County Prospect Hill Growth Allocation	Wanda Cole
2:20 p.m. – 2:35 p.m.	Refinements: Calvert County Comprehensive Review Part II Buffer Exemption Areas and Program Text Changes	Julie LaBranche
2:35 p.m. – 2:40 p.m.	Refinement: Anne Arundel County Mapping Mistake (Shenton)	Lisa Hoerger
2:40 p.m. – 2:45 p.m.	Refinement: Anne Arundel County Mapping Mistake (Hock)	Lisa Hoerger
2:45 p.m. – 2:50 p.m.	Refinement: Calvert County Allor Growth Allocation	Julie LaBranche
2:50 p.m. – 2:55 p.m.		
	OLD BUSINESS	
	Legal Update	Marianne Mason
2:55 p.m. – 3:00 p.m.		
	NEW BUSINESS	
Adjourn		

Critical Area Commission
Department of Housing and Community Development
Crownsville, Maryland
May 7, 2003

SUBCOMMITTEES

9:30 a.m. – 12:00 p.m. Project Evaluation Subcommittee

Members: Bourdon, Giese, Goodman, Cooksey, Setzer, Jackson, McLean, Andrews, Jones, Rice, Mathias, Wilson

Town of Highland Beach (Anne Arundel County):
Expansion of Town Hall: Conditional Approval to Exceed
Impervious Surface Limits Lisa Hoerger

Department of Transportation / Maryland Transportation
Authority: Nice Memorial Bridge Salt Dome (Charles County) Wanda Cole

Department of Natural Resources: Smallwood State Park
Pathways (Charles County) Wanda Cole

Harford County: Flying Point Park Retaining Wall
Conditional Approval for Structure in the Buffer Regina Esslinger

Department of Transportation / State Aviation Administration:
Martin State Airport: Comprehensive Stormwater Management
Plan (Baltimore County) Wanda Cole

Department of Natural Resources / Erickson Foundation:
NorthBay Camp Conditional Approval
Information and Discussion Regina Esslinger

10:00 a.m. – 12:00 p.m. Program Implementation Subcommittee

Members: Bailey, Evans, Johnson, Lawrence, Duket, Samorajczyk, Stephens, Blazer, Gilliss, Richards

Calvert County: Allor Growth Allocation - Refinement Julie LaBranche

Calvert County: Comprehensive Review Part II
Buffer Exemption Areas and Program Text Changes Julie LaBranche

Talbot County: Non-conforming Uses Bill - Refinement Lisa Hoerger

Discussion: Resource Conservation Area Density Issues
Ren Serey
Mary Owens
Lisa Hoerger

Spokesman —

12:00 p.m Panel: Ocean City Critical Area Program
Discussion of Draft Program
Members: Jackson, Duket, Evans, Goodman, Stephens

LeeAnne Chandler
Mary Owens
Ren Serey
Marianne Mason

12:00 p.m Lunch

Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
100 Community Place
People's Resource Center
Department of Housing and Community Development
Crownsville, Maryland
April 2, 2003

The full Critical Area Commission met at the People's Resource Center Crownsville, Maryland. The meeting was called to order by Commission Member Larry Duket, with the following Members in **Attendance**:

Margo Bailey, Kent County; Dave Blazer, Worcester County Coastal Bays; Dave Bourdon, Calvert County; Dave Cooksey, Charles County; Judith Evans, Western Shore Member-at-Large; William Giese, Dorchester County; Ed Gilliss, Baltimore County; Joseph Jackson, Worcester County; Paul Jones, Talbot County; Q. Johnson, Eastern Shore Member-at-Large; Louise Lawrence, Maryland Department of Agriculture; Edwin Richards, Caroline County; Barbara Samorajczyk, Anne Arundel County; Douglas Wilson, Harford County; Robert Goodman, DHCD; Gary Setzer, Maryland Department of the Environment; James McLean, DBED; Meg Andrews, Maryland Department of Transportation, Lauren Wenzel, Maryland Department of Natural Resources

Not in Attendance: William Rice, Somerset County; Samuel Wynkoop; Prince George's County; James N. Mathias, Jr., Ocean City; Douglas Stephens, Wicomico County.

The Minutes of March 5, 2003 were approved as read.

Prince George's County: Lisa Hoerger presented for VOTE the Grade Separation Project /CSXT Railroad proposal for Maryland Route 450 corridor by the State Highway Administration. Ms. Hoerger described the technical aspects of the project proposal. She stated that a portion of the project will impact the 100-foot Buffer to a tributary stream. COMAR 27.02.05.03 B permits roads, bridges and utilities to cross a Habitat Protection Area unless no feasible alternative exists, maximum erosion protection is provided, impacts to wildlife, aquatic life and their habitats are minimized, and hydrologic processes and water quality are maintained. Best Management Practices are provided for the 10% pollutant removal requirement. MDE stormwater management and sediment and erosion control permits are pending approval. The MDE permit for impacts to nontidal wetlands is pending approval but it appears the project's impacts will be approved. SHA is currently pursuing sites to provide for the mitigation required for clearing on site and impacts to the 100-foot Buffer. Opportunities within the Bladensburg area are being explored to address the reforestation requirement in addition to the remaining 10% pollutant removal requirement. In response to a request from the staff of Prince George's County's Department of Environmental Resources, Commission staff recommended to the Project Subcommittee that a portion of the reforestation mitigation be met through the use of best management practices in the immediate area of the project. There are several reasons Commission staff support this request. The habitat and water quality benefits at the site are low to nonexistent, and Prince George's County is recognized as a leader in employing best management practices for stormwater management. In addition, the County staff has offered to assist in selecting sites. The SHA is required to remove 19.59 pounds of phosphorus to meet the 10% pollutant removal requirement. Approximately 14.99 pounds will be removed through the use of five best management practices within the right of way. The remaining removal requirement is 4.60 pounds. The total mitigation for clearing vegetation outside

the 100-foot Buffer is 2.05 acres. There will be .41 acres of impacts to the 100-foot Buffer; therefore SHA is required to provide mitigation at a 3:1 ratio or 1.23 acres of mitigation for impact to the Buffer. The Commission agreed that SHA will only be required to plant the .41 acres and the remaining .82 acres will be added to the 2.05 acres for a total of 2.87 acres. In order to translate the 2.87 acres of forest mitigation into pounds of phosphorus Commission staff relied on the Maryland Department of the Environment's 2000 Stormwater Management Manual for guidance. The Manual states that every half-acre of vegetation is equal to one pound of phosphorus removal; therefore, the 2.87 acres translates into 5.73 additional pounds of phosphorus removal plus the remaining 4.60 pounds equals 10.35 pounds of phosphorus required for removal off site. The Project Subcommittee recommended approval of the project with the following conditions: 1) The proposed Best Management Practice required for the remaining 10.35 pounds of phosphorous removal must be coordinated with Commission staff and Prince George's County's Department of Environmental Resources' staff. The site and BMP selected must be submitted to Commission staff no later than 90 days from the date of project approval. 2) The proposed reforestation required for this project continues to be coordinated with Commission staff and Prince George's County's Department of Environmental Resources' staff. The reforestation plan must be submitted to Commission staff no later than 90 days from the date of project approval. **Dave Bourdon on panel recommendation moved to approve the request by SHA to improve the Maryland Route 450/CSX corridor through Prince George's County on condition that the final mitigation package be brought back in 60 days to the Commission for approval. The motion was seconded by Mr. Cooksey and carried unanimously.**

City of Annapolis: Dawnn McCleary presented for VOTE the proposal by the Maryland State Highway Administration (SHA) to improve the intersection of MD 435 and MD 70 in Annapolis. She described the technical aspects of the road widening and resurfacing. Ms. McCleary stated that 14 trees will be removed and replaced. The project is in an Intensely Developed Area and will impact 3.13 acres in the Critical Area. The 10% calculations for pollutant reduction in the IDA have been reviewed by the Commission staff and there are no impacts to threatened and endangered species or Habitat Protection Areas. SHA will remove 3.66 lbs of phosphorus with two bioretention facilities and one dry swale to satisfy the pollution reduction requirements. Mark James with SHA was on hand to answer questions. **Dave Bourdon moved to approve the proposal by SHA to improve the MD 435 and MD 70 intersection with the condition that the staff review the final mitigation/planting plan. The motion was seconded by Bob Goodman and carried unanimously.**

Prince George's County: Ms. Hoerger presented for VOTE Phase II Improvements for a Pedestrian Bridge that will cross the Anacostia River in Bladensburg Waterfront Park (owned by the Maryland National Capital park and Planning Commission). She explained that this site has been under development for ten years and in 1994, the Commission approved a Buffer Exemption status for the shoreline. In 1996, the Commission approved a Master Plan for this site which included numerous improvements. Phase II includes the construction of a pedestrian bridge. Since 1996, the location of the bridge structure has changed due to other activities now planned for the park including the creation of a tidal wetland. Last summer when the Commission approved the Aquatic Mitigation Package for the Woodrow Wilson Bridge Project, the Waterfront Park was selected by SHA as a site that will provide tidal wetland mitigation with the creation of 1.3 acres of tidal wetlands. The new location of the bridge will cross this wetland area. The site is IDA, therefore the 10% Pollutant Reduction calculations were performed. Since there has been a net

reduction in impervious area on the site, no other pollutant removal is required. The stormwater management waiver and sediment and erosion control permits are under review. A fee for the disturbance of the bridge pilings to the wetland and the river will be paid to MDE by MNCPPC. There are no known threatened or endangered species on the site.

Mitigation will be performed according to the Commission's Buffer Exemption Area Policy. The planting plan will be reviewed by the Army Corps of Engineers. The Project Subcommittee recommends approval of the pedestrian bridge project as proposed with the following condition: 1) MNCPPC will resubmit the planting plan if it changes subsequent to the Army Corps of Engineers' review. **Dave Bourdon moved to approve the Bladensburg Waterfront Park – Phase II improvements – Pedestrian Bridge in Prince George's County, with the condition that MNCPPC resubmit the planting plan if it changes subsequent to review by the Army Corps of Engineers.**

Anne Arundel County: Claudia Jones presented for VOTE the proposed Wetland Mitigation Plan for the expansion of the Cox Creek Dredged Material Containment Facility by the Maryland Port Administration. The wetland project will be adjacent to the Cox Creek Dredged Material Containment Facility (DMCF) in northern Anne Arundel County and is proposed as compensation MDE requires for the filling in of approximately 4.8 acres of shallow open water tidal wetlands in the Patapsco River. Ms. Jones said that the mitigation site is in an area that was previously open water that became silted in as a result of the construction of the DMCF during the 60's and 70's and over time the tidal connection has been lost. The wetland mitigation proposal will result in an open water and vegetated wetland mosaic. The proposed work will create a new tidal channel connecting the tidal Patapsco River with the existing pond and wetlands. There are Critical Area Buffer impacts to successional forest that will be mitigated on site. The details have not been fully worked out. There will be invasive species control and monitoring of the project for five years. There are no known threatened or endangered species. A portion of the created wetland will become part of an adjacent forested area that has been placed into a land trust. **Dave Bourdon moved to approve the request for the Wetland Mitigation Plan for Cox Creek with the condition that the final mitigation plan is worked out with Critical Area Commission staff. The motion was seconded by Bob Goodman and carried unanimously.**

Caroline County: Ms. McCleary presented for VOTE by conditional approval the MD 404 Stormwater Management Retrofit proposal by the Maryland State Highway Administration. This facility will manage water quality requirements for the previously permitted US 50 project. The mitigation for impervious surface in that project of 3.3 acres was required to be treated in the Choptank River Watershed. The stormwater management pond will be constructed to manage for water quality. The pond will be outside the 100-foot Buffer. Improvements are proposed to an existing downstream channel to stabilize it for conveyance of stormwater. Ms. McCleary explained how this project meets the conditional approval process with the requisite characteristics. **Dave Bourdon moved for conditional approval of the State Highway Administration's proposal to construct a stormwater management facility. The motion was seconded by Dave Cooksey and carried unanimously.**

Prince George's County: Lisa Hoerger presented for VOTE the proposal by the Washington Suburban Sanitary Commission (WSSC) to line an existing 36" sewer main along southbound Indian Head Highway in the Fort Washington area of Prince George's County because it is failing. All impacts to the Critical Area will be limited to the paved roadways or their shoulder area. No

excavation is required in the Critical Area. The project will not permanently alter ground or at-grade surfaces, will not cause an increase in impervious surface, will not increase runoff, will not impair the quality of runoff and will not affect any Habitat Protection Areas. The sediment control plans are approved. The Commission staff and the Project Subcommittee recommend approval. **Dave Bourdon moved to approve the proposed sewer main lining along Indian Head Highway. The motion was seconded by Dave Cooksey and carried unanimously.**

Prince George's County: Ms. Hoerger presented for VOTE the proposal by WSSC to install a temporary road for emergency inspection along the southbound Indian Head Highway above a section of a sewer line that is failing. Impacts to the Critical Area will be limited to the installation of the road inside the 100-foot Buffer. No excavations will be required (unless crews are unable to remove debris in the sewer line). A silt fence will be used and upon completion of the inspection the road will be removed and the area restored. The removal of vegetation will be replaced on a 1:1 basis. The Commission staff and Project Subcommittee recommend approval. **Dave Bourdon moved to approve the proposed temporary road for inspection of a sewer main along Indian head Highway. The motion was seconded by Dave Cooksey and carried unanimously.**

Prince George's County: Lisa Hoerger presented for VOTE the proposal by WSSC to replace small diameter water mains in Hyattsville, Colmar Manor and Bladensburg. The water mains in all three communities are being replaced due to age and failing conditions. Ms. Hoerger described the replacement projects and said that all three projects will not alter ground or at-grade surfaces, will not cause an increase in impervious surface, will not increase runoff, will not impair the quality of runoff and will not affect any Habitat Protection Area. The Sediment Control plans have been approved and no trees are proposed for removal in all three communities. The Commission staff and Project Subcommittee recommend approval. **Dave Bourdon moved to approve the proposal to replace water mains in the Hyattsville, Colmar Manor and Bladensburg. The motion was seconded by Dave Cooksey and carried unanimously.**

St. Mary's County: Mary Owens presented for VOTE the proposed improvements to existing walkways and the construction of new walkways at Greenwell State Park by the Department of Natural Resources. These improvements are primarily to provide for better access to the water and throughout the park for those with disabilities. Ms. Owens described the details of the project improvements. She said that most of the improvements are located within the 100-foot Buffer. Impacts to the Buffer will be minimized. Conditional approval of this project will not be required because of the amendment to the Critical Area Act 8-1808 which allows local governments to include provisions in policies and procedures to address this type of development; therefore, it is reasonable to assume that similar flexibility can be afforded to State projects. Mitigation will be provided for all new impacts within the Buffer. There are no known threatened or endangered plant or animal species that will be affected and there are no tidal or nontidal wetland impacts associated with this project. This project is consistent with COMAR 27.02.05.

Dave Bourdon moved to approve the proposed improvements to Greenwell State Park by DNR. The motion was seconded by Doug Wilson and carried unanimously.

City of Annapolis: Dawnn McCleary presented for VOTE by conditional approval the proposal by the City of Annapolis to construct a street-end park where Northwest Street terminates at College Creek. Ms. McCleary said that 100% of the project site is within the Critical Area, IDA and RCA. The limit of disturbance is entirely within the 100-foot Buffer. There will be an

increase of new impervious surface resulting in 52.7% total imperviousness for the site. The proposed mitigation includes two rain gardens that will aid in the treatment of runoff and exceeds the 10% pollutant reduction requirement. Ms. McCleary explained how this project meets the conditional approval process with the requisite characteristics.

Dave Bourdon moved for conditional approval of the proposed Northwest Street End Park by the City of Annapolis. The motion was seconded by Dave Cooksey and carried unanimously.

Cecil County: Regina Esslinger presented for a Concurrence with the concept plans the proposal by the Department of Natural Resources (DNR) - in partnership with the Erickson Foundation - to build an environmental education camp at the Bowers Center site in Elk Neck State Park. Ms. Esslinger said that DNR and the Erickson Foundation are asking for a concurrence with the concept plans before moving ahead with more detailed engineering designs and the permit process. As currently designed, the project will need a Conditional Approval for impacts to the Buffer and to steep slopes from the Commission once other permits are in hand. Ms. Esslinger described the uses proposed for the site, stating that there are wetlands both to the north and south of the site, and much of the forested area is steeply sloping. There are also 100-foot Buffers, expanded Buffers, and 25-foot nontidal wetland buffers on site. There are rare and endangered species. The Commission's concurrence with the concept plans would acknowledge that an environmental camp is an acceptable use, with general acceptance of the proposed concept plans, but would not be specific to the placement of individual buildings, stormwater management features, walkways, or other facilities and uses. Further, any development in certain areas such as Buffers and steep slopes would require a conditional approval. There was much discussion regarding the impacts to the site in response to a question by Barbara Samorajczyk about the intensity of the number of people using the site, about 350 children and about 150 staff. She questioned the proposed structures and disturbances to the expanded Buffer. Ms. Samorajczyk also raised the question of whether public access to the water would be limited. Lauren Wenzel reiterated concerns about impacts to the Buffer and public access. Mr. Gene Piotrowski of DNR stated that public access will not be limited by this use anymore than it has been limited. He stated that there will be other public benefits created such as FIDS habitat, that a sewage holding tank will be removed from the site, that impervious surface will be removed and replaced with trees in restoration of the site, and that studies for the State will be done on the trail system for FIDS impact and moreover, a state-of-the art environmental program not available in the schools will now be available. **Dave Bourdon moved to recommend Concurrence with the Concept Plans for the NorthBay Environmental Education Camp at Elk Neck State Park in Cecil County and further that: the Commission's concurrence with the concept plans would acknowledge that an environmental camp is an acceptable use for the Bowers area of Elk Neck State Park. A concurrence would confer the Commission's general acceptance of the proposed concept plans, but is not specific in regard to the placement of individual buildings, stormwater management features, walkways, or other facilities and uses. As stated above, any development in certain areas such as Buffers and steep slopes would require a conditional approval as specified in COMAR 27.02.06. The motion was seconded by Dave Cooksey and carried with 16 in favor. Commission members Margo Bailey, Judith Evans and Barbara Samorajczyk opposed.**

Kent County: Julie LaBranche presented for VOTE the Comprehensive Review of the Kent County Critical Area Program which was approved by the Kent County Board of Commissioners. A Commission panel held a public hearing on the comprehensive review. The panel members were

April 2, 2003

Bob Goodman, Lauren Wenzel, Ed Richards and Margo Bailey. Ms. LaBranche said that the proposed amendments revise specific provisions to the Kent County Zoning Ordinance, the Kent County Critical Area maps, including designation of Modified Buffer Areas and changes to the Critical Area designation of specific parcels through the use of growth allocation and the correction of mapping errors. She reviewed the summary of amendments and the conditions of approval for the Commission. **Bob Goodman moved to approve Kent County's Comprehensive Review of its Critical Area Program as presented with the conditions as recommended by the Commission staff and Panel (included in the revised Staff reported attached to and made a part of these Minutes).** The motion was seconded by Jim McLean and carried unanimously.

City of Annapolis: Dawnn McCleary presented for VOTE the proposed addition to the Banneker Douglas Museum by the Department of General Services. The site is an IDA and totals 0.089 acres. The addition will be on an existing grass area near the Anne Arundel County Courthouse. There are no trees, wetlands, hydric soils, floodplains, or impacts to threatened and endangered plant or wildlife species present at the area. To meet the 10% pollutant reduction requirement, DGS will remove 0.66 pounds of phosphorus with one storm filter facility. Jim Smith, the Architect for the state project said the site used to be a parking lot and held gravel and debris. In a letter read into the record, to Maryland Department of General Services, from Mr. Jon L. Arason, Director of Planning and Zoning of the City of Annapolis, it was stated that this area is now turf and considered pervious by the City. DGS has a lease for 99 years, which, as interpreted by Marianne Mason, Commission Counsel, equates to ownership. All Capital projects have to go through the State process and all the proposed environmental controls for this project meet State standards. Commission member Lauren Wenzel summarized the dispute among the parties as the result of ambiguity concerning imperviousness of the grass topped lot in Annapolis' Historic District. Both Thomas McCarthy, Jr. of 79 Franklin Street, Annapolis, 21401 (410-268-4016) and Tom McCarthy, Sr. spoke in opposition to the project. Mr. McCarthy, Jr. whose law office sits across the street from the museum said he would challenge the Commission's 17-2 decision in Court and again seek to block construction. **Dave Cooksey moved to approve the proposed addition to the Banneker Douglass Museum. The motion was seconded by Jim McLean and carried 17-2. Commission member and County Councilwoman Barbara D. Samorajczyk voted in opposition stating that she wanted more information from the City. Commission member and Mayor of Aberdeen Douglas Wilson voted in opposition. Mr. Wilson wanted to postpone a vote until more information was forthcoming from the City.**

New Business

Ren Serey told the Commission that last month the Commission returned Ocean City's Program for required changes. The Law states that upon notice, Ocean City has 40 days to make those changes and to submit them to the Commission. The Mayor and Council of Ocean City would like to meet with the Commission staff on April 29th regarding the changes to their program, which is the earliest date available. Ocean City has requested an extension of their 40-day deadline so that this meeting can take place. Larry Duket moved to approve the request by Ocean City for an extension to their deadline until May 6, 2003. The motion was seconded by Joe Jackson and carried unanimously.

Mr. Duket announced that the Commission needed to appoint an Eastern Shore and a Western Shore panel for the various Refinements on the Agenda which could not be presented because of

the Chairmanship vacancy. These must now be handled as amendments and a public hearing will be necessary. Western Shore: Ed Gilliss, Judith Evans, Louise Lawrence, Barbara Samorajczyk, Lauren Wenzel. Eastern Shore: Margo Bailey, Joe Jackson, Dave Blazer, Paul Jones, Bill Giese. Mr. Duket moved that the composition of the Eastern and Western Shore panels be as stated. The motion was seconded by Jim McLean and carried unanimously.

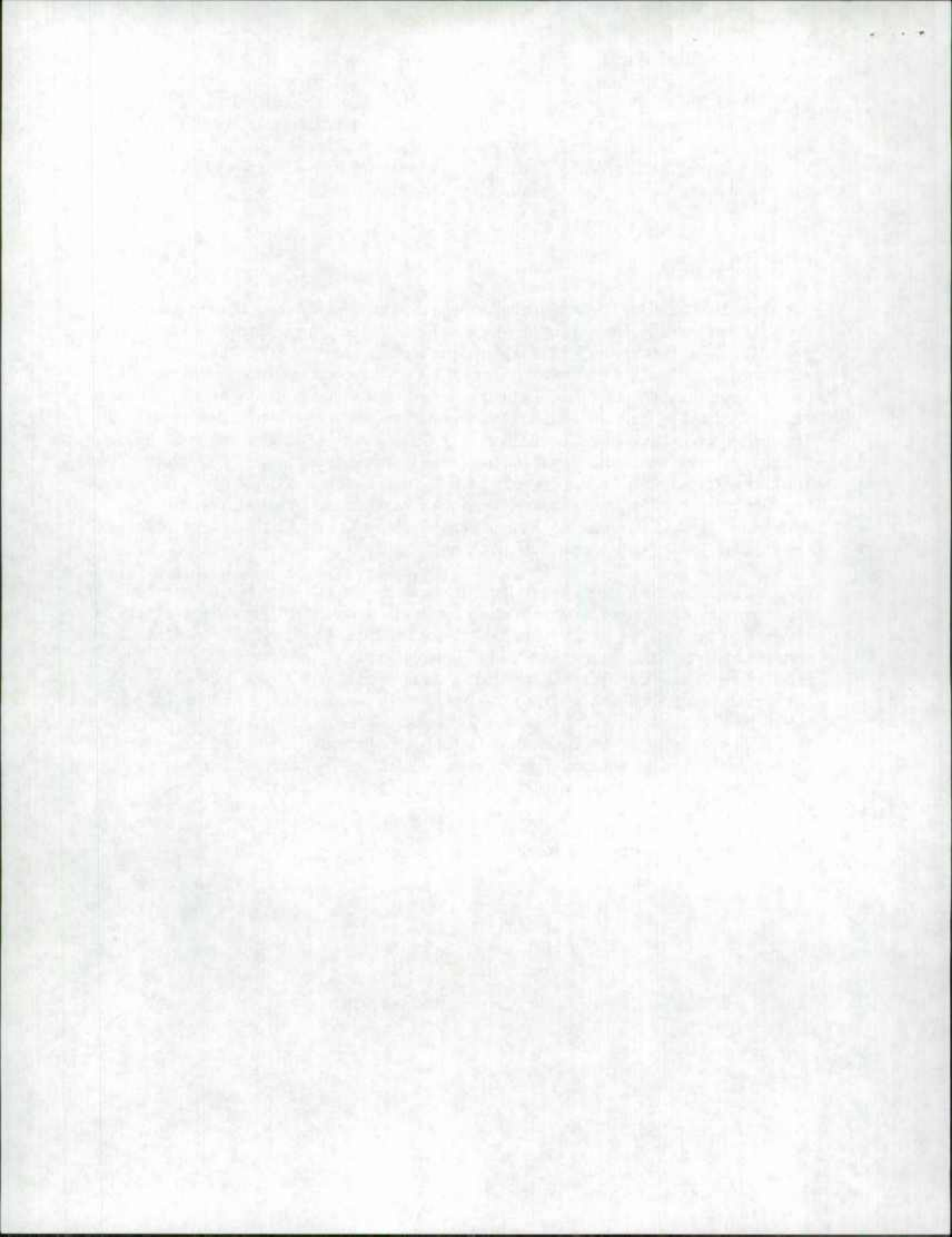
Old Business

Marianne Mason updated the Commission on legal matters. She said that a hearing was scheduled in Cecil County on a variance appeal in which the Commission is supporting the County Board of Appeals decision, but the Judge decided to not hear it and it was postponed. The Edwin Lewis case will be argued in the Court of Appeals on May 1st, which is the end of the road for this case. In Harford County, the County Council, sitting as the Board of Appeals, decided to reverse, in part, variances granted by the hearing examiner in the Old Trails case for 56 homes on a sensitive site. The developer has appealed to Circuit Court. The Commission and the Harford County Peoples' Counsel have supported the County throughout the 9 month long hearing and the appeal process. The County Council's decision approved limited variances for construction for some residences on less sensitive parts of the site and basically approved the minimum variance necessary to grant relief which, she said, has been the Commission's position all along. Ms. Mason continues to represent the Commission in support of the County Council.

Ren Serey updated the Commission on legislative matters: He said that the two Critical Area bills that were proposed this session have been withdrawn. House Bill 1033 would have provided an automatic sewer hook up for any lot in the RCA or lots created by intrafamily transfer. That bill was withdrawn by the sponsor. House Bill 846 involves property in Worcester County, which was in last year's Coastal Bays bill, and provided for the development of a YMCA facility. This year's bill expanded an exemption beyond the YMCA facility to the entire property of about 50 acres and was withdrawn last week. The Talbot County Council has asked Ms. Mason and Mr. Serey to meet with them on April 22nd to discuss their Critical Area Program. The Commission previously notified the County that its local program contained deficiencies that must be corrected, and has twice granted the County time extensions to submit changes to its program.

There being no further business, the meeting adjourned.

Minutes submitted by: Peggy Mickler, Commission Coordinator



Critical Area Commission

STAFF REPORT

May 7, 2003

APPLICANT: Maryland Transportation Authority (MdTA)

PROPOSAL: Nice Memorial Bridge Salt Dome Replacement,
Wash Bay, and Storage and Maintenance Building

JURISDICTION: Charles County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Wanda Cole

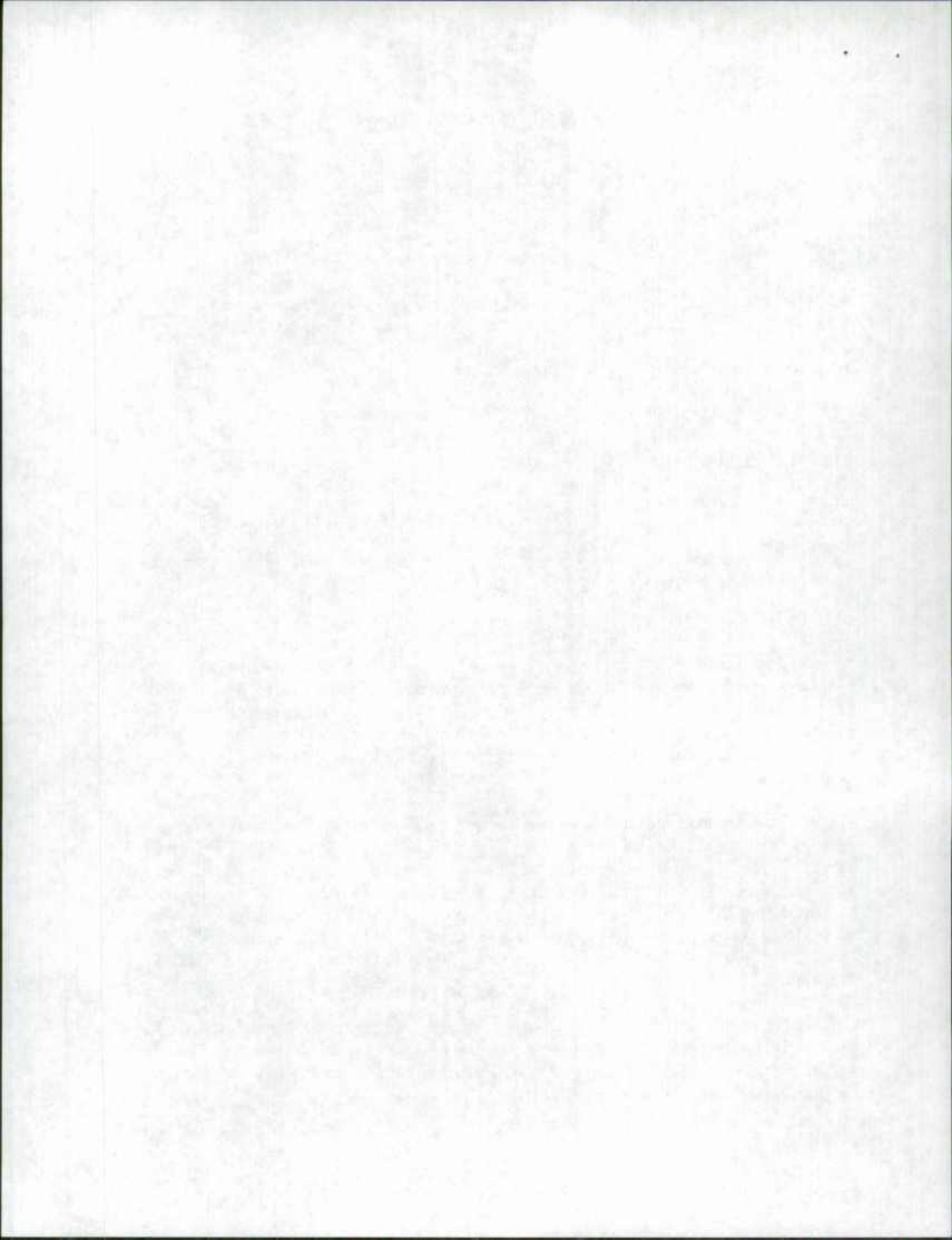
**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Actions Resulting in
Development on State-owned Lands

DISCUSSION:

The Maryland Transportation Authority is proposing to replace an existing, deteriorating salt dome located in the 100-foot Critical Area Buffer with a new salt dome located in the Critical Area but outside the Buffer. In addition, a wash bay and new storage and maintenance building will be constructed. The storage and maintenance building were approved by the Commission at its meeting on November 1, 2000. The existing salt dome will be demolished and the site restored to native vegetation.

This project is located in an area considered intensely developed and will create 0.54 acres of new impervious surfaces in the Critical Area. Compliance with the 10% Rule has been met by providing a sand filter with two forebays, which will discharge at the toe of the slope below the knoll upon which this development is sited. The pollutant removal requirement is 0.74 pounds; the sand filter will remove 0.77 pounds. MDE has informed CAC verbally that their stormwater review is not yet complete, however, most of their comments will not affect the design or footprint of the proposed stormwater management facility. We expect MDE will have issued a final approval by the date of the Commission meeting.

Copies of letters from MDE, the Army Corps of Engineers, Department of Natural Resources, and US Fish and Wildlife Service have been provided to show that no Habitat Protection Areas will be affected. Proposed clearing consists of 77 trees and shrubs, which will be replaced 1:1 in the Buffer adjacent to an existing boat ramp.



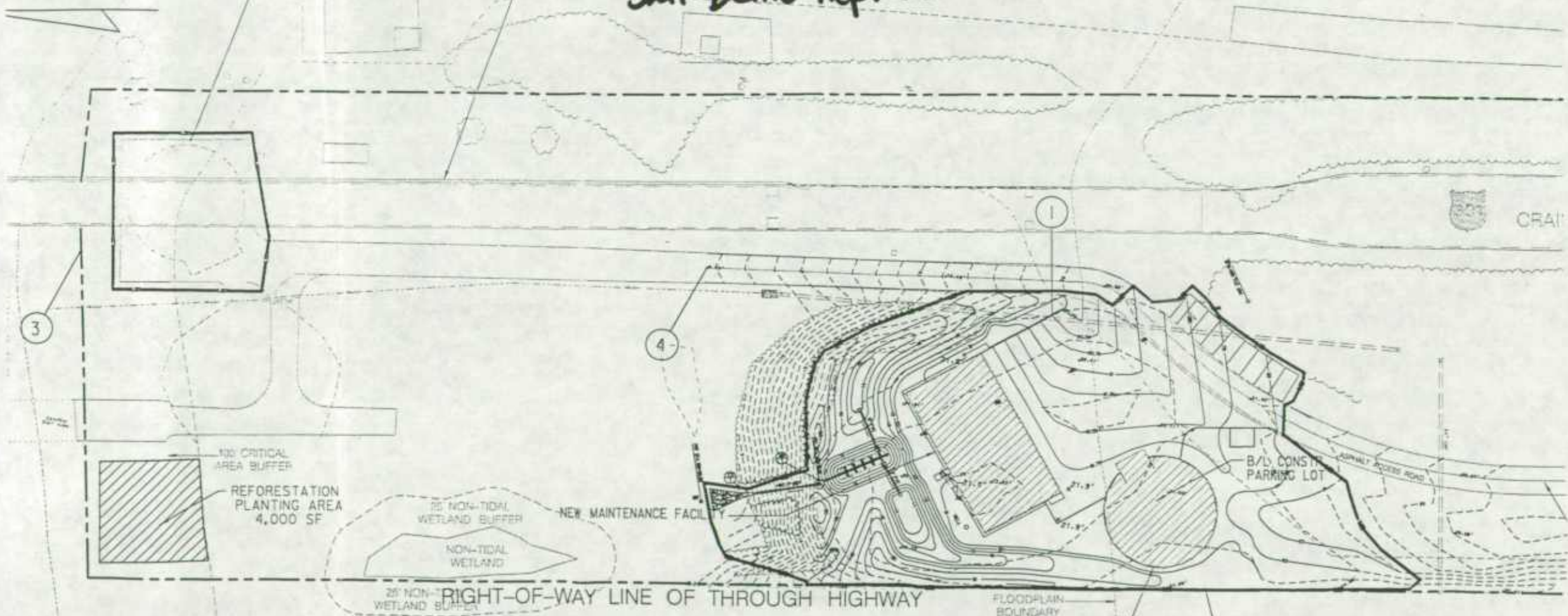
E 1,317,570

VIRGINIA

EXISTING SALT DOME TO BE REMOVED

OVERHEAD BRIDGE

NICE MEMORIAL BRIDGE Salt Dome Replacement



CRAI

3

4

1

2

100' CRITICAL AREA BUFFER

REFORESTATION PLANTING AREA
4,000 SF

25' NON-TIDAL WETLAND BUFFER

NON-TIDAL WETLAND

25' NON-TIDAL WETLAND BUFFER

NEW MAINTENANCE FACILITY

RIGHT-OF-WAY LINE OF THROUGH HIGHWAY

FLOODPLAIN BOUNDARY

NEW SALT DOME
SEE DESIGN-BUILD DETAILS
IN TECHNICAL SPECIFICATIONS
AND DRAWING E-3.

B/L CONSTRUCTION
PARKING LOT

GRAVEL ACCESS ROAD

E 1,317,570
N 253,450

SEE ADDITIONAL
FOR WORK IN T

Chesapeake Bay Critical Area Commission

STAFF REPORT

May 7, 2003

APPLICANT: Town of Highland Beach

PROPOSAL: Expansion of Town Hall

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Conditional Approval with conditions

STAFF: Lisa Hoerger

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

DISCUSSION:

The Town of Highland Beach is proposing to expand its Town Hall. The existing building is inadequate to accommodate the community's needs and the municipal functions of the town. The building also does not meet the current standards regarding existing code and safety requirements and compliance with the Americans with Disabilities Act. The site is the only location that can be utilized for the purpose of the Town Hall since much of Highland Beach is developed and the Town has no other land holding for this purpose.

The site is a non-waterfront lot on Walnut Avenue and is approximately 3,330 square feet in size. It is located within a Limited Development Area (LDA). The existing Town Hall is a single-story building that is 520 square feet. The proposed Town Hall would also be a single story structure but with 2,127 square feet of space. The total allowable impervious area for this site is 1,332.50 square feet ($3,330 \times 25\% = 832.50 + 500 = 1,332.50$). Therefore, the site is over the impervious surface limit by 794.50 square feet.

There are no rare, threatened or endangered species on this site. Anne Arundel County will review the application for all other applicable zoning requirements and stormwater management if the Commission grants this project conditional approval. No Habitat Protection Areas are proposed to be impacted.

Since the proposal is a local government project and the additions will exceed the 25% impervious surface limitations, this project requires a Conditional Approval by the Commission as found in Chapter 2 of the Critical Area Commission's regulations for State and local government development.

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 exist both special features and special circumstances on this site that preclude the Town of Highland Beach from siting the proposed building expansion and parking area without increasing the impervious areas. The Town was founded in 1893 and incorporated in 1922; hence the relatively small lot sizes, including the lot where Town Hall is located. The impervious areas are proposed in order to expand an existing municipal building to provide office space for the Mayor and Town Commissioners, provide archive space for town records and provide exhibit space to highlight some of the Town's history. Since the purpose of these expansions is to accommodate the municipal functions and community activities, alternative locations were not feasible given the limited areas owned by the Town with town limits. This site is the only feasible location for expansion of these operations. Also, expansion of the existing Town Hall will alleviate the need to construct a second, stand-alone facility.

Special circumstances include the relatively small project area owned by the Town and the need for an expansion of Town Hall.

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

The Town of Highland Beach will provide space for community activities with the expansion of the Town Hall. In addition, the proposed building will incorporate green building techniques. These techniques include a green roof, porous pavers, rainbarrels, raingardens and plantings both on site and off site.

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

Except for the proposed increase in impervious area over the allowable limits, the project is otherwise in conformance with the state Criteria and the local Critical Area Program.

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 Town of Highland Beach from providing sufficient community space and municipal services which provide public benefits in this small community.

(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 increase in proposed impervious surface is not consistent with the local Critical Area program; however, the additional impervious areas generated by the new building will conform, insofar as possible, by the various green building techniques employed on this site. The building will incorporate raingardens and rainbarrels, porous pavers and provide plantings both on site and off site.

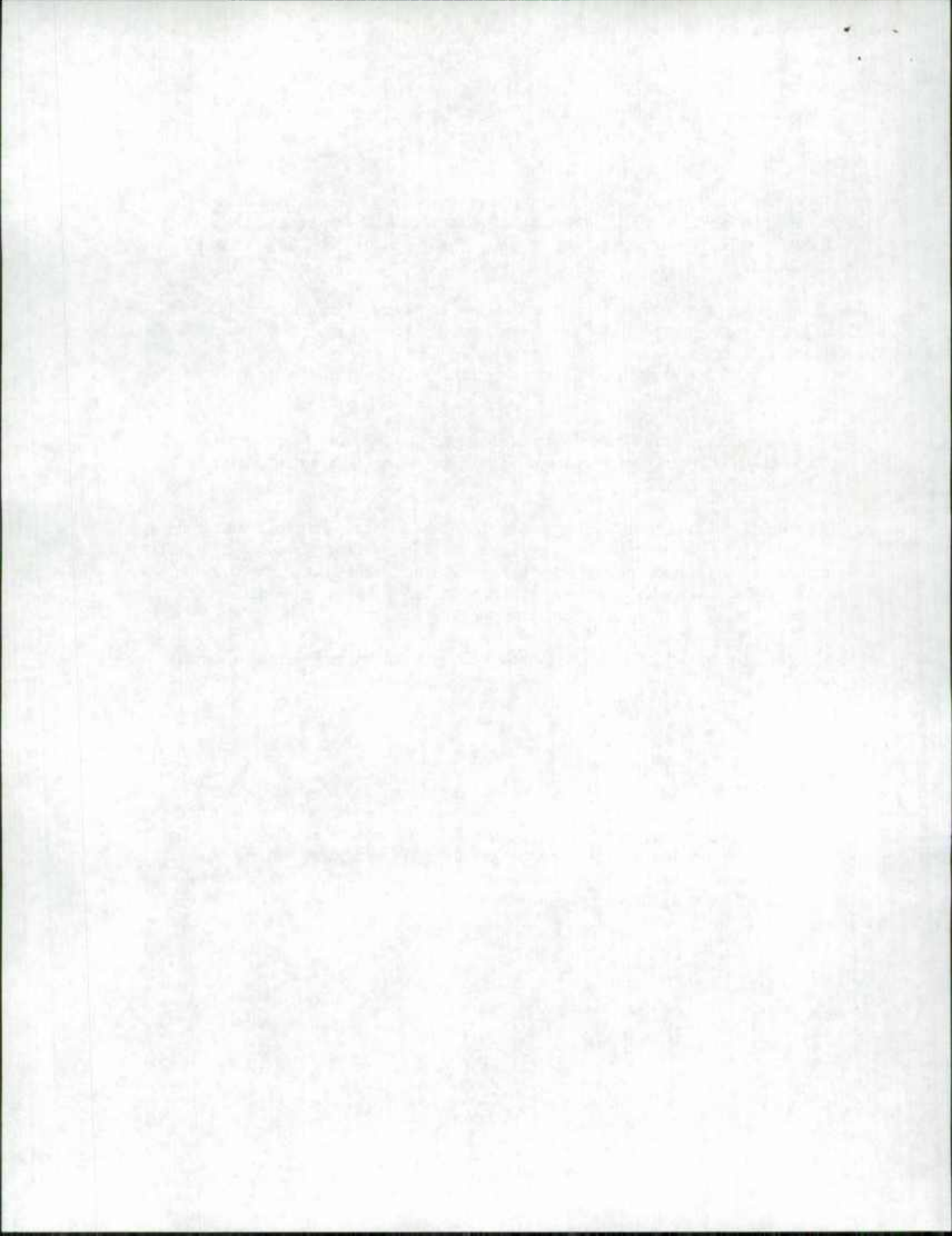
(3) Measures proposed to mitigate any adverse effects of the project or program on an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

In addition to the rainbarrels and raingardens, the Town intends to perform plantings at the Town park. The proposed plantings will result in increased water quality benefits and improved habitat protection. The stormwater management techniques proposed on site and the green building design would help to mitigate the increase in impervious areas. 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) The Town shall submit all plans to Anne Arundel County for review and compliance with the County's stormwater management ordinance and Critical Area program requirements other than for impervious surfaces.
- 2) The Town will work with Commission staff regarding the proposed species proposed for landscaping, and the size and type of plantings that will occur off-site at the town park.





SEVERN

RIVER

21403

HIGHLAND BEACH

Town Hall

400,000 FT

Joins Map 25

38°55'00"

390,000 FT

SOUTH

RIVER

CH

Critical Area Commission

STAFF REPORT

May 7, 2003

APPLICANT: Department of General Services, agent, for
Department of Natural Resources, owner

PROPOSAL: Smallwood State Park: ADA Improvements

JURISDICTION: Charles County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Wanda Cole

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

DISCUSSION:

The Department of Natural Resources proposes improvements at Smallwood State Park to meet ADA requirements for accessibility on public lands. These improvements include walkways, a timber footbridge, an elevated campsite pad, resurfacing of parking pads, and a concrete apron around an informational sign. These improvements are located in the Critical Area of Mattawoman Creek in Charles County in a portion of the park considered not an intensely developed area.

A 5-foot wide concrete walkway and a timber footbridge are proposed in the 100-foot Buffer to replace an existing gravel path. This path currently connects the existing footbridge and the campsite loop road. In addition, a 14' x 12' concrete pad is proposed to connect an existing concrete sidewalk to a bulletin board near the pier. Not all of the walkway is located in the Buffer, and some of the walkway follows the alignment of the existing path. No trees will be removed. The total area of new disturbances in the Buffer will be 718 square feet, which will be mitigated on-site in the Buffer at a 3:1 ratio using native trees and shrubs.

The Critical Area Act was amended to allow local governments to include provisions in policies and procedures to address this type of development (Natural Resources Article § 8-1808 (c) (12)). It can be assumed the same flexibility applies to State projects; therefore, conditional approval is not required.

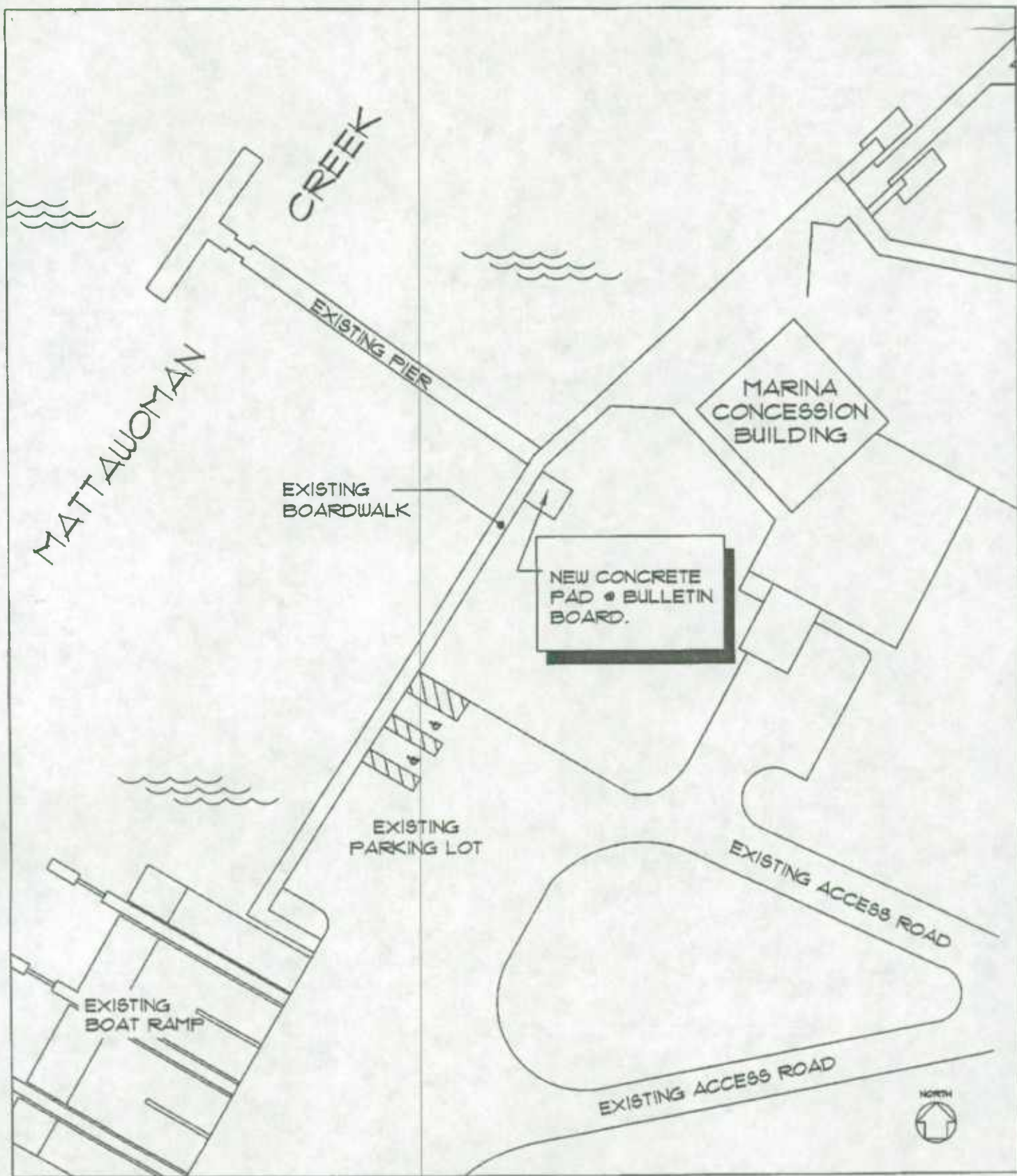
Impacts within the Critical Area but outside the Buffer involve the construction of a 5-foot wide concrete walkway to connect campsite 7 to the existing restroom, the walkway to the footbridge, and placing paving over a portion of an existing gravel parking lot to create ADA-compliant parking pads. A portion of the walkway replaces an existing gravel path while the remainder will be new work necessary to meet ADA specifications. There will be no change in impervious character for the parking area. No trees will be removed for these amenities, therefore, no mitigation plantings are required for the 1802 square feet of new impervious areas outside the Buffer.

Compliance with the 10% Rule is not required in areas that are considered not intensely developed. Stormwater quality improvements will be provided by the 3:1 mitigation plantings that will be placed to keep pedestrian traffic onto the walkway and away from the steep slopes, as well as from compacting areas beneath mature trees.

No other Habitat Protection Areas will be affected.

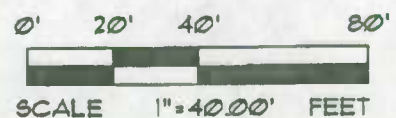
The mitigation planting areas are near the amphitheatre and appear as red polygons on the site plan. A 5-year Planting Agreement will be required for this project to ensure viability beyond any short-term drought cycles.

cc: 24-03

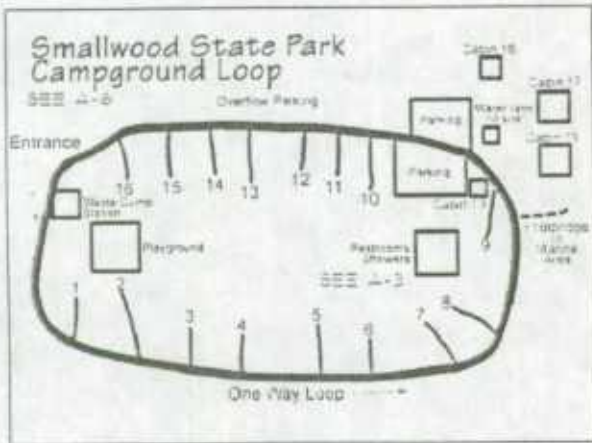


PARTIAL SITE PLAN @ "FISHING AREA"
 (NEW CONCRETE PAD @ BULLETIN BOARD)

SMALLWOOD STATE PARK

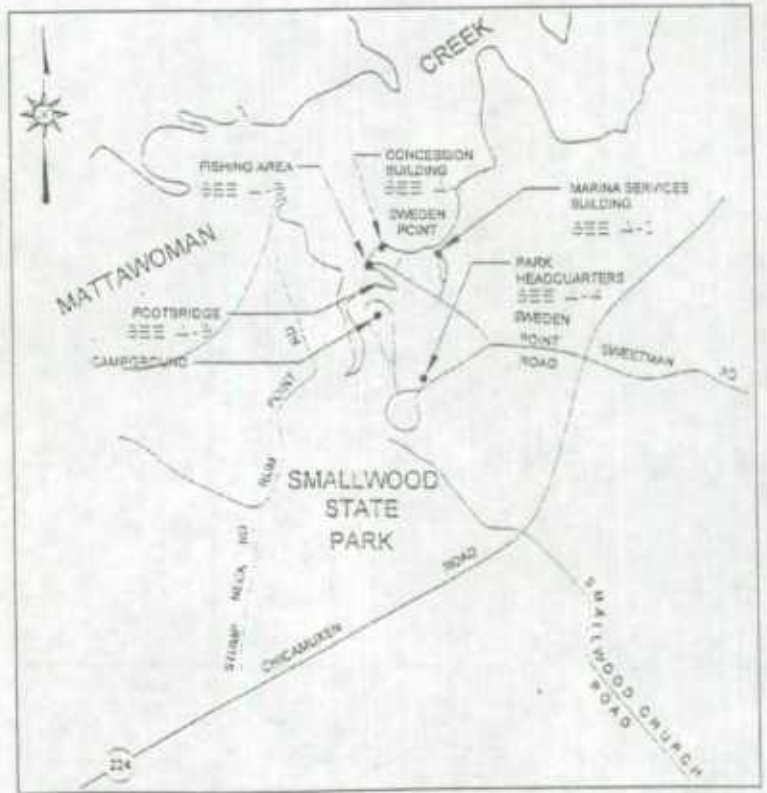


Vicinity Map:



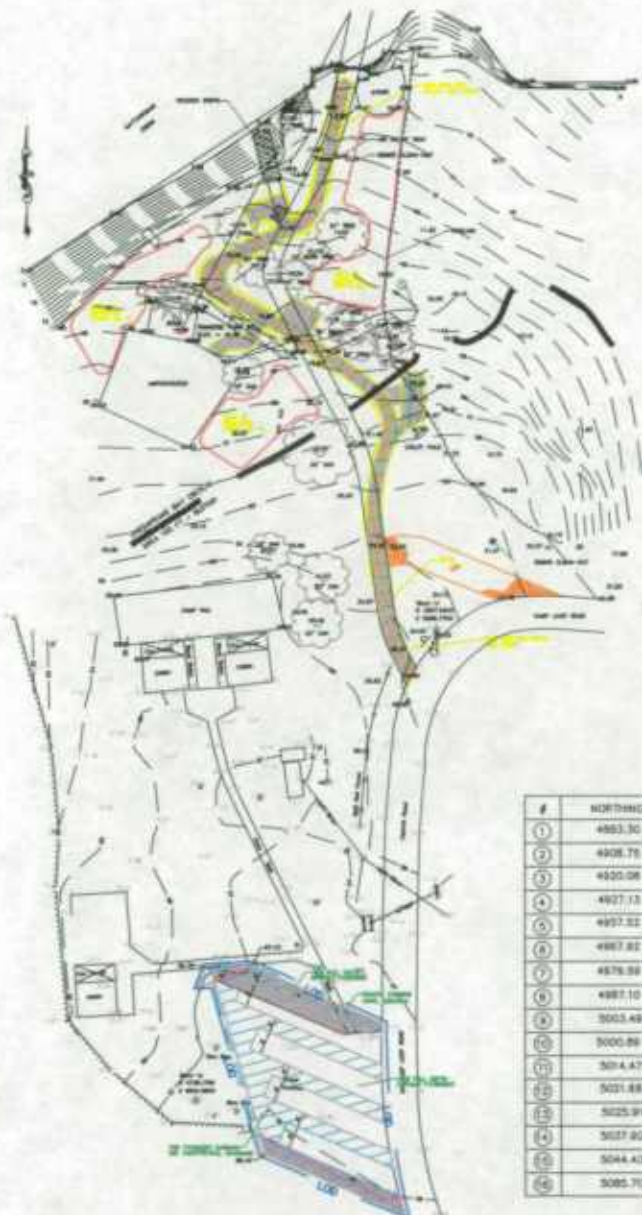
CAMPGROUND KEY PLAN

C.S.S.



PARK KEY PLAN

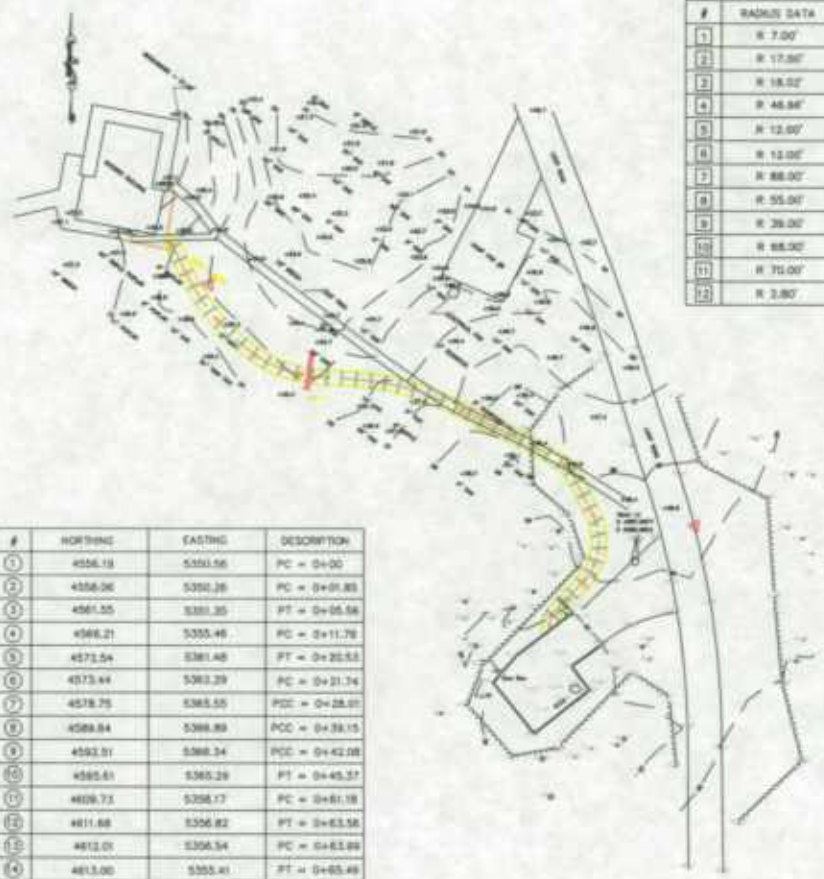
C.S.S.



#	RADIUS DATA
1	R60.12'
2	R68.43'
3	R30.10'
4	R14.55'
5	R254.43'
6	R220.37'
7	R21.61'
8	R4.98'
9	R20.63'
10	R37.60'

#	NORTHING	EASTING	DESCRIPTION
1	4883.30	5077.77	PC = 0+00
2	4908.76	5069.65	PT = 0+26.85
3	4930.08	5067.76	PC = 0+36.34
4	4927.73	5068.69	PRC = 0+45.47
5	4937.32	5068.81	PRC = 0+76.21
6	4967.82	5071.06	PCC = 0+86.90
7	4978.98	5068.13	PT = 1+00.01
8	4987.10	5056.40	PC = 1+12.31
9	5003.48	5031.18	PCC = 1+42.40
10	5000.89	5010.42	PRC = 1+58.44
11	5014.47	5012.48	PCC = 1+64.18
12	5021.88	5012.46	PCC = 1+72.23
13	5025.91	5017.76	PT = 1+79.04
14	5027.82	5043.44	PC = 2+07.39
15	5044.43	5048.38	PT = 2+14.53
16	5085.70	5058.09	END = 2+56.94

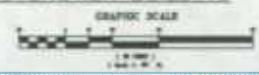
PROPOSED CONCRETE WALKWAY - TIMBER FOOT BRIDGE TO LOOP ROAD
 PROPOSED RESURFACING OF GRAVEL PARKING LOT
 SCALE: 1"=20'



#	RADIUS DATA
1	R 7.00'
2	R 17.00'
3	R 18.00'
4	R 48.84'
5	R 12.00'
6	R 12.00'
7	R 88.00'
8	R 55.00'
9	R 28.00'
10	R 88.00'
11	R 70.00'
12	R 3.80'

#	NORTHING	EASTING	DESCRIPTION
1	4556.18	5353.56	PC = 0+00
2	4558.06	5350.36	PC = 0+01.83
3	4561.55	5351.35	PT = 0+08.58
4	4568.21	5355.46	PC = 0+11.78
5	4573.54	5361.48	PT = 0+20.53
6	4573.84	5363.29	PC = 0+21.74
7	4578.75	5365.55	PCC = 0+28.01
8	4589.84	5369.89	PCC = 0+38.15
9	4592.01	5368.24	PCC = 0+42.08
10	4585.61	5365.28	PT = 0+45.57
11	4609.73	5358.73	PC = 0+61.18
12	4611.68	5356.82	PT = 0+63.58
13	4613.01	5358.54	PC = 0+63.89
14	4613.80	5355.41	PT = 0+65.49
15	4621.55	5320.88	PC = 1+04.88
16	4642.21	5284.28	PT = 1+43.13
17	4642.88	5274.83	PC = 1+53.78
18	4643.91	5288.29	PT = 1+61.22
19	4644.06	5285.54	PC = 1+67.88
20	4650.47	5250.71	PT = 1+78.28
21	4650.57	5250.56	PC = 1+78.43
22	4661.80	5238.43	PT = 1+84.87
23	4662.88	5227.23	PC = 1+88.70
24	4678.32	5227.16	PT = 2+18.10
25	4686.08	5222.39	PC = 2+26.04
26	4689.01	5225.88	PT = 2+27.72
27	4689.24	5220.14	END = 2+28.81

PROPOSED CONCRETE WALKWAY - CAMPSITE 7 TO SHOWER BUILDING
 SCALE: 1"=30'



Consultants
 Site Analysis
 Site Planning
 Landscape Architecture
 Civil Engineering
 Surveying
 Environmental Engineering
 Construction Management

100% CD SUBMISSION - NOT FOR CONSTRUCTION

ADA RENOVATIONS
 BRALWOOD STATE PARK
 CHARLES COUNTY, MARYLAND

WALKWAY PLAN
 TIMBER FOOT BRIDGE TO LOOP ROAD/
 CAMP SITE 7 (SEE SHEET)
 LAYOUT PLAN

C-3

1"=20'

Critical Area Commission

STAFF REPORT

May 7, 2003

APPLICANT: Maryland Aviation Administration: Martin State Airport

PROPOSAL: Approval of Projected Development Plan

JURISDICTION: Baltimore County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Wanda Cole

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

DISCUSSION:

Martin State Airport is proposing several development and improvement projects through the year 2005. These projects are necessary to meet increased security needs, as well as the growing demand of private aviation. These proposals include:

- Relocation of utility substation (Project A)
- Expansion of existing hangar (B)
- New corporate hangar (C)
- New aircraft parking Apron (D)
- Apron for 50 replacement T-hangars (E)
- New hangar (F)
- Additional area for T-hangars (G)
- Parking area (H)
- New fixed-base operator/complex (I)
- Maintenance and storage shed (J)

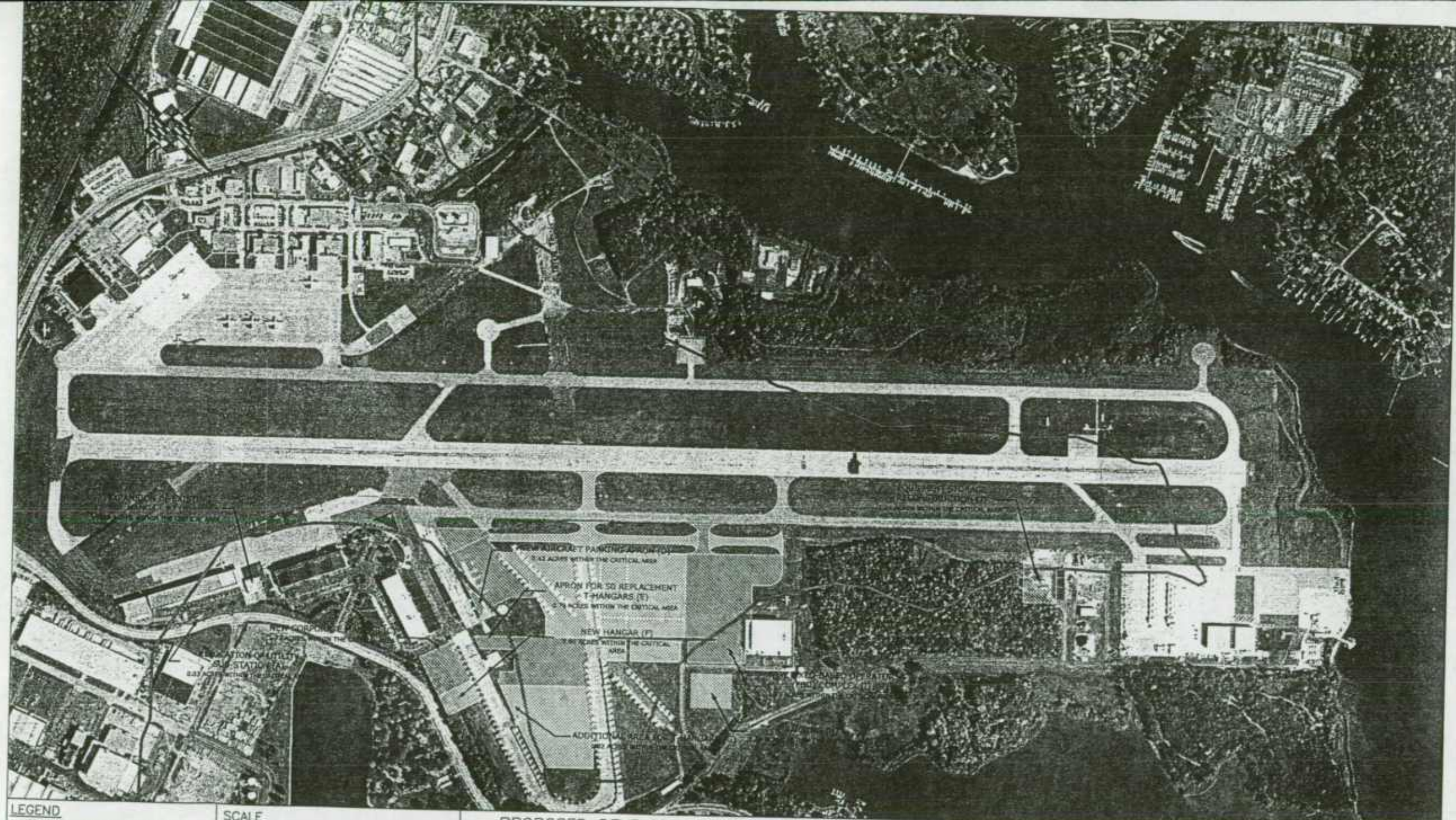
Martin State Airport is considered an intensely developed area. Airport staff has calculated stormwater management needs based upon 100% development of each project area, which will result in a total of 31.01 acres of impervious area. Stormwater for each project area will be managed with a sand filter facility, which is capable of removing 50% of the pollutant loading, therefore, the Airport will have a remainder of 6.96 pounds of pollutant removal requirement that it cannot meet. Discharge from the sand filters will go into the existing storm drain system.

Airports are required to meet Federal requirements regarding stormwater facilities and grounds management that reduce the risk of hazards created by wildlife striking aircraft. These requirements include facilities that do not impound water for more than 24 hours, maintaining regularly mowed grassy areas, and preventing woody vegetation from growing too thick or too high near runways or in the landing pattern to runways. These practices prevent wildlife, mainly birds, who would use wet and wooded areas, from flying into airborne aircraft.

Martin State Airport proposes to provide offsets for stormwater in the form of wildlife habitat plantings elsewhere in the Critical Area, enhancement of 100-foot Buffer areas, stream restoration projects, and anything else the Commission would deem a suitable offset. The Airport is willing to work with other agencies in accomplishing this goal. Baltimore County, who has not yet been contacted about this offset approach, has a history of providing stream restoration and stormwater retrofit projects to improve water quality in small watersheds. It is possible that this offset approach may provide better environmental improvements than on-site facilities would.

Martin State Airport recognizes that each project design must be submitted to the Commission for approval. Airport staff advises that each project area shown and its footprint within are the maximum projected build-out. They expect that actual design will be smaller.

There are no proposed impacts in the Buffer. Some forest cover will be lost and will be mitigated at a 1:1 ratio in an area that does not represent an aviation hazard. There are no rare, threatened or endangered species located in any of the project areas. No work will occur on steep slopes.



LEGEND

CHESAPEAKE BAY CRITICAL AREA BOUNDARY
 PROPOSED DEVELOPMENT 2002-2005
 PROPOSED DEVELOPMENT 2005-2010

SCALE

600 0 300 600

APRIL 2003

PROPOSED DEVELOPMENT WITHIN THE CRITICAL AREA
 ASSOCIATED WITH THE
 CAPITAL IMPROVEMENT PROGRAM AT
 MARTIN STATE AIRPORT
 2002-2010



Critical Area Commission

STAFF REPORT

May 7, 2003

Concurrence

APPLICANT: Talbot County

PROPOSAL: Refinement – County Council Bill # 891
“Administrative Variance Procedures”

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Concurrence with Chairman’s Determination

STAFF: Lisa Hoerger

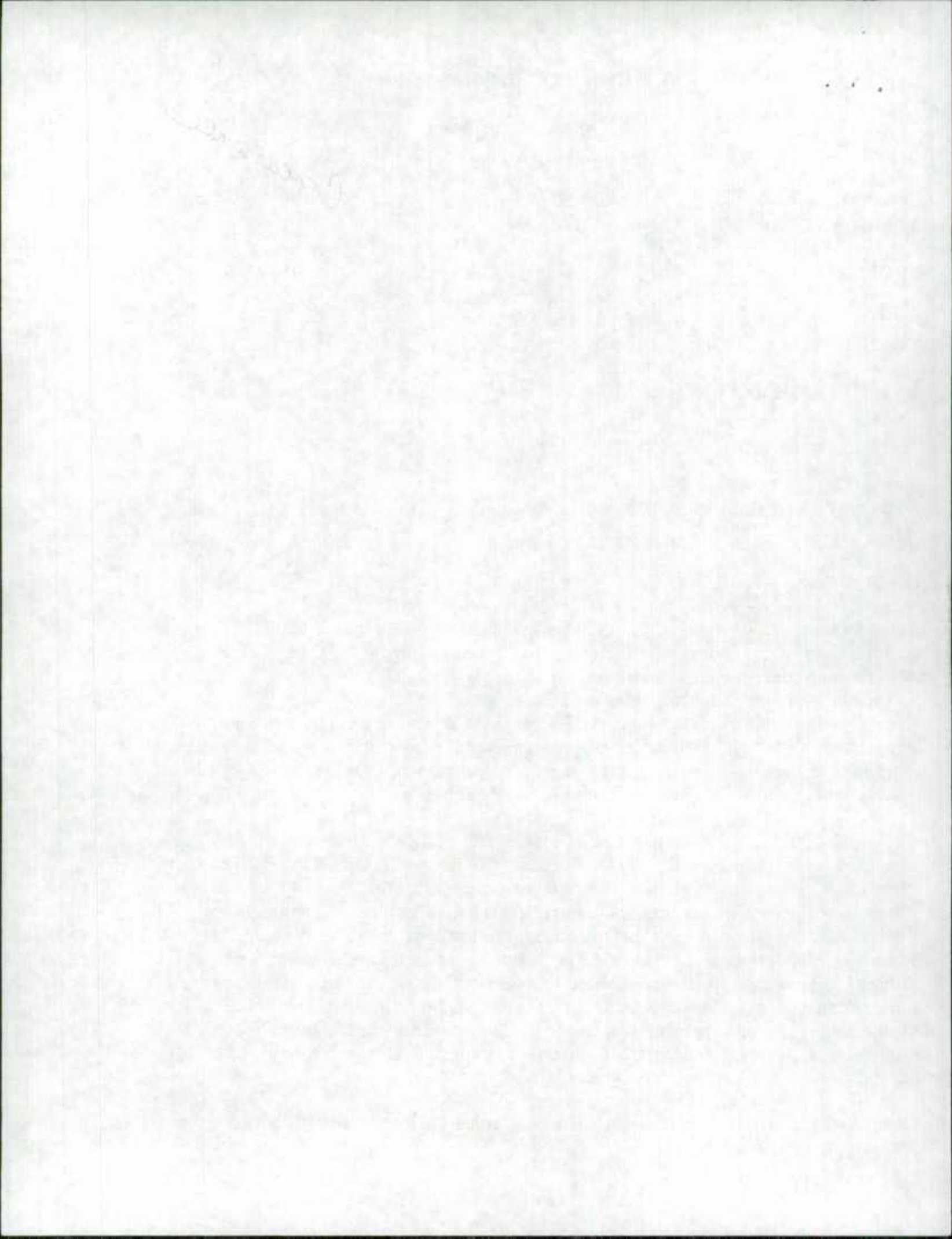
**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809 (h)

DISCUSSION:

At the September 2002 meeting the Commission voted to invoke Article 8-1809 (l), Correction of clear mistakes, omissions or conflicts with the Criteria or laws, to the Talbot County Critical Area Program concerning four issues. One of those issues was the method by which the County permitted expansions of existing structures located within the 100-foot Buffer. In the Talbot County Zoning Ordinance, applicants were permitted to expand certain nonconforming structures within the 100-foot Buffer without a thorough review that did not include the variance standards or mitigation. This procedure was inconsistent with the COMAR 27.01.09.01.C(2) which prohibits new development activities within the Buffer without a variance.

On April 8, 2003 the Talbot County Council passed Bill # 891 which provides for an administrative variance procedure. This procedure will be used by the Planning Office in cases where there is an existing legal, nonconforming structure within the 100-foot Buffer on a grandfathered lot, and the applicant proposes to expand the structure. The applicant will be required to address the variance standards and must provide for mitigation on site. This procedure will allow the Planning Officer to grant variances to these applicants thereby eliminating the need to appear before the Talbot County Board of Appeals. Administrative variance applications will be forwarded to the Commission for comment, and the Commission has the right to appeal administrative variance decisions made by the Planning Officer. Administrative variance procedures are currently operating effectively in several other jurisdictions.

Chairman Madden has determined this bill to be a refinement to the Talbot County Program and is seeking your concurrence.



effective
6/7/03

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2003 Legislative Session, Legislative Day No. March 18, 2003

Bill No. 891
AS AMENDED

Expiration Date May 22, 2003

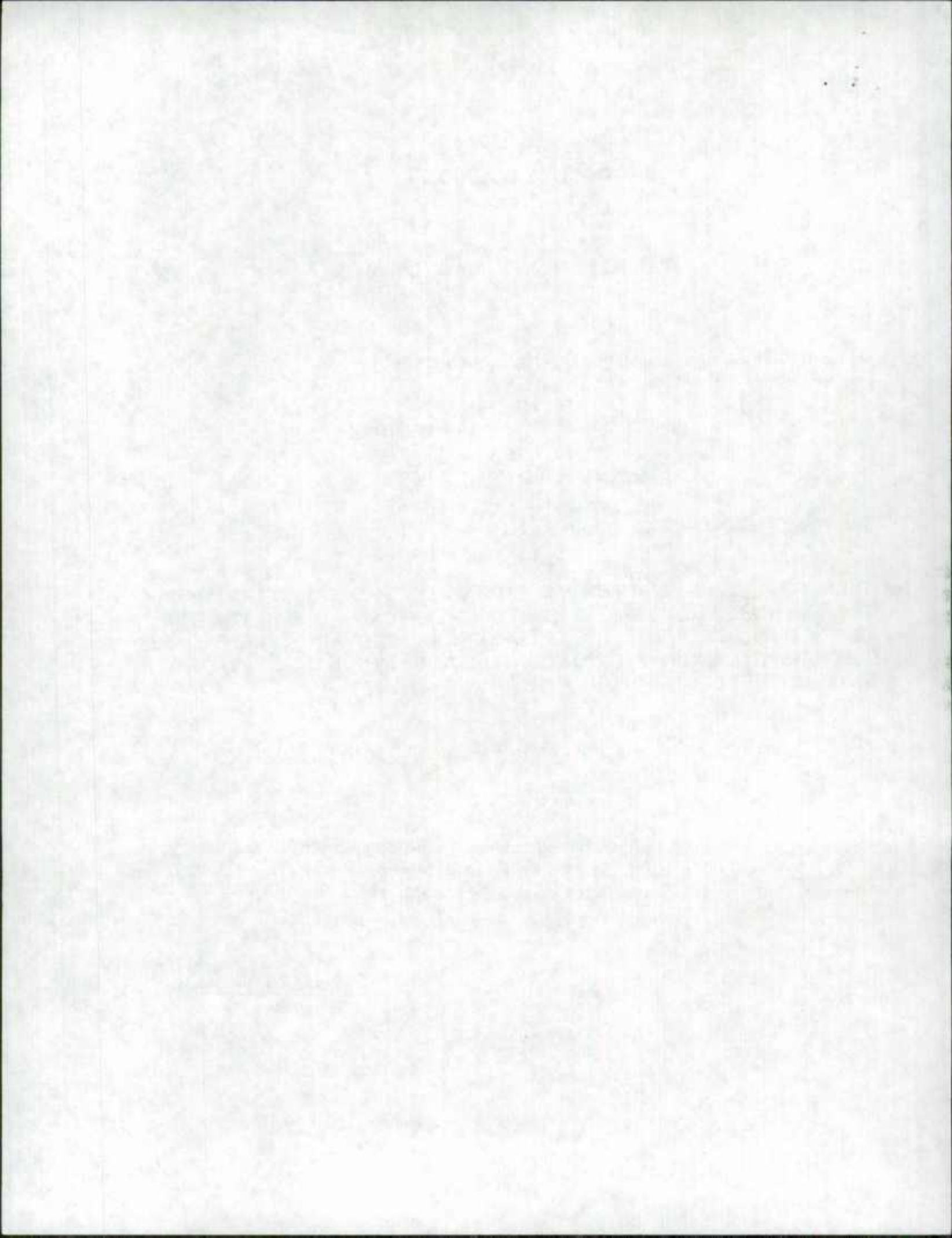
Introduced by: County Council

A BILL TO AMEND CHAPTER 190, ZONING OF THE TALBOT COUNTY CODE ARTICLE XIII, §190-97 E. (1), TO CREATE AN ADMINISTRATIVE VARIANCE PROCEDURE TO ALLOW UNDER CERTAIN CONDITIONS ADDITIONS TO EXISTING NONCONFORMING STRUCTURES IN THE SHORELINE DEVELOPMENT BUFFER

By the Council March 18, 2003

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, April 8, 2003 at 2:00 p.m. at the County Council Meeting Room, Talbot County Government Building, 142 North Harrison Street, Easton, Maryland 21601.

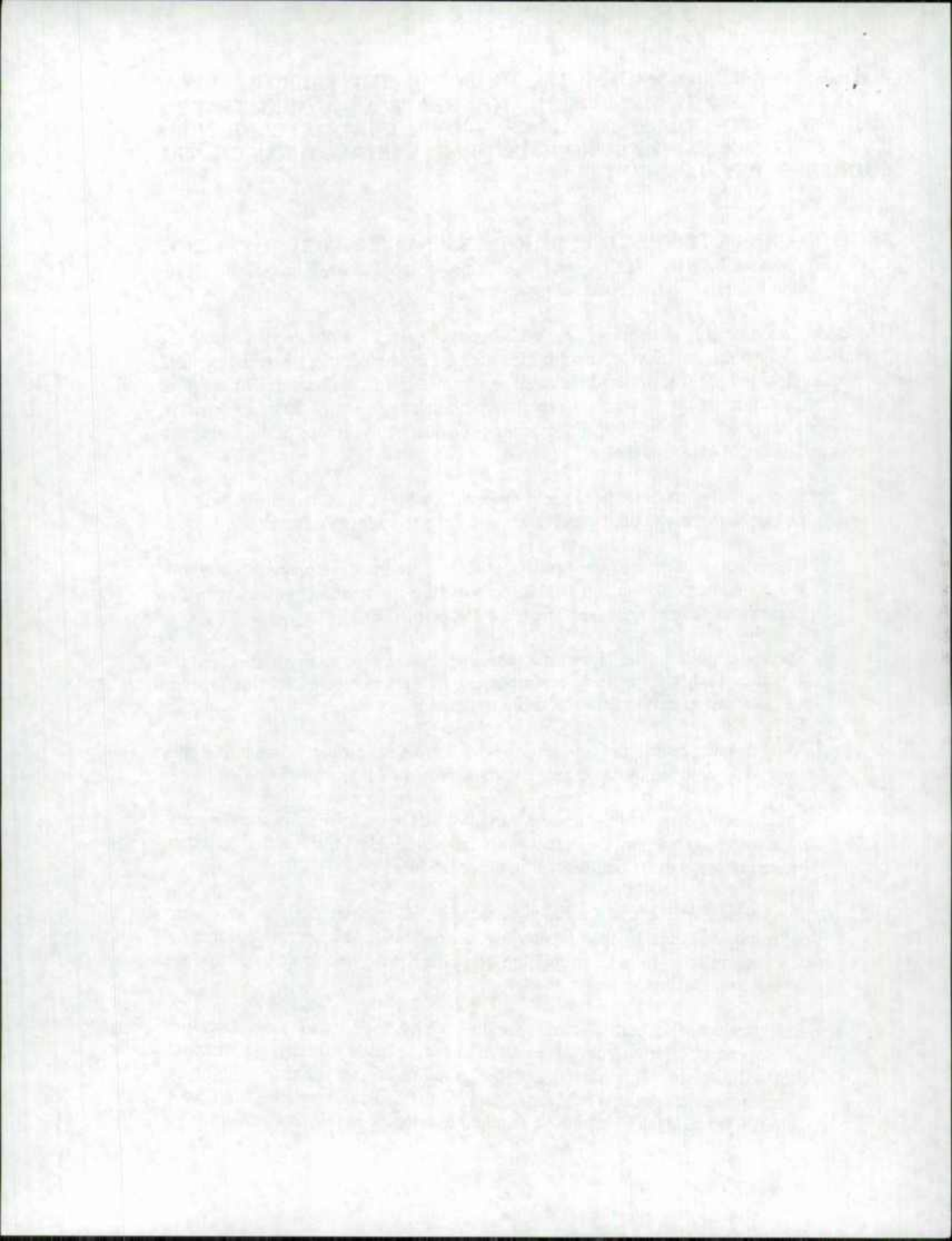
By Order *Luiz Mauz*
Secretary



A BILL TO AMEND CHAPTER 190, ZONING OF THE TALBOT COUNTY CODE ARTICLE XIII, §190-97 E. (1), TO CREATE AN ADMINISTRATIVE VARIANCE PROCEDURE TO ALLOW UNDER CERTAIN CONDITIONS ADDITIONS TO EXISTING NONCONFORMING STRUCTURES IN THE SHORELINE DEVELOPMENT BUFFER.

SECTION ONE:BE IT ENACTED, BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that Chapter 190, Zoning, of the Talbot County Code, §190-97 E. (1), shall be amended to read as follows:

- (1) Legal nonconforming structures in existence as of August 13, 1989 located within the Critical Area shoreline development buffer may be expanded along existing setback lines subject to approval of an administrative variance from the Planning Officer after recommendation by the Planning Commission. Such approval of an administrative variance may be granted by the Planning Officer only upon finding from a preponderance of evidence that:
 - (a) The proposed setback from the property lines for such an expansion will not be less than the existing setbacks of the legal nonconforming structure;
 - (b) The impervious area of the parcel's or lot's shoreline development buffer and the entire parcel or lot on which the structure is located complies with the impervious requirements specified in § 190-93E(6)(c)[1][a].
 - (c) Special conditions or circumstances exist that are peculiar to the land or structure such that a literal enforcement of the provisions of this chapter would result in unwarranted hardship to the property owner;
 - (d) A literal interpretation of this section will deprive the property owner of rights commonly enjoyed by other property owners in the same zone;
 - (e) The granting of an administrative variance will not confer upon the property owner any special privilege that would be denied by this section to other owners of lands or structures within the same zone;
 - (f) The variance request is not based on conditions or circumstances which are the result of actions by the property owner nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property;
 - (g) The granting of an administrative variance within the Critical Area shoreline development buffer will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law the Talbot County Critical Area Plan and the regulations adopted in this section; and



- (h) The variance shall not exceed the minimum necessary to relieve the unwarranted hardship.
- (2) Any approved variance for buffer encroachment under the provisions of this subsection shall be mitigated as follows:
- (a) Natural vegetation of an area twice the extent of the additional impervious surface allowed shall be created in the buffer or on the property if planting in the buffer cannot be reasonably accomplished.
 - (b) If planting on-site or off-site cannot be reasonably accomplished, a fee-in-lieu based upon \$.30 per square foot of required planting area shall be assessed. Such fee will be dedicated to county tree planting programs within the critical area.
 - (c) All plantings on the subject site shall be subject to an approved plantings plan.
- (3) In granting an administrative variance, the Planning Officer may impose reasonable conditions to ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties. Violations of such conditions, when made a part of the terms under which the variance was granted, shall be deemed a violation of this section and shall be subject to the provisions of Article XV herein and, at the discretion of the Planning Officer, after notice and hearing, shall be grounds for termination or revocation of the variance.
- (4) The Planning Officer may impose a time limit within which an administrative variance must be put into effect.
- (5) The decision and supporting findings and any conditions attached to the decision shall become a part of the written record for the variance request.
- (6) Critical area notification. The Planning Officer shall forward a copy of all Critical Area administrative variance applications to the Chesapeake Bay Critical Area Commission prior to their review. Any comments received from the Critical Area Commission in response to an application for an administrative variance shall be forwarded to the Planning Commission and Planning Officer for consideration.
- (7) Appeal of Planning Officer decision. Upon a determination by the Planning Officer that the proposed administrative variance does not meet the criteria set forth in subsection (1) (a-h) above, the applicant may file an appeal in the form of an application for a variance with the Board of Appeals in accordance with the provisions of §190-104 of this Chapter.

SECTION TWO:BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill No. 891 having been published, a public hearing was held on Tuesday April 8, 2003, at 2:00 p.m. in the Talbot County Council Chambers.

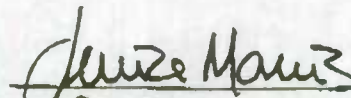
BY THE COUNCIL

Read the third time.

Enacted April 8, 2003

AS AMENDED

By Order


Secretary

Duncan -	ABSENT
Harrington -	AYE
Foster-	AYE
Spence -	AYE
Carroll -	AYE

Critical Area Commission

STAFF REPORT

May 7, 2003

APPLICANT: Wicomico County

PROPOSAL: Refinement – Map Amendment

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Approval

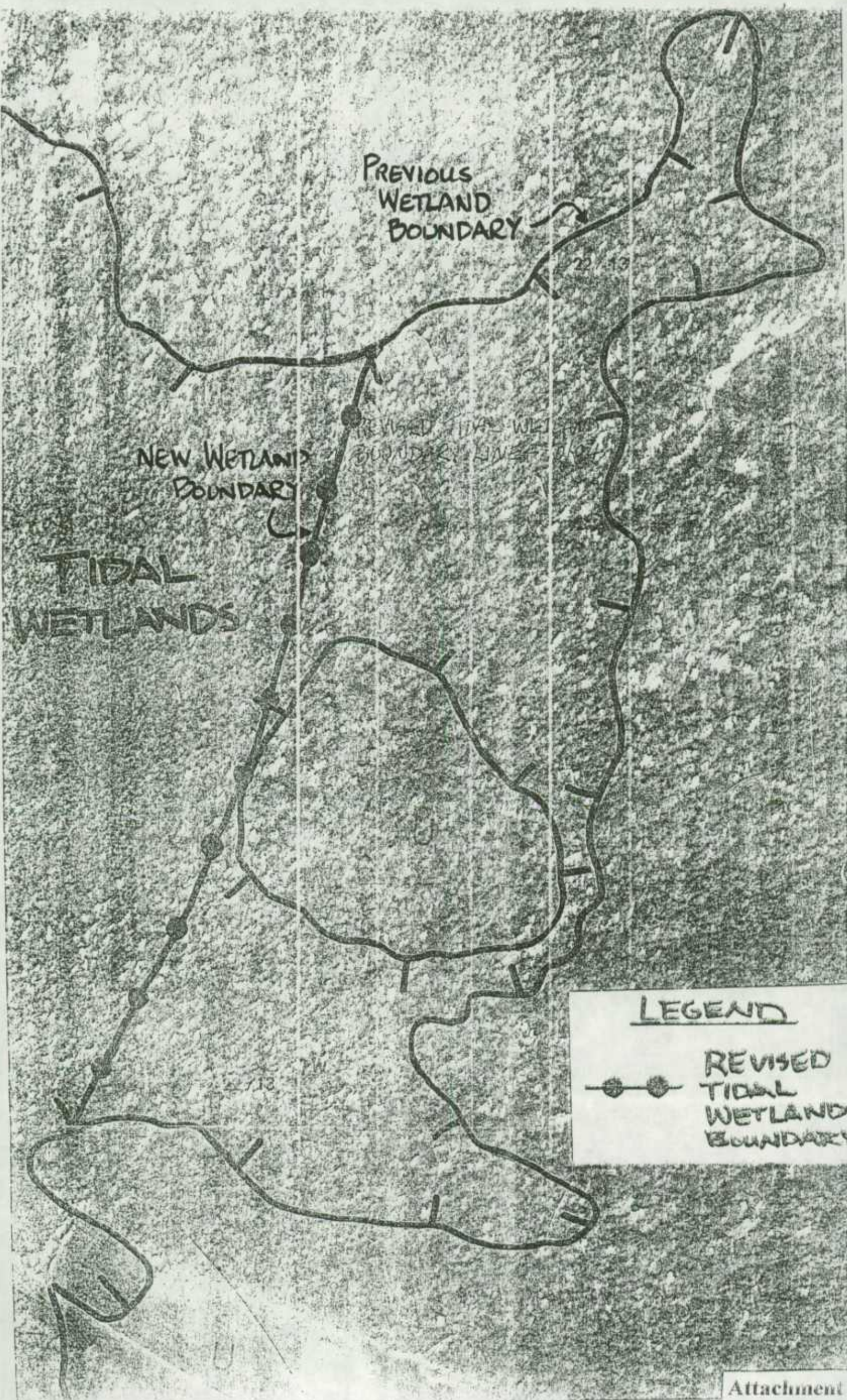
STAFF: LeeAnne Chandler

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1807(a) and §8-1809(h)

DISCUSSION:

Wicomico County proposes to amend one of their Critical Area maps due to a change made to the official Wicomico County Wetland Boundary Map No. 31. In 1992, a property owner applied to the Water Resources Administration at the Department of Natural Resources (DNR) for a re-evaluation of the tidal wetland delineation in the vicinity of his property. The area in question is located in the northwestern corner of Wicomico County where the Route 50 Vienna bypass was constructed. Apparently, a large area of wetlands was heavily impacted by the construction of the bypass such that the limits of tidal influence changed. A site inspection was completed and it was determined that the 1971 boundary line was not correct. A new line was drawn based on field conditions including elevation and vegetation. Affected property owners were notified of the proposed change by certified mail and a public hearing was held in July 1994. No public opposition to the change was received. An amended copy of the Wicomico County Wetland Boundary Map No. 31 was subsequently filed with the County Circuit Court.

When an official Wetland Boundary Map is amended, the corresponding Critical Area map is not automatically changed. Instead, the Critical Area map must be specifically amended by the local jurisdiction. Since the Critical Area boundary is measured 1000 feet from the wetland boundary as shown on the official State wetland map, the map change is consistent with the Critical Area law. The Wicomico County Council approved the proposed Critical Area map amendment at its public meeting of March 4, 2003. The amendment will affect approximately four properties and will remove 51.3 acres of Resource Conservation Area (RCA) from the Critical Area. Due to the reduction in RCA, there will also be a reduction of 2.56 acres in the County's growth allocation reserve.



PREVIOUS
WETLAND
BOUNDARY

NEW WETLAND
BOUNDARY

REVISED TIDAL WETLAND
BOUNDARY

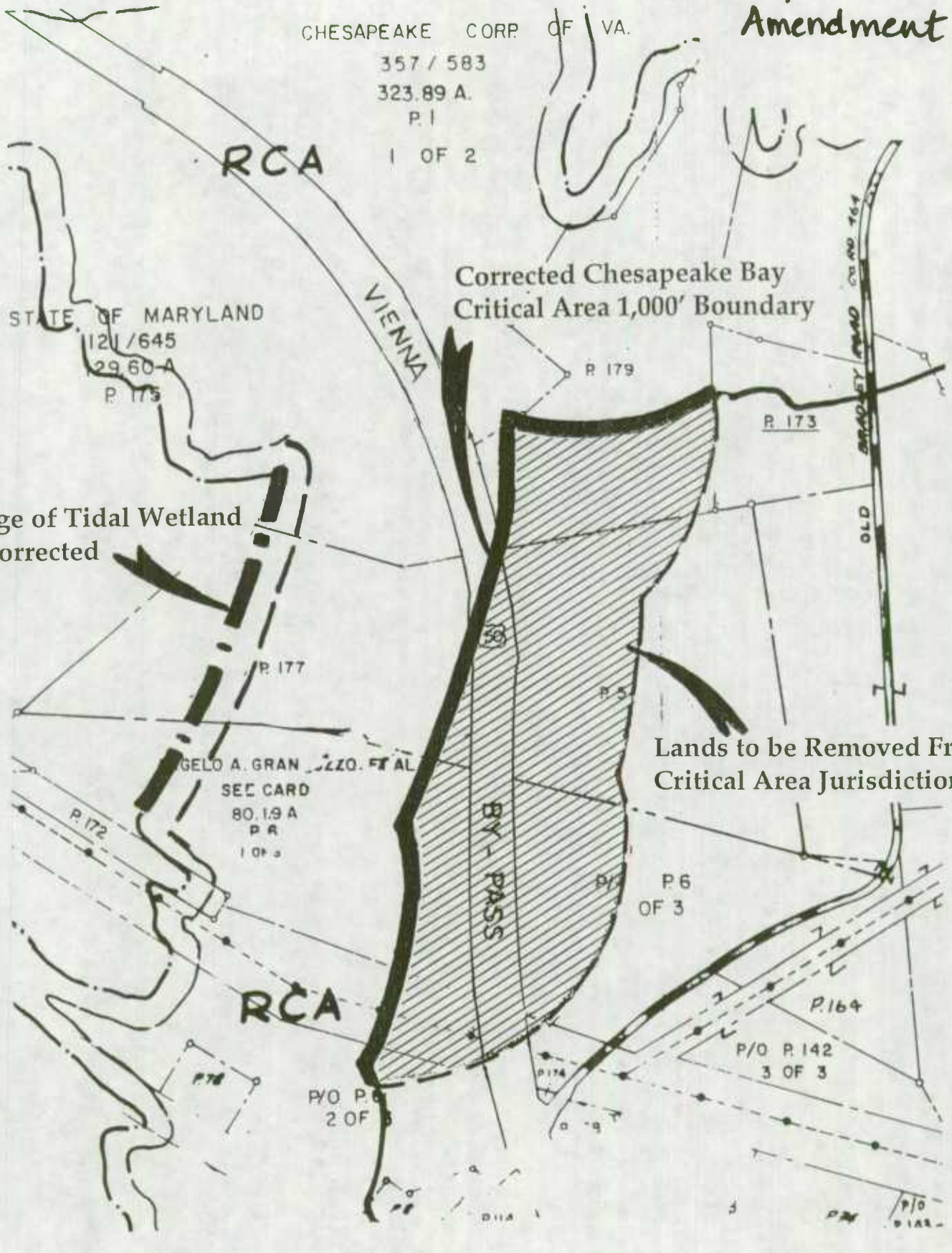
TIDAL
WETLANDS

LEGEND

—●—●—
REVISED
TIDAL
WETLAND
BOUNDARY

Map Amendment

CHESAPEAKE CORP OF VA.
357 / 583
323.89 A.
P.1
1 OF 2



Edge of Tidal Wetland - Corrected

Corrected Chesapeake Bay Critical Area 1,000' Boundary

Lands to be Removed From Critical Area Jurisdiction

CRITICAL AREA COMMISSION

STAFF REPORT

May 7, 2003

APPLICANT: Harford County

PROPOSAL: Bush River Boat Club Growth Allocation Request

JURISDICTION: Harford County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICABLE LAW\\
REGULATIONS:**

Annotated Code of Maryland, Natural Resources
Article §8-1809(h): Proposed Program
Amendments and Refinements

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

DISCUSSION:

Harford County is requesting 4.25 acres of growth allocation a parcel owned by the Bush River Boat Club. The County proposes to change the Critical Area overlay designation from a Limited Development Area (LDA) to Intensely Developed Area (IDA). The granting of a growth allocation to this property will bring an existing use into compliance with the Critical Area Program and will provide a mechanism to improve stormwater quality through the application of the 10% percent pollutant reduction requirements. The subject property is currently designated as a Limited Development Area and a Buffer Exemption Area.

Continued, Page Two
Harford County Growth Allocations
May 7, 2003

The marina complex contains a large club house an in-ground pool and kiddie pool, parking for passenger cars and boat trailers spaces, three existing pier structures and open space. The proposed improvements include a new wooden deck adjacent to the pool area and more impervious surface parking area. Existing impervious surface equals 42% and the proposed improvements will increase imperviousness of the site to 47% for conversions from LDA to IDA.

The County currently has 86.68 acres of available growth allocation left. According to the County, the applicant's request for 4.25 acres does not exceed the maximum amount of growth allocation that may be granted for 2002. The property is already developed and growth allocation is being requested to bring the site into compliance with the Critical Area Program and to allow for future development activities. The proposed new IDA is adjacent to an existing LDA, and it is an existing grandfathered commercial use that existed as of the date of original program approval.

There is no significant vegetation or wildlife habitat within the growth allocation area. The site has fragmented riparian forest along a stormwater outfall system, and this will be maintained during all proposed and future development activities. The proposed new development on the site will be providing a 10 % improvements in water quality. Standard erosion control measures will be employed during future construction. The area proposed for growth allocation does not include any designated Habitat Protection Areas other than the 100-foot Buffer.

Critical Area Commission

STAFF REPORT

May 7, 2003

APPLICANT: St. Mary's County

PROPOSAL: Refinement- Thomas Colton & Mossy Lea Subdivision
Growth Allocation

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Wanda Cole

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

DISCUSSION:

St. Mary's County is requesting approval of the use of 11.51 acres of growth allocation to change the Critical Area overlay designation of Tax Map 38, Block 24, Parcel 33 from Resource Conservation Area to Limited Development Area. This parcel is a 97 acre tract located along the north side of Oakley Road in Avenue, Maryland. Only 11.51 acres lies in the Critical Area of Canoe Neck Creek and is the subject of this growth allocation. The County will have 1,538.849 acres of growth allocation remaining after this request is approved.

The change in designation of Parcel 33 will allow the County to approve a one-lot subdivision of an agricultural parcel owned by Thomas Colton. Mr. Colton wishes to provide a lot for his daughter to build upon. The subdivision proposes to create a new lot (Lot 2 Thomas Colton Subdivision) and adjust the boundary line of an existing RCA lot (Lot 2 "Mossy Lea") to add the balance of the agricultural residue. This minor subdivision would exceed the RCA density requirements of one dwelling unit per twenty acres. Adjacent properties in this area are designated RCA.

Mr. Colton applied for growth allocation in November 2000 and contiguous property owners were notified. The St. Mary's County Planning Commission held an advertised public hearing in March 2002 and recommended approval with conditions on April 22, 2002. The Board of County Commissioners held an advertised public hearing on July 16, 2002 and approved the use of 11.51 acres of growth allocation on August 20, 2002. Resolution No. Z02-03 was adopted on November 19, 2002. This resolution included conditions that the Critical Area portion of Parcel 33 be designated LDA; that the official zoning map include notes that no further subdivision may

occur within the 11.51 acres mapped as LDA; and that the final subdivision plat shall conform to all other comments and requirements necessary to approve the final subdivision plat.

There are no known Habitat Protection Areas located on this parcel with the exception of the 100' Buffer to a tributary stream. This Buffer does not occur on the area being proposed for subdivision and subsequent development. The requirements to provide 15% afforestation of the site will be addressed during final subdivision approval.

Staff recommends approval. The Chairman's determination of refinement will be sought at the Commission meeting as well as your concurrence with the Chairman's determination.

APPROVED
DIRECTOR
CHAIRMAN
ST. MARY'S COUNTY HEALTH DEPARTMENT
APPROVAL DATE
DIRECTOR, ENVIRONMENTAL HEALTH



ST. MARY'S COUNTY HEALTH DEPARTMENT

P. 219
N/F
RENE O. QUADE
DBK 234/03B
ZONED: RPD
USE: AGRICULTURAL

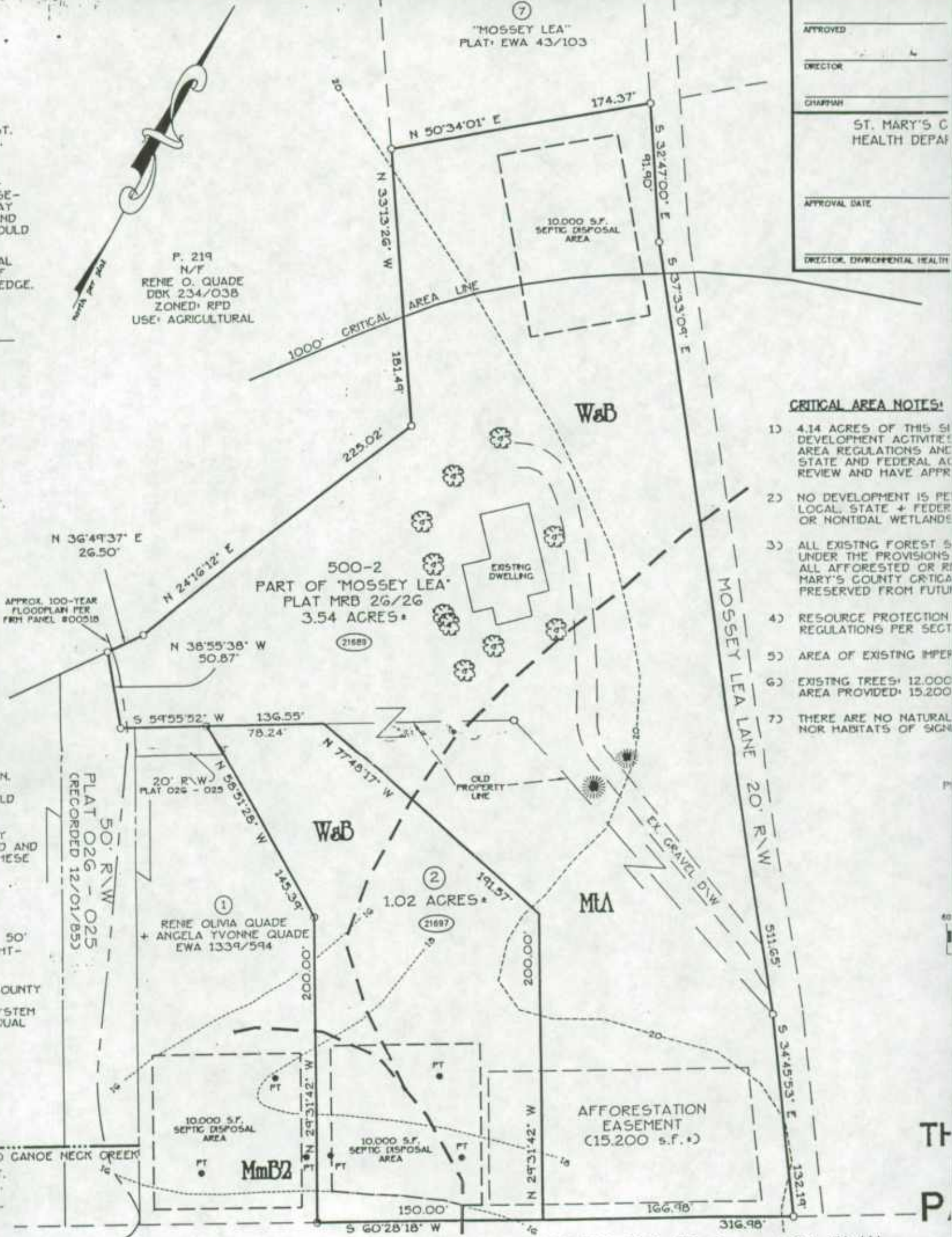
APPROX. 100-YEAR FLOODPLAIN PER FRM PANEL 800518

50' R/W PLAT 026 - 025 RECORDED 12/01/85

50' HT - COUNTY SYSTEM

CANOE NECK CREEK

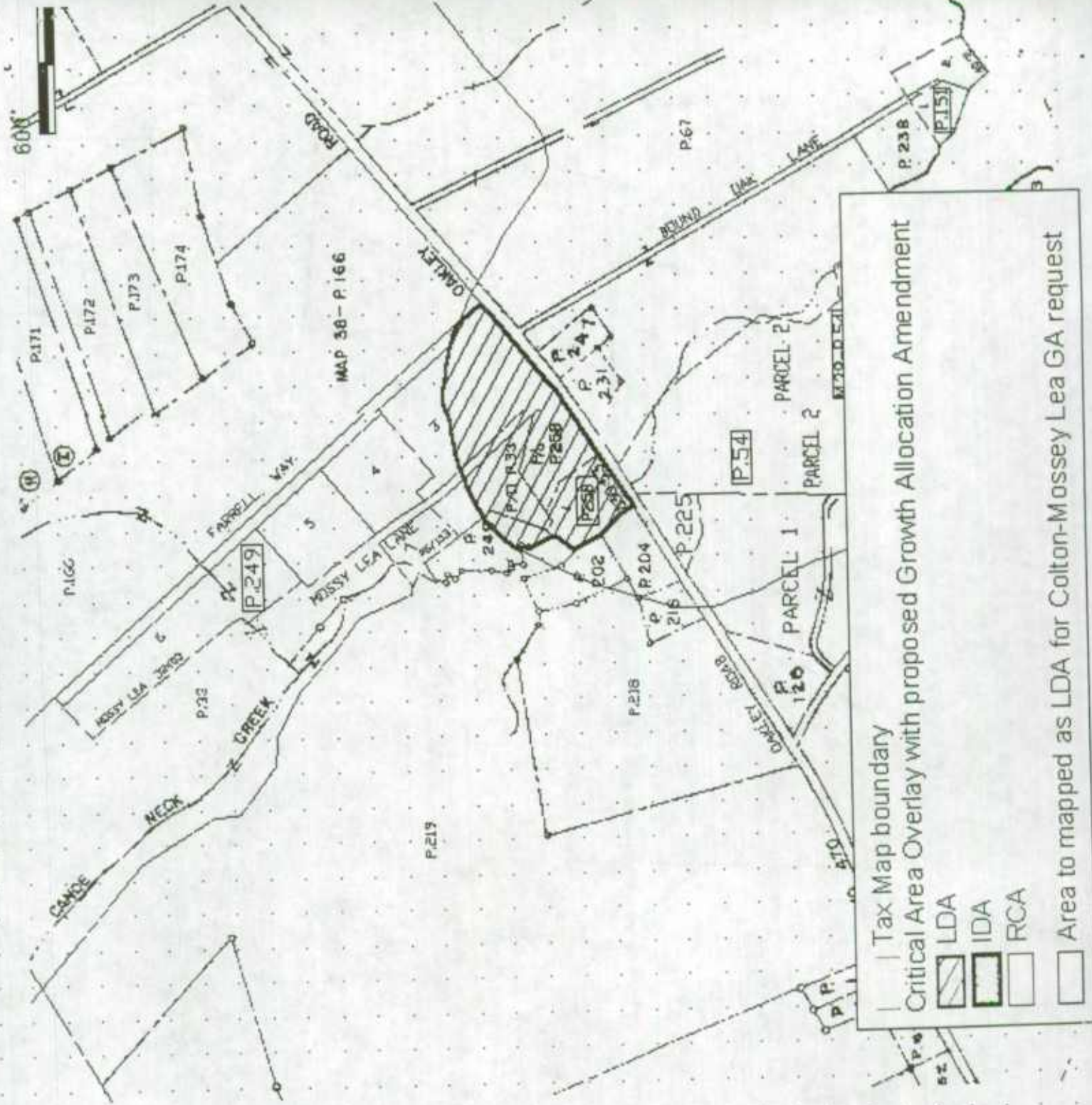
MD STATE ROUTE 470 (AKA OAKLEY ROAD) 40' R/W







CRITICAL AREA NOTES:

- 1) 4.14 ACRES OF THIS SITE DEVELOPMENT ACTIVITIES AREA REGULATIONS AND STATE AND FEDERAL ACT REVIEW AND HAVE APPR
- 2) NO DEVELOPMENT IS PER LOCAL, STATE + FEDERAL OR NONTIDAL WETLANDS
- 3) ALL EXISTING FOREST UNDER THE PROVISIONS ALL AFFORESTED OR ST. MARY'S COUNTY CRITICAL PRESERVED FROM FUTUR
- 4) RESOURCE PROTECTION REGULATIONS PER SECT
- 5) AREA OF EXISTING IMPER
- 6) EXISTING TREES: 12,000 AREA PROVIDED: 15,200
- 7) THERE ARE NO NATURAL NOR HABITATS OF SIGN

TH P.



- Legend:**
- Tax Map boundary
 - Critical Area Overlay with proposed Growth Allocation Amendment
 -  LDA
 -  IDA
 -  RCA
 -  Area to mapped as LDA for Colton-Mossey Lea GA request

Critical Area Commission

STAFF REPORT

May 7, 2003

APPLICANT: St. Mary's County

PROPOSAL: Refinement- Bohanan Subdivision Growth Allocation

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Wanda Cole

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

DISCUSSION:

St. Mary's County is requesting approval of the use of 7.341 acres of growth allocation to change the Critical Area overlay designation of Tax Map 58, Block 24, Parcel 18 from Resource Conservation Area to Limited Development Area. This parcel is located along the north side of South Snow Hill Manor Road in Park Hall, Maryland and lies entirely in the Critical Area of St. Mary's River. The County will have 1,550.359 acres of growth allocation remaining after this request is approved.

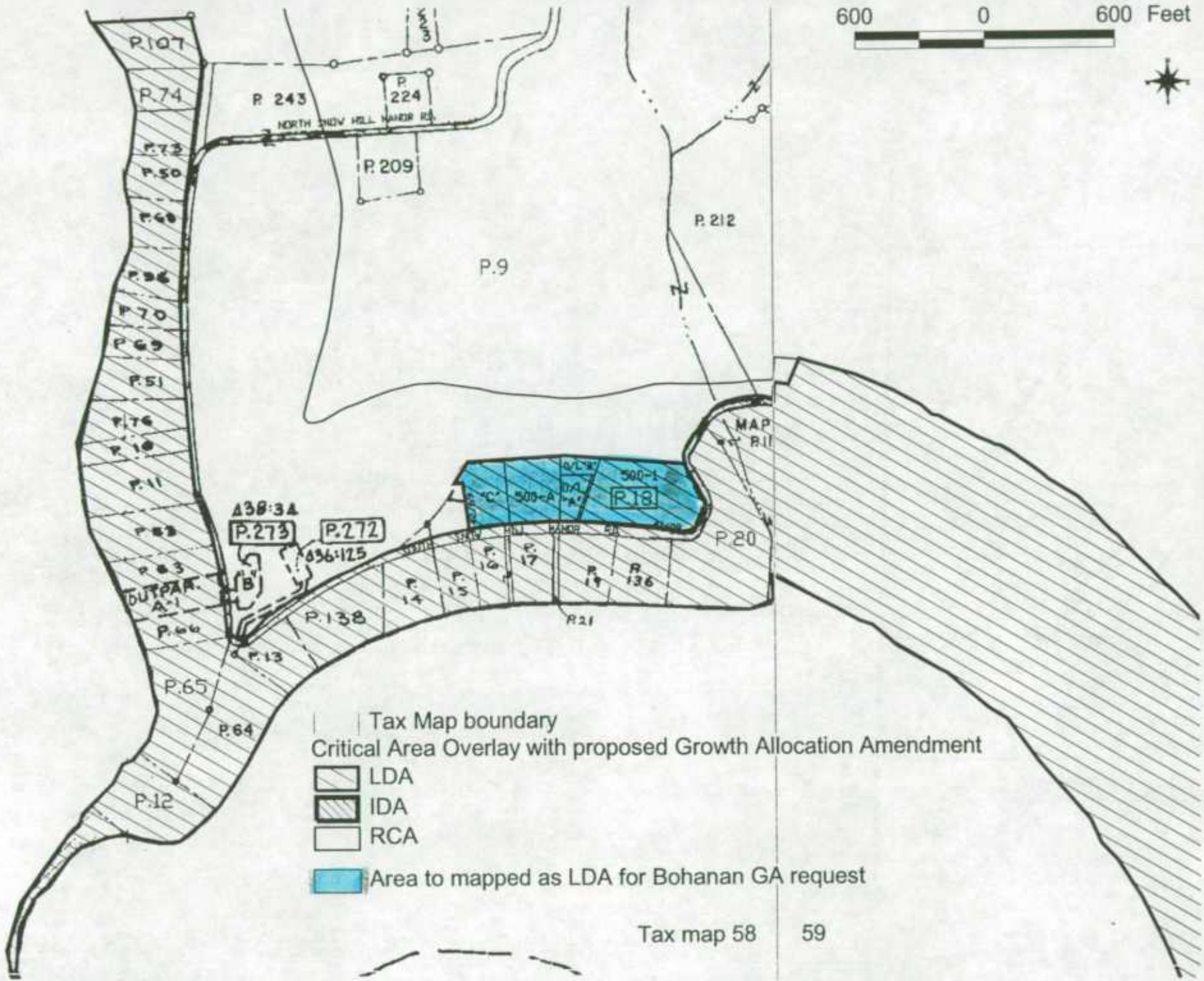
The change in designation of Parcel 18 will allow the County to approve a minor one-lot subdivision of Parcel 16, the John L. Bohanan, Sr. and John L. Bohanan, Jr. property. The proposed subdivision will create one new lot (500-2) and accommodate sewage reserve areas (SRA) for four adjacent lots. Adjacent properties on the south side of South Snow Hill Manor Road are designated LDA.

Parcel 18 was subdivided in 1992 to create Lot 1 and Parcel A. In 1995, Lot 1 was subdivided to create Lot 500-1, Outlot A to serve as a sewage reserve easement to Parcel 19 (SRA # 1), and Outlot B to serve as a sewage reserve easement to Parcel 136 (SRA #2). In 1996, Parcel A was subdivided to create Parcel 500-A to serve as a sewage reserve easement to Parcel 17 (SRA #3), and Parcel C to serve as a sewage reserve easement to Parcel 16 (SRA #4) owned by the Bohanans. The creation of septic systems in the RCA constitutes development, and Lot 1 used all available RCA density for Parcel 18; therefore, the outlots and parcels created in the Resource Conservation Area after 1992 can only be used as sewage reserve easements if growth allocation is granted.

Messrs. Bohanan, Sr and Jr applied for growth allocation in July 2001 and contiguous property owners were notified. The St. Mary's County Planning Commission held an advertised public hearing in March 2002 and recommended approval with conditions on April 22, 2002. The Board of County Commissioners held an advertised public hearing on July 16, 2002 and approved the use of 7.341 acres of growth allocation on August 20, 2002. Resolution No. Z02-04 was adopted on November 19, 2002. This resolution included conditions that Parcel 18 in its entirety be designated LDA; that the official zoning map include notes that no further subdivision may occur within the 7.341 mapped as LDA; and that the final subdivision plat shall conform to all other comments and requirements necessary to approve the final subdivision plat.

There are no known Habitat Protection Areas located on Parcel 18.

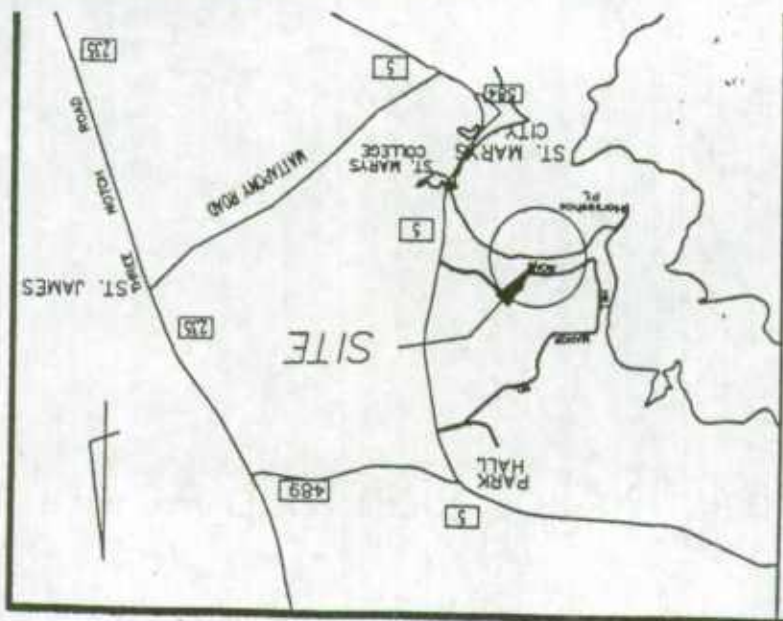
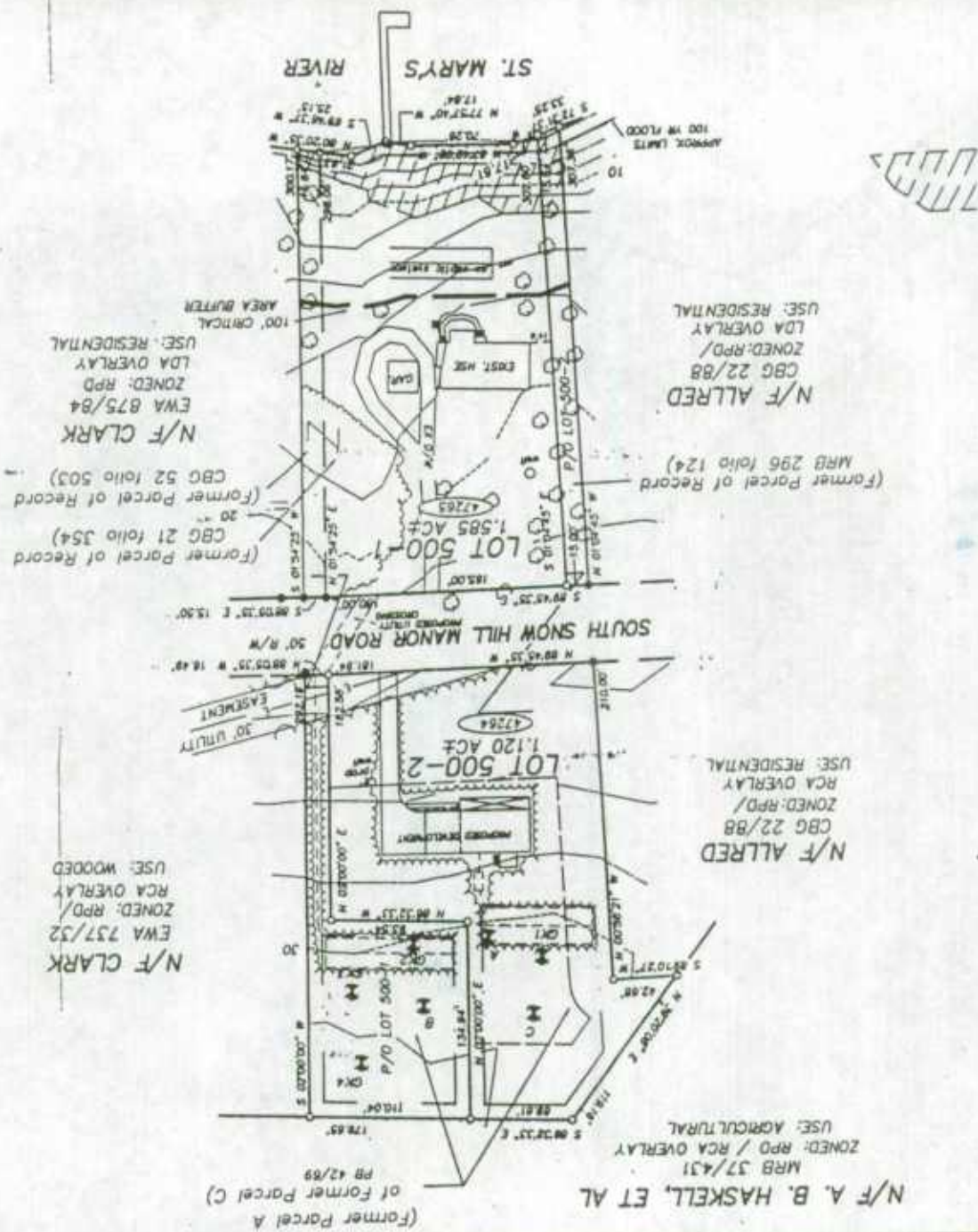
Staff recommends approval. The Chairman's determination of refinement will be sought at the Commission meeting as well as your concurrence with the Chairman's determination.



Bohanan Growth Allocation Map Amendment Request

St. Mary's Co. DPZ ; 00-140-039
2/19/03 sv

Tax map 58 59



Critical Area Commission

STAFF REPORT

May 7, 2003

APPLICANT: St. Mary's County

PROPOSAL: Refinement- Prospect Hill Outparcel B
Mark Henderson, Jr. Growth Allocation

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Wanda Cole

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

DISCUSSION:

St. Mary's County is requesting approval of the use of 1.303 acres of growth allocation to change the Critical Area overlay designation of Tax Map 40, Block 17, Parcel 92 and part of Parcel 94 (Outparcel B) from Resource Conservation Area to Limited Development Area. This 8.42 acre parcel is located along the south side of Knight Road in Leonardtown, Maryland and lies entirely in the Critical Area of Breton Bay. The County will have 1,537.16 acres of growth allocation remaining after this request is approved.

The change in designation of 1.303 acres of Outparcel B will allow the County to approve a minor one-lot subdivision that will create Lot 18. This minor subdivision would exceed the RCA density requirements of one dwelling unit per twenty acres. The balance of the outparcel's acreage will include 5.42 RCA density reservation parcel for a previous subdivision of Lots 1-3. Adjacent properties are designated LDA. Please note that the existing LDA along the shoreline contains a road that will be relocated out of that area.

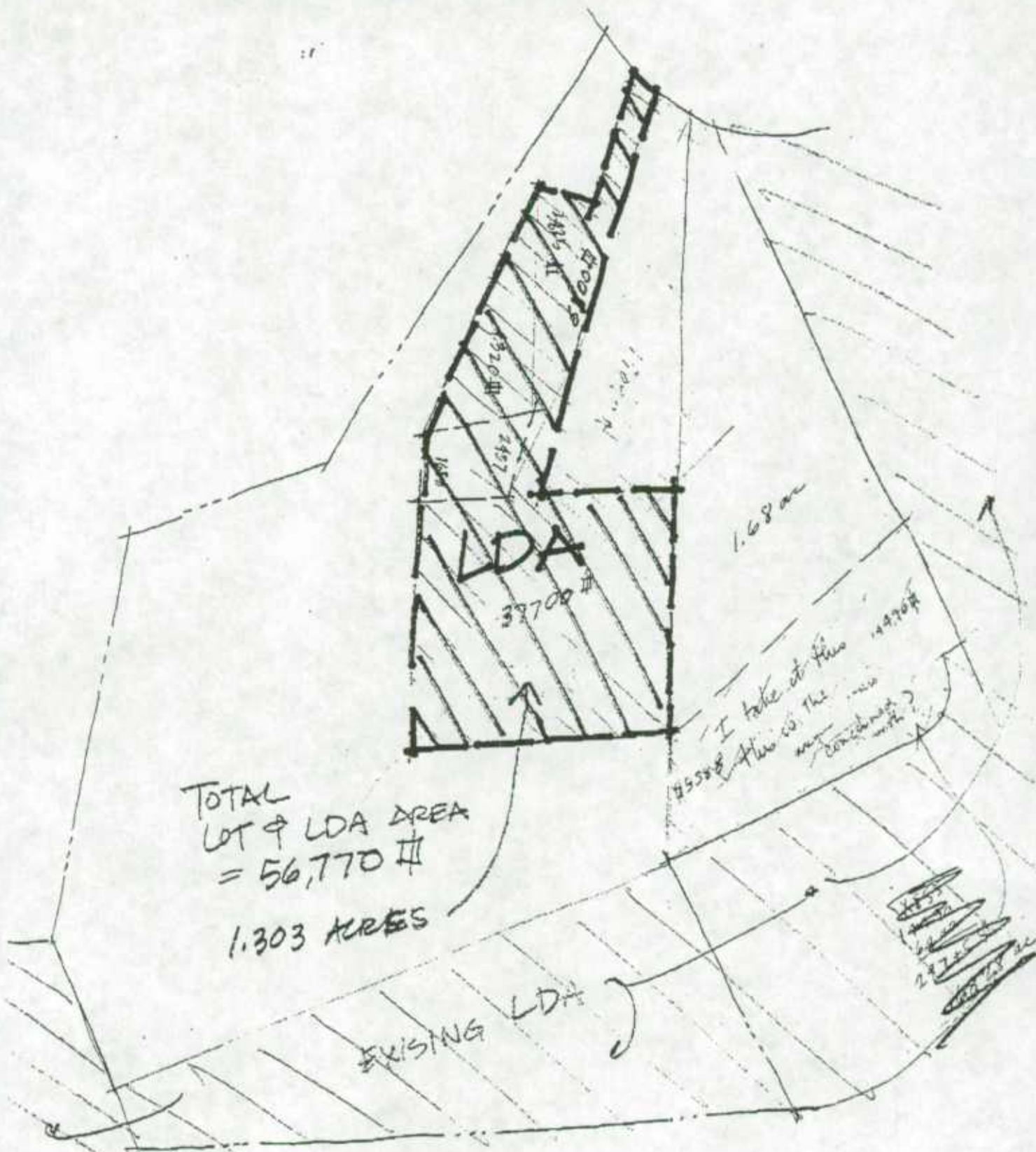
Mr. Henderson applied to the County for growth allocation in April 2000 and contiguous property owners were notified. The St. Mary's County Planning Commission held an advertised public hearing in March 2002 and recommended approval with conditions on April 22, 2002. The Board of County Commissioners held an advertised public hearing on July 16, 2002 and approved the use of 4.374 acres of growth allocation on August 20, 2002, which has now been revised to 1.303 acres in order to comply with the RCA density requirements of the previous subdivision. Resolution No. Z02-05 was adopted on November 19, 2002.

The following conditions are being recommended by staff in order to maintain the RCA character of the area of the parent parcel not included in the new lot. These conditions were proposed by the County, and include:

- The road along the shoreline shall be removed and the abandoned roadbed revegetated;
- A note shall be included on the plat to state new development or disturbance to the 300-foot buffer on the parent parcel shall be prohibited;
- The 5.42 acre RCA density reserve parcel and the 300-foot buffer shall be labeled on the plat as unbuildable; and
- A note shall be included on the plat that no further subdivision may occur on this site.

The Chairman will be asked for a determination of refinement for this request and the Commission's concurrence will be sought.

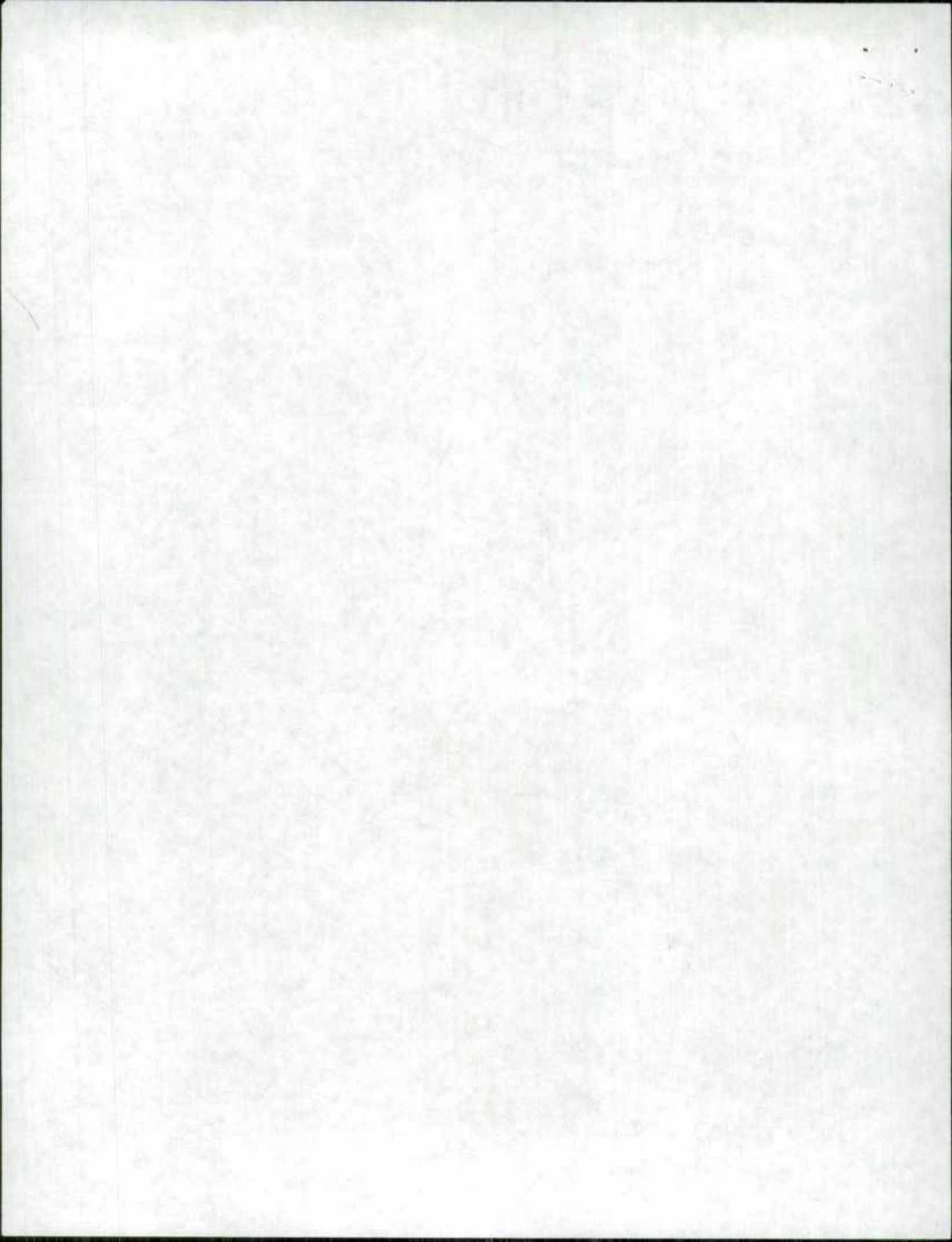
Lot 18 Prospect Hill - Mark Henderson Jr.



TOTAL
LOT & LDA AREA
= 56,770 #
1.303 ACRES

EXISTING LDA

I take at this 14970 #
this is the new
consideration with



Critical Area Commission

STAFF REPORT

May 7, 2003

APPLICANT: Calvert County

PROPOSAL: Refinement – Designation of Buffer Exemption Areas and Subdivision in Buffer Exemption Areas

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Approval, as amended

STAFF: Julie V. LaBranche

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

DISCUSSION:

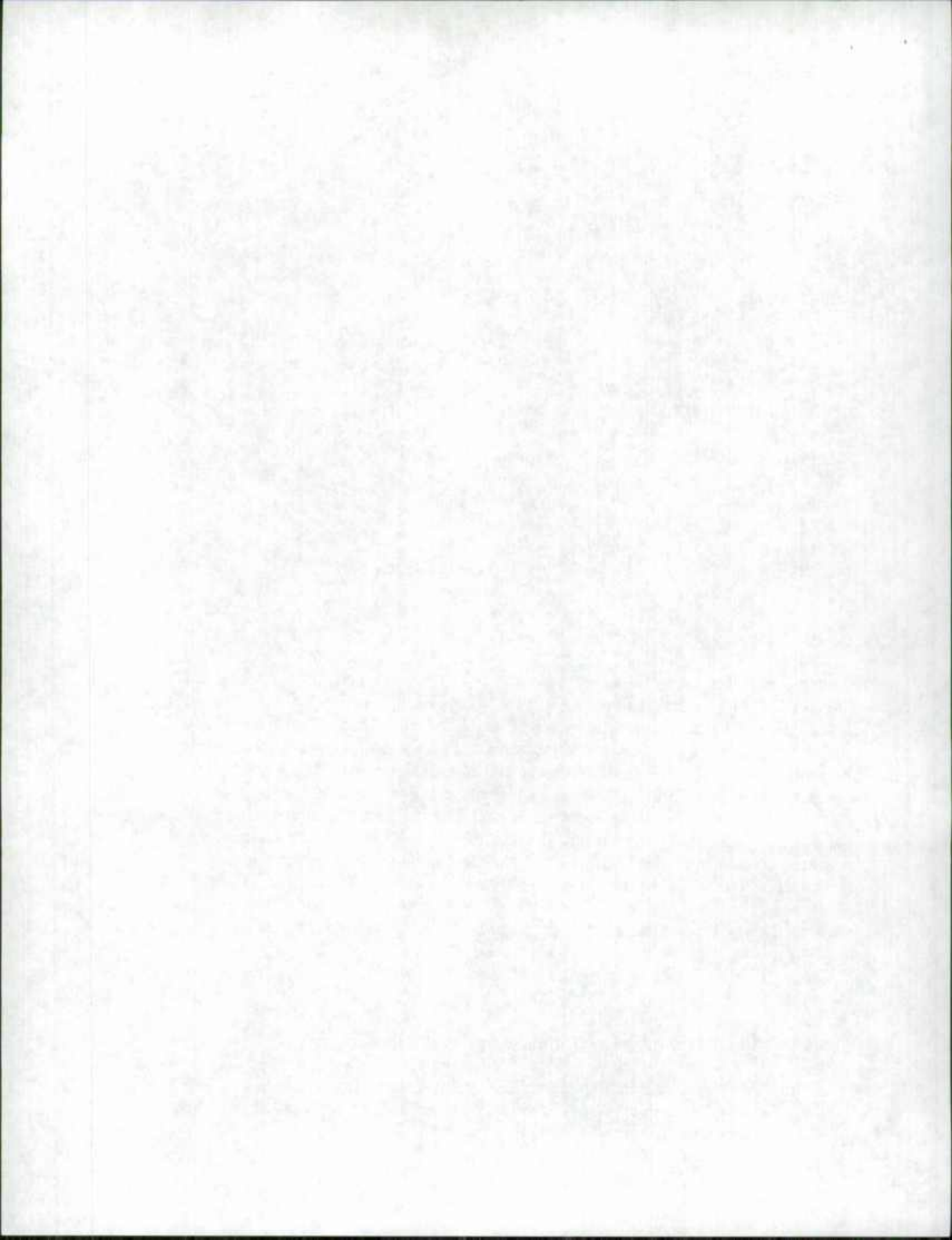
Calvert County has submitted several proposed amendments to their Critical Area maps as part of Phase II of the comprehensive review of the County's Critical Area program. The proposed amendments include new provisions for subdivision of lands within a Buffer Exemption Areas and designation of new Buffer Exemption Areas and provisions for subdivision in Buffer Exemption Areas. The Planning Commission recommended approval of the designated Buffer Exemption Areas on April 15, 2003. The Board of Commissioners will vote on these amendments on April 29, 2003. Following is a summary of the amendments being considered by the Board of Commissioners. A supplemental staff report will be provided summarizing the proposed amendments, based on the decision of the Board of Commissioners, and recommendations from Commission staff.

CRITICAL AREA TEXT AMENDMENT

CATA 03-1. The County has proposed the following provisions for subdivision of Buffer Exemption Areas.

Section 4-4.07.E.3 of the Zoning Ordinance, insert new subsection d.

- d. Subdivision within LDA Buffer Exemption Areas – Land in a LDA or LDA-3 buffer exemption areas may be subdivided and retain its buffer exemption status if it meets the following criteria.



- i The parcel is less than 10 acres.
- ii Development meets the Criteria of Section c above.
- iii The setback from the shoreline for any structures must be a minimum of 50-ft.
- iv Property must be served by community sewer.
- v Offsetting requirements listed in Sections 4 and/or 5 below must be met.
- vi Housing density does not exceed 2 dwelling units per acre.
- vii Any future shore erosion control on the property shall be non-structural if it is practical and effective at the proposed site. Guidance from the Maryland Department of Natural Resources and the Maryland Department of the Environment will be sought.
- viii A 10% reduction in pollutants from stormwater will be met or offsets provided. This requirement applies to all Critical Area overlays (RCA, LDA or IDA).
- ix Not zoned Marine Commercial.

If land with buffer exemption status is subdivided, but does not meet the above criteria for subdivision in a buffer exemption area, only the parcel or lot that retains the original primary structure will remain buffer exempt. Any new lots or parcels would not be buffer exempt.

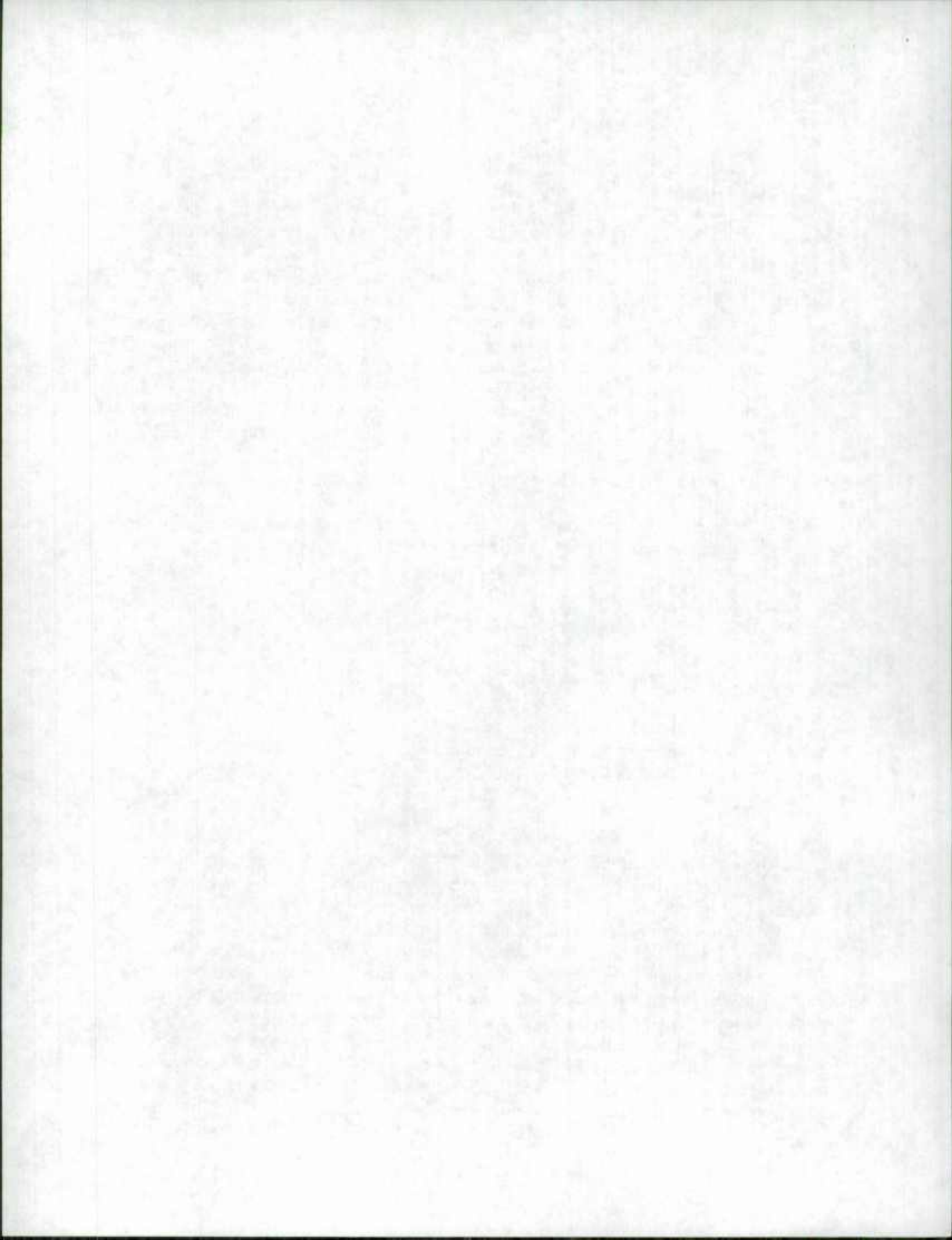
CRITICAL AREA MAP AMENDMENTS (CAMA)

CAMA 03-1. Designation of Buffer Exemption Areas

The proposed Buffer Exemption Areas (BEA) in Solomons Town Center are listed below (refer to Buffer Exemption Area maps for each property). All properties proposed for BEA status are located within Tax Map 44.

1) Parcel 294, Calvert Marina

The Calvert Marina property is a 95.84 acre parcel, which was previously used as a military base. The County is currently evaluating a proposal for subdivision of the Calvert Marina property. Two areas within the Calvert Marina property are proposed for BEA status. A cove at the southeast corner of the property is currently used for storage of boats and activities associated with a sailing club. Most vegetation is restricted to within 30 feet of the water with the exception of a single line of pine trees, perpendicular to the water, that extend beyond the Buffer. The second area is an extension of the existing BEA on the property to the northwest around a promontory but not extending to the property boundary. Much of this area was previously used as a sewage treatment plant, with several sewage holding tanks and an abandoned concrete ship within the Buffer. There is also a gravel road through a portion of the Buffer between the tree line and these structures. However, much of this portion of the property has a functioning Buffer of at least 60 feet to 100 feet in width.



2) Parcel 598, Oyster Bay

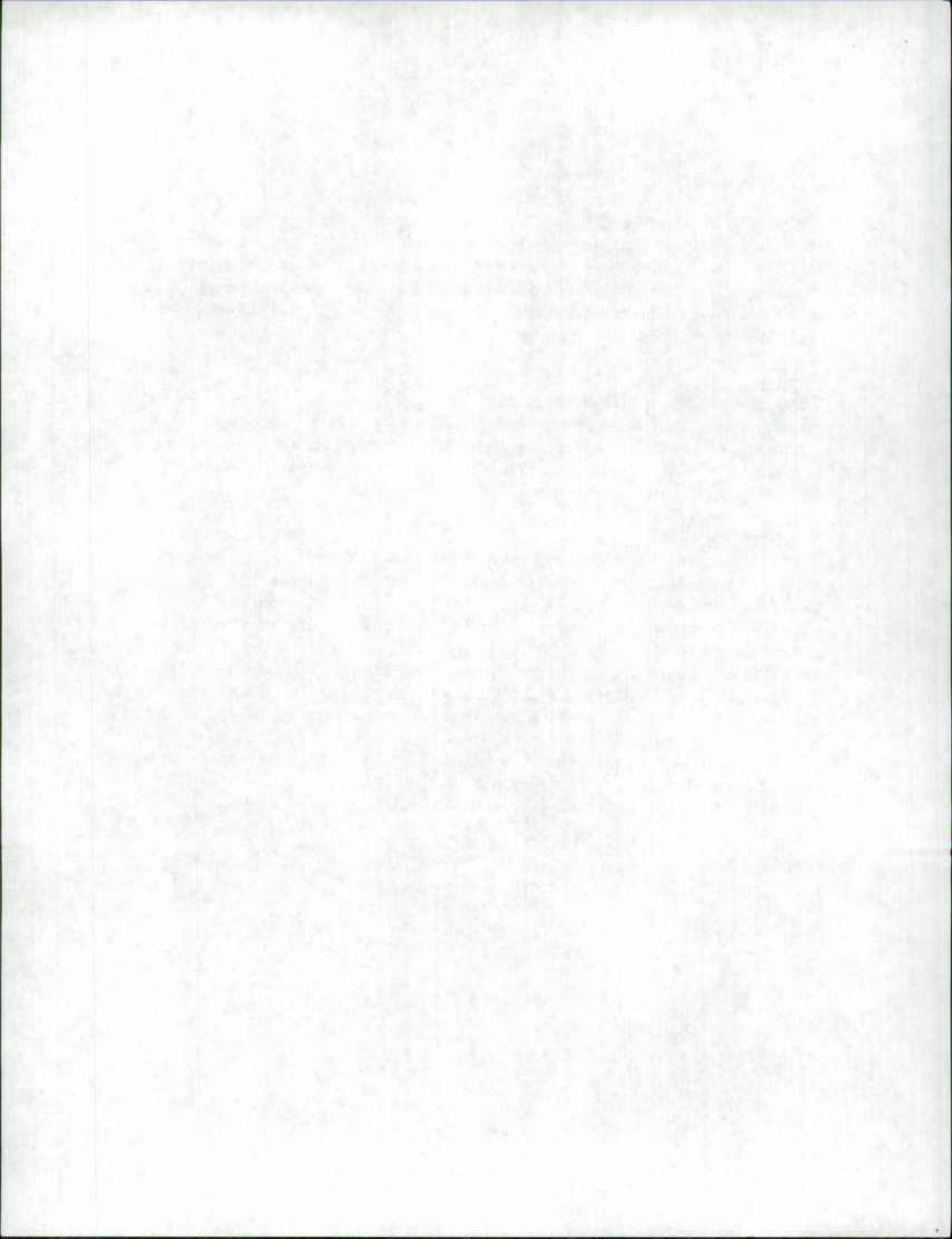
Oyster Bay is a condominium development consisting of acres. Since adoption of the local Critical Area program, the shoreline along most of this property has been devoid of natural vegetation, with the exception of a 30-ft. vegetated buffer strip between the water and the existing condominium unit, and a small area of forest located at the northwest corner of the property. This forested area is required to remain in natural vegetation as stated on the record plat for the property. It is thus proposed that the entire shoreline, except the forested area to the northwest, be designated as a Buffer Exemption Area.

3) Parcel 41, Watson Property

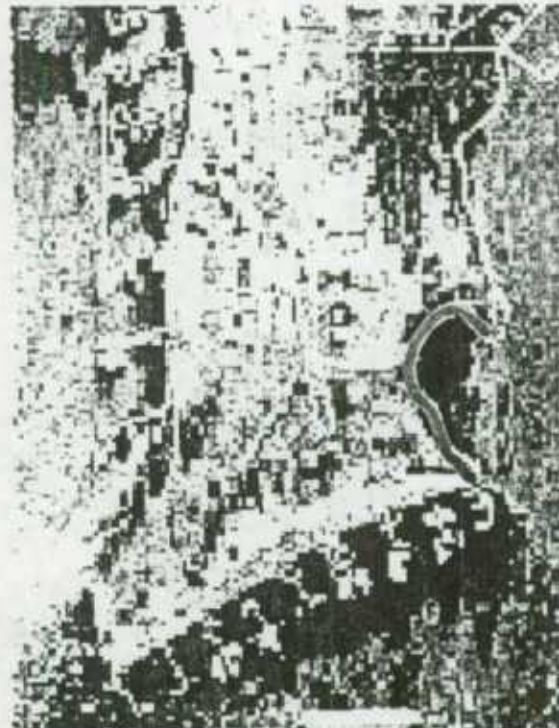
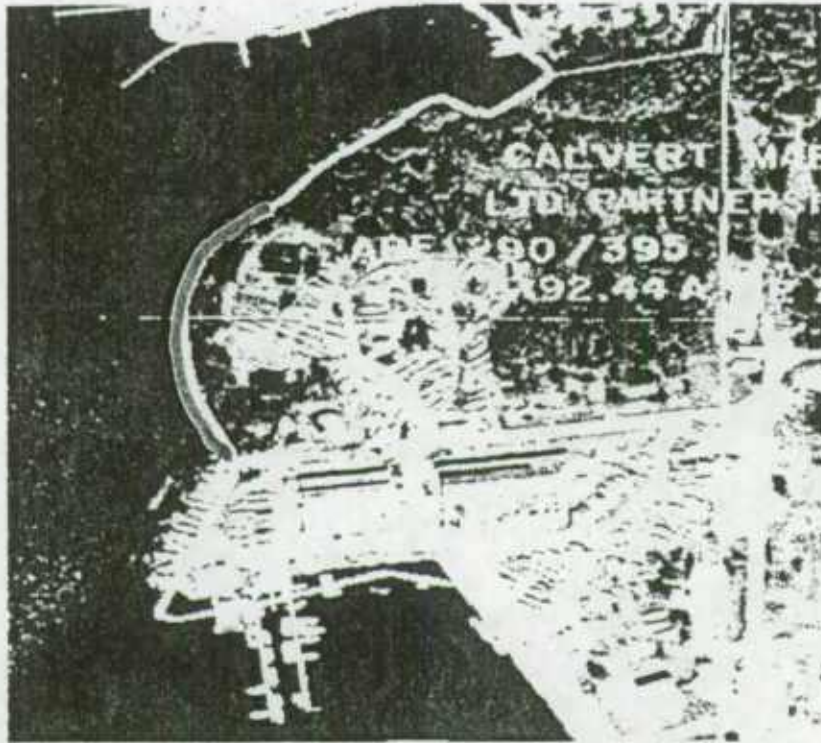
The Watson property is a residential parcel consisting of 6.46 acres. Although there are scattered trees on the property, a single-family dwelling with an attached deck is located within the 100-ft Buffer and the majority of the Buffer consists of mowed grass. The property is adjacent to a BEA approved by the Commission on March 5, 2003 as part of Phase I of the Calvert County comprehensive review.

4) Parcel 196, Kersey Property

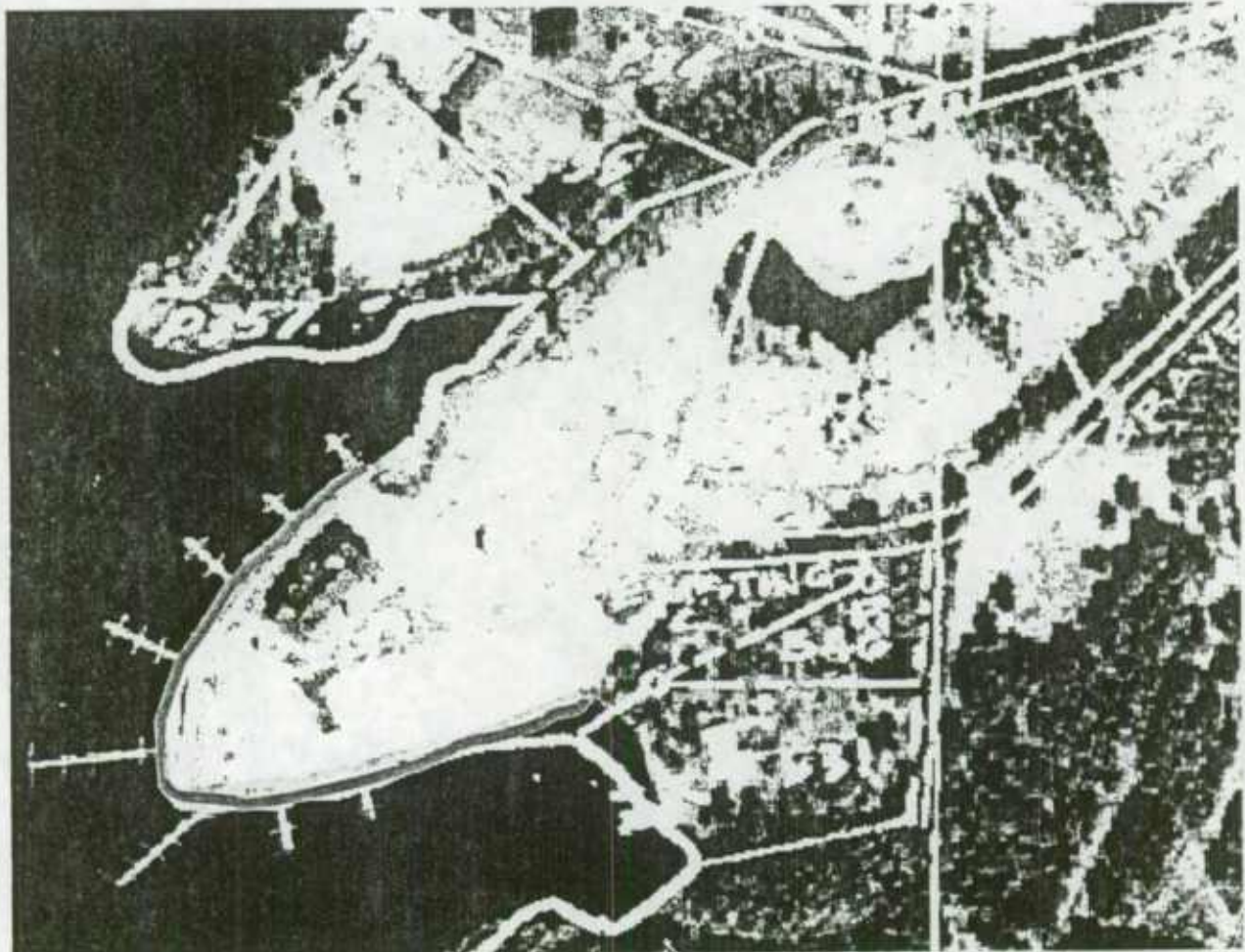
The Kersey property is a residential property consisting of 2.70 acres. The Commission approved designation of the developed portion of the property as a Buffer Exemption Area as part of the comprehensive review on March 5, 2003 as part of Phase I of the Calvert County comprehensive review. This parcel is surrounded by the condominium development Solomons Landing, with condominium buildings located forty feet from the waterfront on the south (Building G) and fifty feet from the shoreline to the north of this property (Building K). The house on Parcel 196 is within 34 feet of the water and the shoreline is armored with stone revetment. Behind this stone is a grass lawn of varying widths, from 20-70 feet except where there are structures. In the middle and northern portions of the property there is manicured forest between the lawn and the west side of the property. The proposed criteria for subdivision of buffer exemption areas (CATA 03-1) would provide environmental protection for the portion of the property that has not been approved as a BEA if subdivision is proposed.



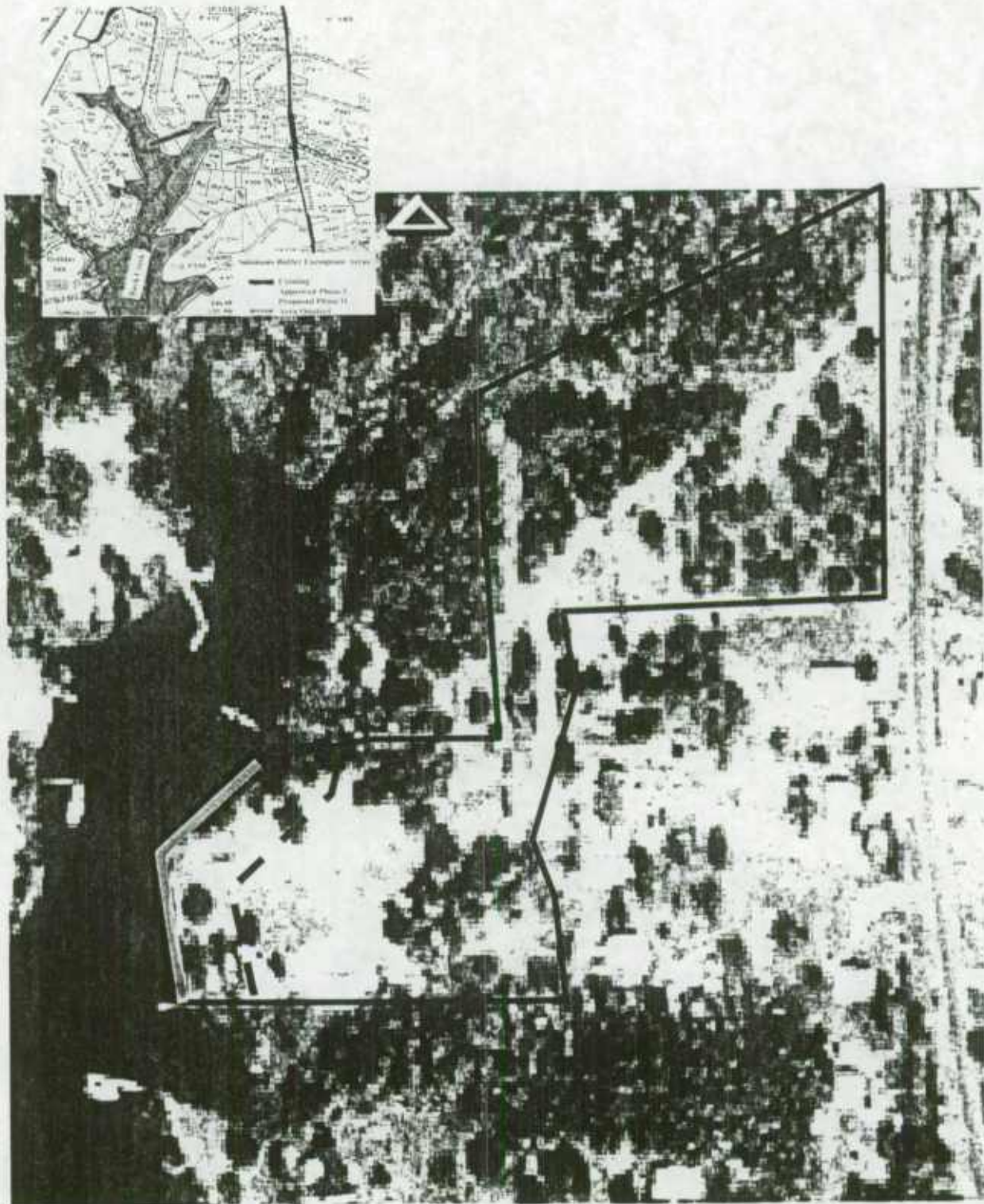
Calvert Marina (Tax Map 44, Parcel 294)



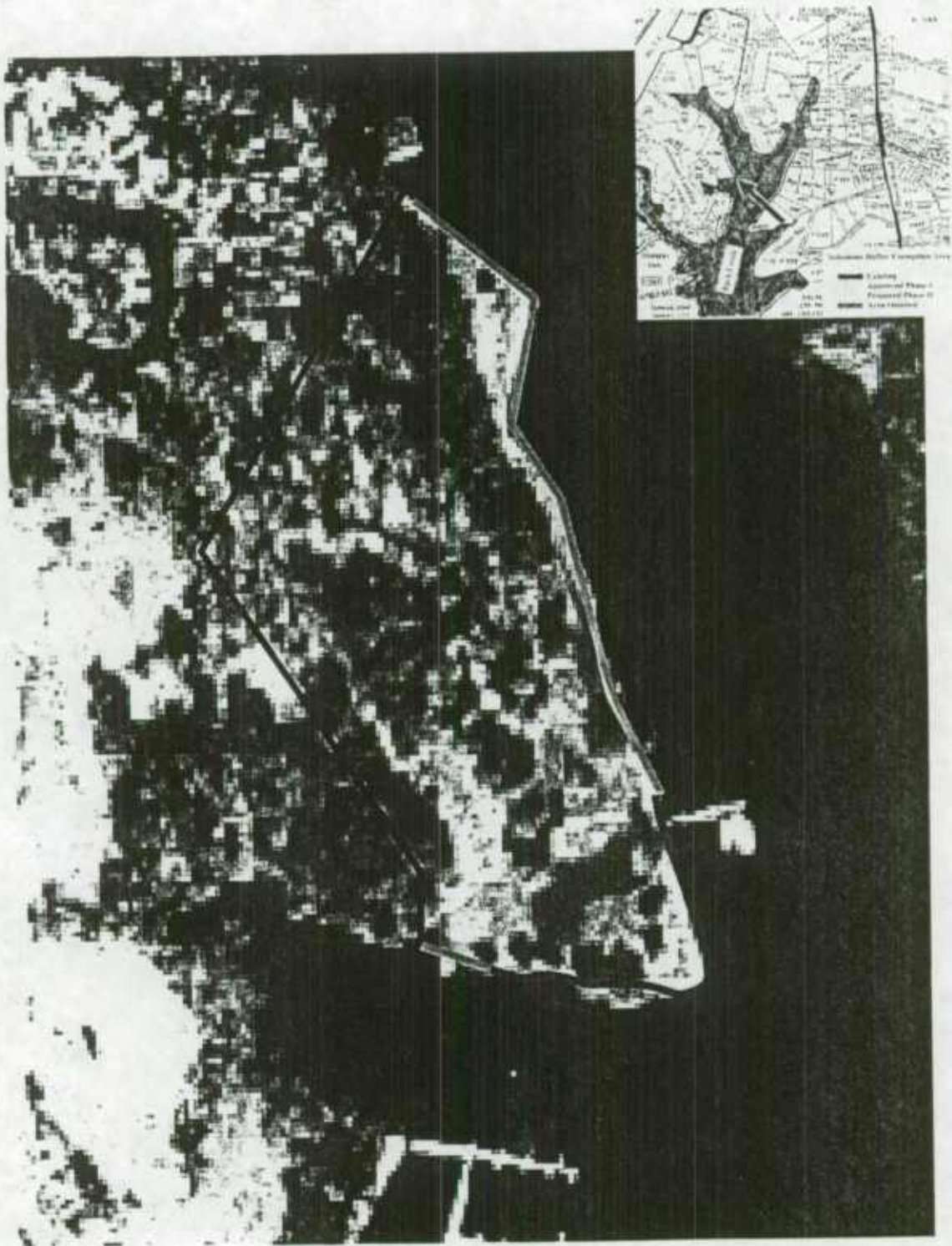
**Oyster Bay (Tax Map 44, Parcel 598)
(proposed Buffer Exemption Area shown in orange)**



**Watson Property (Tax Map 44, Parcel 41)
(proposed Buffer Exemption Area shown in orange)**



**Kersey Property (Tax Map 44, Parcel 196)
(proposed Buffer Exemption Area shown in orange and
previously approved BEA shown in blue)**



Critical Area Commission

STAFF REPORT

May 7, 2003

APPLICANT: Anne Arundel County

PROPOSAL: Refinement - Mapping Mistake
Shenton Property

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Concur with Chairman's Determination

STAFF: Lisa Hoerger

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

DISCUSSION:

Anne Arundel County submitted a map amendment to correct a mapping mistake on the property of Glorious Shenton. The property is located in southern Anne Arundel County on the west side of Wharf Road, north of Snug Harbor Road in Shady Side. The property is approximately .772 acres and has a Critical Area designation of Resource Conservation Area (RCA). The County reclassified the property from RCA to IDA (Intensely Developed Area). The underlying zoning of the property, which was not changed, is W-2 Light Industrial.

The property is currently undeveloped and wooded. The surrounding land use to the north is a boat yard and to the southeast is a commercial strip mall. The remaining adjoining properties are undeveloped. County staff believes, based on evidence provided by the applicant, that the property was designated RCA because it appeared that there were areas of nontidal wetlands on the property.

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

The Criteria explain IDAs in the Code of Maryland Regulations at 27.01.02.03 A and B as the following:

Intensely Developed Areas are those areas where residential, commercial, institutional, and/or industrial, developed land uses predominate, and where relatively little natural habitat occurs. These areas shall have at least one of the following features:

- (1) Housing density equal to or greater than four dwelling units per acre;
- (2) Industrial, institutional, or commercial uses are concentrated in the area; or

(3) Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acres.

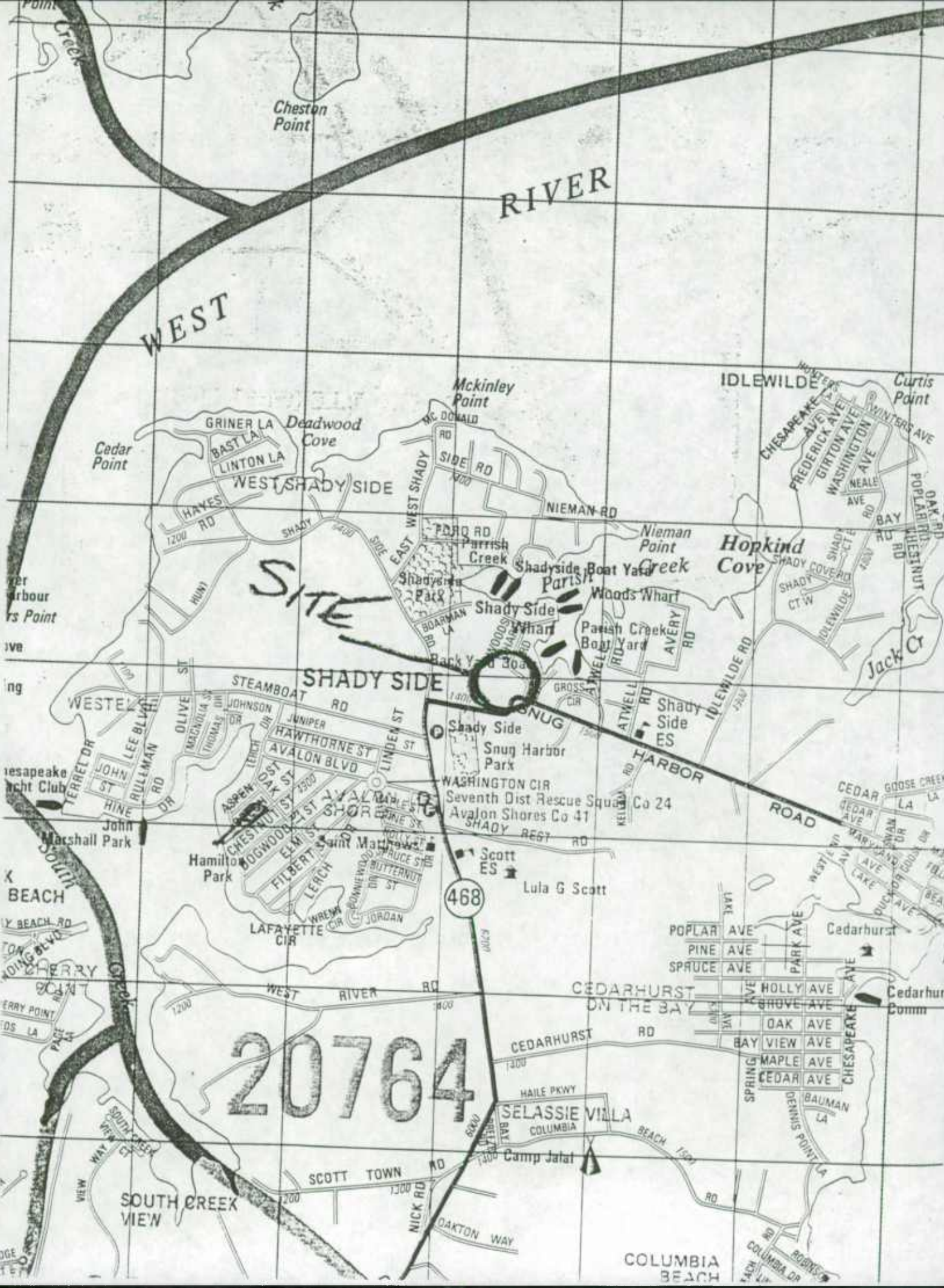
B. In addition, these features shall be concentrated in an area of at least 20 adjacent acres, or that entire upland portion of the Critical Area within the boundary of a municipality, whichever is less.

After reviewing the Criteria and the mapping of the subject property, the Administrative Hearing Officer approved the request to amend the zoning map on July 10, 2002. The Hearing Officer believes a mistake was made in the original mapping and that the area should have been mapped IDA based on the following reasons.

1. The Army Corps of Engineers Jurisdictional Determination indicating the property was devoid of wetlands.
2. The testimony of the environmental consultant who stated the property was devoid of wetland features in 1985; hence, the County determined the site was incorrectly mapped as RCA.
3. The testimony provided which described the pattern of existing land uses surrounding the property including the underlying zoning and the types of uses on adjoining sites.
4. The determination that the IDA classification of this property conforms to the environmental goals and standards of the County's General Development Plan.

Commission staff have reviewed the information provided and believe that the site meets the mapping standards for IDA because industrial, institutional or commercial uses are concentrated in the area.

The chairman is seeking your concurrence with the determination that this mapping mistake is a refinement to Anne Arundel County's Critical Area program.



RIVER

WEST

SITE

SHADY SIDE

20764

468

Point
Creek

Cheston Point

Mckinley Point

IDLEWILDE

Curtis Point

Cedar Point

GRINER LA
BAST LA
LINTON LA

Deadwood Cove

WEST SHADY SIDE

NIEMAN RD

CHESAPEAKE AVE
FREDERICK AVE
GIRTON AVE
WASHINGTON AVE
NEALE AVE

HAYES RD

SHADY

WEST SHADY

PARO RD

NIEMAN RD

Hopkind Cove

SHADY COVERD

SHADY CT W

SHADY CT E

SHADY CT W

er
rbour
rs Point

ive

ng

esapeake
ght Club

K
BEACH

Y BEACH RD

TOA BLVD

CHERRY

ERRY POINT

DS LA

VIEW WAY

SOUTH CREEK

VIEW

OGE

STEAMBOAT RD

WESTER

JOHN ST

RULLMAN RD

HINE DR

ASPEN ST

CHESNUT ST

WILSON ST

FILBERT ST

LEITCH

LAFAYETTE CIR

WREMA

JORDAN

SOUTH CREEK

VIEW

OGE

JOHNSON DR

JUNIPER DR

HAWTHORNE ST

AVALEN BLVD

AVALEN ST

AVALEN ST

AVALEN ST

AVALEN ST

AVALEN ST

AVALEN ST

AVALEN ST

AVALEN ST

AVALEN ST

AVALEN ST

AVALEN ST

AVALEN ST

LINDEN ST

WASHINGTON CIR

Seventh Dist Rescue Squad

Avalon Shores Co 41

SHADY REGT RD

Scott ES

Lula G Scott

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

SNUG

Shady Side

Snug Harbor Park

WASHINGTON CIR

Seventh Dist Rescue Squad

Avalon Shores Co 41

SHADY REGT RD

Scott ES

Lula G Scott

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

SHADY SIDE

Shady Side

Snug Harbor Park

WASHINGTON CIR

Seventh Dist Rescue Squad

Avalon Shores Co 41

SHADY REGT RD

Scott ES

Lula G Scott

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

SHADY SIDE

Shady Side

Snug Harbor Park

WASHINGTON CIR

Seventh Dist Rescue Squad

Avalon Shores Co 41

SHADY REGT RD

Scott ES

Lula G Scott

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

SHADY SIDE

Shady Side

Snug Harbor Park

WASHINGTON CIR

Seventh Dist Rescue Squad

Avalon Shores Co 41

SHADY REGT RD

Scott ES

Lula G Scott

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

SHADY SIDE

Shady Side

Snug Harbor Park

WASHINGTON CIR

Seventh Dist Rescue Squad

Avalon Shores Co 41

SHADY REGT RD

Scott ES

Lula G Scott

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

SHADY SIDE

Shady Side

Snug Harbor Park

WASHINGTON CIR

Seventh Dist Rescue Squad

Avalon Shores Co 41

SHADY REGT RD

Scott ES

Lula G Scott

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

SHADY SIDE

Shady Side

Snug Harbor Park

WASHINGTON CIR

Seventh Dist Rescue Squad

Avalon Shores Co 41

SHADY REGT RD

Scott ES

Lula G Scott

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

SHADY SIDE

Shady Side

Snug Harbor Park

WASHINGTON CIR

Seventh Dist Rescue Squad

Avalon Shores Co 41

SHADY REGT RD

Scott ES

Lula G Scott

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

SHADY SIDE

Shady Side

Snug Harbor Park

WASHINGTON CIR

Seventh Dist Rescue Squad

Avalon Shores Co 41

SHADY REGT RD

Scott ES

Lula G Scott

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

SHADY SIDE

Shady Side

Snug Harbor Park

WASHINGTON CIR

Seventh Dist Rescue Squad

Avalon Shores Co 41

SHADY REGT RD

Scott ES

Lula G Scott

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

SHADY SIDE

Shady Side

Snug Harbor Park

WASHINGTON CIR

Seventh Dist Rescue Squad

Avalon Shores Co 41

SHADY REGT RD

Scott ES

Lula G Scott

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

SHADY SIDE

Shady Side

Snug Harbor Park

WASHINGTON CIR

Seventh Dist Rescue Squad

Avalon Shores Co 41

SHADY REGT RD

Scott ES

Lula G Scott

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

SHADY SIDE

Shady Side

Snug Harbor Park

WASHINGTON CIR

Seventh Dist Rescue Squad

Avalon Shores Co 41

SHADY REGT RD

Scott ES

Lula G Scott

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD

WEST RIVER RD



Shenton Mapping Mistake

Critical Area Commission

STAFF REPORT

May 7, 2003

APPLICANT: Anne Arundel County

PROPOSAL: Refinement - Mapping Mistake
Hock Property

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Concur with Chairman's Determination

STAFF: Lisa Hoerger

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

DISCUSSION:

Anne Arundel County submitted a map amendment to correct a mapping mistake on the property of Joseph J. Hock, Inc. The property is located in northern Anne Arundel County on the west side of Belle Grove Road, east of Interstate 895 near the Baltimore City line. The property is approximately 12.7 acres and has a split Critical Area designation of Resource Conservation Area (RCA) and Limited Development Area (LDA). The County reclassified 2.4 acres of RCA to IDA (Intensely Developed Area), and 4.4 acres of LDA to IDA.

The property is currently undeveloped. There is some mature forest along the western edge and in the southern and northern portions of the site. The balance of the property has been cleared of forest and is dominated by field grass. The most recent comprehensive rezoning process for this area was in 1989.

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

The Criteria explain IDAs in the Code of Maryland Regulations at 27.01.02.03 A and B as the following:

Intensely Developed Areas are those areas where residential, commercial, institutional, and/or industrial, developed land uses predominate, and where relatively little natural habitat occurs. These areas shall have at least one of the following features:

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

B. In addition, these features shall be concentrated in an area of at least 20 adjacent acres, or that entire upland portion of the Critical Area within the boundary of a municipality, whichever is less.

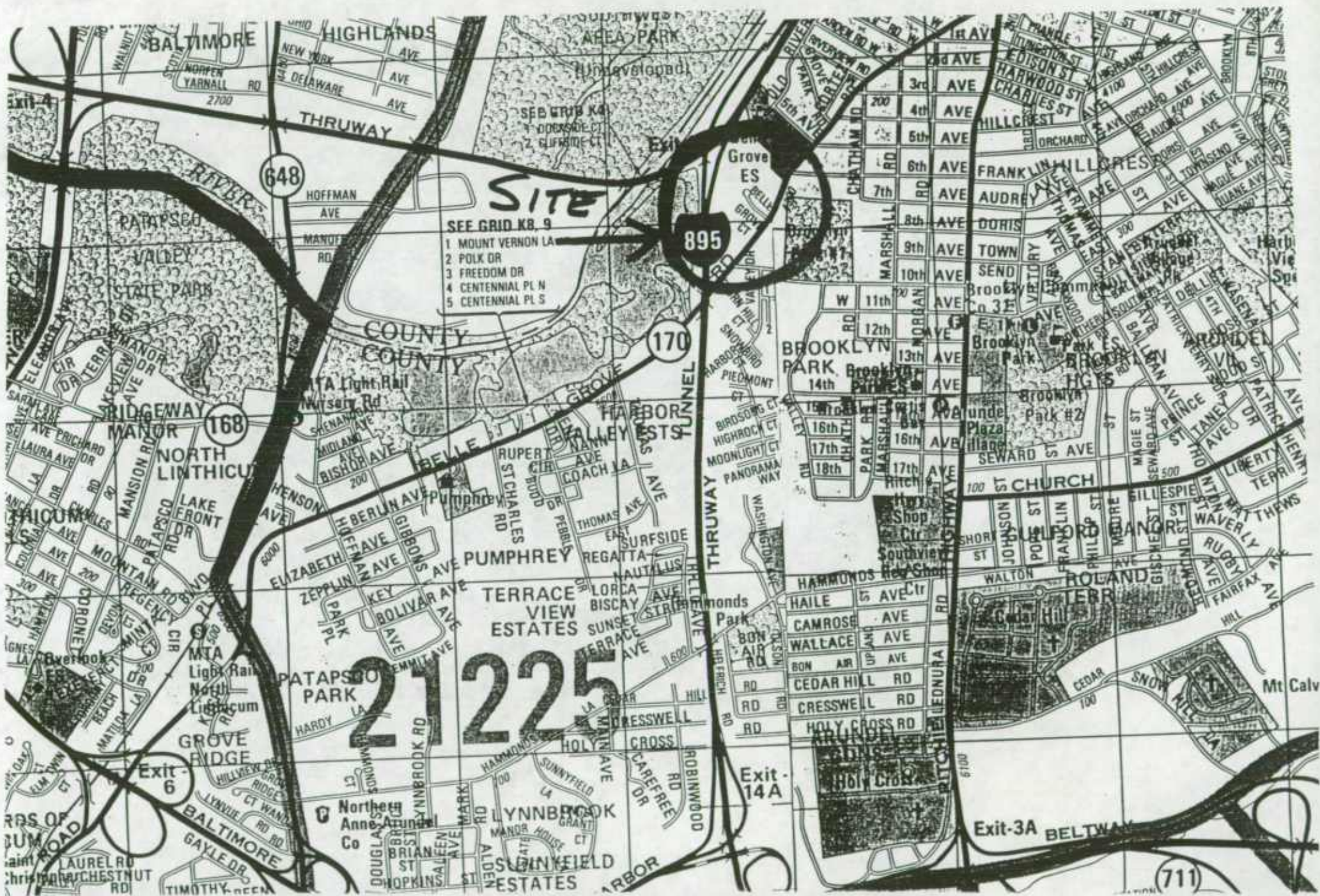
After reviewing the Criteria and the mapping of the subject property, the Administrative Hearing Officer approved the request to amend the zoning map on November 7, 2002. The Hearing Officer believes a mistake was made in the original mapping and that the area should have been mapped IDA based on the following reasons.

1. The County relied the 1984 aerial photograph which shows that the property was cleared except for wooded areas that wrapped around the west and northern boundaries. The property abutted the Harbor Tunnel Thruway to the north and commercially and industrially developed properties to the south, east and west. The County found that the site met all of the IDA mapping standards in 1985 based on the 1984 aerial photograph.
2. The County found the IDA classification conforms to the environmental goals and standards of the County's General Development Plan, and that the IDA classification is compatible with surrounding land uses.

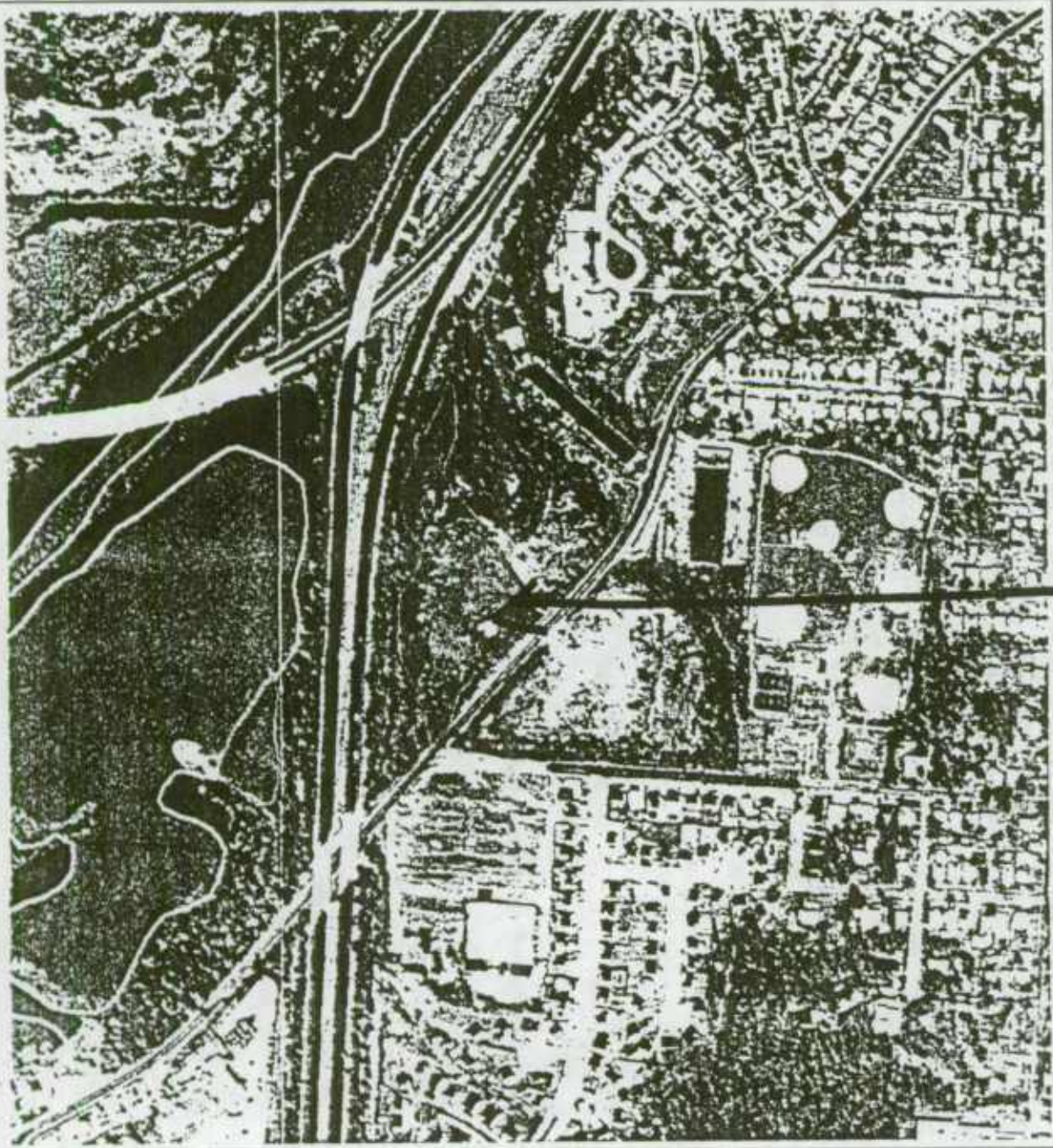
Commission staff have reviewed the information provided and believe that the site meets the mapping standards for IDA because industrial, institutional, or commercial uses are concentrated in the area.

The chairman is seeking your concurrence with the determination that this mapping mistake is a refinement to Anne Arundel County's Critical Area program.

Anne Arundel County Mapping Mistake (Hock Property)



Anne Arundel County Mapping Mistake (Hock Property)



Site

Critical Area Commission

STAFF REPORT

May 7, 2003

APPLICANT: Calvert County

PROPOSAL: Refinement - Allor Growth Allocation

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Approval

STAFF: Julie V. LaBranche

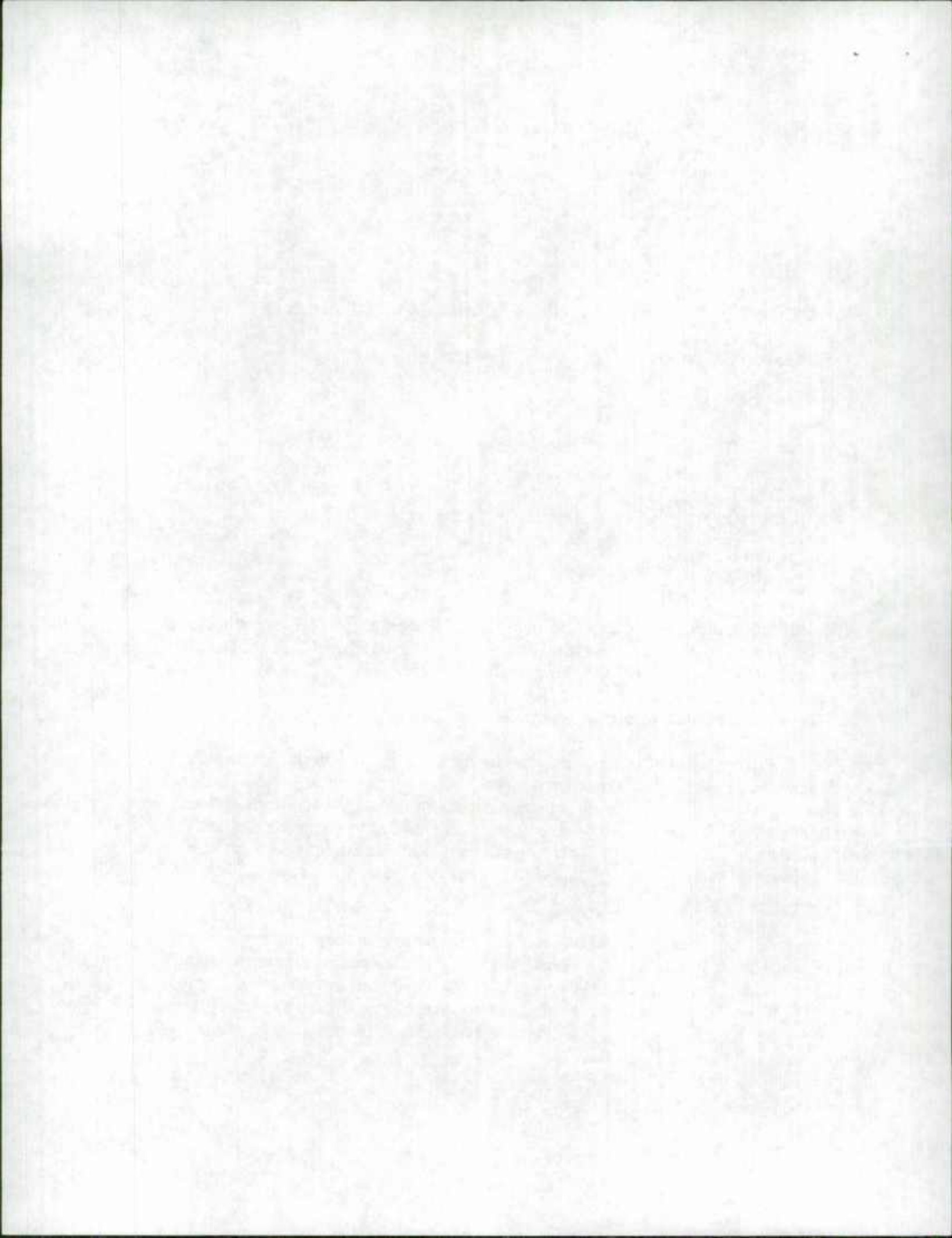
**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1801.1

DISCUSSION:

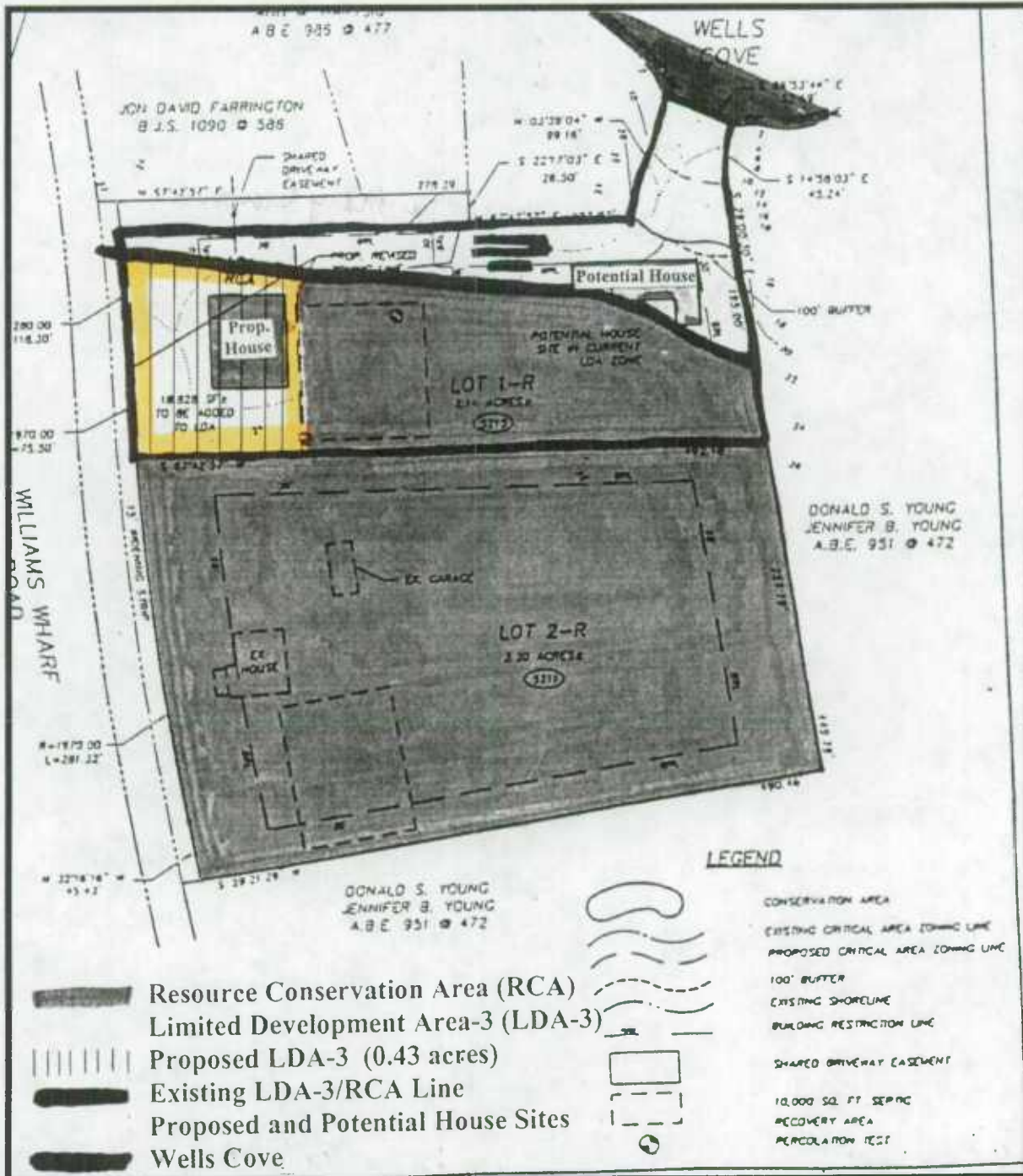
On April 22, 2003, the Calvert County Board of Commissioners approved a request for growth allocation to change 0.43 acres of the Allor Property (Tax Map 33, Parcel 211, Lot 1R) from Resource Conservation Area (RCA) to Limited Development Area (LDA). Currently, the property has a split designation of LDA and RCA. The property is located on Williams Wharf Road and Wells Cove near the mouth of Battle Creek (refer to attached map).

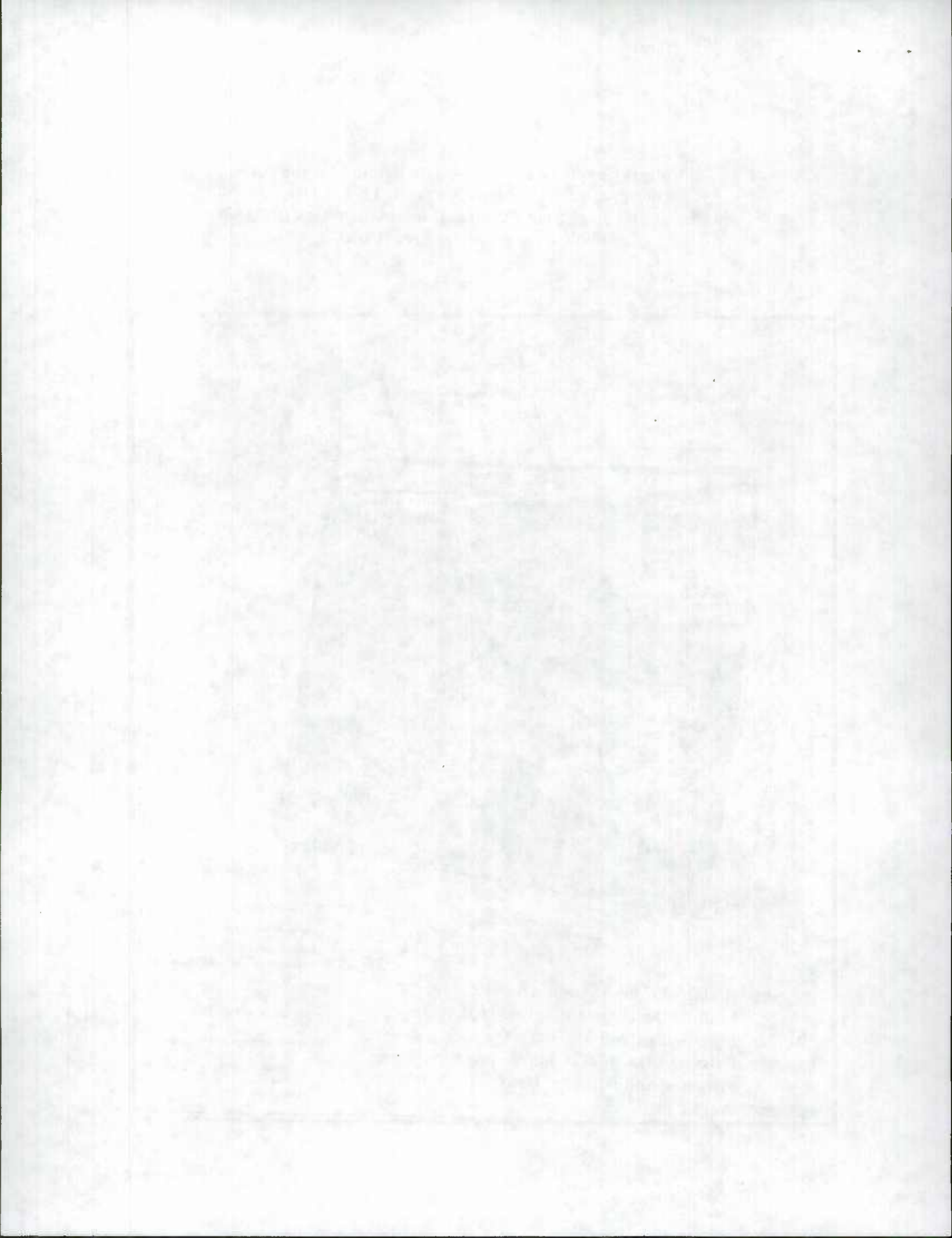
The Calvert County Zoning Ordinance provides for the use of growth allocation for residential development in order to correct a mistake. A mistake was made in Critical Area mapping because the LDA/RCA designation divider did not accurately follow the parcel boundaries, resulting in a very small strip of LDA land on a 5.44 acre RCA parcel. The County approved a subsequent subdivision that created a lot (Lot 1R, the Allor property) that was extremely difficult to build on and may have required a variance. Also, the RCA portion of the lot did not have any density associated with it.

The property owner wishes to construct a single family dwelling on the property. Due to the existing configuration of the LDA and RCA designations and the density limitations on the RCA portion of the property, the dwelling can only be located within the LDA portion of the property, adjacent to Wells Cove. The use of growth allocation to change the Critical Area designation of the property, and correct this mistake, will ultimately enhance Buffer function by increasing the development setback from Wells Cove.



**Calvert County Growth Allocation Request for the
Allor Property (Tax Map 33, Parcel 211, Lot 1R)
to change 0.43 acres from Resource Conservation Area (RCA)
to Limited Development Area (LDA)**





Queen Anne's County

The County is under significant development pressure. Current zoning allows intense development along the Route 50 corridor, especially within the vicinity of Kent Narrows. Recent controversial projects, including the project known as "Four Seasons," created an anti-development movement. All of the incumbent County Commissioners were defeated in the last election. The new Commissioners have directed the Planning staff to re-write their Zoning Ordinance, along with a number of other ordinances. They are extremely interested in growth and development issues.

Comprehensive review was due in 2000. Needed changes include an update to Buffer Exemption Area provisions, mitigation planting specifications, and stronger enforcement language. County inspectors seem to be extremely easy on Buffer violations.

Wicomico County/City of Salisbury

Comprehensive review for the County was completed in 2001. Project volume is low though there has been an increase in the number of projects in the City of Salisbury recently. Salisbury has a separate Program that needs to be updated, especially in regard to Buffer Exemption Areas.

The County Council has been struggling for a number of years with establishing growth areas and protecting agricultural land. Aside from the Comprehensive Review (which went through the Council easily), there has been no contact with the County Council.

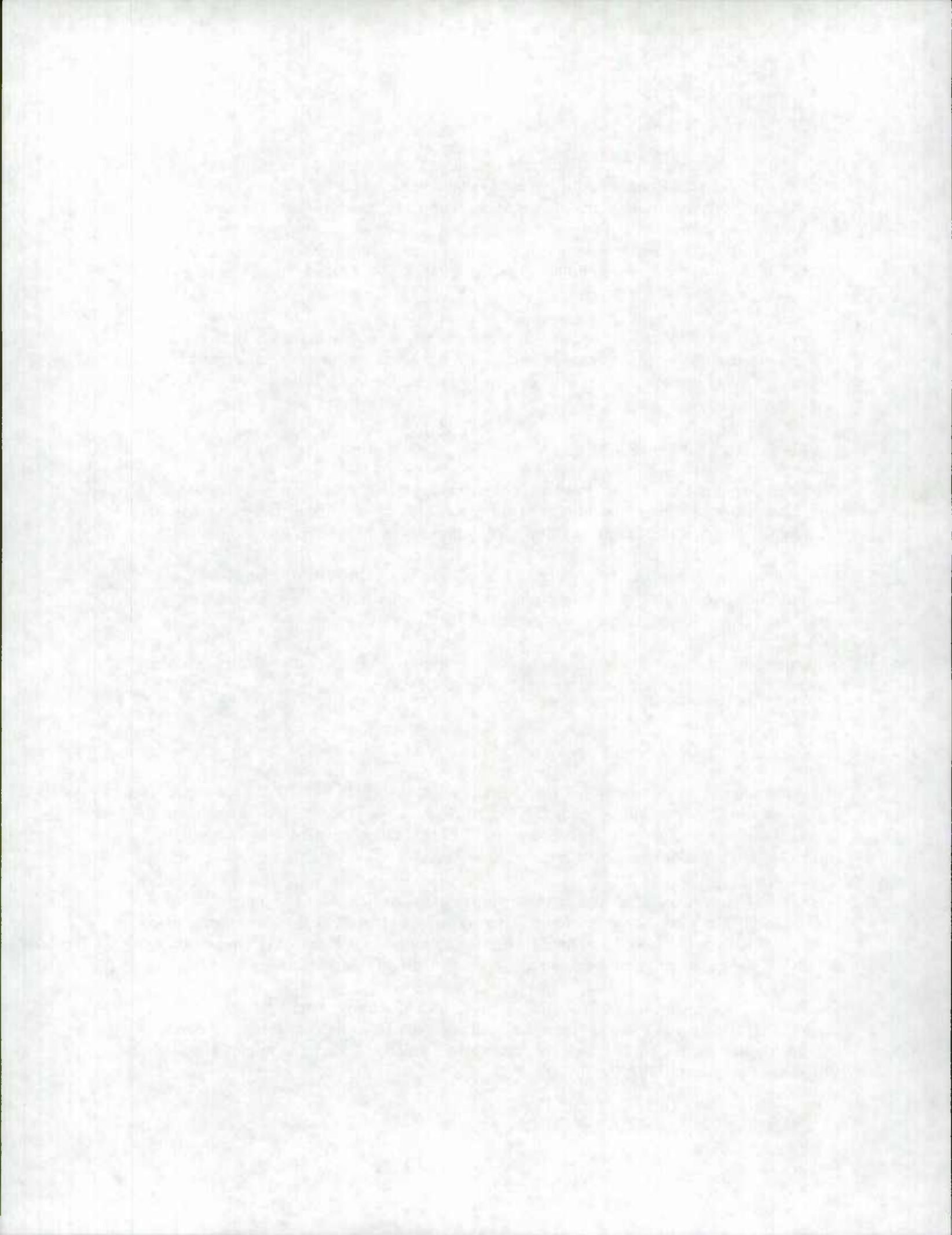
Implementation since the comprehensive review has improved significantly. Buffer mitigation rates and fees-in-lieu need to be increased to serve as a disincentive.

Worcester County/Coastal Bays

Implementation of the Coastal Bays Critical Area Program began in March. We have received a few projects so far, all within Intensely Developed Areas in West Ocean City. We continue to resolve some outstanding issues with County staff related to interpretation of their new ordinance. No violations have been reported to us so far.

Most of the County Commissioners were supportive of the Critical Area Program by the time it reached them for a vote. Several Commissioners raised concerns when the Commission placed some conditions on the approval of their Buffer Management Area Program. Commission staff has tried to assure them that refinements can be made to their Program if the need arises.

The Town of Ocean City submitted a draft Program in late January. After holding a public hearing, the Commission voted to return the Program to the Town for changes at the March meeting. Issues that remain to be resolved include mitigation in Buffer Exemption Areas and providing offsets for meeting the 10% rule.



View from Campsite to Existing Shower Building:



View from Footbridge looking up hill to Camp Loop Road:



