

November 6, 1996

AGENDA
MISSING

Chesapeake Bay Critical Area Commission
 Department of Housing and Community Development
 Crownsville, Maryland
 October 2, 1996

The Chesapeake Bay Critical Area Commission met at the Department of Housing and Community Development, Crownsville, Maryland. The meeting was called to order by Chairman John C. North, II with the following Members in attendance:

Barker, Philip, Harford County
 Blake, Russell, Worcester County
 Bourdon, David G., Calvert County
 Cooksey, David W., Charles County
 Brown, Robin, for Curry, Wayne, Prince George's County
 Duket, Larry, Maryland Office of Planning
 Evans, Diane, Anne Arundel County
 For James, C., DVM, Queen Anne's County
 Hearn, J. L., Maryland Department of Environment
 Janey, Neal, Baltimore City
 Johnson, Samuel Q., Wicomico County
 Langner, Kathryn, Cecil County
 Lawrence, Louise, Department of Agriculture
 Giese, Jr., William, Dorchester County
 Goodman, Robert, DHCD
 Myers, Andrew, Caroline County
 Robinson, Thomas E., Kent County, Eastern Shore MAL
 Rogers-Sarah Taylor, Ph.D., DNR
 Schoeplein, Bob, Department of Business and Economic Development
 Whitson, Michael J., St. Mary's County
 Wilde, Jinhee K, Western Shore MAL
 Williams, Roger, Kent County

The Minutes of August 7, 1996 were approved as read.

Chairman North announced that Bob Schoeplein will not be returning to the Commission as he is retiring. Chairman North presented Bob with a Certificate of Appreciation from the Commission aboard the State Boat, Maryland Independence on September 18, 1996. Bob will be greatly missed.

Patricia Pudelkewicz, Chief of Program Amendments, CBCAC commented

on the sites along the Severn River viewed from the State Boat on September 18th. A summary was provided to the Commission members describing these sites and their impacts to the Critical Area.

Greg Schaner, Planner, CBCAC presented for Concurrence with the Chairman's determination of Refinement, Talbot County's request to reclassify a 2.9 acre portion of a 3.82 parcel designated as LDA to RCA; the remaining 0.92 acre portion is already designated RCA. The 2.9 acre portion of the parcel is undeveloped and is in a naturally vegetated state, and therefore meets the Critical Area characteristics for RCA. The 0.92 acre portion of the parcel contains a dwelling unit. Under the County's Critical Area provisions, the reclassification of the LDA portion of the property will result in the property owner forfeiting rights to an additional dwelling unit on that land. Talbot County Planning Commission and County Council have found that a mistake was made when the property was mapped for both RCA and LDA. Both voted to reclassify. The Chairman found that the mapping change is consistent with the Critical Area policy on refinements and amendments. The Commission supported the Chairman's determination of Refinement. The County will receive 0.15 acres of additional Growth Allocation as a result of this refinement.

Susan McConville, Planner, CBCAC presented for VOTE the Growth Allocation Amendment request of Chesapeake City. The Town of Chesapeake City has proposed a growth allocation amendment to change the Critical Area Designation of 3.47 acres (part of a 22.16 acre parcel that was annexed into city limits) from RCA to LDA. The proposed amendment meets state and local criteria for growth allocation, and the entirety of the parcel within the Critical Area is being deducted, which is consistent with the Commission's Growth Allocation Policy. A public hearing was held without opposition to the request. Roger Williams on panel recommendation moved to approve the incorporation of the 3.47 acres annexed into the Corporate limits of the Town of Chesapeake City into the Chesapeake City Critical Area and to approve the amendment changing the Critical Area designation from RCA to LDA. The motion was seconded by Ed Robinson and carried unanimously.

Ms. McConville presented for Concurrence with the Chairman's determination of Refinement for changing the impervious surface language for Baltimore County. Senate Bill 657 changed the impervious surface limits on grandfathered lots under 1 acre and under 1/2 acre. The new bill takes effect on October 1, 1996. Each jurisdiction is required to amend its local critical area program on or before December 31, 1996. The language proposed by Baltimore

County is consistent with Senate Bill 657. The Commission supported the Chairman's determination of Refinement.

Mary Owens, Planner, CBCAC presented for information, a proposal for amendment (Shannon Farms Planned Unit Development) to the grandfathering language of St. Mary's County's program. The current language states that any PUD will be eligible for grandfathering with the exception of requirements for density; all conditions imposed at the time of rezoning must be satisfied; and developments failing to meet the requirements and conditions shall be counted against the County's growth allocation. The new language states that such conditions and requirements do not apply to Shannon Farms if the County determines that overall Critical Area Program requirements are exceeded, and the Critical Area Commission supports the County's determination. The change will accommodate a major amendment to a grandfathered Planned Unit Development project which was originally approved by the County Commissioners on Nov. 12, 1985. The Planning Commission has recommended approval of the amendment because the proposal represents a reduction in the previously approved density (resulting in a reduction in adverse impacts associated with human activity.) The proposed amendment will result in 479 dwelling units on the 256.1 acre site, a reduction from the 738 included in the original approved plan, and all commercial uses have been eliminated from the project. This plan also eliminates the 200 and 300 foot Buffers required by the County as an original condition of approval. Ms. Owens stated that the developer has offered to use Critical Area standards for the entire site. The current plan provides for significant preservation of Forest Interior Dwelling Bird habitat both inside and outside the Critical Area. The current proposal involves clearing 23.19 acres of the 183.0 acres of forest cover and the development of 26.79 acres of impervious surface area which is approximately 11.4% of the site. A community pier is also included in the project, and no individual piers will be permitted. If the Commission approves the proposed amendment, there are several outstanding issues that will be resolved during the detailed design phase including expansion of the 100-foot Buffer in areas where hydric soils are present, the design and location of a stormwater management system, the location and type of reforestation, and the type and design of shore erosion control measure. Keith Lackey, St. Mary's County Planning Office, presented a detailed history of the proposal. Commission staff have reviewed the proposed plan and support the County's determination that the proposal exceeds overall Critical Area Program requirements.

Dawnn McCleary, Planner, CBCAC presented for VOTE the request of the Department of Natural Resources, Public Lands and Forestry, for the King's Landing Complex Cliff Stabilization at Hollands Cliffs project in Calvert County.

The Southern Maryland Electric Cooperative (SMECO) has an easement through the site for a power line. Ren Serey, Executive Director, CBCAC commented that this it is unusual to bring a project to the Commission without a site plan or staff report. However, there is the possibility of a power line falling into the Patuxent River because of erosion from this project. Frank Gerred, SMECO, described the project for stabilizing the cliffs which involves placing extensive concrete support beneath the structure using a jet grouting method. This method involves much less impervious surface being created in the buffer compared to earlier proposals and most of the existing vegetation can remain. Arnold Norden, Department of Natural Resources, commented that the proposed work involves a very narrow piece of property and does not involve significant impact or intrusions to the river. J.L. Hearn asked where this type of stabilization may have been tried before to which Mr. Gerred answered at projects on the campus of Harvard University as well as Yale University and in Japan.

Dave Bourdon moved to approve the Southern Maryland Electric Cooperative project on State land with the following conditions: 1) receipt of comments from Calvert County's Planning and Zoning Office, 2) that SMECO will monitor the toe of the slope for any sign of erosion and undertake remedial measures if erosion occurs, and 3) the issuance of required permits by Maryland Department of the Environment. The motion was seconded by Dr. For and carried unanimously. Dr. Sarah Taylor-Rogers, Department of Natural Resources, stated the position of the DNR for the record: She said that the Department has a concern with respect to the existing easement agreement that DNR has with SMECO and such agreement will need to be amended to reflect that SMECO has responsibility for removal, restoration and maintenance of the property, given what is proposed for the site. She said that the agreement must be worked out prior to construction. Commissioner Jinhee Wilde moved to amend the motion to include the adoption of Dr. Taylor's concerns, as stated, to be addressed as a condition. Mr. Bourdon accepted the amendment to the motion; Dr. For, seconder to the motion, accepted the amendment. The amendment to the motion carried unanimously.

Mary Owens presented for VOTE St. Mary's College's (State of Maryland) proposal for renovations to Kent Hall and landscape improvements in St. Mary's County to provide better access to Kent Hall. She described the improvements for parking areas, landscaping and sidewalks and the installation of an underground ductbank. She said that this project is consistent with the Commission's regulations for State projects on State lands. Kathryn Langner moved to approve the St. Mary's College Kent Hall renovations and landscape improvements as proposed. The motion was seconded by Dave Bourdon and carried unanimously.

Dawnn McCleary gave an update on the revised stormwater management plans for the site where the new football stadium in Baltimore City will be built. She said that in addition to the added green space, bio-retention options have been investigated. Options include: bio-retention facility on the west side of the parking lot; bio-retention facility on the south side of the parking lot; or modification of the existing pond for retaining a swale at the southern end of the parking lot and to reconfigure the existing extended detention pond on the east side of the parking lot. RK&K Consultants engineer, John D'Epagnier, and Stadium Authority representative, Alice Hoffman, were on hand to answer questions.

Dave Bourdon moved to approve the stormwater management options, by 1) combining options 2 and option 3 (modification of existing pond) as enumerated in RK&K's memo of August 30, 1996; 2) provide stormwater management in the southwest corner that is currently untreated as recommended by MDE and 3) develop a long-term maintenance plan approved by MDE with a pond and bio-retention areas. The motion was seconded and carried unanimously.

OLD BUSINESS

Ren Serey, Executive Director, CBCAC talked to the Commission about possible legislation for providing more flexibility for commercial timber harvests. He said that there is a provision in the Criteria that restricts harvesting within the Buffer if there is another habitat protection area that overlaps the Buffer. When there is no overlapping, some cutting has always been allowed from a commercial standpoint within the Buffer. He said that the Department of Natural Resources has asked the Commission to look at that restriction so as to provide a little more flexibility for commercial timber harvests. Mr. Serey said that a meeting with DNR forestry, wildlife and the habitat protection people and as many Commission members as would like to attend would be convened to discuss the issues. Following that, a larger group involving the forestry board members and the timber industry will be convened to try to reach some agreement on what types of changes might be appropriate to provide flexibility and under what conditions. CBCAC's program subcommittee will meet next month and may have a recommendation for the full commission to take to the legislature.

Chairman North told the Commission that he and Ren Serey would be meeting next week with Delegate Guns to discuss possible upcoming Critical Area legislation.

Marianne Mason updated the Commission on legal issues. She said that the oral argument has been scheduled in the case of Shirner vs. Wicomico County and

the Critical Area Commission. This case involves a takings claim filed by a former land owner against Wicomico County and the State concerning the impact of the Critical Area law on his land. The case was dismissed by the Circuit Court and it is hoped that the Court of Special Appeals will agree that dismissal was proper.

An Appeal Memorandum was filed in Anne Arundel Circuit Court in the McEneaney case (North vs. Anne Arundel Board of Appeals). The Board had approved a swimming pool in the Buffer and the Commission filed an appeal. The argument is set for the 4th of December.

An Appeal by a property owner of a denial of a variance for a deck in the Buffer was won at the Board of Appeals in Anne Arundel County. However, the home owner has filed an Appeal in Anne Arundel County Circuit Court and the Commission has filed a response that the Commission will participate in the case.

A homeowner lost an Appeal to the Board of Appeals for a gazebo in the Buffer in Anne Arundel County and has filed a petition for judicial review in the Circuit Court of Anne Arundel County. A response will be filed stating that Judge North wishes to participate.

The Board of Appeals in Anne Arundel County has approved another pool in the Buffer and when the official notice has been received at the Commission, the clock will start to run and an Appeal will be filed in that as well.

Commission staff and Ms. Mason attended two hearings last month before the Board of Appeals in Anne Arundel County; one concerned a pool that was approved, and one a shed in the Buffer.

NEW BUSINESS

Mary Owens announced that a Workshop will be held on October 30, 1996 at the Baltimore Aquarium and Commission members are invited.

There being no other business the meeting adjourned.

Minutes submitted by:
Peggy Mickler
Commission Secretary

Dr. For - motion Consideration for Change
Disc Boudon see. -
C.U. - 16-0

Chesapeake Bay Critical Area Commission

STAFF REPORT
NOVEMBER 6, 1996

PROPOSAL: Consideration of changes to the Criteria with regard to Timber Harvest in the Buffer

STAFF RECOMMENDATION: APPROVAL of attached language

STAFF: Ren Serey/Claudia Jones

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.01.09.01

DISCUSSION:

The Critical Area Criteria provide specific requirements for Timber Harvest in the Critical Area. At present, a property owner may selectively harvest any species of tree and/or clearcut loblolly pine and tulip poplar within the landward 50-feet of the Buffer provided the Buffer does not overlap with another Habitat Protection Area (HPA).

A DNR Task Force has met over the past year looking at several issues regarding Timber Harvest and the conservation of Forest Interior Dwelling Birds (FIDs). The primary topics discussed included time of year restrictions for cutting, the Seed Tree Law, and Buffer/HPA overlaps another HPA. Recommendations were made by the Task Force for each of these categories. The only recommendation that would require a legislative change is when the Buffer overlaps another HPA, that is why this specific issue has been brought before the Commission for discussion and input. The Task Force has recommended that a change be made in the Criteria to allow more flexibility in implementing Timber Harvest requirements in the Buffer.

There have been situations when it was believed that this prohibition of cutting in the Buffer was not necessary for protecting specific HPA's, and in certain cases, may have been counterproductive. The current language in the Criteria does not allow any discretion when this overlap occurs. For example, on some sites, the DNR recommendation to protect a species (such as Delmarva Fox Squirrel) may have been to protect a large block of forest outside of the Buffer, with the Buffer itself not being as important on a specific site with a particular species of concern. However, since the Delmarva Fox Squirrel is an endangered species and its habitat is an HPA, the regulations as they exist do not allow any flexibility in this regard.

Several meetings were held last week with the Critical Area Commission members (who had expressed an interest in Timber Harvest), Commission Staff, representatives from the

Department of Natural Resources, members of local forestry boards, and individuals associated with the forest industry. At that time, language was reviewed that will provide flexibility, but still protect all HPAs. In addition to the Buffer, HPA's in the Critical Area are: Threatened and Endangered Species and Species in Need of Conservation, Plant and Wildlife Habitat (which includes, Colonial Waterbird Nesting Sites, Natural Heritage Areas, Waterfowl Concentration and Staging Areas, Forest Interior Bird Dwelling Bird Habitat), and Anadromous Fish Propagation Waters. The proposed change would essentially make the review and protection of all HPA's within the landward 50-feet of the Buffer the same as the review and protection of all HPA's outside of the 100-foot (or expanded) Buffer.

The proposed language is attached.

TIMBER HARVEST CRITERIA

COMAR 27.01.09.01.C(5)(a):

(a) Commercial harvesting of trees by selection or by the clearcutting of loblolly pine and tulip poplar may be permitted to within 50 feet of the landward edge of the mean high water line of tidal waters and perennial tributary streams, or the edge of tidal wetlands, provided [that this cutting does not occur in the habitat protection areas described in COMAR 27.01.09.02, .03, .04, and .05 and] that the cutting is conducted pursuant to the requirements of COMAR 27.01.05 and in conformance with a buffer management plan prepared by a registered, professional forester and approved by the [Forestry Programs and the Fish, Heritage and Wildlife Administration of the] Department of Natural Resources. The plan shall be required for all commercial harvests within the Buffer, regardless of the size of the area to be cut, and shall contain the following minimum requirements:

- (i) That disturbance to stream banks and shorelines shall be avoided;
- (ii) That the area disturbed or cut shall be replanted or allowed to regenerate in a manner that assures the availability of cover and breeding sites for wildlife, and reestablishes the wildlife corridor function of the Buffer;[and]
- (iii) That the cutting does not involve the creation of logging roads and skid trails within the Buffer[.]; AND

(IV) THAT COMMERCIAL HARVESTING PRACTICES WILL BE CONDUCTED TO PROTECT AND CONSERVE THE HABITAT PROTECTION AREAS IN COMAR 27.01.09.02, .03, .04, AND .05. .

[] Language proposed for deletion

CAPS Language proposed for addition



ASSOCIATION OF FOREST INDUSTRIES
P.O. Box 501
Huntingtown, MD 20639
410-414-2515



November 6, 1996

Judge John C. North, II
Chesapeake Bay Critical Area Commission
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

Chairman North:

On September 18, 1996 the Association of Forest Industries (AFI) was informed of a pending statutory proposal that would impact timber harvesting in the landward 50 feet of the 100-foot buffer, the expanded 100-foot buffer and/or overlapping Habitat Protection Areas. The proposal stemmed from a Task Force that originally began its deliberations in late 1995, according to the State Forester in a letter dated to AFI on October 8th, with staff members from the Department of Natural Resources and the Critical Areas Commission.

Despite assurances of participation with the Task Force, representatives from the forest industry were never invited to the table.

Upon receipt of the proposal, AFI joined the Maryland Forests Association in opposing the proposal. AFI informed the (1) Department of Natural Resources of its position via a September 24th letter to Dr. Sarah J. Taylor-Rogers; (2) Forest Conservancy District Boards of its position via an October 3rd letter to each Chairman; and (3) Critical Area Commission of its position via an October 2nd letter to you. On October 16, 1996 the Maryland Forests Association registered its formal opposition to the proposal with the DNR Forest Service.

On October 23, 1996 Senator Dyson, Co-Chair of the Chesapeake Bay Critical Areas Oversight Committee, questioned the process that led to the proposal's submission and expressed concern about ensuring agreement by all affected parties as evidenced by the following excerpt from his written statement to Dr. Taylor:

Fairness dictates some flexibility on DNR's part in working with industry to develop this proposal [COMAR change], even if it means bumping the reporting date to the Commission and the Oversight Committee to another time in November or early December...Please continue to work with representatives of the forest industry in trying to effect some workable approach with respect to the "voluntary draft guidelines" and the COMAR change, prior to their formal submission for legislative consideration. It is important to keep me informed of this process.

Such concern lead to a summit meeting on October 31st at the Tawes Office Building. Certain current and former Members of the Critical Area Commission were present, including representatives from the Forest Conservancy District Boards, the Association of Forest Industries, Maryland Forests Association and staff from the Commission and the DNR. This meeting preceded an earlier meeting that same morning between the Commission Members and staff from DNR and the Commission, in which an alternative statutory proposal was developed.

Upon the alternative proposal's submission at the afternoon meeting, those in attendance at the earlier meeting, who spoke, collectively reflected a common theme. Specifically, that theme was four-fold in nature:

First, that the intent of the policymakers who formulated the Critical Area regulations had been compromised in the actual drafting of the regulations from the standpoint of harvesting in the landward 50 foot; that is, that such harvesting was intended to be allowed despite wording that actually prohibited such harvesting within the landward 50 foot buffer;

Second, that this proposal was needed to correct this inconsistency...a position supported by the Attorney General's Office;

Third, that a plain English explanation of the proposal's intent via a Preamble (when introduced in the form of legislation by the Critical Areas Oversight Committee at the 1997 Session) would be needed to clarify the proposal's intent; and

Fourth, that all parties impacted by this proposal would have to speak as one to help ensure its passage at the 1997 Session, given the potential for unintended related policy changes when a proposal of this nature is subjected to the legislative decision-making process.

Representatives from AFI informed the group that it would review the proposal in more depth and indicated an interest in helping develop the draft legislation prior to its formal introduction...on this latter point, AFI was given such assurance.

At this time, it is important that the Association of Forest Industries inform the Commission of the following:

- AFI appreciates the responsiveness exhibited by the Commission and DNR with respect to its concerns expressed as noted above;
- AFI encourages cooperation of this nature in the future to hopefully avoid confusion and effect compromise on matters of mutual concern;
- **AFI fully supports the alternative proposal as written and looks forward to working with the Commission's staff in developing the proposal in statutory format; and**

- AFI will work with the Commission, the Oversight Committee, DNR and the 1997 Maryland General Assembly to help secure passage of the proposal in a form agreed upon by all impacted parties.

Please direct any related inquiries to myself or H. Edward Yates @ (301) 870-2110.



William R. Miles

cc:

The Honorable Roy Dyson, Co-Chairman, Chesapeake Bay Critical Areas Oversight Committee

The Honorable Michael H. Weir, Co-Chairman, Chesapeake Bay Critical Areas Oversight Committee

Members of the Chesapeake Bay Critical Area Commission

Dr. Sarah J. Taylor-Rogers

Cal Lubben, President-MFA

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Approved
15-0

STAFF REPORT
NOVEMBER 6, 1996

Kay Lynn Miller
Administrator - sei

APPLICANT: The Department of Natural Resources:

PROPOSAL: Revised 1995 Master Plan Update for
Kings Landing Natural Resources Management
Area (NRMA)

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

APPLICABLE LAW
REGULATIONS: *Chapter 5: State Agency Actions Resulting in
Development on State-Owner Lands*

DISCUSSION:

Back in 1989, the Critical Area Commission approved the conceptual master plan for the Kings Landing\Cammack\Walke Natural Resources Management Area with conditions. In 1990, finally adopted the Kings Landing Natural Resources Management Master Plan. Its continued focus is as a planning document for several areas of the 1180 acres, including resource analysis of the 1180 acres; concepts for management, use and resource protection of the 1180 acres; and development plan sections of the 1990 Master Plan for long term vision to maintain recreational development. The adoption of the 1990 Master Plan will continue to serve as the key Kings Landing planning document for the 1180 acres of land comprising the Natural Resources Management Area (NRMA). Since 1990, DNR acquired an additional 53 acres, leased a portion of the NRMA to Calvert County, and eliminated the possibility of research-oriented site development.

The 1995 Master Plan update, amends the 1990 Master Plan. The amendments to the 1990 Master Plan are intended to sharpen the plan's focus for recreational development and use of the NRMA. Calvert County lease area improvements are scaled back to focus on regional and local recreation and education uses. All remaining improvements in the Huntington area (the former Walker and Cammack parcel) will be done later.

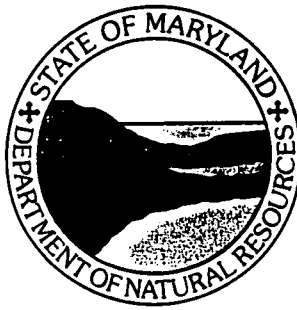
Huntington

Continued, Page Two
Kings Landing NRMA
November 6, 1996

Calvert County has a 50-year lease with DNR on the former YMCA tract. As a result, Calvert County has proposed to implement and fund most improvements at the site. Immediate demand for improvements at Kings Landing is focused on the County Lease Area. Proposed developments outlined in the revised 1995 Master Plan within the county lease areas are: the visitor center, road and parking, maintenance shop, picnic shelters, swimming pool area, pier area and water system.

**Kings Landing
Natural Resources Management Area
1995 Master Plan Update**

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Parris N. Glendening
Governor

Maryland Department of Natural Resources

Tawes State Office Building
Annapolis, Maryland 21401

John R. Griffin
Secretary

Ronald N. Young
Deputy Secretary

August 17, 1995

Ms. Mary M. Krug, President
Board of Calvert County Commissioners
Courthouse
Prince Frederick, Maryland 20678

Dear President Krug:

In response to the County Commissioners' request on capital funding for Kings Landing, the Department is working to make the State's capital funding contribution available in the same time frame as Calvert County's anticipated funding contribution.

As you may be aware, staff representing the County and the Department have drafted a Master Plan Update that adjusts development and funding levels to meet current needs under our lease agreement. A copy of the draft is attached. I recommend that we work to reach final agreement on the Master Plan Update so that it can serve as the basis for capital funding cooperation and development under the lease.

It is my understanding that County funding for Phase 1 improvements as shown in the Update would be available over one or more fiscal years between now and the year 2000. Consistent with this time frame, State funds for planning/design are projected for State fiscal year 1998 and construction funds are projected for fiscal years 1999 or 2000.

Department staff are available to meet with you to review the budget situation and facilitate Kings Landing improvements. County input and project support regarding Kings Landing is both welcomed and encouraged.

Sincerely,

A handwritten signature in dark ink, appearing to be "John R. Griffin", is written over the typed name.

John R. Griffin

JRG:MJN:GAP:KES



CALVERT COUNTY
BOARD OF COUNTY COMMISSIONERS

175 Main Street
Courthouse
Prince Frederick, Maryland 20678
Phone (410) 535-1600 • (301) 855-1243
TDD (410) 535-6355

RECEIVED MAY 14 1996

April 16, 1996

Board of Commissioners
Patrick M. Buehler
Mark R. Frazer, D.D.S.
Linda L. Kelley
Mary M. Krug
Hagner R. Mister

Secretary John R. Griffin
Maryland Department of Natural Resources
Tawes State Office Building
Annapolis, MD 21401

Dear Secretary Griffin:

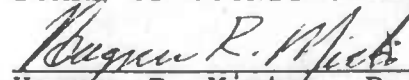
In response to your letter dated August 17, 1995, we are very pleased that the Department of Natural Resources (DNR) has budgeted planning funds in FY 1998 and construction funds by FY 2000 for improvements at Kings Landing. Likewise, we are committing funding to make basic infrastructure improvements to Kings Landing. Through our joint efforts the citizens of the State of Maryland will be able to enjoy and learn about the rich heritage of the Patuxent River and adjoining marshes and land.

The Master Plan Update as drafted by your Department, in conjunction with our staff, appears to be consistent with the ideas that have been discussed for Kings Landing and the surrounding DNR property. We recommend that both your Department and Calvert County move forward utilizing this plan as a guide.

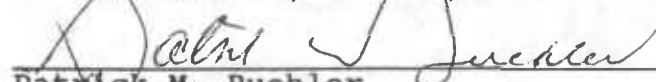
Your continued support and assistance will be greatly appreciated.

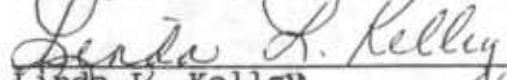
Very truly yours,

BOARD OF COUNTY COMMISSIONERS


Hagner R. Mister, President


Mark R. Frazer, D.D.S., Vice-President


Patrick M. Buehler


Linda L. Kelley


Mary M. Krug

Kings Landing NRMA -- 1995 Master Plan Update

INTRODUCTION

Since the adoption of the Kings Landing Natural Resource Management Area (NRMA) Master Plan in 1990, several important changes have occurred that directly affect implementation of the 1990 Master Plan and Capital Budget planning associated with the Plan:

- Estuarine Research Sanctuary proposals included in the 1990 Master Plan were designated on other sites on the Atlantic Coast, including the Jug Bay area of the Patuxent River upstream of Kings Landing. Therefore, research-oriented site development is no longer envisioned for the Kings Landing NRMA in the foreseeable future.
- Lease by Calvert County of the former YMCA parcel was renewed in 1994 for a 50 year period. Therefore, improvements to this area are at the County's discretion in consultation with DNR.
- Land acquisition adding 53 acres to the NRMA occurred in 1994. This land is not addressed in the 1990 Master Plan.

The adapted 1990 Master Plan continues to serve as the core Kings Landing planning document for several essential aspects of the 1180 acres comprising the NRMA in 1991:

- Resource Analysis of the 1180 acres continues to be valid and applicable as the basis for environmental assessment, planning, management and development decisions.
- Concepts for management, use and resource protection of the 1180 acres presented in the 1990 Master Plan continue to be an appropriate overall approach to use of the area.
- Development Plan sections of the 1990 Master Plan remain applicable as a long term vision for maximum levels of recreational development or build-out of the site.

Therefore, the 1995 Master Plan Update amends the 1990 Master Plan in several important ways to address these new conditions. The amendments summarized below are intended to sharpen the 1990 Master Plan's focus for recreational development and associated use of the NRMA:

- Calvert County Lease Area improvements are scaled back to focus on regional and local recreation and education uses. DNR Capital Budget contributions to development of the Calvert County lease area are limited to Phase 1. Calvert County and DNR have selected specific elements of Phase 1 for funding through State, local or other sources.
- All remaining improvements (in the Huntingtown area, the former Walke and Cammack parcels) are in later development Phases. Implementation here will held until demand for these facilities justifies commitment of funding.

NRMA MANAGEMENT STATUS

Dual Management

Following the signing of the long term lease, dual management of the Kings Landing NRMA was institutionalized through the Year 2044. Based on current conditions including the 1994 acquisition of the former Cutchis property, the 299 acres of the NRMA south of Cocktown Creek is managed by Calvert County. The 934 acres north of Cocktown Creek are managed by the DNR Forest and Parks Service.

County Lease Area

The portion of the Kings Landing NRMA known to the public as "**Kings Landing**" is operated by Calvert County for the purpose of developing and operating a recreation area open to the general public, to include a playground, swimming pool, camping facilities, hiking trail, fishing, picnic areas and environmental education.

A single entry road provides public access by automobile and extends across most of the property in order to serve the swimming pool and education building. Most upland areas of the County Lease Area are readily accessible to the public.

Implementation of the Master Plan in the County Lease Area requires some adjustment to meet current and foreseeable management needs. These Master Plan adjustments outlined here are consistent with the intent of the adopted 1990 Master Plan.

Huntingtown Area

The portion of the Kings Landing NRMA known to the public as "**The Huntingtown Area**" is operated by the Maryland Forest and Parks Service as an undeveloped public area. Wildlife habitat protection underlies all uses occurring here. Primary public recreation activities now occurring in the Huntingtown Area are hunting, wildlife observation, hiking, and horseback riding. These activities are anticipated to continue through the foreseeable future.

Public access by automobile is controlled by gates at several points along the single entry road. Consequently, most areas of the Huntingtown Area are only accessible by foot and horseback unless prior arrangement is made.

Implementation of the Master Plan in the Huntingtown Area will likely reduce the acreage available for current "interim" uses, particularly hunting and agricultural lease. Public hunting in the Huntingtown Area has given rise to a constituency that has interest in perpetuating this use. Therefore, Master Plan implementation decisions will consider these public interests.

MASTER PLAN IMPLEMENTATION STATUS

Considering all five development phases presented in the 1990 Master Plan for Kings Landing NRMA, two elements under Phase 1 have been completed as of June 1995:

- **Environmental Education Building:** The former YMCA Infirmary building has been renovated to serve as an environmental education facility for the Ches Pax program of the Calvert County Board of Education. No additional capital expenditure for this structure is currently envisioned by DNR or Calvert County. However, additional space needs may be met through addition of a portable classroom.
- **Caretaker's Residence:** Renovation of this structure is complete.

The 1990 Master Plan also called for a series of uses and activities for the Kings Landing NRMA that are not intended for funding through Capital Budget funding. Progress can be measured in many of these areas.

- **Agricultural use of the Huntingtown Area** continues via lease to a private farmer.
- **Environmental Education:** The Ches Pax program of the Calvert County Board of Education employs Kings Landing for environmental education and for its headquarters. Over 8,000 grade school students and teachers participate annually in hands-on programs designed to meet their specific needs. This program replaces the "Estuarine Research Sanctuary" recommended in the 1990 Master Plan.
- **Forest Management the Huntingtown Area** is now in early planning stages.
- **Reforestation** has converted selected open field areas within the Chesapeake Bay Critical Area to young woodland. These plantings were generally accomplished by school children working through Ches Pax and DNR Forest Service programs.
- **Trails (County Lease area):** A natural trail with teaching stations portraying examples of soil profiles, and erosion and sediment controls was constructed with the assistance of the Calvert Soil Conservation District. Other less developed trails provide access to important natural resource features including tidal and nontidal wetlands, several woodland types and various terrains.
- **Water Access on the Patuxent River** is focused to limited areas as recommended in the 1990 Master Plan. A "floating" boardwalk provides educational access to wetlands immediately downstream of the boat ramp in the County Lease area. A handicapped accessible observation deck was constructed in 1993 to serve the Huntingtown Area at the confluence of Cocktown Creek and the Patuxent River.
- **Wildlife Habitat Management** is a continuing seasonal effort in the Huntingtown Area that includes special plantings for wildlife food.

LAND CONSERVATION

In 1994, Program Open Space funds were used to purchase a 53 acre parcel immediately abutting the Kings Landing NRMA and the Patuxent River. With this addition, the total acreage of the Kings Landing NRMA is now 1233 acres.

Additional natural resources of significant value are known to exist along the Patuxent River in the immediate vicinity of Kings Landing NRMA. Protection of these natural resources continues to be in the public interest.

Recommendations

- Add the former Cutchis tract to the Calvert County lease area. Limit use of this area to passive recreation and nature education supported by trails, boardwalks, and wildlife observation blinds.
- Other parcels that may be acquired in the immediate vicinity of Kings Landing NRMA will generally be integrated into management of the Huntingtown Area. However, parcels immediately adjacent to the County Lease Area may be offered for addition to the lease area (and be integrated into management of the County Lease Area.)

PLAN IMPLEMENTATION RESPONSIBILITY AND PHASES

As a result of the 50-year lease agreement, Calvert County has proposed to implement and fund most improvements on the former YMCA tract. Calvert County has requested that DNR schedule capital funding for the Visitor Center within the lease area.

Immediate demand for improvements at Kings Landing is focused on the County Lease Area. Therefore, it is recommended that most improvements in the County Lease area be included as elements of Phase 1. Timing for construction of Phase 1 projects may be considered "immediate" and as funding permits.

Within the County Lease Area, all construction projects listed in the 1990 Master Plan for "Kings Landing" that do not appear in the 1995 Master Plan Update under Phase 1 or Phase 2 have been dropped from consideration at this time. Calvert County retains the ability to make additional development proposals consistent with the lease.

Any improvements outside of the Calvert County Lease Area in the Kings Landing NRMA are the responsibility of DNR.

Phase 1 -- County Lease Area

Visitor Center: This facility, previously proposed as the Information/Education Center in the 1990 Master Plan, will serve multiple uses: multi-use room, kitchen, rest rooms, limited office space and ADA accessibility throughout. The Visitor Center may be a renovation of the former YMCA cafeteria or a new structure.

Road and Parking: Widening and paving of the main entry road will extend from the gate to the swimming pool parking lot. Erosion prevention and stormwater management to serve the main entry road will be incorporated. Pave a parking area for 60 vehicles adjacent to the Visitor Center.

Maintenance Shop: The new shop building could be associated with the existing barn to reduce costs, suggested Dwight Williams. This site would rely on vegetative screening.

Picnic Shelters: Two shelters will be constructed, each having up to a 150 person (or 15 to 25 table) capacity.

Swimming Pool Area: Extensive renovation of the swimming pool and bath are needed to serve existing user demand.

Pier Area: Enhancement of the existing pier by adding a 100 foot "T" to improve fishing access by constructing an extension, addressing shore erosion control and canoe access.

Water System: Investigation of underground piping locations during design is important to support other Phase 1 elements.

PLAN IMPLEMENTATION RESPONSIBILITY AND PHASES
(Continued)

Phase 2 -- County Lease Area

All significant development envisioned in the County Lease Area beyond Phase 1 is listed within Phase 2. Phase 2 development of the Calvert County Lease Area will use funding other than the DNR Capital Budget.

Environmental Education Dormitory is shifted from Phase 1, as presented in the 1990 Master Plan, to Phase 2 in the 1995 Master Plan Update. Timing for implementation is at Calvert County's discretion in consultation with DNR.

Phases 3/4 -- Huntingtown Area

Elements of Phase 2 through Phase 5 in the 1990 Master Plan for the Walke or Cammack tracts, now the Huntingtown Area, are recommended for consolidation in Phases 3/4. Huntingtown Area construction projects presented in the 1990 Master Plan remain open for consideration dependent upon user demand and shifts in public use interests in the Kings Landing NRMA generally. Cost estimates for Huntingtown Area projects appearing in the 1990 Master Plan will continue to provide a basis for DNR Capital Budget planning.

Boardwalk Link: The 1990 Master Plan calls for a boardwalk connector between the County Lease Area and the Huntingtown Area across Cocktown Creek. Both Calvert County and DNR maintain interest in implementing this connector at some appropriate future time.

Picnic Areas and Multipurpose Areas: Huntingtown Area projects for family picnicking, group picnicking and multipurpose areas are intended to compliment similar facilities listed in Phase 1. Timing for construction of these facilities should take into account the operational experience accumulated by Calvert County as a gauge of local/regional user demand.

**CAPITAL BUDGET ESTIMATE -- 1995 MASTER PLAN UPDATE
KINGS LANDING NRMA**

DNR CAPITAL BUDGET COST ESTIMATE -- PHASE 1			
Map Key	Description	Design	Construction
1	Visitor Center (1990 Estimate)	\$81,000	\$805,000
	Calvert County Phase 1 Total	\$81,000	\$805,000

CALVERT COUNTY CAPITAL BUDGET COST ESTIMATE -- PHASE 1		
Map Key	Description	Design/Construction
2	Road and Parking	\$150,000
3	Maintenance Shop	\$115,000
4a	Picnic Shelter for 15-20 tables	\$100,000
4b	Picnic Shelter for 20-25 tables	
5	Swimming Pool	\$292,000
	Calvert County Phase 1 Total	\$657,000

OTHER FUNDING CAPITAL BUDGET COST ESTIMATE -- PHASE 1		
Map Key	Description	Design/Construction
6	Pier Area	\$150,000
	Calvert County Phase 1 Total	\$150,000

TOTAL CAPITAL BUDGET COST ESTIMATE -- PHASE 1	
DNR, County and Other Funding Phase 1 Total	\$1,612,000

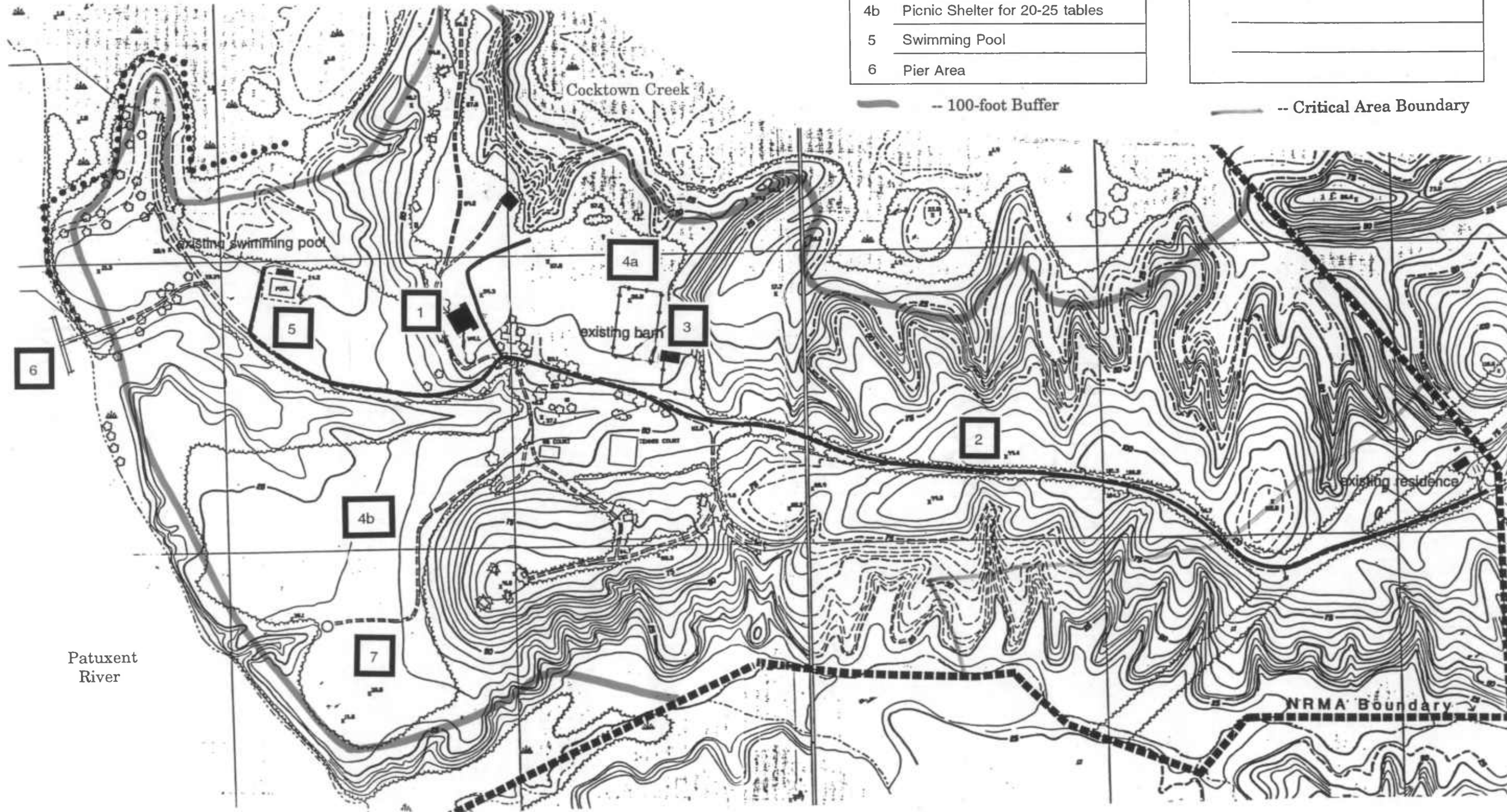
Kings Landing Natural Resources Management Area 1995 Master Plan Update

Phase 1 Development

1	Visitor Center
2	Road and Parking
3	Maintenance Shop
4a	Picnic Shelter for 15-20 tables
4b	Picnic Shelter for 20-25 tables
5	Swimming Pool
6	Pier Area

Phase 2 Development

7	Environmental Education Dormitory



Concurrence

Chesapeake Bay Critical Area Commission

**STAFF REPORT
November 6, 1996**

APPLICANT: Talbot County

PROPOSAL: Refinement - Talbot County Impervious Surface Language

COMMISSION ACTION: Concurrence

STAFF: Greg Schaner

**APPLICABLE LAW/
REGULATIONS:** Senate Bill 657

DISCUSSION:

Senate Bill 657 changed the impervious surface limits on grandfathered lots under 1 acre under ½ acre. The new bill became effective on October 1, 1996. Each jurisdiction is required to amend its local Critical Area Program on or before December 31, 1996. The language proposed by Talbot County is consistent with Senate Bill 657. Included with this staff report is a copy of the County's proposed language changes to the Zoning Ordinance.

A BILL TO REPEAL AND REENACT SECTION 19.12(b)(5)(vi)[c][1][i] and [ii] OF TITLE 19. ZONING, OF THE TALBOT COUNTY CODE, FOR THE PURPOSE OF AMENDING THE IMPERVIOUS SURFACE PROVISIONS IN THE CRITICAL AREA AND TO DELETE ALL ZONING DISTRICT REFERENCES AND REPLACE WITH CRITICAL AREA LAND MANAGEMENT CLASSIFICATION REFERENCES.

SECTION ONE: BE IT ENACTED by the County Council of Talbot County that Title 19 of the Talbot Code, Section 19.12(b)(5)(vi)[c][1][i] and [ii] be repealed and reenacted to read as follows:

[1] Stormwater Management

[1] In the Critical Area Land Management Classifications of Resource Conservation Area (RCA) and Limited Development Area (LDA):

a. Man-made impervious surfaces are limited to fifteen (15) percent of a parcel or lot, except as otherwise provided for below.

1. Parcels or lots one-half (1/2) acre or less in size which existed on or before December 1, 1985, are limited to twenty-five (25) percent of the parcel or lot in man-made impervious surfaces, except as otherwise provided for in c. below.

2. Parcels or lots greater than one-half (1/2) acre and less than one (1) acre in size which existed on or before December 1, 1985, are limited to fifteen (15) percent of the parcel or lot in man-made impervious surfaces, except as otherwise provided for in c. below.

3. Individual lots one (1) acre or less in size that are part of a subdivision approved after December 1, 1985, are limited to twenty-five (25) percent of the lot in man-made impervious surfaces. However, the total of the impervious surfaces over the entire subdivision may not exceed fifteen (15) percent. A maximum impervious area shall be designated on the subdivision plat for each parcel or lot.

b. This Section does not apply to a trailer park that was in residential use on or before December 1, 1985.

c. The Talbot County Planning Officer or his designated representative may allow a property owner to exceed the impervious surface limitations provided for in Subsection a. 1. and 2. of this Section, if the following conditions exist:

1. New impervious surfaces on the property have been minimized;

2. For parcels or lots one-half (1/2) acre or less in size, total impervious surfaces do not exceed impervious surface limits in Subsection a. 1. of this Section by more than twenty-five (25) percent or 500 square feet, whichever is greater;

3. For a parcel or lot greater than one-half (1/2) acre and less than one (1) acre in size, total impervious surfaces do not exceed impervious surface limits in Subsection a. 2. of this Section or 5,445 square feet, whichever is greater;

4. Water quality impacts associated with runoff from the new impervious surfaces can be and have been minimized through site design considerations or use of best management practices approved by the Planning Officer or his designated representative to improve water quality; and

5. The property owner performs onsite mitigation as required by the Planning Officer or his designated representative to offset potential adverse water quality impacts from the new impervious surfaces, or the property owner pays a fee to Talbot County in lieu of performing the onsite mitigation.

d. A fee-in-lieu shall be provided to the County if the area of the site precludes the implementation of onsite mitigation. The amount of the fee shall be determined by the Planning Officer or his designated representative. All monies collected shall be placed in a County fund dedicated to projects that improve water quality in the Critical Area consistent with the Talbot County Critical Area Protection Program.

e. Development activities shall not cause downstream property, watercourses, channels, or conduits to receive stormwater runoff at a higher volume or rate than would have resulted from a ten (10) year storm were the land in its predevelopment state; and

f. All stormwater storage facilities shall be designed with sufficient capacity to achieve the water quality goals of this Ordinance and to eliminate additional runoff caused by the proposed development in excess of that which would have come from the site if it were in its predevelopment state.

[ii] In the Critical Area Land Management classification of Intensely Developed Area (IDA):

a. All proposed development or redevelopment activities shall include all technologies as required by applicable State and local ordinances to minimize adverse impacts to water quality caused by stormwater;

1. Redevelopment activities that increase the impervious area of a parcel by more than 5,000 square feet in a twelve (12) month period, shall be designed to reduce phosphorus pollutant loadings of stormwater runoff by at least ten (10) percent below the level of pollutant runoff from the site prior to redevelopment; and

2. New development activities shall be designed to reduce phosphorus pollutant loadings of stormwater runoff by at least ten (10) percent from the predevelopment levels. Offsets to achieve these reductions may be

Chesapeake Bay Critical Area Commission

STAFF REPORT

November 6, 1996

APPLICANT: Board of County Commissioners, Somerset County

PROPOSAL: Refinement - Growth Allocation

JURISDICTION: Somerset County

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Approval

STAFF: Susan M. McConville

**APPLICABLE LAW/
REGULATIONS:** Somerset County Critical Area Program
COMAR 8-1808.1© *Guidelines for locating new intensely
developed areas.*

DISCUSSION:

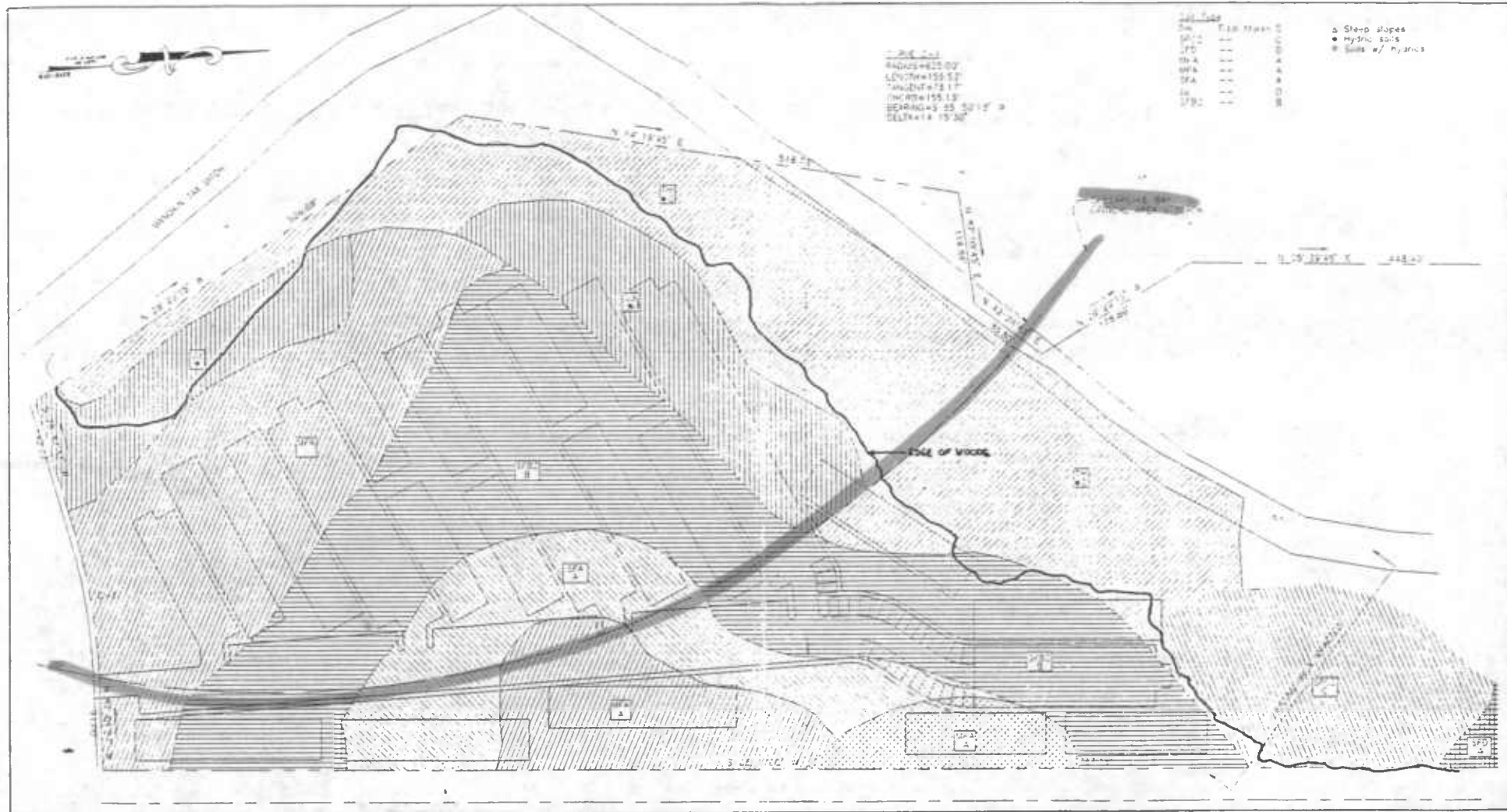
The Board of County Commissioners for Somerset County requests a growth allocation for 9.2 acres of county land located across from University of Maryland Eastern Shore Campus and adjacent to the Town of Princess Anne. The applicant's propose to develop a 240 unit apartment complex on 34.8 acres to serve the University of Maryland Eastern Shore. 9.2 acres (142 units) will be developed within the Critical Area in a LDA, thereby requiring a growth allocation to change the designation to IDA. The majority of the site is wooded. 11.6 acres are cleared; 9.8 acres of this cleared area is classified for agricultural use, the other portion of the cleared area is currently used for a single-family residence and business. According to the Environmental Assessment report, only prior converted areas will be developed.

The site is adjacent to existing LDA and within the Princess Anne Growth Area designated in the County Comprehensive Plan. Allocation of sewer and water service has been approved for the first phase of the project. The Growth Allocation Evaluation Point System in the County's local Critical Area program was applied to the project with a resulting score of 460 points on a required threshold of 250 points. The Planning Commission voted in favor of the granting of Growth Allocation August 7, 1996.

An environmental assessment has been completed for the project. It was determined in the assessment that sensitive joint vetch, a federally threatened plant found in some places on the Manokin River, is not located on this property and that this section of the river does not include habitat for sensitive joint vetch. A letter from Wayne Tyndall, DNR HBCP, dated August 8, 1996 supported this finding and stated that no other rare or endangered species are known to occur on this site. HBCP did recommend that special attention be given to maintain sediment erosion control structures during construction to protect the 100-foot Buffer and downstream populations of sensitive joint vetch. There are no non-tidal wetlands delineated within the development area.

The attached map shows the proposed layout of the development and the area of the property located in the Critical Area.

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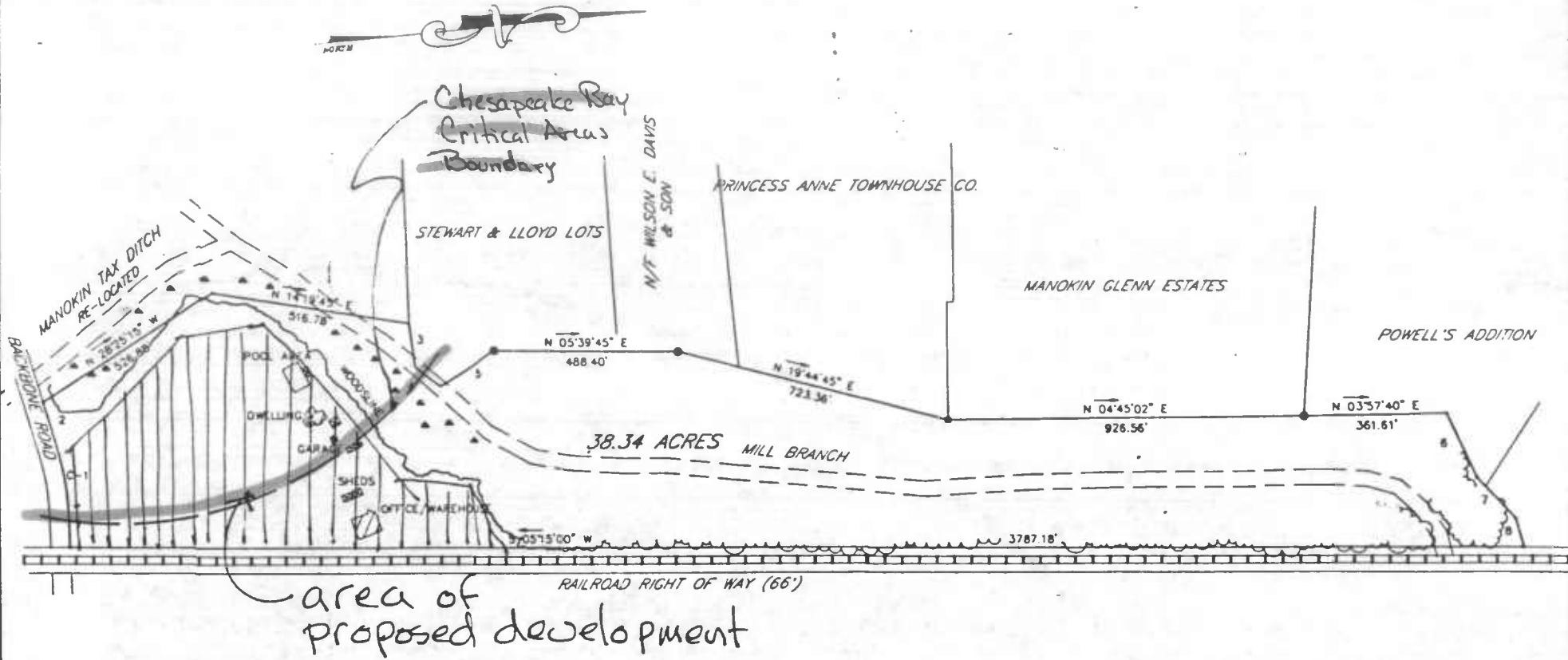


SP-2

Scale
1" = 10'-0"
Date
1-2-1990
Drawn by
RFE
Project No.
00000

SITE PLAN
EGYPT FARM LAND DEVELOPMENT
PRINCESS ANNE, MARYLAND

A·E·S Architectural/Engineering Services, LLC
1121B South Division St Salisbury, MD 21801-0916
Phone: (110) 543-1595 Fax: (110) 543-0990
Don E. Spicer MA, James S. McDonald MA, Thomas D. Plotts PE



LINE CHART

LINE	DIRECTION	DISTANCE
1	N 87°01'57" W	91.00'
2	S 78°42'33" W	142.27'
3	N 87°09'45" E	114.84'
4	N 42°24'45" E	85.80'
5	N 26°20'15" W	178.86'
6	N 71°07'40" E	183.48'
7	N 52°27'40" E	145.20'
8	N 80°27'40" E	79.41'

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C-1	625.00'	155.53'	78.17'	155.13'	S 85°50'18" W	147°5'30"

TITLE		PROPERTY SURVEY FOR RUDOLPH C. BEITZEL, JR.	
COUNTY	STATE	SCALE 1" = 200'	CHRIS D. CUSTIS PLS SURVEYING & LAND PLANNING 11775 N. SOMERSET AVENUE PRINCESS ANNE, MARYLAND 21853 PHONE 1-410-851-2331
SOMERSET	MD		
ELECTION DISTRICT	NO. 15	<input type="checkbox"/> IRON PIPE SET <input type="checkbox"/> IRON PIPE SET <input type="checkbox"/> CONC. MONU SET <input type="checkbox"/> CONC. MONU SET <input type="checkbox"/> IRON ROD SET <input type="checkbox"/> DITCH	
TAX MAP	OPD PARCEL		
15	/ 474		
DEED REF.	378/419		
PLAT REF.	SFD 45/30	SHEET 1 OF 1	
DATE	04/08/96		

Attachment B

Concurrence

Dione Evans wants Commission to recommend that development not begin while meeting is

Chesapeake Bay Critical Area Commission

reproduction of FIDS

**STAFF REPORT
November 6, 1996**

Rest many owners will communicate E County to revalue

APPLICANT: Wicomico County Council

PROPOSAL: Kensington Woods Growth Allocation project

JURISDICTION: Wicomico County

COMMISSION ACTION: Concurrence with Determination of Refinement

STAFF RECOMMENDATION: Concurrence

STAFF: Mary R. Owens

**APPLICABLE LAW/
REGULATIONS:** Annotated Code of Maryland §8-1808.1 - Growth Allocation in Resource Conservation Areas, COMAR 27.01.02.06 - Location and Extent of Future Intensely Developed and Limited Development Areas

DISCUSSION:

The Wicomico County Council is requesting approval of a request for growth allocation in order to change the designation of 37.72 acres of land from Resource Conservation Area (RCA) to Limited Development Area (LDA). This applicant is making this request to accommodate 17 residential lots in the Kensington Woods Subdivision which is located west of Salisbury, off of Pemberton Drive. The property has frontage on Moore's Creek. The property is adjacent to a Limited Development Area (LDA) to the south and an Intensely Developed Area (IDA) across Moore Creek to the west.

This growth allocation request has been determined to be a program refinement because the request is consistent with Wicomico County's Critical Area Program and the Critical Area Commission's policies.

This project will involve clearing of approximately 7.33 acres of mature forest. The applicant is still addressing reforestation.

No proposed development will take place within the 100-Foot Buffer; however, there are hydric soils that are contiguous with the Buffer. Wicomico County staff have determined that the proposed development in these areas will not adversely affect aquatic environments. There are

also slopes greater than 15% on the site; however, they are located along Moore's Creek and are within the 100-Foot Buffer. There are both tidal and nontidal wetlands on the project site; however, proposed development associated with this growth allocation should not adversely impact these areas.

There are no known threatened or endangered plant or animal species on the site that will be affected by the proposed construction. A survey of the property has been performed to establish the presence of Forest Interior Dwelling Birds. Six species of FIDS were found on the property. The development of the property will significantly diminish its value as FIDS habitat; therefore the applicant has worked with Jim McCann of the Heritage and Biodiversity Conservation Program and Claudia Jones to develop a mitigation plan. A 47.2 acre forested tract within the Critical Area has been purchased by the applicant, and a management plan for the site has been developed. A conservation easement will be placed on this property that will prohibit new development.

Sediment and erosion control measures will be submitted to the Maryland Department of the Environment for approval. The design of the stormwater management system for the proposed project is being finalized.

The proposed request for growth allocation is consistent with Wicomico County's Critical Area Program, the Critical Area Law and Criteria, and the Critical Area Commission's policies regarding growth allocation.

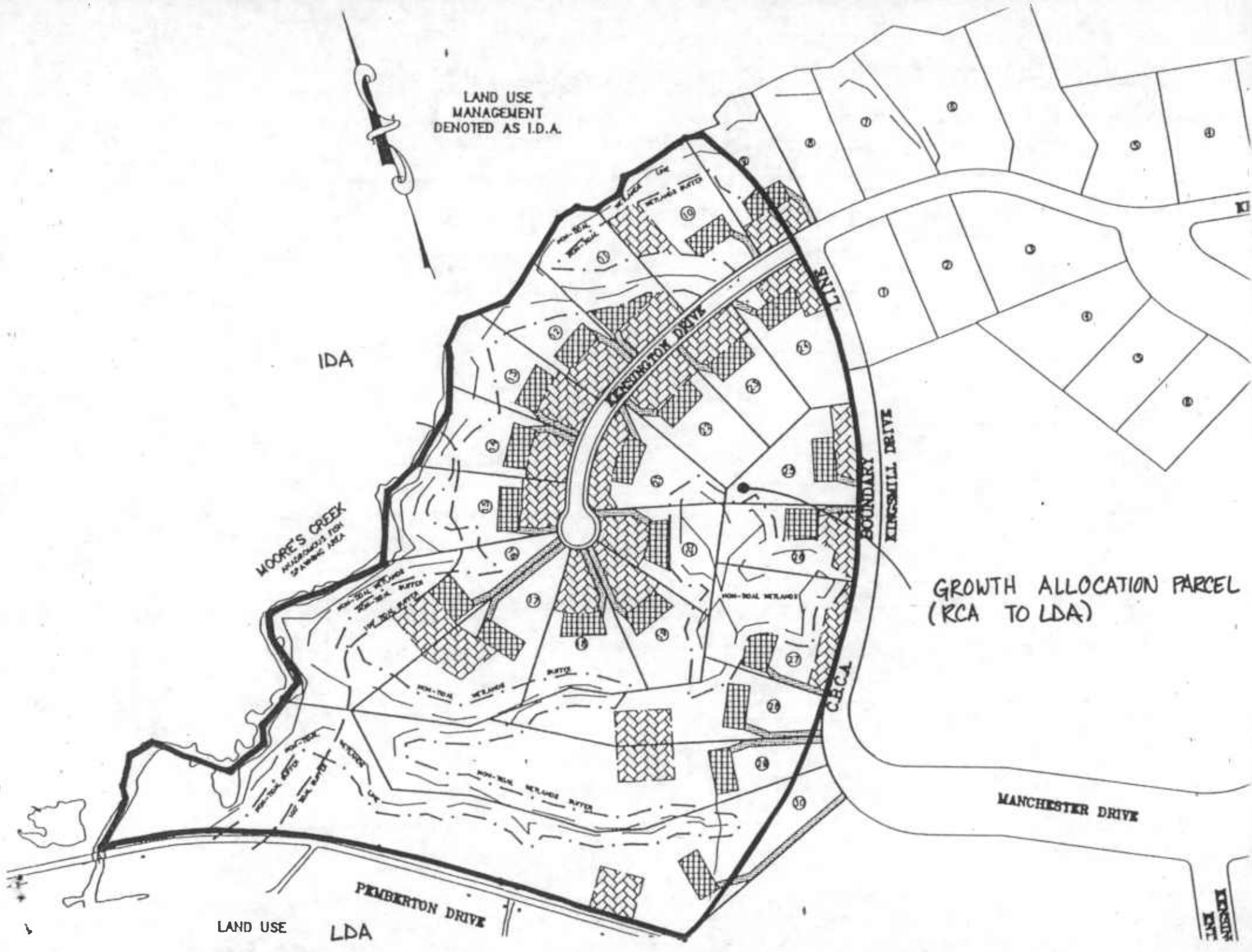
LAND USE
MANAGEMENT
DENOTED AS I.D.A.

IDA

MOORE'S CREEK
HEADQUARTERS FOR
ST. JAMES AREA

GROWTH ALLOCATION PARCEL
(RCA TO LDA)

LAND USE
LDA



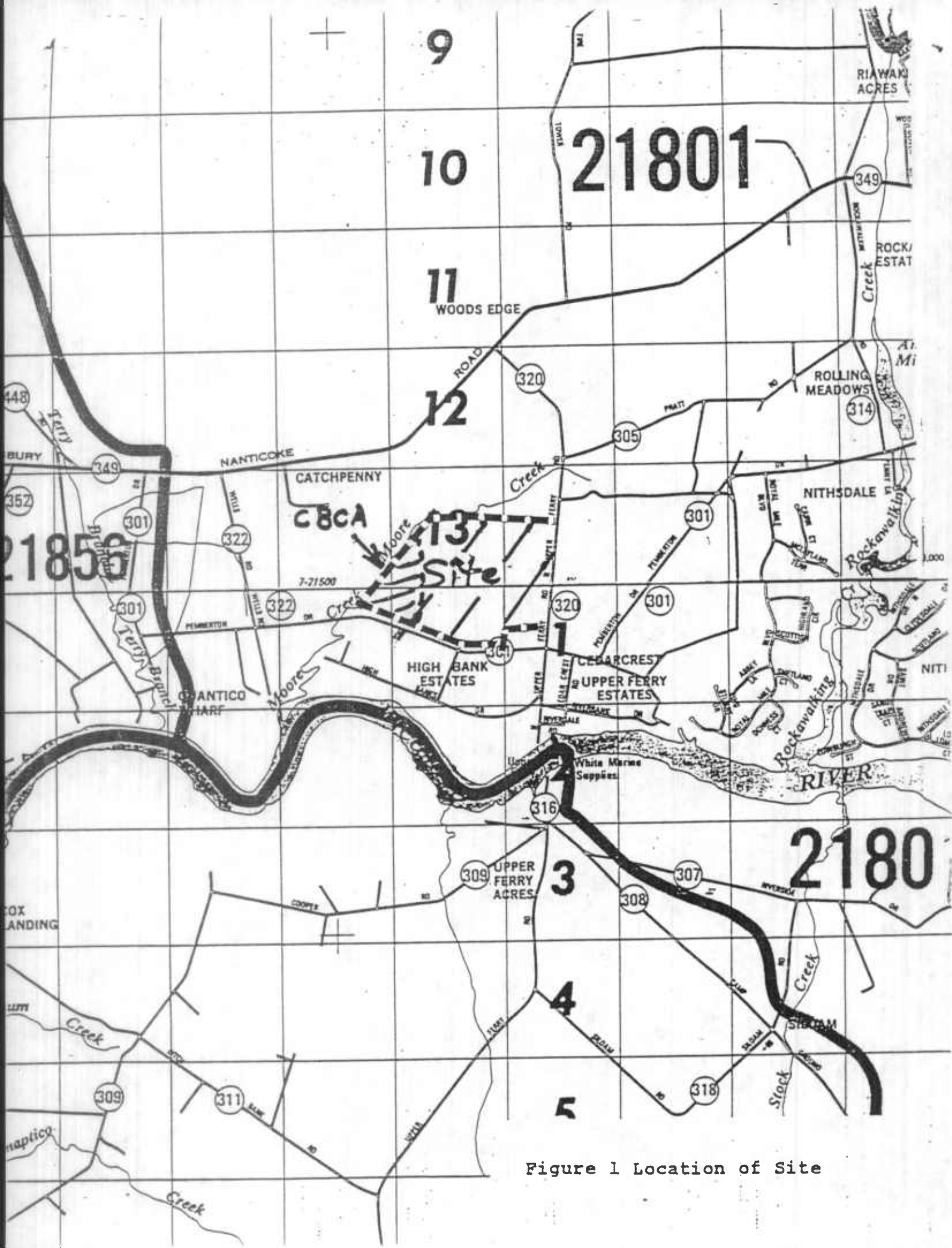


Figure 1 Location of Site

Info only

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

UPDATE

November 6, 1996

APPLICANT: Harford County Department of Planning & Zoning

PROPOSAL: Boundary Mistake Argument and
Growth Allocation Request for
Riverside, Village of Grays Run

JURISDICTION: Harford County

COMMISSION ACTION: Information

STAFF: Dawnn McCleary

**APPLICATION LAW
REGULATIONS:** COMAR 27.01.02.06
NRA § 8-1807

DISCUSSION:

Issue: On October 1, 1996, the Harford County Council voted to approve Bill 96-41, which amends Harford County's Critical Area Management Program. Bill 96-41. Section 169-1 amends Harford County's Chesapeake Bay Critical Area Management Program for a boundary mistake argument and a growth allocation for the development of Riverside, Village of Grays Run.

Boundary Mistake Argument: The mistake in the original boundary delineation was the result of using published information verses field recovered, site specific data. The proposed revised Chesapeake Bay Critical Area for the Village of Grays Run property is a refinement of the boundary based on field gathered information. The existing Critical Area boundary encompasses 50.96 acres or 29.4% of the sites 173.35 acre tract area. The proposed Critical Area boundary includes 50.57+/- acre or 29.2 % of the site.

Continued, Page Two
Harford County Amendment
Request
November 6, 1996

The County approved the boundary modification to follow the adjusted 100 year flood plain and approval of the boundary modification of the 1000 foot Critical Area boundary which will reduce the Resources Conservation Area (RCA) by a total of 0.39 acres.

Growth Allocation Request: The property is located in the Riverside area of Southeastern Harford County. The property fronts on the south side of Maryland Route 7, west of Speney Road outside the Critical Area. The parcel size is 175.48 acres with 47.42 acres within the Critical Area. There will be approximately 23 units being proposed that are partially or entirely in the Critical Area.

The Critical Area request is a single application for 8.45 acres of growth allocation. The change in existing land use management designation is from Resource Conservation Area to Intensely Developed Area for an area of 8.45 acres. This project will require the clearing of 3.81 acres of forest which has been identified as a Habitat Protection. Area for Forest Interior Dwelling Birds (FID). Because of the impact of development in FID habitat, the only alternative remaining to address the impact to HPA is mitigation. The applicant has proposed the preservation of a 13.6 acre wooded tract within the Chesapeake Bay Industrial park in Havre de Grace. The selected woods contain riparian and FID habitat and wooded wetlands. The forest is outside but adjacent to the Critical Area in Gashey's Run area.

New Business

MEMORANDUM

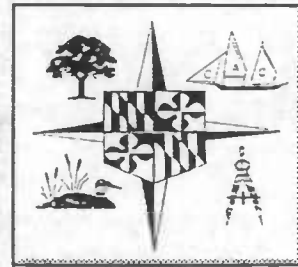
TO: Critical Area Commission ;
FROM: Regina Esslinger *RE*
DATE: October 24, 1996
RE: Guidance Paper on Public Walkways

The attached draft guidance paper entitled "On the Boardwalk" has been developed in response to proposals for public boardwalks or walkways in several local jurisdictions. The paper summarizes the Commission's position on public walkways along the water on state or local property. The paper does not address walkways on private properties; Claudia's Buffer paper will discuss what may occur on private land. The purpose of the paper is to insure consistency in the guidance that staff gives to local governments and in the review of state projects.

The paper is being mailed to all the local governments for comment, and was distributed at the quarterly MACO planners meeting today. The paper will be discussed at the Project Review Subcommittee on November 6, 1996 and then presented for information to the full Commission in the afternoon. Please call me if you have any questions or comments.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

DRAFT
Guidance



information and analyses for Critical Area decision makers

NUMBER TWO

OCTOBER 1996

♪ ON THE BOARDWALK ♪

Public walkways within the Critical Area offer opportunities for the public to enjoy and learn about the Chesapeake Bay's many resources.

INTRODUCTION

A public walkway is a publicly-owned walkway on town, county or state land which provides shoreline access to the Chesapeake Bay and its tributaries for the purposes of education, recreation or public access. Such walkways may include boardwalks, or similar pervious or impervious walkways, which are designed in a manner which is consistent with the specifications contained in this guidance.

The Critical Area Act encourages public access to the shoreline. However, the need to protect sensitive habitats requires decision makers to locate and design boardwalks and other access points carefully. The Chesapeake Bay Critical Area Commission developed this guidance to provide assistance to local jurisdictions on the establishment or enhancement of public walkways in the Critical Area. The guidance should be used by local officials, planners, and their consultants to accomplish these objectives:

- (1) understand the types of public walkways allowed within the Critical Area,
- (2) understand the process for Commission review of these projects, and
- (3) enable project goals and State Critical Area requirements to be met simultaneously.

The design considerations contained in this guidance are not mandatory requirements; rather, they are suggestions on how public walkways in the Critical Area can most effectively meet the goals and requirements of the State and local programs. The Commission recognizes that site-specific characteristics will dictate a jurisdiction's ability to meet all of the recommended design suggestions.

COMMISSION NOTIFICATION

Before a local jurisdiction initiates or approves a public walkway, the local jurisdiction must send to the Commission a

description of the proposed project and certification that the public walkway is consistent with the local Critical Area program (COMAR 27.02.02) Commission staff can assist local jurisdictions in determining if this requirement is applicable. Projects on state land must be approved by the Critical Area Commission.

CRITICAL AREA COMMISSION CHECKLIST

The site plan should include:

- ✓Statement of purpose of access way
- ✓Critical Area designation (i.e. RCA, LDA, IDA)
- ✓Whether the project is located in a Buffer Exemption Area (BEA)
- ✓100-foot Buffer
- ✓Expanded Buffer, if applicable
- ✓Other Habitat Protection Areas (i.e. threatened and endangered species, species in need of conservation, plant and wildlife habitat, and anadromous fish spawning waters)
- ✓Landscape plan
- ✓Proposed and existing structures (i.e. buildings, benches, fences, etc.)
- ✓Condition of shoreline (bulkhead, riprap, natural marsh)
- ✓Total impervious surface both in and out of the Buffer
- ✓Type of surface to be used
- ✓Dimensions of access way (width, length)
- ✓Vegetation to be removed (including trees)
- ✓Mitigation, if applicable
- ✓Brief description of the project, including phases of the plan, if applicable

LOCATION AND DESIGN STANDARDS FOR PUBLIC WALKWAYS

Public walkways that extend into the 100-foot Buffer must be located and designed to minimize their adverse impacts on the Buffer, Habitat Protection Areas and aquatic resources. The following recommendations are written

DRAFT

with this goal in mind:

- The preferred location for public walkways is in Buffer Exemption Areas.
- Public walkways should be located predominately outside the Buffer, although the access way may be

DRAFT

allowed to meander at intervals into the Buffer to provide opportunities for education and access to the water.

- If the public walkway is designed to extend out over the water, the walkway should be located and designed to minimize adverse impacts on

submerged aquatic vegetation and other aquatic resources. Points of contact with the shoreline should be chosen to minimize adverse impacts to shore stability and habitat. Contact Tidal Wetlands at Maryland Department of Environment early in the planning stage regarding permits.

- Public walkways should be designed and located so that pervious materials and structures can be used. If impervious materials must be used, their use should be minimized in the Buffer and HPAs.
- Public walkways should be located in areas so that the clearing of forest vegetation and impact to other HPAs is avoided or minimized.
- Public walkways that are located in forested areas should wind around existing trees, rather than removing them so the forest canopy can remain intact.
- Public walkways should avoid impacting other Habitat Protection Areas in the Critical Area, such as threatened and endangered species, plant and wildlife habitats of local significance, and natural heritage areas.
- Public pedestrian walkways may be constructed from a variety of materials. Whenever possible, pervious or semi-pervious surfaces should be used. Materials such as wood decking (with spaces between the boards), gravel, and porous pavers are considered pervious when used by pedestrian traffic and can generally meet accessibility standards required by the Americans with Disabilities Act. Wherever possible, native shrub and tree species should be planted along the edges of the walkway to filter run-off, control erosion, provide shade, and define the limits of pedestrian access.

- Structures such as restrooms, bandstands, gazebos, and concession stands associated with the walkway should be located outside of the Buffer.
- Walkways should be the minimum width necessary to accommodate the anticipated use. Table 1 provides some guidelines based on existing pedestrian walkways.

MITIGATION

Mitigation for public walkways in the Buffer should be provided, regardless of whether the walkway is in a Buffer Exemption Area, Intensely Developed Area, Limited Developed Area, or Resource Conservation Area. However, the mitigation ratios will reflect these categories. In Buffer Exemption Areas, mitigation should be twice the disturbed area or number of trees cleared, whichever is greater;

elsewhere, mitigation should be three times the disturbed area or number of trees cleared, whichever is greater. Plantings should be native Buffer species, but can be a mix of grasses, shrubs, and trees. Ideally, mitigation should occur on site in the Buffer whenever possible. Providing plantings in the Buffer along public walkways will help educate the public as to what a functioning Buffer should look like. When on-site planting is not possible, other Buffer locations offsite are appropriate. In some of the smaller towns with a significant percentage of Intensely Developed Area, there may not be any planting areas in the Buffer, and therefore alternatives may be appropriate. Stormwater retrofitting is one option that would help improve water quality. These alternatives should be used only when planting is not feasible.

DRAFT

CA Designation	Buffer Exemption Area	Width	Usage
RCA	Non-BEA	6'-0"	Moderate
RCA	BEA	6'-0"	Moderate
LDA	Non-BEA	6'-0"	Moderate
LDA	BEA	16'-0"	Heavy
IDA	Non-BEA	6'-0"	Moderate
IDA	BEA	16'-0"	Heavy

NOTE: Minimum clearance width for two wheelchairs is 5'-0". Since most elevated boardwalks are constructed with pilings that encroach into the walking surface, 6'-0" should accommodate the pilings, railings, etc. and still leave a 5'-0" clear width.

Chesapeake Bay Critical Area Commission

45 Calvert Street, 2nd Floor, Annapolis MD 21401 (410) 974-2426

John C. North, II, Chairman

The Chesapeake Bay Critical Area Commission was created by an Act of the Maryland General Assembly in 1984. The Commission is charged with promulgating Criteria necessary to: 1) minimize impacts from stormwater runoff; 2) conserve fish, plant and wildlife habitat; and, 3) establish land use policies for the Critical Area which accommodate growth and address the environmental impacts which result from the number, movement and activities of people in the Bay's sensitive shoreline areas. Sixty-one jurisdictions carry out local Critical Area programs consistent with the Critical Area Act and Criteria.