

**Chesapeake Bay Critical Area Commission**  
Department of Housing and Community Development  
100 Community Place, Crownsville, Maryland 21401  
Conference Room 1000A  
December 4, 1996

**“REVISED” AGENDA**

See back for Subcommittees from 9:30 a.m. - 12:15 p.m.

12:00 p.m. - 1:00 p.m. - LUNCH

**PLENARY MEETING**

1:00 p.m. - 1:05 p.m.    Approval of Minutes of November 6, 1996    John C. North, II, Chairman

**PROGRAM AMENDMENT AND REFINEMENTS**

1:05 p.m. - 1:20 p.m.    Refinement/Talbot County/Additional Ordinance    Greg Schaner, Planner  
Change to reflect new Impervious Surface Restrictions

Refinement/Dorchester County -Changes to reflect  
New Impervious Surface Restrictions

1:20 p.m. - 1:35 p.m.    Refinement/ Queen Anne’s County    Theresa Corless, Planner  
Comprehensive Review follow-up Refinements

1:35 p.m. - 1:45 p.m.    Refinement/Cecil County/Impervious Surfaces    Susan McConville, Planner

1:45 p.m. - 2:05 p.m.    VOTE - Harford County/Growth Allocation -    Dawnn McCleary, Planner  
Mapping Mistake

**PROJECT EVALUATION**

2:05 p.m. - 2:20 p.m.    VOTE - Sassafras Natural Resource Management Area    Pat Pudelkewicz, Chief  
Concept Plan --DNR    Program Amendments

2:20 p.m. - 2:35 p.m.    OLD BUSINESS    John C. North, II, Chairman

2:35 p.m. - 2:50 p.m.    NEW BUSINESS    John C. North, II, Chairman

SUBCOMMITTEES

9:30 a.m. - 11:30 a.m.      Program Implementation

Members: Whitson, Evans, Moxley, Robinson, Myers, Barker, Williams, Curry, Foor, Pinto, Johnson,  
Lawrence, Taylor -Rogers, Duket

Transfer Stations in the Critical Area

Regina Esslinger, Chief Project Division

Lisa Hoerger, Environmental Specialist

Growth Allocation Policy /Development Envelope

Michael Whitson

11:30a.m. - 12:15 p.m.      Project Evaluation

Members: Langner, Bourdon, Corkran, Foor, Blake, Goodman, Giese, Cooksey, Wilde

Maryland Stadium Authority

Dawnn Mcleary, Planner

Additional Parking Lot

Sassafras NRMA Concept Plan/DNR

Pat Pudelkewicz, Chief, Pgm Amend.

MDTA Police Headquarters/Bay Bridge Facility

Lisa Hoerger, Environmental Specialist

Panel: Harford County - Members: Philip Barker, Larry Duket, Chair, Roger Williams, Dr. Sarah Taylor-Rogers  
Growth Allocation and Mapping Mistake      Dawnn McCleary, Planner

Chesapeake Bay Critical Area Commission  
 Department of Housing and Community Development  
 Crownsville, Maryland  
 November 6, 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:

Blake, Russell, Worcester County  
 Bourdon, David G., Calvert County  
 Cooksey, David W., Charles County  
 Corkran, William H. Jr., Talbot County  
 DeBoy, Steve for Moxley, Stephen, Baltimore County  
 Greenfield, Victoria for Curry, Wayne, Prince George's County  
 Duket, Larry, Maryland Office of Planning  
 Evans, Diane, Anne Arundel County  
 Foor James, C., DVM, Queen Anne's County  
 Setzer, Gary for Hearn, J. L. , Maryland Department of Environment  
 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  
 Simmons, Douglas for Shepherd, Gloria, MDOT  
 Taylor-Rogers, Dr. Sarah, DNR  
 Williams, Roger, Kent County

The Minutes of November 6, 1996 were approved as read.

Ren Serey, Executive Director, CBCAC presented information for consideration of a possible criteria change for providing more flexibility for timber harvesting in the General Approval process, where the buffer overlaps another habitat protection area. He said that the subcommittee had met that morning and discussed this possible change which could result in legislation that would have to be submitted next legislative session.

Don VanHassant, from the Maryland Forest Service gave a slide presentation on timber harvests. Dr. Sarah Taylor-Rogers, DNR, talked about the development of

the Criteria and how the different sections of the Criteria were given original consideration by the Critical Area Commission's subcommittees. She explained that in 1985 when the Criteria were approved two provisions were not reconciled: the habitat protection portion, which stated that when there are two differences in the criteria, one being a buffer where cutting cannot occur within the 50 foot landward side; and, the other resources utilization criteria which allowed for that to happen. As the criteria began to be applied this conflict became evident. An agreement had to be made with the forest industry with clear cutting of the landward 50 foot side of the buffer allowed; "administratively." This has not been reconciled in the criteria which is why this issue is being considered at this time.

Former Commission member, Bill Bostian, also involved in the timber industry, was in attendance and provided some background information. Bill Miles, representing the Association of Forest Industries, disseminated to the Commission members his letter to Chairman North with comments on the pending Statutory proposal for timber harvesting. His letter in effect states that the AFT supports the proposal and would work with the Commission's staff.

Claudia Jones, Science Advisor, CBCAC stated that the change proposed is to require review of protection areas outside the buffer to be the same as the review inside the buffer. Dave Bourdon stated that this is an income vs. resource issue. He stressed that flexibility be given to families (85% owners of forests in Maryland) for the purpose of a short-term income consideration, so as not to push them into development options where the resource opportunity would be lost entirely.

Dr. Foor moved to approve the change to the Criteria, i.e., COMAR 27.01.09.01 .C (5)(a) as it appears in the November 6th, 1996 Staff report (attached to and made a part of these Minutes) of the Chesapeake Bay Critical Area Commission. The motion was seconded by Dave Bourdon and carried unanimously (16-0).

Sean Smith, Department of Natural Resources, gave a presentation on Stream Restoration. He said that there is an EPA grant, originally allocated to the Department of Environment, picked up by DNR to develop a stream restoration and management document. This guide will deal with some of the issues of stream restoration and will hopefully span across the public user groups, conservation groups as well as regulatory agencies and resource agencies. The guidance will be in three parts: one on stream channels and their physical and habitat characteristics; another section is more for technical guidance and geared toward regulatory groups and resource agencies; the third component will be a database to show existing projects in the State.

Dawnn McCleary, Planner, CBCAC presented for VOTE , the Department of

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In 1989 the Critical Area Commission approved the conceptional master plan for the Kings Landing/Cammack/Walke Natural Resources Management Area (NRMA) with conditions. In 1990, the Master Plan was adopted. Its continued focus is to be a planning document for several areas of its 1180 acres. Since 1990, DNR acquired an additional 53 acres, leased for 50 years a portion of the NRMA to Calvert County and therefore, the original proposal for a research-oriented site will not be developed. The 1995 Master Plan update amends the 1990 Master Plan. The amendments are intended to sharpen the plan's focus for recreational development and use of the NRMA. DNR has tried to situate everything out of the 100 foot Buffer. Ken Shanks, DNR, gave an overview of the revised 1995 Master Plan. He said that this is a partnership between the State and Calvert County. The developments are for a visitor center, road and parking, maintenance shop, picnic shelters, swimming pool area, pier area and water system and will be developed over a period of 5 - 10 years. Ms. McCleary assured the Commission that each of these development areas for recreation will come before the Commission for their approval. Kay Langner moved to approve the proposal as submitted for the Revised 1995 Master Plan Update for Kings Landing Natural Resources Management Area (NRMA). The motion was seconded by Robert Goodman and carried unanimously (15-0).

Greg Schaner, Planner, CBCAC presented for Concurrence with the Chairman's determination of Refinement for Talbot County's Impervious Surface Language for grandfathered lots under 1 acre and ½ acre. This proposed language complies with Senate Bill 657. The Commission supported the Chairman's determination.

Susan McConville, Planner, CBCAC presented for Concurrence with the Chairman's determination of Refinement, the Somerset County Growth Allocation request. She said that the request is for 9.2 acres for the development of 142 apartment units located within the Critical Area in an LDA. This is part of a larger 240 unit development complex on a 34.8 acre parcel that will serve the University of Maryland Eastern Shore. The change requested is an IDA designation for the 9.2 acres. 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 Commission supported the Chairman's determination of Refinement.

Mary Owens, Planner, CBCAC presented for Concurrence with the Chairman's determination of Refinement, Wicomico County Council's request for growth allocation to change the designation of 37.72 acres from RCA to LDA to accommodate 17 residential lots in the Kensington Woods Subdivision of Salisbury.

No proposed development will take place within the 100-foot Buffer. This proposed request 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. A survey has established that there are six species of FIDS on the property and the development will significantly diminish its value as FIDS habitat. The applicant has worked with Jim McCann of the Heritage and Biodiversity Conservation Program, DNR, and Claudia Jones, Science Advisor, CBCAC 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. Diane Evans stated her concern over disturbance to the FIDS habitat during the breeding and nesting season. Ren Serey, Executive Director, CBCAC assured Ms. Evans that some recommendation regarding the timing of construction can be included in the Commission's response to the County and that Mary Owens, Planner, CBCAC will coordinate that issue with the County staff. Ms. Owens stated that there is no sense of urgency for this development to begin and that the time elements can be dealt with. Ren Serey told the Commission that this project, as well as others in Wicomico County and Worcester County, will be used to help Commission staff compile a Guidance paper for Commission approval regarding the mitigation issue for FIDS habitat. The Commission supported the Chairman's determination of Refinement.

Dawnn McCleary, Planner, CBCAC presented for INFORMATION, Harford County's request for Growth Allocation and Boundary Mistake Argument for the Riverside Village of Grays Run property. The Critical Area request is for a single application of 8.45 acres of growth allocation. Kit West, Harford County Planning & Zoning said that the original Critical Area boundary delineation was the result of using published information verses "field recovery, site specific data". The proposed revised Chesapeake Bay Critical Area boundary for the Village of Grays Run property is a refinement of the boundary based on "field gathered" information.

On October 1, 1996, the Harford County Council voted to amend Harford County's Critical Area Management Program to correct a boundary mistake and approved growth allocation for the development. 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 RCA by a total of 0.39 acres.

The Critical Area request for growth allocation is for a single application of 8.45 acres, changing the existing land use management designation from RCA to IDA. (A portion of the growth allocation request will remain RCA - the flood plain and the forest). There will be impact to FID habitat because of the clearing of 3.81 acres of forest identified as Habitat Protection. The only alternative to address this is mitigation to which the applicant has proposed the preservation of a 13.6 acre wooded

tract within the Chesapeake Bay Industrial park in Havre de Grace. The forest is outside but adjacent to the Critical Area in the Gashey's Run area. A hearing will be held on this issue on November 26th, 1996.

Chairman North appointed a panel for the Harford County Program amendment: Philip Barker, Larry Duket, Diane Evans, Roger Williams, Sarah Taylor-Rogers and Jinhee Wilde to serve. The current hearing date is November 26th at 7:00 p.m.

Chairman North appointed a panel for the St. Mary's County Program: Mike Whitson, David Cooksey, Dave Bourdon, Louise Lawrence, and Larry Duket. A public hearing with the County Commissioners will be held on November 26, 1996 in St. Mary's.

### OLD BUSINESS

There was no old business reported.

### NEW BUSINESS

Regina Esslinger, Chief of the Project Division, CBCAC told the Commission about a draft guidance paper entitled "On the Boardwalk" which has been developed in response to proposals for public boardwalks or walkways in several local jurisdictions. It summarizes the Commission's position on public walkways along the water on state or local property. 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 does not address walkways on private properties. Ms. Esslinger said that the paper is being mailed to all the local governments for comments and that she expects the paper to be completed sometime in December.

Marianne Mason, Assistant Attorney General, DNR and Commission Counsel, updated the Commission on legal issues. She said that there was an oral argument before the Court of Special Appeals on October 3, 1996 in the Sherner case where the former property owners were alleging that the Critical Area Criteria had effected a taking of their property. She said that the panel of judges asked many questions on the takings law and that she believes that the Commission will be victorious in this case.

Ms. Mason said that she has filed two responses to appeals in Anne Arundel County Circuit Court. The first response was regarding a gazebo in the Buffer which was denied by the Board of Appeals. The property owner filed an appeal.

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The second was in regard to a free-standing deck in the Buffer which was denied. She told the Commission that she will be in Circuit Court in Anne Arundel County regarding a swimming pool in the Buffer on December 4, 1996. The Commission is the Appellant in this case because the Board of Appeals granted the pool in the Buffer. Another appeal was filed before the Anne Arundel Board of Appeals when the hearing officer granted an after-the-fact variance for a shed in the Buffer. Ms. Mason reported that there will be multiple nights of hearings held in Anne Arundel County involving requests for a variance to put more slips than would be allowed at a marina in Belvoir Farms. Ms. Mason and Commission staff will attend at least one hearing.

Dr. Foor asked Ms. Mason for the status of the "8 acres of upland" issue to which she replied that it is still in the Governors' office for review.

Chairman North announced that on December 4, 1996 there will be held at Government House a reception to honor the Commission hosted by Governor Glendening to celebrate the 10th Anniversary of the Chesapeake Bay Critical Area Program.

There being no other business the meeting adjourned.

Minutes submitted by:

Peggy Mickler

Commission Secretary



*Concurrence*

***Chesapeake Bay Critical Area Commission***

**STAFF REPORT  
December 4, 1996**

**APPLICANT:** Talbot County

**PROPOSAL:** Refinement - Additional 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 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. At the November 6, 1996 Commission meeting, a refinement was approved to adopt language proposed by Talbot County to be consistent with the new impervious surface law.

The County's Zoning Ordinance contains two other provisions [Section 19.13(d)(5)(I) and (ii)] which reference the outdated impervious surface restrictions. The County is submitting language to update the two remaining Ordinance provisions to be consistent with Senate Bill 657. This proposed language essentially references the impervious surface provision (Section 19.13(b)(5)(vi)[c][1][I]) approved by the Commission as a refinement on November 6, 1996. This proposed change 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.

ORDINANCE NO. 245

AN ORDINANCE OF THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY AMENDING CHAPTER 155-47.1 OF CHAPTER 155 OF THE DORCHESTER COUNTY CODE ENTITLED "ZONING" TO PROVIDE MORE FLEXIBILITY IN REGARD TO THE CRITICAL AREA IMPERVIOUS SURFACE REQUIREMENTS AS REQUIRED BY SENATE BILL 657.

SECTION ONE: BE IT ENACTED AND ORDAINED BY THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY, That Section 155-47.1 G (8) of Chapter 155 of the Dorchester County Code be repealed and re-enacted as follows:

"(8) Man-made impervious surfaces shall adhere to Section O. of §155-47.1 Critical Area Protection District."

SECTION TWO: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY, That Section 155-47.1 H.(10) of Chapter 155 of the Dorchester County Code be repealed and re-enacted as follows:

"(10) Man-made impervious surfaces must adhere to Section O. of §155.47.1 the Critical Area Protection District."

SECTION THREE: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY, That Section 155-47.1 be amended to add new Section O. as follows:

"O. Impervious Surface Requirements. The following regulations apply to LDA, Limited Development Areas and RCA, Resource Conservation Areas.

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

- (a) If a parcel or lot one-half ( $\frac{1}{2}$ ) acre or less in size existed on or before December 1, 1985, then man-made impervious surfaces are limited to twenty-five percent (25%) of the parcel or lot.
- (b) If a parcel or lot greater than one-half  $\frac{1}{2}$  acre and less than 1 acre in size existed on or before December 1, 1985, then man-made impervious surfaces are limited to fifteen percent (15%) of the parcel or lot.
- (c) If an individual lot one (1) acre or less in size is part of a subdivision approved after December 1, 1985, then man-made impervious surfaces of the lot may not exceed twenty-five percent (25%) of the lot. However, the total of the impervious surfaces over the entire subdivision may not exceed fifteen percent (15%).

- (2) This section does not apply to a trailer parks in residential use on or before December 1, 1985.
- (3) The Director or his designated representative may allow a property owner to exceed the impervious surface limit provided for in subsection (1) b and c of this section, if the following conditions exist:
  - (a) New impervious surfaces on the property have been minimized;
  - (b) For parcels or lots one-half (1/2) acre or less in size, total impervious surfaces do not exceed impervious surface limits in subsection (1) (a) of this section by more than twenty-five (25) percent or 500 square feet, whichever is greater;
  - (c) 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 (1) (b) of this section or 5,445 square feet, whichever is greater;
  - (d) Water quality impacts associated with runoff from the impervious surfaces can be and have been minimized through site design considerations or use of best management practices approved by the local jurisdiction to improve water quality; and
  - (e) The property owner performs onsite mitigation as required by the Director or his designated representative to offset potential adverse water quality impacts from the new impervious surfaces, or the property owner pays a fee to Dorchester County in Lieu of performing the onsite mitigation.
- (4) 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 Director or his designated representative. All monies collected will be retained in the Forest Replacement Fund to be on projects which improve water quality in the Critical Area."


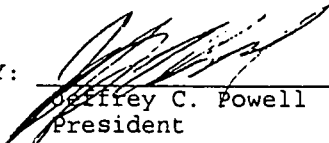
**SECTION FOUR: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY,** That this ordinance shall take effect ten (10) days after its passage.

**SECTION FIVE: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY,** The County Administrator to the Board is directed to forward a copy of this Ordinance to General Code Publishers Corporation for codification in the Dorchester County Code.

Executed this 19<sup>th</sup> day of November, 1996.

ATTEST:

THE COUNTY COMMISSIONERS  
OF DORCHESTER COUNTY


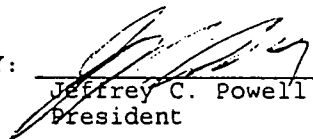
BY:  BY:   
Deborah G. Byrd Jeffrey C. Powell  
County Administrator President

CERTIFICATION

THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY HEREBY CERTIFY TO THE CLERK OF THE CIRCUIT COURT FOR DORCHESTER COUNTY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF THE ORDINANCE EXECUTED BY THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY ON THE 19<sup>th</sup> DAY OF NOVEMBER, 1996, AND FURTHER ORDER THE SAME TO BE RECORDED AMONG THE ORDINANCE BOOKS OF DORCHESTER COUNTY, MARYLAND, WITHOUT COST.

Attest:

THE COUNTY COMMISSIONERS  
OF DORCHESTER COUNTY

BY:  BY:   
Deborah G. Byrd Jeffrey C. Powell  
County Administrator President

*Concurrence*

***Chesapeake Bay Critical Area Commission***

**STAFF REPORT  
December 4, 1996**

**APPLICANT:** Dorchester County

**PROPOSAL:** Refinement - Dorchester 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. 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 Dorchester 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.

BILL TO REPEAL AND REENACT SECTION 19.13(d)(5)(i) and (ii) OF TITLE 19. ZONING, OF THE TALBOT COUNTY CODE, IN ORDER TO REFLECT THE RECENT AMENDMENTS TO THE CHESAPEAKE BAY CRITICAL AREA IMPERVIOUS SURFACE REQUIREMENTS OF THE ZONING ORDINANCE.

SECTION ONE: BE IT ENACTED by the County Council of Talbot County that Title 19. Zoning, of the Talbot County Code, Section 19.13(d)(5)(i) and (ii) be repealed and reenacted to read as follows:

(5) In the Critical Areas portion of the County, the following provisions shall apply:

(i) Nonconforming structures within the Shoreline Buffer may be expanded if the impervious area of the parcel's or lot's Shoreline Buffer and of the entire parcel or lot on which the structure is located complies with the impervious surface requirements specified in Section 19.12(b)(5)(vi)[c][1][i]. In addition, setbacks from property lines for such an expansion, shall not be less than the setbacks of the existing nonconforming structure.

This Section does not apply to a Trailer Park (Manufactured Home Development) that was in residential use on or before December 1, 1985.

(ii) Nonconforming structures outside the Shoreline Buffer may be expanded if the impervious area of the entire parcel on which the structure is located complies with the impervious surface requirements specified in Section 19.12(b)(5)(vi)[c][1][i].

This Section does not apply to a Trailer Park (Manufactured Home Development) that was in residential use on or before December 1, 1985.

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

COUNTY COUNCIL  
OF  
TALBOT COUNTY, MARYLAND

1996 Legislative Session, Legislative Day No: \_\_\_\_\_  
Bill No: \_\_\_\_\_

Introduced by:

A BILL TO REPEAL AND REENACT SECTION 19.13(d)(5)(i) and (ii) OF  
TITLE 19. ZONING, OF THE TALBOT COUNTY CODE, IN ORDER TO REFLECT  
THE RECENT AMENDMENTS TO THE CHESAPEAKE BAY CRITICAL AREA  
IMPERVIOUS SURFACE REQUIREMENTS OF THE ZONING ORDINANCE.

By the Council \_\_\_\_\_

Introduced, read first time, ordered posted, and public hearing  
scheduled on \_\_\_\_\_, 1996, at \_\_\_\_\_ p.m. in the Council  
Hearing Room, Courthouse, Easton, Maryland.

By Order \_\_\_\_\_  
Secretary

*Chesapeake Bay Critical Area Commission*

STAFF REPORT  
December 4, 1996

APPLICANT: Queen Anne's County

PROPOSAL: Refinement - Comprehensive Review Follow-up  
Refinements

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Concurrence with Chairman's Determination

STAFF: Theresa Corless

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

**DISCUSSION:**

Queen Anne's County has submitted a second package of proposed changes as a supplement to their Comprehensive Review. The proposed changes include some editing and movement of paragraphs for clarity. The impervious surface language has also been updated with the language from Senate Bill 657. A new Buffer Exemption area has also been proposed. These proposed changes qualify as refinements. Please see the attached Refinement Summary for a list of the proposed changes.



**QUEEN ANNE'S COUNTY**  
**Refinement Package Summary**

1. Section 1001 - Authority A.  
Change "date of four-year review approval to "June 4, 1996".
2. Section 1005 - Interpretation  
Add Section B covers name changes in County and State Agencies.
3. Section 6000 - Regulation of Agriculture and Timber Harvesting in all Development Areas.  
B1. And B2. Update DNR references.
4. Section 6005 Use and Development Regulations in IDAs.  
B 1. Replace "development areas" with "due to their adverse impact on habitats and water quality".  
  
B 1. Add "d. Waste disposal uses as defined in the Queen Anne's County Zoning Ordinance; and".  
  
B 1. add "e. The land application of sludge".
5. Section 6005 E - Site Performance Standards for Building Permits.  
3.c Add "non-bare root, native species and"
6. Section 6006 - Development Standards in LDAs  
B 1. Replace "development areas" with "due to their adverse impact on habitats and water quality".  
  
B 1. Add "d. Waste disposal uses as defined in the Queen Anne's County Zoning Ordinance".  
  
B 1. Add "e. The land application of sludge".
7. Section 6006 D - Site Performance Standards  
6.b(2-4) - Replace "afforested with "reforested" where appropriate.
8. Section 6006 D8  
a. Replace "in residential use or zoned for residential purposes" with "a lot of record".  
b. Incorporate new impervious surface language from Senate Bill 657.

9. 6006 E - Site Performance Standards for Building Permits  
E 3c Add "non-bare root, native species and".
  
10. Section 6006 E5  
a. Replace "in residential use or zoned for residential purposes with "a lot of record".  
  
6006 E5b Incorporates new impervious surface language from Senate Bill 657.
  
11. Section 6018 - Special Provisions for Buffer Exemption Areas  
C5a Replace "in residential use or zoned for residential purposes" with "a lot or record".  
  
C5b Incorporates new impervious surface language from Senate Bill 657, and other restrictions for Buffer Exemption Areas.
  
12. Section 7007 Administration Variance  
Add "D. Fee Requirement. The application shall be accompanied by a non-refundable fee in an amount prescribed by the County Commissioners".
  
13. Section 7012 Amendment Procedures  
A. Add title "Initiation of text or map amendment."  
B. Add title "Planning Commission investigation".  
C. Add title "Planning Commission recommendation".  
D. Add title "County Commissioner conceptual approval".  
Also, move "At this regularly scheduled meeting" from end of sentence to beginning.  
Replace "Growth Allocation application" with "proposed amendment".
  
14. Section 7012  
Add with new Section F1 and renumber. Regarding CAC approval process (see p. 17 & 18 of amendment package)  
  
Add new 2d "d. The testimony and other evidence presented at the public hearing".
  
15. Section 7012  
New Section G to read:  
"Map Amendment. The official Critical Area Map(s) will be amended to reflect the map amendment and new development area designation when the amendment becomes effective".
  
16. Section 7012  
Add new Section H. Use of Approved Growth Allocation. Stipulates conditions for use of growth allocation, including a 24 month use it or lose it clause. (See p. 19 in amendment package for text).

17. Critical Area Transfer of Development Rights (TDR) Program  
Add new E to read: "The transfer of development rights in the Resource Conservation Area and Limited Development Areas shall not transfer impervious surface allowances or forest and developed woodland clearing allowances; and".
18. Propose new Buffer Exemption Area on Ackerman Court in Cloverfields.

*Chesapeake Bay Critical Area Commission*

**STAFF REPORT**  
**December 4, 1996**

*Concurrence*

**APPLICANT:** Cecil County Office of Planning and Zoning

**PROPOSAL:** Refinement - Cecil County Impervious Surface Language

**JURISDICTION:** Cecil County

**COMMISSION ACTION:** Concurrence

**STAFF RECOMMENDATION:** Approval

**STAFF:** Susan McConville

**APPLICABLE LAW/  
REGULATIONS:** Senate Bill 657 - October 1, 1996

**DISCUSSION:**

Senate Bill 657 changed the impervious surface limits on grandfathered lots under 1 acre and under ½ acre. The new bill took 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 Cecil County is consistent with Senate Bill 657. A copy of the proposed language changes to the Cecil County Ordinance will be provided at the December Commission meeting.

DRAFT AMENDMENT TO CECIL COUNTY ZONING ORDINANCE REGARDING SB 657

Amend by addition [ ].

Amend by deletion { }.

**Section 200. Development Standards in Limited Development Areas (LDAs)**

8. Impervious surfaces shall be limited to fifteen (15) percent of the gross site area except as follows:

a. If a parcel or lot one-half (1/2) acre or less in size {was in residential use or zoned for residential purposes on} **[existed on]** or before December 1, 1985, then man-made impervious surfaces {associated with that use} are limited to twenty-five (25) percent of the parcel or lot. **[Impervious surfaces on such parcels or lots may cover up to 31.25 percent of the parcel or lot or 500 square feet more than 25% of the parcel or lot, whichever is greater, provided the conditions as stated below are met.]**

b. {If a parcel or lot one-fourth (1/4) acre or less in size was in nonresidential use on or before December 1, 1985, then man-made impervious surfaces associated with that development are limited to twenty-five (25) percent of the parcel or lot.}

**[If a parcel or lot greater than one-half and less than one acre in size existed on or before December 1, 1985, then man-made impervious surfaces are limited to fifteen (15) percent of the parcel or lot or 5,445 square feet, whichever is greater, provided the conditions as stated below are met.]**

c. If an individual lot one (1) acre or less in size is part of a subdivision approved after December 1, 1985, then man-made impervious surfaces of the lot may not exceed twenty-five (25) percent of the lot. However, the total of the impervious surfaces over the entire subdivision may not exceed fifteen (15) percent.

d. These provisions do not apply to a legally existing manufactured home park that was in residential use on or before December 1, 1985.

**[9. If impervious surfaces are expanded beyond twenty-five (25) percent per 8.a. above or fifteen (15) percent per 8.b. above, the following conditions must be met:**

a. **Water quality impacts associated with runoff from the new impervious surfaces have been minimized through site design considerations; and**

b. **The property owner performs on-site mitigation to offset potential adverse water quality impacts from the new impervious surfaces.]**

{ 9.} [10.]

{10.} [11.]

{11.} [12.]

**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

**STAFF REPORT  
FINAL  
DECEMBER 4, 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:** VOTE

**STAFF RECOMMENDATION:** APPROVAL

**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**  
**December 4, 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. The boundary modification is consistent with the mapping methodology in the Harford County Critical Area Program.

**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.

## *Chesapeake Bay Critical Area Commission*

### STAFF REPORT

December 4, 1996

**APPLICANT:** Maryland Department of Natural Resources

**PROPOSAL:** Sassafras Natural Resource Management Area - Concept Plan

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Approval

**STAFF:** Pat Pudelkewicz

**APPLICABLE LAW/  
REGULATIONS:** COMAR 27.02.95, State Agency Actions Resulting in Development on State-Owned Lands

### DISCUSSION:

The Sassafras Natural Resource Management Area (NRMA) is a 1,002 acre site in Kent County at the mouth of the Sassafras River. The site contains almost three miles of shoreline with impressive vistas across the Chesapeake Bay. A great diversity of flora and fauna may be found on-site, including tiger beetles in the eroding cliffs, American lotus in the tidal marshes, and a bald eagle. Agriculture is the predominant land use; other land uses include old field, emergent marsh, mature hardwood and bottom land hardwood forests, and sand dunes.

The goal of the Sassafras NRMA is "to implement land management practices which protect, promote, and enhance the site's natural resources and orchestrate compatible recreation facilities into this framework". The current character of the site will be changed from a farm into a park. Agriculture will continue as a land management practice to provide wildlife habitat and preservation of views and open areas. Forested areas have already been expanded along the waterfront, increasing the forested buffer to 300 feet in most areas. Recreational opportunities proposed in the future include primitive family camping, picnic shelters, improved trails, fishing access, sanitary facilities, youth group camping, and a nature education facility.

A Kent County-owned park at Turner Creek is adjacent to the site. The County has been involved in the development of the concept plan and is very supportive of the project.

The Concept Plan for Sassafras NRMA was presented to the Project Subcommittee earlier this



year. The only issue brought up by members of the Subcommittee was whether there could be some type of shore erosion control provided, and still protect the tiger beetles along the eroding cliff face. The tiger beetle is an endangered species afforded protection by the Critical Area Criteria. Their habitat, eroding cliff faces, is also afforded protection. In order to address this question, a meeting was held of resource staff within the Department of Natural Resources, including personnel from Heritage & Biodiversity, shore erosion control, and tidal wetlands. It was the consensus of the group that the number one goal must be protection of the endangered species, and it was not known for sure if there could be erosion control put in which would still afford protection of the species. The possibility of also negatively influencing an enclosed tidal marsh up the beach from the eroding cliffs if some type of erosion control was put in was also of concern. It was the recommendation of the resource staff at DNR that no shore erosion control be considered at this time. A staff person from the Heritage, Biodiversity & Conservation Program at DNR will be present at the Commission meeting on December 4, 1996, to answer any questions.

No other issues were identified. The proposal is consistent with the goals and objectives of the Critical Area Program. A summary of the SassafRAS NRMA Concept Plan is attached.

**SASSAFRAS RIVER NATURAL RESOURCES MANAGEMENT AREA**  
**PROJECT DESCRIPTION**  
**KENT COUNTY, MARYLAND**

**BACKGROUND**

Sassafras River NRMA will meet many of the varied needs of the citizens of Maryland. Places for natural resource protection and where people can contact nature are two highly desirable amenities. This tract of land, formerly Bloomfield Farms, is intrinsically well suited to provide both. The land unit plan calls for the enhancement of this landscape to maximize benefits. Its implementation will transform the site into a true natural resource management area, a beautiful place where people can involve themselves with nature in mutual harmony.

Sassafras River Natural Resource Management Area (NRMA) is a 1,002 acre site in Kent County; a hilltop site offering exceptional, majestic waterfront along the Sassafras River. The level summit with undulating slopes orients towards diverse Chesapeake Bay exposures along almost three miles of shoreline. Weather battered cliffs transition to protected sand beaches and tidal marsh providing impressive vistas across the Chesapeake Bay and panoramic rip-river scenes as well as opportunities for establishing a variety of recreational opportunities.

A land unit plan has been devised to achieve these objectives in an efficient manner. The plan is a vision: a long range program that responds to the site's intrinsic natural features. It is divided into two parts: a site design which arranges the physical relationship of landscape types and recreational facilities, and a management strategy which sets guidelines for resource management and recreational use. Through this method of planning, the site's physical design will allow the management strategy to function efficiently.

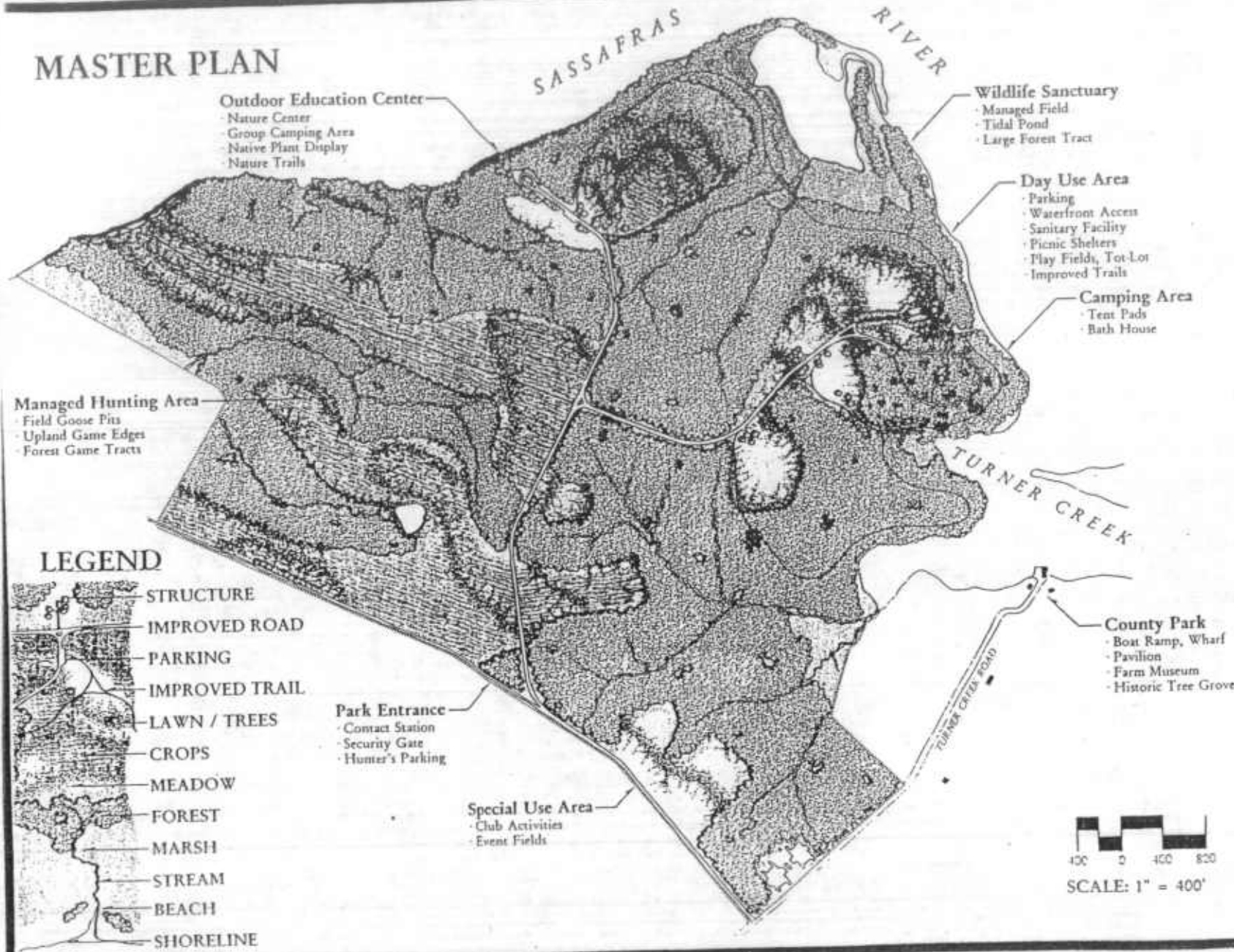
The plan evolved through an interdisciplinary approach which assesses existing site conditions and analyzes site potentials. Expert input is received from foresters, wildlife biologists, botanists, soil scientists, park managers, structural engineers, landscape architects, and environmental and recreational facility planners. All of this data is then orchestrated into the design process by Resource Planning, the planning and design program within the Department of Natural Resources.

**Plan Description**

*The goal is to implement land management practices which protect, promote, and enhance the site's natural resources and orchestrate compatible recreation facilities into this framework.*

*The current character of the site will be transformed from a farm into a park to achieve this goal. The landscape will be changed to improve environmental quality, increase and protect habitat for greater diversity and quantity of wildlife and plant species, create terrain for appropriate recreational facilities, and establish the site's character as a park. Agriculture will continue as a land management practice for the purpose of providing wildlife habitat and preserving the views and open areas. Forested areas will be expanded to provide wildlife habitat and water quality benefits, and to create a park like spatial arrangement. Lawn and meadow will be integrated throughout the landscape to increase wildlife habitat, provide recreational space, and enhance the bucolic scenery. These three landscape types; agriculture, forest, and meadow, will be established on the existing topography. Resource based recreational facilities will be provided within this framework.*

# MASTER PLAN



- Outdoor Education Center**
- Nature Center
  - Group Camping Area
  - Native Plant Display
  - Nature Trails

- Wildlife Sanctuary**
- Managed Field
  - Tidal Pond
  - Large Forest Tract

- Day Use Area**
- Parking
  - Waterfront Access
  - Sanitary Facility
  - Picnic Shelters
  - Play Fields, Tot-Lot
  - Improved Trails

- Camping Area**
- Tent Pads
  - Bath House

- Managed Hunting Area**
- Field Goose Pits
  - Upland Game Edges
  - Forest Game Tracts

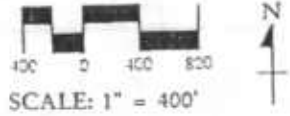
- County Park**
- Boat Ramp, Wharf
  - Pavilion
  - Farm Museum
  - Historic Tree Grove

- Park Entrance**
- Contact Station
  - Security Gate
  - Hunter's Parking

- Special Use Area**
- Club Activities
  - Event Fields

## LEGEND

- STRUCTURE
- IMPROVED ROAD
- PARKING
- IMPROVED TRAIL
- LAWN / TREES
- CROPS
- MEADOW
- FOREST
- MARSH
- STREAM
- BEACH
- SHORELINE



LAND AND WATER  
CONSERVATION  
SERVICE  
RESOURCE PLANNING

SASSAFRAS RIVER  
NATURAL RESOURCE  
MANAGEMENT AREA  
KENT COUNTY, MARYLAND

MARYLAND DEPARTMENT  
OF  
NATURAL RESOURCES  
PUBLIC LANDS

## PURITAN TIGER BEETLE

*Cicindela puritana*

**GLOBAL RANK: G1G2**

**STATE RANK: S1**

**FEDERAL STATUS: THREATENED**

**STATE STATUS: ENDANGERED**

**RANGE: CT, MA, MD, NH, VT**

**MARYLAND RANGE (>90% global population): CALVERT, CECIL, KENT**

**HABITAT AND LIFE CYCLE REQUIREMENTS:** Eroding unvegetated cliffs and adjacent beaches. Female Puritan Tiger Beetles lay their eggs in the unvegetated cliff-face where the larvae develop. Larvae, which can be found year-round, remain in burrows along the cliff-face for 2 years before they emerge as adults. Adults are found primarily during the warm summer months, when they actively hunt and select mates on the cliff and adjacent beach.

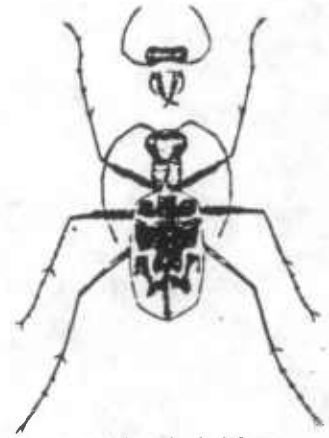
**THREATS:** Any activity that disrupts the natural erosion process along cliff habitats, including shore erosion control structures or the planting of invasive vegetation, is likely to result in their reduction or loss of the tiger beetle population. It has been documented that when bare, eroding cliffs become stabilized, the cliff habitat eventually becomes vegetated and the tiger beetle population is lost. Activities that may impact or destroy habitat, including tree clearing or construction on the top of the cliff, is also likely to adversely impact the beetle population.

### **LEGAL PROTECTION:**

- 1) **FEDERAL ENDANGERED SPECIES ACT - "take"**
- 2) **MD NONGAME AND ENDANGERED SPECIES CONSERVATION ACT - "Take"** means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct (COMAR 08.03.08.01(m)).
- 3) **CHESAPEAKE BAY CRITICAL AREA ACT - location of 2 Kent Co. Critical Area Sites; overlapping HPA's; expand buffer for steep slopes**

### **MD DEPARTMENT OF NATURAL RESOURCE POLICIES:**

- 1) Adopted "Ecosystem Management" approach - allowing "natural" erosion of cliffs is consistent with this approach. This erosion supplies sand to the beach below and maintains the beach/bar enclosing freshwater pond containing state



(Actual length: 1 - 1.5 cm)

rare plant, American Lotus (*Nelumbo lutea*).

2) DNR has restricted private landowners to protect this species - we must hold ourselves to the same standards.

3) Sassafras NRMA was purchased, in part, because of the presence of Puritan Tiger Beetles, i.e., as an opportunity to protect an important component of Maryland's biodiversity.

MEMORANDUM  
December 4, 1996

TO: <sup>Program</sup>  
~~Project~~ Subcommittee Members

SUBJECT: Transfer Facilities in the Critical Area

STAFF: Lisa Hoerger

A property owner in Anne Arundel County is proposing to site a recycling and transfer facility in the Critical Area in an IDA on a 12.78 acre site. The proposed facility will accept non-hazardous solid waste from domestic, municipal, commercial, and industrial sources and solid waste generated from agriculture, silviculture, construction and demolition activities. No hazardous or medical wastes will be accepted at the proposed facility. Recyclables (metals, glass, plastics and paper) will be removed from the solid waste. The solid waste would then be transported off of the site within 48 hours either by truck or rail.

The question before the subcommittee today is whether a transfer facility is allowed in the Critical Area. The Criteria in COMAR 27.01.02.02(G) state:

G. Certain new development activities or facilities, or the expansion of certain existing facilities, because of their intrinsic nature, or because of their potential for adversely affecting habitat and water quality, may not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem. These include:

- (1) Solid or hazardous waste collection or disposal facilities; or
- (2) Sanitary landfills.

Since the Criteria do not provide definitions for solid or hazardous waste collection or disposal facilities or transfer stations, staff consulted MDE for regulatory definitions. Attached to this memorandum is Title 26, Subtitle 04, Chapter 07 Solid Waste Management that provides definitions of various types of disposal facilities, including transfer stations. Staff and Marianne Mason, Commission counsel, believe that transfer stations qualify as a collection facility based on MDE's definition of a transfer station.

The question before the Subcommittee today is whether a facility which accepts non-hazardous solid waste that is labeled as a "transfer station" is considered a solid or hazardous waste collection or disposal facility under COMAR 27.01.02.02(G) and therefore is prohibited from being sited in the Critical Area, except as in G above.

Attachment

**Title 26**  
**DEPARTMENT OF THE ENVIRONMENT**  
**Subtitle 04 REGULATION OF WATER SUPPLY,**  
**SEWAGE DISPOSAL, AND SOLID WASTE**

**Chapter 07 Solid Waste Management**

Authority: Environment Article, §§9-204, 9-252, and 9-314,  
Annotated Code of Maryland

**.01 Scope.**

Except as otherwise specifically provided, these regulations apply to all persons engaged in the construction and operation of all solid waste acceptance facilities.

**.02 Definitions.**

A. The following terms have the meanings indicated.

B. Terms Defined.

(1) "Agricultural waste" means domestic animal manure or residuals in liquid or solid form generated in the production of poultry, livestock, fur-bearing animals, and their products. The term "agricultural waste":

(a) Includes residuals generated in the production and harvesting but not subsequent processing of all agricultural, horticultural, silvicultural, or aquacultural commodities;

(b) Does not include residuals generated during land clearing exercises unless the cleared land is intended solely for agricultural purposes.

(2) "Approving Authority" means the Secretary of the Environment or the Secretary's designee.

(3) "Ashes" means the residue from the burning of wood, solid waste, coal, coke, and other combustible materials. It does not include pozzolans as defined in Natural Resources Article, §7-464, Annotated Code of Maryland.

(4) "Composting" means the process in which organic solid waste is biologically decomposed under controlled conditions to yield a nuisance-free humus-like product.

(5) "Controlled hazardous substance (CHS)" is as defined in COMAR 26.13.01.03B(26).

(6) "County comprehensive solid waste management plan" means the same as "county plan" as defined in COMAR 26.03.03.01B(2).

(7) "Department" means the Department of the Environment.

(8) "Facility structures" means any buildings and sheds or utility or drainage lines on the facility.

(9) "Final disposal" means the complete and ultimate disposal of solid waste.

(10) "Ground water" is as defined in COMAR 26.08.01.01B(27).

(11) ~~Incinerator~~ is as defined in COMAR 26.11.01.01A.

(12) "Industrial waste" is defined in COMAR 26.08.01.01B(30).

(13) "Infectious waste" means any waste that comes from a hospital, clinic, or laboratory and that is known or suspected to be contaminated with organisms capable of producing disease or infection in humans. Infectious waste includes:

- (a) Disposable equipment, instruments, and utensils;
- (b) Contaminated needles, scalpels, and razor blades;
- (c) Human tissue and organs that result from surgery, obstetrics, or autopsy;
- (d) Feces, urine, vomitus, and suctionings;
- (e) Live vaccines for human use;
- (f) Blood and blood products; and
- (g) Laboratory specimens, such as tissues, blood elements, excreta, and secretions.

(14) ~~Intermediate disposal - means the preliminary or incomplete disposal of solid waste including, but not limited to, transfer station, incineration, or processing.~~

(15) "Leachate" means liquid that has percolated through solid waste and has extracted dissolved or suspended material from it.

(16) "Lower explosive limits" means the lowest percent by volume of a mixture of explosive gases which will propagate a flame in air at 25°C and atmospheric pressure.

(17) "Monitoring well" means any hole made in the ground to examine ground water.



(18) "Municipal landfill" means a solid waste acceptance facility permitted under these regulations that is designed, installed, and operated so that all types of waste generated by a community except waste specifically prohibited by these regulations or a permit issued under these regulations can be accepted.

(19) "Open dump" means a land disposal site which is operated after the effective date of these regulations and is not designed or operated in accordance with the requirements for a sanitary landfill in these regulations.

(20) "Overburden" means the material overlying a mineral deposit in its natural state.

(21) "Person" means the federal government, any individual, corporation, company, association, society, firm, partnership, joint venture, joint stock company, governmental unit, or any political subdivision of this State or any agency or instrumentality of one.

(22) "~~Processing facility~~" means a combination of structures, machinery, or ~~devices used to reduce or alter the volume, chemical, or physical characteristics of solid waste.~~ For the purpose of these regulations, collection points serving rural residential areas are not considered to be processing facilities, provided that solid waste is not transferred from collection vehicles to another transportation unit. A generator who processes his or her own solid waste at the site of generation and disposes of the processed solid waste off the site of generation at a disposal site permitted by the Department is not considered to be a processing facility.

(23) "Production well" means any hole made in the ground for purposes of extracting water from the ground for agricultural, commercial, domestic, or industrial uses.

(24) "Refuse" is synonymous with solid waste.

(25) "~~Resource recovery facility~~" means a processing facility at which component materials of solid waste are recovered for use as raw materials or energy sources.

(26) "Sanitary landfill" means an engineered method of disposing of solid wastes on land in a manner that:

- (a) Minimizes public health and environmental hazards; and
- (b) Is designed, installed, and operated according to the provisions of these regulations.

(27) "Solid waste" is defined in COMAR 26.13.02.02.

(28) "Solid waste acceptance facility" means any landfill, incinerator, transfer station, or processing facility whose primary purpose is to dispose of, treat, or process solid waste.

(29) "System of refuse disposal for public use" means the services, facilities, or properties used in connection with the intermediate or final disposal of any solid waste unless these activities are limited to waste generated by an individual, a single corporation or business, or are disposed of as authorized by a permit issued by the Department under Environment Article, §7-232, 9-224, or 9-323, Annotated Code of Maryland.

(30) "Transfer station" means a place or facility where waste materials are taken from one collection vehicle (for example, compactor trucks) and placed in another transportation unit (for example, over-the-road tractor-trailers, railroad gondola cars, barges or ships) for movement to other solid waste acceptance facilities. For the purposes of these regulations, collection points serving rural residential areas are not considered to be transfer stations, provided that solid waste is not transferred from a collection vehicle to another transportation unit. The movement or consolidation of a single generator's solid waste at the site of generation may not be considered to be a transfer station.

### .03 General Restrictions and Specifically Prohibited Acts.

A. General Restrictions. The Department, in exercising its authority under these regulations with respect to the granting or renewal of permits or reviewing operations of a facility, shall consider all material required to be submitted under these regulations to evaluate whether any of the following factors is likely to or has occurred. A person may not engage in solid waste handling in a manner which will likely:

- (1) Create a nuisance;
- (2) Be conducive to insect and rodent infestation or the harboring of wild dogs or other animals;
- (3) Pollute the air;
- (4) Cause a discharge of pollutants to waters of this State unless otherwise permitted under Environment Article, §7-232 or 9-323;
- (5) Impair the quality of the environment; or
- (6) Create other hazards to the public health, safety or comfort as may be determined by the Approving Authority.

**23 Processing Facilities.****A. Permits.**

(1) Permits Required. Unless excepted under the provisions of §A(2), a person may neither construct or operate a processing facility, nor materially alter or extend one, without obtaining a permit from the Approving Authority before any work, including site preparation, is begun.

(2) Exceptions. Permits issued under this regulation are not required for processing facilities constructed and operated for private use located at schools, apartment houses, industries, hospitals, commercial establishments, individual residences, farms, and similar locations.

**B. Application for Permit.**

(1) Requirement for Application. An application for a permit under the provisions of §A(1) shall be submitted to the Approving Authority. The application shall consist of a letter briefly describing the project for which approval is requested. If there is any reason for summary disapproval of the proposed project, the applicant shall be so notified in writing and advised on the proper appeal procedures. When practicable, within 60 days of receipt of a complete application, the applicant shall be:

(a) Informed of any additional information which the Approving Authority may require; or

(b) Advised to proceed with the preparation of engineering plans and specifications.

(2) Engineering Plans and Specifications. Eight complete sets of plans and engineering reports covering the proposed project, prepared, signed, and bearing the seal of a registered professional engineer shall be submitted to the Approving Authority. The information contained in these plans and reports shall include:

(a) A map showing the specific location land use and zoning within 1/4 mile of the boundaries of the proposed facility;

(b) Drawings of buildings and other structures showing type of construction, layout, and dimensions for unloading, storage, and processing areas;

(c) A site plan designating the property boundaries and existing and proposed structures and roads;

(d) A descriptive statement of processes to be used;

(e) A description of:

- (i) Major items of equipment including manufacturer, type, model, capacity, and number of units,
  - (ii) Types and anticipated quantities of solid waste to be accepted,
  - (iii) Types of solid waste not to be accepted,
  - (iv) Areas of population to be served by the facility,
  - (v) Measures to be taken to prevent or control ground or surface water pollution, explosions, and odors,
  - (vi) Methods of treating and disposing of liquid waste resulting from the operation,
  - (vii) Employee safety and sanitary facilities including the location of on-site sewage disposal systems;
- (f) An operational and maintenance manual which identifies the operation in detail, including:
- (i) Periodic cleaning and maintenance,
  - (ii) The manner in which unacceptable wastes which may be delivered to the processing facility will be identified, segregated, and handled before final disposal, and
  - (iii) Other contingency plans.

C. Application Review. The applications submitted shall be distributed as specified in Regulation .06C(1)(a)—(g), (j), and (k). A person receiving an application shall be asked to submit any comments within 30 days of receipt of the application.

D. General Requirements and Operating Procedures. The following are established as minimum requirements and operating procedures for a processing facility:

**Buildings.**

(a) With the exception of the operations listed in §D(1)(b), processing activities involving the unloading, separation, reduction, or alteration shall be conducted in an enclosed building.

(b) ~~The following activities may be conducted outdoors in areas~~ and in a manner approved by the Department:

- (i) Composting or co-composting;
- (ii) Separation or storage, or both, of white goods;

(iii) Tire storage or processing; and

(iv) Other activities authorized by the Approving Authority.

(2) Location. Location of the facility shall be adjacent to access roads which are:

(a) Paved or surfaced; and

(b) Provided with a base capable of withstanding anticipated load limits.

(3) Access Roads. An all-weather access road negotiable by loaded collection vehicles or other vehicle transportation shall be provided from the entrance gate of the facility to loading and unloading areas.

(4) Environmental Protection. The facility shall be operated in a manner which prevents air, land, or water pollution, public health hazards, or nuisances. Dust resulting from the operation shall be controlled at all times. All solid waste shall be confined to the unloading area. Solid waste may not be stored or otherwise deposited adjacent to the facility except in approved containers.

(5) Supervision. Operation and management shall be under the direct supervision and control of an individual qualified in operating procedures by training, education, or experience.

(6) Operational Plan. The facility shall have a written emergency operational plan to provide for an alternative waste handling system when the facility is inoperative. This plan shall delineate the procedures to follow in case of equipment breakdown which may require stand-by equipment, extension of operating hours, or diversion of solid waste to other facilities.

(7) Cleanliness and Sanitation.

(a) Facilities shall be maintained in a clean and sanitary condition.

(b) Plumbing shall be properly maintained and floors shall be well drained and free from standing water.

(c) Sanitary facilities shall be provided for employees and shall be kept clean and in good repair.

(d) Solid waste not actually being processed shall be confined to the unloading area.

(e) Accumulations of solid waste shall be controlled in a manner as to minimize odors and nuisances and to prevent infestation by insects, rodents, or other vectors.

(8) Fire Control. Appropriate on-site fire control equipment shall be provided, and additional fire-fighting equipment shall be made available in emergencies through prior arrangements with the local fire department.

(9) Information Posted. A statement of the days and hours of operation shall be posted at the entrance of the facility, and access shall be limited to those times when authorized personnel are on duty.

(10) Equipment. Macerators, hammer mills, and grinders shall be cleanable and shall be equipped with drains which connect to a sanitary sewer system or equivalent.

(11) Tipping, Loading, and Unloading Areas. Waste tipping, loading, and unloading areas shall be constructed of impervious material which is readily cleanable. Drains shall be connected to a sanitary sewer system or other permitted treatment facility.

E. Requirements for Composting Plants. The following are additional requirements for composting plants:

(1) Residue. The product resulting from composting operations and offered for sale or distribution shall be non-pathogenic, free of offensive odors, biologically and chemically stable, and free of injurious components or particles.

(2) Cleanliness and Sanitation. Solid waste intended for composting shall be maintained in a condition free of insects, rodents, and offensive odors before, during, and after the composting operation. The plant shall be maintained in a clean and sanitary condition. Insects, rodents, or other vectors shall be controlled by appropriate measures.

F. Periodic Reports to Approving Authority.

(1) An annual written report shall be submitted to the Approving Authority concerning the status of the processing facility for each year the facility is in use. This report shall be submitted as specified in the permit and shall include the:

(a) Quantity of solid waste received per month during each of the preceding 12 months. Quantities shall be given in tons.

(b) Quantities and disposition of processed material and residues from processing facilities.

(2) The Approving Authority may impose other reporting requirements considered necessary.

G. Consistency with the County Solid Waste Management Plan. Before issuance of the permit the applicant shall provide:

(1) A statement from the appropriate local government agency concerning the consistency of the proposed facility with the approved county comprehensive solid waste management plan. If the local government fails to provide a response within 60 days of receipt of a request for a statement, a copy of the certified letter to the county requesting a statement shall be deemed to satisfy this requirement.

(2) Proof that the facility is consistent with the approved county comprehensive solid waste management plan.

#### **.24 Transfer Stations.**

A. Permits Required. A person may neither construct nor operate a transfer station for public use, nor materially alter or extend one, without obtaining a permit from the Approving Authority before any work, including site preparation, is begun.

##### B. Application for Permit.

(1) Requirement for Application. An application for a permit under the provisions of §A shall be submitted to the Approving Authority. The application shall consist of a letter briefly describing the project for which approval is requested. If there is any reason for summary disapproval of the proposed project, the applicant shall be notified in writing and advised of the proper procedures of appeal. When practicable, within 60 days of receipt of the complete application, the applicant shall be informed of any additional information which the Approving Authority may require, or advised to proceed with the preparation of engineering plans and specifications.

(2) Engineering Plans and Specifications. Eight complete sets of plans and engineering reports covering the proposed project, prepared, signed, and bearing the seal of a registered professional engineer shall be submitted to the Approving Authority. The information contained in these plans and reports shall include:

(a) A map showing the specific location land use and zoning within ¼ mile of the boundaries of the proposed facility;

(b) Drawings of buildings and other structures showing type of construction, layout, and dimensions for unloading, storage, and processing areas;

(c) A site plan designating the property boundaries and all existing and proposed structures and roads;

- (d) A descriptive statement of processes to be used;
- (e) A description of:
  - (i) Major items of equipment, including manufacturer, type, model, capacity, and number of units,
  - (ii) Types and anticipated quantities of solid waste to be accepted,
  - (iii) Types of solid waste not to be accepted,
  - (iv) Area and population to be served by the facility,
  - (v) Measures to be taken to prevent or control odors, explosions, and ground or surface water pollution,
  - (vi) Methods of treating or disposing of liquid waste resulting from the operation,
  - (vii) Employee safety and sanitary facilities,
  - (viii) Manner in which unacceptable wastes which may be delivered to the transfer station will be identified, segregated, and handled before final disposal;
- (f) An operations and maintenance manual which identifies the operation in detail, including periodic cleaning, maintenance, and all contingencies.

C. Application Review. An application received under this section shall be distributed as specified in Regulation .06C(1)(a)—(g), (j), and (k). A person receiving an application shall be requested to submit any comments within 30 days of receipt of the applications.

D. General Requirements and Operating Procedures.

(1) General. The following are established as minimum requirements and operating procedures for transfer stations:

(a) **Buildings**. Activities pertinent to the transferring of solid waste involving the use of hydraulic, pneumatic, or mechanical equipment shall be conducted in an enclosed building or other area approved by the Department.

(b) Location. Location of the facility shall be adjacent to access roads which are:

- (i) Paved or surfaced; and
- (ii) Provided with a base capable of withstanding anticipated load limits.



(c) Access Roads. An all-weather access road negotiable by loaded collection vehicles or other vehicles shall be provided from the entrance gate of the facility to loading and unloading areas.

(d) Environmental Protection. The facility shall be operated in a manner that prevents health hazards and minimizes nuisances. Discharge to air or waters of the State shall be limited to those allowable under permits governing solid waste disposal, water pollution control, or air pollution control. Dust resulting from the operation shall be controlled at all times. Solid waste shall be confined to the unloading area. Solid waste may not be stored or otherwise deposited adjacent to the facility except in approved containers.

(e) Supervision. Operation and management shall be under the direct supervision and control of individuals qualified in operating procedures by training, education, or experience.

(f) Operational Plan. The facility shall have a written emergency operational plan to provide for an alternative waste handling system when the facility is inoperative. This plan shall delineate the procedures to follow in case of equipment breakdown which may require stand-by equipment, extension of operating hours, or diversion of solid waste to other facilities.

(g) Cleanliness and Sanitation. Facilities shall be maintained in a clean and sanitary condition. The following conditions are required:

(i) Plumbing shall be properly maintained.

(ii) Floors shall be well drained and free from standing water.

(iii) Sanitary facilities shall be provided for employees and shall be kept clean and in good repair.

(iv) Solid waste may not remain at the transfer station at the end of the working day unless it is stored in leak-proof, fly and rodent-proof containers.

(v) Special provisions shall be made for the transfer of bulky waste at the transfer station. Otherwise, this waste shall be excluded.

(h) Fire Control. Appropriate on-site fire control equipment shall be provided, and additional fire-fighting equipment shall be made available in emergencies through prior arrangements with the local fire department.

(i) Information Posted. A statement of the days and hours of operation shall be posted at the entrance to the facility and access shall be limited to those times when authorized personnel are on duty.

(j) **Truck Wheel Curbs.** Truck wheel curbs shall be provided to prevent vehicles from backing into the refuse unloading pit or falling into the pit while unloading.

(k) **Tipping, Loading, and Unloading Areas.** Waste tipping, loading, and unloading areas shall be constructed of impervious material which is readily cleanable. Drains shall be connected to a sanitary sewer system or any other permitted treatment facility.

(2) **Other Requirements.**

(a) **Periodic Reports to Approving Authority.** An annual written report shall be submitted to the Approving Authority concerning the status of the transfer station for each year the facility is in use. This report shall be submitted as specified in the permit and shall include the:

(i) Quantity of solid waste received per month during each of the preceding 12 months. Quantities shall be given in tons or cubic yards.

(ii) Quantities and destination of solid waste transferred.

(b) The Approving Authority may impose other requirements considered necessary.

(c) **Consistency with the County Solid Waste Management Plan.** Before issuance of the permit the applicant shall provide:

(i) A statement from the appropriate local governmental agency concerning the consistency of the proposed facility with the approved county comprehensive solid waste management plan. If the local government fails to provide a response within 60 days of receipt of a request for a statement, a copy of the certified letter to the county requesting a statement shall be deemed to satisfy this requirement.

(ii) Proof that the facility is consistent with the approved county comprehensive solid waste management plan.

## **25. Incinerators.**

### **A. Permits.**

(1) **Permits Required.** Unless excepted under the provisions of §A(2), a person may neither construct or operate an incinerator for burning solid waste, nor materially alter or extend one, without obtaining a permit from the Approving Authority before any work, including site preparation, is begun.

(2) Exceptions. Permits issued under this regulation are not required for the following:

(a) Incinerators located at places such as schools, apartment houses, industries, hospitals, commercial establishments, individual residences, and farms, provided that the facility is not part of a system of refuse disposal for public use;

(b) Incinerators that are permitted under Environment Article, §7-232, Annotated Code of Maryland.

B. Application for Permit. The applicant shall submit eight complete sets of plans and engineering reports covering the proposed project, prepared, signed, and bearing the seal of a registered professional engineer. The information contained in these plans and reports shall include:

(1) A map showing the specific location, land use, and zoning within ¼ mile of the boundaries of the proposed facility;

(2) Drawings of buildings and other structures showing types of construction, layout, and dimensions for unloading, storage, and processing areas;

(3) A site plan designating the property boundaries and all existing and proposed structures and roads;

(4) A descriptive statement of processes to be used;

(5) A description of:

(a) Major items of equipment including manufacturer, type, model, capacity, and number of units,

(b) Types and anticipated quantities of solid waste to be accepted,

(c) Types of solid waste not to be accepted,

(d) Area and population which will be served by the facility,

(e) Measures to be taken to prevent or control odors, explosions, and ground or surface water pollution,

(f) Methods of treating or disposing of liquid waste resulting from the operation,

(g) Employee safety and sanitary facilities;

(6) An operational and maintenance manual which identifies the operation in detail, including periodic cleaning and maintenance, and contingency plans;

(7) A description of the manner in which unacceptable waste which may be delivered to the incinerator will be identified, segregated, and handled before final disposal;

(8) A map depicting the topography of the site of the proposed incinerator;

(9) Anticipated tonnage per day of solid waste to be accepted at the incinerator daily;

(10) Location of storage areas for incinerator ash, precipitator waste, and other non-combustible waste generated by the incinerator;

(11) Identification of a proposed disposal site for the ash generated by the facility;

(12) Detailed engineering plans and specifications for the incinerator and related machinery.

C. Applications received under this section shall be distributed as specified in Regulation .06C(1)(a)—(f). Persons receiving applications shall be asked to submit any comments within 30 days of receipt of the application.

D. General Requirements and Operating Procedures. The following are established as minimum requirements and operating procedures for an incinerator:

(1) **Buildings.** Activities involving the unloading, separation, reduction, or alteration of waste shall be conducted in an enclosed building.

(2) **Location.** Location of the facility shall be adjacent to access roads which are:

(a) Paved or surfaced; and

(b) Provided with a base capable of withstanding anticipated load limits.

(3) **Access Roads.** An all-weather road negotiable by loaded collection vehicles or other vehicles shall be provided from the entrance gate of the facility to loading and unloading areas.

(4) **Environmental Protection.** The facility shall be operated in a manner which prevents health hazards and minimizes nuisances. Discharges to air or waters of the State shall be limited to those discharges allowable under permits governing solid waste disposal, water pollution control, or air pollution control. Dust resulting from the operation shall be controlled at all times. Solid waste shall be confined to

the unloading area. Solid waste may not be stored or otherwise deposited adjacent to the incinerator. The Department may authorize the on-site storage of ash or residues for the incineration process provided that the Department concludes that the degree of combustion is sufficient to reduce the level of putrescible materials to levels that do not result in odor conditions, vector attraction, or other nuisance conditions. The Department shall require that storage be conducted in such a manner as to not constitute a potential for ground or surface water pollution.

(5) Supervision. Operation and management shall be under the direct supervision and control of an individual qualified in operating procedures by training, education, or experience.

(6) Operational Plan. The facility shall have a written emergency operational plan to provide for an alternative waste handling system when the facility is inoperative. This plan shall delineate the procedures to follow in case of equipment breakdown which may require standby equipment, extension of operating hours, or diversion of solid waste to other facilities.

(7) Cleanliness and Sanitation.

(a) Facilities shall be maintained in a clean and sanitary condition.

(b) Plumbing shall be properly maintained and floors shall be well drained and free from standing water.

(c) Sanitary facilities shall be provided for employees and shall be kept clean and in good repair.

(d) Solid waste not actually being processed shall be confined to the unloading area which shall be maintained free of dust and nuisances.

(e) Accumulations of solid waste shall be controlled in a manner so as to minimize odors and prevent infestation by insects, rodents, or other vectors.

(8) Fire Control. Appropriate on-site fire control equipment shall be provided, and additional fire-fighting equipment shall be made available in emergencies through prior arrangements with the local fire department.

(9) Information Posted. A statement of the days and hours of operation shall be posted at the entrance of the facility and access shall be limited to those times when authorized personnel are on duty.

(10) Tipping, Loading and Unloading Areas. Waste tipping, loading, and unloading areas shall be constructed of impervious material which is readily cleanable. Drains shall be connected to a sanitary sewer system or other permitted treatment facility.

**E. Other Requirements.**

(1) Periodic Reports to Approving Authority. An annual written report shall be submitted to the Approving Authority concerning the status of the incinerator for each year the facility is in use. This report shall be submitted as specified in the permit and shall include:

(a) The quantity of solid waste received per month during each of the preceding 12 months. Quantities shall be given in tons or cubic yards.

(b) The quantities and descriptions of solid waste, ash, and non-acceptable waste transported off-site for disposal. Quantities shall be given in tons or cubic yards.

(2) The Approving Authority may impose other requirements considered necessary.

**F. Public Hearing.** Before issuing a refuse disposal permit for an incinerator, a public hearing shall be conducted in accordance with the provisions of Regulation .05I(1).

**G. Consistency with the County Solid Waste Management Plan.** Before issuance of the permit the applicant shall provide:

(1) A statement from the appropriate local governmental agency concerning the consistency of the proposed facility with the approved county comprehensive solid waste management plan. If the local government fails to provide a response within 60 days of receipt of a request for a statement, a copy of the certified letter to the county requesting a statement shall be deemed to satisfy this requirement.

(2) Proof that the facility is consistent with the approved county comprehensive solid waste management plan.

**.26 Variances.**

A. An owner, operator, or person proposing to construct or currently operating a solid waste acceptance facility may apply to the Approving Authority for a variance from one or more of the provisions of these regulations. Variance may be sought for design or operation and maintenance requirements, or both. The Approving Authority shall grant a variance when the design or method of operation proposed in the vari-

ance application has been shown by the applicant to the satisfaction of the Approving Authority to conserve and protect the public health, the natural resources, and environment of the State, and to control air, water, and land pollution to at least the same extent as would be obtained by compliance with the regulation.

B. Requests for variance shall supply information required by the Approving Authority, including:

- (1) The nature and location of the solid waste facility;
- (2) The reasons for which the variance is required, including the economic, technological, and environmental justification; and
- (3) Other relevant information the Approving Authority may require in order to make a determination regarding the application.

C. When practicable, within 60 days of receipt of sufficient information on which to base a decision concerning a variance request, the Approving Authority shall make a determination to either grant or deny the variance. If the variance request is denied, the applicant shall be informed in writing of the basis of the denial and the procedures for appeal of the determination.

#### **.27 Enforcement Provisions.**

A. Suspension or Revocation of Permits.

(1) Permits may be revoked or temporarily suspended by the Approving Authority for failure of the holder to comply with:

- (a) The requirements of these regulations;
- (b) The requirements of the permit; or
- (c) A corrective order issued by the Approving Authority.

(2) After written notification of the violation by the Approving Authority which provides the permittee an opportunity for a hearing, and if no immediate or substantial hazard to the public health or the environment exists, the permit may be suspended if the permit holder has failed to correct any violation of these regulations or the requirements of the permit.

(3) Unless the person served with an order suspending or revoking the permit makes a timely request for a hearing under §C, the order is a final order.

(4) Within 10 days after being served with an order suspending or revoking the permit, the person served may request in writing a hearing before the Department.

(5) Whenever the Approving Authority finds conditions which, in the Approving Authority's judgment, constitute an immediate and substantial hazard to the public health or the environment, the Approving Authority may issue without warning, prior notification, or hearing, a written notice to the permit holder citing those conditions, specifying the remedial and corrective actions to be taken, and specifying the time period within which the action shall be taken. If necessary, the order shall state that the permit is immediately discontinued. Upon written petition to the Approving Authority within 10 days of notification, the permit holder shall be afforded a prompt hearing.

B. Reinstatement of Suspended Permits. A person whose permit has been temporarily suspended may make application at any time for a reinspection for the purpose of reinstatement of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that the deficiencies which caused suspension of the permit have been corrected, the Approving Authority shall make a reinspection. If the applicant is complying with the requirements of these regulations, the permit shall be reinstated. In this case, a public hearing is not required.

C. Hearings. The Department shall give notice and hold hearings for violations of these regulations, permits, or corrective orders in accordance with the Administrative Procedure Act.

D. Inspections.

(1) General. The Approving Authority shall inspect each solid waste acceptance facility permitted under these regulations, and shall make as many additional inspections and reinspections as are necessary for the enforcement of these regulations.

(2) Right of Entry. An agent of the Approving Authority, after presenting proper identification, shall be allowed entry to all buildings, structures, and premises owned by a person supplying refuse disposal service, and upon private property for the purpose of collecting samples, records, information, and taking photographs to ascertain whether the regulations, orders, and permits of the Secretary of the Environment are obeyed.



## *Memorandum*

December 4, 1996

**TO:** ~~Project~~ Subcommittee

**SUBJECT:** Proposed Police and Automotive Shop Facility at the William Preston Lane, Jr. Memorial Bridge

### **DISCUSSION:**

The Maryland Transportation Authority (MdTA) is proposing to construct a Police and Automotive Shop Facility just south of the eastbound toll facilities at the Bay Bridge in Anne Arundel County. The MdTA presently has existing facilities near the bridge because the agency is responsible for patrolling the bridge and its approach roadways 24 hours a day; however, personnel and vehicles have outgrown these facilities.

While the site is currently on State-owned land, the site was privately owned when Anne Arundel County mapped the property with a split IDA\LDA\RCA designation. The area of IDA on the site is not where the proposed development is located. The area of IDA was a result of a mapping mistake awarded to the previous owners of the site in 1994. In order for the applicant to develop the site as proposed, the area proposed for development would have to be considered an area of intense development as described in COMAR 27.02.05.03 so that 15% impervious surface limitations would not apply, although the 10% reduction in pollutants rule would apply. Even if the Commission were to consider changing the site to an area of intense designation, the Criteria in COMAR 27.02.05.03B(1)(a) state, "Development proposed on State-owned lands shall be conducted according to the following criteria: (a) New intense development on State-owned lands should be directed outside of the Critical Area." Additionally the Criteria state in 27.02.05.03B(1)(b) that, "When this development is required to occur in the Critical Area, it should be directed towards existing areas of intense development."

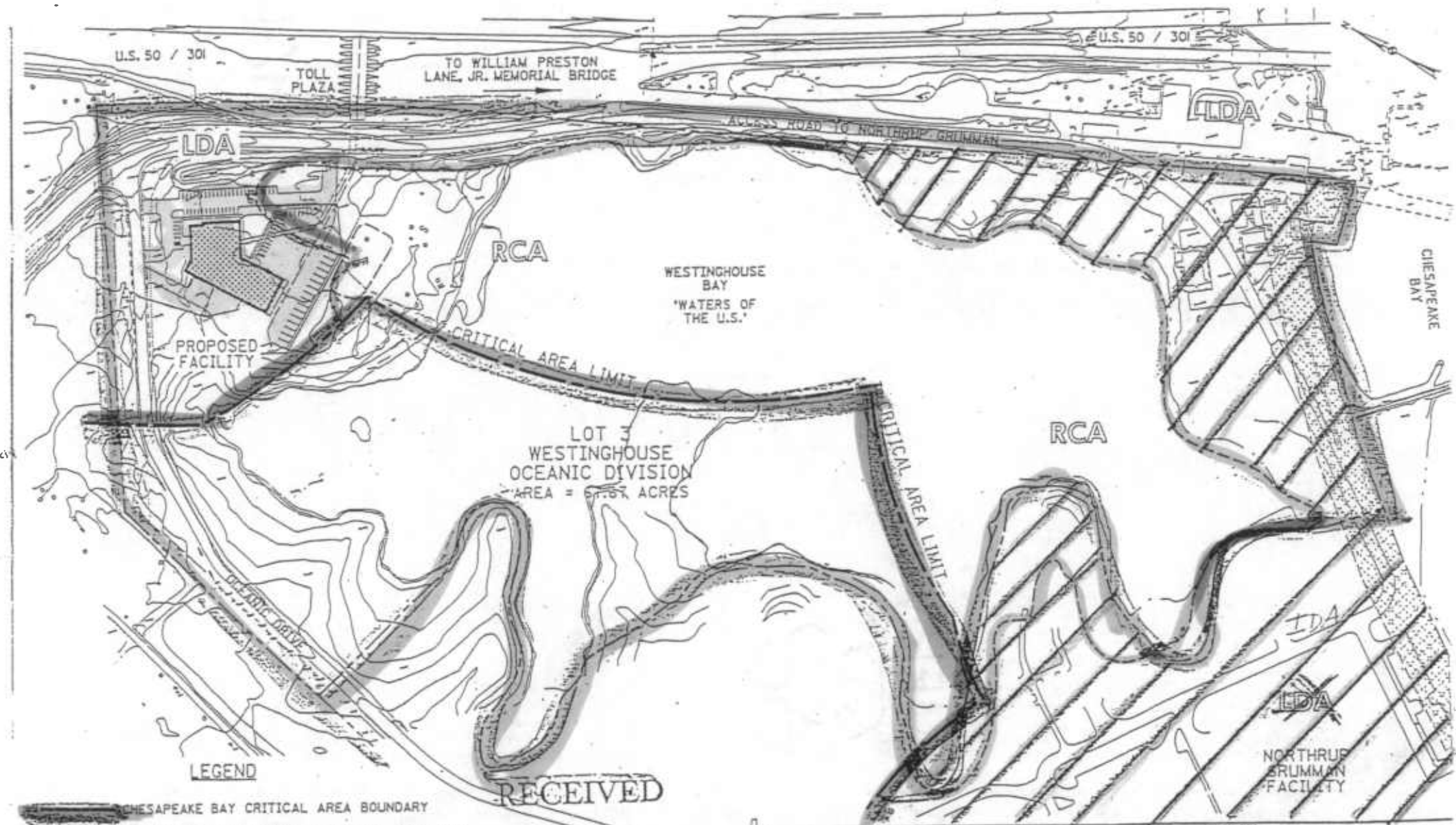
### **STAFF RECOMMENDATION:**

Staff recommends that the Project Subcommittee consider the LDA portion of the site, as mapped by Anne Arundel County to be an area of intense development under COMAR 27.02.05.03. On State-owned land, there are essentially two categories of development; areas classified as intense development and areas classified as not intensely developed. Some counties, as did Anne Arundel, mapped all land in the Critical Area regardless of whether it was privately owned or State-owned. The Commission can choose to use the maps as a guide. This site is adjacent to a mapped IDA. In addition, it abuts U.S. Route 50 and is also adjacent to the toll facilities and the MdTA Administration Building. Therefore, it appears that this area could be considered an area of intense development since it is near other sites with intense development activities.

Project Subcommittee  
Page Two  
December 4, 1996

In response to COMAR 27.02.05.03B regarding the location of new intense development on State-owned lands, it appears that in this case, directing the development outside of the Critical Area would be at a cross purpose for the MdTA. The purpose of locating the facility on this site is because of its proximity to the interchange onto U.S. Route 50, the Administration Building and the Bay Bridge itself. The personnel utilizing this facility will be the persons responsible for patrolling the bridge. For example, if this were simply a facility that would be used for training or administrative offices, then it would be appropriate to direct that development activity outside of the Critical Area. However, the functioning of the proposed facility is dependent upon its proximity to the Bay Bridge.

**Staff:** Lisa Hoerger



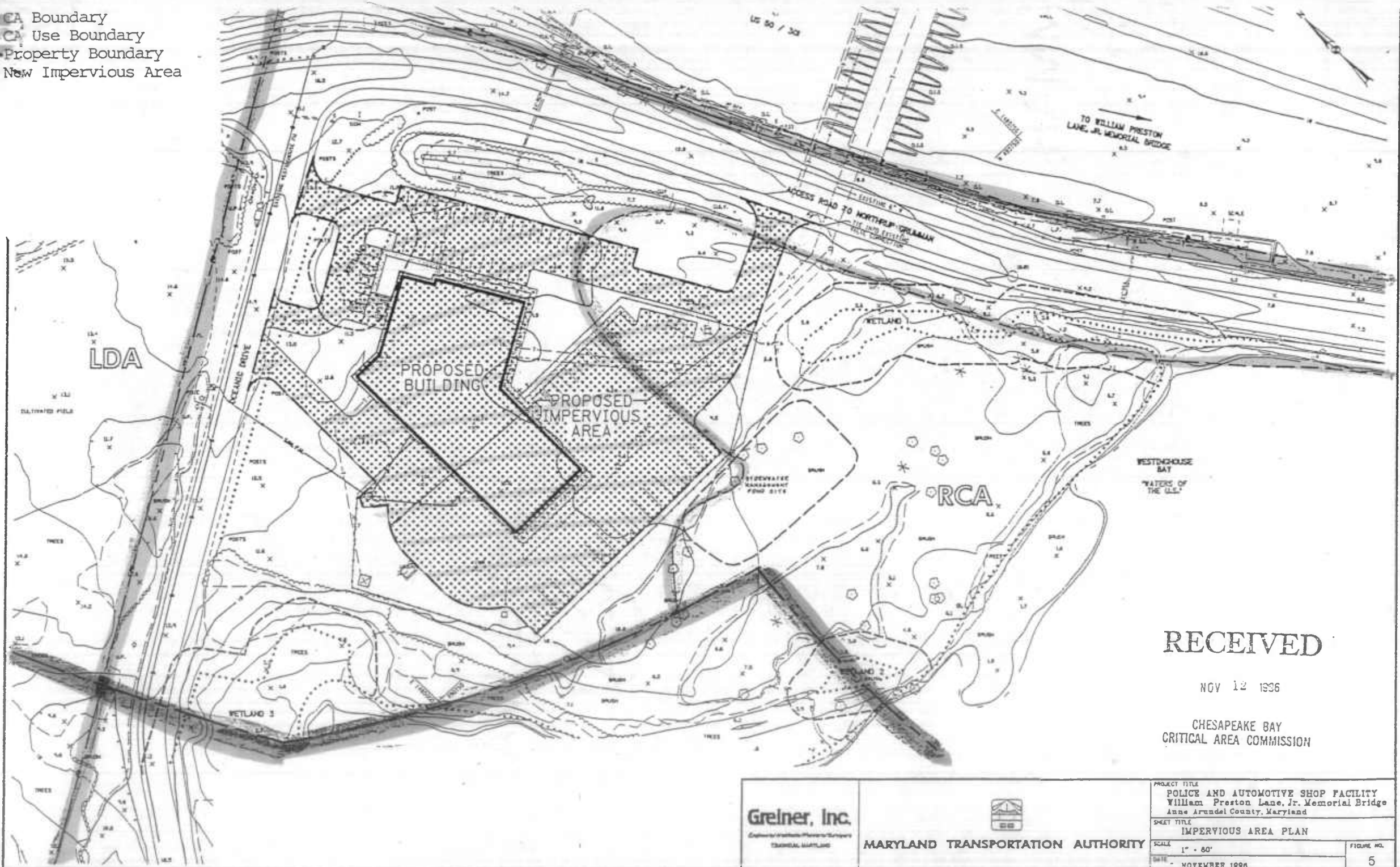
- LEGEND**
- CHESAPEAKE BAY CRITICAL AREA BOUNDARY
  - CHESAPEAKE BAY CRITICAL AREA USE BOUNDARY
  - RCA** CHESAPEAKE BAY CRITICAL AREA USE DESIGNATION
  - 100' BUFFER FROM TIDAL WATERS OR WETLANDS OF THE CHESAPEAKE BAY
  - Property Boundary
  - New Impervious Area
  - New IDA (Result of 1994 Growth Allocation)

NOV 12 1996  
 CHESAPEAKE BAY  
 CRITICAL AREA COMMISSION

<b>Grelner, Inc.</b> <small>THESE PLANS ARE THE PROPERTY OF GRELNER, INC. AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF GRELNER, INC.</small>	 <b>MARYLAND TRANSPORTATION AUTHORITY</b>	<small>PROJECT TITLE</small> POLICE AND AUTOMOTIVE SHOP FACILITY, William Preston Lane, Jr. Memorial Bridge Anne Arundel County, Maryland
		<small>SHEET TITLE</small> SITE PLAN

*Mapping Mistake*


CA Boundary  
 CA Use Boundary  
 Property Boundary  
 New Impervious Area



RECEIVED

NOV 12 1996

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

<b>Greiner, Inc.</b> <small>Engineers, Architects, Planners &amp; Scientists</small> TECHNICAL DRAWING	 <b>MARYLAND TRANSPORTATION AUTHORITY</b>	PROJECT TITLE <b>POLICE AND AUTOMOTIVE SHOP FACILITY</b> William Preston Lane, Jr. Memorial Bridge Anne Arundel County, Maryland	
		SHEET TITLE <b>IMPERVIOUS AREA PLAN</b>	
		SCALE 1" = 80'	FIGURE NO. 5
		DATE NOVEMBER, 1996	