

Chesapeake Bay Critical Area Commission  
 Department of Housing and Community Development  
 Crownsville, Maryland 21401  
 Conference Room 1100A  
 February 5, 1997  
 AGENDA

SUBCOMMITTEES

11:00a.m. - 11:30 a.m. Project Evaluation  
 Members: Langner, Bourdon, Giese, Goodman, Corkran, Foor, Blake, Cooksey, Hearn, Dietz

MNCPPC Hamilton McGruder Park Theresa Corless, Planner  
 WSSC - Sandy Bar Drive/Sewer Extension Theresa Corless, Planner

10:00a.m. - 11:30 a.m. Program Amendment  
 Members: Whitson, Evans, Moxley, Robinson, Myers, Barker, Williams, Curry, Foor, Pinto, Johnson, Lawrence, Taylor-Rogers, Duket, Wilde

Talbot County - Farm Tenant Houses in the RCA Theresa Corless, Planner  
 Greg Schaner, Planner  
 Growth Allocation Policy: Development Envelopes Ren Serey, Executive Director

11:30 p.m. - 12:00 p.m. Calvert County Comprehensive Review  
 Members: Whitson, Taylor-Rogers, Bourdon, Lawrence Evans Dawnn McCleary, Planner

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

PLENARY MEETING

1:00 p.m. - 1:05 p.m. Approval of Minutes of January 8, 1997 *approved* John C. North, II, Chair

*Info* **PROGRAM AMENDMENTS and REFINEMENTS**

1:05 p.m. - 1:30 p.m. **4** INFO - Calvert County Amendments *10% Pollutant Rule ICA* Dawnn McCleary, Planner  
 Refinements - Calvert County *Many Owners, Planner*

1:30 p.m. - 1:40 p.m. **1** Refinement - Baltimore County *concur* Susan McConville, Planner

1:40 p.m. - 2:00 p.m. **2** Baltimore County - *update 1 yr* Update on Final BMA Program Susan McConville, Planner  
*(2 yr. trial per Comm. Pol.)* Glenn Shaffer, Balt. Co.  
*Pat Farr*

PROJECT EVALUATION

2:00 p.m. - 2:10 p.m. MNC PPC - Hamilton-McGruder Park Theresa Corless, Planner  
*Jeff Newhouse - MNC PPC* *KL Motion - approve*

2:10 p.m. - 2:20 p.m. WSSC - Sandy Bar Drive/Sewer Extension Theresa Corless, Planner  
*K.L. moved to approve* *DB Ser JCH*  
*Paul Boracossi - WSSC*

2:20 p.m. - 2:40 p.m. Old Business John C. North, II, Chair  
*7. Ser - cy*

New Business John C. North, II, Chair  
*HB 568*  
*SB 498 - R.S.*

Chesapeake Bay Critical Area Commission  
 Department of Housing and Community Development  
 Crownsville, Maryland  
 January 8, 1997

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:

Bourdon, David G., Calvert County  
 Cooksey, David W., Charles County  
 Corkran, William, Talbot County  
 Greenfield, Victoria for Curry, Wayne, Prince George's County  
 DeBoy, Steve for Moxley, Stephen, Baltimore County  
 Dietz, Mary, MDOT  
 Duket, Larry, Maryland Office of Planning  
 Evans, Diane, Anne Arundel County  
 Foor, Dr. James C., Queen Annes County  
 Goodman, Robert, DHCD  
 Hearn, J. L., Maryland Department of the Environment  
 Johnson, Samuel Q., Wicomico County  
 Langner, Kathryn, Cecil County  
 Lawrence, Louise, Department of Agriculture  
 Pinto, Robert, Somerset County  
 Robinson, Thomas E., Kent County, Eastern Shore MAL  
 Schwaab, Eric for Taylor-Rogers, Dr. Sarah, DNR  
 Whitson, Michael, St. Mary's County  
 Wilde, Jinhee K., Western Shore, MAL

The Minutes of ~~January 8, 1997~~ were approved as read.  
*December 4, 1996*

Chairman North told the Commission that a Memorandum from John Griffin, Secretary of DNR, has been circulated announcing a meeting to be held at the University of Maryland on Saturday the 11th of January (including a luncheon with Governor Glendening) to discuss several proposals the Governor will introduce this session. The meeting topic is entitled "Smart Growth and Neighborhood Conservation".

Ren Serey, Executive Director, CBCAC, introduced Professor Steven Davison, University of Baltimore, School of Law. Professor Davison is the co-author of a book entitled "Chesapeake Waters" which is being revised. Professor Davison talked about the findings for the revision. He said that the first edition covered the period of 1607-1972, historically based on water quality and water pollution in the Bay and the

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governmental programs designed to control water pollution entering the Bay. The new edition features some of the new developments through 1996, which takes an historical survey from 1607 until the present time and examines the various types of pollution and its effect on the Bay.

Dawnn McCleary, Planner, CBCAC presented for Concurrence with the Chairman's determination of Refinement, two resolutions to amend Caroline County's program. One resolution revises the impervious surface area limits to conform with SB 657; the other will provide for fees-in-lieu for forest plantings when on-site mitigation is not possible. The Commission supported the Chairman's determination.

Mary Owens, Planner, CBCAC presented for VOTE the request of St. Mary's County for a text amendment to the grandfathering language of their local program. The change is proposed to accommodate a major amendment of a grandfathered Planned Unit Development project (Shannon Farms) which was originally approved by the County Commissioners on Nov. 12, 1985. This project, one of several in St. Mary's County, was rezoned for Planned Unit Development prior to the Critical Area regulations to accommodate mixed use, more intense development. This project had not been legally subdivided when the Critical Area regulations were implemented in St. Mary's County. Upon review by the Commission, it was determined that the projects could be grandfathered with respect to density as long as all other critical area requirements were met and all other conditions proposed at the time of rezoning were also met. The amendment was necessary in order to change some of the original conditions of rezoning and to address significant changes to the design of the project. Ms. Owens said that the current proposed plan represents significant design modifications which are being implemented primarily to provide for the preservation of Forest Interior Dwelling Bird habitat. If approved, there are several outstanding issues that will be resolved during the detailed design phase. A map amendment will be submitted in the future to extend the Critical Area boundary to include the entire Shannon Farms property. She said that Commission staff have reviewed the proposed plan and support the County's determination that this proposal exceeds overall Critical Area Program requirements. Michael Whitson moved to approve the proposed text amendment to the St. Mary's County Critical Area ordinance with respect to the Shannon Farm as submitted. The motion was seconded by Louise Lawrence and carried unanimously.

Mary Owens presented for concurrence with the Chairman's determination of Refinement, the Impervious Surface Language for the Town of Chesapeake Beach. The purpose is to define impervious surfaces and to incorporate the new limits on impervious surfaces required by and set forth in Senate Bill 657. The Commission supported the Chairman's determination.

Lisa Hoerger, Environmental Specialist, CBCAC presented for VOTE the Maryland Transportation Authority's proposed project to construct a Police and Automotive Shop Facility at the Bay Bridge in Anne Arundel County. Ms. Hoerger reminded the Commission that privately owned lands are designated as either IDA, LDA or RCA, and this parcel contained all three designations until the MdTA purchased the property and it became State owned land. She explained that lands owned by the State in the Critical Area are not designated like private lands, but are either considered areas of intense development or areas not intensely developed. The Project Subcommittee determined that the area of the site previously mapped LDA by Anne Arundel County and a portion of the RCA would be considered an area of intense development because of the site's proximity to U.S. Route 50 and the toll facilities. The portion previously mapped RCA which was determined by the subcommittee to be an area of intense development will be used as both an enhancement area to the site and as a shallow marsh to treat the stormwater runoff from the site. Ms. Hoerger told the Commission that there will be no impacts to the area with the exception of a 2,136 square feet filling on site of a nontidal wetland for parking areas. The Maryland Department of the Environment (MDE), Nontidal Wetlands division approval of the request is pending submittal of the final plans by the applicant and the submittal of the Erosion and Sediment Control permit for review by MDE. Ms. Hoerger said that when this parcel was privately owned by Westinghouse, it came to the County for a mapping mistake to change a portion of the parcel to IDA from LDA. As a condition of that mapping mistake approval, an agreement was entered into with the community and adjacent property owners. These covenants are more restrictive than the local zoning. The only impacts to the lot purchased by MdTA are the impervious surface restrictions which can only go to 65% impervious coverage. Ms. Hoerger said that there is a list of other restrictions that may or may not comply with the covenants for this proposal and may need to be reviewed. Commission Counsel, Marianne Mason said the covenants were to be recorded to run with the land and to be enforceable by the parties and their successors. Kay Langner moved to approve the Police Automotive Shop facility at the William Preston Lane, Jr. Memorial Bridge as presented with the condition that construction does not commence until final approval is given by MDE for sediment and erosion control. The motion was seconded by Bill Corkran and carried with 16 in favor; Diane Evans stood opposed for lack of information regarding MdTA coordination with adjacent property owners concerning the easements.

Dawnn McCleary, Planner, CBCAC presented for VOTE the Maryland Stadium Authority's proposed off-site parking lot at the Football Stadium at Camden Yards. She said that the proposed parking lot will replace parking spaces lost by stadium construction. There will be no impact to the 100-foot Buffer and the Best Management Practice will be bioretention which will be maintained by agreement with the Stadium Authority. Kay Langner moved to approve the Maryland Stadium Authority, Howard

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Street off-site Parking Lot with the condition that there be a signed maintenance agreement for the bioretention area. The motion was seconded by Bob Goodman and carried unanimously.

Greg Schaner, Planner, CBCAC presented for VOTE, Maryland State Highway Administration's proposal to replace the deteriorating Maryland Route 16 Bridge over Slaughter Creek (a tidal tributary of the Choptank River) in Dorchester County. This is the only access to Taylor's Island. State Highway Administration representatives described the project in detail covering the ecological concerns relating to this work. The replacement work will occur entirely within the Critical Area. Mr. Schaner told the Commission that this project was recommended for approval based on seven conditions developed by the COE, MDE and the Commission staff: 1) Replacement at a ration of 3:1 for any forest vegetation cleared within the Critical Area Buffer. Replacement at a ration of 1:1 for any forest vegetation cleared within the Critical Area but outside of the Buffer. Native species are required for all mitigation plantings; 2) Issuance of an approved sediment and erosion control plan as required by COMAR 27.02.05.03B(4) prior to initiating the project; 3) Issuance of a U.S. Army Corps of Engineers (ACOE) permit and a Maryland Department of the Environment (MDE) license for tidal wetland impacts, including an approved wetland mitigation plan prior to initiating the project. Issuance of an MDE water quality certification prior to initiating the project. 4) No instream work is to be conducted from December 16th to March 14th and from June 1st to September 30th, inclusive, of any year; 5) No dredging should be conducted during the period as specified by ACOE and DNR; 6) As determined by DNR, mitigation is required through payment or placement of shell material and seed oysters on the disturbed area for oyster bed impacts; 7) Impacts to shallow water due to dredging shall be minimized in accordance with the recommendations of the ACOE. An appropriate spoil disposal location for dredge materials must be approved by the ACOE prior to initiating the project. Kay Langner moved to approve the Maryland Route 16 Slaughter Creek Bridge replacement with the revised conditions as presented. The motion was seconded by Bob Goodman and carried unanimously.

## OLD BUSINESS

Commission Counsel, Marianne Mason, updated the Commission on legal matters. She said that the Court of Special Appeals issued an opinion on the 17th of December in the case of Sherner vs Wicomico County and Critical Area Commission. This case involves a property owner who alleged that the Critical Area Law effected a taking of his property because he could not develop it the way that he wanted to and the Court has rejected his claim. She said that on December 12, Judge Heller issued a 13 page Opinion in the McIneny case, resulting in his overruling the Board of Appeals in holding that the Anne Arundel Board of Appeals had been arbitrary and capricious in

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granting a swimming pool in the Buffer. Ms. Mason told the Commission that this case decision will help in four other cases regarding the same issue (standards for granting a variance for accessory structure in the Buffer) now in Circuit Court in Anne Arundel County. Ms. Mason responded to Commissioner Q. Johnson's inquiry at the last meeting of the Commission, regarding the Commission's ability for examining options for HPA's and mitigation outside the Critical Area, by Memorandum, wherein her overall analysis is that the Commission can look at these options outside the Critical Area. (Memo attached and made a part of these Minutes.)

## NEW BUSINESS

Victoria Greenfield, Prince George's County representative, announced that she has accepted a job as Deputy County Administrator for Charles County and will not be representing Prince George's County on the Commission any longer. Vicky will be missed.

Chairman North announced that Critical Area Commission Chief of the Program Amendment and Implementation Division, Patricia Pudelkewicz, will be leaving the Commission to accept a position in Harford County. Patricia has been a very strong, stalwart, and skilled member of the Commission staff. While the staff is pleased for her to find a position more remunerative and convenient to her, she will be particularly missed by the Commission and Staff.

Larry Duket reported that the Supreme Court may take a case on TDRs involving the Lake Tahoe Basin and that the Attorney General's Office may be contacted for an Amicus Brief.

There being no further business, the meeting adjourned.

Minutes submitted by:

Peggy Mickler, Commission Secretary

**OFFICE OF THE ATTORNEY GENERAL**  
**For The**  
**Department of Natural Resources**

Tawes State Office Building  
580 Taylor Avenue  
Annapolis, MD 21401  
(410) 974-5350

*Attach  
to minutes  
of January  
for file*

January 8, 1997

**MEMORANDUM**

TO: Critical Area Commission Members

FROM: Marianne D. Mason, Assistant Attorney General *MDM*

SUBJECT: Land outside the Critical Area: basis for Habitat Protection Area designation and use for mitigation

At the December Commission meeting, Commission member Johnson posed two questions:

- 1) May the Commission, or a local jurisdiction, base a designation of a Habitat Protection area inside the Critical Area in part on land located outside the Critical Area?
- 2) Does the Critical Area Commission have authority to look at areas outside the Critical Area when reviewing a proposal for mitigation of disturbance that occurred inside the Critical Area?

For the following reasons, I believe that the answer to both questions is "yes".

In the Critical Area Protection Program's declaration of public policy, the General Assembly found that "[t]he restoration of the Chesapeake Bay and its tributaries is dependent, in part, on minimizing further adverse impacts to the water quality and natural habitats of the shoreline and adjacent lands." Maryland Annotated Code, Natural Resources Article ("Code") §8-1801 (a)(7). The Commission is charged with the development of criteria to, among other goals, "provide for the conservation of habitat and the protection of water quality in the Critical Area." COMAR 27.01.02.01. In reviewing and approving local programs and program amendments, the Commission must determine

Memorandum to Critical Area Commission Members

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whether the programs and amendments meet the standards of the statute (Code, NR §8-1808 (b)(1) through(3)) and the Commission's criteria. Code, NR §8-1809(j). Moreover, if the Commission itself were to prepare and adopt a program for a local jurisdiction, under NR §8-1810(a), the Commission must adopt a program "that satisfies the criteria".

The Commission's Criteria for Local Critical Area Program Development, Habitat Protection Areas at COMAR 27.01.09.04C, require local jurisdictions to use **"all of the following criteria"** in developing their Critical Area programs. (Emphasis added). The criteria provide in 27.01.09.04C(2) that each "plant and wildlife habitat protection program shall consist of the following:

(a) Identification of...plant and wildlife habitats in the Critical Area:

\* \* \* \*

(iii) Existing riparian forests (for example, those relatively mature forests of at least 300 feet in width which occur adjacent to streams, wetlands, or the Bay shoreline, and which are documented breeding areas);

(iv) Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species (for example, **relatively mature forested areas within the Critical Area of 100 acres or more, or forest connected with these areas**); (emphasis added)....

The Criteria further require the local jurisdictions to establish "programs for conserving or protecting the plant and wildlife habitat areas identified" in COMAR 27.01.09.04C (2)(a), including programs to "protect and conserve those forested areas required to support wildlife species identified above in SC(2)(a)(iii) and(iv). COMAR 27.01.09.04C(2)(b)(iv). I believe that the plain language of SC(2)(a)(iv), in particular, evidences an intent that the framers of a program for conserving or protecting the plant and wildlife habitats set forth in the criteria would look beyond the boundary of the Critical Area in circumstances when land outside the Critical Area is integral to the viability of the habitat in the Critical Area. For example, a forested area inside the Critical Area may provide quality habitat for Forest Interior Dwelling Birds (FIDS) but may be able to function as FID habitat only because of adjacent forest outside the Critical Area. To protect the identified habitat, the criteria allow the Commission or local jurisdiction to look

**Memorandum to Critical Area Commission Members**

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at the areas adjacent or connected to the plant and wildlife habitat to be conserved or protected.

Furthermore, the Criteria expressly encourage local jurisdictions to "apply protection measures similar to those contained in their Critical Area program to land disturbances beyond the Critical Area boundary in an effort to protect or enhance water quality and to conserve plant and animal habitats of the Critical Area." COMAR 27.01.10.01J. This provision is another example of the criteria's recognition that protection of habitat within the Critical Area may at times be dependent on resources or lands outside the Critical Area boundary.

Taken together, the above-quoted provisions of the statute and criteria support the conclusion that the Commission, or a local jurisdiction, may base a designation of Habitat Protection area inside the Critical Area in part on areas outside the Critical Area. This interpretation takes a holistic view of the role of the Critical Area statute, criteria, and approved local programs to further the stated goals of the statute and criteria.

The second question, whether the Commission may approve mitigation measures proposed for land outside the Critical Area when the disturbance occurred within the Critical Area, may be answered by reference to the statutes and criteria discussed above. For example, if a local jurisdiction had fee-in-lieu money to spend but had no areas within the Critical Area which were practical candidates for the money, the money could be used to create and/or preserve forests outside the Critical Area in order to provide water quality and habitat benefits for lands inside the Critical Area. This proposal appears to further the goals of habitat conservation and protection in the Critical Area. The proposed mitigation would be approvable as an action which would advance the goals of the statute and criteria, and would, as a practical matter, encourage local jurisdictions to look beyond the fixed boundaries of the Critical Area when evaluating potential mitigation projects. Of course, any mitigation outside the Critical Area would need to be evaluated carefully to ensure that the mitigation measures would provide habitat or water quality benefits to the Critical Area and that the proposed mitigation lands are closely related to lands in the Critical Area.

This memorandum is advice of counsel only, and not a formal Opinion of the Attorney General.

# Worksheet A: Standard Application Process

## Calculating Pollutant Removal Requirements

### Step 1: Project Description

#### A. Calculate Percent Imperviousness

1. Site Acreage = 3.90 Acres

2. Site Imperviousness, existing and proposed,

	(a) Existing	(b) Post-Development
rooftop	<u>15,800</u>	<u>14,240</u>
roads	<u>2,100</u>	<u>2,900</u>
sidewalks	<u></u>	<u>600</u>
parking lots	<u>15,120</u>	<u>34,920</u>
pools/ponds	<u></u>	<u></u>
decks	<u></u>	<u></u>
other PAD	<u>1,500</u>	<u></u>
<b>Impervious Surface Area</b>	<u><math>34,520/43,560 = .79</math></u>	<u><math>52,660/43,560 = 1.21</math></u>

#### Imperviousness (I)

Existing Impervious Surface Area/Site Area =  $.79/3.90 = .20$

Post-Devel. Impervious Surface Area/Site Area =  $1.21/3.90 = .31$

**B. Define Development Category**

- |                                  |  |
|----------------------------------|--|
| <b>1) Redevelopment</b>          | <b>Existing imperviousness &gt; 15%</b>  |
| <b>2) New development</b>        | <b>Existing imperviousness &lt; 15%</b>  |
| <b>3) Single Lot Residential</b> | <b>Single lot being developed or improved; single family residential; and more than <u>250</u> square feet being disturbed</b> |

**Step 2: Calculate the Pre-Development Load (L<sub>pre</sub>)**

**A. Redevelopment**

$$L_{pre} = (R_v) (C) (A) 8.16$$

$$R_v = 0.05 + 0.009 (I_{pre})$$

where:

- $R_v$  = runoff coefficient
- $I_{pre}$  = site imperviousness (I = 75 if site is 75% imperv.)
- $C$  = flow-weighted mean concentration of pollutant
  - $C = 0.26$  if pre-development  $I < 20\%$
  - $C = 1.08$  if pre-development  $I \geq 20\%$
- $A$  = area of the development site (acres in C.A.)
- 8.16 = includes regional constants, conversion factors

$$R_v = 0.05 + 0.009 ( \underline{.20} )$$

$$= \underline{.23}$$

$$L_{pre} = (R_v) (C) (A) 8.16$$

$$= \underline{( .23 ) ( 1.08 ) ( 3.90 ) 8.16}$$

$$= \underline{7.9}$$

OR

~~B. New Development~~

~~$$L_{pre} = 0.5 \text{ lbs/year} * A$$

$$= (0.5)(\underline{\quad})$$~~

**Step 3: Calculate the Post-Development Load (L<sub>post</sub>)**

**A. New Development and Redevelopment**

$$\begin{aligned} L_{\text{post}} &= (R_v) (C) (A) 8.16 \\ R_v &= 0.05 + 0.009 (I_{\text{post}}) \\ &= 0.05 + 0.009 (\underline{31}) = \underline{.33} \\ \\ L_{\text{post}} &= (\underline{.33}) (\underline{1.08}) (\underline{3.9}) 8.16 \\ &= \underline{11.34} \text{ lbs P/year} \end{aligned}$$

**Step 4: Calculate the Pollutant Removal Requirement**

$$\begin{aligned} \text{RR} &= L_{\text{post}} - (0.9) (L_{\text{pre}}) \\ &= (\underline{11.34}) - (0.9) (\underline{7.9}) \\ &= \underline{4.23} \text{ lbs P} \end{aligned}$$

**Step 5: Identify Feasible Urban BMP**

<b>BMP Type</b>	<b>Removal Efficiency</b> (use 0.50 for 50%)	<b>Fraction of Drainage Area Served</b>	<b>L<sub>post</sub></b>	<b>Load Removed</b>
-----------------	---	---	-------------------------	---------------------

#4 <u>Wet ED Pond</u>	<u>.55</u>	X	<u>.75</u>	X	<u>11.34</u>	=	<u>4.68</u> lbs
_____	_____	X	_____	X	_____	=	_____ lbs
_____	_____	X	_____	X	_____	=	_____ lbs
_____	_____	X	_____	X	_____	=	_____ lbs

4.68 > 4.23 so OK !

**BMPs In a Series**

**Load Removed =** {L<sub>post</sub> - [L<sub>post</sub> (1 - BMP efficiency<sub>1</sub>) (1 - BMP efficiency<sub>2</sub>) (1 - BMP efficiency<sub>3</sub>)]} (\_\_\_\_)  
**Fraction of Drainage Area**

$$\begin{aligned}
 \text{Load Removed} &= \{L_{\text{post}} - [L_{\text{post}}(\text{____}) (\text{____}) (\text{____})]\} (\text{____}) \\
 &= \{L_{\text{post}} - [\text{____} (\text{____})]\} (\text{____}) \\
 &= \{\text{____} - [\text{____}]\} (\text{____}) \\
 &= \text{____ lbs P}
 \end{aligned}$$

# Worksheet A: Standard Application Process

## Calculating Pollutant Removal Requirements

**Step 1: Project Description**

**A. Calculate Percent Imperviousness**

1. Site Acreage = 3.90 Acres

2. Site Imperviousness, existing and proposed,

	(a) Existing	(b) Post-Development
rooftop	<u>15,800</u>	<u>14,240</u>
roads	<u>2,100</u>	<u>2,900</u>
sidewalks	<u>          </u>	<u>600</u>
parking lots	<u>15,120</u>	<u>34,920</u>
pools/ponds	<u>          </u>	<u>          </u>
decks	<u>          </u>	<u>          </u>
other PATIO	<u>1,500</u>	* <u>10,750</u>
<b>Impervious Surface Area</b>	<u>34,520 / 43,560 = .79</u>	<u>63,410 / 43,560 = 1.46 AC</u>

**Imperviousness (I)**

Existing Impervious Surface Area/Site Area =  $\frac{.79}{3.90} = .20$  OR 20%

Post-Devel. Impervious Surface Area/Site Area =  $\frac{1.46}{3.90} = .37$  OR 37%

#2

**B. Define Development Category**

**1) Redevelopment**

**Existing imperviousness > 15%**

**2) New development**

**Existing imperviousness < 15%**

**3) Single Lot Residential**

**Single lot being developed or improved; single family residential; and more than 250 square feet being disturbed**

**Step 2: Calculate the Pre-Development Load (L<sub>pre</sub>)**

**A. Redevelopment**

$$L_{pre} = (R_v) (C) (A) 8.16$$

$$R_v = 0.05 + 0.009 (I_{pre})$$

where:

$R_v$  = runoff coefficient

$I_{pre}$  = site imperviousness (I = 75 if site is 75% imperv.)

C = flow-weighted mean concentration of pollutant

C = 0.26 if pre-development I < 20%

✓ C = 1.08 if pre-development I ≥ 20%

A = area of the development site (acres in C.A.)

8.16 = includes regional constants, conversion factors

$$R_v = 0.05 + 0.009 \left( \frac{20}{23} \right)$$

$$L_{pre} = (R_v) (C) (A) 8.16$$

$$= \frac{(.23)(1.08)(3.90) 8.16}{7.90}$$

$$= 7.90$$

OR

~~**B. New Development**~~

~~$$L_{pre} = 0.5 \text{ lbs/year} * A$$~~

~~$$= (0.5)(\text{---})$$~~

**Step 3: Calculate the Post-Development Load ( $L_{post}$ )**

**A. New Development and Redevelopment**

$$\begin{aligned} L_{post} &= (R_v) (C) (A) 8.16 \\ R_v &= 0.05 + 0.009 (I_{post}) \\ &= 0.05 + 0.009 (\underline{.37}) = \underline{.38} \end{aligned}$$

$$\begin{aligned} L_{post} &= (\underline{.38}) (\underline{1.08}) (\underline{3.9}) 8.16 \\ &= \underline{13.06} \text{ lbs P/year} \end{aligned}$$

**Step 4: Calculate the Pollutant Removal Requirement**

$$\begin{aligned} RR &= L_{post} - (0.9) (L_{pre}) \\ &= (\underline{13.06}) - (0.9) (\underline{7.9}) \\ &= \underline{5.95} \text{ lbs P} \end{aligned}$$

## Step 5: Identify Feasible Urban BMP

BMP Type	Removal Efficiency (use 0.50 for 50%)	Fraction of Drainage Area Served	$L_{post}$	Load Removed
#4 wet ED pond	.55	X .75	X 13.06	= 5.39 lbs
#17 standard grassed swale	.25	X .75	X 13.06	= 2.45 lbs
_____	_____	X _____	X _____	= _____ lbs
_____	_____	X _____	X _____	= _____ lbs

### BMPs In a Series

$$\text{Load Removed} = \{L_{post} - [L_{post} (1 - \text{BMP efficiency}_1) (1 - \text{BMP efficiency}_2) (1 - \text{BMP efficiency}_3)]\} \text{ Fraction of Drainage Area}$$

$$\begin{aligned} \text{Load Removed} &= \{L_{post} - [L_{post} \left(\frac{1-.55}{(.45)}\right) \left(\frac{1-.25}{(.75)}\right) (\text{---})]\} (.75) \\ &= \{L_{post} - [13.06 (\text{---}.34)]\} (.75) \\ &= \{13.06 - [4.49]\} (.75) \\ &= \underline{6.46} \text{ lbs P} \end{aligned}$$

## *Chesapeake Bay Critical Area Commission*

### **STAFF REPORT** **February 5, 1997**

**APPLICANT:** Baltimore County - DEPRM

**PROPOSAL:** Minor changes to new impervious surface language approved by Commission at October meeting

**JURISDICTION:** Baltimore County

**COMMISSION ACTION:** Refinement

**STAFF RECOMMENDATION:** Concurrence

**STAFF:** Susan McConville

**APPLICABLE LAW/  
REGULATIONS:** Senate Bill 657 [COMAR §8-1808.3]

#### **DISCUSSION:**

The Baltimore County Council passed Bill 170-96, which incorporated into Baltimore County's Chesapeake Bay Critical Area Local Protection Program the changes to the impervious surface provisions set forth in the State Critical Area Law via Senate Bill 657 on December 16, 1996. In accordance with Natural Resources Article 8-1808.3(c) and 8-1809(p)(4), respectively, the changes were incorporated into the Baltimore County Local Protection Program prior to December 31, 1996, and within the required 120 days of notification of the Commission's approval.

Some minor differences exist between the version of the bill approved by the Critical Area Commission in October, 1996, and the bill passed by the County Council on December 16, 1996. Specifically, new Sections 15-381 and 15-382 of the Baltimore County Code (see attached) were added in order to:

1. more clearly state the purpose of the Water Quality Mitigation Fund;
2. incorporate the responsibilities of the County Director of Budget and Finance into the collection and expenditure of fees in this fund (the Director of Budget and Finance is the only individual in the County with the authority to expend County funds) and;
3. provide a mechanism for the County Council to appropriate money to the Water Quality Mitigation Fund, if it so chooses.

The language adopted by the Baltimore County Council remains consistent with Senate Bill 657.

3.



- 1) ANY AND ALL FEES COLLECTED UNDER THE PROVISIONS OF SECTION 26-453(o) OF THIS CODE; AND
- 2) SUCH OTHER FUNDS AS MAY BE DESIGNATED AND PROVIDED BY THE COUNTY.

B) MONEYS PROVIDED TO THE FUND SHALL BE TREATED AS A GRANT TO THE FUND. ANY PAYMENTS BY OR CHARGES AGAINST THE FUND SHALL BE AUTHORIZED BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, UPON CONSULTATION WITH THE DIRECTOR OF BUDGET AND FINANCE.

C) THE FUND IS ESTABLISHED TO FUND THE IMPLEMENTATION OF WATER QUALITY PROTECTION OR RESTORATION PROJECTS INCLUDING FUNDING FOR CAPITAL PROJECTS ADMINISTERED UNDER THE COUNTY'S WATERWAY IMPROVEMENT PROGRAM.

1.



- D) THE PURPOSE OF THE FUND IS TO:
  - 1) MITIGATE POTENTIAL ADVERSE WATER QUALITY IMPACTS FROM DEVELOPMENT WITHIN THE CRITICAL AREAS; AND

1                   2)    IMPROVE THE WATER QUALITY OF RUNOFF  
2                                    NATURALLY OCCURRING INTO THE CHESAPEAKE  
3                                    BAY AND ITS TRIBUTARIES.

4                   F)    THE FUND SHALL BE CHARGED FOR THE EXPENSES OF  
5                                    ADMINISTERING THE PROVISIONS OF THE ARTICLE.

6    2.

SECTION 15-382

7                   (A)   THE FUND SHALL BE IN THE CUSTODY OF AND  
8                                    ACCOUNTED FOR BY THE DIRECTOR OF BUDGET AND  
9                                    FINANCE ACCORDING TO ACCEPTED PRINCIPALS OF  
10                                  SOUND ACCOUNTING AND FISCAL MANAGEMENT.

11                  (B)   THE DIRECTOR OF BUDGET AND FINANCE SHALL BE  
12                                  RESPONSIBLE FOR THE COLLECTION OF THE FEE, AND  
13                                  SHALL MAINTAIN RECORDS IN ACCORDANCE WITH  
14                                  GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

15                  SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall take effect  
16                   forty-five days from the date of its enactment.

B17096.

## *Chesapeake Bay Critical Area Commission*

### STAFF REPORT

February 5, 1997

**APPLICANT:** Baltimore County - DEPRM

**PROPOSAL:** Status Report - Baltimore County Buffer Management Plan

**JURISDICTION:** Baltimore County

**COMMISSION ACTION:** Information

**STAFF:** Susan McConville

**APPLICABLE REGULATIONS:** Buffer Exemption Areas (BEA) [COMAR 27.01.09.02C]

As part of the local Critical Area program to be submitted to the Commission, local jurisdictions may request an exemption of certain portions of the Critical Area from the Buffer requirements where it can be sufficiently demonstrated that the existing pattern of residential, industrial, commercial, or recreational development in the Critical Area prevents the Buffer from fulfilling the functions stated in §B of this regulation. If an exemption is requested, local jurisdictions shall propose other measures for achieving the water quality and habitat protection objectives of the policies. These measures may include, but are not limited to, public education and urban forestry programs.

#### **DISCUSSION:**

At its meeting January 3, 1996, the Commission approved the Baltimore County Buffer Management Program for a two year trial period. Conditions of the agreement included that the Commission staff would work with the County staff to monitor the implementation and effectiveness of the County's Buffer Management Area Program during this two year period. At the end of the two year period, the staff will report the results for Commission review. Baltimore County staff will present a status report on the first year of the program's implementation to the Commission for information.

The Buffer Management Program was given approval on a two year trial basis because the proposed County program contained variations to the Commission's BEA Policy, "Buffer Exemption Areas," adopted by the Commission in May, 1993. Attached is a summary of the variations in the County's BMA Program as compared to the Commission's BEA Policy.

Baltimore County staff will be presenting information about the development, implementation and enforcement of the program in its first year. In addition, the County will present a summary of specific information on project approvals, conditions, buffer impacts and mitigation requirements within the mapped buffer management areas.

BALTIMORE COUNTY BUFFER MANAGEMENT PROGRAM

Differences Between County Program and CBCAC Policy:

1. The County may allow an applicant to locate a dwelling, primary commercial building, or primary industrial building in the buffer closer to the water than the minimum intrusion provided that:
  - a. the dwelling or building extends no closer to the water than either the existing dwelling or building; or the waterward extent of a dwelling or another primary building located farthest from the water on one of the two adjacent properties (excluding vacant lots) or on the property itself. When determining the waterward extent of dwellings or buildings on adjacent properties, measurements shall be taken on the sides of the buildings closest to the proposed dwelling or building.
  - b. Approval of alternate dwelling or primary building locations will require that other conditions outlined in the Buffer Management Program are met, e.g., replace trees removed from the buffer on a 1:1 basis, and may require additional mitigative measures to offset any additional water quality impacts.
  - c. The Department will require variance approval when a dwelling or building is proposed to be placed closer than 25 feet to the water.
  
2. The Department may allow the applicant to locate other new or replacement accessory structures or impervious surfaces waterward of the existing dwelling, nearest primary commercial building, or nearest primary industrial building if no alternate location for a structure, impervious surface, or activity associated with the structure or impervious surface, exists on the property under the following circumstances:
  - a. Approval of alternate locations for a structure or impervious surface will require that the waterward intrusion of the structure or impervious surface is minimized to the extent possible and that all other conditions outlined above are met.
  - b. Additional mitigative measures may be required to offset any additional water quality impacts.
  - c. The Department will require variance approval when the cumulative total of new accessory structures and additions (including pervious decks and pervious decking around pools) and impervious surfaces proposed to be placed waterward of the existing dwelling or primary commercial or industrial buildings on a property after the effective date of this policy exceeds 500 square feet within 50 feet of the water or 750 square feet within 75 feet of the water or 1000 square feet within 100 feet of the water; or when accessory structures or impervious surfaces are proposed to be placed closer than 25 feet to the water.

Justification for Proposal:

1. The majority of Baltimore County's waterfront is heavily developed. The buffer in these areas functions only very minimally in terms of water quality and habitat protection. The only jurisdiction with a more heavily developed waterfront is Baltimore City.

2. Only heavily developed areas along the waterfront are proposed to be included within Buffer Management Areas. Properties within 100 feet of a stream or tidal wetland or 25 feet of a non-tidal wetland; and properties containing forests or Habitat Protection Areas are not to be included within Buffer Management Areas.
3. Since September 1993, Baltimore County has processed over 150 administrative variances, 95% of which were associated with residential building permits for dwellings, additions, and accessory structures on waterfront properties. The variance process is cumbersome for both the applicant and County staff. The County desires to streamline the building permit process while providing protection for water quality and important habitats.
4. The County is proposing a higher fee-in-lieu of mitigation in situations where proposed accessory structures will be built waterward of the existing dwelling or primary structure, and where the dwelling or primary structure will be built closer to the water than the minimum intrusion. Mitigation requirements (e.g., numbers of trees and shrubs to be planted) will not be increased, however, to encourage onsite mitigation to the extent possible.
5. Baltimore County has an active Capital Improvement Program which implements many Critical Area projects pertaining to water quality and habitat improvements, e.g., storm water retrofits, stream restoration projects, shoreline enhancement projects. As such, any fee-in-lieu money collected for buffer impacts within Buffer Management Areas can be used to help fund these projects.
6. The Baltimore County delegation to the General Assembly sponsored House Bill 440 last year to permit swimming pools in the buffer, which was not enacted due to a veto of the bill by the Governor. A similar bill is currently being drafted, and will be introduced in early 1996 if this issue is not resolved via the County's proposed Buffer Management Program. A bill such as this would affect all jurisdictions and not just Baltimore County, and would probably allow pools to be constructed on properties outside heavily developed areas as well.



Baltimore County  
Department of Environmental Protection  
and Resource Management

Office of the Director  
401 Bosley Avenue, Suite 416  
Towson, Maryland 21204  
(410) 887-3733  
Fax: (410) 887-4804

---

BALTIMORE COUNTY, MARYLAND  
CHESAPEAKE BAY CRITICAL AREA BUFFER MANAGEMENT PLAN

January 1996 - January 1997

Initial Goals of Plan:

In heavily developed waterfront areas, which dominate extensive areas along Baltimore County's waterfront:

- ⇒ provide flexibility in allowing certain structures in the buffer, or in different locations within the buffer
- ⇒ remove long-standing controversies involving development/redevelopment on existing waterfront lots
- ⇒ streamline the permit review process
- ⇒ provide continued protection of water quality and important habitats

Pertinent General Statistics:

Of the 66 permits reviewed in Buffer Management Areas from January 1996 - January 1997:

- ⇒ 65 permits were for structures on residential properties
- ⇒ 1 permit was for a structure on a commercial property
- ⇒ 4 permits involving violations were in noncompliance with the Buffer Management Plan; the Plan criteria were not applied in these cases



Primary Structure Statistics:

- ⇒ 1 of 5 replacement dwellings (20.0%) was located waterward of the existing dwelling
- ⇒ 4 of 5 replacement dwellings (80.0%) were located on the same footprint as the existing dwelling
- ⇒ 3 of 6 new dwellings on vacant lots (50.0%) were located in the buffer
- ⇒ 3 of 6 new dwellings on vacant lots (50.0%) were located out of the buffer

Accessory Structure Statistics:

Number of Accessory Structure Permits by Type and Location			
	Out of Buffer	In Buffer	
		Landward	Waterward
Addition	11	3	3
Garage/Carport	7	2	1
Shed	2	0	2
Pool	1	2	2
Gazebo	0	0	2
Pervious Deck	1	2	4
Multiple Structures *	0	0	5
Totals	22	9	19

\* = pervious deck plus another attached accessory structure

Accessory Structure Statistics (continued):

---

Total Footprint of Accessory Structures by Location  
(in square feet)

---

	Structure Footprint (square feet)
Waterward of Primary Structure	
0-25 feet to mht	0
26-50 feet to mht	2,051
51-75 feet to mht	978
76-100 feet to mht	2,278
Landward of Primary Structure	2,771
Out of Buffer	14,897

---

Mitigation Statistics:

---

Mitigation Options Utilized to Offsite Water Quality Impacts

---

	Number of Permits	Total Mitigation
Planting Onsite	26	234.67 tree units *
Remove Impervious Surface	6	3842 square feet
Pay fee-in-lieu	6	\$6703.00 in funds
Other	1	downspout reconfiguration

---

\* one tree unit = 1 deciduous tree or 2 coniferous trees or 3 shrubs

### Conclusions:

- ⇒ the Buffer Management Plan adequately addressed the County's issues of providing flexibility during development/redevelopment on waterfront lots in heavily developed areas
- ⇒ much of the controversy associated with development/redevelopment on existing waterfront lots has been resolved
- ⇒ while some waterward encroachment of primary and accessory structures occurred, most structures were placed landward of the existing primary structure or out of the buffer
- ⇒ waterward cumulative impact "zones" were effective in minimizing buffer intrusions for accessory structures
- ⇒ streamlining of the permit review process was achieved; overall permit approval times dropped significantly, and the variance workload was reduced by 2/3
- ⇒ mitigation requirements adequately offset buffer impacts; water quality protection was achieved

### Areas for Future Study in 1997:

- ⇒ establish a tracking database, and monitor sites for compliance with mitigation requirements
- ⇒ examine the potential for water quality impacts by watershed
- ⇒ determine how to spend fee-in-lieu funds to improve water quality
- ⇒ explore the possibility of increasing mitigation requirements where violations are involved (to encourage compliance)
- ⇒ explore the possibility of providing additional flexibility in areas where the buffer does not function at all

BALTIMORE COUNTY BUFFER MANAGEMENT ZONE DATA SHEET 46-1

Reviewers: KK/GS Field Check Date: 9-9-95

Area name/location: Eagle's Nest / Engelberth Rd.

ADC map book coordinates: P 46 D/E-2

Adjoining water bodies: Browns Creek

Adjoining roads: Holly Neck Rd

CBCA land use designations:      IDA   ✓   LDA      RCA

Tax maps: 98

Land use types:   ✓   residential      commercial  
     industrial      recreational

1986 Aerial photos:  
SE-2K

NW	NC	NE									
SW	SC	SE									

Approximate number of lots which are included along this stretch of shoreline (specify number if < 10): ≥ 10   ✓   Other     

Address of first lot to be included: 1123 Engelberth Rd

Justification: 1121 adjacent to tidal marsh

Address of last lot to be included: 1227 Engelberth Rd.

Justification: 1231 (next to 1227) is adjacent/contains tidal marsh

Is the "buffer" in this area fulfilling any of the following buffer functions stated in COMAR 27.01.09.01B?

	<u>Yes</u>	<u>No</u>
Filter sediments, nutrients and pollutants	<u>  ✓  </u>	<u>    </u>
Minimize disturbance to wetlands, shorelines, stream banks, tidal waters and aquatic resources from human activities	<u>    </u>	<u>  ✓  </u>
Maintain an area of transitional habitat between aquatic and upland communities	<u>    </u>	<u>  ✓  </u>
Maintain the natural environment of streams	<u>    </u>	<u>  ✓  </u>
Protect riparian wildlife habitat	<u>    </u>	<u>  ✓  </u>

Final Date: 10/18/96 BMA ID No: 96002 Database No: 89-4

Loc No: 5905 Location: LORELEY BEACH ROAD

Land Use: LDA Watershed: BIRD RIVER Waterbody: BIRD RIVER

Plan Applied?:  Permit Type: ADDITION/PORCH & DECK Distance to MHT (ft): 60

Waterward?:  Waterward Footprint (sq ft): 550 Total Buffer Footprint (sq ft): 550

Cumul 0-25 (sq ft): 0 Planting?:  Tree Units: 9.67

Cumul 0-50 (sq ft): 0 Impervious Removal?:  Amount (sq ft):

Cumul 0-75 (sq ft): 35 Fee-in-Lieu?:  Dollars:

Cumul 0-100 (sq ft): 515 Other Mitigation?:  Specify:

BMA Notes: DECK IS PERVIOUS

## *Chesapeake Bay Critical Area Commission*

### **STAFF REPORT**

**February 5, 1997**

**APPLICANT:** Maryland National-Capital Park and Planning Commission (MNCPPC)

**PROPOSAL:** Improvements at Hamilton-Magruder Park

**JURISDICTION:** Prince George's County

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Approval

**STAFF:** Theresa Corless

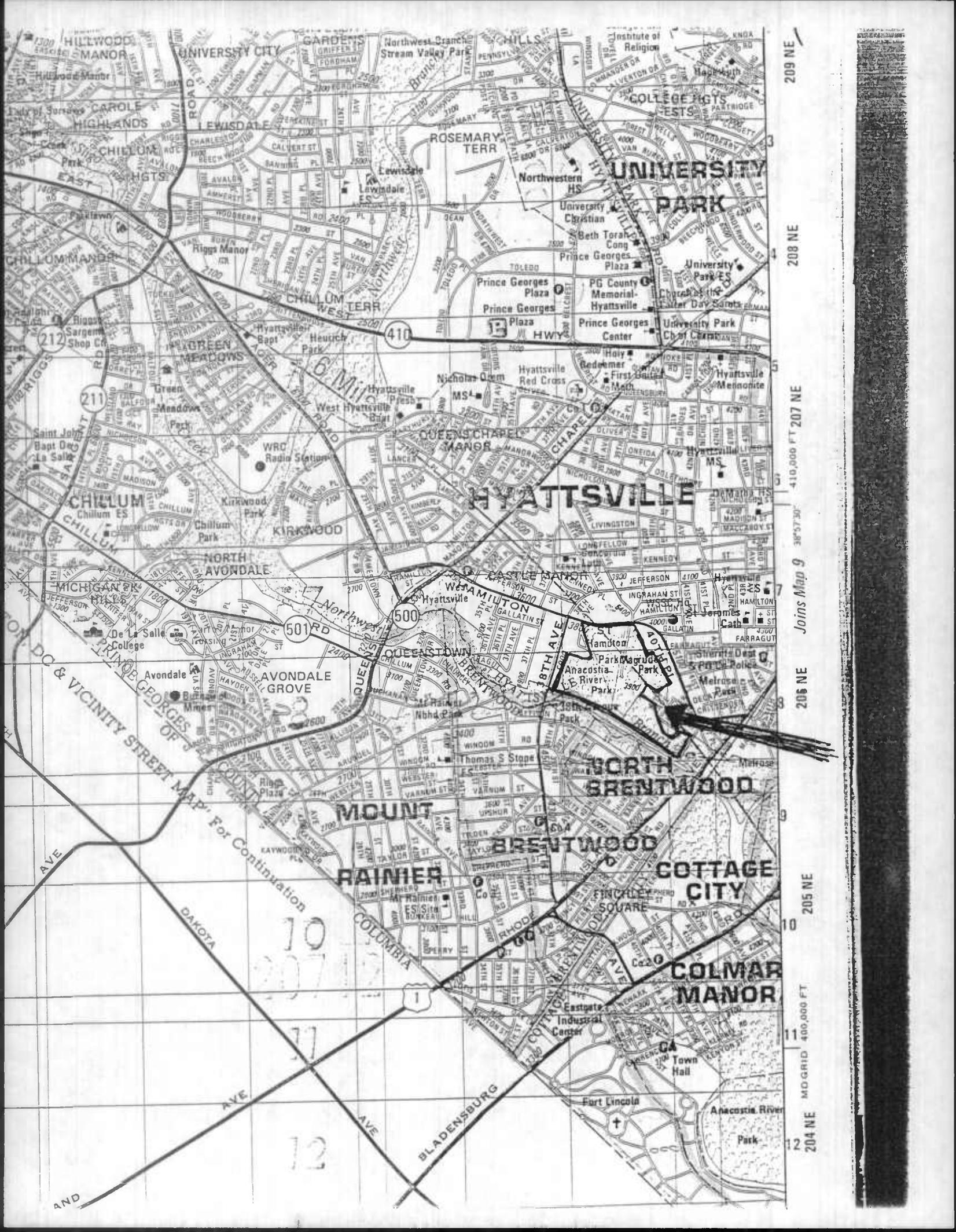
**APPLICABLE LAW/  
REGULATIONS:** COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands

### **DISCUSSION:**

The Maryland National-Capital Park and Planning Commission (MNCPPC) owns Hamilton-Magruder Park in Hyattsville on the Northwest Branch of the Anacostia River. The park currently contains open spaces, forested tracts, ballfields, and developed active recreation areas. MNCPPC proposes to add improvements to the large developed main recreation area. The area, along Hamilton Street, currently contains ballfields, a tennis court, batting cages, a swimming pool, parking areas, a recreation center. The part of the area in the Critical Area has very little development on it. There is a tributary stream which borders this recreation area.

MNCPPC proposes to add an additional parking area, 2 horseshoe pits, and a stormwater management pond to the Critical Area portion of the site. Existing roads will be resurfaced and curb and gutter will be installed. The non-Critical Area portion of the site will contain expanded and improved tennis courts.

A 100 foot Buffer protects the adjacent tributary stream. No work or disturbance has been planned in the Buffer. The proposed stormwater management pond will satisfy the 10% requirement. There are no other Habitat Protection Areas involved in this site.



209 NE  
208 NE  
410,000 FT 207 NE  
38°57'30"  
Joins Map 9  
206 NE  
205 NE  
204 NE  
MD GRID 400,000 FT

HILLWOOD MANOR  
UNIVERSITY CITY  
GARDENS  
NorthWest Branch Stream Valley Park  
HILLS  
Institute of Religion  
COLLEGE HTS  
ROSEMARY TERR  
UNIVERSITY PARK  
CHILLUM  
LEWISDALE  
CHILLUM WEST TERR  
CHILLUM  
GREEN MEADOWS  
KIRKWOOD  
NORTH AVONDALE  
AVONDALE GROVE  
MOUNT RAINIER  
BRENTWOOD  
COTTAGE CITY  
COLMAR MANOR  
ANACOSTIA RIVER

212  
211

501 RD  
500

10  
11  
12

AND

For Continuation  
DAKOTA AVE  
COLUMBIA AVE  
BLADENSBURG AVE

PRINCE GEORGES COUNTY

6 MI  
6 MI  
6 MI

18TH AVE  
19TH AVE  
20TH AVE

10  
11  
12

## *Chesapeake Bay Critical Area Commission*

### **STAFF REPORT**

**February 5, 1997**

**APPLICANT:** Washington Suburban Sanitary Commission (WSSC)

**PROPOSAL:** Sandy Bar Drive Sewer Extension

**JURISDICTION:** Prince George's County

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Approval

**STAFF:** Theresa Corless

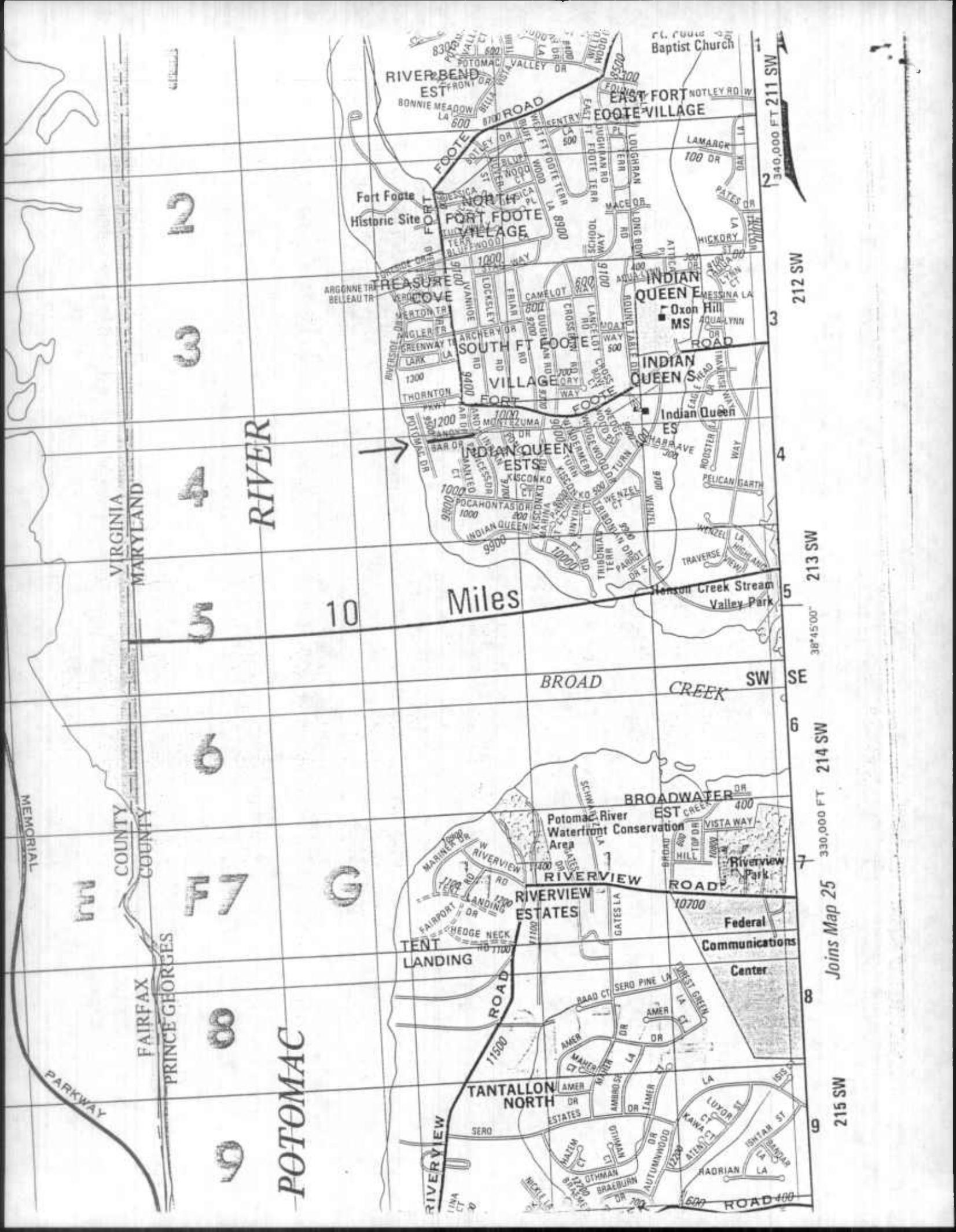
**APPLICABLE LAW/  
REGULATIONS:** COMAR 27.02.02 State and Local Agency Actions  
Resulting in Development of Local Significance on Private  
Lands or Lands Owned by Local Jurisdictions

### **DISCUSSION:**

The Washington Suburban Sanitary Commission (WSSC) needs to lay sewer line to provide service to a new home in Indian Queen Estates in the Fort Foote area of Prince George's County. A total of 490 feet of line is required. To hook up the new home to an existing manhole.

The line will consist of two parts. The first part will extend an existing line from an adjacent street to Sandy Bar Drive. It will be 178 feet long and will run along a property line of some neighboring houses. The line will be 2 inches wide and will be directionally drilled to limit disturbances to trees, yards, and the property owners. The second part of the line will be 1 ½ inches in diameter, 315 feet long, and will connect the first part of the line to the new house. The second line will run in the street to avoid cutting trees. The line will be laid through a build and cut system.

Appropriate sediment and erosion control measures will be used. There are no Habitat Protection Areas involved in this project.



2

3

4

5

6

F7

8

9

RIVER

POTOMAC

10 Miles

RIVER BEND EST  
BONNIE MEADOW LA 800  
FOOTE ROAD  
FOOTE VILLAGE

Fort Foote Historic Site  
NORTH  
FORT FOOTE VILLAGE

TREASURE COVE  
VERDUN TR  
MERTON TR  
INGLER TR  
GREENWAY TR  
LARK LA  
THORNTON

SOUTH FT FOOTE VILLAGE  
FORT FOOTE

INDIAN QUEEN ESTS

EAST FORT NOTLEY RD W  
FOOTE VILLAGE

INDIAN QUEEN E  
Oxon Hill MS

INDIAN QUEEN S  
Indian Queen ES

Hanson Creek Stream  
Valley Park

BROAD CREEK SW SE

BROADWATER EST CREEK 400

Potomac River Waterfront Conservation Area

TENT LANDING  
FAIRPORT OR  
HEDGE NECK RD 7100

RIVERVIEW ESTATES

Federal Communications Center

TANTALLON NORTH

ROYAL GREEN LA

KANA CT

ADRIAN LA

BARBAR LA

ROAD 400

340,000 FT 211 SW

212 SW

213 SW

38°45'00"

214 SW

330,000 FT

215 SW

Joins Map 25

8

9

VIRGINIA MARYLAND

COUNTY COUNTY

FAIRFAX PRINCE GEORGES

MEMORIAL

PARKWAY

St. Pauls Baptist Church

LAMAR 100 DR

PATES DR

HICKORY

MESSINA LA

AQUA LYNN

ROOSTER WAY

PELICAN GARTH

WENZEL

TRVERSE

NICHOLAN

WENZEL

LA

TRVERSE

POTOMAC

26

+

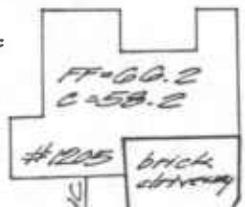
27

Robert Bacon  
2005 Duffer #201  
Falls Church, VA 22042

28

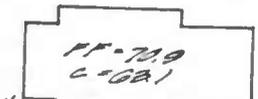
Ronald Tolson  
L 8923 F 348

septic  
tank



29

Genevieve Gibbons  
#1201



FORT FOOTE 'RL

(50' R/W)

N 4250

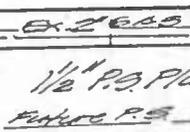
348,000

SANDY BAR DRIVE

44'

EX. 20' L. RING #2

(50' R/W)



(EX. MAC)

1/2" P.S.

TRAIL L-13-V

TRAIL L-13-T - 12" 1/8" P.S. HB (EX. MAC)

1/2" 1/8" P.S. HB

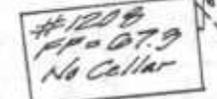
In-Line Flushing  
Connection Inside  
M-#2. See Std.  
Det. P.S./1.2.

2

Install Service  
Valve. See Std.  
Det. P.S./1.1.

348,250

Roger F Noble, Jr.  
L 5632 F 284



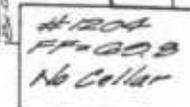
DTP 61827  
R.R. SPIKE  
N. SIDE  
P.O. # 722986  
2054  
Elev. 62.74

Rebalind Singleton  
L 10156 F 194

15

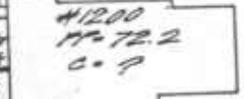
14

Keith Barton  
L 7235 F 687



#1204  
FF=60.9  
No Cellar

DTP 61825  
R.R. SPIKE  
N. SIDE  
P.O. # 722336-2255  
Elev. 67.19



#1200  
FF=72.2  
C=?

DTP 61824  
R.R. SPIKE  
R.R. P.O. #  
722336-0445  
Elev. 68.61



#12010  
FF=69.1  
C=61.0

DRIVE (50' R/W)

10

N 3250

EX. 15' R/W

Install 12x6  
#11 Pit

13

1

20' R/W for sensor  
30' Pit #1  
(M-#1)

-15x20' TEMP C/S

12" 4" SMC

road light pole

EX. 15' R/W

EX. 1

EX. 2



HOUSE BILL 595 (SB 498)

M1

7r2029  
CF 7r2030

By: Delegate Weir (Chesapeake Bay Critical Areas Oversight Committee)  
Introduced and read first time: January 30, 1997  
Assigned to: Environmental Matters

A BILL ENTITLED

- 1 AN ACT concerning  
2 Chesapeake Bay Critical Area - Commercial Timber Harvest - Criteria for Buffer  
3 Overlap  
4 FOR the purpose of allowing certain timber harvesting within a certain distance of buffer  
5 areas that overlap with certain habitat protection areas; and generally relating to  
6 timber harvesting in the Critical Area.  
7 BY adding to  
8 Article - Natural Resources  
9 Section 8-1808.7  
10 Annotated Code of Maryland  
11 (1990 Replacement Volume and 1996 Supplement)

12 Preamble

13 WHEREAS, State lawmakers in 1984 recognized the importance of fostering more  
14 sensitive development activity along the shoreline areas of the Chesapeake Bay and its  
15 tributaries, from the standpoint of protecting and preserving water quality and natural  
16 habitats, with the adoption of the Chesapeake Bay Critical Area Protection Act; and

17 WHEREAS, This milestone policy imposed several development-related  
18 performance standards within the "Critical Area" aimed at helping achieve the inherent  
19 goals of the Act;

20 WHEREAS, One of the unintended restrictive provisions associated with the  
21 enabling Act and its accompanying criteria prohibited timber harvesting within the  
22 landward 50 feet of the 100-foot buffer area when it was determined that overlapping  
23 Habitat Protection Area (HPAs) existed;

24 WHEREAS, The original intent of the enabling Act and the criteria was to allow  
25 some flexibility in this regard when it was determined that overlapping HPAs could be  
26 protected when State approved silvicultural practices were implemented;

27 WHEREAS, There have been numerous situations when it was believed that the  
28 prohibition of harvesting in the landward 50 feet of the 100-foot buffer was not essential  
29 to the protection of specific HPAs, and in certain cases, may have been

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 counterproductive; but, existing language within the criteria does not allow the flexibility  
2 originally envisioned when overlapping HPAs exist; and

3 WHEREAS, The proposed change embodied in this Act would make the review  
4 and protection of all HPAs within the landward 50 feet of the 100-foot buffer the same as  
5 the review and protection of all HPAs outside of the 100-foot (or expanded) buffer—a  
6 change consistent with and responsive to the intent of the original enabling Act; now,  
7 therefore,

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
9 MARYLAND, That the Laws of Maryland read as follows:

10

Article - Natural Resources

11 8-1808.7.

12 (A) COMMERCIAL HARVESTING OF TREES BY SELECTION, OR BY THE  
13 CLEAR-CUTTING OF LOBLOLLY PINE AND TULIP POPLAR, MAY BE ALLOWED TO  
14 WITHIN 50 FEET OF THE LANDWARD EDGE OF THE MEAN HIGH WATER LINE OF  
15 TIDAL WATERS AND PERENNIAL TRIBUTARY STREAMS, OR THE EDGE OF TIDAL  
16 WETLANDS, PROVIDED THAT THE CUTTING IS CONDUCTED IN CONFORMITY WITH  
17 COMAR 27.01.05 AND WITH A BUFFER MANAGEMENT PLAN THAT IS PREPARED BY A  
18 REGISTERED PROFESSIONAL FORESTER AND IS APPROVED BY THE DEPARTMENT.

19 (B) THE PLAN SHALL BE REQUIRED FOR ALL COMMERCIAL HARVESTS  
20 WITHIN THE BUFFER, REGARDLESS OF THE SIZE OF THE AREA TO BE CUT, AND  
21 SHALL CONTAIN AT A MINIMUM THE FOLLOWING REQUIREMENTS:

22 (1) DISTURBANCE OF STREAM BANKS AND SHORELINES SHALL BE  
23 AVOIDED;

24 (2) THE AREA DISTURBED OR CUT SHALL BE REPLANTED OR ALLOWED  
25 TO REGENERATE IN A MANNER THAT ASSURES THE AVAILABILITY OF COVER AND  
26 BREEDING SITES FOR WILDLIFE AND REESTABLISHES THE WILDLIFE CORRIDOR  
27 FUNCTION OF THE BUFFER;

28 (3) THE CUTTING MAY NOT INVOLVE THE CREATION OF LOGGING  
29 ROADS AND SKID TRAILS WITHIN THE BUFFER; AND

30 (4) COMMERCIAL HARVESTING PRACTICES SHALL BE CONDUCTED TO  
31 PROTECT AND CONSERVE THE HABITAT PROTECTION AREAS IN ACCORDANCE WITH  
32 COMAR 27.01.09.02, .03, .04, AND .05.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 June 1, 1997.



## HOUSE BILL 568

1 (2) If a parcel or lot one-half acre or less in size existed on or before  
2 December 1, 1985, then man-made impervious surfaces are limited to 25% of the parcel  
3 or lot.

4 (3) If a parcel or lot greater than one-half acre and less than one acre in  
5 size existed on or before December 1, 1985, then man-made impervious surfaces are  
6 limited to 15% of the parcel or lot.

7 (4) If an individual lot 1 acre or less in size is part of a subdivision approved  
8 after December 1, 1985, then man-made impervious surfaces of the lot may not exceed  
9 25% of the lot. However, the total of the impervious surfaces over the entire subdivision  
10 may not exceed 15%.

11 [(e)](F) This section does not apply to a trailer park that was in residential use  
12 on or before December 1, 1985.

13 [(f)](G) A local jurisdiction may allow a property owner to exceed the impervious  
14 surface limits provided in subsection [(d)] (E)(2) and (3) of this section if the following  
15 conditions exist:

16 (1) New impervious surfaces on the property have been minimized;

17 (2) For a lot or parcel one-half acre or less in size, total impervious surfaces  
18 do not exceed impervious surface limits in subsection [(d)] (E)(2) of this section by more  
19 than 25% or 500 square feet, whichever is greater;

20 (3) For a lot or parcel greater than one-half acre and less than one acre in  
21 size, total impervious surfaces do not exceed impervious surface limits in subsection  
22 [(d)] (E)(3) of this section or 5,445 square feet, whichever is greater;

23 (4) Water quality impacts associated with runoff from the new impervious  
24 surfaces can be and have been minimized through site design considerations or use of best  
25 management practices approved by the local jurisdiction to improve water quality; and

26 (5) The property owner performs onsite mitigation as required by the local  
27 jurisdiction to offset potential adverse water quality impacts from the new impervious  
28 surfaces, or the property owner pays a fee to the local jurisdiction in lieu of performing  
29 the onsite mitigation.

30 [(g)](H) All fees in lieu collected by a local jurisdiction under subsection [(f)]  
31 (G)(5) of this section must be used to fund projects that improve water quality within the  
32 critical area consistent with the jurisdiction's local critical area protection program.

33 [(h)](I) A local jurisdiction may grant a variance from the provisions of this  
34 section in accordance with regulations adopted by the Commission concerning variances  
35 as part of local program development set forth in COMAR 27.01.11 and notification of  
36 project applications set forth in COMAR 27.03.01.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
38 October 1, 1997.