

IMPORTANT

Chesapeake Bay Critical Area Commission

River House
Queenstown Harbor Golf Links
Queenstown, Maryland 21658
May 7, 1997

2 tapes

SUBCOMMITTEES

10:00 a.m. - 11:15 a.m. Project Evaluation

Members: Langner, Bourdon, Giese, Goodman, Corkran, Foor, Blake, Cooksey, Hearn, Deitz

Hawkins Point, Baltimore City, Wastewater Treatment Plant
Dundalk Marine Terminal, Balt. County, Wastewater Treatment Plant
Wye Island Bridge Memorial, DNR
Seagirt Marine Terminal
Public Safety Building at St. Mary's College

Dawnn McCleary, Planner
Susan McConville, Planner
Greg Schaner, Planner
Susan McConville, Planner
Lisa Hoerger, Environmental Specialist

11:15 a.m. - 12:00 p.m. Program Amendment

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

Growth Allocation - Multiple Development Envelopes

Ren Serey, Executive Director

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

PLenary MEETING

1:00 p.m. - 1:05 p.m.

Approval of Minutes of April 2, 1997 ✓

John C. North, II, Chair

PROGRAM AMENDMENTS

1:05 p.m. - 1:15 p.m.

Refinements - Harford County Comprehensive Review ✓

Dawnn McCleary, Planner

PROJECT EVALUATION

1:15 p.m. - 1:25 p.m.

VOTE Hawkins Point Baltimore City/Wastewater Treatment Plant *approved E/F*

Dawnn McCleary, Planner

1:25 p.m. - 1:35 p.m.

VOTE Dundalk - Marine Terminal / Baltimore County/Wastewater Treatment Plant *approved*

Susan McConville, Planner

1:35 p.m. - 1:45 p.m.

~~VOTE Seagirt Marine Terminal/Baltimore City, MPA~~

Susan McConville, Planner

1:45 p.m. - 2:00 p.m.

VOTE Wye Island Bridge Memorial/DNR *approved*

Greg Schaner, Planner

2:00 p.m. - 2:15 p.m.

VOTE Public Safety Buildings/St. Mary's College *approved*

Lisa Hoerger, Planner

2:15 p.m. - 2:30 p.m.

Old Business

John C. North, II, Chair

6/17 6/19
2:30 p.m. - 3:30 p.m.

New Business • *FiDg WORK STOPS*
- Atkins - Arboretum - Tuckahoe S.I. - Tam
TOUR of GOLF COURSE; discussion of Critical Area Requirements

Next Commission Meeting, June 4, 1997, at Londontown House and Gardens, Edgewater, Maryland

IMPORTANT

Chesapeake Bay Critical Area Commission
Department of Housing and Community Development
Crownsville, Maryland
April 2, 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, Bill, Talbot County
Deitz, Mary, Maryland Department of Transportation
Duket, Larry, Maryland Office of Planning
Evans, Diane, Anne Arundel County
Foor, Dr. James C., Queen Anne's County
Goodman, Robert, Md. Department of Housing and Community Development
Giese, Jr., William, Dorchester County
Clark, Terry for Hearn, J.L., Md. Department of the Environment
Johnson, Samuel Q., Wicomico County
Langner, Kathryn, Cecil County
Lawrence, Louise, Maryland Department of Agriculture
Myers, Andrew, Caroline County
Pinto, Robert, Somerset County
Robinson, Thomas E., Eastern Shore Member at Large
Taylor-Rogers, Dr. Sarah, Maryland Department of Natural Resources
Whitson, Michael, St. Mary's County
Wilde, Jinhee K., Western Shore Member At Large
Williams, Roger, Kent County
Wynkoop, Samuel E. Prince George's County

The Minutes of March 5, 1997 were approved as written.

Chairman North welcomed Mr. Terry Clark in attendance for Mr. J. L. Hearn. Mr. Samuel Wynkoop, Director of the Department of Environmental Resources, and the Prince George's County representative was made welcome to his first Commission meeting.

Dawnn McCleary, Natural Resources Planner, presented Calvert County's Comprehensive Review amendments for Vote. Ms. McCleary explained that there are 14 text amendments and 7 map amendments being recommended by the County's Board of Commissioners. The proposed text amendments concern changes to the County's Zoning Ordinances that include forest and woodlands, conservation districts, Critical Area Preservation programs, cliff policy task force recommendations, resource conservation areas and growth allocations. The map amendments include the addition of state listed species sites, the mapping of waterfowl staging and concentration areas, establishment of a buffer exemption for a subdivision, establishing a sending and receiving area for Critical Area Transfer Development Rights, Critical Area line amendments,

Critical Area Commission
Minutes April 2, 1997

and a designation change from RCA to LDA.

Ms. McCleary stated that there were also 14 text refinements that were separated from the County's proposed amendments. The proposed refinements concern changes to the County's Zoning Ordinances that include forest and woodlands, conservation districts, growth allocation, water-dependent activities and the inclusion of the impervious surface bill.

Dave Bourdon moved to approve the amendments, both text and map, proposed by Calvert County with the exception of CAMA 96-7, which is recommended to be approved subject to approval by MDE. The motion was seconded by Diane Evans.

Mr. Bourdon explained that the panel had discussed amendment CAMA 96-5 (Reforestation Requirements for utility corridors percolation test access and percolation tests) in that the County was setting a lower limit in terms of needing a permit for percolation tests at 4,800 square feet. The panel proposed that the Commission recommend that the County change this to 5,000 square feet to be consistent with the County's grading ordinance. The motion as amended was seconded and unanimously carried.

Mr. Bourdon stated that the panel concurred with the Chairman's recommendation that the County's refinements also be accepted by the Commission. The Commission supported the Chairman's determination of Refinements.

Ms. Mary Owens, Natural Resources Planner, presented a growth allocation request from St. Mary's County for the Lacey Property. Ms. Owens reported that the Board of County Commissioners has requested 1.5 acres of growth allocation for a single lot subdivision near St. Clement's Bay in Oakely, Maryland. She explained that this property is one of many lots in St. Mary's County that was created without formal subdivision review and approval. The County staff are attempting to correct numerous parcel of record issues by working with property owners to obtain "after-the-fact" subdivision approval and to record appropriate plats. She said growth allocation is necessary in order to correct the parcel record issue because the property is only 1.5 acres in size and does not meet the one-unit-per-20 acres density for Resource Conservation Areas. The property has some development on it and a pier, and the property owner would like to build a dwelling. The only Habitat Protection Area on the site is the 100-foot Buffer. Ms. Owens said that Chairman North determined this as a refinement. The Commission concurred with the Chairman's determination.

Ms. Owens then presented a request from St. Mary's Board of County Commissioners for 17.77 acres of growth allocation for a nine lot clustered subdivision on the Patuxent River in California, Maryland. The remainder of the parent parcel will be divided into two large lots of approximately 20 acres. She reported that there were numerous Habitat Protection Area issues and that both of the ponds that border the property are tidal. The site includes the Buffer and expanded Buffer, and Forest Interior Dwelling Birds habitat. The tidal flats in the river adjacent to the site have been identified as habitats of endangered plant or animal species. It was agreed by the County that the area to be cleared would be minimized. She said that Chairman North has determined this request as a refinement. The Commission then concurred with the Chairman's determination.

Chairman North then asked Mr. Greg Schaner, Natural Resources Planner, to report on

Critical Area Commission
Minutes April 2, 1997

Talbot County's request for three refinements. Mr. Schaner explained the County's Planning Commission and County Council had forwarded three language changes to its ordinance which should be considered as refinements. He reported that the County had provisions in its ordinance concerning the type of shore erosion control mechanism that could be implemented such as structural or nonstructural. The County has found that their existing shore erosion control provisions are frequently different from and more strict than the Department of the Environment's provisions. Commission staff held a joint meeting with the County and MDE to develop a solution. The County Council approved a bill to amend this provision to make the criteria permissive rather than mandatory. The effect of the bill is to change the existing language from "the following criteria shall be used ..." to "the following criteria should be used ...". Mr. Schaner said that this is consistent with the staff reading of the criteria. The Chairman has determined this to be a refinement. The Commission then concurred with the Chairman's determination.

Mr. Schaner reported on Talbot County's request for a refinement concerning growth allocation requirements. The County is adding new language to its Zoning Ordinance which would require final subdivision recordation or site plan approval within two years after final growth allocation approval. He stated that this was not an uncommon provision. All other growth allocation requirements would be unaffected. He said that the Chairman had determined this to be a refinement. The Commission then concurred with the Chairman's determination.

Mr. Schaner then reported on a refinement request that he said was primarily an underlying zoning issue concerning the Limited Development Area. Currently, the County does not allow Bed and Breakfast accommodations in the LDA. This refinement request would enable bed and breakfast accommodations as a special exception use in the Rural Residential zoning district. He pointed out that they are allowed in other zones, and that all other development criteria would still apply. He said that the Chairman had determined this to be a refinement.

Diane Evans asked if an existing building could be expanded to which Mr. Schaner replied that the new language requires new Bed and Breakfast accommodations to be located in dwellings that existed at the time of local Critical Area Program adoption. Ms. Evans wanted to register her concerns about excessively large expansions to existing buildings and the lack of provisions to safeguard against this from happening. Mr. Schaner indicated that although no specific provisions exist for expansion, all of the LDA restrictions will still apply such as the 15 percent impervious surface limitations. The Commission then concurred with the Chairman's determination.

Chairman North asked Ms. Susan McConville, Natural Resources Planner, to report on North Point State Park. Ms. McConville introduced Mr. John Wilson of the Department of Natural Resources, Mr. Mark Wheeler, Park Manager, and Mr. Bob Iman, Maintenance Chief who were on hand to answer any questions. Ms. McConville reported the project was to complete a loop of the Circuit Trail at North Point State Park. She said that in 1991, 667 acres of the Park were designated as a Wildland and the section of the trail under construction is in that wildland area. Because of this location, no mechanized tools or machinery will be used to clear the trail. The project will commence on Earth Day in conjunction with a tree planting in a wetland mitigation area. Ms. Conville replied in response to a question of whether this will come before the Commission again, that a review will be done on a piece-meal basis. Each piece has to be approved by the Commission and must be consistent with what was originally approved in the

Critical Area Commission
Minutes April 2, 1997

Master Plan. Kay Langner moved to approve the plans for the North Point State Park and Black Marsh Wildland construction of the Circuit Trail. The motion was seconded by Bill Corkran and carried unanimously.

Ms. McConville then reported on a project to construct a microwave tower on North Point State Park. She said that the tower will be placed within a maintenance facility area previously cleared. No trees will be impacted. The tower will be used to communicate with the State facility on Hart-Miller Island. DNR considered other sites, but selected this site because it will involve the least disturbances. She said that the impact would be 130 square feet of impervious surface which would include the foundation for the equipment shelter and the concrete tower piers. The area will be screened with native plant species. Kay Langner moved to approve the Construction of a Microwave Tower on North Point State Park. The motion was seconded by Sarah Taylor-Rogers and unanimously carried.

Chairman North asked Ms. Lisa Hoerger, Environmental Specialist, to report on the World War II Veterans' Memorial construction. The project is located in a State Highway right-of-way on Route 450 across the Severn River from the Naval Academy. It will consist of an open air amphitheater, sidewalks, five additional handicap parking spaces, and stormwater management trenches. No Habitat Protection Areas, including the Buffer or endangered plant or animal species, are present. The project site is located in an area of Intense Development and is therefore subject to the 10% Pollutant Reduction Requirement. The applicant has completed the necessary calculations and is exceeding the requirement.

Dr. Foor asked if the applicant had secured the necessary stormwater management permits from MDE. Ms. Hoerger replied that both the stormwater management and sediment and erosion control permits have been secured. Also, Anne Arundel County reviewed the plans and had no significant comments except to insure that stormwater management issues have been addressed.

Diane Evans asked if a visual description of the memorial would be possible. Mike Weircinski, engineer with A. Morton Thomas, gave a description of the memorial.

Ms. Hoerger introduced General Jack Burk, Chairman of the World War II Memorial Commission, who described the origins of the Commission, the design competition for the memorial and the history of Maryland's contribution to the war effort during World War II.

Kay Langner moved to approve the construction of the World War II Veterans' Memorial, as proposed. The motion was seconded by Bill Corkran and unanimously carried.

OLD BUSINESS

Mr. Ren Serey, Executive Director, CBCAC, reported for Marianne Mason, Esquire, Assistant Attorney General, DNR and Commission Counsel, on three legal cases in which the Commission has been involved. The first case concerned the Gorbaty and Gorrell gazebo. Mr. Serey said that the gazebo was constructed within the Buffer in Anne Arundel County, without permits. A variance was sought from the County Hearing Officer and then from the Board of Appeals. The variance was rejected on both levels. Subsequently, the applicant took the case to the Circuit Court and the variance was again rejected on March 25th.

The second case Mr. Serey reported concerned a variance in Dorchester County. The applicant requested to exceed the impervious surface limits, a request granted by the Board of

Critical Area Commission
Minutes April 2, 1997

Appeals. The Commission appealed. The applicants constructed their project without exceeding the impervious surface limits. The applicants contacted the Board of Appeals and asked to withdraw their variance application. Ms. Mason will now file a dismissal of Appeal.

The last case Mr. Serey reported concerned a deck in Anne Arundel County, constructed in the Buffer without permits. The applicants applied for a variance which was denied by the County's Hearing Officer. The applicants then appealed to the Board of Appeals and were rejected. They have now gone to Circuit Court and the hearing will be April 24th.

Mr. Serey then informed the Commission that Patricia Pudelkewicz, formerly Chief of the Program Implementation Division, Commission staff, has been replaced by Mary Owens. He reminded the Commission that Ms. Owens had prepared a guidance paper on impervious surfaces which has now been finalized and made available to the Commission.

Chairman North reported on HB 468 which exempted swimming pools from the calculations of impervious surfaces. The Bill had passed the House and went to the Senate's Economic and Environmental Matters Committee, where it was unfavorably reported.

Mr. Serey reported that HB 568, by which commercial timber harvesting is allowed within the Buffer regardless of Habitat Protection Area overlay, was adopted by the General Assembly.

NEW BUSINESS

No new business was reported.

There being no further business, the meeting was adjourned.

FINAL STAFF REPORT
May 7, 1997

APPLICANT: Harford County

PROPOSAL: To approve three bills as refinements to Harford County's Program as a second Comprehensive Review

JURISDICTION: Harford County

COMMISSION ACTION: Refinement

STAFF: Dawnn McCleary

APPLICABLE LAW

REGULATION: NRA §8-1809(h)

Discussion : On March 11, 1997, the Harford County Council voted to approve Bills 97-6, 97-7 & 97-8 which would amend Harford County's Chesapeake Bay Critical Area Management Program as the County's second Comprehensive Review. Bill 97-6 amends Section 267-41.1 of the Harford County Development Code; Bill 97-7 amends the Chesapeake Bay Critical Area Program Management Document, Appendices and Maps; and Bill 97-8 amends the Subdivision Regulations. The total proposed refinements are nine text amendments and three map amendments to Harford County's Critical Area Management Program. The map amendments include one Buffer Exemption Area and two Habitats of Local Significance.

Justification for Program Refinement: Harford County has certified that the required Comprehensive Review has been completed per Section 8-1809(g) of the State Code. Attached is a summary sheet outlining Harford County's proposed text and map amendments which will be approved as refinements to the County's program.

Summary of the 1997 Critical Area Comprehensive Review

Nine text amendments and three map amendments are proposed for the 1997 Comprehensive Review of Harford County's Critical area Management Program:

Proposed changes to Section 267-41.1 of the Harford County Development Code amend:

- ▶ Section F(3)(b)[e] to make LDA impervious surface limitations consistent with the recent change in the State law. This allows more impervious surfaces to be constructed and provides additional mitigation options;
- ▶ a typo in Section F(3)(b)[5][b] for the forestry fee-in-lieu, changing \$1.20 to \$0.40;
- ▶ Section F(6)(d)[1][e](i) to delete the requirement for 50' of shoreline for construction of a new private pier;
- ▶ Section G(3)(b), changing, "no physically feasible alternative" to "no reasonable alternative";
- ▶ Section G(4)(a)[10] in the Buffer Exempt requirements replacing "or" with "and" with regard to the calculation of landscaping requirements to be consistent with Critical Area Commission Policy; and
- ▶ Subdivision regulations to include amendments omitted from the last review.

Proposed changes to the Program Management Document and its Appendices amend:

- ▶ Appendix M to clarify the Habitats of Local Significance inventory , and incorporate comments from the Department of Natural Resources, Heritage Program (DNR). Two new Habitats of Local Significance were recommended by DNR for designation at Leight Park and Otter Point Creek/ Bosely Conservancy;
- ▶ a typo in Chapter 2 for forestry fee-in-lieu from \$1.40 to \$0.40; and
- ▶ Chapter 9 to expand the bird species list in Table 11.

Proposed map amendments amend:

- ▶ Buffer Exempt Areas map to include the Waters Edge shoreline; and
- ▶ Habitats of Local Significance map to add two new habitats.

Dr. Joor-motion - HPHWLPTF - FOF - Need
Wynkoop - SEC / NC

Chesapeake Bay Critical Area Commission

STAFF REPORT

May 7, 1997

APPLICANT(s): Department of Transportation: Maryland Port Administration and the Maryland Environmental Services

PROPOSAL: Hawkins Point Hazardous Waste Landfill: Leachate Treatment Facility

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

RECOMMENDATION: Approval

STAFF: Dawnn McCleary

APPLICABLE LAW REGULATION: Chapter 5: State Agency Actions Resulting in Development *COMAR 27.02.05.02* on State-Owned Lands & *COMAR 27.02.05.03 (B)(1)(c)* Hazardous Waste Facilities

Discussion: Maryland Environmental Service (*MES*), on behalf of the Maryland Port Administration (*MPA*), is proposing to construct a Leachate Treatment Facility adjacent to the holding tank, with the treated leachate being discharged in Thoms Cove. The proposed facility is located in the southern part of Baltimore City in the watershed of the Patapsco River and adjacent to the tributary of Thoms Cove, which is a designated Habitat Protection Area for waterfowl staging area by Baltimore City. The hazardous waste leachate is currently being trucked off-site to York, Pennsylvania which *MES* believes is not environmentally acceptable.

The proposed development of the facility is comprised of the following items: a pre-engineered metal building, leachate treatment equipment, one storage tank, and an outfall pipe for effluent discharge to Thoms Cove. Two underground storage tanks will be abandoned and replaced with a new above ground tank.

Continued, Page Two
Hawkins Point Wastewater
Treatment Plant
May 7, 1997

Brief History of the Site: From 1975 through 1978, the Maryland Port Administration placed chrome ore tailings in cells located currently in Areas 2 and Areas 3 of the landfill. In the 1980's, the cells were retrofitted with a leachate collection system and groundwater interceptors to prevent additional groundwater from flowing into the cells.

From 1983 through 1993, chrome ore tailings were placed in cells located in Area 5 at the Hawkins Point Landfill. *MES* is under contract with AlliedSignal to provide operational services relating to the chrome cells in Area 5. Eventually, these cells were closed and capped in 1994 and are presently being monitored.

MES has confirmed to the Critical Area staff that if the leachate was not collected at the facility, the leachate would migrate off-site, potentially causing a water quality problem. The Criteria, in COMAR 27.02.05.03 (B)(1)(c), prohibits hazardous waste collection or disposal facilities in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these developments are needed to correct an existing water quality or wastewater management problem. According to the *MES*, the current leachate collection system will correct a potential water quality problem and the proposed on-site treatment plant with the new above ground tank will correct an existing wastewater management problem.

Also, Dave Brinker from the Heritage Division of the Dept. of Natural Resources, has reviewed the site for impacts to the sites waterfowl staging area located in Thoms Cove.

Chesapeake Bay Critical Area Commission

STAFF REPORT

May 7, 1997

APPLICANT: Maryland Port Administration (MPA)

PROPOSAL: Dundalk Marine Terminal - Chromium Treatment Facility

JURISDICTION: Baltimore County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Susan McConville

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05.03 B (1) (c)

The groundwater treatment facility at the Dundalk Marine Terminal is proposed for the treatment of hazardous waste, therefore two threshold standards apply in addition to the standard Critical Area regulations for State projects. These standards appear in COMAR 27.02.05.03 B (1) (c) and are set out below:

Solid or hazardous waste collection or disposal facilities or sanitary landfills may not be permitted on State-owned lands within the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these developments are needed to correct an existing water quality or wastewater management problem.

DISCUSSION:

The Maryland Environmental Service (MES) on behalf of the Maryland Port Administration (MPA) is requesting approval to construct a groundwater treatment facility at Dundalk Marine Terminal. The facility will include, but not be limited to, a pre-engineered metal building, groundwater treatment equipment, storage tanks, and an outfall to discharge water directly into the Patapsco River.

In 1992, the MDE issued a Consent Order to the MPA to prevent or mitigate releases of controlled hazardous substances (chromium) from the portion of the Dundalk Marine Terminal that was constructed partially on chromium tailings in the 1950's, 1960's, and early 1070's. These chromium tailings are themselves within the Critical Area. Groundwater flows through

the tailings and transports chromium into the Patapsco River via leaking storm drain pipes and groundwater flow.

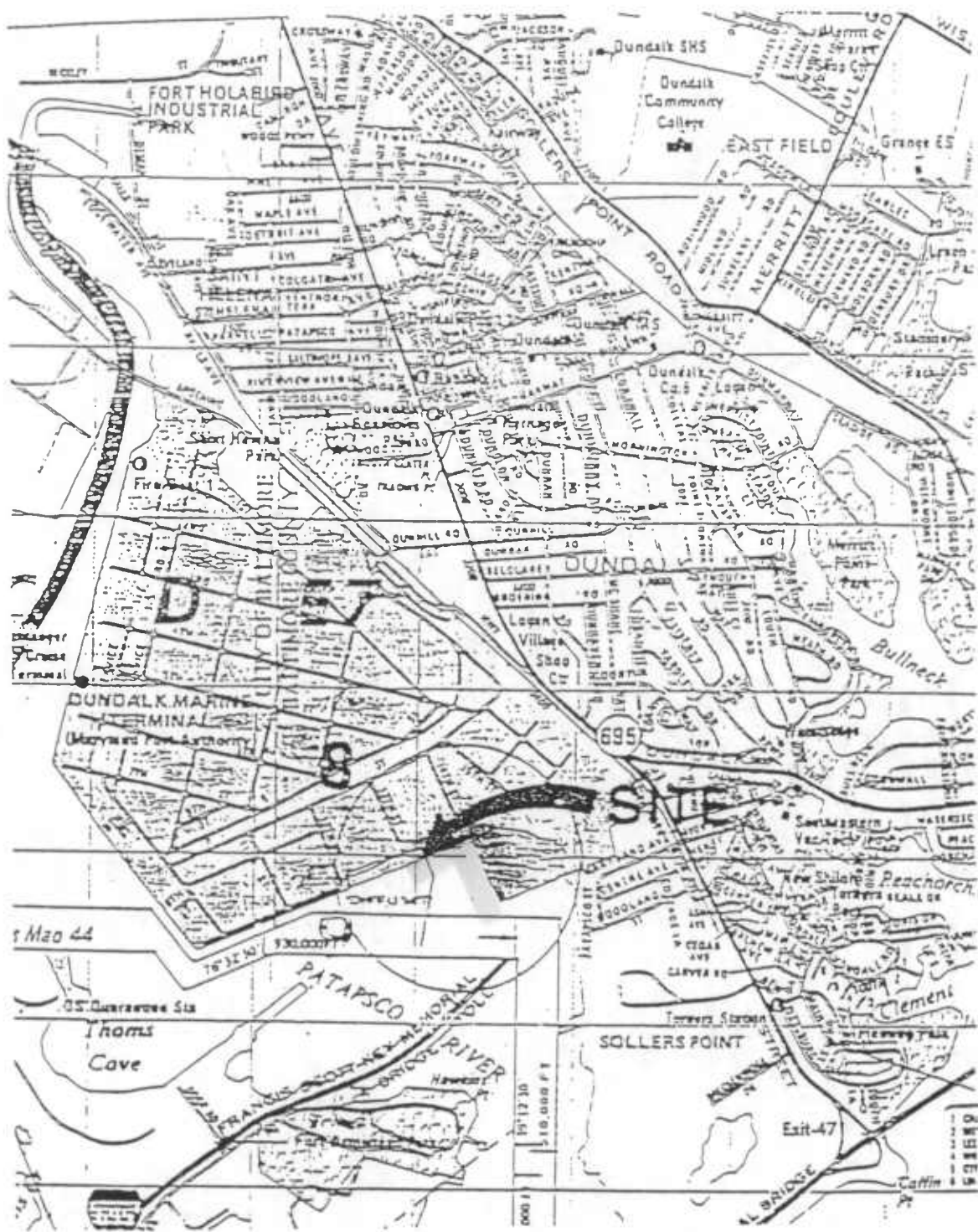
The development which MES is proposing consists of constructing a treatment facility at Dundalk Marine Terminal to treat chromium contaminated wastewater from the leaking stormdrains as well as from a groundwater pumping system. The treatment facility will remove the chromium from the wastewater and discharge treated effluent to the Patapsco River under an already issued NPDES permit. Presently, the chromium contaminated water is discharging directly to the Patapsco River. Therefore, this proposed development is needed to correct an existing water quality problem. An alternative to treating the chromium contaminated wastewater on-site would be to haul the wastewater off-site for the treatment and disposal. This alternative would be both more costly and have greater risks for the environment.

The project includes monitoring and sealing stormwater drains to prevent chromium contamination of stormwater as well as monitoring of the groundwater through a network of wells on the site. The facility will draw down the groundwater to prevent chromium contaminated water from leaving the site. The contaminated groundwater will be pumped to the groundwater facility where it will be treated before the water is discharged by pipe into tidal waters. The proposed 4 inch pipe will be anchored on piles and extend no more than 500 ft. into tidal waters of the Patapsco river. The shoreline will be stabilized with rip rap.

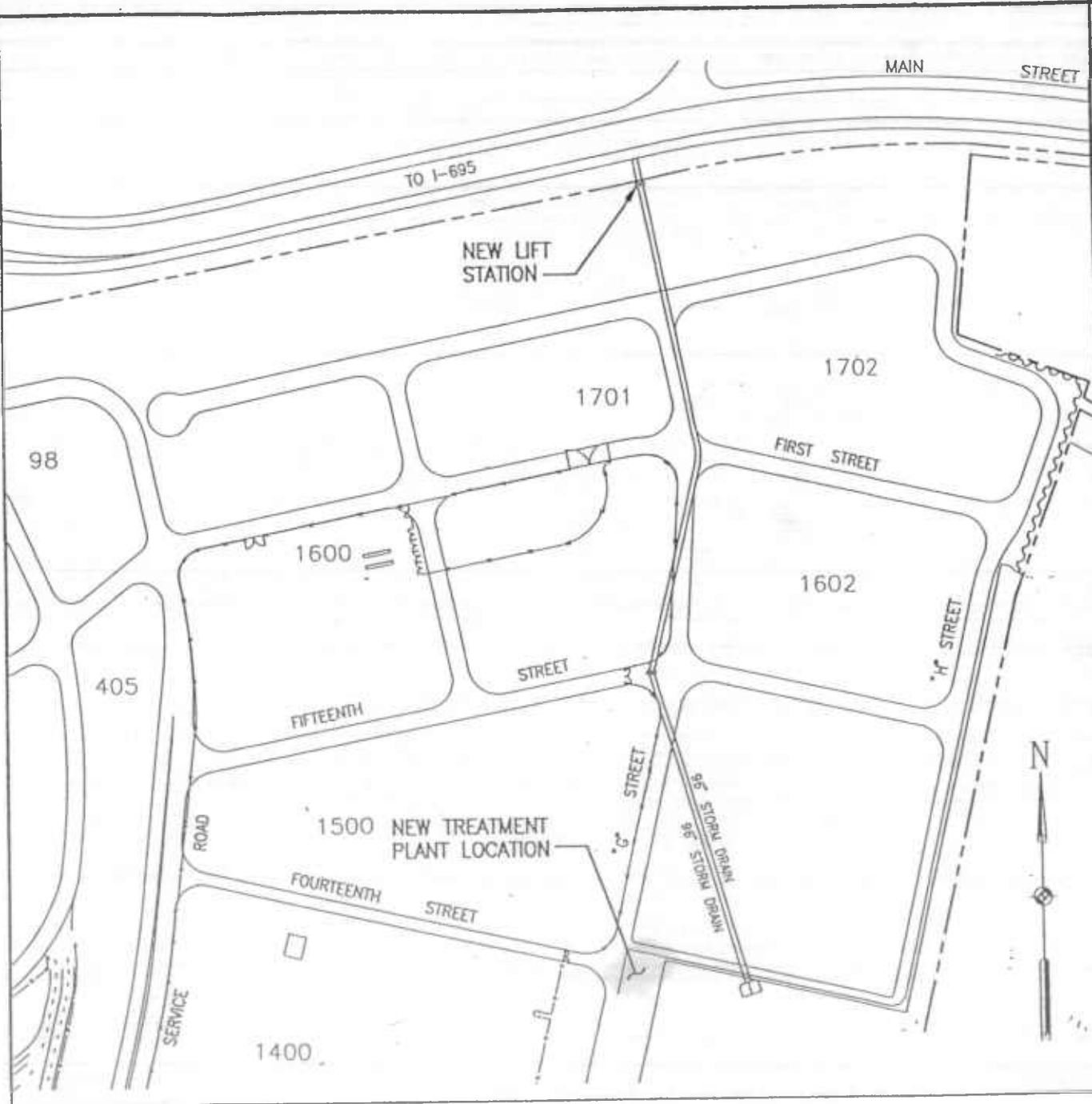
MES has obtained the following approvals from MDE:

- Water Quality Certification through the Army Core of Engineers Tidal wetlands 404 permit);
- approval of sediment and erosion control plan;
- tidal wetlands permits;
- waiver for stormwater control.

MES has received a letter from the Wildlife and Heritage Division confirming that it has no records for Federal or State rare, threatened or endangered plants or animals within this project site. The Baltimore County Department of Environmental Protection and Resource Management has reviewed this proposal for consistency with the Baltimore County Critical Area Program and had no comments.

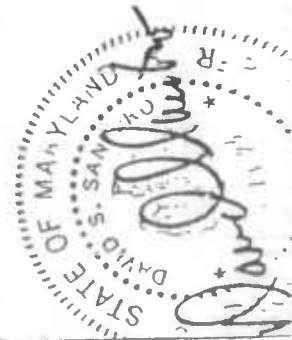


VICINITY MAP

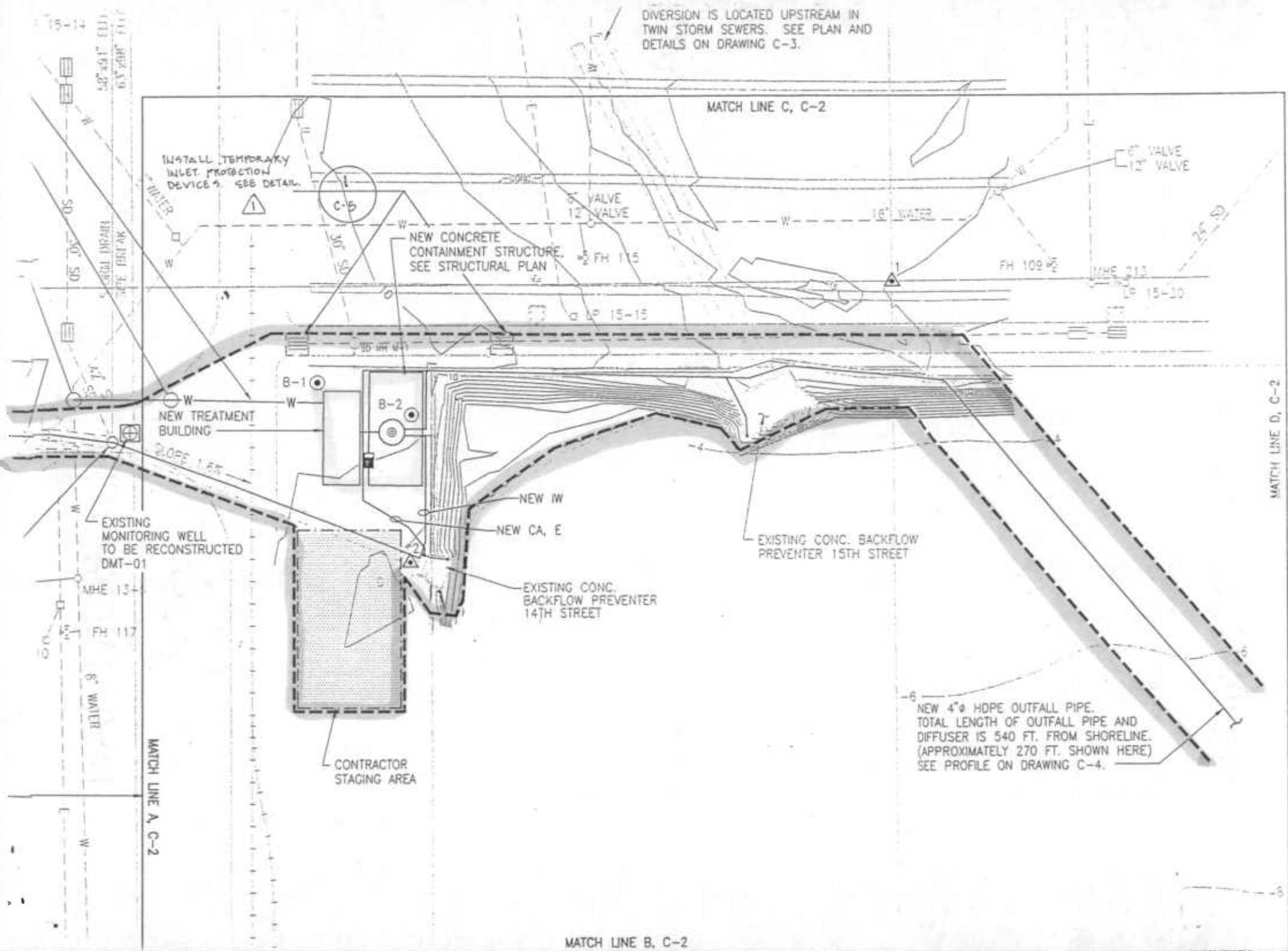


REVISIONS		DESCRIPTION
NO.	DATE	

--	--	--



LOCATION MAP



SEA

MARYLAND ENVIRONMENTAL SERVICE
GROUNDWATER TREATMENT FACILITY
DUNDALK MARINE TERMINAL
BALTIMORE, MARYLAND

SITE PLAN

MATCH LINE A, C-2

MATCH LINE D, C-2

MATCH LINE B, C-2

SEE RAILROAD
CROSSING DETAIL

NEW 6" D.I.P.
SEE TRENCH DET

NEW POTABLE WATER
CONNECTION. CON
INSTALL 6" x 8" TAP
AND 6" VALVE WITH
6" Ø VALVE BOX &
M&H TAPPING SLEE
MECHANICAL JOINT.

INSTALL NEW COMPRESSED AIR
INFLUENT WATER LINES INSIDE
STORM DRAIN, CONTINUOUSLY
TOWARD EXIST. CONCRETE BACK
PREVENTER. SEE DETAIL

INSTALL TEMPORARY INLET
PROTECTION DEVICES
SEE DETAIL.

1
C-5

EXISTING
MONITORING WELL
TO BE RECONSTRUCTED
DMT-02

EXISTING
MONITORING WELL
TO BE RECONSTRUCTED
DMT-03

EXISTING
MONITORING WELL
TO BE RECONSTRUCTED
DMT-04

EXISTING
MONITORING WELL
TO BE RECONSTRUCTED
DMT-05

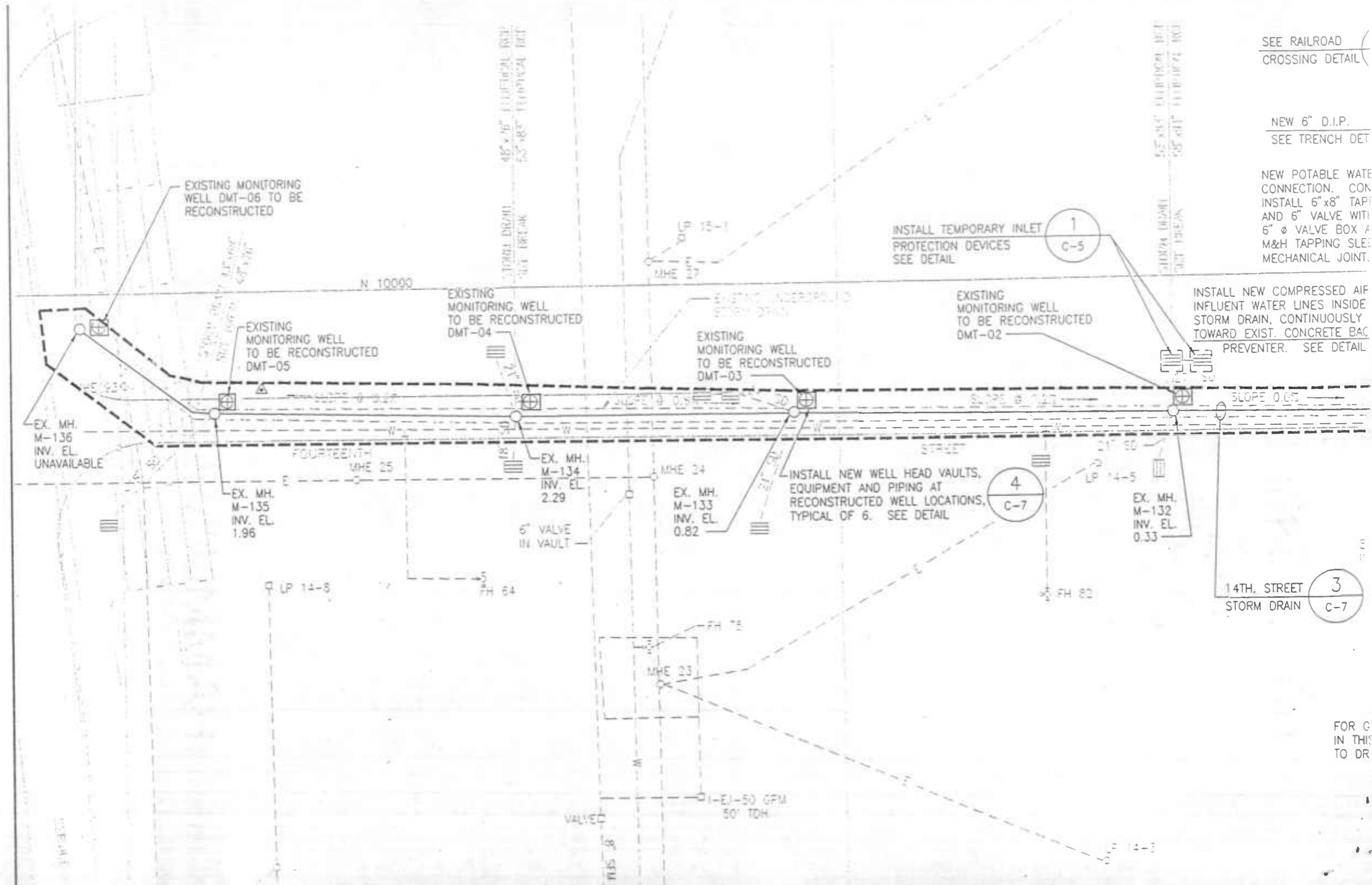
EXISTING MONITORING
WELL DMT-06 TO BE
RECONSTRUCTED

INSTALL NEW WELL HEAD VAULTS,
EQUIPMENT AND PIPING AT
RECONSTRUCTED WELL LOCATIONS.
TYPICAL OF 6. SEE DETAIL

4
C-7

14TH. STREET
STORM DRAIN

3
C-7



FOR G
IN THIS
TO DR

Chesapeake Bay Critical Area Commission

STAFF REPORT

May 7, 1997

APPLICANT: Department of Natural Resources, Land and Water Conservation Service,
Resource Planning Division

PROPOSAL: Wye Island Bridge Memorial Project

JURISDICTION: Queen Anne's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Greg Schaner

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

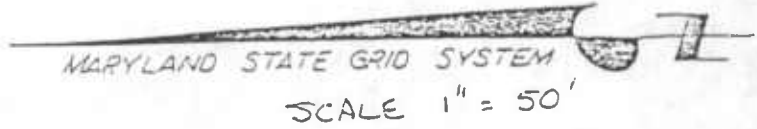
DISCUSSION:

The Resources Planning Division of the Maryland Department of Natural Resources (DNR) has submitted a concept plan for a planned bridge memorial at Wye Island. The project will occur on a 3,750 square foot parcel of private land located on the west side of Wye Neck Road (MD Rte. 838) immediately adjacent to the northern edge of Wye Island Bridge at Wye Narrows in Queen Anne's County. The project will occur on RCA-designated land within the 100-foot Buffer. The purpose of the project is to establish a small tree grove in tribute to Mr. James Nelson, a noted environmentalist, educator and friend of DNR, who died in June 1996. The State will be acquiring interest in the property to establish the memorial.

The impacts to the Buffer and the Critical Area are minimal. The project will involve: (1) placement of two permanent signs, one at each end of the bridge designating it as the "James Nelson Bridge" and (2) creation of a memorial tree grove with associated shrub plantings, three cedar benches and a small brass plaque staked into the ground (see attached plan). Beyond the minimal disturbance associated with planting the trees, preparing shrub beds, and securing the benches and plaque to prevent theft there will be no soil excavation. Because the site is open grass land, there will be no forest impacts. There will be no impacts to any other Habitat Protection Areas except the 100-foot Buffer.

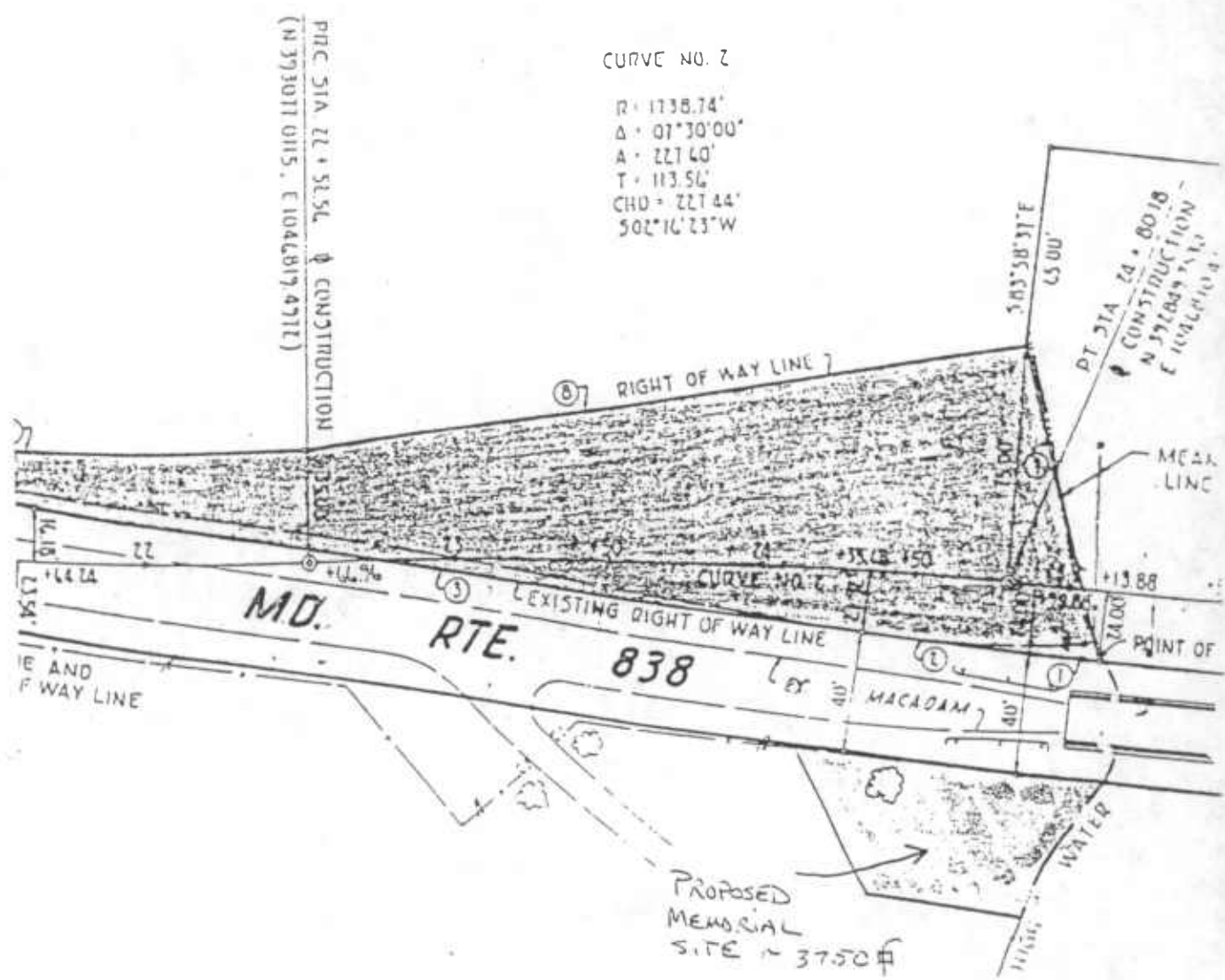
DNR is seeking approval at the Commission's May meeting in order to suit their tight schedule for the project announcement. Site work will begin in August with tree and shrub plantings and the dedication of the bridge and memorial grove will occur in September. As a courtesy to the Nelson family, who is not yet aware of the memorial, the Commission members are asked by DNR to confine discussion of this project to the meeting and between other Commission members.

L	2300
A = 54.67'	
37°16'E 54.66'	
E	272.32'
A = 162.71'	
31°14'E 162.67'	
E	14.98'
W	48.50'
A = 198.60'	
19°05'W 198.40'	
E	238.00'
W	104.58'
EA = 21362.50 FT.	

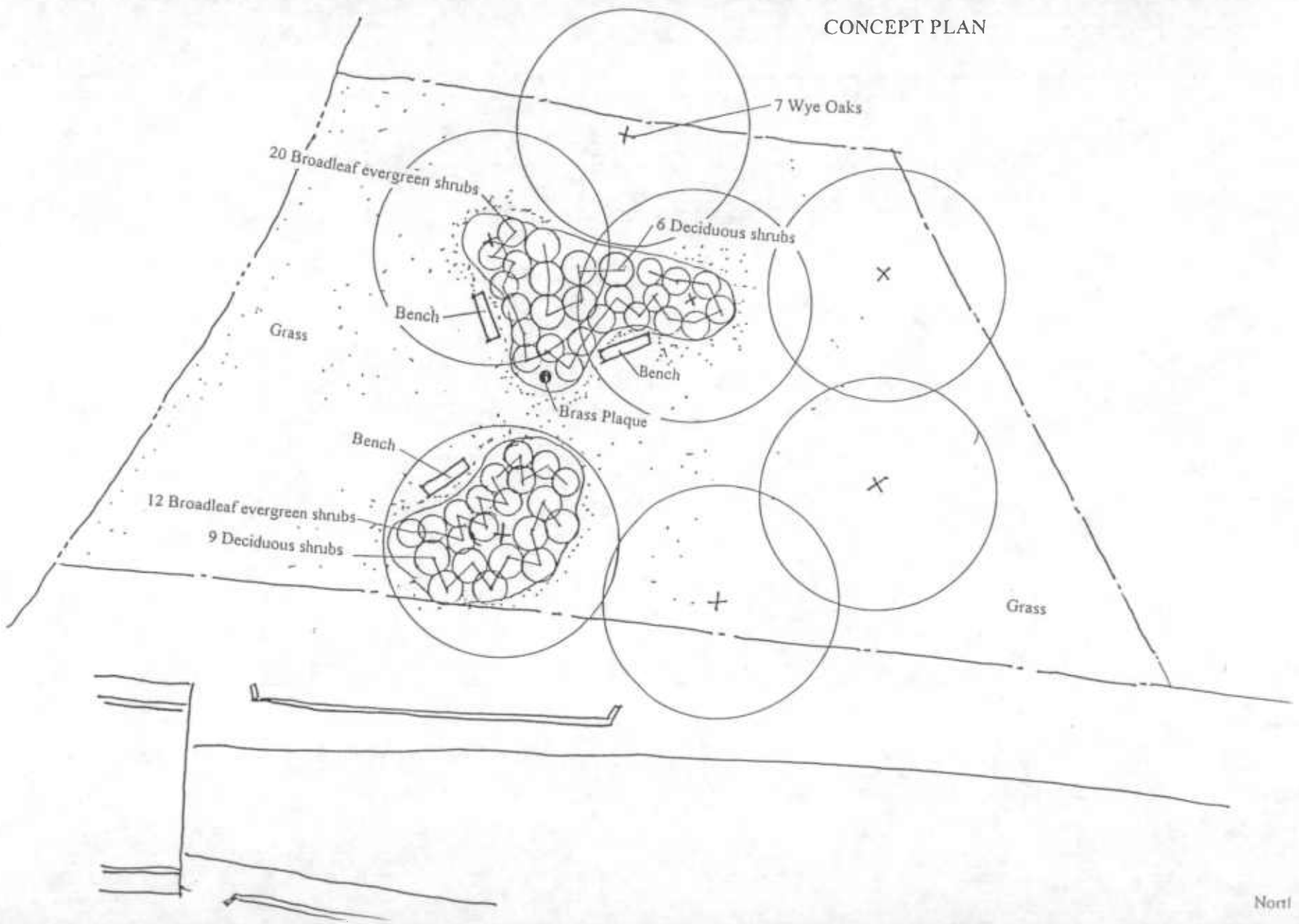


ITEM NO. 77566
 ARTHUR A. HOUGHTON, JR.
 (LINE ESTATE - REVERTING TO ASPEN INSTITUTE FOR HUMANITY)
 MWM 174/431
 * ALSO SHOWN AS PARCEL NO 3 ON A PLAT OF "WYE PLANTATION"

LOCATION PLAN



CONCEPT PLAN



Chesapeake Bay Critical Area Commission

STAFF REPORT

May 7, 1997

APPLICANT: St. Mary's College of Maryland

PROPOSAL: Alterations to the Public Safety Building

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Mary Owens

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

DISCUSSION:

The Capital Project Manager of St. Mary's College is requesting approval of alterations to the existing Public Safety Building at St. Mary's College located on the St. Mary's River in St. Mary's City. The project involves two additions to the existing building, improvements to and reconfiguration of the existing parking lot, and landscaping of the site.

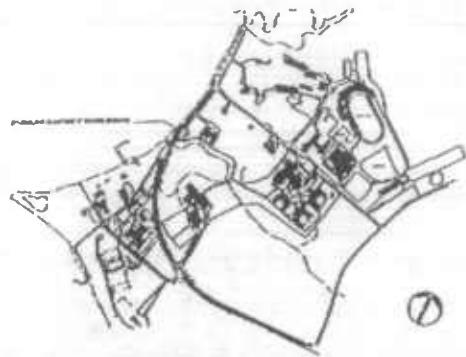
The site is bordered by the St. Mary's River to the north and by a tidal pond to the west. A portion of the existing building and parking area is located within the 100-foot Buffer. The construction will involve some disturbance within the Buffer; however, there will be a small decrease in impervious surface area within the Buffer when the construction is complete. The project will result in an overall reduction in impervious surfaces of approximately 394 square feet. The temporary office trailer currently located within the Buffer will be utilized during construction, and it will be removed when the project is completed. The property is relatively flat and the site is vegetated with a grassed lawn and several trees. There is no clearing associated with the project. There are no Habitat Protection Areas on the site except for the Buffer. There are no known threatened or endangered plant or animal species near the site that could be affected by the proposed construction.

The applicant has completed worksheets for compliance with the 10% Rule. The proposed project will result in an overall reduction in impervious surface on the site. This reduction sufficiently lowered the post development load, so additional Best Management Practices are not required.

The proposed project is consistent with COMAR 27.02.05.

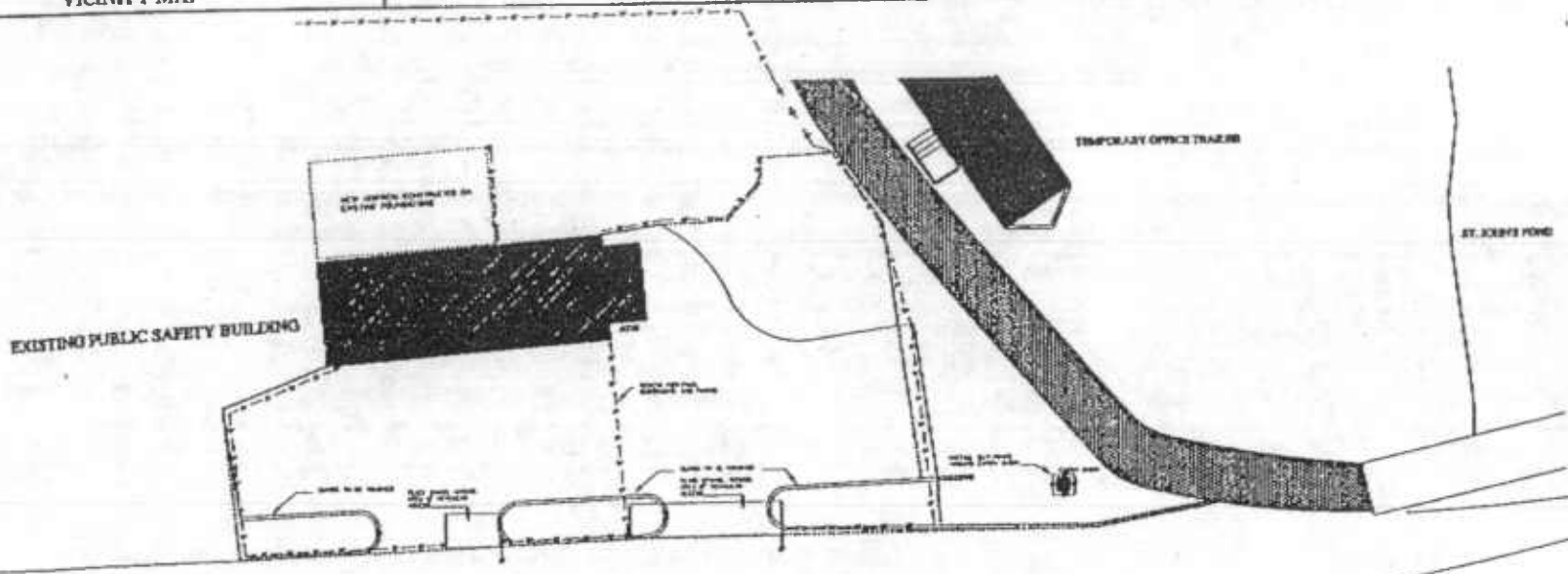
STANDARD DETAILS & NOTES

NOTES



VICINITY MAP

SILT FENCE DETAIL, CONSTRUCTION NOTES AND MATERIAL SPECIFICATIONS



GENERAL NOTES

ST. MARY'S CO
OF MARYLA

PUBLIC SAFETY

SEDIMENT AND
CONTROL

Project Manager
LARRY HARTWICK

Scale
1" = 10' - 0"

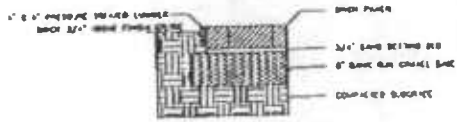
Date
9 JANUARY 1997

MARYLAND ROUTE 5

LEGEND

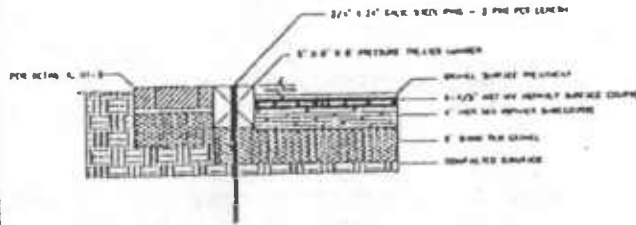


- LIMIT OF DISTURBANCE (4,600 SQ. FT.)
- - - - - SLOPE SILT FENCE



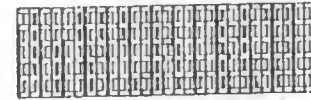
1
AI-3

LAWN - BRICK SIDEWALK INTERFACE
SCALE: 1" = 1' - 0"



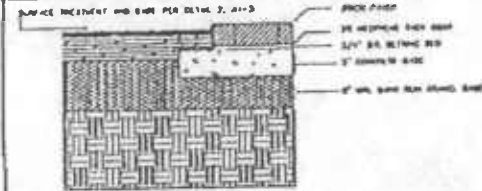
2
AI-3

ASPHALT - BRICK (TYPE A) INTERFACE
SCALE: 1" = 1' - 0"



3
AI-3

TYPICAL BRICK PAVING PLAN
SCALE: 1/4" = 1' - 0"

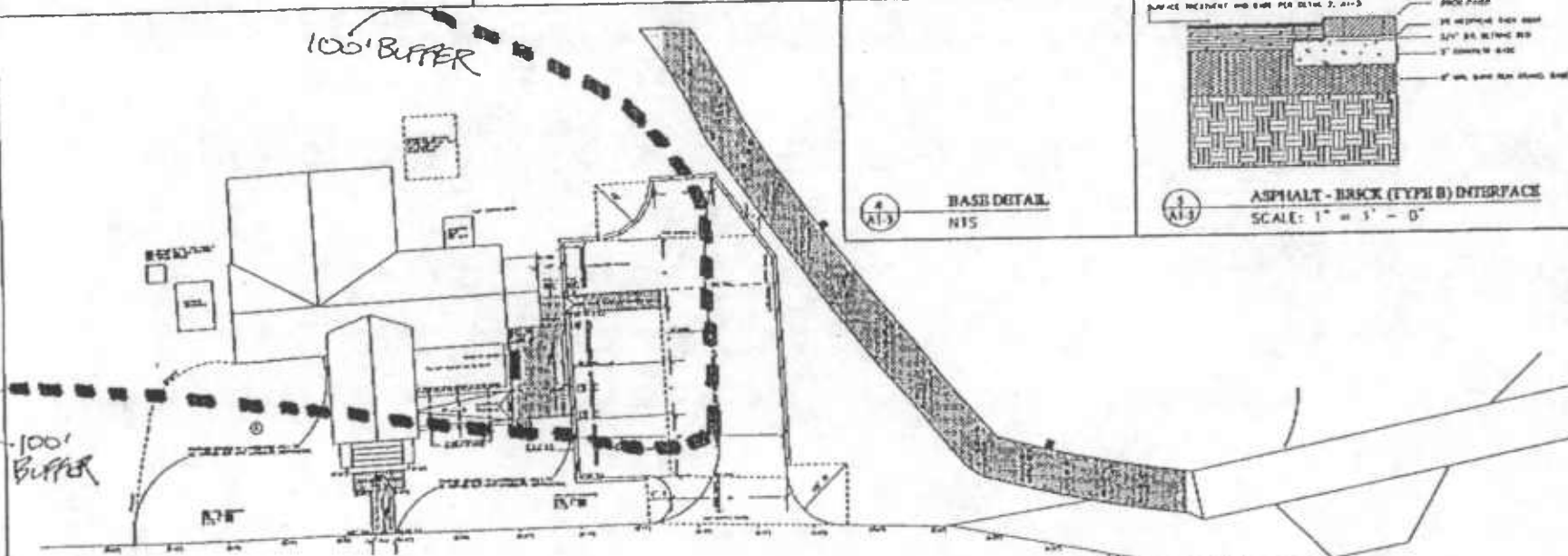


4
AI-3

ASPHALT - BRICK (TYPE B) INTERFACE
SCALE: 1" = 1' - 0"

5
AI-3

BASE DETAIL
N.T.S.



MARYLAND ROUTE 5



SITE PLAN

SCALE: 1" = 10'

NOTES

Project Area
0.25 Ac

Roof
0.03 Ac

Brick Wall
0.01 Ac

Parking Lot
0.04

GENERAL NOTES

ST. MARY
OF MAR

PUBLIC SAF

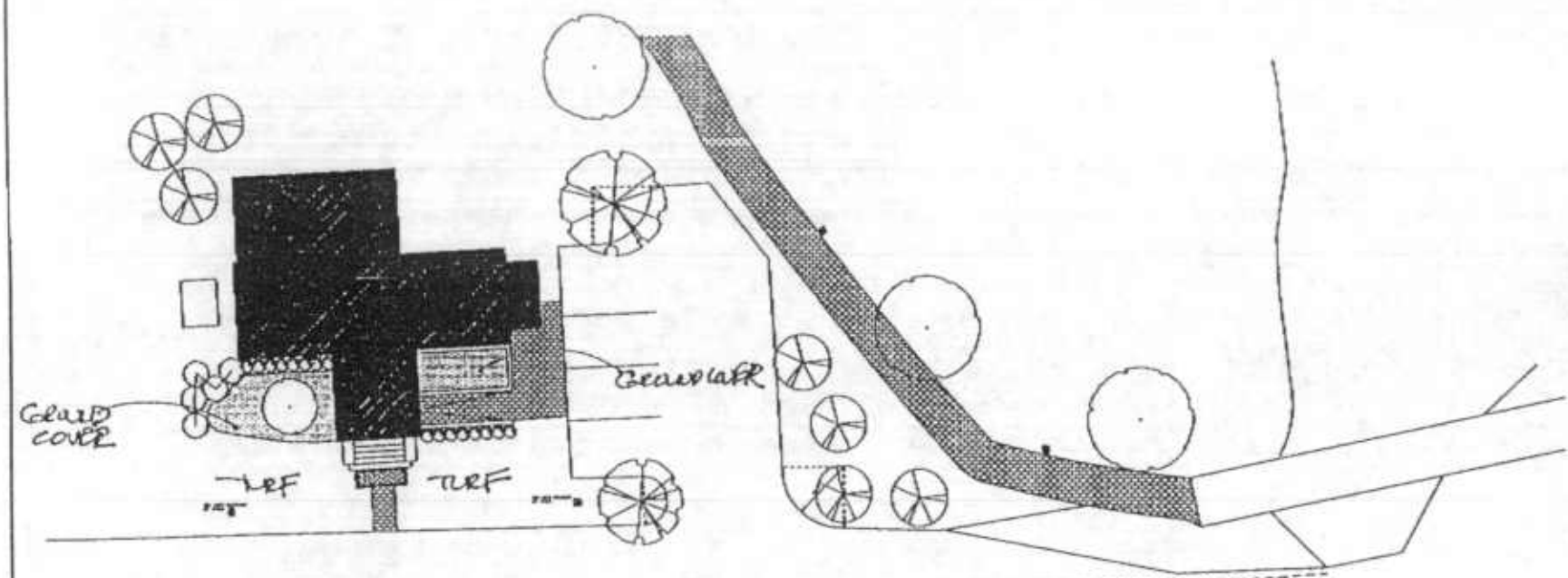
SITE PLAN

LARRY HARTWICK

AS NOTED

© FEBRUARY 1997

4-24-1997 11:20AM FROM



MARYLAND ROUTE 5



SITE PLAN
SCALE: 1" = 10'

NOTES

GENERAL NOTES

ST. MARY'S COL
OF MARYLAN

PUBLIC SAFETY B

LANDSCAPE PLAN

Prepared by
LARRY HARTWICK
Date
AS NOTED
Date
9 JANUARY 1997

RICHARD AND SANDRA SCHINER * In the
* Court of Appeals
v. * of Maryland
* Petition Docket No. 658
September Term, 1996
WICOMICO COUNTY PLANNING AND * (No. 150, Sept. Term, 1996,
ZONING COMMISSION et al. Court of Special Appeals)

ORDER

Upon consideration of the petition for a writ of certiorari and supplement to the Court of Special Appeals and the answer filed thereto, in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition and supplement be, and they are hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Robert M. Bell
Chief Judge

Date: MAY 7 1997

RECEIVED

MAY 13 1997

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

MEMORANDUM

TO: Program Subcommittee
FROM: Mary Owens
SUBJECT: Growth Allocation - Multiple Development Envelopes
DATE: April 28, 1997

The following is a draft policy paper outlining some ideas on the use of a multiple development envelope approach to growth allocation. It addresses some of the issues brought up by Dr. Foor at the last meeting as well as some of staff's ideas. The text in italics highlights some of the points that have been discussed during the last several meetings and merit further discussion.

I. INTRODUCTION

The purpose of allowing multiple development envelopes is to accommodate development while maximizing opportunities to protect prime farmland, prime forest land and sensitive environmental areas. Multiple development envelopes should only be used when it can be clearly demonstrated that the use of multiple envelopes will optimize protection of a significant natural resource(s), and that optimum protection would not be possible without the use of more than one development envelope. Multiple development envelopes should not be used to minimize the deduction from a County's growth allocation, to accommodate scattered perc locations, or to maximize the number of waterfront lots.

II. SIGNIFICANT NATURAL RESOURCE AREAS

The following significant natural resource areas can be used to justify the use of multiple development envelopes. In all cases, a long term (*perpetual, 50 year*) easement must be placed on the resource area located outside of the development envelope. In some cases, different types of contiguous significant resource areas can be used to make up the minimum area. (Example: 5 acres of floodplain combined with 15 acres surrounding a colonial water bird nesting site.) *Development, including residential development at one unit per 20 acres, of these resource areas shall not be permitted. (Should roads connecting development envelopes be permitted to cross these areas? Should the natural resource area or areas be one contiguous parcel?)*

A. Farm Land

Agricultural land identified by a local government as prime agricultural land and included in an agricultural preservation program (State or County). Minimum area shall be 20 acres or the minimum acreage required by the preservation program.

B. 100-Year Floodplain

Land within the 100-Year Floodplain as identified by FEMA and verified by topographic information. Minimum area shall be 20 acres.

C. Prime Forest Land

Areas of existing mature forest that are determined by the Department of Natural Resources Forest Service and Heritage and Biodiversity Conservation Program to have significant value relative to species size and diversity, wildlife habitat, and water quality. Minimum area shall be 20 acres.

D. Riparian Forest Buffers

Existing or planted forested buffers that are a minimum of 300 feet landward of the mean high water line of tidal waters, tributary streams, and tidal wetlands. Minimum area shall be 20 acres.

E. FIDS Habitat

Areas of existing forest that are assumed to be or are documented Forest Interior Dwelling Birds habitat. Confirmation of the value of these areas as Forest Interior Dwelling Bird habitat shall be provided by the Heritage and Biodiversity Conservation staff. Minimum size shall be determined by Heritage and Biodiversity Conservation staff.

F. Other Habitat Protection Areas

Areas identified and mapped as colonial water bird nesting sites, historic waterfowl staging and concentration areas, natural heritage areas, habitats of threatened and endangered species, and species in need of conservation. These areas shall include designated protection areas or buffers around them. Minimum area shall be 20 acres; however, the Habitat Protection Area may be located anywhere within the 20 acre area.

G. Wildlife Corridors

Forested areas at least 300 feet wide that connect two or more forested tracts of at least

100 acres in size that are under some type of long term protection such as a forest conservation easement. The forested tracts could also be located on a State or County owned park, wildlife management area, wildland, etc.

H. Tidal and Nontidal Wetlands

Areas identified and mapped as private tidal wetlands and areas field delineated as nontidal wetlands and approved by the Maryland Department of the Environment or the Army Corps of Engineers. These areas may include a surrounding forested buffer of any width; however, the wetland and buffer must be at least 300 feet wide. Minimum area shall be 20 acres.

I. Public Access Areas

Frequently public access areas don't work all that well with protection of farmland, forest, or sensitive environmental areas. Does public access really promote and protect RCA character? This is an option worth discussing, although I'm not sure it really meets the purpose of protecting farmland, forest, or other sensitive environmental areas.

J. Historic or Cultural Resources

Areas surrounding an historic site or archaeological resource area identified by the Maryland Historic Trust as eligible for the State or National Historic Register. Minimum size for the site and surrounding lands shall be 20 acres. Although historic and cultural resources are important, they don't seem to fit well with the purpose of protecting "natural resources" and the clearly defined goals of the Critical Area Law.

III. PARENT PARCEL SIZE

In order to accommodate the use of a single development envelope, a parcel must be at least 20 acres in size. Based on the approach that each development envelope must (theoretically) have a separate 20 acre set aside, a project involving two development envelopes would require at least 40 acres. It seems like a 40 acre parcel is too small to allow the flexibility needed to really protect sensitive areas. If an applicant, County staff, and the Commission are going to take the time and effort necessary to demonstrate the need for multiple development envelopes and the significance of the resources being protected, then the resources need to be significant in size. *Perhaps 200 acres would be reasonable as a minimum parcel size for consideration.*

IV. DEVELOPMENT ENVELOPE SIZE

A goal of the Critical Area Program is to promote compact development and site designs that minimize impervious surfaces, forest clearing, and other development associated disturbances. *Toward this end, the total acreage of all of the development envelopes should not exceed 20 percent of the total acreage of the parent parcel.* Hopefully this concept would keep the impact of the development proportional to the size of the tract involved without having to specify lot sizes or housing types or having to define clustering. This methodology would also accommodate projects that involve septic systems.

V. LOCATION

The parent parcel within which the development envelopes are located must be adjacent to an existing LDA or IDA area or located within the boundaries of a designated (and mapped) growth area or within the boundaries of a municipality. This concept is based on the notion that allowing the use of multiple development envelopes provides additional flexibility to developers and local officials; therefore, the development should be located with some consideration of regional planning and sound planning principles.

VI. OTHER CONSIDERATIONS

A. Type of Project

The use of multiple development envelopes could be restricted to residential or mixed use projects. Another option is that the multiple development envelope approach could be used for any type of project as long as the standards regarding parcel size, development envelope size, etc. are met.

B. Economic Benefit to Local Jurisdiction

Consideration of the economic benefit of a project could be considered with regard to the use of multiple development envelopes; however, this may get into some analysis that the Commission may not be prepared to take on. It seems from a Critical Area standpoint that multiple development envelopes should be used to conserve natural (not fiscal) resources.

C. Limits on Number of Envelopes

The number of development envelopes should be the minimum necessary to protect the significant natural resource areas as a contiguous area. Perhaps the number of

development envelopes could be based on the parent parcel size or could be limited d to two or three.

Parent Parcel Size	Development Envelopes
200 - 300 Acres	2
300 - 400 Acres	3
400 - 500 Acres	4
500 - 1,000 Acres	5

VII. CONCLUSION

It seems that multiple development envelopes could be used to promote more environmentally sensitive and compact development especially if the performance standards are tied to clearly defined natural resources. Utilizing the expertise of staff from other agencies such as the Forest Service and Heritage and Biodiversity Conservation Program in identifying, describing, and evaluating the resources has value both in terms of conservation of the resources and heightened awareness of the Critical Area Program. A trial period to evaluate the effectiveness of the policy may help to refine it.

Chesapeake Bay Critical Area Commission

STAFF REPORT

May 7, 1997

APPLICANT(s): Department of Transportation: Maryland Port Administration and the Maryland Environmental Services

PROPOSAL: Hawkins Point Hazardous Waste Landfill: Leachate Treatment Facility

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

RECOMMENDATION: Approval

STAFF: Dawnn McCleary

APPLICABLE LAW REGULATION: Chapter 5: State Agency Actions Resulting in Development *COMAR 27.02.05.02* on State-Owned Lands & *COMAR 27.02.05.03 (B)(1)(c)* Hazardous Waste Facilities

Discussion: Maryland Environmental Service (*MES*), on behalf of the Maryland Port Administration (*MPA*), is proposing to construct a Leachate Treatment Facility adjacent to the holding tank, with the treated leachate being discharged in Thoms Cove. The proposed facility is located in the southern part of Baltimore City in the watershed of the Patapsco River and adjacent to the tributary of Thoms Cove, which is a designated Habitat Protection Area for waterfowl staging area by Baltimore City. The hazardous waste leachate is currently being trucked off-site to York, Pennsylvania which *MES* believes is not environmentally acceptable.

The proposed development of the facility is comprised of the following items: a pre-engineered metal building, leachate treatment equipment, one storage tank, and an outfall pipe for effluent discharge to Thoms Cove. Two underground storage tanks will be abandoned and replaced with a new above ground tank.

Continued, Page Two
Hawkins Point Wastewater
Treatment Plant
May 7, 1997

Brief History of the Site: From 1975 through 1978, the Maryland Port Administration placed chrome ore tailings in cells located currently in Areas 2 and Areas 3 of the landfill. In the 1980's, the cells were retrofitted with a leachate collection system and groundwater interceptors to prevent additional groundwater from flowing into the cells.

From 1983 through 1993, chrome ore tailings were placed in cells located in Area 5 at the Hawkins Point Landfill. *MES* is under contract with AlliedSignal to provide operational services relating to the chrome cells in Area 5. Eventually, these cells were closed and capped in 1994 and are presently being monitored.

MES has confirmed to the Critical Area staff that if the leachate was not collected at the facility, the leachate would migrate off-site, potentially causing a water quality problem. The Criteria, in COMAR 27.02.05.03 (B)(1)(c), prohibits hazardous waste collection or disposal facilities in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these developments are needed to correct an existing water quality or wastewater management problem. According to the *MES*, the current leachate collection system will correct a potential water quality problem and the proposed on-site treatment plant with the new above ground tank will correct an existing wastewater management problem.

Also, Dave Brinker from the Heritage Division of the Dept. of Natural Resources, has reviewed the site for impacts to the sites waterfowl staging area located in Thoms Cove.