

Chesapeake Bay Critical Area Commission  
 Department of Housing and Community Development  
 Conference Room 1100A  
 Crownsville, Maryland 21401  
 September 3, 1997

AGENDA

SUBCOMMITTEES

10:30 a.m. - 11:15 a.m. Project Evaluation

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

- |  |                                   |
|--|-----------------------------------|
| King's Landing - Calvert County -          | Regina Esslinger, Chief, Projects |
| Days Cove Master Plan - Baltimore County - | Susan McConville, Planner         |
| Days Cove Wetlands Creation                | Susan McConville, Planner         |

11:15 - 12:00 p.m. Program Amendments

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

Continuation- Discussion:  
 Chesapeake Beach - Buffer Management Areas Mary Owens, Chief, Pgm. Amendments

*Marian Shepherd - Concha Moxley*  
*Larry Butler - J. L. Hearn*

PLENARY MEETING

1:00 p.m. - 1:10 p.m. Approval of Minutes of August 6, 1997

John C. North, II, Chair

*Charles Draves*  
*Gregor - Mr. P. Barker*

SLIDE PRESENTATION

1:10 p.m. - 1:40 p.m.

Forest Interior Dwelling Birds  
 - Background for the Commission's  
 Revised Guidance Paper

*Will Castleberry ? - Numerics & Eco. Develop.*  
 Chandler S. Robbins, Research Biologist  
 Patuxent Wildlife Research Center

PROGRAM AMENDMENTS

1:40 p.m. - 1:50 p.m. Refinement/Queen Anne's County  
 WBR Investments

Greg Sehaner, Planner

PROJECT EVALUATION

1:50 p.m. - 2:00 p.m. VOTE, DNR - King's Landing

Dawnn McCleary, Planner

2:00 p.m. - 2:20 p.m. VOTE, DNR - Days Cove Master Plan

Susan McConville, Planner

2:20 p.m. - 2:30 p.m. VOTE, DNR - Days Cove Wetlands Creation

Susan McConville, Planner

2:30 p.m. - 2:50 p.m. Old Business  
 New Business

John C. North, II, Chair

Next Commission Meeting, October 1, 1997, Prince George's County

Chesapeake Bay Critical Area Commission  
People's Resource Center  
Crownsville, Maryland  
August 6, 1997

The Chesapeake Bay Critical Area Commission met at the People's Resource Center, Crownsville, Maryland. The meeting was called to order by Chairman John C. North, II with the following Members in attendance:

- Blake, Russell, Worcester County
- Corkran, William, Talbot County
- Cooksey, David W., Charles County
- Deitz, Mary, Department of Transportation
- Duket, Larry, Office of Planning
- Evans, Diane, Anne Arundel County
- Foor, Dr. James C., Queen Anne's County
- Goodman, Robert, DHCD
- Lawrence, Louise, Department of Agriculture ✓
- Shepard, Bryan for Moxley, Stephen G. Samuel, Baltimore County
- Pinto, Robert A., Jr., Somerset County
- Robinson, Thomas Edward, Eastern Shore Member-at-Large
- Taylor-Rogers, Dr. Sarah, DNR
- Williams, Roger, Kent County
- Wynkoop, Samuel E., Prince George's County

(+ Louise Lawrence)  
+ G. Johnson

*Approved*

add G. Johnson

The Minutes of July 2, 1997 were approved as read.

Chairman North announced that Theresa Corless, Planner, CBCAC will be leaving the Commission to return to school to complete her Masters in Estuarine and Environmental Studies. Dr. Foor commended Theresa for an exemplary job on behalf of the Commission. Theresa will be sorely missed. Come back and see us Trees!

Greg Schaner, Planner, CBCAC presented for concurrence with the Chairman's determination of Program Refinement an addition of new buffer exemption areas in Dorchester County. As part of Dorchester County's Critical Area Program second Quadrennial Review, the Commission voted on March 5, 1997 to approve revisions of several areas to be mapped as BEAs based on their proximity to tidal waters, and since then they have also found a number of areas which qualify as BEAs based on their proximity to tidal wetlands. Mr. Schaner said that the guidelines used to determine whether developed areas qualify as BEA candidates are the same for tidal waters as for tidal wetlands. The proposed set of BEAs all occur in areas where the landward extent of the tidal wetlands line causes a number of existing, adjacent developed areas to intrude into the Critical Area Buffer. The necessity to map these proposed areas as BEAs arises from the anticipation of future improvements to existing developed lots or structures so that an applicant would go through a BEA process rather than a variance process which looks at mitigation and how to minimize impacts. The Commission supported the Chairman's determination of Refinement.

Mary Owens, Chief Program Implementation, CBCAC presented for concurrence with the Chairman's determination of Refinement a map amendment for the Town of Greensboro. She said that the request is to change the Greensboro Wastewater Plant Annexation boundaries to include the land where the wastewater

treatment facility is located and part of the Wothers Acres subdivision. The Town thought that part of this property was within the Town limits and the County thought that the whole parcel was within the Town boundary, so it never received a Critical Area designation. Last year, a map amendment was approved to designate the treatment facility as IDA, and it was believed that the site was already within the Town's boundaries. As part of the annexation the Town desires to maintain the IDA designation of the wastewater facility property, and to designate the Wothers Acres property as LDA. The latter property does not currently have a Critical Area designation from either the Town or Caroline County. The proposed annexation will not affect the use of land or water in the Critical Area. The Commission supported the Chairman's determination of Refinement.

Theresa Corless, Planner, CBCAC presented for VOTE WSSC's proposal to install water and sewer lines to service eight lots in the Riverview Estates subdivision in Prince George's County. She described the project and said that there will be no impacts to the Buffer or any Habitat Protection Areas. No trees are planned to be removed and the site will be stabilized at the end of every day. The sediment and erosion control plan has been approved by Prince George's County. Bob Goodman moved to approve the Washington Suburban Sanitary Commission's project to install water and sewer lines to service eight lots in the Riverview Estates subdivision as proposed. The motion was seconded by Dr. Sarah Taylor-Rogers and carried unanimously.

Dawnn McCleary, Planner, CBCAC presented for VOTE the Maryland Stadium Authority's Phase II Baltimore Football Stadium Final Design Plans for stormwater management. Three options were considered and after review by the Commission staff and MDE it was agreed that 1) stormwater management bioretention to modify the existing pond will be implemented, 2) stormwater in the southwest corner of the parking lot will be treated 3) a long-term bioretention maintenance plan will be developed. John D'epagnier, RK & K, said that the Stadium authority has added a significant amount of landscaping and so much vegetation that it exceeds the 10% rule and addresses MDE's concerns. Bob Goodman moved to approve the Maryland Stadium Authority's implementation of stormwater management and further, with the condition that MDE and the staff approve a long-term maintenance plan. The motion was seconded by Dr. Foor and carried unanimously.

## NEW BUSINESS

Chairman North appointed a panel for the City of Cambridge's four-year Comprehensive Review: Bill Giese, Jr., Chair; Russell Blake, Robert Pinto, Bill Corkran, and Samuel Q. Johnson.

Marianne Mason, Assistant Attorney General and Commission Counsel, updated the Commission on legal matters. She said that during July, Commission staff presented testimony at three local Board's of Appeals cases. One case in Talbot County involved the construction of a large brick walkway in the Buffer. The Talbot Board voted to grant the variance and the Commission will be filing an Appeal. Commission staff presented testimony in Anne Arundel County in a variance case involving a shed in the Buffer, and there is no decision at this time. In Wicomico County, a case involving a variance for a pool in the Buffer has received tentative approval for a variance by the Board. In the Shirner's case wherein they sued the Commission and the State for an alleged taking of property without compensation, lost in Wicomico County Circuit Court and lost in the Court of Special Appeals. The State Court of Appeals would not take the Case on certiorari, and now the

Sherners have gone to the U.S. Supreme Court.

Chairman North announced that a "Guidance" paper dealing with Critical Area issues, for Critical Area decision makers, will be distributed to local jurisdictions and other State agencies. He commended Regina Esslinger and Mary Owens for their splendid work product.

Ren Serey told the Commission that the Commission staff is working with Prince George's County on bioretention, as they are recognized as the leaders nationally in developing bioretention areas. In October, Larry Coffman, with Prince George's County, will give a presentation to the Commission on bioretention. Larry has been working with bioretention for several years.

Dr. Foor announced that the long-awaited opinion of Judge Souse regarding Queen Anne's County's implementation of its TDR Program as it relates to the Critical Area, came down firmly on all points in favor of the County and the Commission.

There being no further business, the meeting adjourned.

Minutes submitted by: Peggy Mickler, Commission Secretary

## *Chesapeake Bay Critical Area Commission*

STAFF REPORT  
September 3, 1997

*Approved*

**APPLICANT:** Queen Anne's County

**PROPOSAL:** Refinement - W.B.R. Investments Mapping Mistake

**COMMISSION ACTION:** Concurrence

**STAFF RECOMMENDATION:** Approval

**STAFF:** Greg Schaner —

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

### **DISCUSSION:**

The County Commissioners of Queen Anne's County have submitted a petition to amend their Critical Area map changing a property formerly designated RCA to LDA. The property is the Duck Neck Campground owned by W.B.R. Investments, Inc. The County Commissioners conceptually approved the mapping change pending the Critical Area Commission's response. The County Planning Commission previously approved the proposed map changes. The mapping change was proposed due to an alleged error in the original mapping of two areas of the campground totaling 10.717 acres (see attachment). The applicant provided evidence to the County demonstrating that development uncharacteristic of RCA lands (i.e., property dominated by agriculture, wetlands, forest, barren land, surface water or open space) had occurred prior to December 1, 1985. Both the County Commissioners and the Planning Commission found that there was sufficient evidence supporting the finding of a mapping error and a redesignation from RCA to LDA.

The Planning Commission minutes provide detailed discussion of the evidence provided by the applicant to demonstrate a mapping error. The County decided that sufficient evidence was present to indicate that the development occurred prior to December 1, 1985 and that the nature of the development is consistent with LDA mapping standards. Staff supports the County's decision and has determined that the mapping change is consistent with the County Critical Area Program and the State Criteria. The Chairman has determined that this mapping change is appropriately handled as a refinement consistent with the Commission's *Policy on Distinguishing Between Amendments and Refinements* (Approved December 7, 1994).



RANDY L. TOWNSEND  
MWM280/704  
8.10A.  
P.128

MAP 4-P.31

P.125

Mapping Error  
3.653ac

DUCK NECK, INC.  
CWC 134/488  
89.78 A  
P.1

Existing  
Camp Grounds

PINTAIL ROAD  
36 35 34 33 32 31 30 29 28

HERBERT LEVICKAS  
TSP 70/96  
P.267

P.296



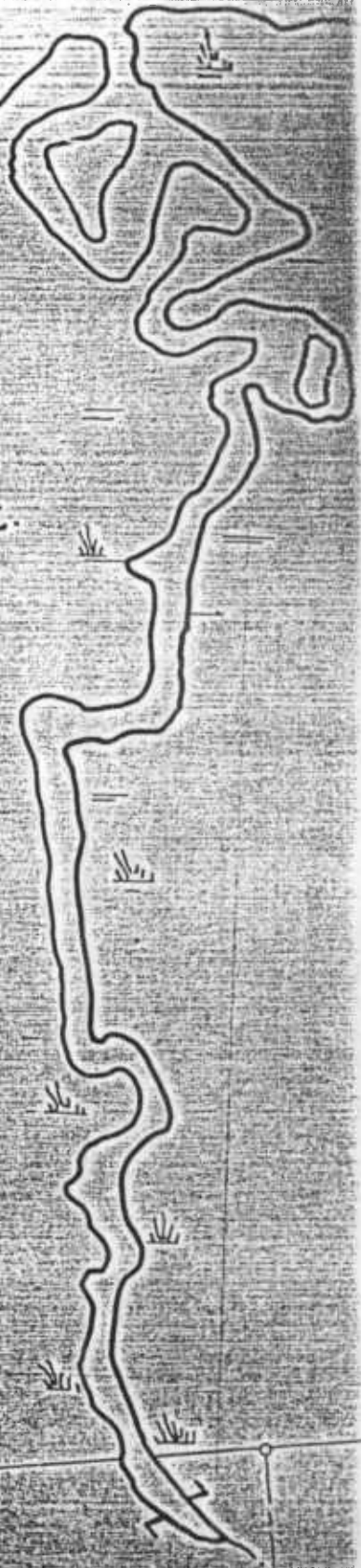
Mapping Error  
3.403ac

DOUBLE CREEK WOODS

6 P.303  
5  
4  
3  
2  
1  
SNYDER LANE  
WOOD DUCK LANE  
DUCKS NECK SECT. '1'

MERGANSER DRIVE  
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CHAR-NOR MANOR RD



**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

**STAFF REPORT**  
**AUGUST 6, 1997**

*Ch McCleary*  
*Sept*

**APPLICANT:** The Department of Natural Resources (DNR)

**PROPOSAL:** Phase I Design Update for Kings Landing  
Natural Resources Management Area (NRMA)

**JURISDICTION:** Calvert County

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Approval

**STAFF:** Dawnn McCleary

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

**DISCUSSION:**

Back in 1989, the Critical Area Commission approved the conceptional master plan for the Kings Landing\Cammack\Walke Natural Resources Management Area with conditions. In 1990, the Department of Natural Resources finally adopted the Kings Landing Natural Resources Management Master Plan. The Master Plan's continued focus has been as a planning tool for several areas of the 1180 acres tract land. The plan includes: resource analysis of the 1180 acres; concepts for management, use and resource protection of the 1180 acres, and long term visions to maintain recreational development.

The adoption of the 1990 Master Plan continues to serve as the key Kings Landing planning document for the 1180 acres of land comprising the Natural Resources Management Area (NRMA). Since 1990, DNR has acquired an additional 53 acres, leased a portion of the NRMA to Calvert County, and eliminated the possibility of research-oriented site development. The 1995 Master Plan amends the 1990 Master Plan to address the new changes. On November 6, 1996, the Critical Area Commission approved the revised 1995 Master Plan as an amendment to the 1990 plan.

**Continued, Page Two**  
**Kings Landing NRMA**  
**August 6, 1997**

Phase I of the Master Plan includes designs for several project elements of Kings Landing. The following proposed designs are part of Phase I:

- 1) the upgrade of an existing entry road which includes limited widening and asphalt paving,
- 2) the construction of a new maintenance office building and public comfort station,
- 3) the installation of a new gravel parking area and the paving of an existing driveway with asphalt,
- 4) the construction of two picnic pavilions and an adjacent gravel parking lot, and
- 5) the upgrade of an existing public swimming pool with minor expansion. All of the proposed projects are located outside of the 100-foot Buffer, and the design is consistent with the concept presented in the 1995 Master Plan Update.

Calvert County currently has a 50-year lease with DNR on this property. As a result, Calvert County has proposed to implement and fund most of the improvements on the site. Immediate demand for improvements at Kings Landing is being focused on the County lease area. Other future Phase I development proposals for the County lease area will be presented to the Commission at a later date. **(See attached Phase I proposed projects)**



## PLAN IMPLEMENTATION RESPONSIBILITY AND PHASES

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

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

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

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

### (1.) Phase 1 -- County Lease Area

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

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

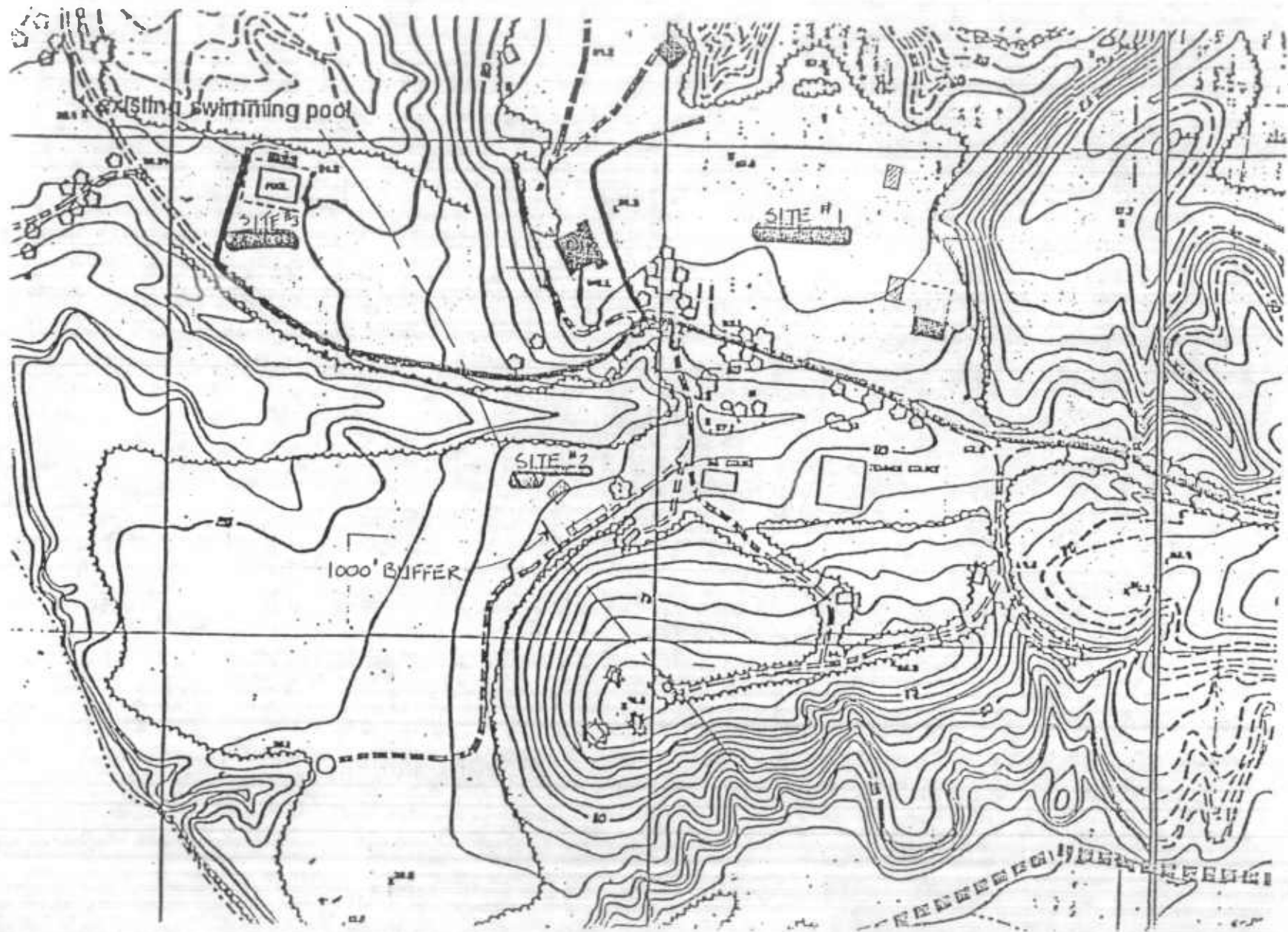
**Maintenance Shop:** The new shop building could be associated with the existing barn to reduce costs, suggested Dwight Williams. This site would rely on vegetative screening.

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

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

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

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



## *Chesapeake Bay Critical Area Commission*

**STAFF REPORT**  
September 3, 1997

**APPLICANT:** Maryland Department of Natural Resources - Land and Water Conservation Services - Resource Planning

**PROPOSAL:** Days Cove Wetland Habitat Project

**JURISDICTION:** Baltimore County

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Approve with the condition that the sediment and erosion control plan is approved by MDE prior to construction.

**STAFF:** Susan McConville

**APPLICABLE LAW/  
REGULATIONS:** COMAR 27.02.05.12 Plant and Wildlife Habitat.

### **DISCUSSION:**

The purpose of this project is to restore and create wetlands within a 5 acre parcel of land adjacent to the Genstar mining operation at Days Cove in Baltimore County. The project is designed and administered by the MD DNR and will be funded by MDE.

The project is located at Days Cove in Gunpowder Falls State Park. The entire project is within the Critical Area and is adjacent to the Little Gunpowder Falls River and an unnamed tributary and nontidal wetland. No disturbance is proposed in the 100-foot Buffer.

The proposed work is scheduled to be performed in an old agricultural field now dominated by multiflora rose (Rosa multiflora). The site is surrounded on three sides by an existing floodplain forest and on the remaining side by the existing sand and gravel mine. The soils are delineated as Elsinboro which is described as a well-drained gently sloping soil on terraces along major streams.

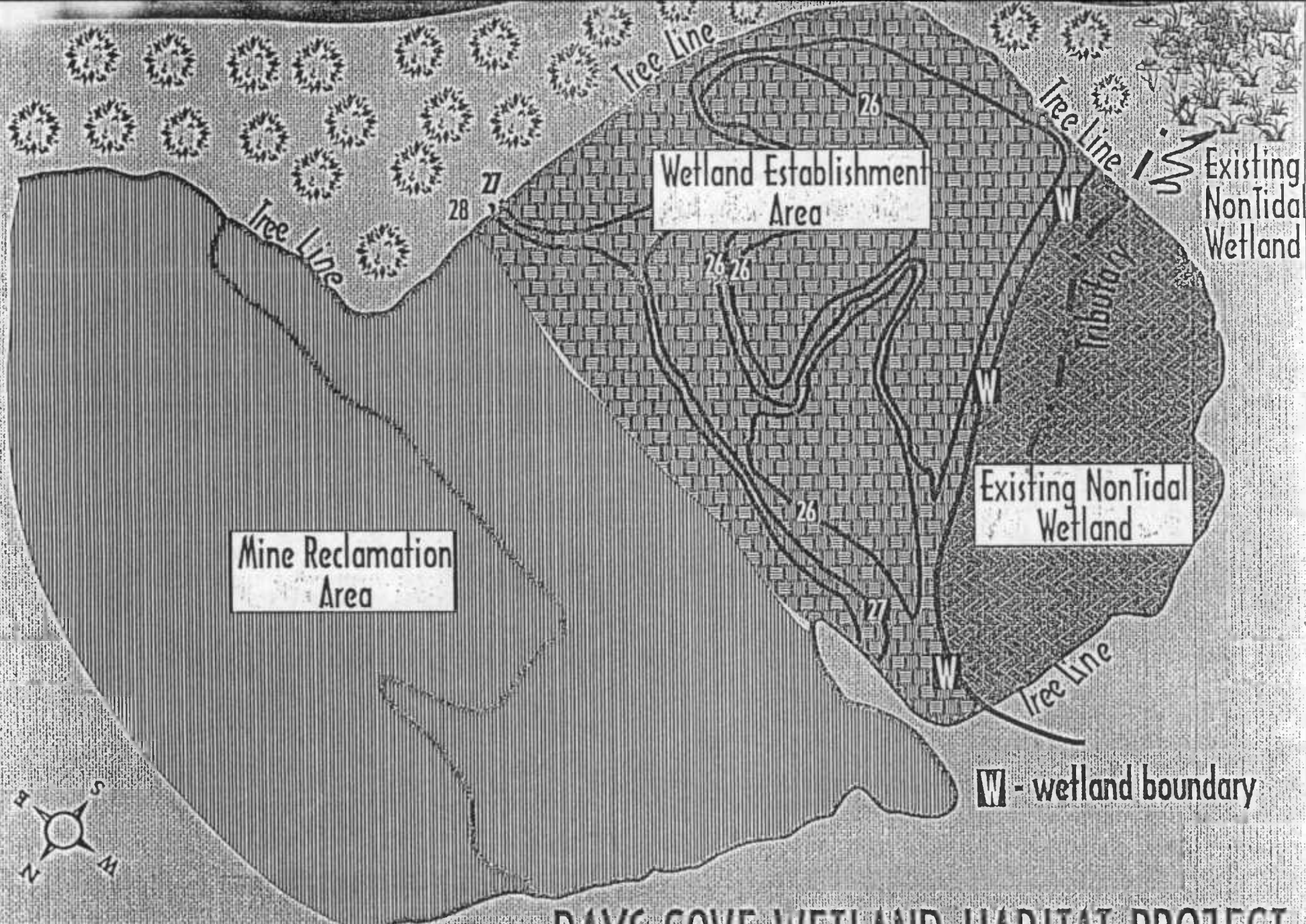
The proposed design involves the excavation of specific areas to create different wetland habitats. The proposed design includes the creation of emergent wetland, scrub-shrub wetland and forested wetland. The different wetland areas will be interspersed to promote habitats for a diversity of species.

The proposed methodology includes excavation of the soil to an elevation to allow sufficient groundwater contact within the top 10 inches of the soil profile and to allow for some surface water inundation for extended periods of time in specific areas of the site. The following sequence of construction is proposed:

1. Eradicate / remove existing stands of multi flora rose.
  2. Excavate the top 10-12 inches of top soil and stockpile
  3. Excavate the subsoils to -10 inches below the elevations shown on the grading plans. \*
  4. Redistribute topsoil back on to the site to elevation shown on design plan. \*
  5. Stabilize all disturbed areas with approved seed mix and mulch.
  6. Plant native woody tree and shrub species.
- \* Remaining stockpiled top and subsoil will be used in the adjacent mine reclamation project.

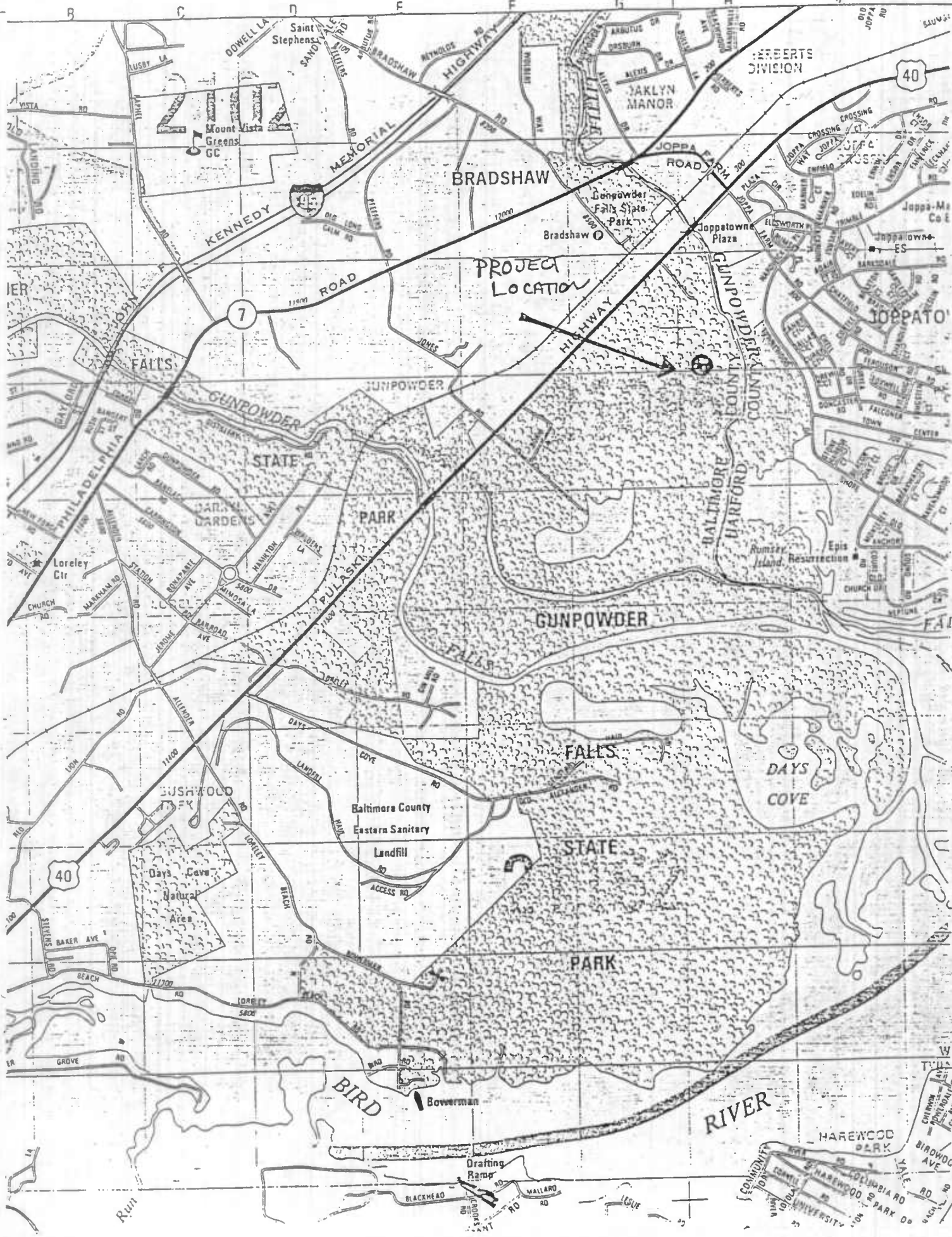
The project area is part of the area originally permitted for mining. The area that was mined adjacent to the project area is currently undergoing reclamation. The sediment and erosion control plan will be reviewed and approved by MDE prior to construction, in conjunction with the review of the sediment and erosion control plan for the reclamation area. This project is in the process of being reviewed by DNR's in-house environmental review team.

There are no threatened or endangered species present. There are no impacts proposed to tidal or nontidal wetlands. This project will be sponsored by MDE as a Programmatic mitigation project and must be approved by MDE's Mitigation and Technical Assistance Section prior to initiating construction.



# DAYS COVE WETLAND HABITAT PROJECT





PROJECT LOCATION

Baltimore County Eastern Sanitary Landfill

DAYS COVE

BIRD RIVER

HAREWOOD PARK

BRADSHAW

JOPPA

STATE

STATE

PARK

BOWERSMAN

HAREWOOD PARK

HAREWOOD PARK

HAREWOOD PARK

HAREWOOD PARK

HAREWOOD PARK



*K. Langer motion to approve as presented  
B. Corkron second / c u*

**Chesapeake Bay Critical Area Commission**

**STAFF REPORT**  
**September 3, 1997**

*Approved*

**APPLICANT:** Maryland Department of Natural Resources - Land and Water Conservation Services - Resource Planning

**PROPOSAL:** Days Cove - Master Concept Plan

**JURISDICTION:** Baltimore County

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Approval

**STAFF:** Susan McConville

**APPLICABLE LAW/REGULATIONS:** COMAR 27.02.05.14 Natural Parks

*John Wilson  
Resource Plan  
DNR*

**DISCUSSION:**

The Department of Natural Resources has developed a Master Concept Plan for the Days Cove area in Gunpowder Falls State Park. The concept plan includes seven different areas that will be designed for recreational and habitat uses.

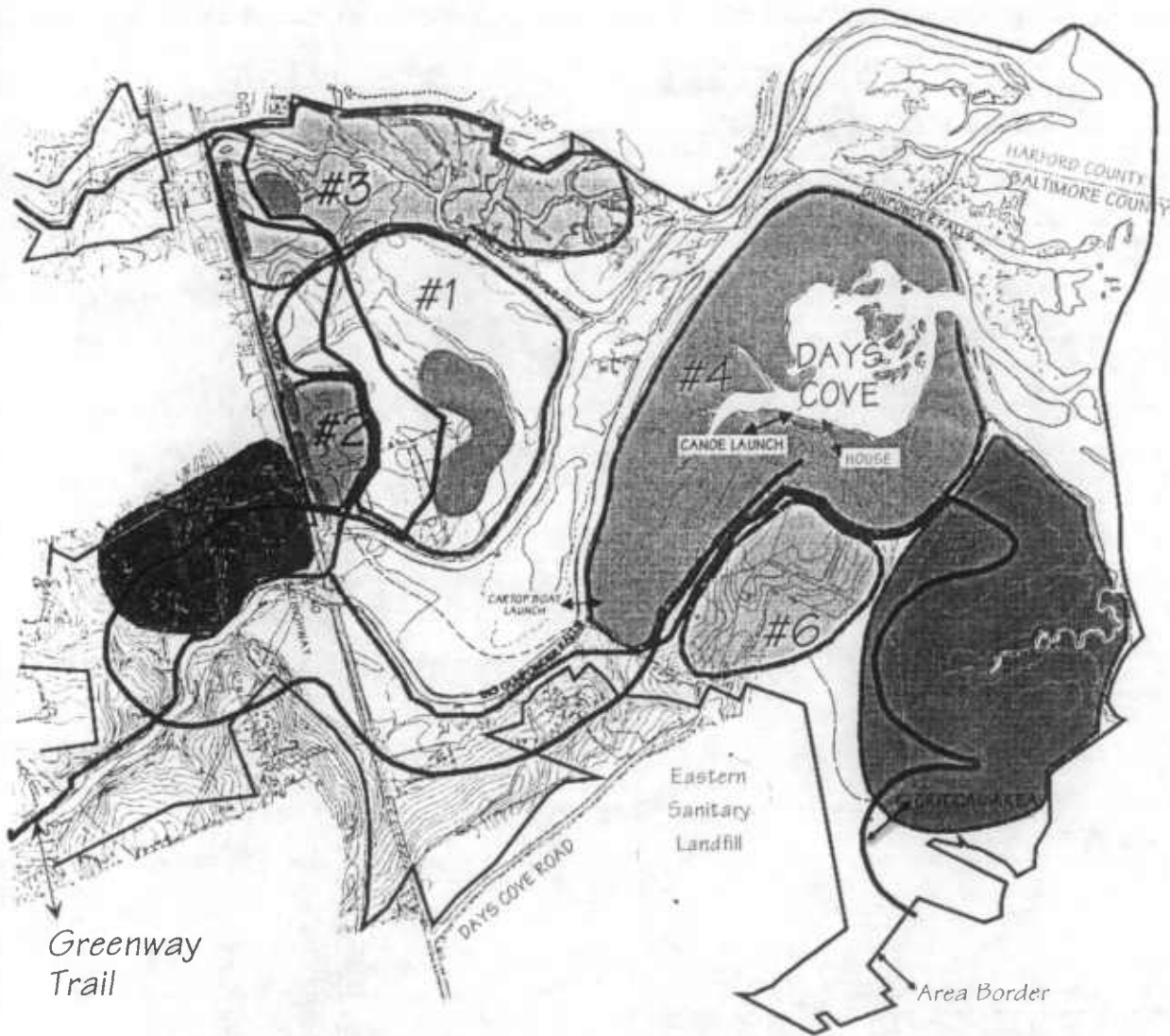
1. Day Use Area
2. Sports Complex (not in Critical Area)
3. Wildlife Demonstration Area
4. Education Center
5. Forest Stewardship program
6. Rubble Fill (not in Critical Area)
7. Jones Road Area

(Please see attached draft plan for descriptions of each area.)

The Master Concept Plan was presented to the public for review and comment in the spring of 1997. DNR has incorporated comments generated by public review into the proposed plan. All specific projects consistent with the Master Concept Plan will be brought before the Critical Area Commission for review and approval.

# DAYS COVE - Baltimore County

# Gunpowder Falls State Park CONCEPT PLAN



## GENERAL USE

Fishing Hunting  
Trails Picnicking

## #1 DAY USE AREA

Non-Motorized Boating

## #2 SPORTS COMPLEX

BMX & Mountain Bike Course  
Sporting Clay's Range  
Challenge Course

## #3 WILDLIFE DEMO AREA

Habitat Creation  
Wildlife Observation

## #4 EDUCATION CENTER

Education Programs  
- Schools  
- Private Groups  
Rentals  
- Workshops, Weddings, etc.

## #5 FOREST STEWARDSHIP PROGRAM

Tree Groves  
Wildlife Observation  
Outdoor Classroom

## #6 RUBBLEFILL

Reclamation  
Plantings

## #7 JONES ROAD AREA

Eliminate Parking

DEPARTMENT OF NATURAL RESOURCES - LAND & WATER CONSERVATION SERVICES - RESOURCE PLANNING

DATED: JANUARY 6, 1997  
LGISDATA\AGRANT\WILSON\DAYSCOVE.D54

COMMENTS

Draft Plan:

**#1 Day Use Area**

- encompasses a major portion of what we call the Bradshaw property
- use the lake for fishing & non-motorized boating
- family picnicking and trails
- observation area for the cliff swallows

**#2 Sports Complex**

- an area available for public/private partnership
- could include BMX track; mountain bike course and challenge course
- have received a proposal to build a BMX track

**#3 Wildlife Demonstration Area**

- most recently mined area
- working with Genstar and several programs within the Department to develop a diversity of habitats
- trails for wildlife observation

**#4 Education Center**

- would continue to serve approximately 50-100 students on a daily basis
- possibility to expand the programming
- rental of house for workshops, seminars and personal functions

**#5 Forest Stewardship**

- area dedicated to a proposal submitted by the forestry board
- outdoor classroom with tree groves, trails and areas demonstrating a variety of silvicultural practices

**#6 Rubble Landfill**

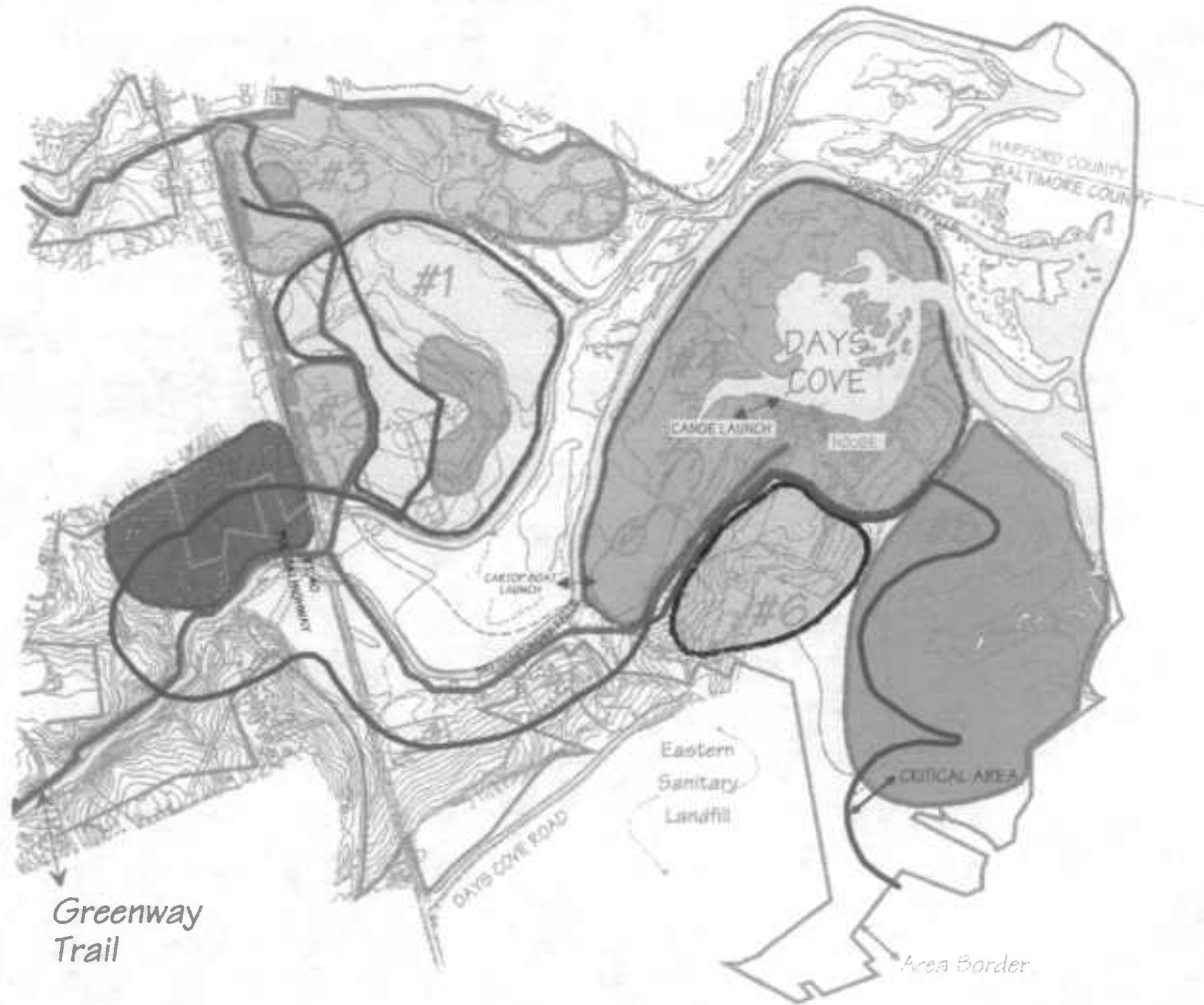
- was an existing sludge storage and mixing area; were in the process of obtaining permits for rubblefill at time of acquisition
- generates considerable revenue for the Park
- received permit for lateral expansion; new lease agreement for 5 years or until fill
- area will be reclaimed to our specifications with plantings & trails
- provides other benefits to the Park, such as road maintenance, etc.

**#7 Jones Road**

- a problem area for the local community
- propose to eliminate parking and move it to the other side of Rt. 40, which will be easier to manage
- reforest the area

# DAYS COVE - Baltimore County

# Gunpowder Falls State Park CONCEPT PLAN



## GENERAL USE

Fishing Hunting  
Trails Picnicking

#1 DAY USE AREA  
Non-Motorized Boating

#2 SPORTS COMPLEX  
BMX & Mountain Bike Course  
Sporting Clay's Range  
Challenge Course

#3 WILDLIFE DEMO AREA  
Habitat Creation  
Wildlife Observation

#4 EDUCATION CENTER  
Education Programs  
- Schools  
- Private Groups  
Rentals  
- Workshops, Weddings, etc.

#5 FOREST STEWARDSHIP PROGRAM  
Tree Groves  
Wildlife Observation  
Outdoor Classroom

#6 RUBBLEFILL  
Reclamation  
Plantings

#7 JONES ROAD AREA  
Eliminate Parking

DEPARTMENT OF NATURAL RESOURCES - LAND & WATER CONSERVATION SERVICES - RESOURCE PLANNING

DATE: JANUARY 6, 1997  
LG6SDATA\AGRANT\WILSON\DAYS COVE.D54

COMMENTS