Chesapeake Bay Critical Area Commission
Department of Housing and Community Development
Crownsville, Maryland 21401
Conference Room 1100A
February 4, 1998
AGENDA

SUBCOMMITTEES

1:00a.m. - 11:30 a.m. Project Evaluation
Members: Langner, Bourdon, Giese, Goodman,Corkran, Foor, Blake, Cooksey, Hearn, Dietz

Anne Arundel County, DNR Shore Erosion Control -
Sandy Point State Park — Lisa Hoerger, Enviromental Specialist
St. Mary's County, Wastewater Treatment Plant Improvements
Point Lookout State Park — Mary Owens, Chief Pgm. Implementation
Charles County, DNR Camp Loop Mini-cabins
Fort Smallwood State Park — LeeAnne Chandler, Planner

1030 a.m. - 12:00 p.m. Program Implementation
Members: Whitson, Evans, Moxley, Robinson, Myers, Barker, Williams, Wynkoop, Foor, Pinto, Johnson, Lawrence, Taylor-Rogers, Duket
Transfer Development Rights Discussion — Ren Serey, Executive Director
Baltimore County, FINAL REVIEW for approval of
Buffer Management Area Policy — Susan McConville, Planner

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

PLENARY MEETING

1:00 p.m. - 1:05 p.m. Approval of Minutes of ~~November 5, 1997~~ January 7, 1998 — John C. North, II, Chair

1:05 p.m. - 1:35 p.m. PRESENTATION
Total Maximum Daily Loads — Wayne Jenkins, MDE; Mary Owens, Chief, Pgm Imp.

PROGRAM AMENDMENTS and REFINEMENTS

1:35 p.m. - 2:00 p.m. INFO Anne Arundel County — Lisa Hoerger, Enviro. Specialist
Homeport Farm Growth Allocation

2:00 p.m. - 2:30 p.m. VOTE Baltimore County — Susan McConville, Planner
Two year trial BMA Policy

PROJECT EVALUATION

0 p.m - 2:45 p.m.	VOTE Anne Arundel County, Sandy Point State Park DNR Shore Erosion Control	Lisa Hoerger, Enviro. Specialist
5 p.m. - 3:00 p.m.	VOTE St. Mary's County, Point Lookout State Park Wastewater Treatment Plant Improvements	Mary Owens, Chief, Pgm. Imp.
0 p.m. - 3:15 p.m.	VOTE Charles County, Ft. Smallwood State Park Camping Loop Mini-cabins	LeeAnne Chandler, Planner
5 p.m. - 3:45 p.m.	VOTE, Calvert County, Chesapeake Beach Walkway and Sidewalk Improvements	Mary Owens, Chief Pg. Imp.
	PRESENTATION	
5 p.m. - 4:05 p.m.	Maryland Coastal Bays Program	Lee Anne Chandler, Planner
5 p.m. - 4:25 p.m.	Old Business	John C. North, II, Chairman
	New Business	

ext Commission Meeting March 4, 1998 Anne Arundel County, Crownsville

Chesapeake Bay Critical Area Commission
Department of Housing and Community
People's Resource Center
Crownsville, Maryland 21401
January 7, 1998

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, Dave, Calvert County
Cooksey, David, Charles County
Corkran, William, Talbot County
Myers, Andrew, Caroline County
Robinson, Thomas Edward, Kent MAL
Evans, Diane, Anne Arundel County
Whitson, Michael, St. Mary's County
Graves, Charles, C., Baltimore City
Shephard, Bryan for Moxley, Stephen, Baltimore County
Williams, Roger, Kent County
Appel, Sherry for Wynkoop, Samuel, P.G. County
Ayella, Rick for Hearn, J.L., Dept. Of Environment
Langner, Kathryn, Cecil County
Deitz, Mary, Department of Transportation
Evans, Diane, AA County
Goodman, Robert, DHCD
Lawrence, Louise, Dept. Of Agriculture
Dintamin, Ray for Taylor-Rogers, Dr. Sarah, DNR

The Minutes of November, 1997 were approved as read.

Dawnn McCleary, Planner, CBCAC presented for concurrence with the Chairman's determination of Refinement, a proposed amendment which concerns intra-family transfer within the Critical Area in Calvert County. The purpose of the amendment is to limit the number of lots that could be conveyed to each immediate family member to one per family member. This is consistent with the Critical Area Law and was approved by the Commissioners of Calvert County and Calvert County Planning Commission (Text Amendment No. 97-10). The Commission supported the Chairman's determination of Refinement.

Ms. McCleary presented for concurrence with the Chairman's determination of Refinement for the City of Annapolis an annexation of 33.597 acres from Anne Arundel County of which 9.4 acres are located in the Critical Area. The property will retain its designation of LDA after the annexation and will have no effect on the use of land or water in the Critical Area. The purpose of the annexation is to provide sewer and water service to a property that is proposed for development. The Commission supported the Chairman's determination of Refinement.

Greg Schaner, Planner, CBCAC presented for concurrence with the Chairman's determination of Refinement a revision to zoning requirements for RCA marinas and piers in Talbot County. Mr. Schaner stated that the County has approved a bill to revise the Zoning Ordinance allowing no more than 10 guest rooms on property zoned for marinas and piers. This allowance would extend to all zoning classes including RCA. Currently, one marina in the County is classified as RCA and the County prohibits any new RCA marinas and piers, and allows expansion only for the existing RCA marina. This provision will only affect grandfathered facilities. The Commission supported the Chairman's determination of refinement.

Mary Owens, Chief of Program Implementation, CBCAC presented for VOTE the proposal by the Department of Natural Resources to construct a boardwalk at Point Lookout State Park in St. Mary's County. The purpose of the 4 foot by 54 foot boardwalk is to eliminate degradation and destruction of the marsh caused by pedestrian traffic through the area and to provide safe access to a beach and fishing area. This project does not involve any forest clearing but will involve some impacts to tidal wetlands to install pilings and to construct the boardwalk. Natural regeneration of the wetlands is anticipated after the disturbance from pedestrians is eliminated. No further mitigation is proposed. MDE anticipates issuing the permits with no conditions within a week. Kay Langner moved to approve the boardwalk project at Point Lookout State Park as presented. The motion was seconded by David Cooksey and carried unanimously.

Ms. Owens presented for VOTE the Department of Natural Resources' proposal to renovate an existing miniature golf course at Point Lookout State Park. The installation of lighting is proposed to maximize the use of the course and to increase revenue. The installation of bathrooms and a washer and dryer hook-up in an existing building, as well as the installation of security gates and a camp site hook-up is proposed. Ms. Owens said that this project does not include any proposed clearing because renovations are to existing buildings and cleared areas. However, should any incidental clearing be necessary, trees or brush will be replaced on an equal basis. Kay Langner moved to approve the improvements to the miniature golf course at Point Lookout State Park as presented. The motion was seconded by David Cooksey and carried unanimously.

Ms. Owens presented for VOTE the proposed project for shore erosion control in Historic St. Mary's City at the Chancellor's Point site and the Brome Howard House site. The proposal is to install a stone sill and to fill behind it with sand and plant marsh vegetation. This area is currently a cliff which varies in heights from 10 to 20 feet with moderate erosion. Trees in this area will be removed along the cliff edge so that they will not be falling on top of the newly planted grasses. There will be only 4 trees cleared to accommodate two construction access sites, two at each site. There will be some openings in the sill to facilitate fish passage and flushing behind the stone sill. Ms. Owens said that she has been to the site with an MDE representative who was very comfortable with the project and it's design and anticipates issuing the permits sometime in the next couple of weeks. Kay Langner moved to approve the shore erosion control project at Chancellor's Point as presented. The motion was seconded by David C ooksey and carried unanimously.

OLD BUSINESS

Mary Owens updated the Commission on the BEA designation for the Tidewater Homes Property in Chesapeake Beach. She said that she has received a letter from the town stating that they have been working with the applicant and MDE on some of the issues regarding the delineation of the wetlands. Some additional survey work has been done and is being drawn up. They are not, however, ready at this time to come back with a revised proposal and have requested a further extension until March. Chairman North commented that perhaps the parties involved are getting close to a resolution because some technical changes have been made. Ren Serey, Executive Director, CBCAC stated that one problem is that because the site has been disturbed and the hydrology has changed over the years, it has been very difficult to determine just where the mean high water line is based on the wetland vegetation and a more accurate way to determine this is to look at he elevation based on Federal benchmarks from National Oceanic and Atmospheric Administration. Rick Ayella, MDE, explained how the mean high water line is ascertained by NOAA and how this determination differs from DNR's delineation which is based on the interpretation of aerial photographs of tidal wetlands from the 70's.

NEW BUSINESS

Marianne Mason, Esquire, Assistant Attorney General and Commission Counsel, updated the Commission on legal matters. She said that Mr. Citrano, who illegally constructed a deck on the Magothy River in Anne Arundel County has fought for two and one half years to keep the deck and has lost every step of the way. Now, the the case is at the Court of Special Appeals and Mr. Citrano's attorney has failed to file a brief. An order of Dismissal is expected to be signed today. Arguments are set in the Court of Special Appeals for the White case which involves a pool. In Circuit Court, a Memorandum of Law in Talbot County has been filed in the Mastandrea case involving a brick structure in the Buffer. In Wicomico County, a Memorandum of Law has been filed in the Kelley case involving a pool in the Buffer. Four new cases have been filed in Circuit Court, one in Anne Arundel County appealing a variance in the Belvoir Farms case for more boat slips than the law allows for a subdivision; and, three have been filed in Dorchester - all variances granted by the Dorchester Board of Appeals for structures in the Buffer - two were pools and one a shed.

There being no further business, the meeting adjourned.

Minutes submitted by: Peggy Mickler, Commission Secretary

Agrees to condition easement / buffer

David Plott Atty

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT
February 4, 1998

APPLICANT: Anne Arundel County

PROPOSAL: Growth Allocation - Homeport Farm

COMMISSION ACTION: Information

STAFF: Lisa Hoerger

APPLICABLE LAW/ REGULATIONS: Natural Resources Article 8-1808.1 and COMAR 27.01.02.06

DISCUSSION:

Anne Arundel County has requested that the Commission review Anne Arundel County Council Bill 100-97, the Homeport Farm Critical Area Growth Allocation Bill, as an amendment to the County's Critical Program. The proposed growth allocation would change 18.75 acres of RCA land to LDA. The growth allocation area will include 19 residential lots (15.11 acres), right-of-way and community space (3.64 acres).

The entire parcel consists of 81.30 acres with 16.72 acres outside of the Critical Area and 64.58 acres inside the Critical Area. The interior is agricultural fields with forested areas lining the periphery of the site along the shoreline.

There will be two areas retaining the RCA designation. The 31.64 acre portion of the RCA land on the northern side of the property will be divided into two parcels. One parcel will consist of 25.15 acres to be deeded to Anne Arundel County for a park. The remaining 6.49 acres will remain in open space and will be used to satisfy the reforestation requirements at subdivision. The remaining RCA lands on the southern portion of the property will be used as community open space and one RCA lot. This area is 12.27 acres. The remaining 7.73 acres needed to satisfy the one per twenty density requirement will be obtained through a recorded easement from the adjacent property owner.

The County has addressed the guidelines found in both Natural Resources Article 8-1808.1 and COMAR 27.01.02.06 in regard to adjacency, identifying habitat protection areas, and the suggested 300-foot Buffer. The adjacency requirement appears to be met since the community to the north is designated LDA. All Buffer has been identified and found to be sufficient without requiring 300-feet. Finally, the County has 57.66 acres remaining growth allocation set aside to use for RCA to LDA. This request is less than half of that allocated expansion.

HOMEPORT FARM

ANNE ARUNDEL COUNTY

VICINITY MAP
1"=2,000'

SITE DATA:

POTENTIAL ARCHAEOLOGY SITE SUBJECT TO FUTURE STUDY

NON-TIDAL WETLANDS

TIDAL WETLANDS

50' TOP OF SLOPE BUFFER

COUNTY PARK / RECREATION AREA: 25.15 AC.

RCA

CRITICAL AREA LINE

HOUSE TO BE DOCUMENTED OR RELOCATED PER AGREEMENT WITH ANNE ARUNDEL COUNTY

COMMUNITY OPEN SPACE / REFORESTATION AREA: 6.49 AC.

50' PRIVATE R/W

SOLOMONS ISLAND ROAD (MD. RTE. 2)

PROPOSED 13' WIDENING

OPEN SPACE

ACCESS CONFIGURATION AND IMPROVEMENTS TO BE DETERMINED BY MD. S.H.A.

CHURCH CREEK

COMMUNITY ACCESS / PIER
0.192 AC.
(SUBJECT TO SPECIAL EXCEPTION APPROVAL)

COMMUNITY OPEN SPACE
1.69 AC.

COMMUNITY OPEN SPACE
1.92 AC.

S.W.M.
0.78 AC.
(PRIVATE)

2.68 AC.
0.32 AC.
0.97 AC.
0.63 AC.
0.85 AC.
0.90 AC.
1.00 AC.
0.70 AC.
0.80 AC.
0.98 AC.
1.28 AC.
1.35 AC.
1.17 AC.
1.11 AC.
0.89 AC.
0.62 AC.
0.74 AC.
0.78 AC.
0.68 AC.
0.77 AC.
0.87 AC.
0.65 AC.
0.68 AC.
0.75 AC.
0.69 AC.
0.52 AC.
0.57 AC.
0.83 AC.
1.03 AC.
4.35 AC.

LEGEND

- EXISTING CONTOURS
- 15% STEEP SLOPES
- 25% STEEP SLOPES
- EXISTING TREELINE
- CRITICAL AREA LINE
- TIDAL WETLANDS
- NON-TIDAL WETLANDS
- STEEP SLOPE BUFFER (25')
- STEEP SLOPE BUFFER (50')
- 100' BUFFER
- ARCHAEOLOGY SITES (SUBJECT TO FUTURE STUDY - EXACT SITE AND LOCATION TO BE FIELD DETERMINED)

GENERAL NOTES

1. No boundary survey done on this site.
2. Topography shown hereon is based on Anne Arundel County 200' scale.
3. Archaeology site was taken from Anne Arundel County Historical Site Maps (locations are approximate).
4. Preliminary Percolation - Testing was performed in May of 1985. (REPORTS ON FILE)

proposed LDA

TERRAIN, INC.
LAND ENGINEERING & DEVELOPMENT SERVICES
2444 SOLOMONS ISLAND ROAD
ANNAPOLIS, MARYLAND 21401

GROWTH ALLOCATION CONCEPT PLAN
HOMEPORT FARM

TAX MAP 51 BLOCKS 11 AND 12 PARCEL 132
TAX ACCT. NO. 2-006-90050455
2ND TAX DISTRICT ANNE ARUNDEL CO., MD.

SCALE: 1" = 100'

Chesapeake Bay Critical Area Commission

STAFF REPORT
October 1, 1997
(Resubmitted: February 4, 1998)

APPLICANT:	Queen Anne's County
PROPOSAL:	Refinement - Growth Allocation for Winchester Creek Ltd. Partnership Subdivision
COMMISSION ACTION:	Concurrence
STAFF RECOMMENDATION:	Approval with conditions (see discussion)
STAFF:	Greg Schaner
APPLICABLE LAW/ REGULATIONS:	Growth allocation: Natural Resource Law §8-1808.1 and Critical Area Commission's Growth Allocation Policy Refinement: Natural Resource Law §8-1809

DISCUSSION:

The County Commissioners of Queen Anne's County have given conceptual approval to grant growth allocation to the Winchester Creek Ltd. Partnership for a cluster subdivision in the Critical Area. The Chairman of the Critical Area Commission has determined that this mapping change is a refinement to the County's Critical Area Program and seeks concurrence with that determination.

The County Commissioners conceptually approved a development which would change 26.553 acres of RCA land to LDA.. The growth allocation area will include 15 cluster lots (average lot size 1.361 acres), a 50-foot wide right-of-way, and environmental easements. The environmental easements are proposed as a means to extend the 100-foot Critical Area Buffer where possible and to protect existing wildlife habitat, woodlands and nontidal wetlands. The County's Critical Area Ordinance requires a 300-foot Buffer for growth allocation projects, however, applicants for new moderate density developments may reduce this Buffer as long as the reduction is the minimum necessary to permit practical development.. The applicant intends to deed restrict all areas included in the designated environmental easement (see attached map). Additionally, because this development is considered to be a cluster subdivision, dedicated open space is required for 50 percent of the area of development. The applicant is meeting this requirement with 6.022 acres of open space within the growth allocation area and 25.692 acres of open space

outside the growth allocation area.

The Department of Natural Resources' Heritage & Biodiversity Conservation Program reviewed the property for potential habitat concerns. It was determined that the property is serving as habitat for the federally endangered Delmarva fox squirrel and that adjacent areas of Winchester Creek are probably used by waterfowl. The Heritage & Biodiversity Conservation Program recommended protecting the actively used areas of fox squirrel habitat by deed restricting the open space areas to prevent timber harvesting or other disturbances. The areas which are not currently forested should be planted in mast-producing hardwood trees or be allowed to naturally reforest to provide expanded habitat for fox squirrels and other wildlife. Recommendations for protecting the waterfowl habitat included a time-of-year prohibition on any construction of water-dependent facilities between October and March of any year.

Commission staff recommend the following conditions of approval for this program refinement:

(1) The applicant will adopt easement restrictions which permanently protect the designated easement area in the same way as the 100-foot Buffer.

(2) The applicant will adopt easement restrictions for this site which protect and enhance the existing habitat for the federally endangered Delmarva fox squirrel and which are approved by the Department of Natural Resources' Heritage & Biodiversity Conservation Program.

(3) The applicant will prohibit the construction of the proposed community pier and any other water-dependent facility on this site between October - March of any year to protect waterfowl habitat.

(4) The applicant agrees to enhance unforested areas of the 100-foot Buffer and environmental easement with planted native forest species or to allow these areas to naturally regenerate.

\GLS
Winchester Creek Limited Partnership - Growth Allocation
p:\greg\queenann\amendref\winchstr.3

Pat Farr - met all goals intended to meet; very happy w/ plan

M. Whitson moved to approve as presented
Dr. Farr sec -
C/U

Chesapeake Bay Critical Area Commission

STAFF REPORT
February 4, 1998

APPLICANT: Baltimore County - DEPRM

PROPOSAL: Final approval of Baltimore County's Buffer Management Plan

JURISDICTION: Baltimore County

COMMISSION ACTION: Vote

STAFF: Susan McConville

APPLICABLE REGULATIONS: Buffer Exemption Areas [COMAR 27.01.09.02C]

DISCUSSION:
The Commission approved the Baltimore County Buffer Management Plan for a two year trial period. As a condition of the agreement, Critical Area staff worked with Baltimore County staff to monitor the implementation and effectiveness of the Buffer Management Area Plan. County staff will present a final report on implementation during the two year trial period to the Commission for a vote for final approval of the Buffer Management Plan.

The County identified several initial goals of the Buffer Management Plan:

- 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

Baltimore County staff will present statistics on the implementation and enforcement of the plan during the trial period. The County will also present their conclusions concerning how the Buffer Management Plan, through the reduction of Buffer impacts and through mitigation requirements, has enabled the County to better address the challenges of development and redevelopment on waterfront lots in heavily developed areas.

Proposed Buffer Management Plan Changes, February 4, 1998

Section of Plan	Page(s)	Explanation of Proposed Change
Alternate Locations for Structures	Page 5 (all) Page 6 (top)	Provides better clarification regarding when a variance will be required. Clarifies that the 100-foot buffer has not been reduced to 25 feet (this has been a common misconception).
Other Permitted Structures or Activities	Page 6 (bottom)	Clarifies that a grading permit is required in addition to variance approval when grading or filling does not comply with Plan.
Mitigation/Offset Requirements	Page 7 (all)	Changes the required planting standards to address the noncompliance issue relative to planting mitigation: (a) shrubs eliminated and plant species reference list added to reduce problems with mitigation plants chosen by applicants (b) sizes of plants changed for clarification purposes (applicants did not understand the term "caliper") (c) preferred location of proposed plantings specified to clarify where plantings should be located.
Other Buffer Management Area Provisions	Page 9 (all)	Informs the applicant that a plan will be needed for all proposed structures or activities, and that all other laws and regulations will need to be met: (a) first part addresses the issues of noncompliance relative to location of structures and mitigation requirements (b) second part clarifies that there are other Critical Area provisions within Buffer Management Areas.
Plant Species List	Appendix	List added to reduce problems with mitigation plants chosen by applicants.
Diagrams	Appendix	Diagrams provide the applicants with a more simplified explanation of certain Plan requirements.

Baltimore County
Department of Environmental Protection
and Resource Management

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BALTIMORE COUNTY, MARYLAND
CHESAPEAKE BAY CRITICAL AREA BUFFER MANAGEMENT PLAN

January 1996 - January 1998

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 156 permits reviewed in Buffer Management Areas from January 1996 - January 1998:

- 143 permits were for structures on residential properties
- 3 permits were for a structures on a commercial properties
- 1 permit was for a structure on an industrial property
- 7 permits involving violations were in noncompliance with the Buffer Management Plan; the Plan criteria were not applied in these cases

Primary Structure Statistics:

- 2 of 23 replacement dwellings (8.7%) were located waterward of the existing dwelling
- 14 of 23 replacement dwellings (60.9%) were located in the buffer on the same footprint as, or landward of, the existing dwelling
- 7 of 23 replacement dwellings (30.4%) were located out of the buffer
- 4 of 6 new dwellings on vacant lots (66.6%) were located in the buffer
- 2 of 6 new dwellings on vacant lots (33.3%) 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	25	16	20
Garage/Carport	18	2	1
Shed	5	0	2
Pool	3	3	6
Gazebo	0	0	2
Pole Barn	1	0	0
Pervious Deck	5	2	9
Multiple Structures*	2	2	12
Totals	59	25	52

* = 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	4076
51 - 75 feet to mht	5873
76 - 100 feet to mht	5555
Landward of Primary Structure	7782
Out of Buffer	31,729

Mitigation Statistics:

Mitigation Options Utilized to Offset Water Quality Impacts

	Number of Permits	Total Mitigation
Planting Onsite	53	447.67 tree units *
Remove Impervious Surface	22	10,631 square feet
Pay fee-in-lieu	7	$4917.00 in funds
Other	4	see below **
No Mitigation Necessary	80	N/A ***

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

** included downspout reconfiguration, shoreline planting, water quality swale, and water quality treatment facility

*** structures were out of the buffer or on the same footprints as existing structures

Compliance Statistics For Permits Inspected to Date*:

Number of Permits in Compliance by Mitigation Type

Mitigation Type	Full Compliance	Partial Compliance	Out of Compliance**
Planting Onsite	15	7	7
Remove Impervious Surface	6	0	2
Pay fee-in-lieu	6	0	0
Other	4	0	0
No Mitigation Necessary	80	0	0
Totals	111	7	9

* excludes 14 projects where structures have not been built

** enforcement actions pending

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

BALTIMORE COUNTY
BUFFER MANAGEMENT PLAN

Regulations Pertaining to
Mapped Buffer Management Areas
in the Chesapeake Bay Critical Area

Baltimore County
Department of Environmental Protection
and Resource Management

January 3, 1996
(Revised February 4, 1998)

REGULATIONS PERTAINING TO MAPPED BUFFER MANAGEMENT AREAS IN THE CHESAPEAKE BAY CRITICAL AREA

Introduction

The State Chesapeake Bay Critical Area regulations generally require the establishment of a 100-foot, undisturbed, naturally vegetated or planted buffer landward from the mean high water line of tidal waters or from the edge of tidal wetlands or tributary streams. The purpose of establishing this buffer is to fulfill the following functions:

- filter sediments, nutrients, and potentially harmful or toxic substances from entering the Chesapeake Bay and its tributaries;

- minimize disturbance to wetlands, shorelines, stream banks, tidal waters, and aquatic resources from human activities;

- maintain an area of transitional habitat between aquatic and upland communities;

- maintain the natural environment of streams; and

- protect riparian wildlife habitat.

The State Critical Area regulations also allow local jurisdictions to map "Buffer Management Areas" where it can be sufficiently demonstrated that existing patterns of residential, commercial, and industrial development prevent the buffer from fulfilling the functions listed above. In Buffer Management Areas, certain types of development are permitted without a variance and the establishment of an undisturbed naturally vegetated or planted buffer is not required. However, alternate measures for achieving water quality and habitat protection functions of the buffer must be provided.

The majority of the shoreline areas along tidal waters in Baltimore County were developed many years ago and fulfill few, if any, of the listed buffer functions. These heavily developed areas are being proposed as Buffer Management Areas, along with alternate water quality and habitat protection measures.

Buffer Management Area Mapping Criteria

The 100-foot buffer to tidal waters was first mapped onto January 1986 aerial photos (1 inch = 200 feet). State tidal wetlands, forests and developed woodlands, mapped stream information, water bodies, landmarks, street names, and the land use classification (Intensely Developed Area, Limited Development Area, or Resource Conservation Area) were also included on these photos.

Aerial photos were then pre-screened to identify developed areas along the shoreline potentially containing non-functioning buffers. Field visits were conducted by Department of Environmental Protection and Resource Management (hereafter Department) staff to verify this information, and data sheets were completed to document findings and establish Buffer Management Area boundaries.

Properties/lots along the shoreline were excluded from Buffer Management Areas if they:

- occurred within a Resource Conservation Area;
- contained a functioning buffer;
- contained or occurred within a habitat protection area (e.g., a rare, threatened or endangered species);
- contained or occurred within 100 feet of a stream or tidal wetland;
- contained or occurred within 25 feet of a nontidal wetland;
- contained forest cover; or
- contained steep slopes or erodible soils.

Permitted Uses in the Buffer Management Area

The following structures and impervious surfaces are permitted in the 100-foot buffer within the Buffer Management Area on residential, commercial, and industrial properties:

- new and rebuilt single family dwellings, commercial buildings, and industrial buildings;

- dwelling and building additions, including porches and sunrooms;

- garages and carports (attached and detached);

- pervious and impervious decks (attached and detached);

- sheds and storage buildings;

- other buildings and storage areas accessory to a commercial or industrial use;

- swimming pools (above ground and inground), hot tubs, and spas;

- pavilions and gazebos;

- patios and sidewalks;

- driveways and parking pads; and

- water-dependent structures;

provided that:

- the waterward intrusion of new or rebuilt dwellings, commercial, and industrial buildings is minimized to the extent possible;

- new and replacement accessory structures and impervious surfaces, excluding pervious decks, extend no closer to the water than the existing dwelling, or nearest primary commercial or industrial building on the property;

- allowable impervious surface limits for the property are not exceeded by construction of the structures or impervious surfaces;

- existing woody vegetation within the buffer is retained except that required by the proposed construction;

- any trees removed within the buffer are replaced onsite on a 1:1 basis;

- adverse water quality impacts will not result from the proposed structure due to construction impacts, the type of materials used in construction, or the location of the structure relative to the water; and

- mitigation is provided by the applicant, or a fee-in-lieu of mitigation is paid by the applicant to the County.

Pervious wooden decks (contain spaces between boards to allow for the passage of water) are permitted in the 100-foot buffer on the waterward side of an existing dwelling within the Buffer Management Area on residential, commercial, and industrial properties provided that:

- the deck is attached to the dwelling, commercial building, or industrial building;

- the deck is constructed over pervious gravel, preferably placed on filter cloth;

- the deck extends no further than 16 feet waterward of the dwelling, the maximum distance of which is determined by the Department;

- the area under the deck is not used for storage;

- roofs, etc. are not constructed or placed over or under the deck to render the deck impervious;

- existing woody vegetation within the buffer is retained except that required by the proposed construction;

- any trees removed within the buffer are replaced on a 1:1 basis;

- adverse water quality impacts will not result from the proposed deck due to construction impacts, the type of materials used in construction (e.g., creosote-treated wood), or the location of the structure relative to the water; and

- mitigation is provided by the applicant, or a fee-in-lieu of mitigation is paid by the applicant to the County.

Alternate Locations for Structures and Impervious Surfaces

The Department may allow the applicant to locate a dwelling, primary commercial building, or primary industrial building in another location provided that 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. Approval of alternate dwelling or primary building locations will require that all other conditions outlined [below] **IN THESE REGULATIONS** are met, and may require additional mitigative measures to offset any additional water quality impacts. [The Department will require variance approval when a dwelling or building is proposed to be placed closer than 25 feet to the water.]

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. Approval of **AN** alternate [locations] **LOCATION** 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] **IN THESE REGULATIONS** are met. [Additional mitigative measures may be required to offset any additional water quality impacts. The Department will require variance approval when the] **ALSO, THE** cumulative total of new accessory structures [and additions] (including pervious decks and pervious decking around pools), **ADDITIONS,** 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] **(JANUARY 3, 1996) SHALL NOT EXCEED** 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]. **ADDITIONAL MITIGATIVE MEASURES MAY BE REQUIRED TO OFFSET ANY ADDITIONAL WATER QUALITY IMPACTS.**

THE DEPARTMENT WILL REQUIRE VARIANCE APROVAL FOR ANY NEW OR REBUILT PRIMARY OR ACCESSORY STRUCTURE PROPOSED TO BE PLACED CLOSER THAN 25 FEET TO THE WATER. VARIANCE APPROVAL WILL ALSO BE REQUIRED WHEN WATERWARD INTRUSION OF THESE STRUCTURES HAS NOT BEEN MINIMIZED OR WHEN CUMULATIVE TOTALS FOR ACCESSORY STRUCTURES LISTED ABOVE HAS BEEN EXCEEDED. THESE STATEMENTS DO NOT MEAN THAT STRUCTURES WILL AUTOMATICALLY BE ALLOWED TO BE PLACED 25 FEET FROM THE WATER. ALTERNATIVE LOCATIONS FOR STRUCTURES MUST FIRST BE INVESTIGATED.

Other Permitted Structures and Activities

Pervious wooden steps and wooden walkways are permitted in the 100-foot buffer within the Buffer Management Area on residential, commercial, and industrial properties provided that:

- wooden walkways do not exceed 3 feet in width and are constructed to allow a single direct access point to the shoreline (Note: The Department may consider a wooden walkway up to 6 feet in width on a property where safe access to the shoreline cannot be provided by a narrow walkway.); and

- a site inspection is conducted by Department staff prior to initiating construction.

Minor grading and filling of existing lawn for the purpose of maintaining the lawn in a usable condition is permitted in the 100-foot buffer within the Buffer Management Area on residential, commercial, and industrial properties provided that:

- the total disturbed area is less than 5000 square feet in size and involves less than 100 cubic yards of fill;

- a site inspection is conducted by Department staff prior to initiating the proposed work;

- lawn or other approved ground cover is reestablished; and

- any trees removed within the buffer are replaced on a 1:1 basis.

The Department will require an approved variance **AND GRADING PERMIT** for any filling or grading in excess of 5000 square feet in size or involving more than 100 cubic yards of fill.

Mitigation/Offset Requirements

In order to provide an alternate means of achieving water quality and habitat protection functions of the buffer, the Department will require mitigation or payment of a fee-in-lieu of mitigation for impacts within Buffer Management Areas. Mitigation or payment of a fee-in-lieu will not be required where there is no increase in the footprint or size of an existing structure, including but not limited to situations where a structure has been destroyed by natural forces.

Onsite mitigation options include the following:

- plant [1½ inch caliper] **CONTAINER-GROWN** native deciduous trees **THAT ARE 5-6 FEET IN HEIGHT OR LARGER** [preferably on the waterward side of the proposed structure], at a rate of 1 tree for each 100 square feet of the proposed structure placed within the 100-foot buffer plus 2 trees for each 100 square feet of new impervious surface placed within the buffer [(note: native deciduous shrubs may be substituted for native deciduous trees at a rate of 3 shrubs per 1 tree; 1½ inch caliper native conifers may be substituted for native deciduous trees at a rate of 2 coniferous trees per 1 deciduous tree)];

  - **SMALLER CONTAINER-GROWN NATIVE DECIDUOUS TREES THAT ARE 3-4 FEET IN HEIGHT MAY BE SUBSTITUTED FOR LARGER TREES AT A RATE OF 3 SMALLER TREES PER 1 LARGER TREE**

  - **CONTAINER-GROWN NATIVE CONIFEROUS TREES IN EITHER OF THE ABOVE SIZE CATEGORIES MAY BE SUBSTITUTED FOR DECIDUOUS TREES AT A RATE OF 2 CONIFEROUS TREES PER 1 DECIDUOUS TREE**

  - **TREES MUST BE SELECTED FROM THE LIST ATTACHED TO THESE REGULATIONS, UNLESS PRE-APPROVED BY DEPARTMENT STAFF**

  - **PLANTS MUST BE INSTALLED ON THE WATERWARD SIDE OF THE PROPOSED STRUCTURE, WHERE POSSIBLE**

- remove existing impervious surface from the property at a rate of 1 square foot for every 1 square foot of impervious surface placed within the 100-foot buffer;

- perform shoreline enhancement, e.g., remove a failing bulkhead and restabilize the shoreline with native vegetation and/or riprap;

- retrofit an existing storm drain; or

- establish/install a vegetated filter strip, infiltration trench, or grassed swale.

Other mitigation options which achieve water quality and habitat protection functions may be proposed by the applicant, and will be evaluated by Department staff on a case by case basis.

When all or part of the required mitigation cannot be met on site, either due to site constraints or property owner preference, a fee-in-lieu of mitigation shall be paid by the applicant to the County at a rate of $1.20 per square foot of required mitigation. However, in cases when the Department allows the applicant flexibility in locating a dwelling closer to the water than the minimum waterward intrusion, or allows an accessory structure or building addition to be constructed waterward of the existing primary structure, the applicant shall pay a fee-in-lieu of mitigation at a rate of $1.50 per square foot of required mitigation.

The fee-in-lieu money may be used by the County for any or all of the following offsets within the Critical Area:

- establishing vegetated buffers along tidal waters, tidal wetlands, non-tidal wetlands, or streams;

- shoreline enhancement;

- stream restoration;

- water quality improvement; or

- fish, wildlife, or plant habitat restoration or improvement.

If it is not possible for the County to carry out the above offsets within the Critical Area, to the extent possible, the offsets should be implemented within the impacted watershed(s).

Other Buffer Management Area Provisions

1. **ALL PROPOSED STRUCTURES, IMPERVIOUS SURFACES, GRADING OR FILLING ACTIVITIES, AND MITIGATION MUST BE SHOWN ON A PLAN APPROVED BY THE DEPARTMENT; REGARDLESS OF WHETHER A BALTIMORE COUNTY PERMIT IS REQUIRED. ALL PLAN CHANGES WILL REQUIRE APPROVAL BY THE DEPARTMENT PRIOR TO PLAN IMPLEMENTATION.**

2. The Department reserves the right to require variance approval for an activity in or adjacent to a habitat protection area, a wetland, or a stream. The Department also reserves the right to require variance approval or additional mitigative measures when a proposed activity has the potential to adversely impact water quality or fish, plant, or wildlife habitat.

3. **ALL OTHER APPLICABLE PROVISIONS OF THE COUNTY AND STATE CHESAPEAKE BAY CRITICAL AREA LAW AND REGULATIONS MUST BE MET IN FULL.**

PLANT SPECIES FOR BUFFER MANAGEMENT PLAN MITIGATION

SCIENTIFIC NAME	COMMON NAME	SHADE TOLERANCE	MOISTURE REGIME
Deciduous Trees			
Acer negundo	Box Elder	T	M-W
Acer rubrum	Red Maple	I-VT	D-W
Acer saccharinum	Silver Maple	MT-VT	M-W
Acer saccharum	Sugar Maple	VT	M
Betula nigra	River Birch	I	W
Carpinus caroliniana	Blue Beech, Musclewood	VT	M
Carya glabra	Pignut Hickory	MT	D-M
Carya tomentosa	Mockernut Hickory	I-T	D-M
Celtis occidentalis	Hackberry	I-MT	D-M
Cercis canadensis	Eastern Red Bud	T	M
Cornus florida	Flowering Dogwood	VT	D-M
Diospyros virginiana	Persimmon	VT	M-W
Fagus grandifolia	American Beech	VT	M
Fraxinus americana	White Ash	I-MT	M-W
Fraxinus pennsylvanica	Green Ash	I-MT	M-W
*Ilex opaca	American Holly	VT	M
Juglans nigra	Black Walnut	I	M
Liquidambar styraciflua	Sweet Gum	I	M-W
Liriodendron tulipifera	Tuliptree, Tulip Poplar	I	M
Magnolia virginiana	Sweet Bay, Swamp Magnolia	MT	M-MW
Nyssa sylvatica	Black Gum	T	M-W
Platanus occidentalis	American Sycamore	MT	M-W
Populus deltoides	Cottonwood	VI	M
Populus grandidentata	Big Toothed Aspen	VI	M
Prunus serotina	Wild Black Cherry	I	M
Prunus virginiana	Choke Cherry	I	D-M
Quercus alba	White Oak	MT	D-M
Quercus bicolor	Swamp White Oak	MT	M-W
Quercus coccinea	Scarlet Oak	VI	D-M
Quercus falcata	Southern Red Oak	I-MT	D
Quercus palustris	Pin Oak	I	M-W
Quercus phellos	Willow Oak	I	M-W
Quercus prinus	Chestnut Oak	MT	D
Quercus rubra	Northern Red Oak	MT	M
Quercus velutina	Black Oak	MT	D-M
Robinia pseudoacacia	Black Locust	VI	D-M
Salix nigra	Black Willow	VI	M-W
Sassafras albidum	Sassafras	I	D-M
Ulmus rubra	Slippery Elm	T	M

PLANT SPECIES FOR BUFFER MANAGEMENT PLAN MITIGATION (continued)

SCIENTIFIC NAME	COMMON NAME	SHADE TOLERANCE	MOISTURE REGIME
Coniferous Trees			
Pinus strobus	White Pine	MT	D-M
Pinus virginiana	Virginia Pine	I	D-M
Tsuga canadensis	Eastern Hemlock	VT	M-W

* American Holly is an evergreen tree, but will be counted the same as deciduous trees.

Degrees of shade tolerances: VI - Very intolerant; I - Intolerant; MT - Moderately tolerant; T - Tolerant; VT - Very tolerant.

Moisture Regimes: D - Dry, rocky, or well-drained; M - Moist - the greatest range of soil and drainage conditions; usually rich, deep soils; W - Wet; seasonally saturated but not flooded for most species listed.

The information in this list serves only as a general guide. Some tree species exhibit varying degrees of shade tolerance throughout their life spans from the seedling to the adult stage. In addition, the moisture regimes depend upon topography, aspect and soil types.

INTRODUCED TREES NOT ALLOWED FOR BUFFER MANAGEMENT PLAN MITIGATION

SCIENTIFIC NAME	COMMON NAME	ORIGIN
Acer platinoides	Norway Maple	Europe
Ailanthus altissima	Ailanthus	China
Catalpa speciosa	Hardy Catalpa	Mississippi Valley
Gleditsia triacanthos	Honey Locust	East Central U.S.
Maclura pomifera	Osage Orange	South Eastern U.S.
Paulownia tomentosa	Empress Tree	Eastern Asia
Populus alba	White Poplar	Eurasia

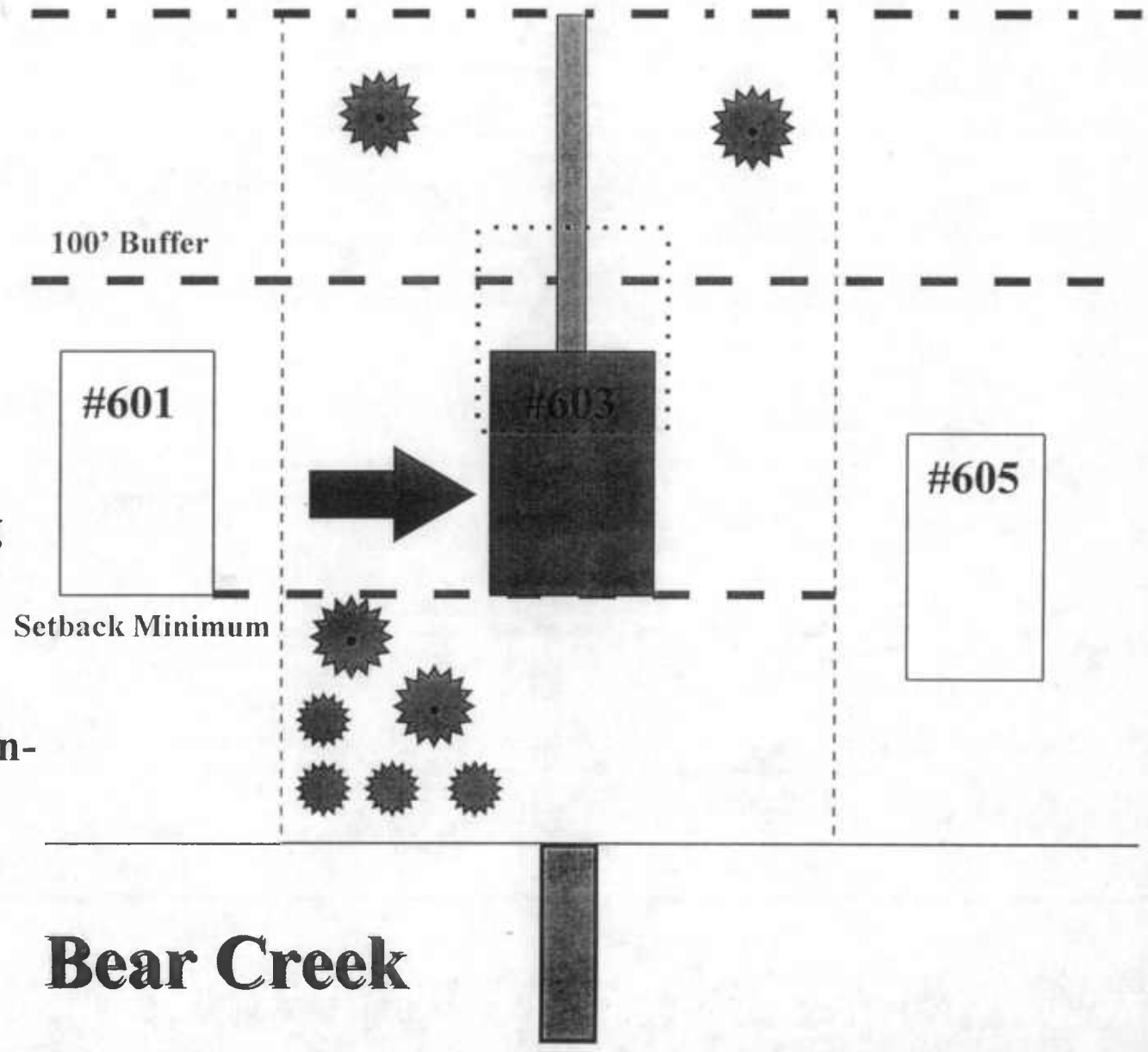
The species listed above show varying tendencies towards escaping from cultivation into forest fragments. They have become problems in naturally-occurring forests in Baltimore County because in the past, they were planted without considering their potential impact on the native vegetation. To avoid similar problems in the future, non-native species of horticultural value are not to be used for any mitigation plantings in mapped Buffer Management Areas.

How the Buffer Management Plan Works

If building a dwelling...

A new or rebuilt dwelling can extend as close to the water as the adjoining dwelling farthest from the water.

Mitigation or fee-in-lieu payment is required unless building on the existing footprint.

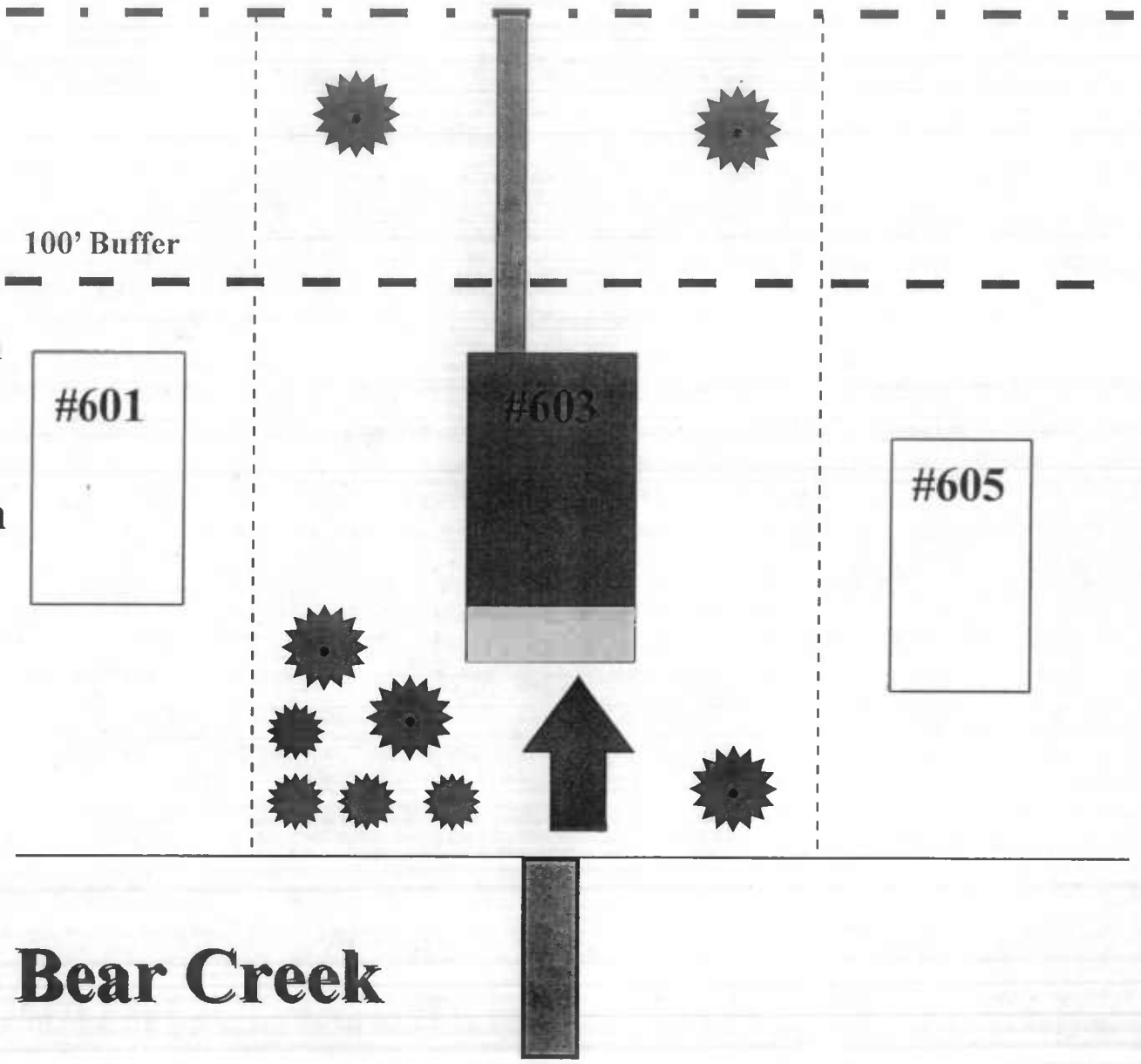


How the Buffer Management Plan Works

If adding a deck waterward of the dwelling....

The deck should be constructed with gaps between the boards and with gravel or vegetation beneath (pervious).

Mitigation or fee-in-lieu payment is required.

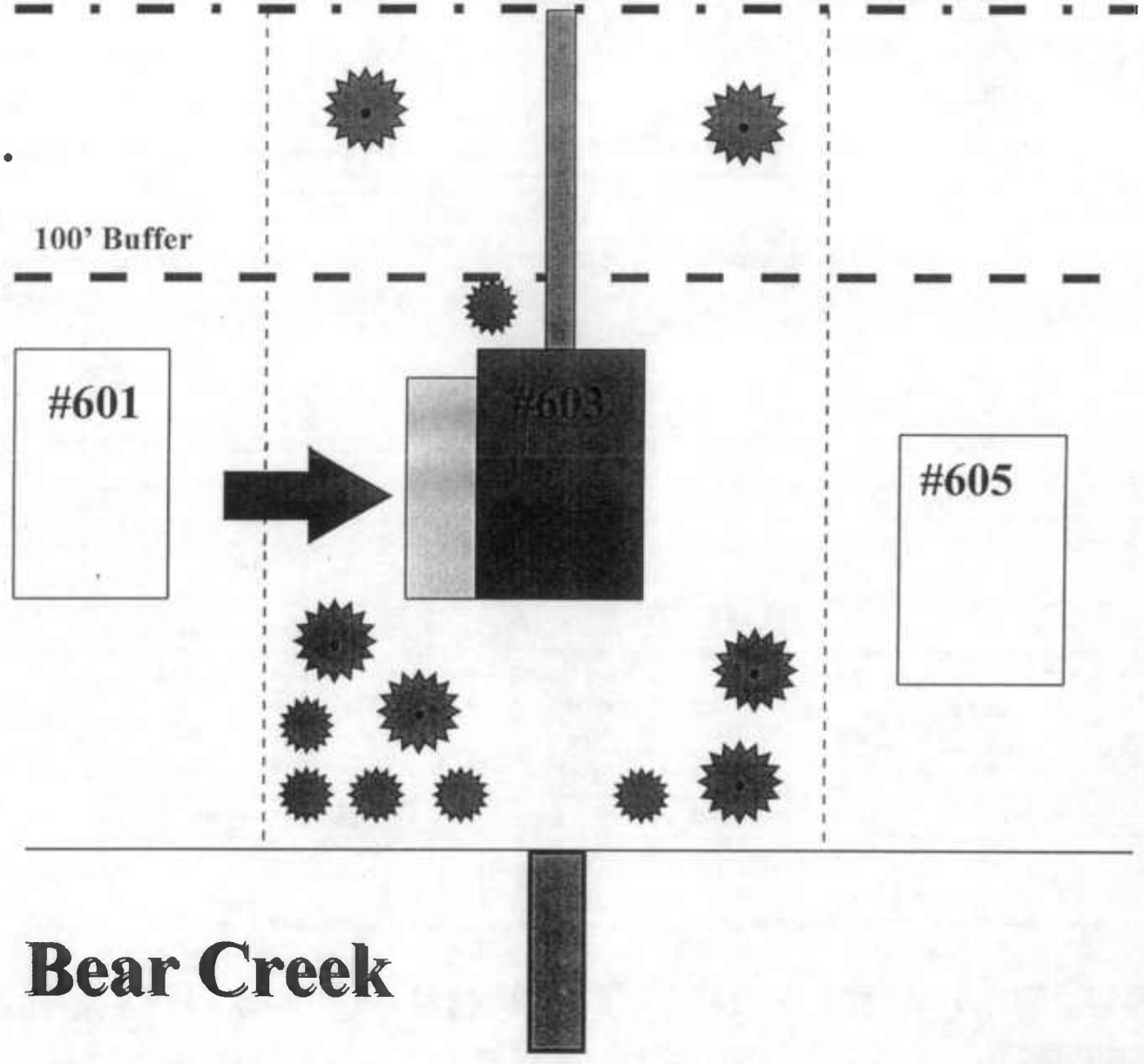


How the Buffer Management Plan Works

If building a house addition...

The addition must extend no closer to the water than the dwelling, where possible.

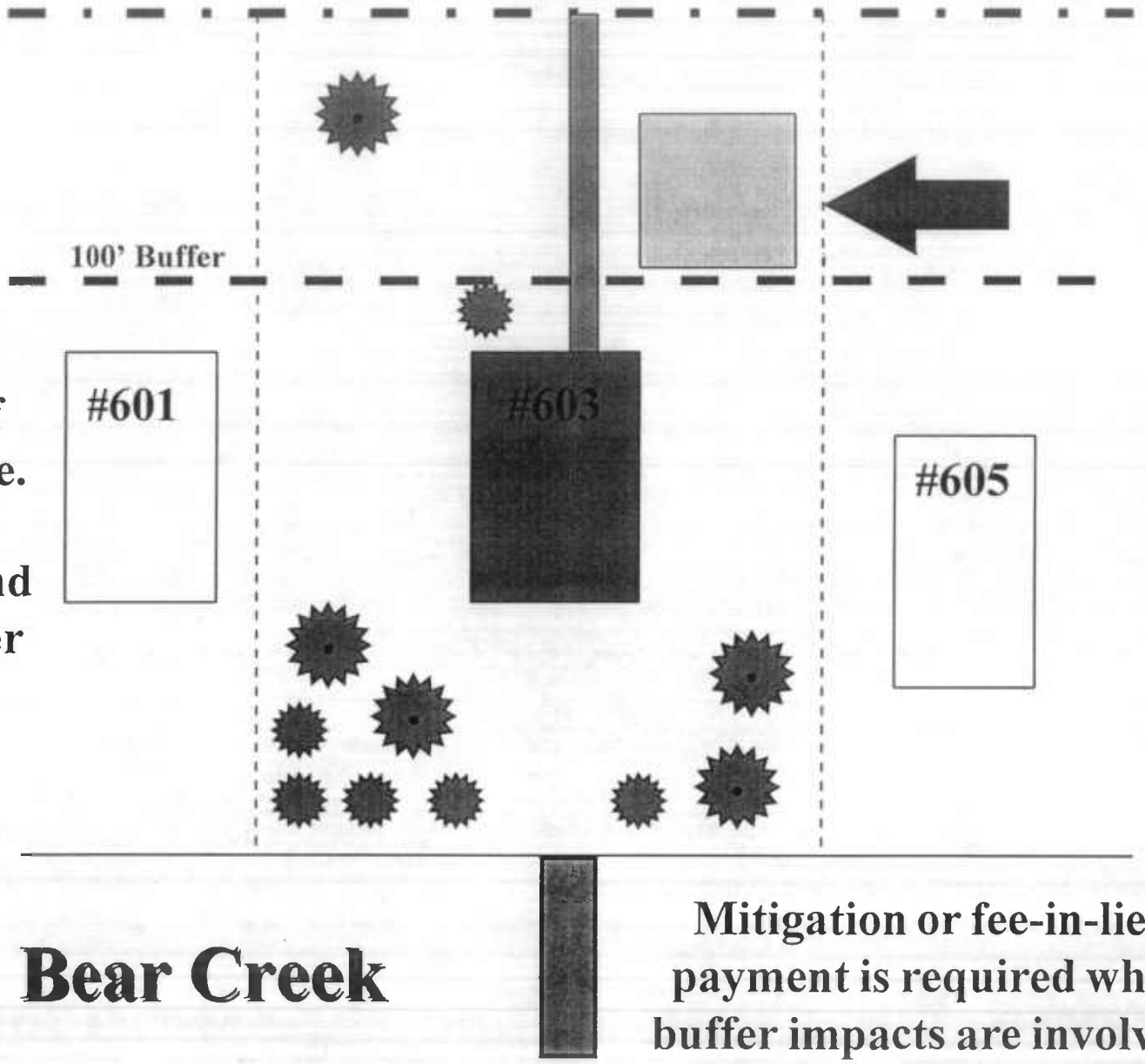
Mitigation or fee-in-lieu payment is required.



How the Buffer Management Plan Works

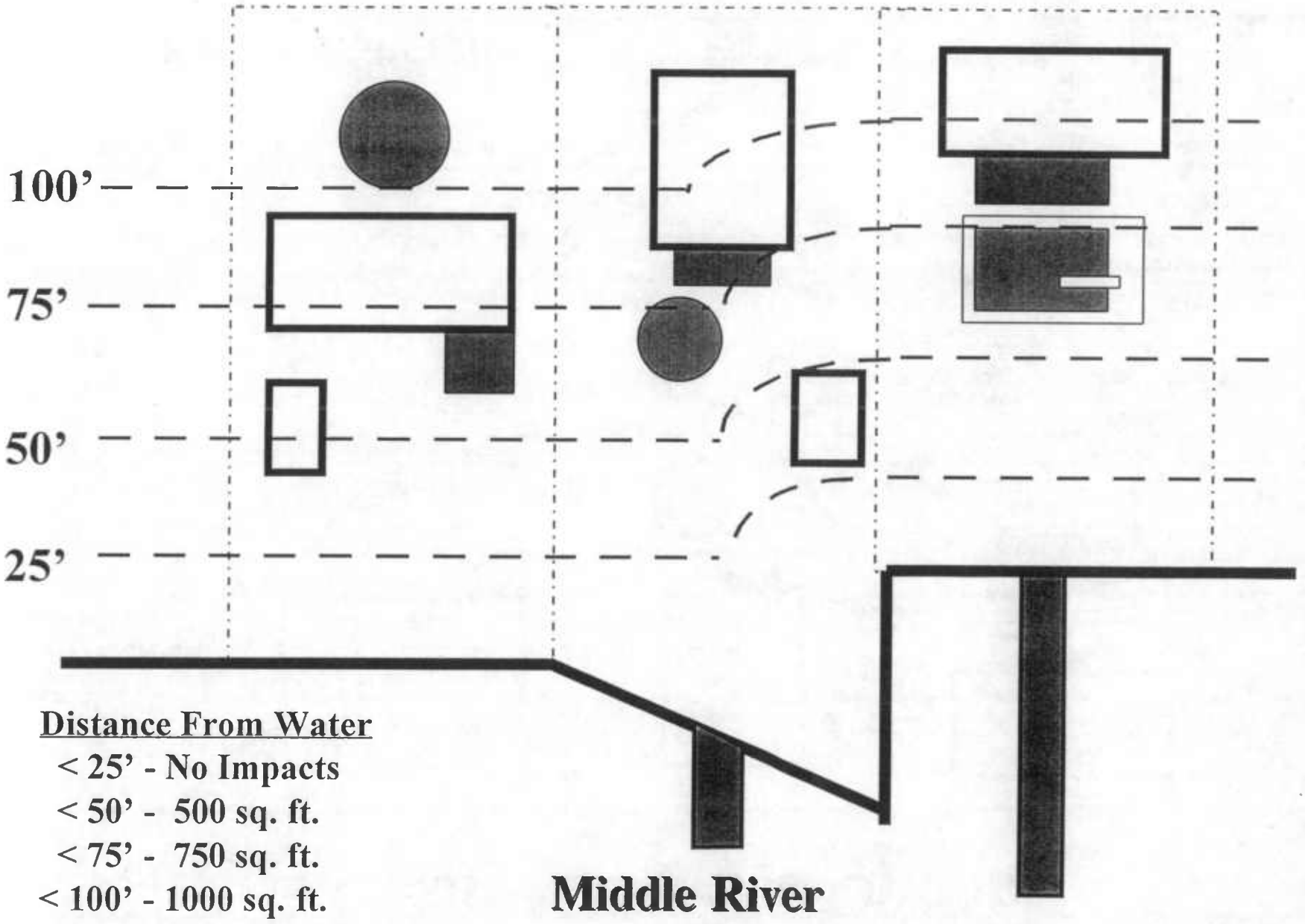
If building an accessory structure such as a garage...

The structure must be located outside of the buffer, if possible. Otherwise, the structure must extend no closer to the water than the dwelling, unless no alternate exists.



Mitigation or fee-in-lieu payment is required when buffer impacts are involved.

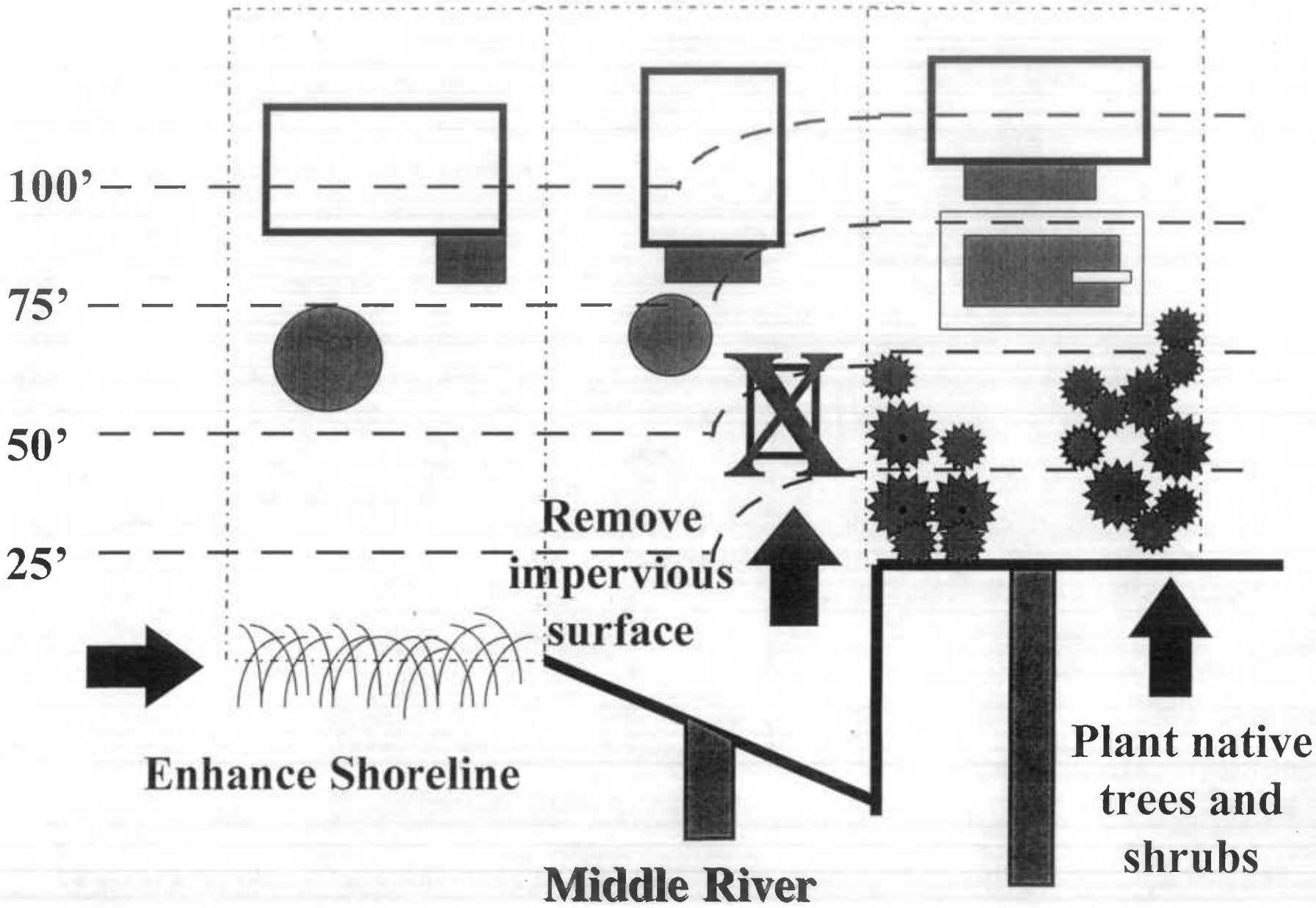
Allowable Cumulative Impacts of Accessory Structures



Distance From Water

< 25' - No Impacts
< 50' - 500 sq. ft.
< 75' - 750 sq. ft.
< 100' - 1000 sq. ft.

Onsite Mitigation Options



What if There is No Room to Mitigate on Site?

A fee-in-lieu of mitigation may be paid to Baltimore County to fund water quality improvement projects within the Chesapeake Bay Critical Area.

For Example:

To build a 250 sq. ft. (18 ft diameter) pool the fee in lieu would be:

$1.20 per sq. ft. X 250 = $300.00... if built landward of the dwelling.

$1.50 per sq. ft. X 250 = $375.00... if built waterward of the dwelling.

motion - Bob Goodman - as submitted -
2nd — Dave Cooksey - 6/2

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT
February 4, 1998

APPLICANT:	Department of Natural Resources, Shore Erosion Control
PROPOSAL:	Replacement/Repair of Existing Stone Revetments and Groins at Sandy Point State Park
JURISDICTION:	Anne Arundel County
COMMISSION ACTION:	Vote
STAFF RECOMMENDATION:	Approval
STAFF:	Lisa Hoerger
APPLICABLE LAW/ REGULATIONS:	COMAR 27.02.05 - State Agency Actions Resulting in Development on State-Owned Lands

S-de B

DISCUSSION:

The Shore Erosion Control Program of the Department of Natural Resources Forestry Service proposes to repair five existing shore erosion control structures at Sandy Point State Park in Anne Arundel County. The existing revetments and groins were constructed in the late 1970s and early 1980s. Various factors including improper installation resulted in the failing of these structures. In addition, significant erosion is occurring at all sites and nonstructural methods are not practical or effective. This project will utilize existing stone materials.

failure

Area VI (see attached map) is the largest revetment being repaired. The repair will occur roughly within the same footprint of the existing revetment. Only the extreme ends of this existing revetment will involve new revetment. Access to this site will not require any clearing since this site is grassy with some existing buildings and parking areas nearby.

Area VII also involves a repair on roughly the same footprint of the original revetment. However, there is approximately 200 feet of adjacent shoreline that is suffering significant erosion and will require a revetment. This new section of revetment will tie into the existing revetment. While there is access to this site via a park maintenance road, access to the eroding shoreline area is problematic and will involve clearing.

Area VIII is located at Mezick Pond where the Sandy Point Marina is located. A new revetment will be constructed at this site and tie into an existing timber bulkhead. Access will occur via an existing road. Three trees will be removed for this construction.

Area IXA and IXB contain two existing groins protecting a public beach area. Both groins (Area IXA 245 feet, Area IXB 275 feet) will be raised to the +3 elevation. No clearing should be involved with this construction area. Area IV is adjacent to area IXA. This stone revetment is approximately 345 feet long and will also be repaired. Some clearing may be necessary at Area IV.

With the exception of site VII, it will not be necessary to construct access roads because there is adequate access available to all sites by utilizing existing park maintenance roads. Site VII may require some clearing to allow the contractor access. Mitigation at a 1:1 ratio for access will be provided.

Some overhanging trees that are located on unstable portions of the bank at areas VII and VIII will be removed. Some of these trees are dead or dying. Mitigation at a 1:1 ratio of native species will occur on-site for those trees necessary for removal.

There are no known threatened or endangered plant or animal species that will be affected by the proposed construction. Permits from the Army Corps of Engineers and the Maryland Department of the Environment (MDE) have been secured for this project. Comments from Anne Arundel County are still pending at the time of this report.

Bids on the project were solicited at the end of January, and the contract will be awarded in February. The project should be completed within 360 days from the start of construction.

This project is consistent with COMAR 27.02.05, the Commission's regulations for State projects on State lands.

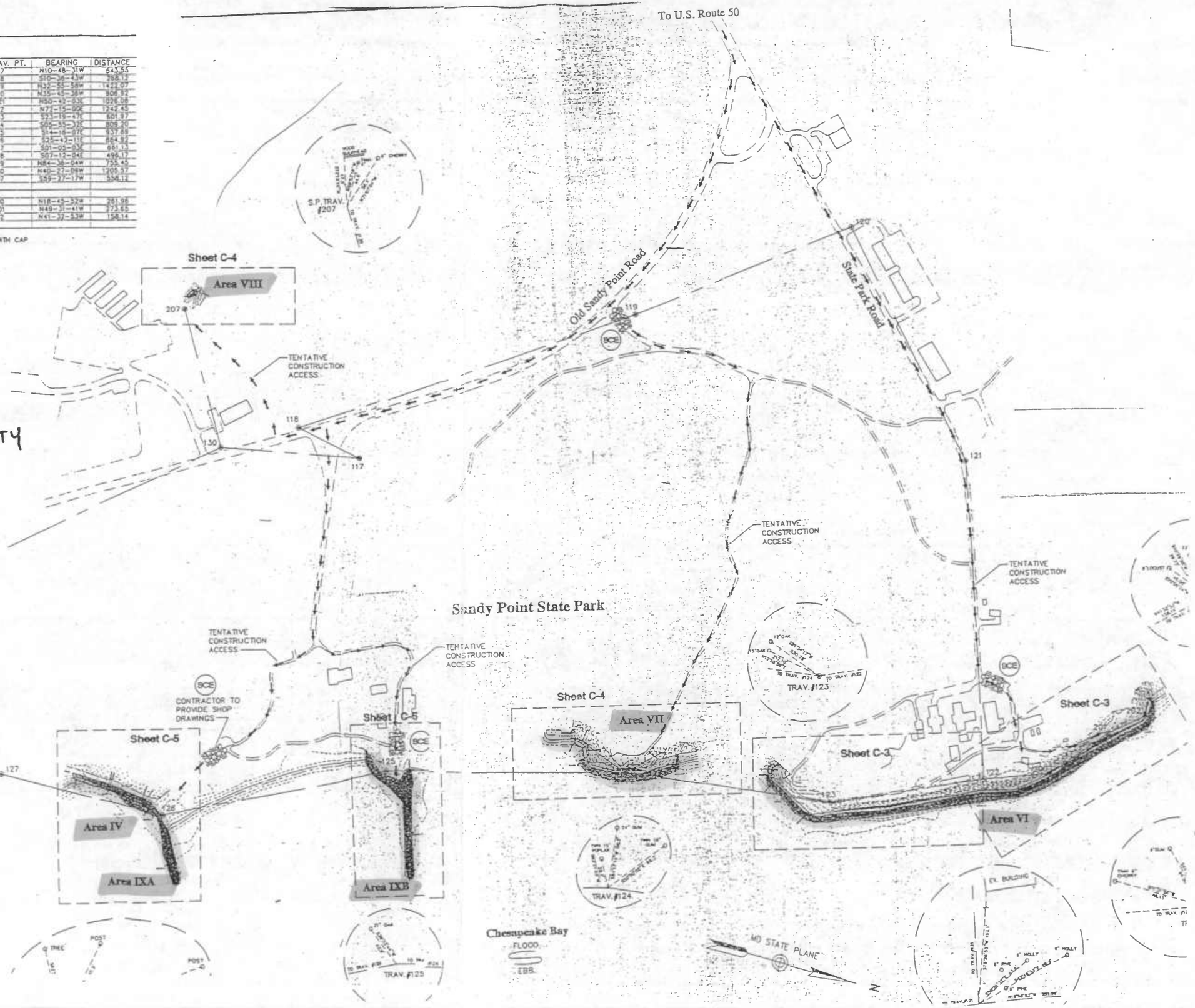
Traverse Data

HING	EASTING	ELEVATION	TO TRAV. PT.	BEARING	DISTANCE
8.7600	970173.7030	11.87	117	N10-48-31W	643.55
2.6700	970071.7700	16.79	118	S10-36-43W	788.13
9.1600	970022.2400	16.77	119	N32-55-58W	1422.07
2.7130	969249.1260	14.85	120	N35-45-38W	906.92
8.6510	968719.1310	18.17	121	N50-43-03E	1026.08
8.5390	969513.1590	18.09	122	N72-15-00E	1242.45
7.3190	970696.4580	17.81	123	S23-19-47E	601.97
4.5630	970934.8530	9.98	124	S05-55-32E	809.20
9.6910	971018.3910	8.63	125	S14-16-07E	857.66
3.8310	971249.4990	7.36	126	S25-42-11E	864.82
1.5720	971613.2920	7.57	127	S01-05-03E	681.13
1.5630	971845.8020	8.83	128	S07-12-04E	496.17
1.3060	971707.9990	8.75	129	N84-38-04W	755.45
1.3890	970955.8990	7.75	130	N40-27-08W	1209.57
1.7600	970173.7030	11.87	207	S59-27-17W	554.12
1.1140	969593.0390	4.82			
7.3190	970696.4580	17.81	200	N18-43-32W	281.96
1.3580	970813.1910		201	N49-31-41W	773.65
9.9760	970404.0210		202	N41-37-53W	158.14
1.3310	970298.1370				

ALL TRAVERSE POINTS ARE REBAR WITH CAP

Sandy Point State Park

Anne Arundel County



Motion to approve - B. Goodman
2nd - B. Corkran
C/M

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT
February 4, 1998

APPLICANT:	Maryland Environmental Service
PROPOSAL:	Wastewater Treatment Plant Improvements at Point Lookout State Park
JURISDICTION:	St. Mary's County
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:

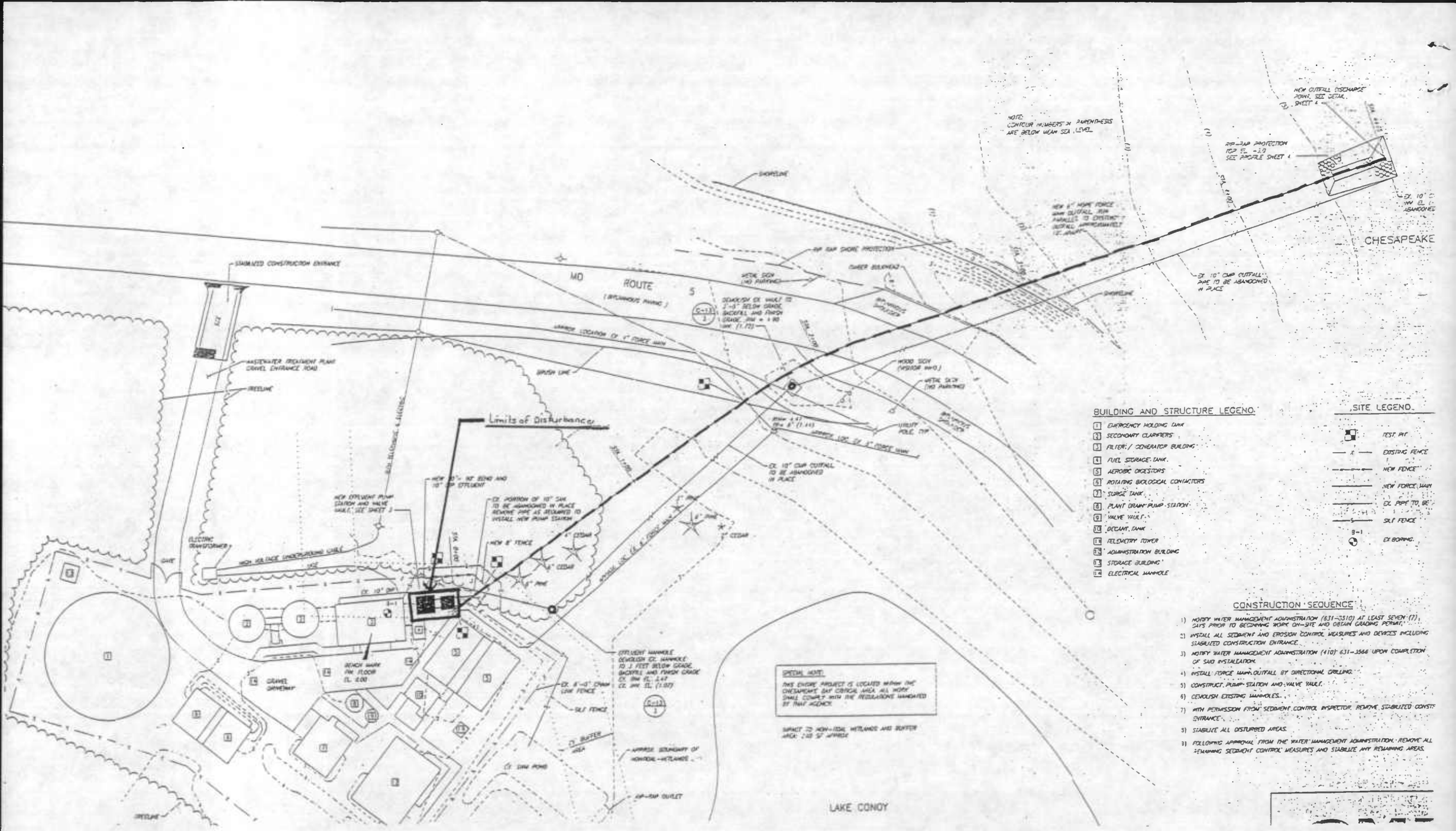
The Maryland Environmental Service is proposing to improve an existing effluent pump station and outfall at Point Lookout State Park. This project involves the installation of a 64 square foot pump station, a 36 square foot valve box, and 475 linear feet of six inch High Density Polyethylene (HDPE) piping with stone outfall protection. These improvements are necessary to replace a corrugated metal gravity outfall pipe which has deteriorated in various sections.

All elements of this project are located within the 100-foot Buffer of the Chesapeake Bay and the tidal wetlands associated with Lake Conoy. Sheeting and shoring will be used to minimize the excavated area and associated disturbance in the Buffer. The estimated area of disturbance is 240 square feet. Excavation for the installation of the outfall piping will be minimized through the use of directional drilling (bore) technology which involves the drilling of a horizontal tunnel below grade. This method minimizes disturbance to existing vegetation and erosion associated with excavating and backfilling. The only Buffer disturbance associated with this part of the project will be from the wheels of the drilling equipment and the point where the drill enters the ground.

This project also involves the demolition of two existing manholes. The top three feet of the manholes will be removed and the hole will be backfilled with similar fill and gravel. The area will then be stabilized with vegetation. The existing corrugated metal pipe outfall will be abandoned in place.

There are no known threatened or endangered plant or animal species that will be affected by the project because the new disturbance is proposed in existing developed areas. Two-to-one mitigation will be required for all new impervious surfaces within the Buffer.

This project is consistent with COMAR 27.02.05, the Commission's regulations for State projects on State lands.



BUILDING AND STRUCTURE LEGEND

1. EMERGENCY HOLDING TANK
2. SECONDARY CLARIFIERS
3. FILTER / GENERATOR BUILDING
4. FUEL STORAGE TANK
5. AEROBIC DIGESTORS
6. ROTATING BIOLOGICAL CONTACTORS
7. SURGE TANK
8. PLANT DRAIN PUMP STATION
9. VALVE VAULT
10. DECANT TANK
11. TELEMETRY TOWER
12. ADMINISTRATION BUILDING
13. STORAGE BUILDING
14. ELECTRICAL MANHOLE

SITE LEGEND

- TEST PIT
- EXISTING FENCE
- NEW FENCE
- NEW FORCE MAIN
- EX. PIPE TO BE
- SILT FENCE
- EX BORING

CONSTRUCTION SEQUENCE

1) NOTIFY WATER MANAGEMENT ADMINISTRATION (631-3510) AT LEAST SEVEN (7) DAYS PRIOR TO BEGINNING WORK ON-SITE AND OBTAIN GRADING PERMIT.
2) INSTALL ALL SEDIMENT AND EROSION CONTROL MEASURES AND DEVICES INCLUDING STABILIZED CONSTRUCTION ENTRANCE.
3) NOTIFY WATER MANAGEMENT ADMINISTRATION (410) 631-3566 UPON COMPLETION OF SAID INSTALLATION.
4) INSTALL FORCE MAIN OUTFALL BY DIRECTIONAL DRILLING.
5) CONSTRUCT PUMP STATION AND VALVE VAULT.
6) DEMOLISH EXISTING MANHOLES.
7) WITH PERMISSION FROM SEDIMENT CONTROL INSPECTOR, REMOVE STABILIZED CONSTR ENTRANCE.
8) STABILIZE ALL DISTURBED AREAS.
9) FOLLOWING APPROVAL FROM THE WATER MANAGEMENT ADMINISTRATION, REMOVE ALL REMAINING SEDIMENT CONTROL MEASURES AND STABILIZE ANY REMAINING AREAS.

— Motion —
— 2nd —

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT
February 4, 1998

APPLICANT:	Maryland Department of Natural Resources - State Forest and Park Service
PROPOSAL:	Camping Loop Mini-Cabins at Smallwood State Park
JURISDICTION:	Charles County
COMMISSION ACTION:	Vote
STAFF RECOMMENDATION:	Approval
STAFF:	LeeAnne Chandler
APPLICABLE LAW/ REGULATIONS:	COMAR 27.02.05: State Agency Actions Resulting in Development on State-Owned Lands

DISCUSSION:

The Department of Natural Resources and the staff of Smallwood State Park are proposing to install four mini-cabins at the existing camping loop at Smallwood State Park. The cabins will each be 13 feet by 17 feet and will be provided with electric service. Two will be located on existing campsites and pads (one of which will be handicapped accessible) and two will be located on former campsite areas.

The cabins will be brought into the park fully assembled and simply placed on a crushed gravel pad. Underground electric lines will be run to the cabins from an existing utility shed. This project does not require the removal of any existing trees, only minimal grading will be necessary.

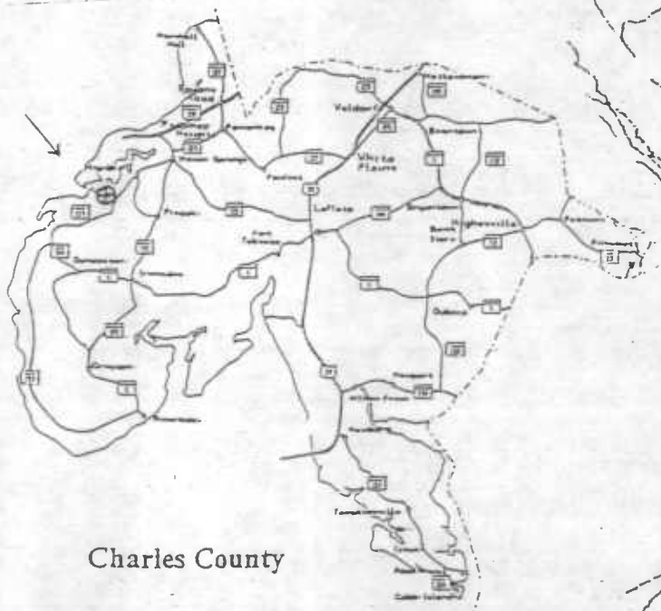
There are no known threatened or endangered plant or animal species that will be affected by the project, and the project is located outside of the 100-foot Buffer.

This project is consistent with COMAR 27.02.05, the Commission's regulations for State projects on State Lands.

Smallwood State Park
Camping Loop Mini-Cabins

- Existing Campsites
- Water Pumphouse
- Playground
- Amphitheater
- Planned Cabin Sites
- Approximate Buffer
- Critical Area Line

Vicinity Map



Charles County

Mattawoman Creek
Marina
Art Center
Dredge Material Placement Site
Dredge Material Placement Site
Drain Field
Wetlands
Poor Soils
Sweden Point Road
Camp Loop
Wetlands
Office
Slopes
Shop

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT
February 4, 1998

APPLICANT:	Department of Transportation (State Highway Administration))
PROPOSAL:	Walkway and Sidewalk Improvements in Chesapeake Beach
JURISDICTION:	Town of Chesapeake Beach
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 State Highway Administration and the Town of Chesapeake Beach are proposing to construct new walkways and sidewalks and improve existing walkways and sidewalks within the Town in three phases. Phase 1 and Phase 2 involve construction on State Highway Administration right-of-ways and these two phases will be voted on by the Commission. The third phase involves the construction of a timber walkway over and adjacent to an existing revetment. This phase is a local government project involving development of local significance on land owned by a local jurisdiction. This phase of the project will comply with COMAR 27.02.02 (State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned By Local Jurisdictions), and it does not require Commission approval.

Phase 1 involves the construction of approximately 2,600 linear feet of six foot wide sidewalk and timber walkway on the west side of Bayside Road (Route 261). The improvements will be constructed in the shoulder area of the existing roadway, which is a mix of some pervious and some impervious areas. Approximately 500 linear feet of the walkway will be developed behind an existing curb and may have some minor impacts to an adjacent area of tidal wetlands. Town

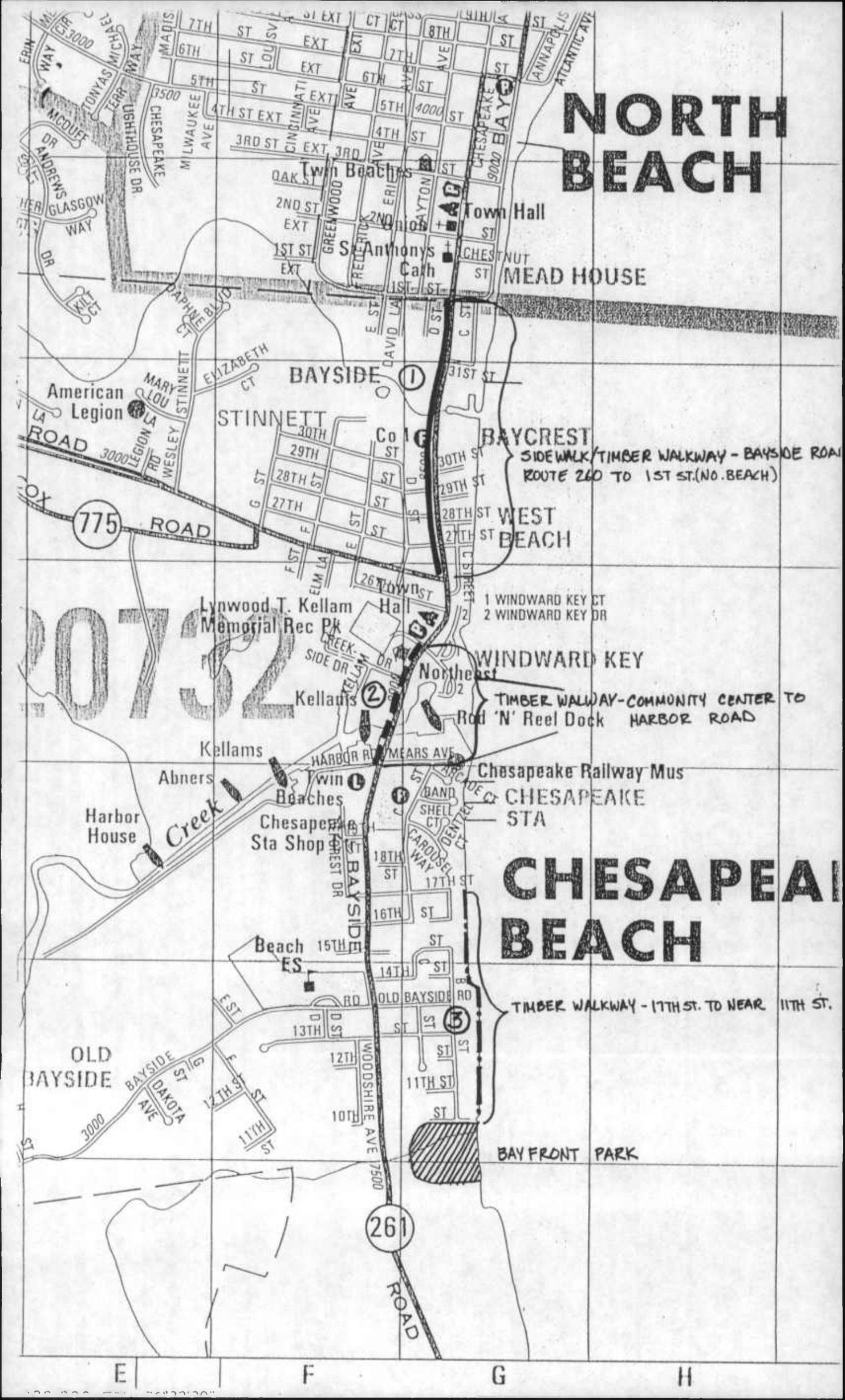
staff are working with the Maryland Department of the Environment to minimize wetland impacts and obtain the required permits.

Phase 2 involves the construction of approximately 1,400 linear feet of six foot wide timber walkway on the west side of Bayside Road. The new walkway will extend from the existing sidewalk in front of the Water Park to Harbor Road (across from the Chesapeake Station Shopping Center). The walkway will pass in front of the Northeast Community Center and will connect with an existing sidewalk on the bridge over Fishing Creek. Portions of the walkway will be elevated because of sloping topography, and some fill will be required to connect with the sidewalk on the bridge.

These walkway improvements are considered a priority for the Town by the State Highway Administration because many pedestrians use the existing sidewalks and are forced to walk along the highway in the areas where there are no sidewalks. These projects do not involve any significant clearing, because they will be located in an existing developed right-of-way.

There are no known threatened or endangered plant or animal species that will be affected by the project; however, most of the improvements are located within the 100-foot Buffer. Two-to-one mitigation will be required for all new impervious surfaces within the Buffer. The Town is currently working with Commission staff to identify several sites for installation of mitigation plantings.

This project is consistent with COMAR 27.02.05, the Commission's regulations for State projects on State lands.


NORTH BEACH
Twin Beaches
Town Hall
St Anthonys Cath
MEAD HOUSE
BAYSIDE
American Legion
STINNETT
BAYCREST
SIDEWALK/TIMBER WALKWAY - BAYSIDE ROAD
ROUTE 260 TO 1ST ST.(NO. BEACH)
775 ROAD
WEST BEACH
Lynwood T. Kellam Memorial Rec Pk
Town Hall
1 WINDWARD KEY CT
2 WINDWARD KEY DR
WINDWARD KEY
Northeast
Kellams
TIMBER WALKWAY-COMMUNITY CENTER TO HARBOR ROAD
Rod 'N' Reel Dock
Kellams
Abners
Twin Beaches
Chesapeake Railway Mus
CHESAPEAKE STA
Harbor House
Creek
Chesapeake Sta Shop
CHESAPEAKE BEACH
Beach ES
TIMBER WALKWAY - 17TH ST. TO NEAR 11TH ST.
OLD BAYSIDE
BAYFRONT PARK
261
ROAD
E
F
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