

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

AGENDA

1:00 p.m. - 1:05 p.m. Approval of Minutes of September 2, 1998 John C. North, II, Chair

1:05 p.m. - 1:20 p.m. *Greg Schaner* SPECIAL PRESENTATION

Sarah Conservation Reserve Enhancement Program Josh Sandt, DNR
Will Motion

PROGRAM AMENDMENTS and REFINEMENTS

1:20 p.m. - 1:30 p.m. VOTE, Conservation Reserve Enhancement Program Ren Serey, Executive Director

1:30 p.m. - 1:40 p.m. Refinement, Queen Anne's County Correction of Mapping Mistake Greg Schaner, Planner

1:40 p.m. - 2:00 p.m. Refinement, Queen Anne's County Growth Allocation Friendly Food Stores Gateway Self Storage Greg Schaner, Planner

2:00 p.m. - 2:15 p.m. VOTE, Dorchester County Amendment, Cambridge Comprehensive Review Greg Schaner, Planner

2:15 p.m. - 2:25 p.m. Refinement, St. Mary's Co. Growth Allocation Request for Tudor Hall Village Leonardtown Mary Owens, Chief Pgm. Implementation

PROJECT EVALUATION

2:25 p.m. - 2:35 p.m. VOTE Dorchester County (Conceptual Approval with Conditions) University of Maryland Horn Point Aquaculture Facility Greg Schaner, Planner

2:35 p.m. - 2:45 p.m. VOTE Kent County - DNR Residential Swimming Pool/Knock's Folly Mary Owens, Chief Pgm. Implementation

2:45 p.m. - 3:00 p.m. VOTE Calvert County - DHCD Jefferson Patterson Park, Shore Erosion Control Lee Anne Chandler, Planner

3:00 p.m. - 3:10 p.m. VOTE Rock Hall DNR Public Lands /Timber Bulkhead Replacement Susan McConville, Planner

3:10 p.m. - 3:20 p.m. VOTE Baltimore County SHA Bridge Replacement Susan McConville, Planner

VOTE - Anne Arundel County
DNR - Sandy Point State Park Lisa Hoerger

3:20 p.m. - 3:30 p.m. OLD BUSINESS *Shore Erosion Control* John C. North, II, Chairman
Hyatt - minor adjustment
 NEW BUSINESS
↳ Ren

SUBCOMMITTEES

9:00 a.m. - 11:30 a.m. Project Subcommittee

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

Dorchester County Univeristy of Maryland Horn Point/Proposed Aquaculture Facility	Greg Schaner, Planner
Rock Hall/ DNR Public Lands Md. Food Authority/Timber Bulkhead over Bear Creek	Susan McConville, Planner
Baltimore County/SHA Bridge Replacement	Susan McConville, Planner
Calvert County -DHCD- Jefferson Patterson Park, Shore Erosion Control	Lee Anne Chandler, Planner
Kent County - DNR Residential Swimming Pool/Knock's Folly	Mary Owens, Chief Pgm. Implementation

11:30 a.m. - 12:00 p.m. Program Implementation Subcommittee

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

Buffer Exemption Areas	Mary Owens, Chief Pgm. Implementation
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Chesapeake Bay Critical Area Commission
 Department of Housing and Community Development
 People's Resource Center
 Crownsville, Maryland 21401
 September 2, 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:

Barker, Philip, Harford County	Pinto, Robert, Somerset County
Jackson, Joseph, Worcester County	Robinson, Edward, Eastern Shore MAL
Graves, Charles, III, Baltimore City	Rogers, Dr. Sarah Taylor-DNR
Bourdon, David G., Calvert County	Corkran, William, Talbot County
Wilde, Jinhee K., Western Shore MAL	Williams, Roger, Kent Co.
Evans, Diane, A.A. County	Wynkoop, Samuel, Prince George's Co.
Hearn, J.L., Md. Dept. of Environ.	Myers, Andrew, Caroline County
Langner, Kathryn, Cecil Co.	Duket, Larry, Md. Office of Planning
Giese, William, Jr., Dorchester County	Foor, Dr. James C., Queen Anne's County
Whitson, Michael J., St. Mary's County	Johnson, Samuel Q., Wicomico County
Lawrence, Louise, Md. Dept. Agriculture	Goodman, Robert, DHCD
Van Luven, Heidi, Md. Dept. Transportation	

The Minutes of August 5, 1998 were approved as read.

Ren Serey, Executive Director, CBCAC led the presentation for Vote on the Cambridge (Dorchester County) Maryland Hyatt Regency Resort's request for Growth Allocation Concept Approval. Mr. Serey told the Commission that the Maryland Department of General Services (DGS) is coordinating the sale of the Eastern Shore Hospital Center property (now owned by the State of Maryland) to a private development team consisting of the Hyatt Corporation, Quadrangle Development Corporation, and Clark Enterprises. The purchase of the property is for the purpose of developing a major waterfront resort known as the Hyatt Regency - Chesapeake Bay Resort. If that sale goes forward, the property will then be in private hands and will be covered under the Cambridge Critical Area Program. The project for the Hyatt Resort will require growth allocation which will be attached to the project as an amendment to the City of Cambridge's Critical Area Program. The amendment would be submitted to the Commission, which would then hold a public hearing. Conceptual Approval is being sought by the Development team so that they will be assured that when this project comes to the Commission in a formal fashion there is every reasonable expectation that it will receive approval. This is a very complex project and there are a substantial amount of monies (\$100,000,000) involved.

Mr. Serey said that a Special Subcommittee met with the development team in Annapolis on August 19th to discuss recommended actions to be taken to minimize impacts within the Critical Area. The issues discussed at the meeting were: 1) stormwater management for the golf course and new development; 2) application of Buffer Exemption Area (BEA) designations for portions of the golf course; 3) minimization of Buffer impacts and adoption of a Buffer Management Plan; and 4) design and use of the recreational walkway.

The same Special Subcommittee was convened prior to the full Commission meeting to discuss all the concerns of Commission members and the concerns of the various State agency's representatives. A substantive report with recommendations for this proposed project was prepared by the Special Subcommittee and disseminated to the full Commission.

To clarify the Conceptual Approval request, Mr. Serey said that if this growth allocation amendment is presented by the City of Cambridge and it is as represented on the site plan, as referenced on attachment #3, and if the conditions of this subcommittee report have been met, it is the type of amendment that this Commission will have determined at this meeting satisfies the requirements in the Critical Area Law for approving amendments. The requirements are that an amendment from a local jurisdiction must be consistent with the goals of the Critical Area Program which involve water quality, habitat and development concerns and must be consistent with the Critical Area Criteria. What the Commission will be saying is that this project with these conditions is consistent and if the same project is presented the Commission then will approve it.

Mr. Corkran iterated the Subcommittee recommendation, that the Commission approve the conceptual design for growth allocation of the Hyatt Regency -Chesapeake Bay Resort with the attachments to the subcommittee report as presented by MDE and DNR.

Marianne Mason, Esquire, Commission Counsel, emphasized that the recommendation should include with the approval all the conditions in the report.

Chairman North reiterated Mr. Corkran's motion: that the Commission grant conceptual approval to the Hyatt Regency Plan subject to the terms and conditions set forth in the subcommittee's report including attachments 1(DNR recommendations), 2 (MDE recommendations), and 3 (Conceptual Plan, dated August, 1998). The motion was seconded by Mr. Pinto and carried unanimously (22-1) Jinhee Wilde recused herself from the Vote as her firm represents the development contractor, Clarke Construction.

Susan McConville, Planner, CBCAC presented for VOTE the proposed project by DNR's Shore Erosion Control Division for Elk Neck State Park in Cecil County to construct a stone revetment. Ms. McConville described the technical details of the project. She said that there are no impacts to the Habitat Protection Areas; no known threatened or endangered species; permits from MDE and the Corps of Engineers have been secured; all trees will be protected to the greatest extent possible. Dave Bourdon, on panel recommendation, moved to approve the Elk Neck State Park Shore Erosion Control project as presented. The motion was seconded by Bill Giese and carried unanimously.

Lisa Hoerger, Planner, CBCAC presented for VOTE the Phase II Stormdrain Outfall Repair portion of the College Creek Demonstration Project . This project is a cooperative effort among the Departments of Natural Resources, Environment, General Services and the State Highway Administration and is comprised of two bioretention areas in the parking lot of the Tawes building in Annapolis. Ms. Hoerger described the technical details of Phase II and said that there is no new disturbance to the Buffer anticipated. However, if new disturbance occurs as a result of construction, mitigation at a 1:1 ratio will occur with native Buffer plantings. There are no known Habitat Protection Areas and all necessary sediment and erosion control measures will be taken. She said that there was a concern regarding the flow velocity coming out of the outfall pipe that may affect the size of the outfall replacement area. Dave Bourdon moved to approve the Phase II portion of the College Creek Demonstration Project with the two conditions: 1) that the Commission staff along with the Project Subcommittee Chair will review the engineering plans to ensure that the concerns of the subcommittee will be addressed; that the stabilization is adequate so that there is no further erosion of the area and, 2) that Commission Staff will work with DNR to assure that disturbance to the understory is minimized. The motion was seconded by Bill Giese and carried unanimously.

Tom Parham, Resources Assessment Service, DNR, gave a slide presentation on the State's monitoring/status and trends of submerged aquatic vegetation or, Bay Grasses. He said that Maryland has reached about 68% of their goal to improve the acreages of bay grasses by improving water quality. In Maryland there is a three-pronged approach for bay grass restoration: habitat improvement, protection, and planting of bay grasses. There exists a Maryland Bay Grass Restoration Program, working with citizens and waterman among

Minutes - September 2, 1998

others in the grass restoration effort. Mr. Parham said that there is also a partnership with the Chesapeake Bay Foundation, a Program called "Grasses and Classes" - largely an education approach in the restoration of grasses. There also is a task force working with watermen in the protection of bay grass beds.

OLD BUSINESS

Marianne Mason, Esquire, Assistant Attorney General and Commission Counsel gave a legal update to the Commission. She reported on the case of White vs North regarding a pool in the Buffer in Anne Arundel County. Ms. Mason said that this case has been going on for about two years, starting out in the Anne Arundel Board of Appeals for a proposed pool in the 100' Buffer. The Commission appealed to the Anne Arundel Circuit Court which overturned the variance. The disappointed applicant then appealed to the Court of Special Appeals which recently, in April, upheld the Circuit Court, and the Commission's position that the pool is not permitted in the Buffer. The Whites then sought discretionary review in the State's highest court, the Court of Appeals. The Court has granted review.

In Dorchester County Circuit Court, the Commission has received judgement overturning a variance granted by the Dorchester Board of Appeals for a gazebo in the Buffer.

In Talbot County, the Board of Appeals granted a variance for a brick walkway in the Buffer. This case was previously heard by the Board of Appeals and then went up to Circuit Court where it was remanded back to the Board for another hearing. The Board heard it again and it is likely that more will be forthcoming on this case once there is a decision from the Board.

NEW BUSINESS

Chairman North reminded the Commission of the outing on the Maryland Independence on September 10, 1998, known as the Day on the Bay, an annual event to orient new Commission members to the Critical Area Program, view the specific sites on shoreline of the Critical Area and for the purpose of presenting Governor's Citations to departing Commission members. Chairman North announced that Governor Hughes will be presenting the Citations.

Also, a reminder that the October meeting of the Commission will be held in Crownsville at the regular meeting location.

There being no further business the meeting adjourned.

Minutes submitted by

Peggy Mickler, Commission Coordinator

*SSTR approved motion to of "policy" interpretation
to Cons. to CA Act & Criteria
& the conditions stated
in this report.*

Chesapeake Bay Critical Area Commission

**STAFF REPORT
NOVEMBER 4, 1998**

*Bill Cook, sec.
MC*

PROPOSAL: Interpretation of Critical Area Act and Criteria regarding consistency with Conservation Reserve Enhancement Program

JURISDICTION: Chesapeake Bay Critical Area

COMMISSION ACTION: VOTE

STAFF RECOMMENDATION: Notify appropriate agencies that requirements of Conservation Reserve Enhancement Program are consistent with the Critical Area Program under certain conditions.

STAFF: Ren Serey, Claudia Jones, Mary Owens

**APPLICABLE LAW/
REGULATIONS:** Critical Area Act, Section 8-1808 (c)(6);
COMAR (Criteria) 27.01.06

DISCUSSION:

In October 1997, Maryland entered into an agreement with the U.S. Department of Agriculture to establish the Conservation Reserve Enhancement Program (CREP) within the state. The program uses funds from Maryland's existing Conservation Reserve Program and provides rental payments to farmers for restoration of wetlands, establishment of stream buffers and for removal of highly erodible soils from agricultural production. Through the program, farmers can receive increased rental payments and higher cost share allocations when they install best management practices for these purposes. Maryland has been awarded approximately \$200 million to carry out the program over the next 15 years.

The Departments of Natural Resources and Agriculture are working with farmers statewide to encourage them to enter the program. Riparian buffers planted under CREP must be at least 35 feet wide. For purposes of improving water quality, a farmer may expand a buffer up to 150 feet. For establishment of wildlife habitat, a maximum of 300 feet may be enrolled in the program. Various planting requirements apply as set out by the Natural Resource Conservation Service.

Forested buffers are the most highly-efficient mechanism to reduce water-borne pollutants before they reach streams and aquatic environments. They also provide excellent wildlife habitat, particularly in riparian areas. The Natural Resource Conservation Service's guidance for CREP lists the following purposes for establishment of riparian buffers:

To remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body.

To create shade to lower water temperature to improve habitat for aquatic organisms.

To provide a source of detritus and large woody debris for aquatic organisms and habitat for wildlife.

One frequently asked question concerning the Critical Area is whether forested riparian buffers planted under CREP can be returned to agricultural production at the conclusion of the contract period (15 years). One possible interpretation of the Criteria is that these buffers, once established, must remain in place and the land could not be returned to production. COMAR 27.01.06.02 states that:

In developing their Critical Area programs, local jurisdictions shall follow all of these policies when addressing agriculture:

C: Assure that the creation of new agricultural lands is not accomplished:

- (4) By the clearing of existing natural vegetation within the Buffer as defined in COMAR 27.01.09.

Another interpretation of the Criteria, recommended by staff, is that the above provision does not apply to programs like CREP which specifically designate riparian buffers as agricultural practices. Under the Criteria and local Critical Area programs, farmers are encouraged to improve the quality of water entering streams and wetlands by reducing the flow of nutrient-laden agricultural runoff and undertaking various best management practices. These practices are set out in Soil Conservation and Water Quality Plans. Farmers are required to have a plan in place or to have registered with the local Soil Conservation District to have a plan prepared. Although an individual farm plan can provide for the establishment of a riparian buffer, the Criteria do not require forested buffers where they do not exist. The Conservation Reserve Enhancement Program can help provide a needed incentive for the establishment of these buffers, even without assurance that the buffers will remain in place permanently. Commission endorsement of this initiative would be consistent with the following goals of the Critical Area Program:

To minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands.

To conserve fish, wildlife and plant habitat. (Critical Area Act, Section 8-1808 b)

Recommendation

Staff recommends that the Commission recognize enrollment in the Conservation Reserve Enhancement Program as compatible with the provisions of the Critical Area Act and Criteria under the following conditions.

A Soil Conservation and Water Quality Plan must be developed for land in the Critical Area in order to enroll riparian buffers under CREP.

The Soil Conservation and Water Quality Plan for the land enrolled must indicate that riparian buffers are being planted as an agricultural Best Management Practice under CREP.

If riparian buffers planted under CREP are removed in order to return the land to agricultural production, the Soil Conservation and Water Quality Plan must be amended accordingly.

Riparian buffers planted under CREP shall not be removed for purposes other than to return the land to agricultural production, i.e., for purposes of residential, commercial, industrial, institutional or recreational development, except in conformance with the Critical Area Act, Criteria and local the Critical Area program.

Concurrence

Chesapeake Bay Critical Area Commission

STAFF REPORT
November 4, 1998

APPLICANT: Queen Anne's County

PROPOSAL: Refinement - Correction of Mapping Mistake (Map 58)

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Approval

STAFF: Greg Schaner

**APPLICABLE LAW/
REGULATIONS:** Program Refinement: Natural Resource Law §8-1809

DISCUSSION:

The County has discovered the existence of a mapping mistake which was made in the conversion from the original 1989 Critical Area maps to the amended 1996 version. The 1989 Critical Area maps, specifically Map 58, indicates that several lots that were previously designated RCA, were inadvertently mapped as IDA. Several other lots were mistakenly mapped as IDA instead of RCA. The mapping errors occurred as a result of Geographical Information System (GIS) complications during the transfer of data into the County's new GIS software. The following parcels were affected:

- **Mapped IDA Instead of RCA** Parcels 732, 73, 41, 776
- **Mapped RCA Instead of IDA** Parcels 70, 71, 72, 73, 74, 75, 76, 77, 776, 653, 626

The County is seeking a correction of these mapping mistakes to reclassify the above-referenced parcels to their original Critical Area classification. The County Commissioners granted conceptual approval for the necessary map changes on September 29th. The Chairman has determined that this mapping change is a refinement to the County's Critical Area Program and seeks the Commission's concurrence.

\GLS
Map 58 Mapping Mistake - Refinement
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Chesapeake Bay Critical Area Commission

STAFF REPORT
November 4, 1998

APPLICANT: Queen Anne's County

PROPOSAL: Refinement - Growth Allocation for ~~Friendly Food Store~~ Gateway Self Storage

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 ~~Friendly Food Store's Inc.~~ Gateway Self Storage. 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.

On October 6th, the County Commissioners conceptually approved a request for growth allocation to reclassify 2.34 acres of LDA land as IDA. The growth allocation will facilitate the expansion of an existing self-storage operation with a new mini-warehouse. The lot lies within the Chester Growth Sub-Area which provides advance mapping of future growth allocation areas. (It should be noted that the Commission approved Chester's Growth Sub-Area and growth allocation pre-mapping process on October 1, 1997.) The property owner has established a minimum 100-foot Buffer between all development and an adjacent intermittent stream. Mitigation for the 0.147 acres of forest to be cleared will be provided on-site to the maximum extent practicable consistent with the County's IDA 1:1 forest replacement provisions. Reforestation on-site is limited by the forest areas already existing on the site. The property owner has indicated that compliance with the 10 Percent Rule, requiring a 10 percent improvement in Phosphorus loads to the Chesapeake Bay on IDA properties, will be provided if the growth allocation is approved.

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

- (1) The applicant is required to submit information pertaining to compliance with the 10 Percent Rule to the Critical Area Commission for review and approval.
- (2) The applicant is required to provide reforestation on-site to the maximum extent practicable and native species should be used for all mitigation.

Chesapeake Bay Critical Area Commission

STAFF REPORT November 4, 1998

APPLICANT: City of Cambridge

PROPOSAL: Comprehensive Review Amendments

COMMISSION ACTION: Approval

STAFF RECOMMENDATION: Approval

STAFF: Greg Schaner

**APPLICABLE LAW/
REGULATIONS:** Program Refinement: Natural Resource Law §8-1809

DISCUSSION:

The Critical Area Law at Natural Resources Article § 8-1809(g) mandates that each jurisdiction review its entire local Critical Area Program and propose any necessary amendments every four years. According to the statute, the following information is to be submitted by each jurisdiction: (1) a statement certifying that the required review has been accomplished; (2) any necessary requests for program amendments, program refinements, or other matters that the local jurisdiction wishes the Commission to consider; (3) an updated resource inventory; and (4) a statement quantifying acreages within each land classification, the growth allocation used, and the growth allocation remaining. In compliance with the Critical Area Law, the City has submitted revisions to its Critical Area Program for the Commission's consideration. This package of changes represents the City's first comprehensive review.

City Notification of Completion of Quadrennial Review

The proposed revisions arose through collaborative discussions between the City's Public Works Department, the Critical Area Circuit Rider, and staff of the Critical Area Commission. The City Planning Commission recommended approval of all of the submitted Program changes on October 7, 1997. The changes were next forwarded to the City Council where they were approved on September 28, 1998. As required by the Critical Area statute, the Critical Area Commission panel, appointed by the Chairman, held a public meeting on September 28, 1998 in Cambridge, Maryland to provide a forum for public discussion. Commission members staffing the panel included William Giese, Jr. (Chair), Robert Pinto, Joseph A. Jackson, III, William H. Corkran, Jr., and Samuel Q. Johnson.

Proposed Critical Area Program Revisions

The proposed revisions will primarily affect the City's Zoning Ordinance and Critical Area Program, but minor changes are also proposed in the Waterways Ordinance, Subdivision Ordinance, and the Stormwater Management Ordinance. The changes to the Zoning Ordinance involve the incorporation of regulatory language covering the following areas: (1) Critical Area definitions, (2) updated impervious surface restrictions, (3) the Critical Area Buffer, (4) Habitat Protection Areas (HPAs), (5) Critical Area variances, (6) water-dependent facilities, (7) Critical Area site plan review process, (8) growth allocation process, and (9) IDA, LDA, and RCA development restrictions. The City will also adopt a new Critical Area Program which was developed using a refined version of the generic Program. The Critical Area maps were modified as follows: (1) a missing RCA area was added, (2) a past annexation and growth allocation project was shown and identified (i.e., Wal Mart property), (3) Habitat Protection Area information was updated, and (4) the existing 100-foot Buffer line was deleted because it did not accurately represent site conditions.

Copies of the proposed changes will be available at the Commission meeting.

Resource Inventory Update

The Department of Natural Resources, Biodiversity & Habitat Conservation Program was consulted for updated habitat information within the City's corporate limits. The following information is included in the updated resource maps: (1) three Colonial Nesting Waterbird colonies (i.e., one Great Blue Heron rookery and two Least Tern nesting areas) and (2) two historic waterfowl staging and concentration areas.

Growth Allocation Statement

The City awarded 21.15 acres of growth allocation to the Wal Mart project in 1994. The City has 178.85 acres of growth allocation remaining. If the Cambridge Hyatt project develops as expected, it is anticipated that the City will need to deplete its remaining growth allocation reserve and possibly request additional acreage from the County.

\GLS
Cambridge Four-Year Comprehensive Review
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Concurrence

CHESAPEAKE BAY CRITICAL AREA COMMISSION

**STAFF REPORT
November 4, 1998**

APPLICANT: Town of Leonardtown

PROPOSAL: Tudor Hall Village Growth Allocation

JURISDICTION: Town of Leonardtown

COMMISSION ACTION: Concurrence with Chairman's Determination

RECOMMENDATION: Approval

STAFF: Mary Owens

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.01.02.06, Location and Extent of Future Intensely Developed and Limited Development Areas

Annotated Code of Maryland, §8-1808.1, Growth Allocation in Resource Conservation Areas

DISCUSSION:

The Town of Leonardtown is requesting 4.05 acres of growth allocation in order to change the Critical Area overlay designation of a portion of the Tudor Hall Village project site from Limited Development Area (LDA) to Intensely Developed Area (IDA). The growth allocation will accommodate development of a hotel and conference center and some of the related parking which is part of a Planned Unit Development project. The Planned Unit Development involves a 390 acre parcel with 195.8 acres within the Critical Area. In addition to the hotel and conference center, the project will include 593 dwelling units, an 18-hole golf course, a restaurant, and an office park.

The growth allocation is needed to provide flexibility for the development of the hotel and conference center site with regard to forest clearing, impervious surfaces, and construction on slopes greater than 15 percent. The five story hotel will have 255 rooms, conference facilities, a restaurant and lounge, a fitness and salon center, and a pool. The initial request for 4.05 acres will not accommodate all of the development associated with the hotel and conference center, and the Town has requested 31.64 acres of additional growth allocation from St. Mary's County. This request is currently being processed through the County's growth allocation process and will be reviewed by the Commission if the request is approved by the St. Mary's County Board of

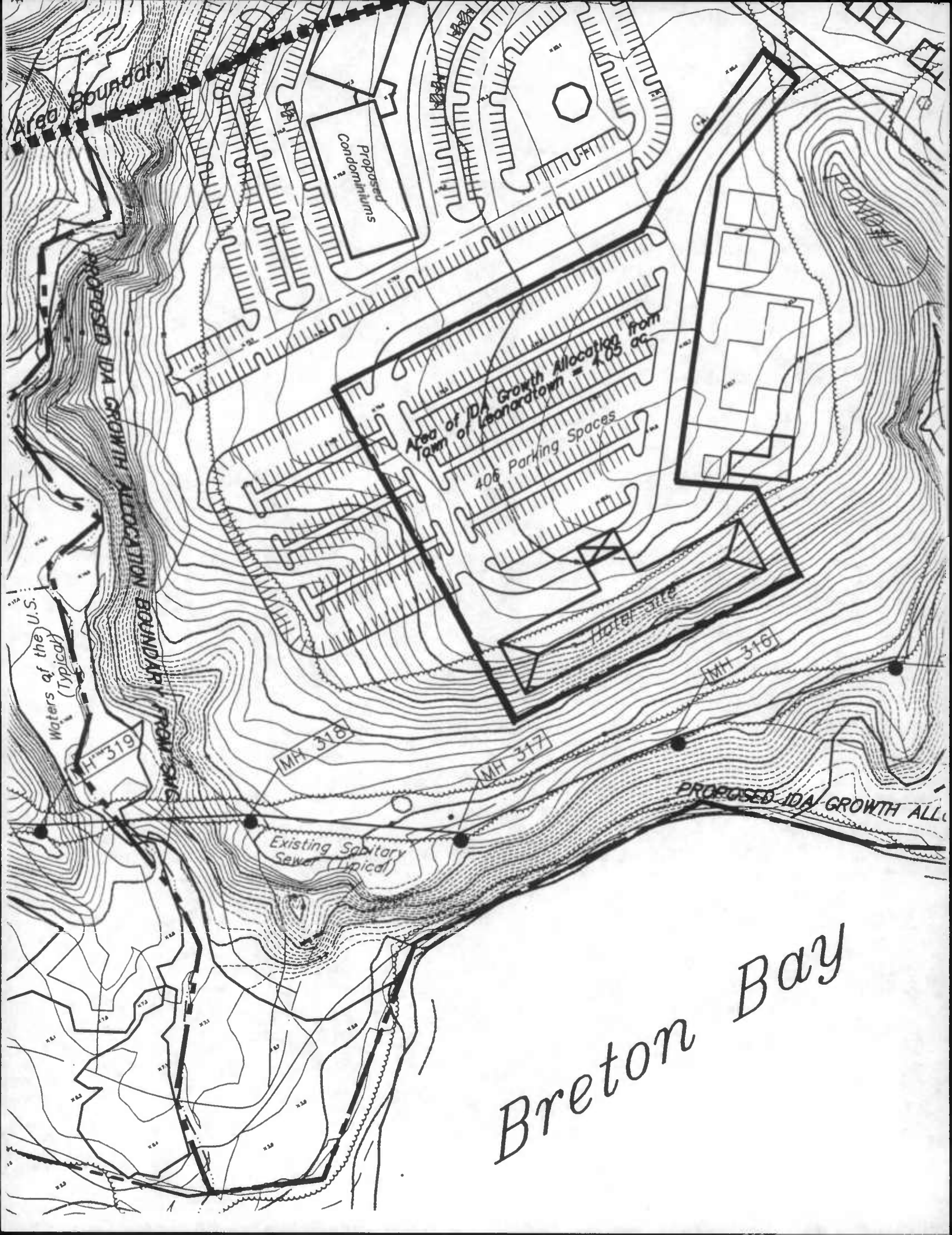
County Commissioners.

The Town's growth allocation request is located in an area previously used for agriculture. Part of the site is an open field and approximately 30 percent of the site is forested. There are no known threatened or endangered plant or animal species located on the site. The site is located close to the 100-foot Buffer which was expanded for contiguous steep slopes and non-tidal wetlands. Although these sensitive areas are nearby, they are not within the boundaries of the 4.05 acre development envelope.

The site is located in an existing Limited Development Area. The property is located west of the main commercial area of the Town which is designated as an Intensely Developed Area. To the south of the property, there is an extensive area of tidal and nontidal wetlands associated with McIntosh Run, and this area is designated as a Resource Conservation Area.

The Town is currently working with the applicant's engineer on stormwater management, and 10% Rule calculations will be submitted as the design is developed. Currently, the applicant is proposing construction of one or more wet ponds. The engineer is also evaluating other best management practices that may be used in conjunction with the wet pond.

Landscaping and the establishment of permeable areas with vegetation will be addressed during design development.



*Dr. Ford - Concept. Approval - Horn Pt.
3 Conditions*
SJTR -
MC

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

April 1, 1998

APPLICANT: University of Maryland - Center for Environmental Science

PROPOSAL: Horn Point Laboratory - Aquaculture and Restoration Ecology Laboratory

JURISDICTION: Dorchester County

COMMISSION ACTION: Conceptual Approval

STAFF RECOMMENDATION: Approval with Conditions

STAFF: Greg Schaner

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05

DISCUSSION:

The University of Maryland's Center for Environmental Science (CES) proposes to construct an aquaculture and greenhouse facility at the Horn Point Laboratory outside Cambridge in Dorchester County (see enclosed vicinity map). The proposed aquaculture and restoration ecology laboratory will serve as a research and education facility for conducting studies for shellfish and finfish aquaculture, submerged aquatic vegetation, and water quality programs. A greenhouse is also planned at the site and is required for the growth of algae for oyster studies. The two-story, 37,500 square foot facility is located within the Critical Area on land that is considered non-intensely developed.

The CES program is seeking conceptual approval of the proposed laboratory at this time. Although construction of the facility is not expected until 2002, conceptual approval of the project by the various resource agencies will help secure funding in the State budget. Compliance with the Critical Area Program requirements is a prerequisite for State funding. CES has submitted preliminary drawings illustrating the footprint of the proposed facility (see attached site plan). As the project proceeds towards final approval, CES will submit a formal site plan for Commission review and approval. Final approval of this project will be required prior to construction.

Resource Overview

The current design of the building will involve no impacts to habitat protection areas, including the 100-foot Buffer. The Department of Natural Resources has found no records of rare, threatened or endangered plants or animals within the project site according to a July 20, 1998 letter. The building may require the removal of several trees which will be replaced on site.

The shape of the building was dictated by the presence of a man-made nontidal wetland area. The U.S. Army Corps of Engineers verified CES' jurisdictional determination of the wetland boundaries (see attached jurisdictional determination) in a February 13, 1998 letter to CES. The building footprint has avoided impacts to both the nontidal wetlands and 25-foot nontidal wetland buffer. Stormwater management as well as sediment & erosion control plans will be developed after the engineering contract has been awarded.

The following conditions are suggested for approval:

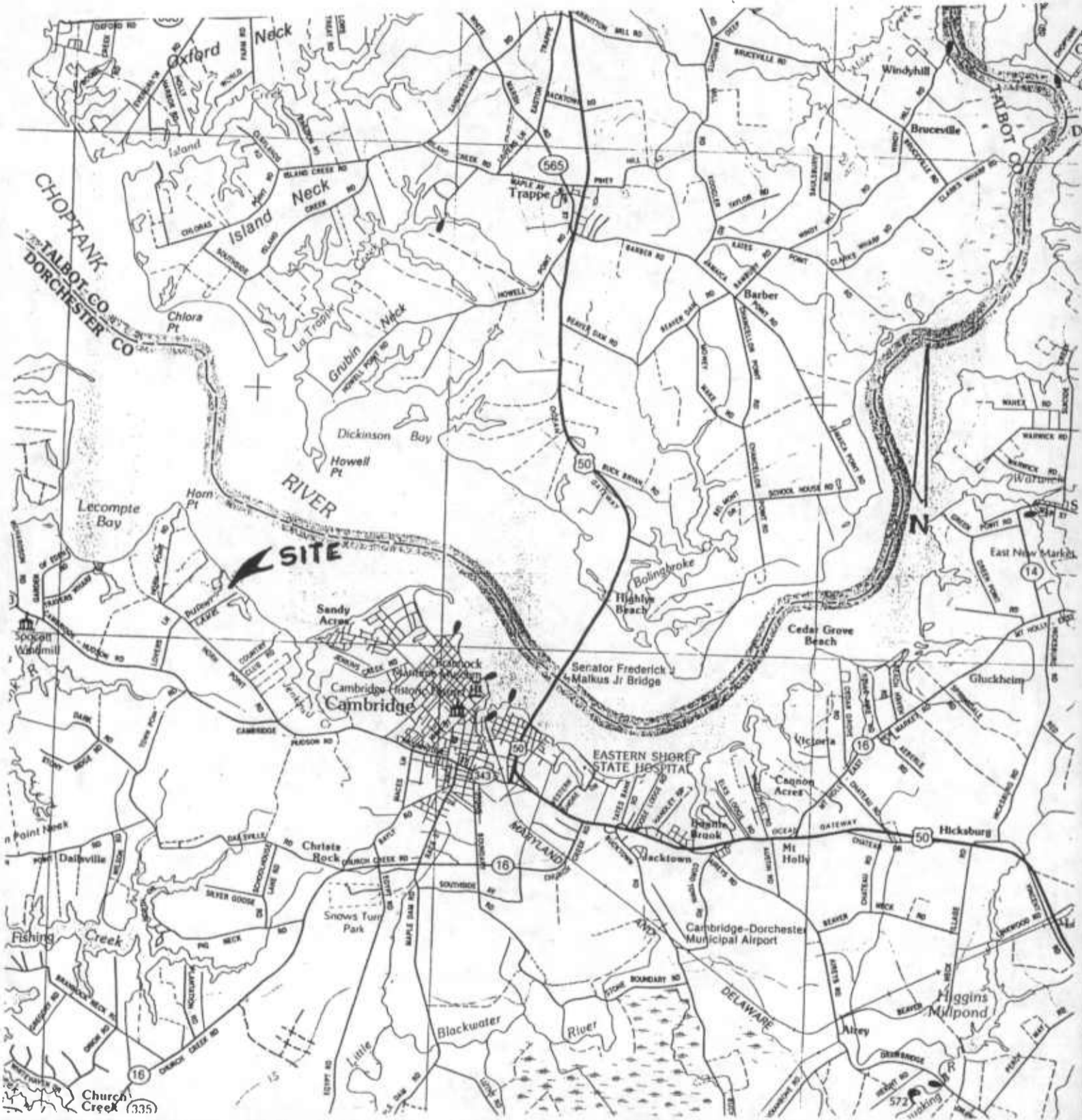
- (1) Any significant structural or locational changes to the current design will invalidate this conceptual approval unless reviewed and approved by the Commission. Final approval is required prior to construction.
- (2) Stormwater management plans will be developed and submitted for Commission review for final project approval. Stormwater management and sediment & erosion control plans receive MDE approval prior to Commission review. Any proposed impacts to the nontidal wetlands or the 25-foot buffer must be authorized by MDE prior to the Commission's review.
- (3) All forest impacts and associated mitigation are detailed on the final site plan for Commission approval.

\GLS
University of Maryland/CES - Construction of Aquaculture Facility
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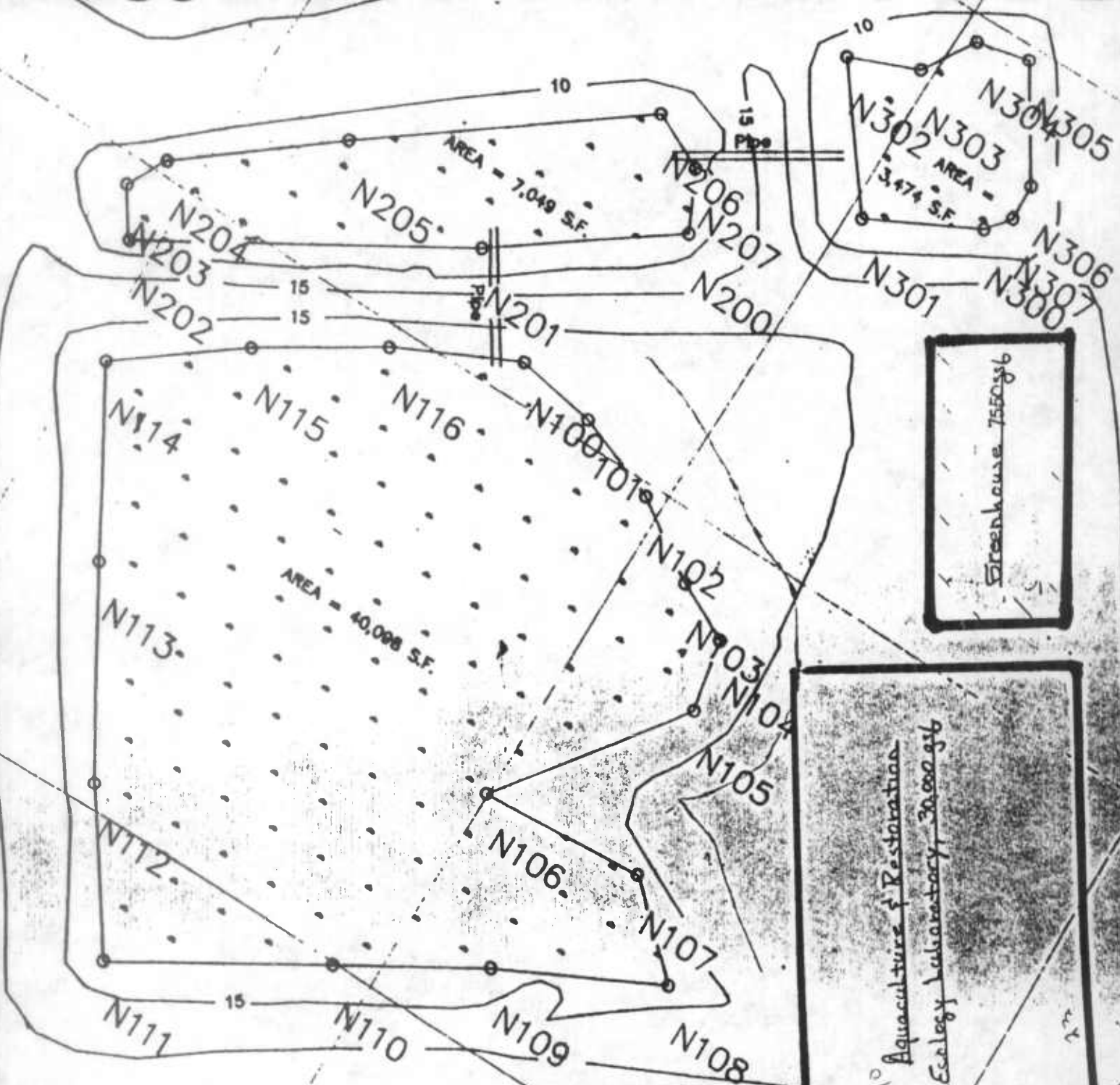
FIGURE 1. SITE VICINITY MAP

SHOWING LANDS OF
UNIVERSITY OF MARYLAND
HORN POINT CAMPUS
DORCHESTER COUNTY

SCALE 1" = 1.6 MILES



WOODS



Greenhouse 7550 sq ft

Aquaculture & Restoration Ecology Laboratory 30,000 sq ft

Chain Link Fence

MAIN ROAD

Mike Smolik
Dr. Joor - motion for SEC - 2 conditions 1+2
CHESAPEAKE BAY CRITICAL AREA COMMISSION

Bob Goodman
Second -
2/29

STAFF REPORT
November 4, 1998

APPLICANT: Department of Housing and Community Development, Jefferson Patterson Park and Museum (JPPM)

PROPOSAL: Shore Erosion Control

JURISDICTION: Calvert County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with conditions

STAFF: LeeAnne Chandler

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

DISCUSSION:

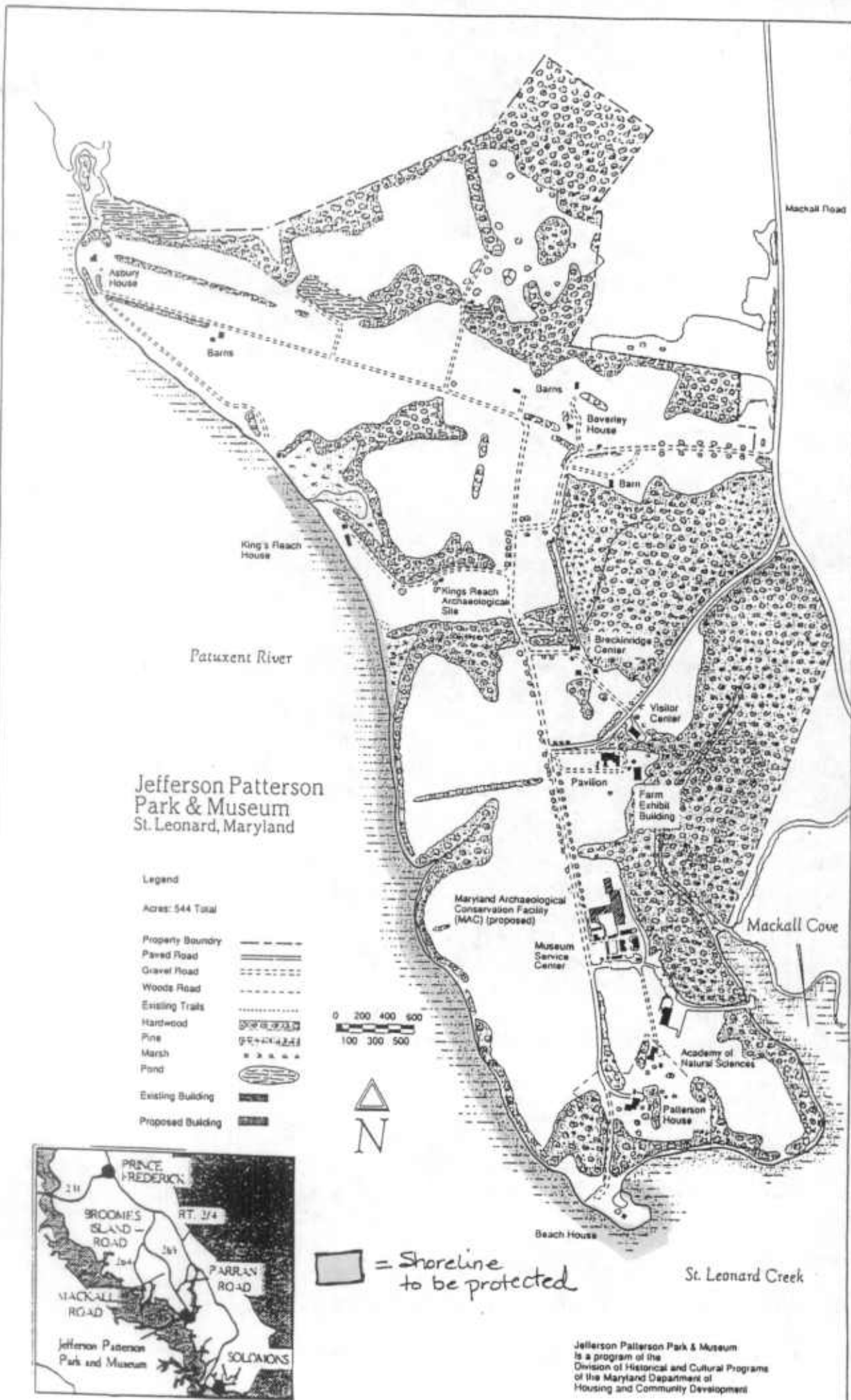
The Department of Housing and Community Development, JPPM is proposing a shore erosion control project along the Patuxent River. The project will consist of a series of sills and breakwaters to protect a total of 6,070 feet of shoreline. The shoreline erodes at varying rates along its length, with the rate in some areas significantly higher than in others. Overall, the average erosion rate is 2 to 4 feet per year. JPPM has worked with the Calvert Soil Conservation District, and the Maryland Departments of Natural Resources and the Environment since 1984 to protect the park's entire length of shoreline. The Commission has reviewed and approved several previous shore erosion control projects at JPPM.

This project will consist of twelve sills, up to four feet in height, along 2,365 linear feet of shoreline as well as eight breakwater structures placed up to 160 feet channelward of mean high water. The sills and breakwaters will require a total of 9,000 cubic yards of stone fill to be placed below mean high water. In addition, the project requires placement of 7,000 cubic yards of sand fill along 3,705 feet of eroding shoreline and planting marsh vegetation (*Spartina patens* and *Spartina alterniflora*). Three of the eight breakwaters will be newly developed "planter breakwaters," which have an opening along the crest that will be planted with shrubs and marsh vegetation for a more natural appearance. There will be several "pocket beaches" created in the openings between the sills and breakwaters, allowing for public access to the Patuxent as well as providing nursery habitat for terrapins.

Construction access to the shoreline will occur at several locations. Final placement of access points will be determined after award of the contract but will use existing access ways wherever possible. Tree clearing will be minimized and no excavation will be permitted due to the archeological resources at this site. There is a waterfowl concentration area located adjacent to JPPM in the Patuxent River. Appropriate protection measures have been requested from the Department of Natural Resources (DNR).

Recommended Conditions of Approval:

1. All trees cleared during construction of this project will be replaced at not less than a 1 to 1 ratio.
2. The recommendations of DNR regarding the waterfowl concentration areas shall be followed.



Jefferson Patterson Park & Museum is a program of the Division of Historical and Cultural Programs of the Maryland Department of Housing and Community Development

Dr. Ford - for approval
Condition - repl. of timber
Jinhee Wilder, Sr. - C72

Chesapeake Bay Critical Area Commission

STAFF REPORT

November 4, 1998

APPLICANT: MD Food Center Authority, MD -DNR

PROPOSAL: Dredging and Bulkhead replacement and timberwalk over back fill area, pier replacement

JURISDICTION: Rock Hall, Kent County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with condition that change in permit is approved by the Army Corps of Engineers.

STAFF: Susan McConville

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05.03

DISCUSSION

Project Description

The MD Food Center Authority is proposing to rehabilitate and replace an existing timber bulkhead for the Maryland Food Authority Facility and Rock Hall, Kent County, Maryland. The new wall will be placed a maximum of 8 feet channelward of the face of the existing piles with a timber walk constructed over the backfill area. Currently, the permits include dredging approximately 152 cubic yards of material from the basin in front of the facility.

Site Description

The property and project site is approximately 126' wide by 125' deep (0.36 acres), located in an IDA of Kent County. This state-owned facility is managed by the Maryland Food Authority as a seafood processing plant. The plant is used by local watermen to sell their catch, where it is then cleaned and packaged for resale. The proposed project includes replacement of the existing 126' long timber bulkhead with a new timber bulkhead. The project also includes dredging material from the plant's docking area to increase the water depth to the historic depth of -4' MLW. The dredged material is proposed to be used as a portion of the backfill for the new bulkhead.

Clearing Requirements:

No clearing is required for this project. The site is fully developed and impervious. There is no existing vegetation, the parking lot around three sides of the building is gravel and the area between

the building and the dock is concrete. There will be no land disturbance, as construction will be undertaken by barge.

10% Requirement

The applicant has applied for a Stormwater Management waiver for water quantity. A total of 945 square feet of disturbance is proposed for to construct the new bulkhead. Because the site is 100% impervious, the total area of impervious surface will not increase. The 10 percent calculations have been completed and the result is that there is a removal requirement of .07 lbs. of phosphorus. This requirement will be met onsite with tree plantings in the area of the gravel parking lot.

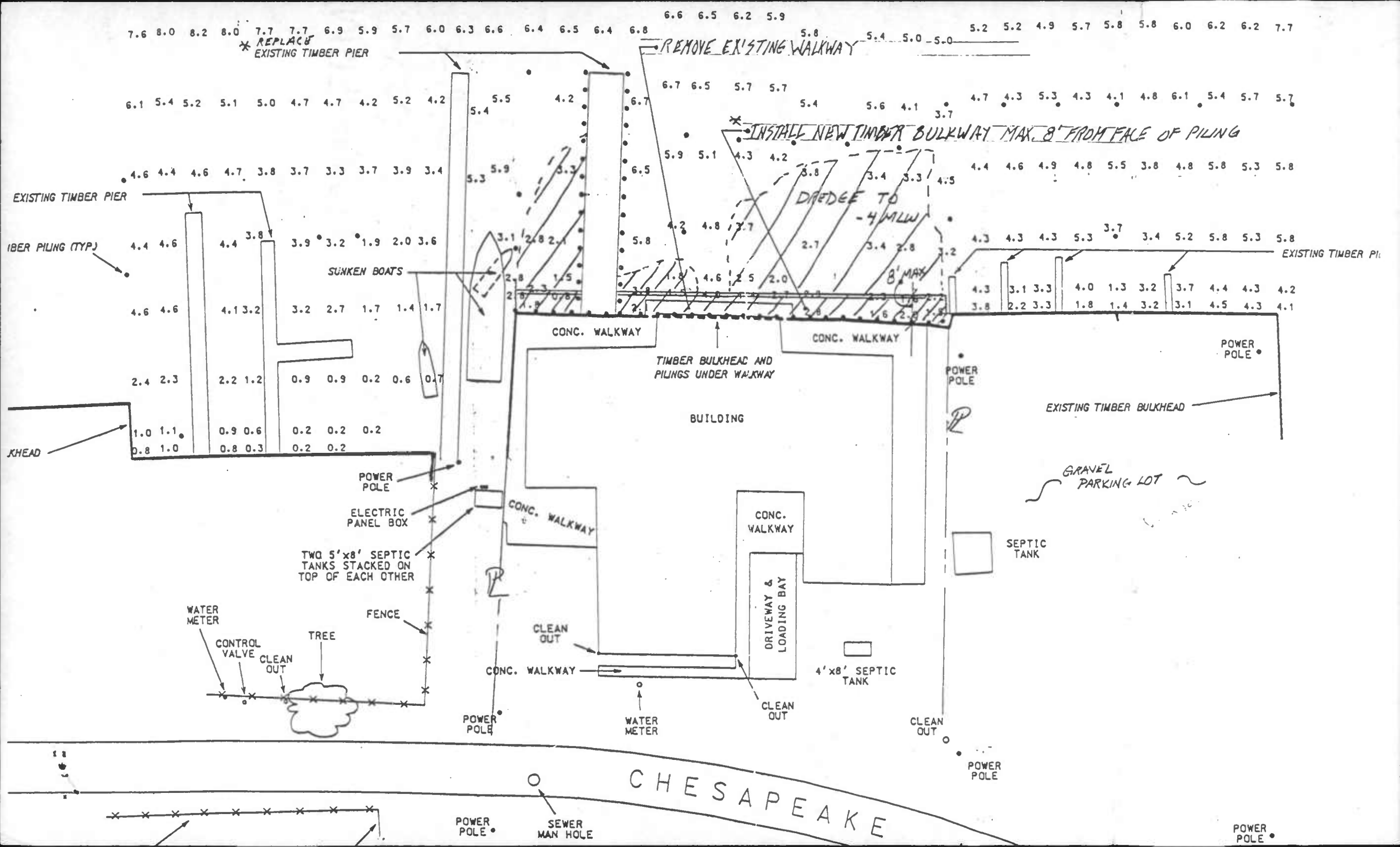
Permits

MDE /Tidal Wetlands issued a permit for the proposed dredging and placement of the dredge spoil in an approved adjacent upland disposal area, as well as the bulkhead replacement with parallel loading deck/pier and the rebuilding of an existing pier at the site.

DNR has requested that MDE change the permit so that the dredged material can be used as a portion of the backfill. This change was approved by MDE and is currently out on public notice with the Army Corps of Engineers.

Recommendation

Commission staff recommends approval of the project with the condition that all approvals are received for the change in the permit.



7.6 8.0 8.2 8.0 7.7 7.7 6.9 5.9 5.7 6.0 6.3 6.6 6.4 6.3 6.4 6.8 6.6 6.5 6.2 5.9 5.8 5.4 5.0 5.0 5.2 5.2 4.9 5.7 5.8 5.8 6.0 6.2 6.2 7.7

* REPLACE EXISTING TIMBER PIER

REMOVE EXISTING WALKWAY

* INSTALL NEW TIMBER BULKWAY MAX. 8" FROM FACE OF PILING

DREDGE TO -4 MLW

EXISTING TIMBER PIER

IBER PILING (TYP)

SUNKEN BOATS

CONC. WALKWAY

TIMBER BULKHEAD AND PILING UNDER WALKWAY

CONC. WALKWAY

POWER POLE

EXISTING TIMBER PI

BUILDING

EXISTING TIMBER BULKHEAD

KHEAD

GRAVEL PARKING LOT

POWER POLE

ELECTRIC PANEL BOX

TWO 5'x8' SEPTIC TANKS STACKED ON TOP OF EACH OTHER

WATER METER

CONTROL VALVE

CLEAN OUT

TREE

FENCE

CLEAN OUT

CONC. WALKWAY

POWER POLE

WATER METER

CONC. WALKWAY

DRIVEWAY & LOADING BAY

4'x8' SEPTIC TANK

CLEAN OUT

CLEAN OUT

POWER POLE

CHESAPEAKE

POWER POLE

SEWER MAN HOLE

POWER POLE

*Dr. For motion approval from MOE is rec'd
Don Luwen sen (Conductor)
21*

Chesapeake Bay Critical Area Commission

STAFF REPORT

November 4, 1998

APPLICANT: State Highway Administration

PROPOSAL: Bridge No. 147 on Peninsula Expressway over Bear Creek

JURISDICTION: Baltimore County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with condition that approval is received from MDE under the request for permit modification.

STAFF: Susan McConville

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05.03

DISCUSSION

The MDOT, State Highway Administration is proposing to replace Bridge No. 147 on Peninsula Expressway over Bear Creek in Baltimore County. The existing bridge and supporting structure will be removed and replaced by a prestressed concrete bridge. The bridge will remain on the present alignment and profile. The entire project lies within the Critical Area. The land is designated as IDA on the approach from the east and RCA on the approach from the west. All construction access and staging areas are proposed on lands designated as IDA.

The above referenced project received all necessary approvals from MDE and the Corps under an original project proposal that did not involve any impacts to HPAs (including the Buffer), no increase in impervious area and no clearing of natural vegetation. Commission staff approved the original proposal under the General Approval provisions of the existing MOU between MDOT and the CAC with the condition that if any changes were proposed that resulted in a net change in impervious area, impacts in the Buffer or to other HPAs, impacts to forest, or impacts to habitat of threatened and endangered species, the project would have to be resubmitted for approval by the Commission. The following changes have been proposed.

The original contract included the piecemeal removal of the bridge and the use of the bridge as construction access and as a staging area during construction. As the result of a preconstruction meeting with the project contractor, SHA has determined that it is necessary to remove the bridge in its entirety and install a temporary pier for construction material access to the bridge. The temporary pier will allow access to a construction barge which will transport building materials to the bridge site. The temporary pier is proposed in lieu of dredging which would be required for the

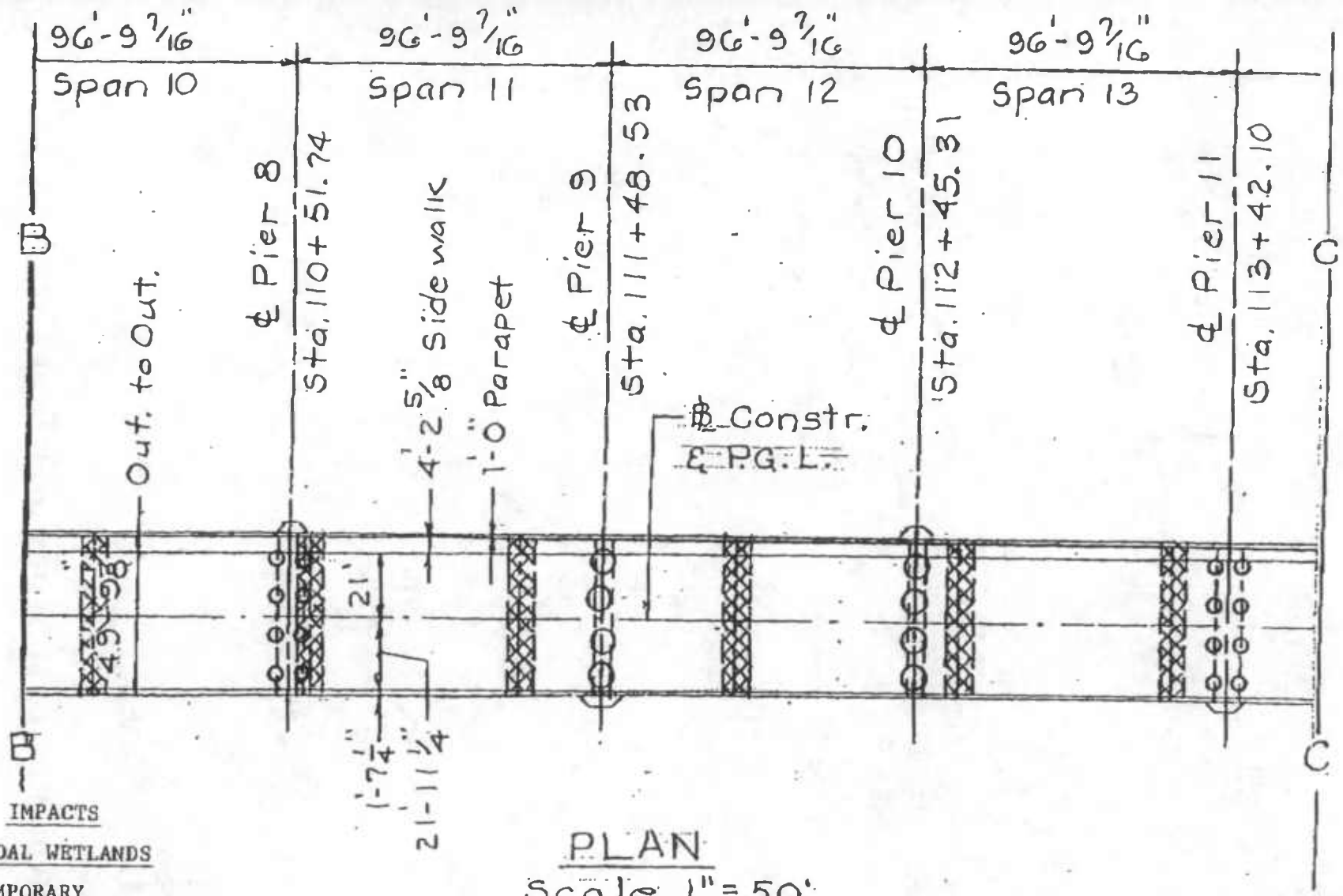
barge to reach the shoreline immediately adjacent to the current bridge alignment. In addition, existing pilings at the site proposed for the temporary pier show that the Buffer area was formerly used for a pier and access to Bear Creek.

In order to access the temporary pier, a temporary construction road is needed to cross the Buffer from an existing dirt and gravel road that parallels the shoreline (see attached plan). The location for the temporary access road through the Buffer has been aligned to minimize tree clearing and disturbance in the Buffer. Approximately 2,500 square feet of disturbance to the Buffer is proposed. This includes a 25 ft. maximum area of disturbance for construction of the temporary road and silt fence. The temporary construction access road will be lined with #2 stone to prevent erosion. No impervious area is proposed.

The vegetation to be impacted in the Buffer is characterized by a dense stand of vines and briars. Approximately 10 trees of less than 6" d.b.h. will be cleared. Once the construction of the bridge is completed in the Fall of 1999, the disturbed area in the Buffer will be restored to its original condition and tree planting will replace those cleared. A planting plan will be presented at the Commission meeting.





All permits were approved under the original proposal. A silt fence has been included on the plan modification for sediment and erosion control for the temporary road through the Buffer. No threatened and endangered species habitat areas were identified and no time of year restrictions were imposed for in stream work under the original permit. These items will be verified as part of the permit modification. SHA has requested quantity waiver from MDE for stormwater runoff because less than 5,000 square feet of disturbance is proposed. Because no new impervious surface is proposed on site, the removal requirement for the 10% rule may be met through onsite plantings and will be determined prior to the November 4th meeting.

Commission staff recommend approval of the project as proposed on the condition that the modification to the existing wetland permit is approved by MDE.



IMPACTS

TIDAL WETLANDS

-  TEMPORARY
-  PERMANENT
- OPEN WATERS
-  PERMANENT 169.68 S.F.
-  REMOVAL 113.92 S.F.

For tabulation of S.F. Areas, see Sheets 20 and 21.

PLAN
Scale: 1" = 50'

SHEET 5 OF 21

REVISED:

PRESTRESSED CONCRETE BRIDGE NO. 147
ON PENINSULA EXPRESSWAY
OVER BEAR CREEK
BALTIMORE COUNTY, MD.

MARYLAND STATE HIGHWAY ADMIN.
707 NORTH CALVERT ST. BALTO., MD. 21203

PROPOSED
TEMPORARY PIER

TO SPARROWS POINT

P. 4/4

PROPOSED TEMPORARY
CONSTRUCTION ACCESS ROAD

PROPOSED
SILT FENCE

Edge of
Water

100 FOOT CRITICAL AREA BUFFER

LIMIT OF DISTURBANCE

RELOCATED
ENTRANCE

100-YEAR
FLOOD TIDE

EXIST. TRAFFIC
BARRIER W-BEAM

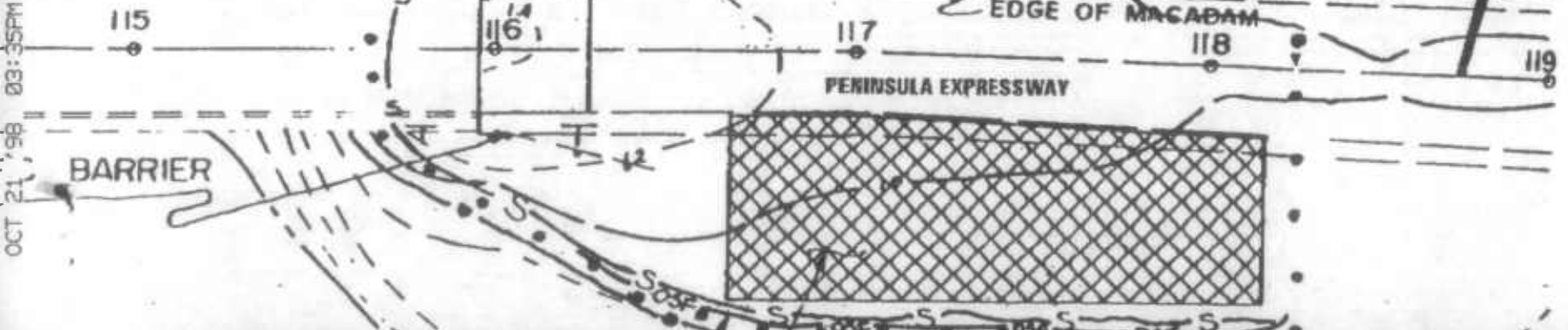
SHOULDER

EDGE OF MACADAM

PENINSULA EXPRESSWAY

BARRIER

OCT 21 '98 03:35PM ENVIRONMENTAL DES.



Bridge # 147 on Peninsula Expressway over Bear Creek

Temporary Construction Road in the
Chesapeake Bay Critical Area Buffer

Scale 1" = 50'

*Dr. Foor - Approve Construct
stone revetment as in
Bill Giese's ca. Staff Rept*

Chesapeake Bay Critical Area Commission

STAFF REPORT

November 4, 1998

APPLICANTS: Department of Natural Resources, Shore Erosion Control

PROPOSAL: Construct Stone Revetment 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

DISCUSSION:

At its February meeting, the Commission approved the repair and construction of five existing revetments and groins at Sandy Point State Park. Since construction began, another section of shoreline has eroded and the Shore Erosion Control Division is seeking approval for a new revetment.

The proposed revetment will be approximately 275 linear feet and ten feet channelward. This area of shoreline is adjacent to an existing groin that was approved for repair at Area IXB (see attached site plan). It will not be necessary to construct an access road as this area is already served by a park service road. There will be some trees cleared to accommodate the revetment. Mitigation for that clearing will be performed at a 1:1 ratio with native species. The mitigation site will be in the Buffer just behind the revetment.

On Friday, October 30, I received a telephone call from Bob Cuthbertson of the Maryland Department of the Environment, Tidal Wetlands Division. He assured me that the permit for this project will be amended, and that his division will recommend approval to the Board of Public Works.

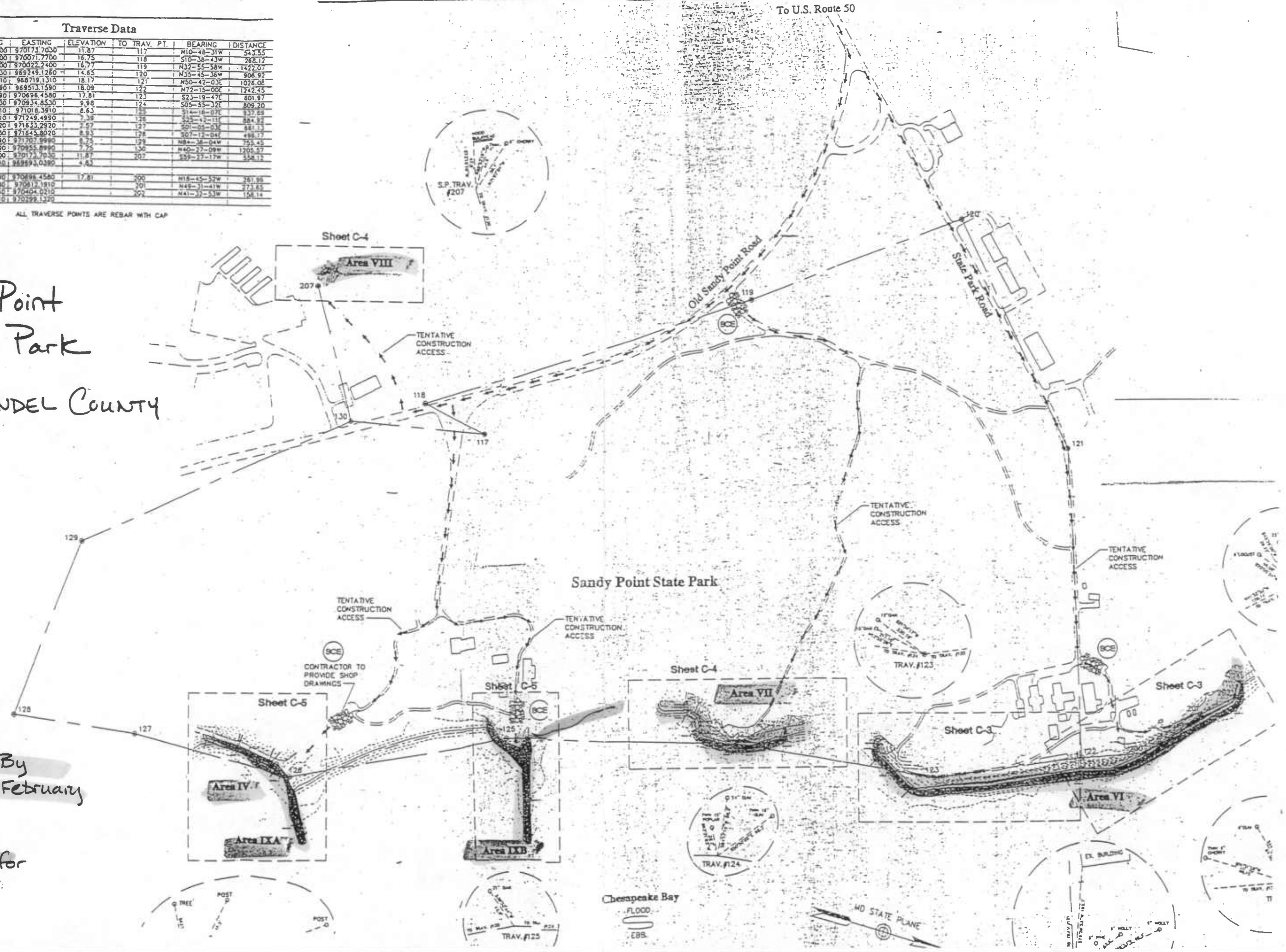
There are no known threatened or endangered species that will be affected by the proposed construction.

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
4.7600	970713.7000	11.87	117	N10-48-31W	543.55
2.6700	970071.7700	16.75	118	S10-38-43W	268.12
9.1600	970022.2400	16.77	119	N32-55-58W	1422.07
2.7130	969249.1260	14.65	120	N35-45-36W	906.92
8.6510	968719.1310	18.17	121	N50-42-03E	1026.06
4.5390	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	9.96	124	S05-55-32E	809.20
9.6910	971016.3910	8.63	125	S14-18-07E	837.66
2.9310	971249.4990	7.39	126	S25-42-11E	884.92
1.5720	971633.2920	2.57	127	S01-05-03E	681.13
1.5630	971645.8020	8.23	128	S07-12-04E	488.17
1.3090	971707.9990	8.25	129	N88-34-04W	755.45
1.3690	970455.8990	7.25	130	N40-27-09W	1205.57
1.7600	970173.7030	11.25	207	N59-27-17W	558.12
1.1140	968693.0380	4.43			
3.190	970696.4580	17.81	200	N18-45-52W	281.96
3.580	970812.1910		201	N48-31-41W	273.65
9.780	970404.0210		202	N41-52-53W	128.14
3.310	970299.1320				

ALL TRAVERSE POINTS ARE REBAR WITH CAP

Sandy Point State Park
ANNE ARUNDEL COUNTY



Areas Approved By Commission in February

Area Proposed for Revetment

Chesapeake Bay
FLOOD
EBB

MD STATE PLANE

*Dr. Jon - approval & condition
B. Corkin - second pr*

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

November 4, 1998

APPLICANT: Department of Natural Resources

PROPOSAL: Residential Swimming Pool at Knock's Folly

JURISDICTION: Kent County

COMMISSION ACTION: Vote

RECOMMENDATION: Approval with Conditions

STAFF: Mary Owens

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

DISCUSSION:

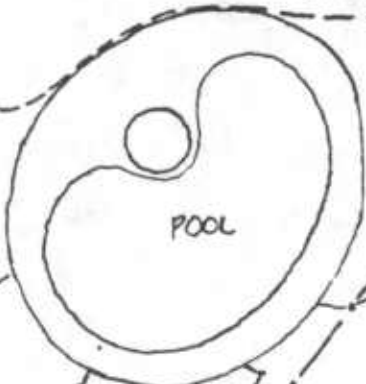
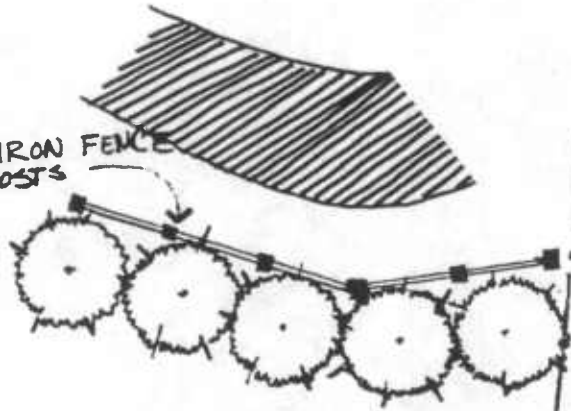
This project involves the construction of a residential swimming pool at Knock's Folly in Kent County. Knock's Folly is a 17 acre property owned by the Department of Natural Resources that is currently part of the DNR's Curatorship Program. Through the Curatorship Program, historic structures are repaired, renovated, and maintained by private citizens in exchange for a lease on the property. Mr. John Mullin has been the curator at Knock's Folly for seven years, and he has completed extensive renovations on the brick, federal style dwelling that includes a log plank wing. The house is over 200 years old, and until 1991 was owned by Kent County. It was badly burned during the 1980s while undergoing necessary renovations and the historic structure fell into disrepair. Originally, Program Open Space funds had been used to help the County acquire the property, and so the County approached DNR for assistance with the renovation. The Knock's Folly Commission, the County, and DNR worked together to find a curator for the property, and DNR eventually acquired it.

The proposed swimming pool is approximately 20 feet by 36 feet with 600 square feet of concrete decking. It will be in an open field area, and there are no known threatened or endangered plant or animal species that will be affected by the project. The pool is located outside of the Buffer which was expanded to 260 feet because of contiguous steep slopes. The applicant submitted a topographic survey of the proposed site and staff confirmed that the Buffer had been accurately delineated.

The property is listed on the Maryland Register of Historic Places. Commission staff, DNR staff,

and Mr. Mullin have been working closely with the Maryland Historic Trust regarding the location and screening of the pool, so that the historic character of the house and grounds will not be adversely affected. The location of the pool and proposed screening with a wrought iron fence and shrub planting has received concept approval from the Maryland Historic Trust. The Trust has requested detailed drawings and specifications for the pool and fence, a sketch plan of a proposed replacement shed that was demolished to accommodate the pool, and details about the landscape plantings. This information is to be provided by Mr. Mullin and submitted to the Historic Trust which will then be able to grant final approval. Staff recommends that as a condition of their approval of this project, Mr. Mullin shall obtain final approval from the Maryland Historic Trust before starting any construction.

WROUGHT IRON FENCE
W/ BRICK POSTS



POOL

POLE
SHED

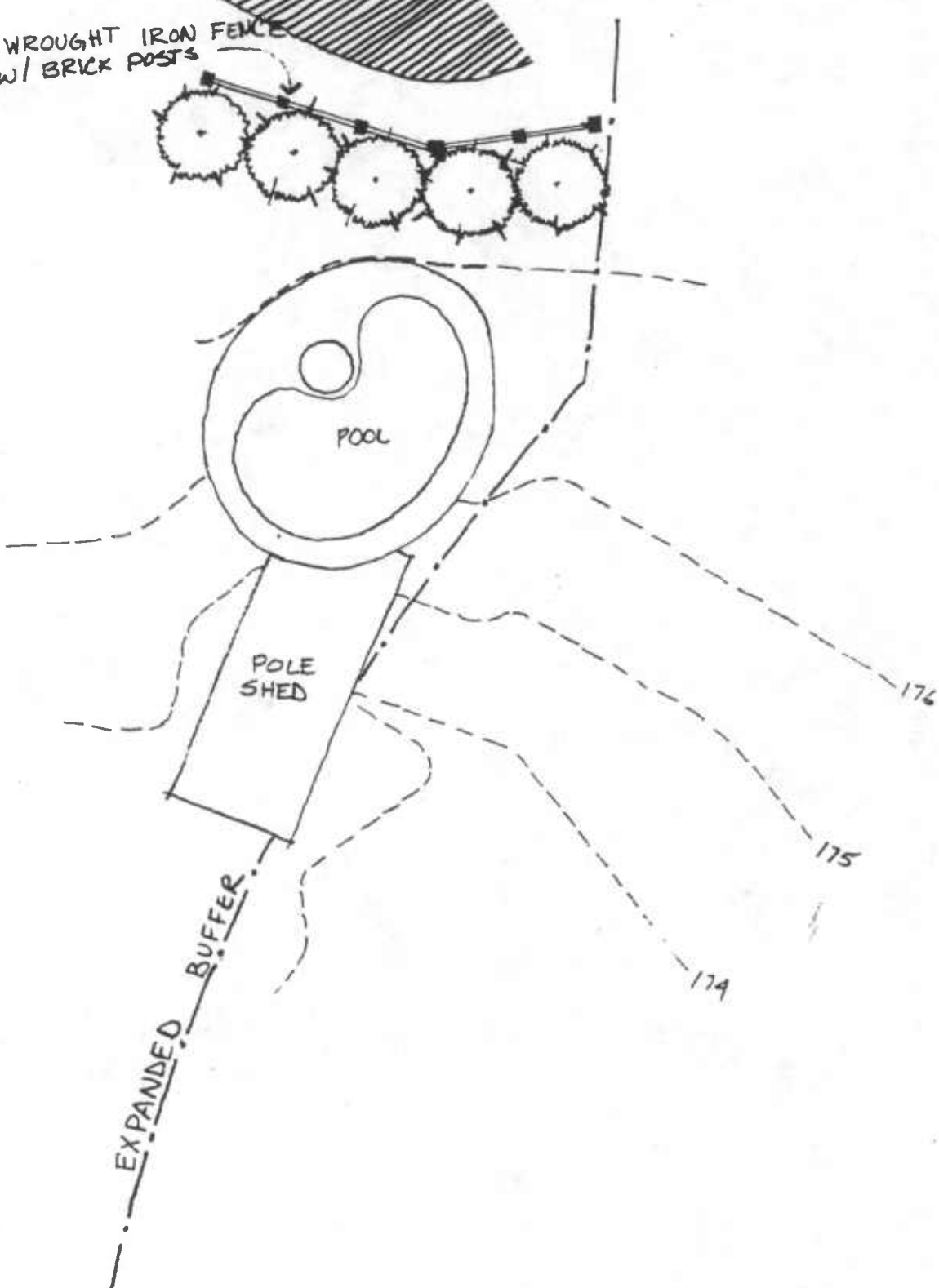


EXPANDED
BUFFER

176

175

174



CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

April 1, 1998

APPLICANT: University of Maryland - Center for Environmental Science

PROPOSAL: Horn Point Laboratory - Aquaculture and Restoration Ecology Laboratory

JURISDICTION: Dorchester County

COMMISSION ACTION: Conceptual Approval

STAFF RECOMMENDATION: Approval with Conditions

STAFF: Greg Schaner

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05

DISCUSSION:

The University of Maryland's Center for Environmental Science (CES) proposes to construct an aquaculture and greenhouse facility at the Horn Point Laboratory outside Cambridge in Dorchester County (see enclosed vicinity map). The proposed aquaculture and restoration ecology laboratory will serve as a research and education facility for conducting studies for shellfish and finfish aquaculture, submerged aquatic vegetation, and water quality programs. A greenhouse is also planned at the site and is required for the growth of algae for oyster studies. The two-story, 37,500 square foot facility is located within the Critical Area on land that is considered non-intensely developed.

The CES program is seeking conceptual approval of the proposed laboratory at this time. Although construction of the facility is not expected until 2002, conceptual approval of the project by the various resource agencies will help secure funding in the State budget. Compliance with the Critical Area Program requirements is a prerequisite for State funding. CES has submitted preliminary drawings illustrating the footprint of the proposed facility (see attached site plan). As the project proceeds towards final approval, CES will submit a formal site plan for Commission review and approval. Final approval of this project will be required prior to construction.

Resource Overview

The current design of the building will involve no impacts to habitat protection areas, including the 100-foot Buffer. The Department of Natural Resources has found no records of rare, threatened or endangered plants or animals within the project site according to a July 20, 1998 letter. The building may require the removal of several trees which will be replaced on site.

The shape of the building was dictated by the presence of a man-made nontidal wetland area. The U.S. Army Corps of Engineers verified CES' jurisdictional determination of the wetland boundaries (see attached jurisdictional determination) in a February 13, 1998 letter to CES. The building footprint has avoided impacts to both the nontidal wetlands and 25-foot nontidal wetland buffer. Stormwater management as well as sediment & erosion control plans will be developed after the engineering contract has been awarded.

The following conditions are suggested for approval:

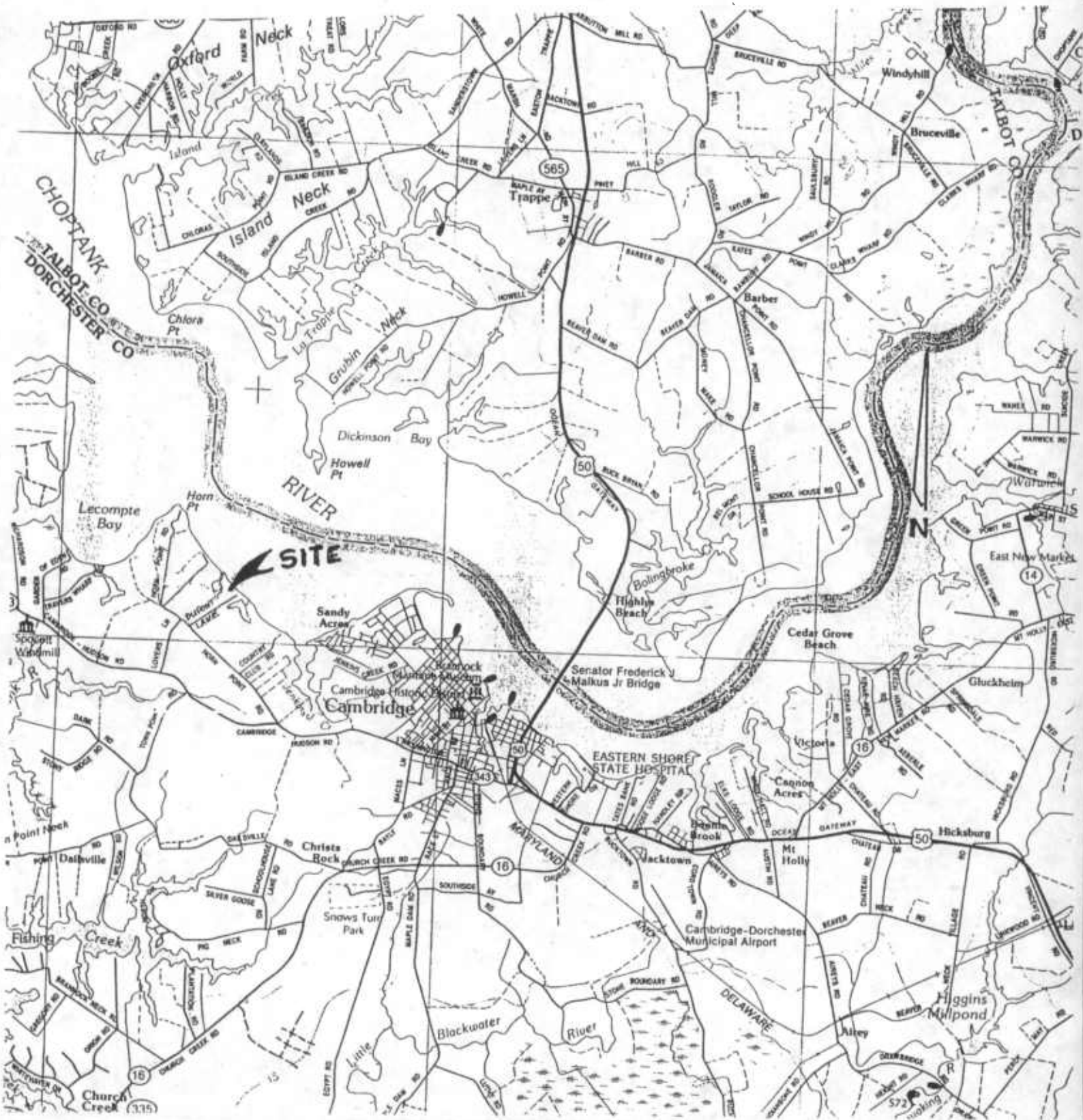
- (1) Any significant structural or locational changes to the current design will invalidate this conceptual approval unless reviewed and approved by the Commission. Final approval is required prior to construction.
- (2) Stormwater management plans will be developed and submitted for Commission review for final project approval. Stormwater management and sediment & erosion control plans receive MDE approval prior to Commission review. Any proposed impacts to the nontidal wetlands or the 25-foot buffer must be authorized by MDE prior to the Commission's review.
- (3) All forest impacts and associated mitigation are detailed on the final site plan for Commission approval.

VGLS
University of Maryland/CES - Construction of Aquaculture Facility
c:\wpdata\dorchstr\state\umdces2.wpd

FIGURE 1. SITE VICINITY MAP

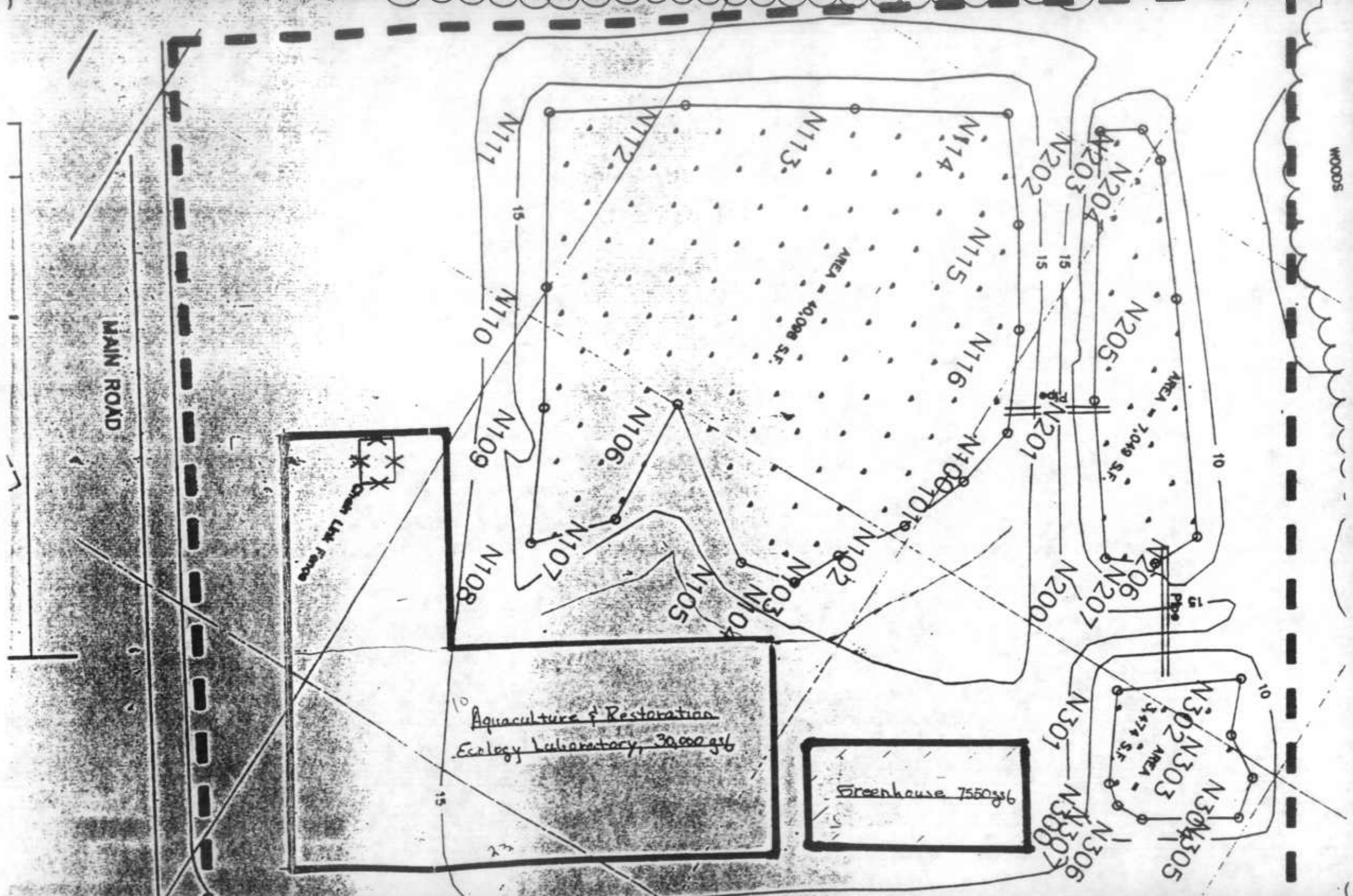
SHOWING LANDS OF
UNIVERSITY OF MARYLAND
HORN POINT CAMPUS
DORCHESTER COUNTY

SCALE 1" = 1.6 MILES



WOODS

MAIN ROAD



Report of the Special Subcommittee of the Chesapeake Bay Critical Area Commission

September 2, 1998

Chesapeake Bay Resort - Cambridge Hyatt

A. Heron Rookery and Waterfowl Staging and Concentration Area

- # 1 Adopt DNR recommendations as per Attachment 1.
- # 2 Adopt 6-foot wide trail in the Heron Point area.
- # 3 Developer shall work with Critical Area and DNR staff to select appropriate material.

B. Urban Nutrient Management Plan and Integrated Pest Management Plan for Golf Course

- # 1 Developer shall develop an Urban Nutrient Management Plan and Integrated Pest Management Plan for the golf course. The plans developed by Queenstown Golf Links and alternative innovative management practices developed for use by golf courses shall be used as a model.

C. Cart and Pedestrian Path Location, Width, Material

- # 1 The pedestrian path system in the Buffer shall be accessible to the general public.
- # 2 As a general standard throughout the project, cart and pedestrian pathways shall be 8-foot wide. Pathway width may vary throughout the project from 6-feet to 10-feet. Special consideration shall be given for minimizing Buffer impacts. Design of the pathway system shall be coordinated with and approved by Critical Area staff.

D. Buffer Management Plan

- # 1 A comprehensive Buffer Management Plan shall be developed with Critical Area Commission staff and approved by the Critical Area Commission according to standard practice. The Plan shall include: location of managed areas, planting plans, specimen trees to be saved, bonding, and maintenance plan and specifications.

E. Stormwater Management Plan

- # 1 Adopt MDE recommendations as per Attachment 2.
- # 2 Developer shall not use existing natural wetlands to obtain credit for stormwater quality treatment.
- # 3 Developer shall comply with the 10% Rule on IDA land.

F Tidal Wetlands Map Change

- # 1 The Critical Area Commission's concept approval is based on the location of the Critical Area line on the document entitled "Conceptual Plan - August 1998" and identified as "Chesapeake Bay Critical Area Boundary as Field Verified." It is expressly understood that should the Critical Area line as finally verified by MDE differ from the "Chesapeake Bay Critical Area Boundary as Field Verified" identified on the August 1998 Conceptual Plan in such a manner that Critical Area resources will be affected then the project shall be resubmitted to the Critical Area Commission.

G. Final Site Plan Approval

- # 1 Critical Area staff shall review and report on the final site plan to ensure compliance with all conditions attached to the conceptual approval.

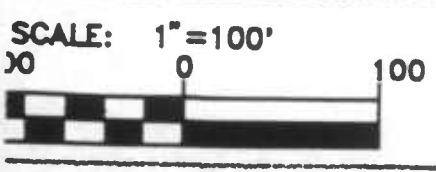
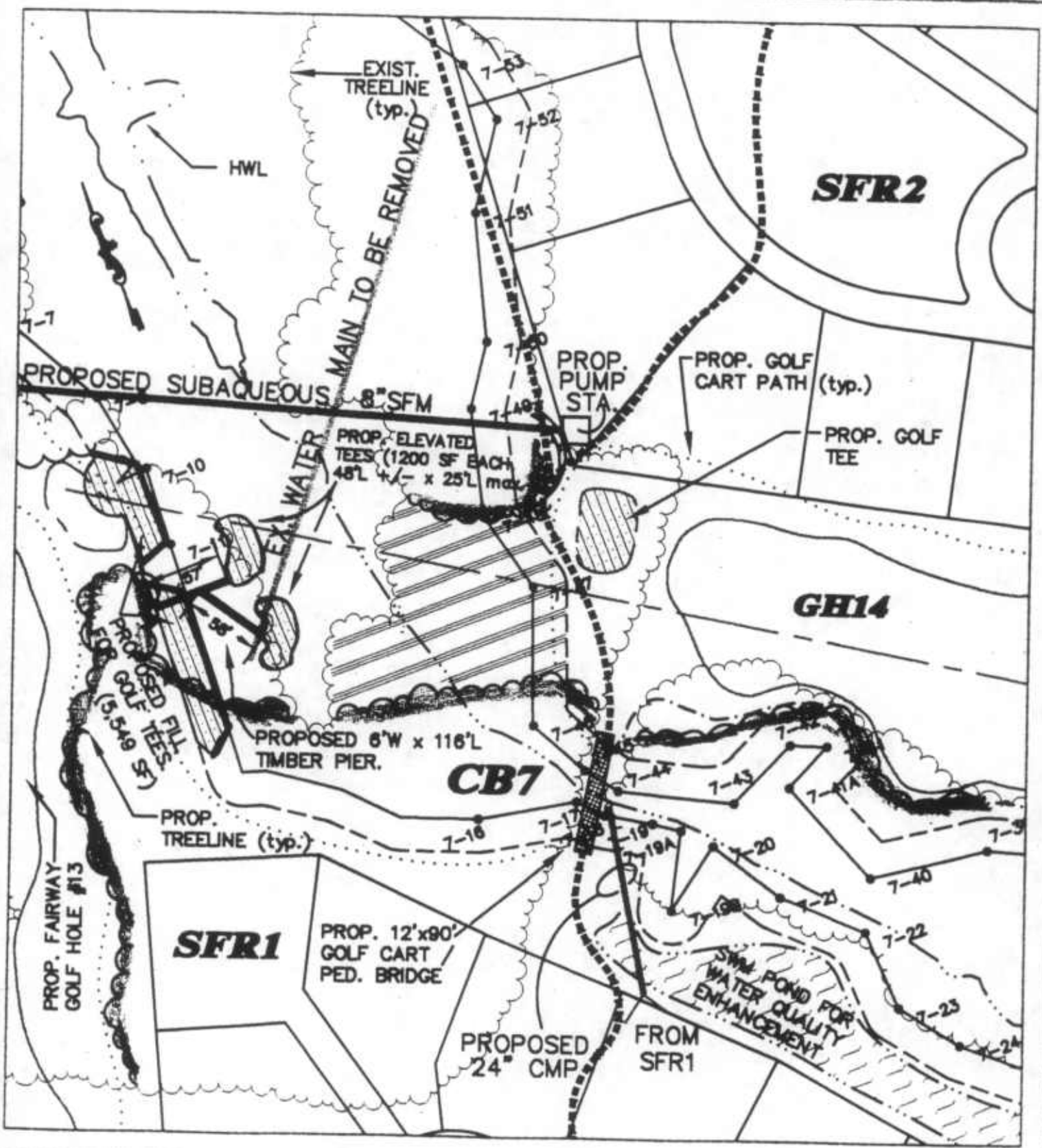
H. Buffer Exemption Areas

- # 1 Three areas are to be designated: Single Family Residential Section One, Hole # 17 (both sides of Shoal Creek), Hole # 18 and Hotel Site in accordance with Attachment 3.
- # 2 The Critical Area Commission will consider the mapped BEA areas as identified in # 1 for approval if presented by the City of Cambridge.
- # 3 Developer shall provide mitigation for all Buffer impacts in accordance with the Critical Area Commission's BEA Policy.

I. Growth Allocation

- # 1 Developer shall work with the Critical Area Commission staff, City of Cambridge, and Dorchester County to determine appropriate Critical Area designations for the site for the purposes of awarding growth allocation.

c:\wpdata\greg\dorchstr\cambrdge\hyatt\apprv1.wpd



SHEET 6 OF 36
 APPL BY: CHESAPEAKE RESORT, L.L.C.
 DATE: AUGUST 1998
 REVISED: 10/5/98



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

October 23, 1998

Dear Commission Member:

RE: Calvert County Judicial Appeal/§8-1812(a)
Notice

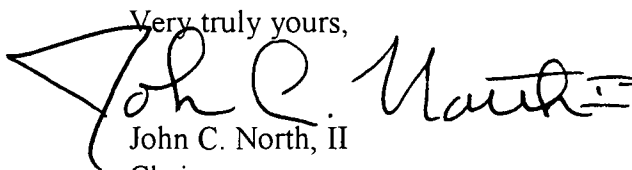
We have filed a Petition for Judicial Review stating our intent to appeal the variance granted to Joseph H. Gribble, Case # BOA 98-2453.

I believe that the decision of the Calvert County Board of Appeals improperly applied the variance standards in this case and consequently approved the applicant's request. Joseph H. Gribble applied for a variance to permit construction of an entrance road to a proposed subdivision in the Critical Area, on slopes 15% or greater ("steep slopes"). Commission staff submitted comments opposing the disturbance of steep slopes based on the five variance standards and the fact that there is an alternative location for the road that would not disturb steep slopes. The Board of Appeals approved the requested variance.

In accordance with Natural Resources Article, §8-1812, Annotated Code of Maryland, copy enclosed, if you disapprove of my action in this case, please notify me in writing within 35 days after the date of this notice. As provided in §8-1812, if 13 members of the Commission indicate disapproval of my action in a timely manner, I shall withdraw the action initiated. Please note the other procedural safeguards set forth in §8-1812.

Thank you for your anticipated cooperation. The full Commission file on this matter is available at the Commission office for your review.

Very truly yours,


John C. North, II
Chairman

JCN/jjd

cc: Marianne D. Mason, Esquire

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

project approval of which the Commission wishes to receive notice.

(2) From the date designated by the Commission in approving or adopting a program, an applicant for project approval or the local agency authorized to grant project approval on an application in any of the identified classes shall send to the Commission in accordance with the regulations and any other instructions of the Commission, a copy of every pending or new application for approval that is in any of the identified classes. Before the close of the next business day after receipt of a copy of an application from the applicant or the local approving authority, the Commission shall send written notice of receipt to the applicant and to the local approving authority. A failure of the Commission to send a timely notice shall render paragraph (3) of this subsection inapplicable as to that application.

(3) The local approving authority may not process an application of which a copy must be sent to the Commission until the local approving authority has received notice of receipt from the Commission, and any action of the local approving authority in violation of this paragraph shall be void.

§8-1812. Commission chairman; authority regarding judicial proceedings.

(a) *In general.* — After the Commission has approved or adopted a program, the chairman of the Commission has standing and the right and authority to initiate or intervene in any administrative, judicial, or other original proceeding or appeal in this State concerning a project approval in the Chesapeake Bay Critical Area. The chairman may exercise this intervention authority without first obtaining approval from the Commission, but the chairman shall send prompt written notice of any intervention or initiation of action under this section to each member of the Commission. The chairman shall withdraw the intervention or action initiated if, within 35 days after the date of the chairman's notice, at least 13 members indicate disapproval of the action, either in writing addressed to the chairman or by vote at a meeting of the Commission. A member representing the local jurisdiction affected by the chairman's intervention or action may request a meeting of the Commission to vote on the chairman's intervention or action.

(b) *Rules of procedure.* — Except as stated in this subtitle, the chairman is subject to general laws and rules of procedure that govern the time within and manner in which the authority granted in subsection (a) of this section may be exercised.

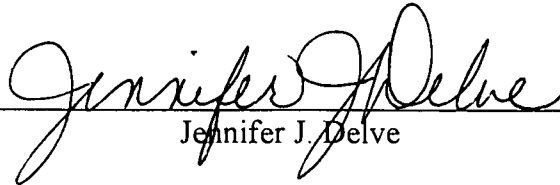
(c) *Appeal authorized.* — The chairman may appeal an action or decision even if the chairman was not a party to or is not specifically aggrieved by the action or decision.

§8-1813. Prior project approval.

(a) *Specific findings required.* — From June 1, 1984 with regard to any subdivision plat approval or approval of a zoning amendment, variance, special exception, conditional use permit, or use of a floating zone, affecting any land or water area located within the initial planning area identified in §8-1807 (a) of this subtitle, for which application is completed after that date, the approving authority of the local

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 23rd day of October, 1998, I mailed a copy of this §8-1812(a) Notice via first class mail, postage prepaid, to each member of the Chesapeake Bay Critical Area Commission.


Jennifer J. Delve

Restaurant plan sparks criticism

Developer would build near old lighthouse in Havre de Grace

By LISA RESPERS
SUN STAFF

Even as Havre de Grace officials work to make the city a magnet for tourism, a proposed waterfront restaurant is being criticized as too close to one of the oldest functioning lighthouses in the country.

The two-story restaurant — which would seat about 265 and be slightly more than 10,000 square feet — would be built adjacent to the more-than-200-year-old Concord Point Lighthouse.

But opponents want the city to buy the land — at a cost of \$1 million — and maintain it as open space.

"It's a perfect location for a restaurant," said Georg Ann Pabst, a member of Friends of Concord Point, which opposes the restaurant. "It's also the perfect place for peace and tranquility in this city."

The battle over the proposed restaurant occurs as Havre de Grace promotes itself as an ideal tourism spot. Banking on its location overlooking the Susquehanna River and the Chesapeake Bay, the city has spent more than \$1 million on a half-mile promenade that faces the water. [See Debate, 2B]



KENNETH K. LAM: SUN STAFF

Waterfront debate: A developer's proposal to build a two-story restaurant near Concord Point Lighthouse has touched off a debate over how the site should be used.

Havre de Grace debates restaurant plan

[Debate, from Page 1B]

City officials also have hired an economic development coordinator. A streetscape project is being planned for downtown, and ground will be broken tomorrow for a maritime museum next to the city's famed Decoy Museum.

"Right now, as our city is growing, tourism has become very important," Havre de Grace Mayor Philip J. Barker said. "Havre de Grace has become a destination spot, and tourism brings more dollars into the community."

The proposed restaurant site, which is zoned for residential and business use, is near the promenade and occupied by three bungalows, which will be demolished. The developers have requested a variance because the zoning would allow less parking than the restaurant needs.

Mary Lynn Snyder, one of the members of Conquest Point Limited Partnership, said the group has been planning the restaurant since it purchased the land for \$385,000 in 1985.

"Everyone has always known we planned to put a restaurant there," said Snyder, whose company purchased almost 2 acres and then sold part of it to the state for the promenade. "If we had [built] before people decided it was their

domain, it would have been fine. For me, it's a private-property issue, but for [the opponents] it's an issue of their coveting the land."

Last week, city manager Mary Ann Lisanti suggested that the developers build on city-owned property between the Decoy Museum and the planned maritime museum. That, she said, would provide enough parking and would benefit the museums with

more pedestrian traffic.

"We believe it is the best solution and would best meet everyone's needs," Lisanti said. "We like the small-town feel here, and we don't want to ruin it for the sake of tourism. The city has taken a proactive stance and said that it is our job to properly blend the two."

City officials are expected to present their proposal to developers soon.

SUN 11/30/98