

Chesapeake Bay Critical Area Commission
Department of Housing and Community Development
Crownsville, Maryland 21401
Conference Room 1100A
April 7, 1999
AGENDA

:00 p.m. - 1:05 p.m. Approval of Minutes
of March 3, 1999 John C. North, II, Chairman

SPECIAL PRESENTATION

Blackwater National Wildlife Refuge, control of Nutria Bill Giese

PROGRAM AMENDMENTS and REFINEMENTS

1:35 p.m. - 1:45 p.m. Kent County, VOTE
Growth Allocation Policy Tracy Batchelder, Planner

1:45 p.m. - 1:50 p.m. Calvert County, VOTE
Comprehensive Remapping Amendment Lee Anne Chandler, Planner

1:50 p.m. - 2:00 p.m. Talbot County, Refinement
Zoning Ordinance Text Change
Regarding Growth Allocation Lisa Hoerger, Planner

PROJECT EVALUATION

2:00 p.m. - 2:15.m. Somerset County, VOTE
Somers Cove Marina Pavilion Meredith Lathbury, Planner

2:15.m. - 2:25.m. Baltimore County, VOTE
Gunpowder State Park
Fish Weigh Station Meredith Lathbury, Planner

2:25.m. - 2:45.m. Old Business
New Business John C. North, I, Chairman

Next Commission Meeting May 5, 1999, People's Resource Center

SUBCOMMITTEES

9:30 a.m. - 10:30 a.m. Project Evaluation

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

Somers Cove Marina, Crisfield, Somerset Co.

Meredith Lathbury

Gunpowder State Park, Fish Weigh Station, Baltimore Co.

Meredith Lathbury

9:30 a.m. - 12:00 p.m. Program Implementation and Amendments

Members: Whitson, Myers, Barker, Williams, Wynkoop, Foor, Johnson, Lawrence, Taylor-Rogers, Duket Graves

Kent County, Growth Allocation Policy

Tracy Batchelder

Calvert County Comprehensive Remapping Amendment

Lee Anne Chandler

Talbot County, Zoning Ordinance Text Change

Lisa hoerger

Regarding Growth Allocation

Buffer Exemption Area Policy

Mary Owens

Update on City of Annapolis Comprehensive Review

Dawnn McCleary

Anne Arundel County, Update on RCA Uses

Mary Owens

Mary Owens

The Chesapeake Bay Critical Area Commission
People's Resource Center
Crownsville, Maryland
March 3, 1999

Approved

The Chesapeake Bay Critical Area Commission met at the People's Resource Center, Department of Housing and Community Development, Crownsville, Maryland on March 3, 1999. The meeting was called to order by Chairman John C. North, II. Those in attendance were as follows:

Barker, Philip, Harford County	Bourdon, Dave, Calvert Co
Cooksey, David, Charles County	Foor, Dr. James C., Queen Anne's County
Graves, Charles C., Baltimore County	Jackson, Joseph A., Worcester County
Johnson, Samuel Q., Wicomico County	Langner, Kathryn, Cecil County
Myers, Andrew, Caroline County	Whitson, Michael, St. Mary's County
Wilde, Jinhee Kim, Western Shore Member-At-Large	
Wynkoop, Samuel, Prince George's County	
Goodman, Robert, Maryland Department of Housing and Community Development	
Hearn, J.L., Maryland Department of the Environment	
Lawrence, Louise, Maryland Department of Agriculture	
Dr. Taylor-Rogers, Sarah, Maryland Department of Natural Resources	
VanLuven, Heidi, Maryland Department of Transportation	

The Minutes of January 6th, 1999 were approved as read.

Chairman North introduced Barbara Samorajczyk, Anne Arundel County Council, who was attending the meeting in an unofficial capacity just to observe until her swearing in by the Senate. Ms. Samorajczyk succeeds Diane Evans on the Commission. Diane, we will miss you! The Chairman also introduced the Commission's newest Planner, Meredith Lathbury. Welcome aboard Meredith! Chairman North presented a certificate of appreciation to Ed Robinson of Kent County, Eastern Shore Member-at-Large, who is leaving the Commission. Mr. Robinson will be greatly missed.

Lisa Hoerger, Planner, CBCAC presented for Concurrence with the Chairman's determination of Refinement to the Town of Easton's Critical Area Program, the proposed annexation of lands of Cooke's Hope (217.851 acres) in the Town of Easton. She said that the properties have a Critical Area designation of Resource Conservation Area and no change in Critical Area designation is proposed at this time. These parcels are identified in the Town of Easton's Comprehensive Plan as growth areas. There are no known rare, threatened or endangered species on the site. The annexation became effective on December 7, 1998 following a public hearing and approval by the Town Council. The Commission supported the Chairman's determination of Refinement.

Susan McConville, Planner, CBCAC presented for VOTE the proposal by the State Highways Administration to resurface a portion of Maryland Route 150 - Eastern Avenue with the addition of sidewalks and a culvert replacement. The project is located in an Intensely Developed Area. The portion of the project within the Critical Area is located within the existing SHA right of way for MD 150. Approximately 98% of the project area is impervious and the addition of sidewalks will result in an impervious area of 100% for the project area. Because of the level of imperviousness there is no area available to provide stormwater management on the site. 100% of the project site drainage runs off into existing storm sewers via three different outfalls. Because of the small increase in the percentage of

imperviousness and the nature of the actions proposed, the project qualifies for consideration under the existing MOU between the Critical Area Commission and the MDOT/SHA. The project is still required to meet the 10% requirements. In a previously unused portion of a 1993 MOU which states, "projects which involve up to a 10% increase in impervious area within the Critical Area will incorporate stormwater quality management measures sufficient to achieve a 10% reduction in pollutant loadings below existing levels. Offsets in the form of debits to the MD Department of Environment (MDE) /SHA water quality bank are acceptable in lieu of onsite management." She said that this raises the question of whether it is appropriate for the Critical Area because this water quality bank that exists accepts credits from projects that are done in a watershed basin not just what is going on in the Critical Area. When SHA overtreats water in the watershed, and they are given credits in the water quality bank. Ms. McConville stated that the recommendation is that SHA use this situation as a model in their water quality banking, but treat Critical Area occurrences with credits and debits separately. Although there is no existing debit for this project, SHA has agreed to locate one before this project is constructed so that the 10% pollutant reduction requirement will be met. SHA has worked with Baltimore County to mitigate for the impacts to the Buffer and Baltimore County has agreed to accept fee in lieu which will go into their fund for mitigating the Buffer. Dave Bourdon moved to approve the State Highway's Administration's proposal to resurface Maryland Route 150-Eastern Avenue, with the addition of sidewalks and culvert replacement with the following two conditions: 1) "in lieu of" be paid to Baltimore County for Buffer impacts, and 2) SHA will identify and deduct from its wetlands water quality bank appropriate credits and debits in the Patapsco Watershed. The motion was seconded by Heidi Van Luven and carried unanimously.

Tracy Batchedler, Planner, CBCAC presented for VOTE a proposal to revise path plans in Greenwell State Park in St. Mary's County brought to the Commission by DNR. A project was proposed by DNR in August of 1998 to construct a handicapped access path for the Park and was approved by the Commission. The changes include: a) a shorter path to replace two paths leading to the Manor House Road and the Cottage. This will decrease the disturbed area outside the Buffer by approximately 1,450 square feet, b) a timber deck and ramp will replace a 15 foot section of the pathway to assist disabled users and will increase impervious surfaces within the Buffer by approximately 395 square feet, but overall disturbance will decrease by 20 square feet, c) the inclusion of a hand rail for wheelchair users which will require concrete footings on the rail posts. Impervious surface increase within the Buffer is 395 square feet approximately, totaling 745 square feet; there is a decrease outside of the Buffer by 1,450 square feet. There is no forest clearing involved; 2:1 mitigation will be provided for impervious surfaces in the Buffer, agreed to by DNR which will be in native species. There are no habitat protection areas, no MDE permits are required. Dave Bourdon moved to approve the proposal for path plans in Greenwell State Park in St. Mary's County with the proposed mitigation in the Buffer. The motion was seconded by Dr. Foor and carried unanimously.

Meredith Lathbury, Planner, CBCAC presented for VOTE the proposal by the Maryland Department of Natural Resources to locate six mini-cabins at the Conoy camp loop at Point Lookout State Park in St. Mary's County. She said that the cabins will be placed on existing crusher run/stone dust camping pads with no additional impervious surfaces to result for the placement. There will be no additional disturbances to the site and there are no habitat protection areas on the site. There are no threatened or endangered species; no MDE permits are required for the project. Dave Bourdon moved to approve the project as presented. The motion was seconded by Kay Langner and carried unanimously.

Ms. McConville and Ranger Dave Davis of Wye Island Natural Resources Management Area (NRMA) gave an information presentation on a shore erosion control and shoreline stabilization project taking place at Wye Island NRMA. She said that there are approximately 40 miles of shoreline impacted by tidal surges, boat wakes, wind and storm surges as well as surface water run-off. The project goal is to use non-structural shore erosion control to address the existing problem on a specific target area of Dividing Creek. The project is proposed under a Buffer Management Plan that includes vegetative stabilization. The project will be monitored over the next few years to determine if the vegetative methods are effective. 6.6 acres of new riparian buffers are scheduled for stabilization and planting in 1999-2000 which will be adjacent to existing buffers within the project area and the Critical Area.

Mary Owens, Chief, Program Implementation Division, CBCAC presented the Draft Buffer Exemption Area (BEA) Draft Policy. She said that the Commission's current Buffer Exemption Area Policy was adopted in 1993. In the last few years there have been some projects that have challenged this policy's scope and the Program Subcommittee realized that it was time to re-examine the policy and perhaps to retool it. The Subcommittee worked for several months to develop the changes. She said that several local government staff were involved in developing this draft. Ms. Owens said that the goals in revising the Policy were to include provisions that could be expanded to include non-residential lots (the original policy focused on residential development); to address development activity on larger lots; to decide whether existing buffer exempt lots could be subdivided, and to clarify mitigation requirements. Ms. Owens talked about the details of the Policy. She said that in Section I of the Draft some new definitions were added. Section II addresses the purpose and application of the policy. Section III describes how the Policy will be implemented and includes general development standards and methods for establishing appropriate setbacks. Section IV addresses additional requirements for lots greater than one acre. Section V addresses standards and guidelines for mapping BEAS. Section VI addresses mitigation requirements and clarifies that the new policy will require buffers to be established and additional mitigation equal to the area that is being disturbed. Staff intends to develop a standardized planting plan. Section VII addresses the process for approval of development on BEA lots that instructs the jurisdiction to make written findings that the requirements of the policy are met and to report this activity in the semi-annual report to the Commission. She said that there is a lot of flexibility built into the Policy. This draft will be sent to the local jurisdictions for comment and it will be brought back to the Commission possibly in May.

OLD BUSINESS

Ren Serey, Executive Director, CBCAC told the Commission that the Bill that deals with swimming pools, wooden decks and impervious surface limits, is back, the third year in a row, the fourth in the last five years. Mr. Serey explained that this year the Bill states that when calculating impervious limits, swimming pools and wooden decks are exempt. The Commission has successfully prevented the Bill each time from becoming part of our law. The hearing on the Bill this year is Thursday the 11th, in the House. He said that the Commission will be testifying again that wooden decks with gaps between them with gravel or other pervious surface underneath have never been considered impervious and is irrelevant. He said that it is not proper to exempt swimming pools or any other type of structure from the calculations.

NEW BUSINESS

Marianne Mason, Commission Counsel and Assistant Attorney General for the Maryland Department of Natural Resources, updated the Commission on legal affairs. She said that there has been

some action in six of the Circuit Court cases in the last two months. The case of North vs. Kelly, in Wicomico County involving a variance for a swimming pool in the Buffer, became entangled in the Commission's required change to the Wicomico County Program. Last summer the Commission voted to declare the site specific variance provision in the Wicomico Program to be in conflict with State Law. The Kelly case was at that time on remand from the Circuit Court back to the Board of Appeals. The Board subsequent to the Commission's actions, still used the revoked provisions of the Program and granted the Kelly's variance. The Circuit Court for Wicomico County two weeks ago upheld that variance. Ms. Mason will consult with Chairman North whether to ask the Circuit Court to review that decision.

In Dorchester County, there has been a favorable decision from the Circuit Court on another Appeal of a variance for a structure in the Buffer. The Board of Appeals had granted a variance for a shed. The Commission got the variance decision reversed in February and the case is now back at the Dorchester Board for them to make proper findings and/or hold another hearing.

In Talbot County Circuit Court, the Mastandrea case, involving a brick walkway in the Buffer, has had two hearings before the Talbot County Board who, on both occasions, granted the variance. The Commission is now in Circuit Court and both sides have filed their briefs. Ms. Mason will be arguing this case in June.

In Anne Arundel County a new Appeal has been filed from the Annapolis City Planning Commission which issued a variance for two new houses on new lots in the Buffer. That case is now just getting started in Circuit Court and the Commission is negotiating with the City Attorney to have the applicant relinquish the variance.

In Dorchester County, there is a hearing in the Eastern Shore properties case, a variance granted by the Board of Appeals for a house in the Buffer. Also, a case was settled in Dorchester involving the location of a pool wherein the individual moved the pool back and provided 3:1 mitigation plantings.

There have been two new administrative cases in Anne Arundel County in this month. One was before a hearing officer for a variance for a shed located at the water's edge to be used for medical waste, and the other also involved a shed in the Buffer. Testimony was provided before the Board of Appeals.

There being no further business, the meeting adjourned.

Minutes submitted by:
Peggy Mickler, Commission Coordinator

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

April 7, 1999

APPLICANT: Kent County

PROPOSAL: Program Refinement

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Tracy Batchelder

**APPLICABLE LAW/
REGULATIONS:** NRA Section 8-1808.1 (growth allocation in Resource Conservation Areas) and COMAR 27.01.02.06 (growth allocation).

DISCUSSION:

The Commission approved amendments to Kent County's Critical Area Program at the January 6, 1999 meeting. The amendments to Kent County's Zoning Ordinance allow for growth allocation to be granted outside of the incorporated towns in the County. In addition, the amendments add new provisions relating to conference centers, resorts, retreats and golf courses. These new provisions detail requirements for using growth allocation to support these types of land uses in Resource Conservation Areas. The amendments also allow for parks and recreational facilities in the Limited Development Area of the Critical Area which are owned and operated by the County and have received growth allocation.

At the same time, Kent County has revised its growth allocation policy. The policy will help guide the County in its use of growth allocation. To be granted growth allocation outside incorporated towns, the policy specifies conditions which must be followed by the applicant. These conditions include guidelines, such as site design and habitat protection, which must be met by the applicant in order to be granted growth allocation for a project. In addition, the policy outlines the application process for growth allocation.

The proposed refinement to Kent County's Growth Allocation Policy is consistent with the Critical Area Criteria and the Commission's policy on growth allocation.

Kent County Growth Allocation Policy

It is policy to grant growth allocation to the incorporated towns of Betterton, Chestertown, Millington, and Rock Hall. Galena is not in the Chesapeake Bay Critical Area, but should the town of Galena annex property on the Chesapeake Bay Critical Area, Galena would be eligible to receive growth allocation. Kent County may also grant growth allocation to areas outside the incorporated towns to special projects necessary to fulfill the goals and objectives as identified in the Kent County Comprehensive Plan.

Growth Allocation Within the Incorporate Towns

Growth allocation may be granted to the incorporated towns upon application to the County Commissions of Kent County.

Growth Allocation in the Unincorporated Territory of Kent County

Growth allocation may be in the unincorporated area of Kent County only for the development of desirable employers or quality amenities as identified in the Kent County Comprehensive Plan. This projects must have a positive impact on the County's economy and make a positive net fiscal contribution to County's budget (i.e. taxes paid by the project exceed services required by the project) . To be granted growth allocation outside incorporated towns, an applicant must meet the following conditions:

1. The proposed project is identified in the Kent County Comprehensive Plan as a means to expand and provide more diversity in the size, number, and type of businesses in Kent County or as a means to enhance and expand locally based tourism that relies upon the unique natural, cultural, and historic features and qualities of Kent County.
2. Proposed projects are suitable for the sensitive location and pose minimal risks to the environment.
3. The project is compatible with the surrounding community and land use.
4. Site location and development will use innovative design features to minimize negative impacts on water quality, habitat protection areas, woodlands, and forests. Examples include but are not limited to the use of buffer areas to protect habitat, wildlife corridors, and other important natural areas. the use of conservation landscapes or bayscapes, and the limitation of impervious surfaces through clustering and shared roadways.
5. The proposed project is consistent with the goals and intent of the Kent County Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, and Critical Area Program.
6. The proposed project must accomplish two of the following standards to mitigate the negative effects caused by higher intensity development than normally allowed:

- a. The project is within a developed area such as a village.
 - b. The project has direct access to public sewer and water.
 - c. Man-made structures on the site are clustered.
 - d. Efforts are made to enhance the habitat of threatened or endangered species or species in need of protection beyond the minimum required standards.
 - e. Permanent environmental easements are donated.
 - f. All agricultural lands on the site are placed into a protective easement.
 - g. Public access to natural and physical amenities is provided.
 - h. The development uses infill or existing structures.
 - i. Habitat for forest interior dwelling birds and/or other sensitive species is created or expanded.
 - j. The restoration, enhancement or creation of wetlands are included in the project.
 - k. Afforestation/reforestation is provided beyond the minimum required standards.
 - l. Historic structures are restored.
 - m. Buildings are designed to reflect the heritage of Kent County.
7. The Kent County Commissioners retain the right to impose any additional restrictions, conditions, or limitations which are deemed necessary.
8. The Kent County Commissioners retain the right to disapprove a project even if these requirements are entirely fulfilled.
9. If construction on a project has not begun, growth allocation shall expire after 3 years unless otherwise extended by the County Commissioners of Kent County.

APPLICATION PROCEDURE IN THE UNINCORPORATED TERRITORY OF KENT COUNTY

1. An application for growth allocation in the unincorporated territory of Kent County may be initiated by resolution of the County Commissioners, motion of the Planning Commission, or petition of any property owner using forms specified by the Kent County Planning Commission.
2. The application for growth allocation shall, at a minimum:
 - a. Specify the map and parcels receiving growth allocation
 - b. The current and proposed use of the parcels
 - c. The current and proposed zoning classifications
 - d. The current and proposed Critical Area Designation
 - e. The reason requesting growth allocation
 - f. Renderings of all primary buildings and each type of accessory buildings.
 - g. A concept plan which identifies existing and proposed features including but not limited to: the proposed layout of buildings, parking, open space, driveways and roads, 100-year floodplains, watercourses, buffers, wetlands (tidal and non tidal), slopes in excess of 15%, forest and woodland areas, scenic or historic structures or areas, existing buildings, existing easements, zoning and critical area boundaries and habitat protection areas.
 - h. Site statistics including but not limited to: gross area of the project, growth allocation requested and purpose of growth allocation, area of each proposed use, area in each zoning and critical area classification, and forested areas.

Kent County Growth Allocation Policy
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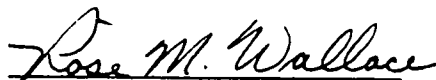
3. Before taking any action on any proposed growth allocation amendment, the County Commissioners shall submit the proposal to the Planning Commission for concept plan review and recommendation on growth allocation. The Planning Commission may hold a hearing on any application for growth allocation before submitting its recommendation to the County Commissioners. The Planning Commission may request any pertinent data or information as it deems necessary. In its recommendation, the Planning Commission shall address the following:
 - a. The public need for the proposal.
 - b. The extent to which the proposal complies with or deviates from the Comprehensive Plan and Critical Area Law.
4. Where a proposal may require the granting of a variance or conditional use, the said variance or conditional use must be obtained before the County Commissioners take action on the growth allocation.
5. Before approving an application for growth allocation, the County Commissioners shall hold a public hearing thereon.
6. The County Commissioners shall render its decision within ninety (90) days of the hearing.
7. Petitions for growth allocation denied by the County Commissioners, or one substantially similar, shall not be considered for one year after the denial.
8. Any aggrieved person with standing may within thirty (30) days after the decision, appeal to the Circuit Court of Maryland.
9. Applications for growth allocation shall not be effective until approve under Natural Resources Article 8- 1809, as the same may be amended from time to time.

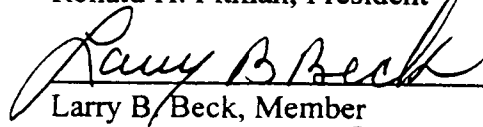
ADOPTED this 9th day of March, 1999.

THE BOARD OF COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND




Ronald H. Fithian, President





Larry B. Beck, Member



W. Michael Newnam, Member

Chesapeake Bay Critical Area Commission

STAFF REPORT

April 7, 1999

APPLICANT: Calvert County

PROPOSAL: Amendment - Comprehensive Remapping of the Critical Area Line

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Pending Panel Recommendation

STAFF: LeeAnne Chandler

**APPLICABLE LAW/
REGULATIONS:** Critical Area Law §8-1809

DISCUSSION:

Calvert County is proposing two amendments to their Critical Area Program. The first is a map amendment which will be a comprehensive revision of the Critical Area line in Calvert County based on the County's recent Aerial Orthophotographs. The second is a text amendment which will recognize these new maps as the official Critical Area map for the County.

Calvert County adopted its Critical Area Program and Critical Area maps in 1988. The maps created were based on the County's tax maps. The tax maps had inherent errors in them and these errors became evident within the first few years of program implementation. In 1992, the County adopted the State wetland maps which have a Critical Area line on them as the official County Critical Area Line. Again, problems arose. The State wetland maps are based on 1970 aerial photography, which is not geographically corrected. In addition, not all areas of the County were mapped and some areas that were covered by two different maps indicated different positions for the Critical Area line in the same location.

To resolve these inconsistencies, the tidal wetlands were transferred from the State wetland maps to the County's 1992 aerial orthophotographs. Once this was done, the Critical Area line was drawn (by computer) 1000 feet from tidal waters. The County worked with the Maryland Department of the Environment and Commission staff to ensure that this was done as accurately as possible. The revised Critical Area line differed from the line on the State wetland maps by 100 feet or more in only five locations throughout the County. In areas where the Critical Area is expanded, the Critical Area designation of the additional land is being determined on a case-by-case basis. Any significant issues which may arise in determining the designation will be brought back to the Commission for review.

The new Critical Area maps will be available prior to the Commission meeting for your review.

Chesapeake Bay Critical Area Commission

STAFF REPORT

April 7, 1999

APPLICANT: Talbot County

PROPOSAL: Refinement - Talbot County Council Bill No. 691

COMMISSION ACTION: Concurrence

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR §8-1809(p)

DISCUSSION:

The purpose of County Council Bill No. 691 is to clarify the County Council's authority when voting upon requests for growth allocations in the Critical Area. The new language provides additional evaluation criteria for growth allocation requests. It reads as follows:

(2) In deciding whether to approve or disapprove an application for a growth allocation district boundary amendment, in addition to the specific requirements and purposes set forth elsewhere in this Ordinance, the Council may also consider:

- (i) Consistency with the purposes and intent of the Talbot County Comprehensive Plan;
- (ii) Compatibility with existing and proposed development and land use in the surrounding area;
- (iii) Availability of public facilities;
- (iv) The effects on present and future transportation patterns;
- (v) The effect of population change within the immediate area;
- (vi) The past, present, and anticipated need for future growth of the County as a whole;
- (vii) The location, nature, and timing of the proposed growth allocation in relation to the public interest in ordered, efficient, and productive development and land use;
- (viii) The protection of the public health, safety and welfare.

(3) The fact that an application for a growth allocation district boundary amendment complies with all the specific requirements and purposes set forth in this Ordinance shall not be deemed to create a presumption that the proposed growth allocation district boundary amendment would in fact be compatible with surrounding land uses, and is not, in itself, sufficient to require approval.

The County is proposing these additional criteria to address issues raised during a pending case in Talbot County that was remanded back to the County Council by the Court of Appeals. The Court asked that more specific findings be made to support the decision of the Council.

The Chairman has determined Bill No. 691 to be a refinement to the Talbot County Critical Area Program and seeks your concurrence.

Chesapeake Bay Critical Area Commission

STAFF REPORT

April 7, 1999

APPLICANT: Maryland Department of Natural Resources

PROPOSAL: Somers Cove Marina, Proposed Picnic Pavilion

JURISDICTION: Somerset County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Meredith Lathbury

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

DISCUSSION:

DNR is proposing to place a picnic pavilion on an existing asphalt parking lot in the 100-foot Buffer to Somers Cove in Crisfield. The marina is located in a designated Intensely Developed Area (IDA). The pavilion will be placed approximately 64 feet from the edge of the timber bulkhead. The "L" shaped pavilion will cover approximately 7,500 square feet.

The proposed pavilion will seat up to 500 people and will be used for various events held at the marina and for everyday picnic activity. No alteration to drainage patterns are envisioned for this project. No impervious surfaces will be created by this project. Stormwater management facilities are already in place, and improvements to the existing system are in the process of being implemented. This pavilion is part of a recently approved master plan developed by a committee of slipholders, local landowners, local business owners, and DNR representatives from the marina. No additional permits are required for this project. Installation is anticipated in May 1999.

BROADWAY STREET

EXISTING ASPHALT
PARKING LOT

PROPOSED
PAVILION

SECURITY
GATE

EXISTING
MARINA
ACCESSORY
BUILDING



EXISTING
POOL

EXISTING
OFFICE

EXISTING
CONCRETE
SIDEWALK

TIMBER WALKWAY

EXISTING BULKHEAD

BOAT DOCKING AREA

SOMERS COVE MARINA
PROPOSED PAVILION
SCALE: 1" = 50'

Chesapeake Bay Critical Area Commission

STAFF REPORT

April 7, 1999

APPLICANT: Maryland Department of Natural Resources

PROPOSAL: Fish Weigh Station at Dundee Creek Marina, Gunpowder Falls State Park

JURISDICTION: Baltimore County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Meredith Lathbury

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

DISCUSSION:

DNR is proposing to construct a fish weigh station that will be used to observe and weigh fish brought to shore during fishing tournaments. The project site is in a designated Intensely Developed Area (IDA). The project is located entirely within the 100-foot Buffer to Dundee Creek. The project area as it exists now is a grass lawn between a parking lot and bulkhead. There is a small boardwalk alongside the bulkhead. The marina area is highly developed with boat ramps, boat slips, parking lots and associated buildings, including the marina complex directly adjacent to the proposed site.

DNR has chosen this location for several reasons. First, the station needs to be in close proximity to the water so that water from the creek can be pumped into the holding tanks, where the fish sit while they are waiting to be weighed. This water will be released back into the creek through a pipe running from the holding tanks through the bulkhead. Second, locating the station next to the creek will reduce fish mortality by allowing the fish to be sent back into the water quickly once they are weighed.

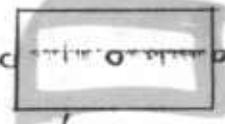
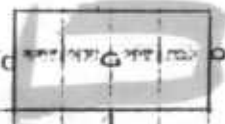
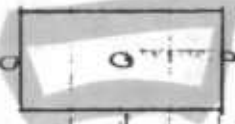
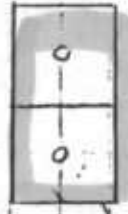
The weigh station will be constructed out of wooden decking to create a U shaped walkway covering 464 square feet. Holding tanks and drain tubs will be located on a portion of the decking. Water supply lines, drain lines, and electric lines will need to be installed to service the holding tanks. Minimal disturbance will be required to install these features. No impervious

surfaces are proposed. The boards in the wooden decking will be spaced to allow drainage and gravel or vegetation will be placed underneath the platform to allow the water to reach the soil. No runoff is anticipated as a result of this project.

Disturbance will be limited to less than 5,000 square feet. No disturbance to forest or wetland areas is proposed. No rare, threatened or endangered species are located in the project area. No in-water work will be conducted. No other permits will be required.

Access to the fish weigh station will be obtained by the existing boardwalk next to the bulkhead. No additional trails or access points are proposed.

Dundee Creek Marina
Proposed Fish Weigh Station
Gumpowder Falls State Park



Weigh Station
Scale

Holding Tanks



[Existing Mowed Lawn]



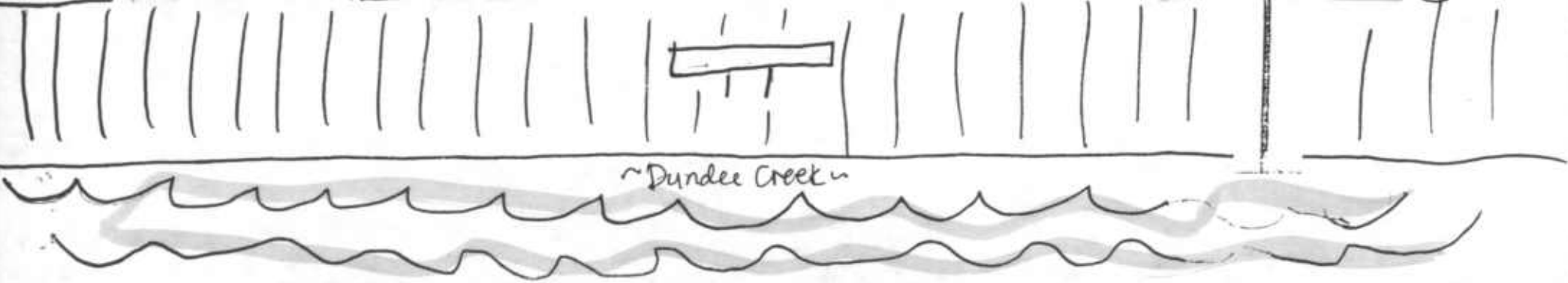
Existing
Boardwalk ↓



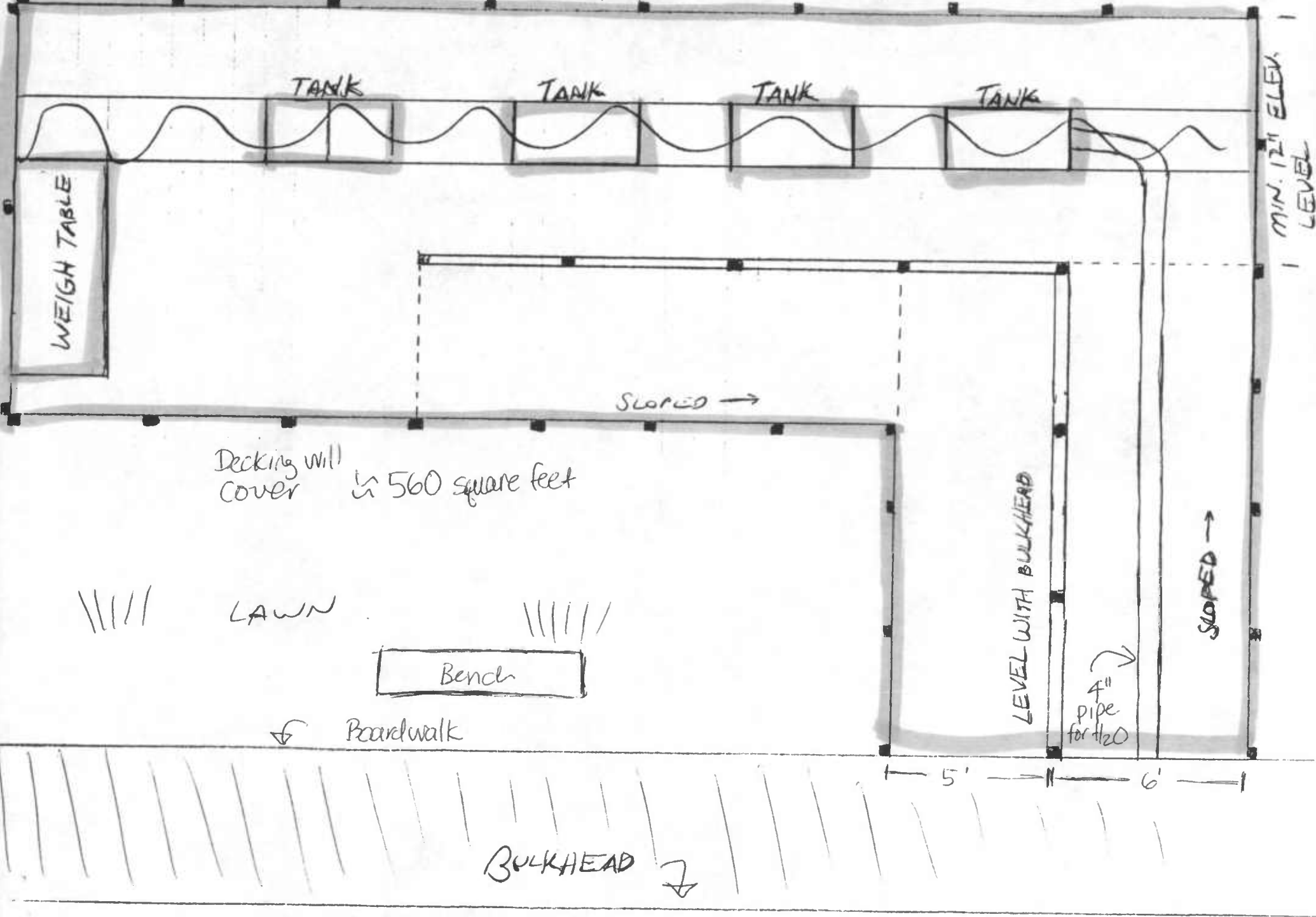
Wood Decking
Spaced apart →
to allow water to
come through



~Dundee Creek~



FISH WEIGH STATION - GUNPOWDER FALLS STATE PARK



TANK

TANK

TANK

TANK

WEIGH TABLE

MIN. 12" ELEV. LEVEL

SLOPED →

Decking will cover 560 square feet

LEVEL WITH BULKHEAD

SLOPED →

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LAWN

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Bench

↙ Boardwalk

4" pipe for H₂O

5'

6'

BULKHEAD ↘

DUNDEE CREEK