

Chesapeake Bay Critical Area Commission
Nassawango Country Club
Pocomoke, Maryland
July 7, 1999
AGENDA

p.m. - 1:05 p.m. Approval of Minutes of June 2, 1999 John C. North, II, Chairman

SPECIAL PRESENTATION

p.m. - 1:35p.m. Maryland Coastal Bays Program LeeAnne Chandler, Planner
Dave Wilson, DNR
Katherine Munson, Wo. Co.

PROGRAM AMENDMENTS and REFINEMENTS

p.m. - 1:45p.m. Cecil County, REFINEMENT Growth Allocation, Knowles Property Kristy Romagna, Intern

p.m. - 1:55p.m. Somerset County, REFINEMENT Growth Allocation, Little Sisters of Mary & Jesus Convent Meredith Lathbury, Planner

info. - *YMCA - Wo. Co.* — *Lee Anne*, *Added*
PROJECT EVALUATION

p.m. - 2:00 p.m. Somerset County, VOTE Janes Island State Park, Primitive Camping Area Meredith Lathbury, Planner

p.m. - 2:10 p.m. St. Mary's County, VOTE Historic St. Mary's City, parking lot expansion Development of paths and roads Tracy Batchelder, Planner

~~p.m. - 2:20 p.m. Baltimore City, UPDATE Dundalk Marine Terminal Cargo Shed Dawn McCleary, Planner~~

p.m. - 2:30 p.m. Old Business New Business John C. North, I, Chairman
* Appoint panel for Queenstown Comp. Review



SUBCOMMITTEES

10:00 a.m. - 12:00 a.m. Project Evaluation

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

Somerset County, Janes Island State Park
Primitive Camping Areas

Meredith Lathbury, Planner

St. Mary's County, Historic St. Mary's City
Parking lot expansion & development of paths & roads

Tracy Batchelder, Planner

Baltimore City, Dundalk Marine Terminal
Cargo Shed Revision & Update

Dawnn McCleary, Planner

10:30 a.m. - 12:00 p.m. Program Implementation and Amendments

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

Cecil County, Knowles Property
Growth Allocation

Kristy Romagna, Intern

City of Annapolis,
Program Update

Dawnn McCleary, Planner

Chesapeake Bay Critical Area Commission
 Department of Housing and Community Development
 People's Resource Center
 Crownsville, Maryland 21401
 June 2, 1999

approved

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	Grey, Bruce, for Van Luven, Heidi, MDOT
Bourdon, Dave, Calvert County	Jackson, Joe, Worcester County
Pinto, Robert, Somerset County	Whitson, Michael, St. Mary's County
Corkran, William, Talbot County	Wynkoop, Samuel, Prince George's County
Duket, Larry, Office of Planning	Goodman, Robert, DHCD
Samorajczyk, Barbara D., Anne Arundel County	Hearn, J.L., Md. Dept. Env.
Dr. Foor, James C., Queen Anne's Co.	Giese, William, Jr., Dorchester Co.
Graves, Charles C., Baltimore City	Johnson, Samuel Q., Wicomico Co.
Cain, Deborah, B., Cecil Co.	Lawrence, Louise, Md. Dept. Of Agri.

+
Dave
Cooksey

The Minutes of April 7, 1999 were approved as read.

Chairman North introduced the Commission's summer intern, Mitra Battan, a University of Baltimore Law Student. A Certificate of Appreciation was presented to retiring Commission member, Robert Pinto, of Somerset County. Mr. Pinto will be greatly missed. The Chairman introduced Bruce Grey who will be attending for Commission member, Heidi Van Luven, Maryland Department of Transportation, in her maternity absence. (We understand that Ms. Van Luven will have a joyful summer with her new baby boy! Congratulations!!)

Susan McConville, Planner, CBCAC, presented for Vote the proposed changes to the town of Elkton's Critical Area Program and Zoning Ordinance four year comprehensive review. She told the Commission that Elkton has replaced its outdated program and written a new program based on programs that have been approved by the Commission that are shorter. The Town has removed the implementation language from the program document and integrated that into the Zoning Ordinance which has been updated as well. These changes have been adopted and approved by the Town Commissioners. No public comments were received at the Commission's public hearing held on April 28, 1999. Ms. McConville outlined the changes for the Commission members. She said that the only remaining issue still outstanding and to be resolved within 90 days between the County, Commission and town is a growth allocation issue that was created when the Town program was originally adopted. That issue involves a growth allocation deficit of six acres which the Town of Elkton originally awarded for a subdivision in the Critical Area which was already underway. Dr. Foor moved to approve the amendment for revisions to the Town's Program stipulating that a resolution for the growth allocation deficit be determined within 90 days. The motion was seconded by Philip Barker and carried unanimously.

LeeAnne Chandler, Planner, CBCAC, presented for Concurrence with the Chairman's determination of Refinement, Calvert County's proposal to use 0.46 acres of growth allocation to change the Critical Area Overlay on Parcel 117 on Tax Map 44B from Limited Development Area (LDA) to Intensely Development Area (IDA). This is a proposed expansion of a current Bell Atlantic telephone switching facility. Calvert County

requires that proposals for awarding growth allocation must demonstrate a measurable public benefit. This project meets that requirement. The Commission supported the Chairman's determination.

Lisa Hoerger, Planner, CBCAC presented for Concurrence with the Chairman's determination of Refinement the proposed amendment to Talbot County's Zoning Ordinance for awarding supplemental growth allocation. She said that the Talbot County Council recently approved Bill Number 699 which enables the County to give additional growth allocation to each of its municipalities. The legislation was generated by a request from the Town of Easton for additional growth allocation based on the estimated planning needs ten years into the future. The County Planning Commission unanimously recommended awarding a limited acreage without restrictions or conditions; however, the County Council chose to include a provision whereby the Council has the authority to impose conditions on growth allocations allotted to the towns. The Council will review requests from the municipalities on a case by case basis. The Commission supported the Chairman's determination of Refinement.

Ms. Hoerger presented the proposed amendment - Bill No. 701, which would enact into the County Zoning Ordinance the following language:

- (7) Reasonable Accommodation for the Needs of Disabled Citizens
 - (i) Notwithstanding any other provisions of this Ordinance, and without regard to the standards for appeals, variances or special exceptions set forth elsewhere in this Zoning Ordinance, the Board of Appeals and other permitting authorities and officials shall make reasonable accommodations for the benefit of disabled citizens in the consideration of any building permit, administrative appeal, special exception, or variance.

Reasonable Accommodation for the Needs of Disabled Citizens, includes development activities in the Critical Area of Talbot County. The County attorney reviewed the language explaining that this legislation is not required under the Americans with Disabilities Act. Further concerns of the Planning Commission were how to define "reasonable accommodation" and "disabled" and how to provide enforcement. The Planning Commission voted 3:1 to deny this request. The County Council approved the legislation 5:0 as drafted after several citizens attended the hearing and provided support for the legislation. A hearing held by the Critical Area Commission produced no public comments. Dr. Foor moved, on panel recommendation, to deny the proposed amendment, Bill #701, to provide reasonable accommodations as it appears to require Talbot County to grant variances that otherwise would not be allowed by the Criteria. The motion was seconded by Larry Duket. The motion was carried 17-1 with Mr. Wynkoop in opposition.

Claudia Jones, Science Advisor, CBCAC presented for VOTE the Chesapeake Bay Critical Area Timber Harvest Guidelines. Jim Mallow, Department of Natural Resources, and Don VanHassant, DNR Forest Service Task Force, were in attendance. Mr. VanHassant gave a synopsis of the Guidelines development. He said that the Guidelines were compiled by a task force representing the Maryland Forests Association, Association of Forest Industries, Forestry Board Association, the Nature Conservancy, Partners in Flight, the Department of Natural Resources, and the Critical Area Commission who worked over two years to resolve issues involving timber harvesting within Forest Interior Dwelling Bird habitat. The guidelines will be used in conjunction with the Commission's General Approval to DNR for timber harvest activities in the Critical Area. The goals of the task force were to develop uniform guidelines and to streamline and to expedite the normal 45 day review process for timber harvest plans. Dave Bourdon moved to approve the guidelines as amended. The motion was seconded by Bill Giese and carried unanimously.

Ms. McConville presented for Concurrence with the Chairman's determination of Refinement, Cecil County's proposed text amendments for Buffer expansion language for contiguous steep slopes and water dependent facilities. This proposed text amendment is in response to a recommendation from Commission staff that the Buffer expansion language was not consistent with the State Criteria that require mandatory expansion. The amendment affecting the water-dependent facilities section of the County program added language to clarify that new or expanded development may be permitted in the Buffer in IDAs and LDAs and not in RCAs, subject to certain conditions and except as otherwise provided in the regulations. The Commission supported the Chairman's determination of Refinement.

Ms. McConville presented for Concurrence with the Chairman's determination of Refinement, Queen Anne's County's proposed text amendments for Transfer of Development Rights. The purpose of these amendments is to remove the County's special conditions limiting the use of private tidal wetlands in calculating TDRs in Resource Conservation Areas. The amendments are consistent with guidance given to the County by the Commission in April, 1998, which stated that the County's TDR program is not required to provide for a minimum of eight acres of upland for each 20 acres set aside when a development right is sold. The guidance to the County followed from the Commission's interpretation of the Critical Area Act and Criteria relative to 1) the operation of TDRs and 2) traditional RCA-based development which does not use TDRs. The Commission previously determined that there are no minimum requirements regarding TDRs in the Critical Area Act and Criteria. The Commission specified that the provision in the ACT which requires a minimum of eight acres of upland for each dwelling unit when private tidal wetlands are used to calculate the allowable density, does not apply to traditional development in the RCA, where density, absent other factors (such as intrafamily transfers), is limited on one dwelling unit per 20 acres. TDRs are not a traditional form of development in the RCA. The Act is silent on TDRs, while the Criteria encourage local governments to use them in order to further the resource-protection policies of COMAR.

Ms. Samorajczyk questioned whether this should be a refinement or an amendment issue, and whether the decision to allow TDRs to be used at all is a good decision because of the possible adverse impacts to the watershed. She said that this policy change, without any data or assurance of protection of the watershed is not a decision that is in the best interests in protecting the bay. Dr. Foor explained that the primary reason for the policy decision was that TDRs are a tool for protecting very sensitive areas, pristine areas that should not be developed, but rather protected from the sprawl development that can occur. Chairman North determined that the preliminary finding of Refinement is final.

Tracy Batchelder, Planner, CBCAC, presented for Vote the proposal by the Maryland Department of Natural Resources to construct at Pt. Lookout State Park in St. Mary's County approximately 836 linear feet of stone revetment. Ms. Batchelder described the technical details of the project. She told the Commission that historical records indicate that erosion has caused the shorelines to recede a maximum of approximately 1,000 feet (11 feet per year) on the Chesapeake Bay and 200 feet (2 feet per year) on the Potomac River in the 1849-1942 time frame. Without protection measures, the rate of erosion and loss of land is expected to continue. No forest will be cleared and there are no HPAs on the site. Tidal Wetlands permits and water quality certification has been received. Dave Bourdon, on panel recommendation, moved to approve the proposed project as presented. The motion was seconded by Dave Cookesey and carried unanimously.

Meredith Lathbury, Planner, CBCAC disseminated a Shoreline Landowners Brochure, produced by the Annapolis Environmental Commission as a part of their public education effort. This brochure was developed by the "Tree Committee" out of concern for the shorelines around the City of Annapolis. She said that it gives specific ideas on how to plant vegetation to improve habitat and water quality.

OLD BUSINESS

Marianne Mason, Esquire, Assistant Attorney General, DNR and Commission Counsel updated the Commission on legal affairs. She told the Commission that she will be arguing the proposed amendment involving a variance for an already existing very large brick walkway in the Buffer in the Circuit Court in Talbot County.

On Monday, June 7th, She will argue two cases in the State Court of Appeals. Both cases arose from Anne Arundel County. One is the White case which involves a swimming pool in the Buffer. The Anne Arundel County Board of Appeals granted a variance and the Commission had it overturned in Circuit Court. The Court of Special Appeals affirmed the Circuit Court opinion and it is now on appeal by the Whites to the Court of Appeals. It is paired with a case called Belvoir Farms vs. North. Belvoir involved a variance for boat slips in excess of the number of slips allowed by the statute. The Anne Arundel Board of Appeals granted a variance. The community is allowed only 4 slips by virtue of the number of lots they have in the Critical Area. This community consists of 90 lots but only 4 are within the Critical Area. The 86 are up to a mile away from the water, but the community convinced the Anne Arundel County Board of Appeals to give them a variance for an increased number of boat slips at the dock. The Commission got that overturned last summer in Circuit Court and the Court of appeals reached down and took the case and paired it with the White case

The Kelly case may be heard this fall in the Circuit Court in Wicomico County. In this case the County granted a site specific variance for a pool in the Buffer after the Commission had informed the County that site specific variances were inconsistent with the Criteria and couldn't be used.

A case against the City of Annapolis involving a variance for a house in the Buffer has been settled in Anne Arundel County Circuit Court. The applicant decided to relinquish their variance and redrew the site plan to put the house out of the Buffer.

An applicant in Dorchester County has relinquished a Buffer variance in the case called Eastern Shore Properties and is looking elsewhere on the 87-acre parcel to place the house.

Two new cases were filed this month. One case filed in the Circuit Court in Queen Anne's County, involves a pool in the Buffer; the other one on Appeal in Somerset County involves an a pool in the Buffer as well.

NEW BUSINESS

Chairman North announced that the July commission meeting will be held at the Nassawango Country Club in Wicomico County. He also announced that plans are underway for the annual Day on the Bay aboard the State Boat on September 16th. Hats, designed by Commission staff member Mary Owens, were distributed to all Commission members. These very attractive hats are embroidered with the Critical Area Commission name.

There being no further business, the meeting adjourned.

Minutes submitted by: Peggy Mickler, Commission Coordinator

Chesapeake Bay Critical Area Commission

STAFF REPORT

July 7, 1999

APPLICANT: Cecil County

PROPOSAL: Refinement - Proposed Special Growth Allocation,
Resource Conservation Area to Limited Development Area

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Susan McConville

**APPLICABLE LAW/
REGULATIONS:** Natural Resource Law § 8-1808.1 Growth Allocation in
Resource Conservation Area.

DISCUSSION

The Board of County Commissioners of Cecil County has approved the request for Special Growth Allocation to change 0.43 acres of the Olive Knowles property from Resource Conservation Area (RCA) to Limited Development Area (LDA) for the creation of two residential lots. This request also received a favorable recommendation from the Cecil County Planning Commission. The purpose of the subdivision is to transfer the two new lots to the grandchildren of the landowner. The property does not meet the criteria for intra-family transfer because the property is greater than 60 acres in the Critical Area.

Under the Cecil County Critical Area program the County has defined two processes for awarding growth allocation: 1. the Growth Allocation Point Scoring System process and 2. the Special Growth Allocation process. The point scoring process involves review of the proposed project and change in designation under the Growth Allocation Project Point Scoring System that is defined in the program. Under this process, only those projects scoring a total point score at or above the minimum scoring threshold established in the program shall be considered for Growth Allocation. The "Special Growth Allocation (SGA) process provides for changing the land management classification of Resource Conservation Areas (RCAs) in the Critical Area District to the Limited Development (LDA) classification. The SGA district process shall only be permitted for residential development on sites or portions of sites recommended for approval by the Cecil County Planning Commission and approved by the Cecil County Commissioners.

Commission staff and County staff reviewed the project under the two growth allocation processes and determined that the project would be eligible to be reviewed as a "Special Growth Allocation" due to the fact that it meets the criteria described above and is not further limited in the sections of the County's program on growth allocation. (Section 205 Growth Allocation (GA) District.)

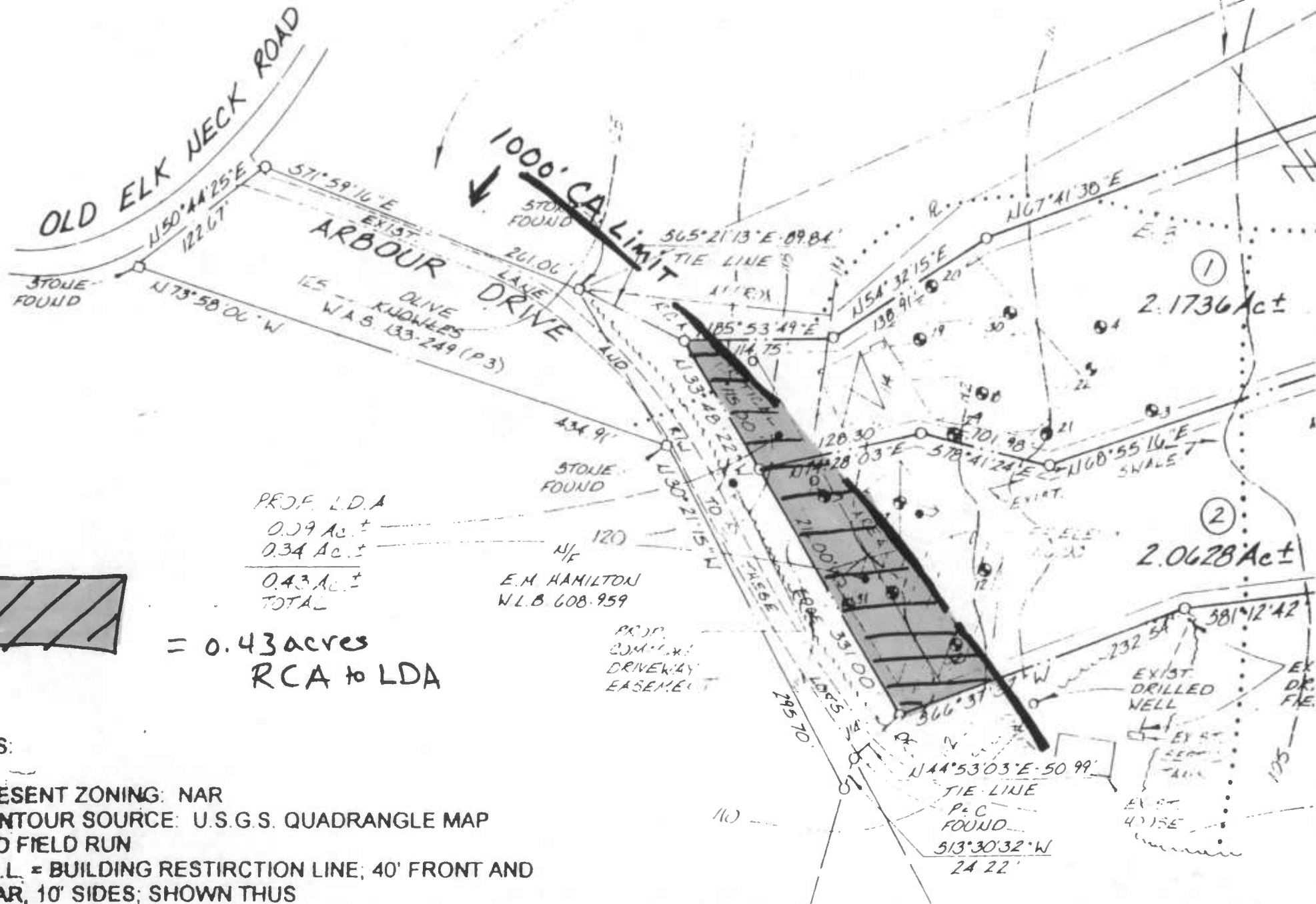
According to the proposed development associated with the growth allocation request, the building area on both of the proposed growth allocation lots will not be in the Critical Area portion of the lots; however, the front portions of the proposed lots are located within the Critical Area. The Knowles property consists of a total of 88.99 acres, 63.3 acres of which are in the Critical Area and designated as RCA. The property is currently subdivided into three lots with one dwelling on each. The two proposed lots will make the maximum of 5 lots permitted by a minor subdivision. The Health Department has approved the septic systems for both lots. There are no known Habitat Protection Areas on either lot. The proposed lots will front on an existing lane and right of way to the property.

Clearing of forest in the Critical Area is anticipated to be approximately 1/3 acre. This area of forest removed will be replaced on the parent parcel within the Critical Area in an area that is closer to the water. The clearing has been minimized to include only the areas for the home, wells, and septic.

The Chairman of the Critical Area Commission has determined that this change constitutes a refinement to the Critical Area Program and is seeking concurrence with that determination.

Knowles property G.A. request - Cecil County

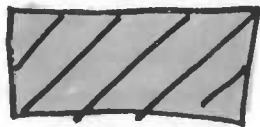
N/F
LT CHEESEMAN
N.L.B. 678-593



PROP. LDA
0.09 Ac.±
0.34 Ac.±
0.43 Ac.±
TOTAL

N/F
E.M. HAMILTON
N.L.B. 608-959

PROP.
CONV. EX.
DRIVEWAY
EASEMENT



= 0.43 acres
RCA to LDA

NOTES:

1. PRESENT ZONING: NAR
2. CONTOUR SOURCE: U.S.G.S. QUADRANGLE MAP AND FIELD RUN
3. B.R.L. = BUILDING RESTIRCTION LINE; 40' FRONT AND REAR, 10' SIDES; SHOWN THUS

Chesapeake Bay Critical Area Commission

STAFF REPORT

July 7, 1999

APPLICANT: Somerset County

PROPOSAL: Refinement - Proposed Growth Allocation, Resource Conservation Area to Limited Development Area for Convent of the Little Sisters of Jesus and Mary

JURISDICTION: Somerset County

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Meredith Lathbury

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1808.1 Growth Allocation in Resource Conservation Area

DISCUSSION:

The Little Sisters of Mary and Jesus own a small parcel located entirely in a designated Resource Conservation Area (RCA) in Somerset County. The Sisters use an existing family dwelling on the property for their novitiate residence, i.e. a convent. The Sisters are proposing to construct an additional dwelling structure that will house several people and provide a gathering area and sewing room. The Sisters submitted a request to Somerset County to change the Critical Area overlay on their 2.66 acre parcel from RCA to Limited Development Area (LDA). The Board of County Commissioners for Somerset County approved the request on June 1, 1999. The expansion of the convent requires growth allocation because it would be an institutional use in the RCA.

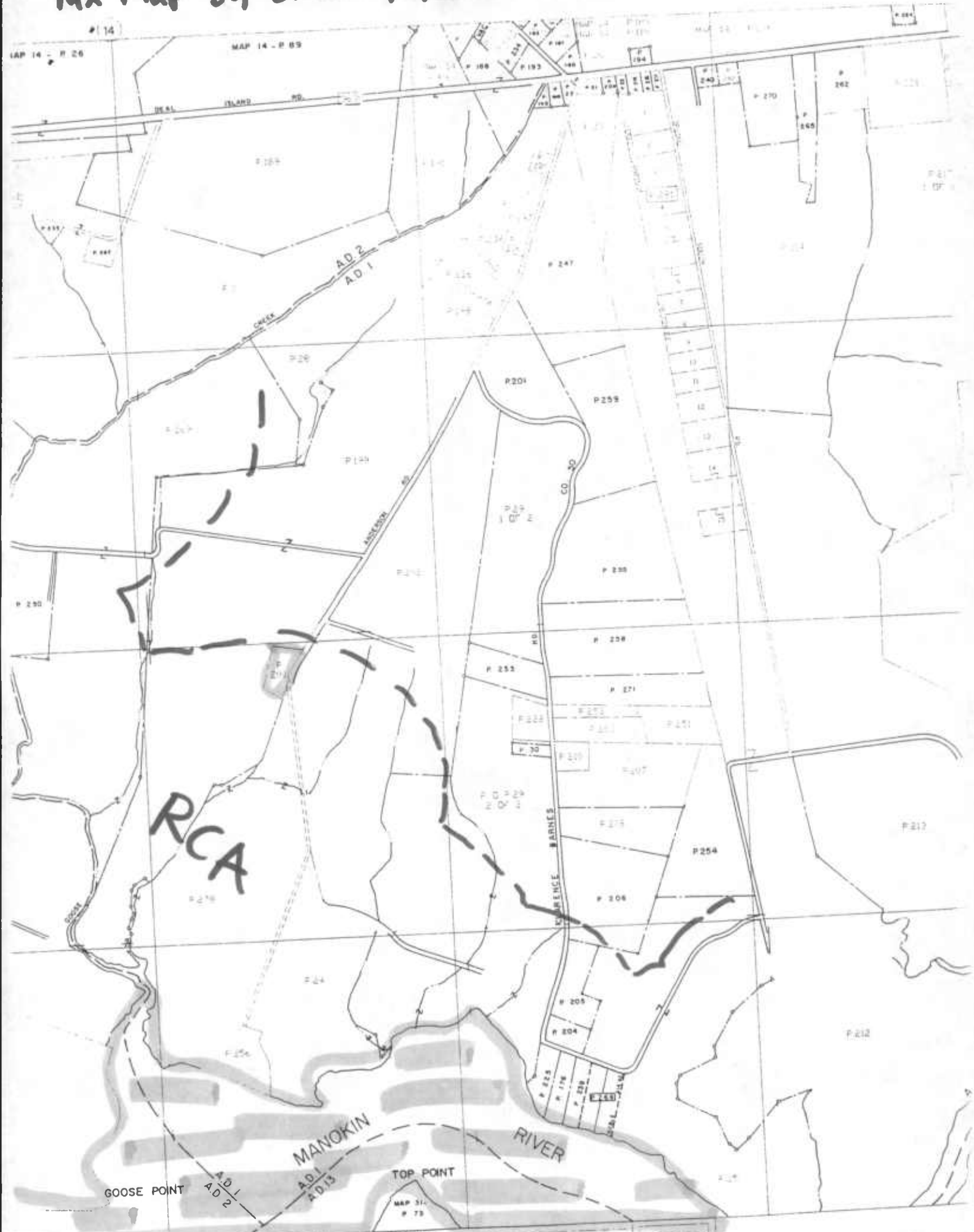
New LDA is usually required to be adjacent to existing IDA or LDA. In this case, the parcel is completely surrounded by RCA. However, there is an existing building on the site, and the growth allocation is needed to accommodate expansion of an existing structure and use.

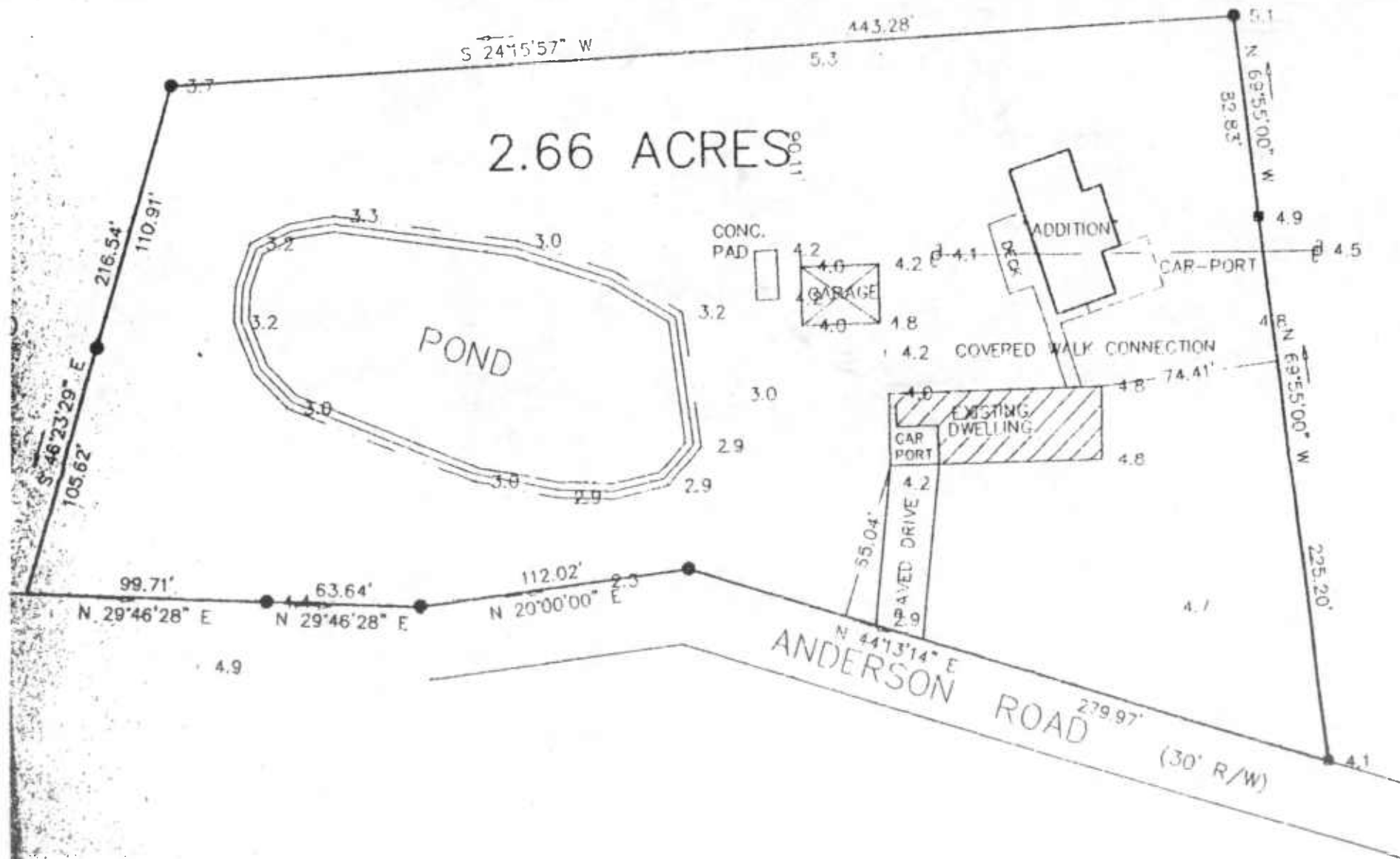
The preliminary plan shows an additional structure connected to the existing dwelling by a covered walkway. The County indicated that a planting plan is being developed to provide stormwater management measures. Vegetation and trees will be planted around the pond

existing on the property. There are no Buffer issues on this site. There are no Habitat Protection Areas identified on the site. Staff will continue to work with the County and the applicant to address design issues.

The Chairman of the Critical Area Commission has determined that this change constitutes a refinement to the Critical Area Program and is seeking concurrence with that determination.

Tax Map 22, Block 1b, Parcel 200





Info

Chesapeake Bay Critical Area Commission

STAFF REPORT

July 7, 1999

APPLICANT: Worcester County

PROPOSAL: Refinement - YMCA Growth Allocation

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Approval

STAFF: LeeAnne Chandler

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

DISCUSSION:

Worcester County is proposing to use 3.42 acres of growth allocation to change the Critical Area designation on a portion of Parcels 328 and 369 on Tax Map 84 from Limited Development Area (LDA) to Intense Development Area (IDA). The parcel, a total of 26.6 acres (with a total of 5.32 acres within the Critical Area), is currently forested. The proposed use is a YMCA facility including a 43,846 square foot building, associated parking and stormwater management facilities. Growth allocation is necessary due to the amount of impervious surfaces proposed on a portion of the property within the Critical Area. The parcel is located on US Route 113 northbound approximately 1 mile east of Pocomoke City.

Land use surrounding the parcel includes an Elks Lodge and the Pocomoke Landfill. Adjacent land within the Critical Area is designated LDA. The Worcester County Critical Area Program's Growth Allocation provisions require new IDAs to be located in LDAs or adjacent to existing IDAs. This project meets that requirement. Further, this project appears to be consistent with COMAR 27.01.02.06 and the Commission's policy on the use of growth allocation.

A site plan and landscaping plan will be available for review at the Commission meeting.

Chesapeake Bay Critical Area Commission

STAFF REPORT

July 7, 1999

APPLICANT: Maryland Department of Natural Resources

PROPOSAL: Janes Island State Park, Primitive Camping Areas

JURISDICTION: Somerset County

COMMISSION ACTION: VOTE

STAFF RECOMMENDATION: Approval with Conditions

STAFF: Meredith Lathbury

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05.01 - State Agency Actions Resulting in
Development on State-Owned Lands

DISCUSSION:

As part of DNR's Nature Tourism Program, Janes Island State Park is creating new opportunities for outdoor adventure activities. The Park is currently developing water trails that will guide canoes and kayaks around the island. The Park is also seeking to create three primitive camping areas that will be used by kayaking and canoeing visitors. Each campsite will hold no more than twelve (12) campers and will only be available by permit. Campsites will have three to four 8' x 8' (64 sq.ft.) or 8' x 12' (96 sq. ft.) wooden decking tent pads in order to minimize disturbance to the vegetation and to discourage campers from setting up tents outside of the designated areas. No trees will be cleared. The Park has selected sites that will require minimal clearing of underbrush. Campers will be instructed to use low-impact camping techniques. All waste must be removed from the sites and open fires will be prohibited. There will be no launching areas for canoes and kayaks. Canoes and kayaks will simply be beached while campers utilize the sites.

Site 1 is located at the north east end of the park on the Annemessex Canal. This camping site is located on an old dredge spoil area and is covered with small loblolly pines, eastern red cedar and plenty of poison ivy. The site is about 25 feet from the edge of the Canal. The tent pads will be placed in already naturally clear areas with no disturbance to vegetation or the ground.

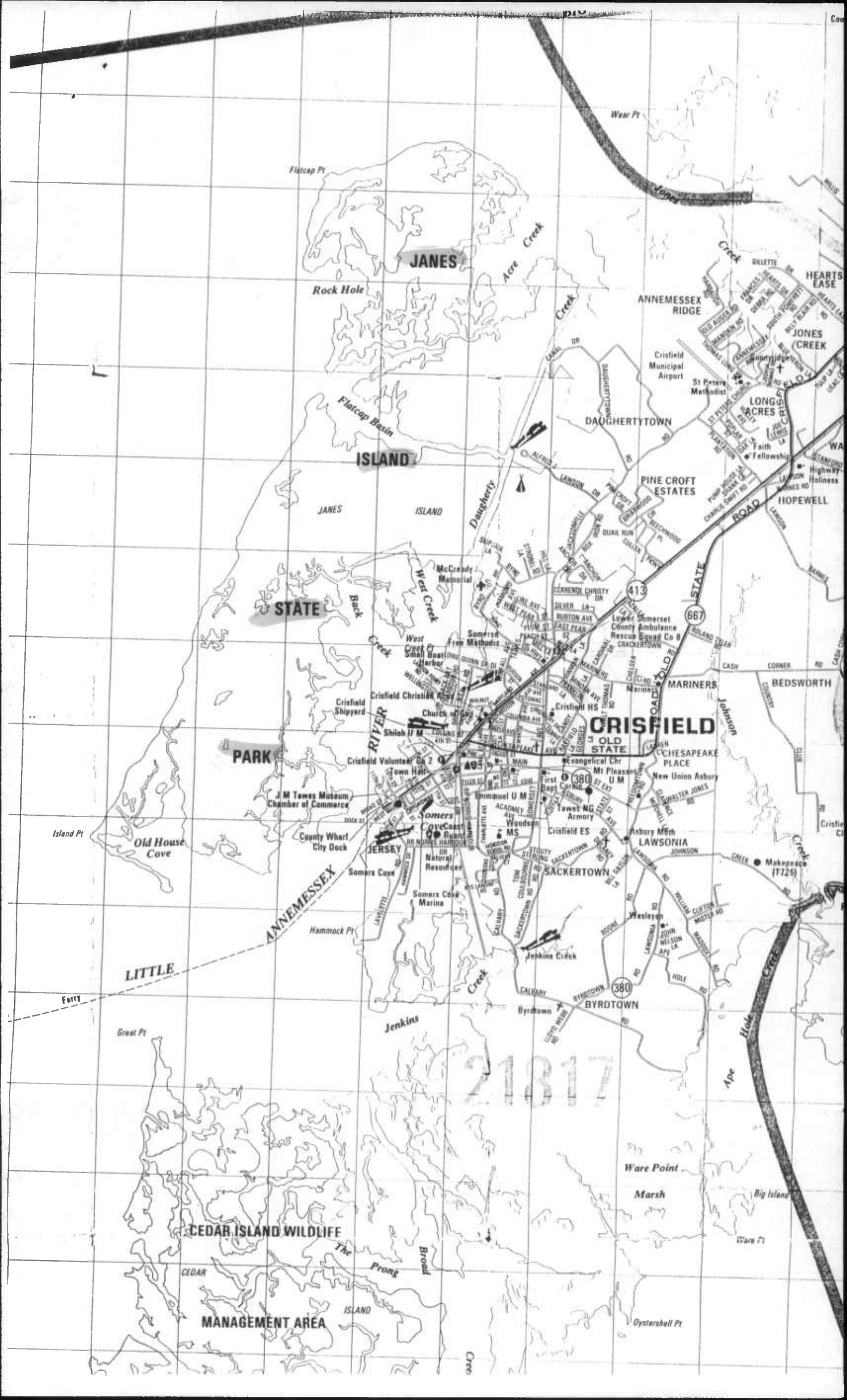
Site 2 is an old dredge spoil site along Ward Creek that supports growth of loblolly pine, cedar, and bayberry. This site will require the construction of a small, narrow boardwalk, about 25 feet in length from the water's edge to the sandy camping area. Staff believes that utilizing a

boardwalk at this particular site will minimize disturbance to existing grassy vegetation that must be crossed to gain access to the proposed camping area. DNR would like approval of the concept of a boardwalk in this location. Formal site plans will be developed with guidance and assistance from Commission staff.

Site 3 is adjacent to Long Point at the southern end of Janes Island. This is also an old dredge spoil site. No additional disturbance will be necessary for this site. The tent pads will be placed about seventy-five feet away from the Annemessex River, adjacent to a forested area. No trees or vegetation will need to be cleared.

Condition:

- ▶ DNR staff will work with Commission staff to develop a narrow wooden boardwalk, approximately 25 feet long and about 3 feet wide, with ½" spaces between the boards to allow water to flow through. The walk will run directly from the edge of the water to the sandy camping area. This boardwalk will be subject to approval of MDE.



Flatcap Pt

Wear Pt

JANES

Rock Hole

Acre Creek

ANNESSEX RIDGE

Flatcap Basin

ISLAND

DAUGHERTYTOWN

Crisfield Municipal Airport

St Peter's Methodist

LONG ACRES

PINE CROFT ESTATES

JANES

ISLAND

Daugherty

STATE

Back Creek

West Creek

Shiloh U M

Crisfield Christian

Crisfield Shipyard

Crisfield Volunteer Co 2

Town Hall

J.M. Tawes Museum

County Wharf

City Dock

Somers Cove

Somers Cove Marina

Somers Cove Natural Resource

JERSEY

Hammock Pt

ANNESSEX RIVER

Jenkins

Byrdtown

Byrdtown

Byrdtown

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Ware Point

Marsh

Big Island

Ware Pt

Oystershell Pt

21817

1. B. Sam -

approved

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

July 7, 1999

APPLICANT: Historic St. Mary's City Commission

PROPOSAL: Parking Lot Expansion and Development of Paths and Roads

JURISDICTION: St. Mary's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with Conditions

STAFF: Tracy Batchelder

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

DISCUSSION:

The Historic St. Mary's City Commission is proposing to improve and expand an existing parking lot and develop paths and roads at Historic St. Mary's City (HSMC) in St. Mary's County. Historic St. Mary's City was Maryland's first capital and is now an attraction for tourists and students. It is an archeologically sensitive site as many of the artifacts have not been uncovered and a large effort is made to preserve the site's integrity. The Critical Area Commission approved the Master Plan Update for HSMC in 1992. The plans for the parking lot, paths and roads are consistent with the Master Plan.

The existing parking lot is 31,014 square feet and is constructed of bank run gravel. The parking lot was poorly designed for the increasing bus traffic from school tours. Student visitation to HSMC has risen from 11,396 in 1993-1994 to 23,678 in 1997-1998. Visitation by the public has also increased; over 57,000 people visited HSMC in 1998. In addition, the lot is used for special events at the State house or Farthing's Ordinary and when groups rent HSMC facilities after hours. The HSMC Commission intends to maximize the space available by reconfiguring the design, paving and lining the lot, and extending it a short distance to the south. A berm will be created to screen the lot from the historical reconstructions and this will be planted as will other areas within the lot. The total impervious surface for the lot will be 46,157 square feet, an increase of 15,143 square feet of impervious surface. Stormwater runoff from the parking lot will be treated by an infiltration system located adjacent to the lot. The infiltration system will treat the first half-inch of runoff from the parking area and will provide approximately 7,200 cubic feet of storage volume.

Exhibits at HSMC are scattered around 70 acres, requiring a substantial amount of walking for visitors. One of the top priorities at HSMC is to increase visitation and making the site as user friendly as possible is necessary to achieve this objective. The HSMC Commission plans to pave existing roads and create roads in a 17th-Century Baroque design with colored asphalt. The roads will become a major interpretive theme of the Museum. The new and existing pathways will be paved in colored asphalt and will be necessary to connect all the areas of the site and also to provide service and emergency access. Another goal of the paving project is to make the site as ADA accessible as possible. Several of the proposed paved roads are currently in bank run gravel (31,480 square feet). New paved roads and paths will create a total of 36,540 square feet of new impervious surface.

In order to avoid excavating in archeologically sensitive areas, the roads and paths will be built up approximately four inches on existing gravel and ten inches on the ground. There are some sites where runoff is ponding at low points on the property. The HSMC Commission feels that additional damming of water may occur at these areas where the paths and roads are built up. In anticipation of this problem, drainage pipes will be installed across portions of the roads in order to funnel water from behind the roads. The pipes will be six inch PVC and will discharge at a low velocity into adjacent grassy areas. The HSMC Commission is aware that the small size of the pipes may pose a maintenance issue and is prepared to regularly clean out the pipes. Two of the pipes are planned adjacent to the Buffer and near steep banks. A condition of approval of the project will be that staff from HSMC will monitor this area for erosion problems and Commission staff will meet with HSMC staff onsite in one year to determine the effectiveness of the pipes and any modifications that may be necessary.

Across the footbridge from the visitor center a catch basin will be installed to collect runoff. The runoff will be piped to a drop inlet at the stream where the pipe will be lowered so that the water is discharged at the level of the channel. The entire site contains fairly permeable soils (Sassafras sandy loam) and extensive grassy areas, thus infiltration will treat some of the stormwater runoff. In addition, the infiltration system used to treat the parking lot stormwater runoff will be over-managed (increased in size) to offset the increases in runoff from the new paths and roadways.

Ten trees will be cleared in order to expand the parking lot. HSMC staff will be planting approximately 50 trees and 100 shrubs around the parking lot which will more than compensate for the trees removed. There are no habitat protection areas on the site.

The HSMC Commission has submitted the plans to MDE and they are in the process of review. Commission staff have spoken to MDE staff regarding the project and plan to receive verbal approval of the plans from MDE by the July 7th Commission meeting. Construction is expected to commence in July 1999 and be completed by September 1999.

Staff recommend approval of the project with the following condition:

1. Staff from HSMC will monitor the bank along Aldermanbury Street for erosion problems and Commission staff will meet with HSMC staff onsite in one year to determine the effectiveness of the pipes and any necessary changes.