

Chesapeake Bay Critical Area Commission
Department of Housing and Community Development
Crownsville, Maryland 21401
Conference Room 1100A
August 4, 1999
AGENDA

1:00 p.m. - 1:05 p.m. Approval of Minutes of July 7, 1999 John C. North, II, Chairman

1:05 p.m. - 1:35 p.m. SPECIAL PRESENTATION
Nita Settina, DNR
DNR's Nature Tourism Program

*Shirley Settina for
J. I. Heam.*

PROGRAM AMENDMENTS and REFINEMENTS

1:35 p.m. - 1:45 p.m. Refinement, Worcester County, YMCA Growth Allocation LeeAnne Chandler, Planner

1:45 p.m. - 1:55 p.m. Refinement, Queen Anne's County, Growth Allocation for White Pines Susan McConville Zankel, Planner

1:55 p.m. - 2:10 p.m. Refinement, Queen Anne's County Mapping Mistake for Thompson Creek Shopping Center Susan McConville Zankel, Planner

2:10 p.m. - 2:20 p.m. Refinement, City of Annapolis Annexation Chrisland Development Dawnn McCleary-Evans, Planner

PROJECT EVALUATION

2:20 p.m. - 2:30 p.m. VOTE, Charles County, DNR Smallwood State Park Marina Parking Lot Expansion LeeAnne Chandler, Planner

2:30 p.m. - 2:40 p.m. VOTE, Dorchester County, Hyatt Chesapeake Resort Buffer Exemption Ren Serey, Exe. Director CBCAC

2:40 p.m. - 2:50 p.m. Old Business John C. North, II, Chairman
New Business
~~Appoint Panel for Cambridge~~
Appoint Panel for Denton

Next Commission Meeting September 1, 1999 - Crownsville, Maryland

SUBCOMMITTEES

10:15 a.m. - 12:00 a.m. Program Implementation and Amendments

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

Worcester County/YMCA Growth Allocation	LeeAnne Chandler, Planner
Queen Anne's County/Thompson Creek Shopping Center Mapping Mistake	Susan McConville Zankel, Planner
Queen Anne's County/White Pines Growth Allocation	Susan McConville Zankel, Planner
City of Annapolis Annexation Chrisland Development	Dawnn-McCleary-Evans, Planner
Queen Anne's County/White Pines Growth Allocation	Susan McConville Zankel, Planner
Anne Arundel County/Discussion of RCA Uses	Lisa Hoerger, Planner
Discussion of Buffer Access Issues	Ren Serey, Executive Director

11:30 a.m. - 12:00 a.m. Project Evaluation

Members: ~~Langner~~, Bourdon, Cooksey, Giese, Foor, Corkran, Jackson, Goodman, Van Luven, Hearn, Wilde Cain, Olszewski, Witten, McClean

DNR, Smallwood State Park, Marina Parking Lot Expansion	LeeAnne Chandler, Planner
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Chesapeake Bay Critical Area Commission
Nassawango Country Club
Pocomoke City, Maryland
July 7, 1999

The Chesapeake Bay Critical Area Commission met at the Nassawango Country Club in Pocomoke City, Maryland. The meeting was called to order by Chairman John C. North, II with the following Members in attendance:

Bourdon, Dave, Calvert County	Williams, Roger, Kent County
Jackson, Joe, Worcester County	Grey, Bruce for Heidi VanLuven, Dept. Of Transportation
Olszewski, John A., Balt. County	Myers, Andrew, Caroline County
Corkran, William, Talbot County	Wynkoop, Samuel, Prince George's County
Duket, Larry, Md. Of. Plng.	Barker, Philip, Harford County
Samorajczyk, Barbara D., Anne Arundel County	Setzer, Gary for Hearn, J.L., Md. Dept. Env.
Dr. Foor, James C., Queen Anne's Co.	Giese, William, Jr., Dorchester Co.
Johnson, Samuel Q., Wicomico Co.	Goodman, Robert, Md. Dept. of Housing & Comm. Dev.
Cooksey, David W., Charles County	Witten, Jack, St. Mary's County

The Minutes of June 2, 1999 were approved as read.

Chairman North introduced and made welcome the newest members to the Commission, Mr. Jack Witten representing St. Mary's County; Mr. John Olszewski, Sr., representing Baltimore County. He introduced Gary Setzer attending for J. L. Hearn, Maryland Department of the Environment and Bruce Grey attending for Heidi Van Luven, Maryland Department of Transportation. He announced and congratulated the Governor's reappointments to the Commission, Dave Bourdon, Calvert County; Charles Graves, Baltimore City and Q. Johnson, Wicomico County. The Chairman introduced Joseph Jackson, Worcester County representative who gave welcoming remarks

Lee Anne Chandler, Planner, CBCAC gave a brief introduction to a presentation on the Maryland coastal Bays Program (MCBP). She introduced Dave Wilson, Public Outreach Coordinator with the MCBP. The MCBP is part of the National Estuary Program (NEP) sponsored by the EPA. The NEP was started in 1987 with the reauthorization of the Clean Water Act. Under the NEP, a "bottom-up" approach is used to bring farmers, fishermen, developers and environmentalists together to brainstorm common sense ways to protect the estuaries where they live and work. The MCBP has just finished a three-year planning process, culminating June 29th with the signing of the Comprehensive Conservation Management Plan - a compilation of 181 pages of strategies to accomplish water quality, wildlife, recreation, and growth goals for the Coastal Bays. This plan is set up for 16 years in which to implement the actions recommended by the "bottom-up" approach with the cooperation of the local, state and federal agencies. Katherine Munson, Worcester County was on hand to answer questions.

Kristy Romagna, CBCAC Intern, presented for concurrence with the Chairman's determination of **Refinement** the proposed special Growth Allocation for the Knowles property in **Cecil County**. This property does not meet the criteria for intra-family transfer. The request to change 0.43 acres of the Olive Knowles property from RCA to LDA for the creation of two residential lots has been approved by the Board of County Commissioners of Cecil County and a favorable recommendation from the Cecil County Planning Commission. There are two defined processes for awarding growth allocation under the Cecil County Critical Area Program and this request meets the criteria described for "Special Growth Allocation" and is not limited in the sections of the County's program on growth allocation. The building area on both of the proposed growth allocation lots will not be in the Critical Area. The clearing in the Critical Area has been minimized and any forest removed will be replaced. The Commission supported the Chairman's determination.

Meredith Lathbury, Planner, CBCAC presented for concurrence with the Chairman's determination of **Refinement** a growth allocation request for the Little Sisters of Mary & Jesus Convent in **Somerset County**. A request was submitted to the Board of County Commissioners to Somerset County to change the Critical Area overlay from RCA to LDA on a 2.66 acre parcel for the expansion of the Convent (considered an institutional use) and for expansion of an existing structure. There are no buffer issues on this site. There are no Habitat Protection Areas identified. A planting plan is being developed to provide stormwater management measures and design issues will be addressed. The Commission supported the Chairman's determination of Refinement.

Lee Anne Chandler, Planner, CBCAC presented for **INFORMATION**, a growth allocation request for a 43,846 square foot building with parking and stormwater management facilities which includes a YMCA facility in **Worcester County** one mile east of Pocomoke City. She described the technical details of the proposal. She said that 4.77 acres of this project is in the Critical Area and is currently forested. The project is designated LDA and growth allocation is necessary because of the amount of impervious surface created by this project. Because of delays at the County level, the Commission has not received an official request for this Refinement. This project meets the Worcester County's Critical Area Program growth allocation adjacency requirement and appears to be consistent with COMAR and the Commission's policy on the use of growth allocation. It is anticipated that this will come to the Commission for their Concurrence at the August meeting.

Ms. Lathbury presented for **VOTE** a proposal by the Maryland Department of Natural Resources to create three primitive camping areas around the Janes Island State Park in **Somerset County**. No trees will be cleared with a minimal clearing of underbrush. At site 2, along Ward Creek, the construction of a small, narrow boardwalk is proposed to minimize the

disturbance to existing grassy vegetation. She said that DNR staff will work with Commission staff to develop a narrow wooden boardwalk, approximately 25 feet long and about 3 feet wide, with 1/2" 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 and will be subject to MDE approval. Dave Bourdon moved to approve the project as presented. The motion was seconded by Dave Cooksey and carried unanimously.

Tracy Batchelder, Planner, CBCAC presented for VOTE the proposal by the Historic St. Mary's City Commission in St. Mary's County, to improve and expand an existing parking lot and for the development of paths and roads in the Historic City. The Commission approved the Master Plan Update for Historic St. Mary's City in 1992 and the plans for the parking lot, paths and roads are consistent with the Master Plan. Ms. Batchelder described the technical details of the project. She said that the total impervious surface for the parking lot will be 46,157 square feet, an increase of 15,143 square feet. Stormwater runoff will be treated by an infiltration system located adjacent to the lot. Because of the archeological sensitivity of the areas, roads and paths will be built up on existing gravel to avoid excavations, and at low points where runoff is ponding drainage pipes will be installed across portions of the roads to funnel water from behind the roads. Two pipes are planned adjacent to the Buffer and near steep banks. Runoff measures are in place. HSMC staff will plant trees and shrubs to compensate for the trees removed. There are no habitat protection areas on site. MDE is reviewing the project. Dave Bourdon moved to approve the project with two conditions: 1) that 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; 2) and that MDE approve stormwater management. The motion was seconded by Bob Goodman and carried unanimously.

OLD BUSINESS

Ren Serey, Executive Director, CBCAC updated the Commission on the Hyatt project in Cambridge in Dorchester County. He said that next month there may be another adjustment in the project which is progressing slowly. Gary Setzer, representing MDE, said there are no wetland permits for this project yet. Settlement of the ownership of the property from State to private will occur soon and will come under the City of Cambridge's Critical Area Program. The Critical Area Commission has given conditional approval for growth allocation. He said that the Planning Commission will have their first hearing on August 3rd and after that, if there is a favorable recommendation, it will go to the Mayor and City Commissioners and then back to this Commission for final approval.

NEW BUSINESS

Marianne Mason, Esquire, Assistant Attorney General, DNR and Commission Counsel updated the Commission on legal affairs. She told the Commission she argued three cases last month, two at the State Court of Appeals, *Belvoir Vs. North* and *White vs. North*. In Circuit Court in Talbot County, the *Mastandrea* case involved an applicant who had built a walkway in the Buffer and have tried to turn the case into a referendum on the issue of "handicap accessibility" to the water. The Commission won in Circuit Court. However, the Judge was reluctant to overturn the variance because of the circumstances of the case. He ruled that the Americans with Disabilities Act did not apply for legalizing structures in the Buffer and that the variance standard in the Talbot County Program had not been met. The applicant was ordered to remove the walkway. In the Court of Special Appeals, the *Kelly* case involving a site specific Buffer variance for a pool in the Buffer in Wicomico County, will be argued in the fall.

Chairman North appointed a panel for the Comprehensive Review for Queenstown: Dr. Foor, Andrew Myers, Roger Williams, and Bill Corkran. He also designated Dr. Foor as Vice Chair to the Commission succeeding Mike Whitson who has retired from the Commission.

The Chairman reminded the Commission that the Maryland Independence has been secured for the express purpose of meeting with them on September 16th. Commission staff will be presenting an overview of the Critical Area Program for the orientation of the new members to the Commission. He said that the boat will provide the needed opportunity to see first hand the shoreline of the Critical Area and encouraged all to attend.

The August meeting of the Commission will be held at the regular meeting location in Crownsville.

There being no more business, the meeting adjourned.

Minutes submitted by: Peggy Mickler, Commission Coordinator

Chesapeake Bay Critical Area Commission

STAFF REPORT

August 4, 1999

APPLICANT: Department of General Services/City of Cambridge

PROPOSAL: Buffer Exemption: Hyatt Regency - Chesapeake Bay Resort

JURISDICTION: City of Cambridge

COMMISSION ACTION: Amendment to Concept Approval for Growth Allocation

STAFF RECOMMENDATION: Approval

STAFF: Ren Serey

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article 8-1809 (j)
COMAR 27.01

DISCUSSION:

On September 2, 1998, the Critical Area Commission granted Concept Approval for growth allocation for the Hyatt Regency - Chesapeake Bay Resort in Cambridge. That approval noted certain areas of the site which qualified for Buffer Exemption. The Commission attached several conditions to its Concept Approval; these are attached in the form of the Special Subcommittee's Report. The Commission granted an additional area of Buffer Exemption in late 1998. Due to more detailed site planning, the developers have identified an additional area of the Buffer necessary for stormwater management. This area is shown on the attached site plan. Also attached is the request from Andrews, Miller & Associates which more fully explains the request.

Staff has conducted a site visit and recommends approval of the Buffer Exemption Area. The area has been disturbed as part of the existing Eastern Shore Hospital Center. It was not identified for Buffer Exemption in the initial planning because it was not known at the time that the area would be needed for future development.

Representatives from Andrews, Miller will be present at the Commission meeting to explain the request.



CONSULTING ENGINEERS AND SURVEYORS

Andrews, Miller & Associates, Inc.

EDWARD T. FULFORD, P.E., PRESIDENT
KENNETH M. USAB, P.E.
ONER YUCEL, Ph.D., P.E.

July 21, 1999

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

RECEIVED

JUL 26 1999

Attn: Mr. Ren Serey, Executive Director

Re: Hyatt Regency Chesapeake Bay Resort
AMA 96091.15

**CHESAPEAKE BAY
CRITICAL AREA COMMISSION**

Dear Mr. Serey:

This letter is pursuant to our recent request for designating portions of the northern shore of Shoal Creek as buffer exempt. The area extends from the water tower in the vicinity of the green for golf hole 17 to the existing gymnasium in the vicinity of the existing filled causeway.

This request is a result of continued refinement of the design concept through coordination with Critical Area Commission Staff, MDE and Federal Tidal and Non-Tidal Wetland Permit representatives.

The area in question is already extensively disturbed. Existing central plant facilities, parking lots, access drives, fuel storage facilities, baseball fields and a tennis court exist in this area. The quality of the existing narrow buffer is marginal at best with few trees that are not diseased and extensive amounts of invasive non-native vegetation. The developers propose to remove existing structural features from within the 100 foot buffer area and will generally restore the buffer in accordance with an approved management plan with the following exceptions:

1. Construction of a stormwater management facility to pre-treat run-off from the hotel expansion/residential development area on the northeast side of the green for golf hole 17. The current proposal would entail construction of a shallow wetland pond or biofiltration swale type facility in the vicinity of the existing power plant. The concept would require installation of a flow-splitter system in the storm drains. The first flush / water quality volume would be directed to the pre-treatment facility prior to discharge into Shoal Creek. The two-year and ten-year storms would by-pass the pre-treatment facility and discharge directly into Shoal Creek through a stable tidal outfall. This approach will ensure that the maximum water quality benefits are achieved. The extent of this facility may exceed the existing impervious area.
2. Depending on the final configuration of the site grading and hotel design, a second water quality facility is proposed at an existing storm drain outfall adjacent to the existing tennis courts and softball field. This facility will permit effective pre-treatment of run-off from a large portion of the main hotel structure and adjacent landscape / hardscape and parking areas.

The proposed facilities should be feasible with minimal encroachment in the area extending from the Mean High Water Line, extending approximately 50 feet landward. We believe these facilities will be more effective for pre-treatment of the run-off as compared to water quality inlets. The wetland/biofiltration measures would also be easily integrated in the overall buffer management plan for the northern shore of Shoal Creek.

The final size of these facilities has not been determined to date. We should have more information

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CAMBRIDGE, MARYLAND 21613
TEL.: 410-228-7117
FAX: 410-228-2735
e-mail: ama@dmv.com

WESTERN AREA OFFICE:
621 RIDGELY AVE., SUITE 404
ANNAPOLIS, MARYLAND 21401
TEL.: 410-897-1004
FAX: 410-897-1005
e-mail: amaa@erols.com

Mr. Ren Serey
Page 2 of 2
July 21, 1999


regarding the extent of the pre-treatment facilities for presentation at the Commission meeting on August 4, 1999. Representatives of MDE and the Corps of Engineers have reviewed the concept as part of their consideration of the water quality certification issuance for this project and do not object to the proposal.

The design team has integrated numerous other features to enhance water quality within the framework of the initial concept approved by the Critical Area Commission. These modifications were based on Commission comments during previous meetings, coordination with Critical Area Commission Staff, and through our work with other State and Federal regulatory agencies. We would be willing to provide a brief summary of these enhancements if the Commission is interested in an overall project update.

Thank you for your assistance regarding this matter. If you have any questions or comments, do not hesitate to contact us.

Very truly yours,

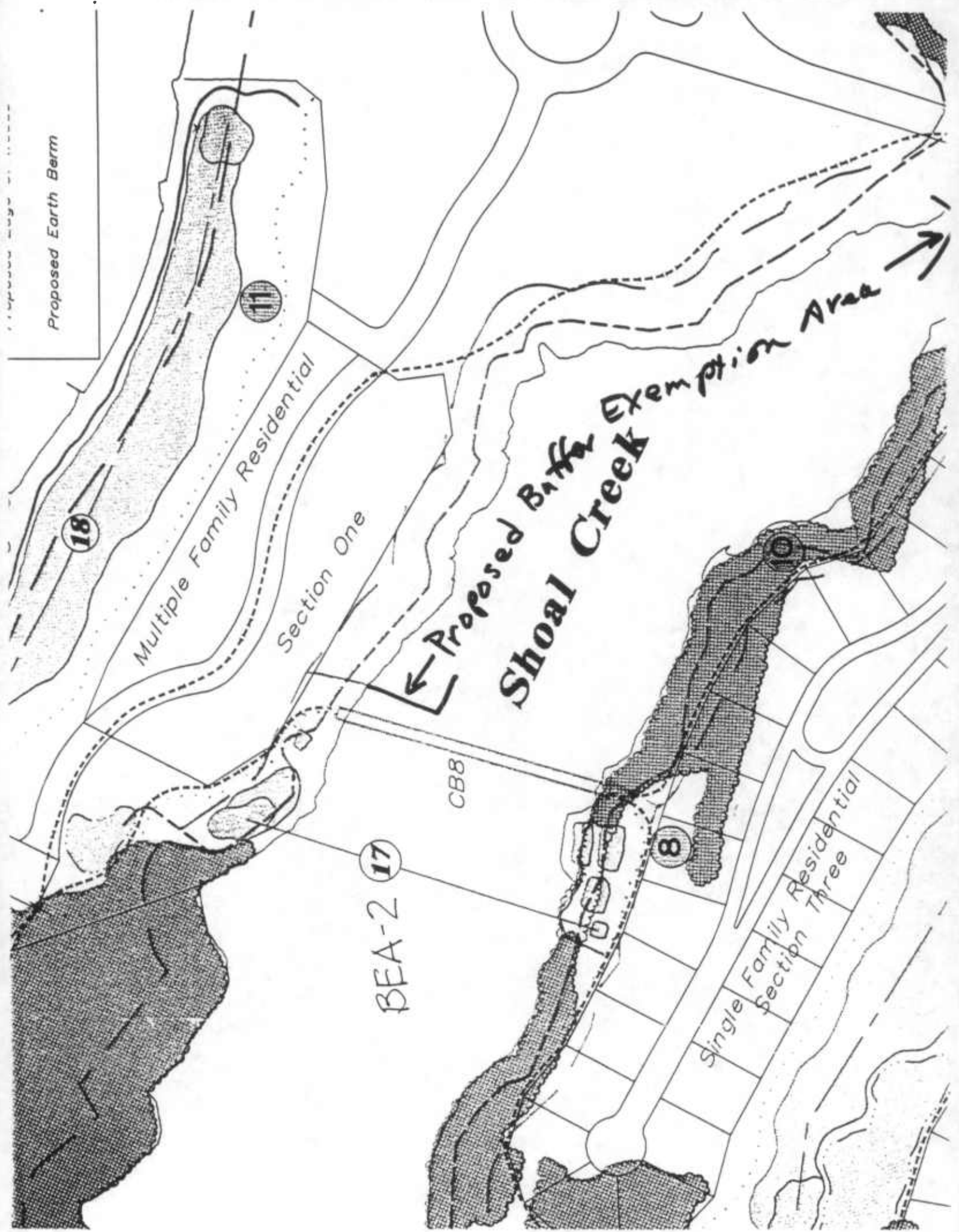
ANDREWS, MILLER & ASSOC., INC.



Kenneth M. Usab, P.E., Engineering Manager

CC: Mr. Chris Chambers
Mr. William McAllister

KMU:mw



Proposed Earth Berm

18

11

Multiple Family Residential

Section One

Proposed Buffer Exemption Area

Shoal Creek

CBB

BEA-2 17

8

Single Family Residential
Section Three

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.

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Attachment 1

September 2, 1998

Grand Hyatt Resort in Cambridge

The following conditions are proposed by the Department of Natural Resources for incorporation into concept approval by the Critical Area Commission for the Grand Hyatt Resort in Cambridge:

Golf Course Design

1. The realigned Hole #17 will be placed in the location shown to DNR staff (Schwaab and Smith) at the June 4, 1998 site meeting, e.g. on what is currently mowed lawn adjacent to the existing water tower and the easternmost group of trees along the unnamed tributary to Shoal Creek east of the existing heron colony.
2. A permanent hedge will be planted along the cart path between Hole #17 and the "T" for Hole #18 and left to grow to a ~~maximum~~ ^{minimum} height of 8 feet using woody evergreen species.
3. A walking trail will be allowed through Heron Point Woods provided it is not used during the Great Blue Heron nesting season (February 15 - July 31). Additionally, the trail shall be constructed of a rough porous material and shall follow the existing trail around the northern, western and southern edges of Heron Point Woods to the existing meadow area, where it will run north through the meadow area and connect back with the existing trail on the north side of the woods. The meadow area shall be planted in native forest species to further visually screen the trail from the heron nesting area and discourage off-path movement.

Construction

4. All clearing, earth moving and other landscaping or development activities for Hole #17, the "T" for Hole #18, the cart path between Hole #17 and #18, and adjacent areas shall occur outside of the Great Blue Heron nesting season (February 15 - July 31).
5. Construction of the bridge ^{and utility line replacement} across Shoal Creek shall be conducted during the period August 1 through November 30 to minimize disturbance to Canada Geese in the waterfowl staging and concentration area and to heron during their nesting season.

Post Construction

6. Golf course/conference center operators will exclude all people from Heron Point Woods during the heron nesting period (February 15 - July 31).
7. Golf course rules will state that no one is allowed to retrieve golf balls or equipment in the woods adjacent to the green at Hole #17 and #18, or in the Heron Point Woods. This will be indicated with placement of appropriate signage and enforced by course marshals.

8. The Department of Natural Resources will be given access to Heron Point annually to monitor the heron rookery during their breeding season and to count heron nests.

9. Heron Point Woods shall be designated as a conservation ^{area} ~~zone~~ where no logging or above grade construction is permitted. The developer shall coordinate with the local government to develop appropriate regulations in this regard.

Attachment 2

Maryland Department of the Environment
Water Management Administration
Wetlands and Waterways Program
2500 Broening Highway
Baltimore, Maryland 21224

September 1, 1998

MEMORANDUM

TO: Ren Serey
FROM: Gary Setzer
SUBJ: Hyatt Regency Chesapeake Bay Resort

As we discussed over the telephone, the Maryland Department of the Environment recommends that the following condition be included in the Subcommittee's report:

The proposed development, to the extent possible, shall pre-treat stormwater runoff prior to discharging into the waters of the State. The Commission and the Maryland Department of the Environment shall work with the Development Team to ensure that proper pre-treatment, in the form of stormwater best management practices, is incorporated into the construction plans. Possible management measures may include open channel swales, bio-retention structures, pocket wetland marshes, sand filters, etc. These and other techniques may be incorporated into a water quality management plan to ensure that stormwater discharges meet State water quality standards.

Chesapeake Bay Critical Area Commission

STAFF REPORT

August 4, 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

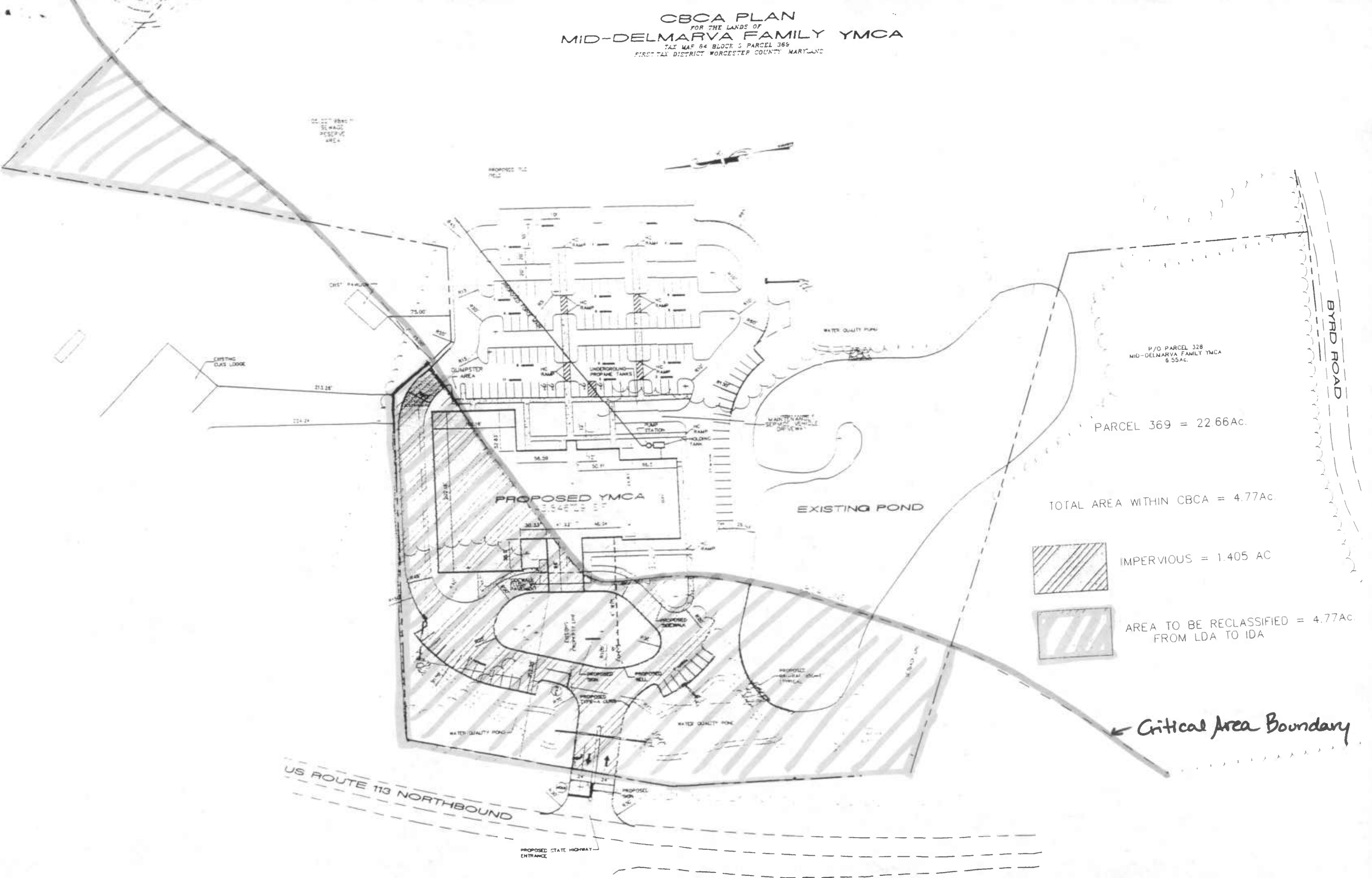
DISCUSSION:

Worcester County is proposing to use 4.77 acres of growth allocation to change the Critical Area designation of Parcel 369 on Tax Map 84 from Limited Development Area (LDA) to Intense Development Area (IDA). The parcel, a total of 22.66 acres (with a total of 4.77 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 within the Critical Area portion of the property. The parcel is located on US Route 113 northbound approximately 1 mile east of Pocomoke City.

No habitat protection areas will be affected by this proposal. The 10% pollutant reduction requirements will be met through on-site stormwater management ponds.

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.

CBCA PLAN
 FOR THE LANDS OF
MID-DELMARVA FAMILY YMCA
 TAX MAP 84 BLOCK 5 PARCEL 369
 FIRST TAX DISTRICT WORCESTER COUNTY MARYLAND




P/O PARCEL 328
 MID-DELMARVA FAMILY YMCA
 6.55 AC.

PARCEL 369 = 22.66 AC.

TOTAL AREA WITHIN CBCA = 4.77 AC.

 IMPERVIOUS = 1.405 AC

 AREA TO BE RECLASSIFIED = 4.77 AC.
 FROM LDA TO IDA

← Critical Area Boundary

US ROUTE 113 NORTHBOUND

PROPOSED STATE HIGHWAY
 ENTRANCE

Chesapeake Bay Critical Area Commission

STAFF REPORT

August 4, 1999

APPLICANT: Queen Anne's County

PROPOSAL: Refinement - White Pines, proposed Growth Allocation to change 9.85 acres of Resource Conservation Area (RCA) to Limited Development Area (LDA).

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Susan McConville Zankel

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

DISCUSSION

Queen Anne's County requests approval of a Growth Allocation to change 9.85 acres of land designated as RCA to LDA. The Planning Commission reviewed and approved the request for growth allocation with conditions during a public hearing held on June 10, 1999. The conditions of the Planning Commission's approval are attached (See attached letter to Commissioners, p. 2). The Queen Anne's County Commissioners conceptually approved the petition on Tuesday, July 6, 1999, and forwarded it to the Critical Area Commission for review and approval. The County has requested that the proposed growth allocation be reviewed as a refinement.

The purpose of the growth allocation is to allow the development of approximately 15 lots in the Critical Area portion of the property. The property consists of a 35.88 acre tract on the north side of U.S. Route 50/301 on Benton Road and immediately east of the Queen Anne's County Love Point Park. The Property is zoned Stevensville Master Plan District and contains 9.85 acres within the Critical Area designated as RCA. The property is located in the Stevensville Growth Area as designated by the 1993 Comprehensive Plan Update for Queen Anne's County and was pre-mapped for growth allocation under the Stevensville Community Plan adopted in October of 1998.

Wetland jurisdictional determinations have been made by the Army Corps of Engineers and the Maryland Department of the Environment. There may be some impacts to non-tidal wetlands on the property. An application for impacts has been submitted to MDE for review and approval. The proposed development will impact forest. All forest impacts must be mitigated on site as condition of the local growth allocation approval.

The Maryland Department of Natural Resources has no records of Federal or State rare, threatened or endangered plants or animals within the project area. The proposed growth allocation will be located adjacent to the Critical Area Boundary and consists of no waterfront property. This request is consistent with the 1996 Queen Anne's County Critical Area Program, *Policies on Future Growth in the Critical Area*, in that, "new IDA or LDA within a designated Growth Sub-area does not need to be located within or adjacent to existing IDA or LDA if the proposed location is consistent with an adopted Growth Sub-area Plan".

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.



DEPARTMENT OF PLANNING AND ZONING
QUEEN ANNE'S COUNTY

107 N. LIBERTY STREET
CENTREVILLE, MARYLAND 21617

410-758-4088 Permits
410-758-3972 Fax
410-758-1255 Planning
410-758-2905 Fax

June 29, 1999

Commissioner Marlene F. Davis
Commissioner John T. McQueeney, Jr.
Commissioner George M. O'Donnell

JUL 9 1999

Re: White Pines, A Maryland Partnership
GA# 04-99-01-C Critical Area Growth Allocation
Planning Commission Public Hearing
Official Report and Recommendations

CHESAPEAKE BAY

1999

CRITICAL AREA COMMISSION

CHESAPEAKE BAY

CRITICAL AREA COMMISSION

Dear Commissioners:

In accord with Growth Allocation procedures the County Commissioners referred the Growth Allocation Petition for White Pines, A Maryland Partnership to the Planning Commission for a public hearing to accept public comment and make a recommendation to the County Commissioners.

The Planning Commission held a public hearing on June 10, 1999. The Planning Commission considered the following when making a recommendation:

- The proposed use is consistent with the Queen Anne's County Comprehensive Plan and the goals and objectives of the Stevensville Growth Area Plan.
- New development and awards of growth allocation should be focused in designated growth areas. The property is located in the Stevensville Growth Area.
- The property was rezoned Stevensville Master Planned Development (SMPD) to accommodate higher density development. The new SMPD zoning designation is inconsistent with the limitations of the Resource Conservation Area (RCA) critical area designation.
- The critical area portion of the property was pre-mapped for growth allocation as part of the Stevensville Growth Area Plan.
- The property is adjacent to the Cloverfields which is one of the largest single family subdivisions in the county.
- The property is located on the outer limits of the critical area. The closest lot line will be approximately 600' from the mean high water line.
- Granting of growth allocation will not impact the shore buffer, protected resources, habitat protection areas or the character of the existing waterfront.
- The property can easily be connected into the existing public water and sewer system. The property has been designated as S-1/W-1 in the Master Water and Sewer Plan since 1991.

The Planning Commission made a favorable recommendation to the County Commissioners for growth allocation to White Pines, A Maryland Partnership to amend Critical Area Maps No's. 48, 49, 56, and 57 in order to redesignate 9.85 acres of land from Resource Conservation Area (RCA) to Limited Development Area (LDA) to allow for 15 dwelling units to be constructed

TDD: 410-758-2126

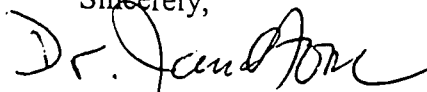
within the critical area of a proposed planned unit cluster subdivision, with the following conditions:

1. Provide a minimum of 20' separation between lot lines and stormwater management ponds.
2. The applicant maintain the 50' wide wooded buffer between Love Point Park and the proposed lots.
3. Provide woodland screening along the Cross Island Trail and screening of any RV and/or boat storage area.
4. The homes constructed be substantially similar in architectural style as those presented.
5. No long term protected woodlands be permitted on individual cluster lots.
6. Woodland clearing on the individual cluster lots be the minimum necessary to construct a home and reasonable accessory structures.
7. All required mitigation for woodland clearing be provided on site.
8. The Growth Allocation petition be revised to reference all four critical area overlay maps affected by the petition. (Maps 48, 49, 56, & 57)
9. The 9.85 acres of growth allocation be utilized for the subdivision proposed which will be substantially similar in design as the sketch plan approved by the Planning Commission on April 8, 1999.
10. Provide unimpeded, adequate public access to the Cross Island Trail from the sidewalk system associated with the subdivision.
11. Provide a Home Owners Association (HOA) for all homeowners in the subject area, with associated homeowner documentation which will provide adequate funding from the community homeowners to provide the means to support and maintain the sidewalks in the community, stormwater management, open space, and pedestrian linkage to the Cross Island Trail. Funding must be substantial enough to provide adequate liability insurance for the area under the Homeowner Associations's management, as well. Such association documentation must be approved by the Planning Commission's attorney and Planning Staff.

The motion was made by Mr. Hawes and seconded by Mr. Weese. The vote passed unanimously and Commissioner McQueeney abstained.

This letter is to assist in expediting the Growth Allocation process. The minutes including the resolution are to be approved during the June 10, 1999 meeting of the Planning Commission and will be forwarded to your office.

Sincerely,

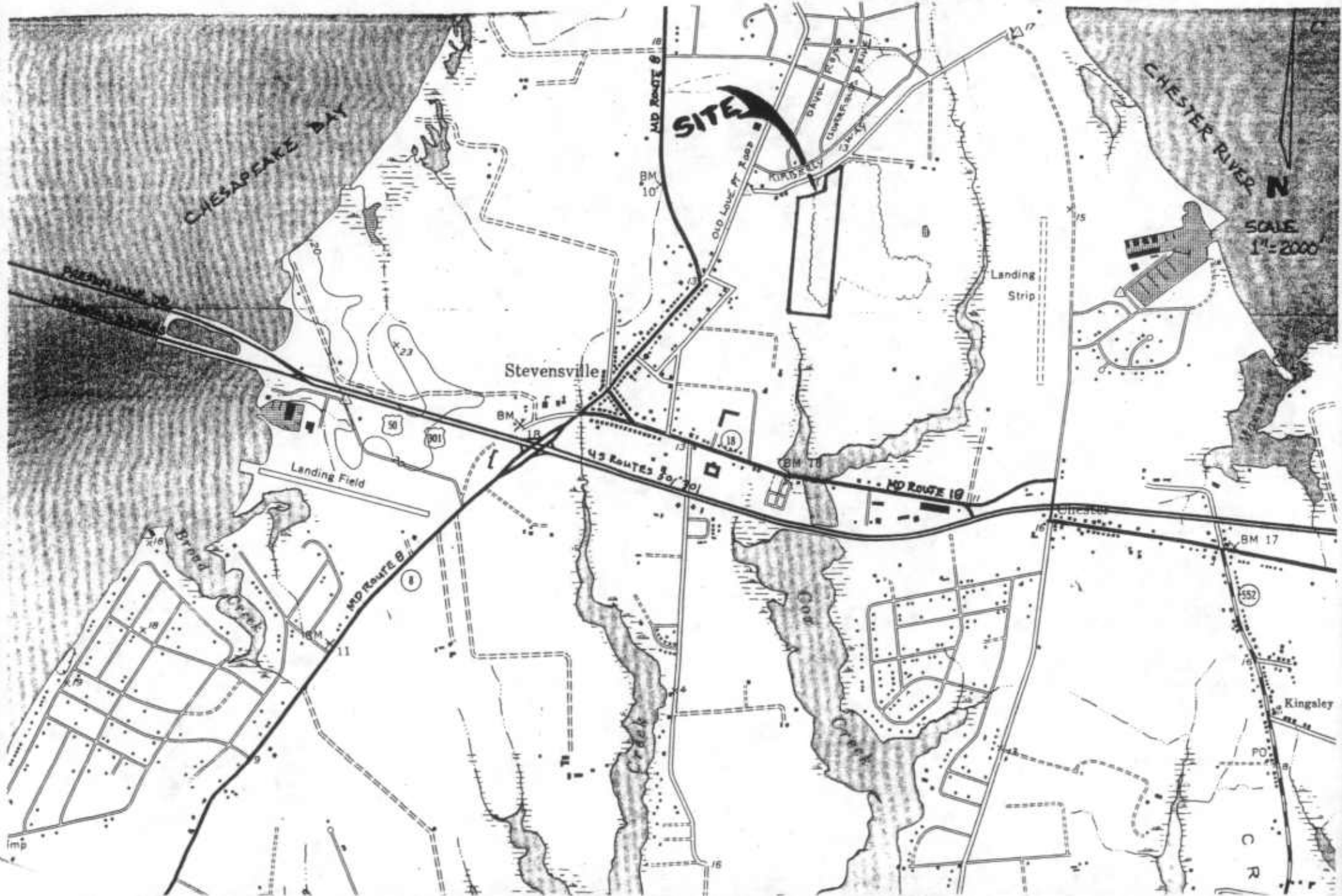


Dr. James Foor
Planning Commission Chairman

cc: Steven Kall-Ziegler
Christopher Drummond, Esq.
Joseph Stevens
Tom Davis

FIGURE 1 SITE VICINITY MAP

SHOWING LANDS OF
WHITE PINES - A MD PARTNERSHIP
NEAR
STEVENSVILLE, QUEEN ANNE'S COUNTY



LANDS OF
OTT E. HIDEBRAND
L.W.M. 144/817
ZONED NC-1
RESIDENTIAL

LANDS OF
TRACEY L. LINDER
850/C32
ZONED NC-1B
RESIDENTIAL

LANDS OF
FRANKLIN H. CLARK
483/088
ZONED NC-1B
RESIDENTIAL

LANDS OF
ROBERT N. CLARK SR.
M.W.M. 194/348
ZONED NC-1B
RESIDENTIAL

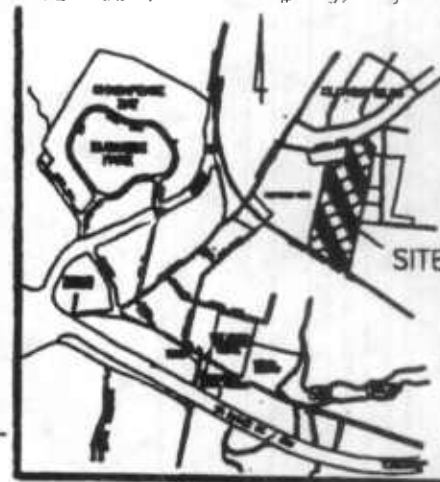
LANDS OF
Q.A. COUNTY COMMISSIONERS
M.W.M. 183/400 & 284/388
ZONED CS
FARM FIELD

LANDS OF
CHARLES F. WALTERS
C.W.C. 81/288
ZONED NC-1
RESIDENTIAL

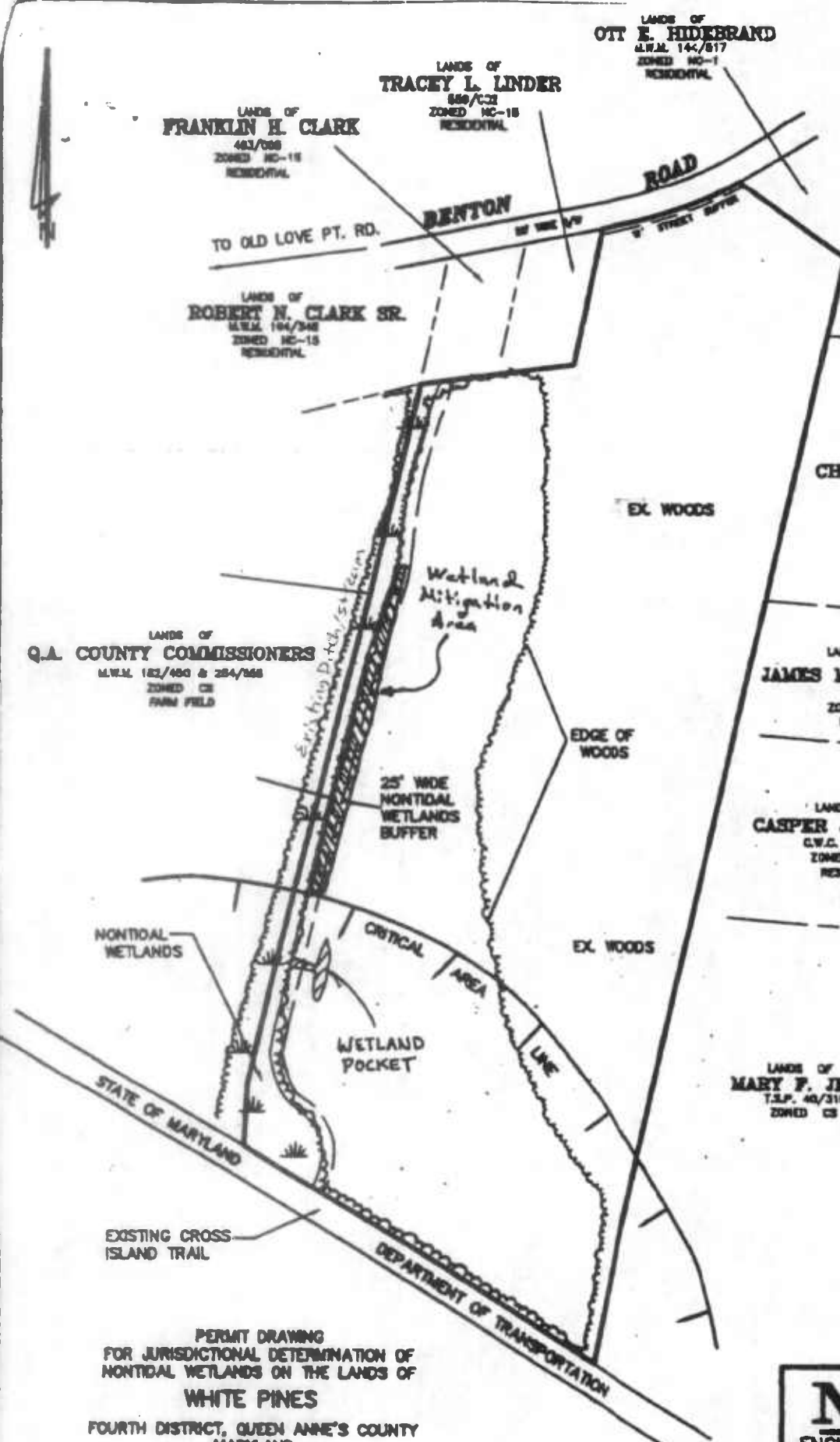
LANDS OF
JAMES M. WIMBATT, JR.
288/208
ZONED NC-1
RESIDENTIAL

LANDS OF
CASPER J. BENR III
C.W.C. 38/247
ZONED NC-1
RESIDENTIAL

LANDS OF
MARY F. JEWELL
T.S.P. 40/310
ZONED CS



VICINITY MAP
SCALE 1"=500'

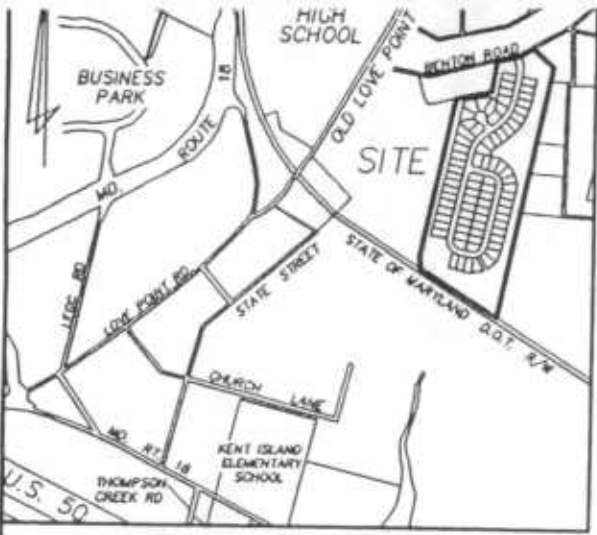


PERMIT DRAWING
FOR JURISDICTIONAL DETERMINATION OF
NONTIDAL WETLANDS ON THE LANDS OF
WHITE PINES
FOURTH DISTRICT, QUEEN ANNE'S COUNTY
MARYLAND

DATED: DECEMBER 15, 1998
SCALE: 1"=300'

Revised 4-14-99
SHEET 1 OF 1

McCRONE
ENGINEERING • ENVIRONMENTAL SCIENCES
LAND PLANNING & SURVEYING
CONSTRUCTION SERVICES
207 NORTH LIBERTY STREET
SUITE 108
CENTREVILLE, MARYLAND
(410) 780-2237



PERMIT DRAWINGS
TO FILL/DISTURB
NONTIDAL WETLANDS
ON THE LANDS OF
MALLARD HOMES, INC.
FOR
MALLARD RUN SUBDIVISION
FOURTH DISTRICT, QUEEN ANNE'S COUNTY, MARYLAND
PREPARED FOR: MALLARD HOMES
DATE: JUNE 18, 1999

LANDS N/F OF
**COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY**
M.W.M. 182/450 & M.W.M. 254/555
ZONED - CS
CURRENT USE - PARK

LANDS N/F OF
ROBERT N. CLARK, Sr.
S.M. 493/75
ZONED - NC-15
CURRENT USE - RESIDENTIAL

LANDS N/F OF
FRANKLIN H. CLARK
M.W.M. 473/590
ZONED - NC-15
CURRENT USE - RESIDENTIAL

LANDS N/F OF
TRACY L. LINDER
S.M. 559/2
ZONED - NC-15
CURRENT USE - RESIDENTIAL

LANDS N/F OF
OTTO E. HILDEBRAND
M.W.M. 144/517
ZONED - NC-1
CURRENT USE - RESIDENTIAL

LANDS N/F OF
LILLIAN V. TANNER
T.S.P. 40/310
ZONED - NC-1
CURRENT USE - RESIDENTIAL

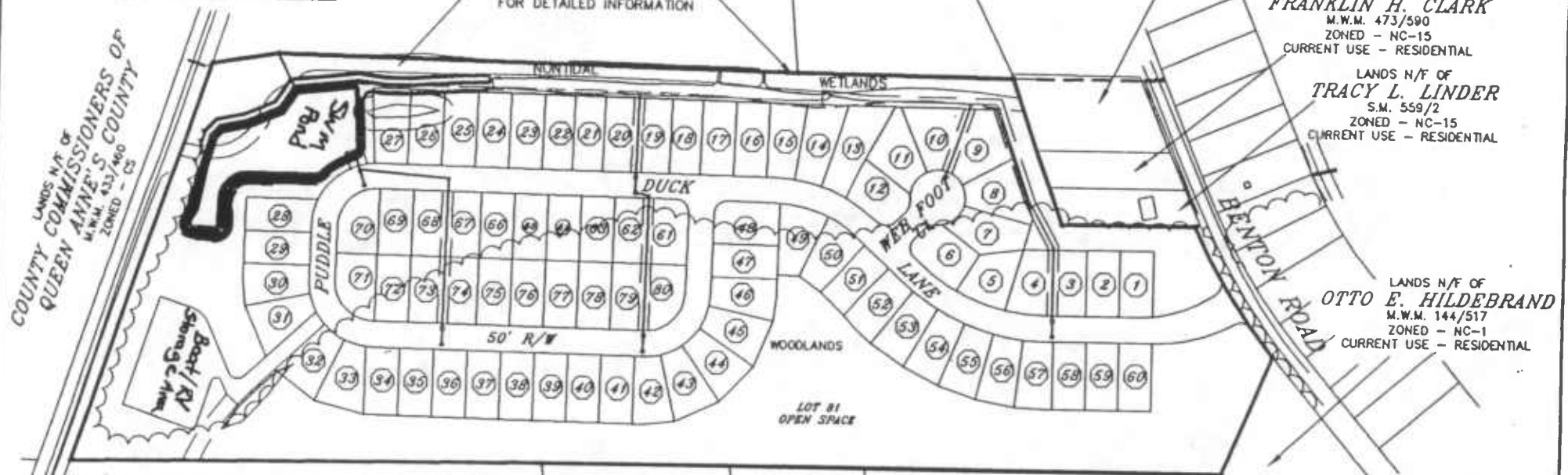
LANDS N/F OF
JOSEPH BEHR, III
C.W.C. 58/247
ZONED - NC-1
CURRENT USE - RESIDENTIAL

LANDS N/F OF
KAREN L. HOWSER
M.W.M. 185/209
ZONED - NC-1
CURRENT USE - RESIDENTIAL

LANDS N/F OF
CHARLES F. WALTER
C.W.C. 81/288
ZONED - NC-1
CURRENT USE - RESIDENTIAL

VICINITY MAP

SEE SHEET 2 AND 3 OF 4
FOR DETAILED INFORMATION



SHEET 1 OF 4

McCRONE
ENGINEERING • ENVIRONMENTAL SCIENCES
LAND PLANNING & SURVEYING
CONSTRUCTION SERVICES
207 NORTH LIBERTY STREET
SUITE 100
CENTREVILLE, MARYLAND
(410) 758-2237

SCALE 1" = 300'

Chesapeake Bay Critical Area Commission

STAFF REPORT

August 4, 1999

APPLICANT: Queen Anne's County

PROPOSAL: Refinement - Thompson Creek Shopping Center, proposed Mapping Mistake to change lands designated Limited Development Area to Intensely Developed Area

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Susan McConville Zankel

**APPLICABLE LAW/
REGULATIONS:** Natural Resource Law § 8-1809. **Approval and adoption of program.**
(h) *Proposed program amendments and refinements.*
(i) *Program not to be amended without approval of Commission.*

DISCUSSION

The Critical Area Law provides the local jurisdiction with an opportunity to change the Critical Area designation of a property based on proof of a mistake in the existing zoning and original mapping. As provided in the law,

- (2) (i) Except for program amendments or program refinements developed during program review . . . a zoning map amendment may be granted by a local approving authority only on proof of a mistake in the existing zoning.
- (ii) The requirement in paragraph (2)(i) of this subsection that a zoning map amendment may be granted only on proof of a mistake does not apply to proposed changes to a zoning map that:
1. Are wholly consistent with the land classifications in the adopted program; or
 2. Propose the use of a part of the remaining growth allocation in accordance with the adopted program.

Queen Anne's County has requested that the Critical Area Commission review a petition to redesignate 7.5 acres of land designated as a Limited Development Area (LDA) to Intensely Developed Area (IDA) on the basis that a mistake was made in applying the LDA designation to the property. The Planning Commission reviewed the petition during a public hearing held on

May 11, 1999 and made a favorable recommendation to the County Commissioners to approve the mapping change. The County Commissioners conceptually approved the petition on June 8, 1999. The proposed mapping change is for the rezoning of part of the lands of Thompson Creek Shopping Center Limited Partnership. Thompson Creek Shopping Center is requesting that part of its property known as parcel 251 (see attached map), consisting of 7.5 acres of land in Stevensville be redesignated from LDA to IDA.

The Planning Commission approved the proposed mapping mistake based on the following findings of fact:

1. The property is surrounded by IDA land and there exists more than 20 acres of contiguous IDA Critical Area land adjacent to the subject parcel;
2. Prior to 1987, the 7.5 acres of LDA land had a designation of M-1, and the property along Route 50/301 was designated B-2.
3. In 1987, the parcel was rezoned to Suburban Residential (SR) and the portion of the mall property fronting on Route 50/301 was rezoned to Urban Commercial (UC);
4. The LDA portion of the parcel was identified on the 1994 zoning maps as UC and, the subject parcel has always been zoned as commercial or high density residential which is consistent with the IDA designation;
5. The June 26, 1984 public works agreement indicates that public water and sewer were to be supplied to the area, and
6. The Thompson Creek area has several townhome developments which had a density of greater than 4 dwelling units per acre in 1985.
7. As of December 1985, the property had been disturbed and used as a spoils disposal area and there is very little, if any, natural habitat on site.
8. In November 1985, the property was administratively combined and became part of the property immediately to the north which was then developed as Thompson Creek Mall in 1985. The Planning Commission is satisfied that the combination of the subject parcel with the commercial developed lands to the north was not considered by the County Commissioners when the LDA designation was applied to the parcel. The parcel would have received the IDA designation granted to the lands to the north had the County Commissioners been aware of administrative combination.

Upon consideration of the findings outlined above and review of the applicant's petition and the originally approved Critical Area maps, the proposed mapping mistake appears consistent with the conditions for proof of a mistake set forth in the Critical Area Law. 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.

LANDS N/F OF
LANDING LTD. PARTNERSHIP
MWM 480/920
ZONE: UC
COMMERCIAL SHOPPING CENTER
T.M. 58, BLK. 12, P. 349

LANDS N/F OF
THOMPSON CREEK SHOPPING CENTER LTD. PARTNERSHIP
MWM 449/71
ZONE: UC
USE: COMMERCIAL SHOPPING CENTER
T.M. 58, BLK. 12, P. 251

LANDS N/F OF
LES T. BREEDING
MWM 482/519
ZONE: UR
RESIDENTIAL TOWNHOUSE CONDOMINIUM
T.M. 58, BLK. 11, P. 20

LANDS N/F OF
THOMPSON CREEK SHOPPING CENTER LTD. PARTNERSHIP
MWM 449/71
ZONE: UC
USE: COMMERCIAL SHOPPING CENTER
T.M. 58, BLK. 12, P. 251

LANDS N/F OF
CREEKSIDE COMMONS, LLC
MWM 482/519
ZONE: UR
USE: RESIDENTIAL TOWNHOUSE CONDOMINIUM
T.M. 58, BLK. 12, P. 312

LANDS N/F OF
THOMPSON CREEK TOWN HOMES, INC.
MWM 213/841
ZONE: UR
USE: RESIDENTIAL TOWNHOUSE CONDOMINIUM
T.M. 58, BLK. 12, P. 329

LANDS N/F OF
THOMPSON CREEK BUSINESS PARK, INC.
MWM 304/358
ZONE: S1
USE: COMMERCIAL/OFFICE PARK
T.M. 58, BLK. 12, P. 254

LANDS OF
THOMPSON CREEK SELF STORAGE, LLC
S.M. 588/308
ZONE: S1
USE: COMMERCIAL

PORTION OF PARCEL 251 PROPOSED TO BE CONVERTED FROM LDA TO IDA.
AREA = 7.5004 AC. ±

CRITICAL AREA DESIGNATION: IDA
CRITICAL AREA DESIGNATION: LDA

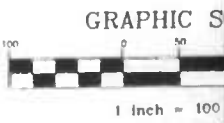
CRITICAL AREA DESIGNATION: LDA
CRITICAL AREA DESIGNATION: IDA

THOMPSON CREEK

MARION QUIMBY DR.

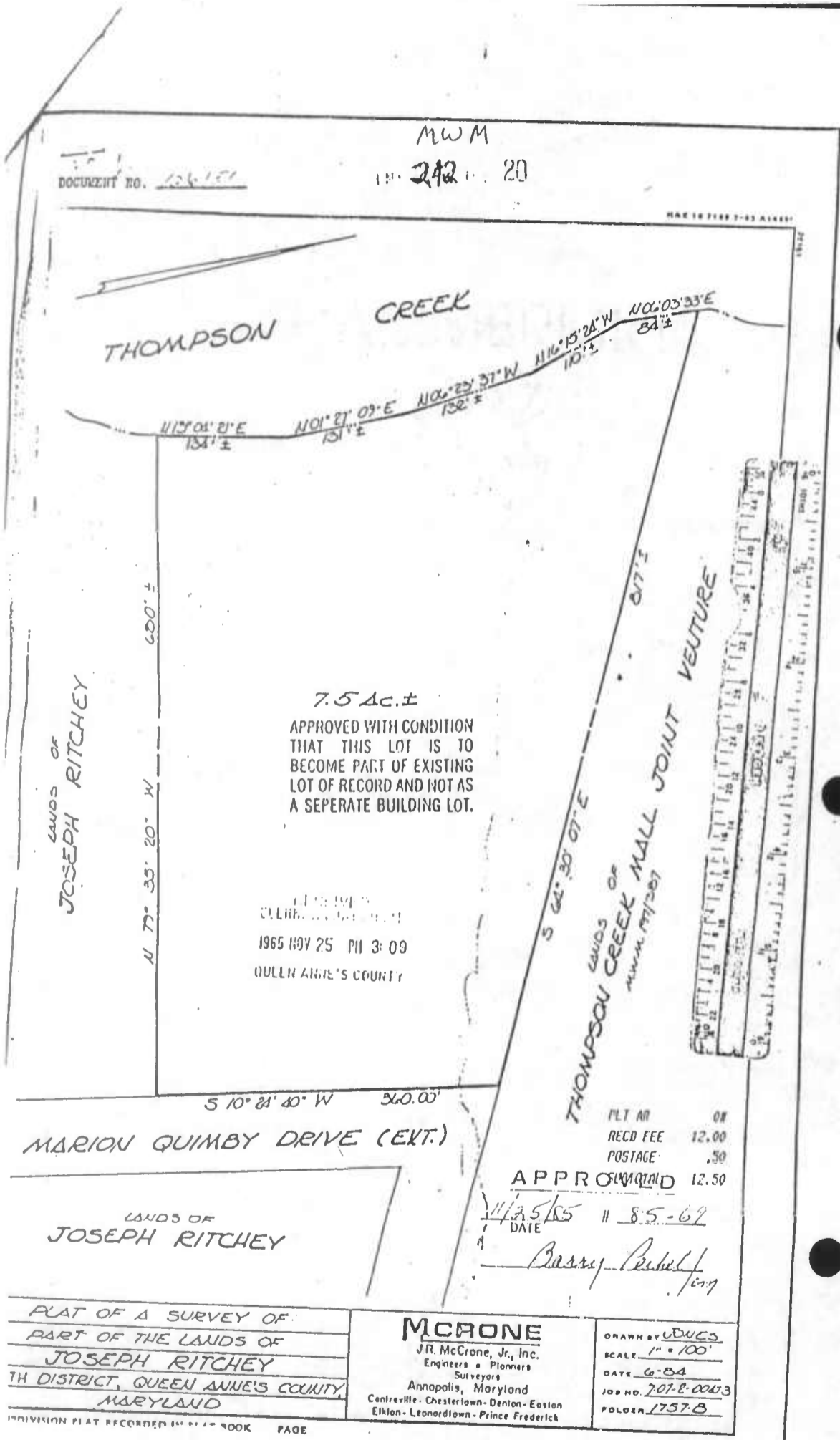
MARION

QUIMBY



DOCUMENT NO. 126-151

MWM
11-242-20



11/25/65 plat mailed to Barry Bebel, 2071 McGill Street, Prince Georges, MD

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

August 4, 1999

APPLICANT: City of Annapolis

PROPOSAL: Annexation: Chrisland Corporation Property

COMMISSION ACTION: Concurrence with Chairman's Determination
of Refinement

STAFF RECOMMENDATION: Approval

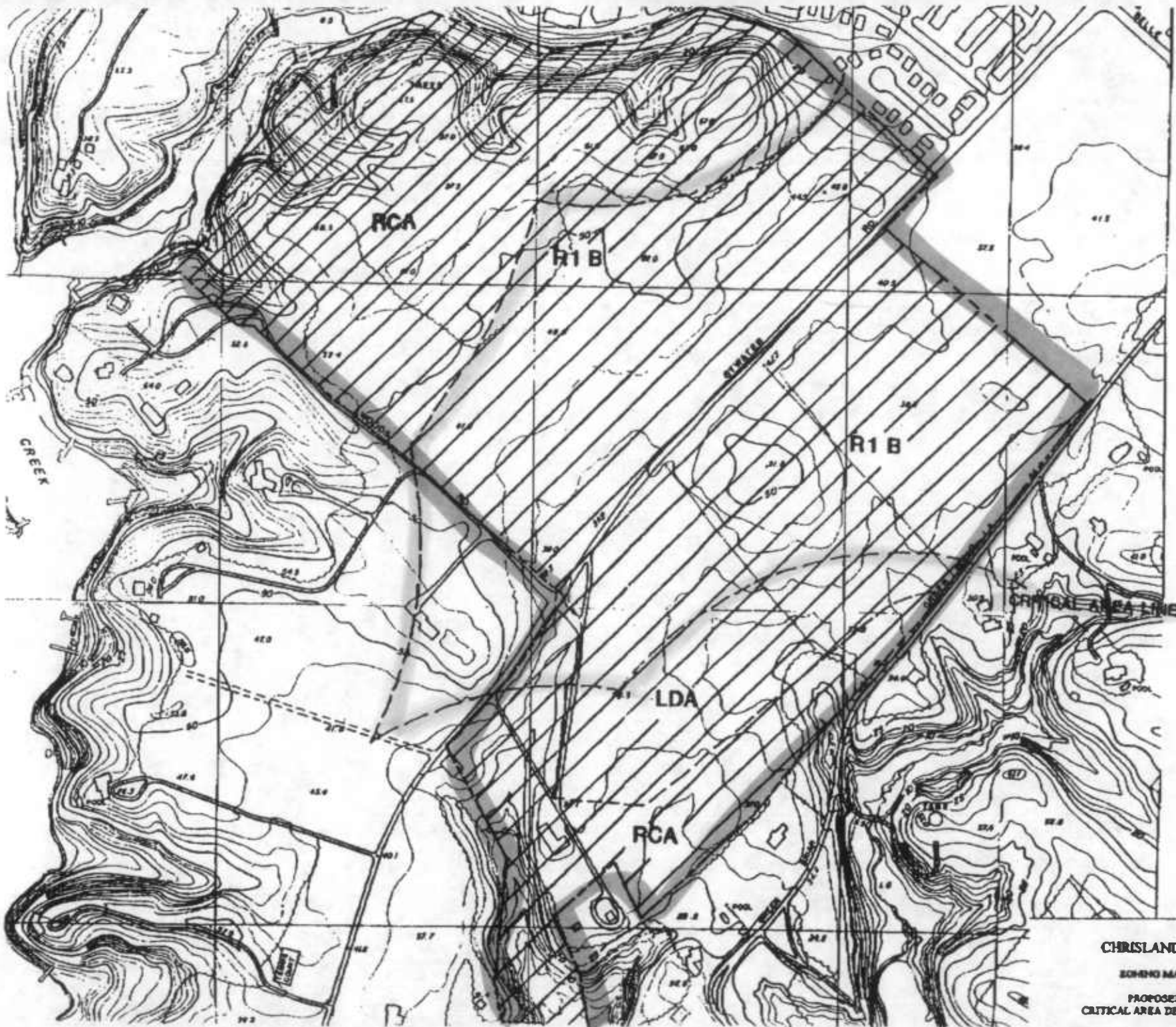
STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:** Annotated Code of Maryland, Natural Resources Article,
Section 8-1809(h) and (I)

DISCUSSION:

The City of Annapolis recently annexed 103.5 acres of land from Anne Arundel County, 57 acres of which are in the Critical Area. Ten (10) acres of this land are classified as Limited Development Area (LDA) and 47 acres are classified as Resource Conservation Area(RCA). The proposed annexation does not involve a change in the LDA and RCA designation and will not affect the use of land or water in the Critical Area; therefore, the request maybe approved as a refinement as per Annotated Code of Maryland §8-1802(a)(10)(I).

The purpose of this annexation is to take advantage of the municipal services available in the City for future residential development. The Annapolis City Council approved the Chrisland annexation on December 19, 1996.



CHRISLAND ANNEXATION
 ZONING MAP AMENDMENT
 PROPOSED ZONING R1 B
 CRITICAL AREA DESIGNATION LDA & RCA

Chesapeake Bay Critical Area Commission

STAFF REPORT

August 4, 1999

APPLICANT: Department of Natural Resources

PROPOSAL: Parking Lot Expansion at Smallwood State Park

JURISDICTION: Charles 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 Natural Resources (DNR) proposes to construct an additional parking lot at the Smallwood State Park Marina. The project will consist of an asphalt paved parking lot approximately 200 feet by 250 feet (50,000 square feet) that will accommodate 39 full vehicle/trailer parking spaces with curbing, asphalt paving of the entrance road, installation of 10,000 square feet of grassed pavers, and stormwater management facilities. The area proposed for the parking lot is a grassed meadow with some immature trees.

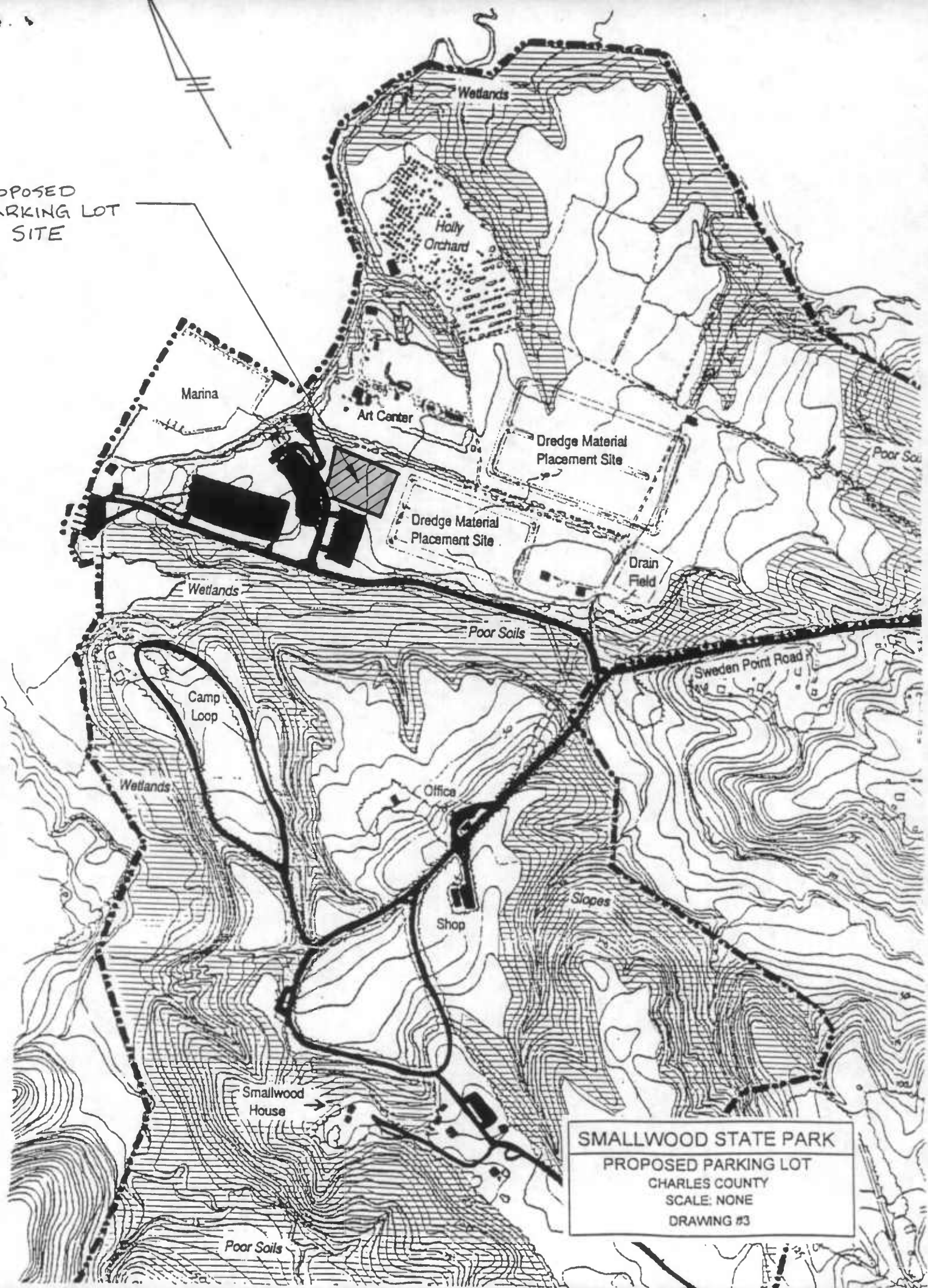
The Smallwood State Park boat launching area provides 6 boat launching ramps for direct access to Mattawoman Creek. It is a very popular boat launching site and provides the only public access to Mattawoman Creek. Because of the popularity of this site, the existing parking lots routinely fill to capacity on weekends and during special fishing events. The area proposed for the parking lot is currently utilized as temporary overflow parking during these busy times, but when the ground is wet, these vehicles with trailers become stuck and require assistance to exit the lot. Visitors are sometimes turned away when the existing parking lots are filled to capacity. The proposed parking lot is consistent with the master plan for this park and will enhance recreational opportunities for the general public.

The approximate total of new impervious areas for the project is 63,162 square feet. Stormwater management will consist of a twenty-four hour extended detention basin, located at the southeast corner of the project site. It was designed to provide both quantity and quality control. A total of twenty-five (25) immature trees will be impacted by this project. Mitigation will consist of twenty-five (25) trees planted around the stormwater management facility. No habitat protection areas will be affected by this proposal.

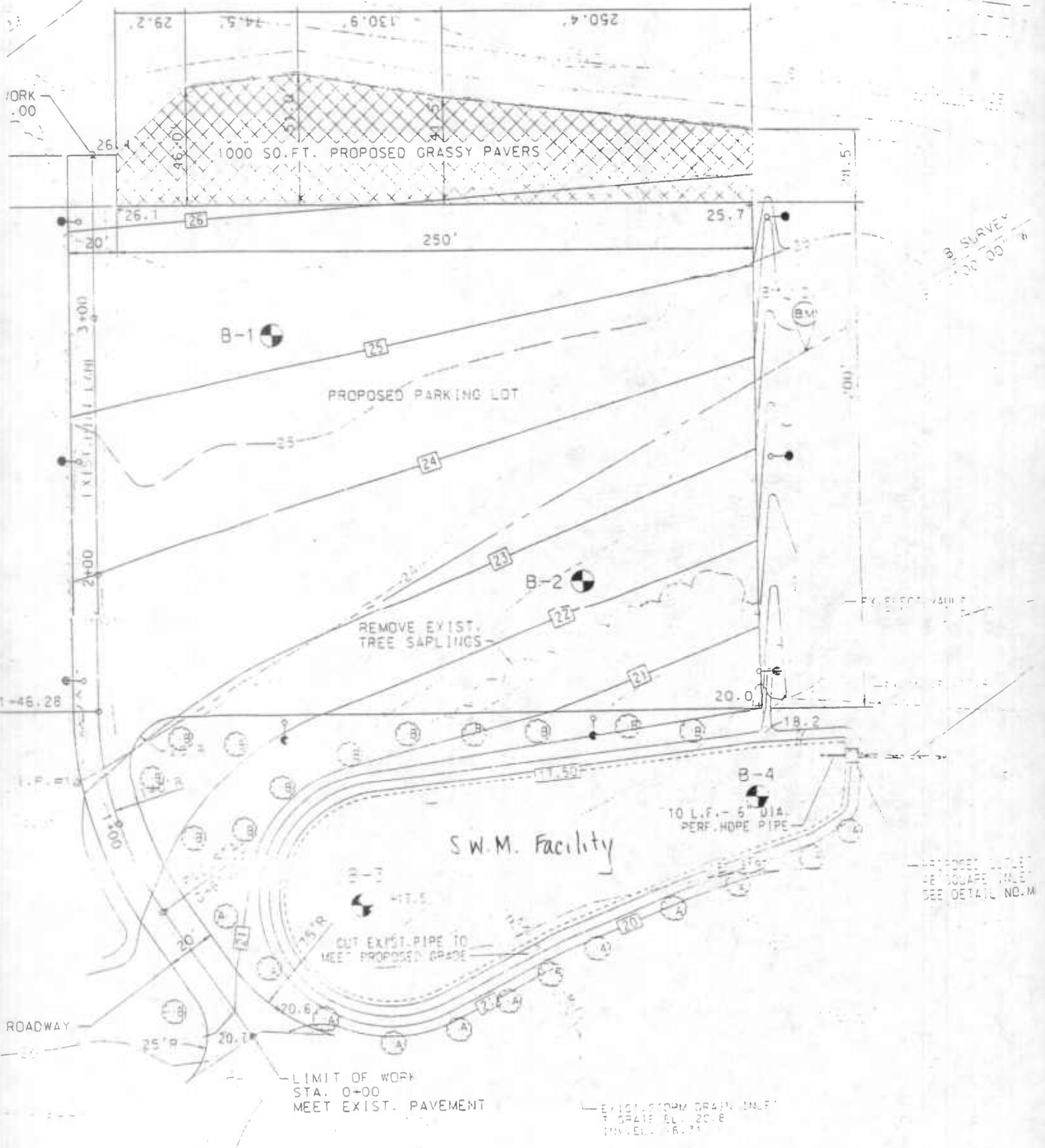
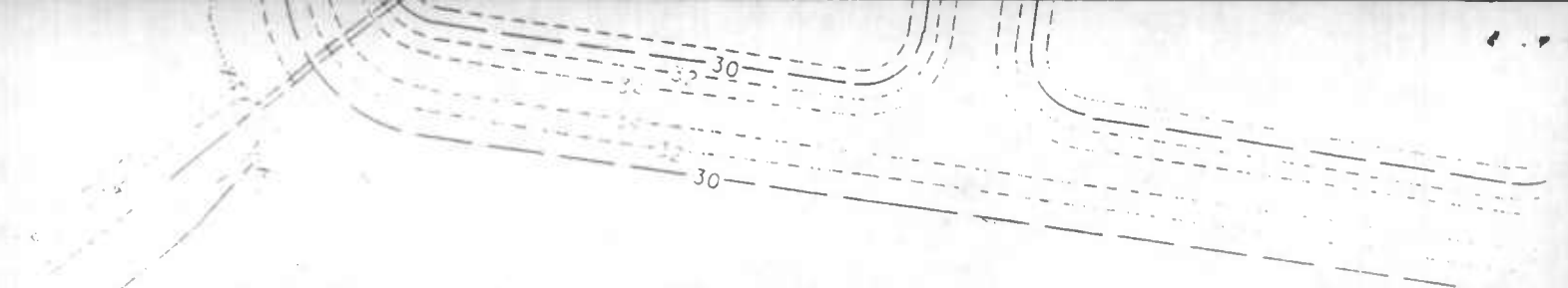
The applicant submitted the stormwater management report and plans to the Maryland Department of the Environment (MDE) for stormwater permitting on June 7, 1999. Commission staff has contacted the MDE project reviewer. MDE has indicated that a response will be sent to the applicant shortly, with only minor questions and comments. MDE saw no major obstacles to the applicant obtaining necessary approvals.

Commission staff recommends approval of the project with the condition that all necessary permits are obtained from MDE.

PROPOSED
PARKING LOT
SITE



SMALLWOOD STATE PARK
PROPOSED PARKING LOT
CHARLES COUNTY
SCALE: NONE
DRAWING #3



SLAVE
20' 00"

EX. ELECT. VAULT

PROPOSED OUTLET
24" SQUARE INLET
SEE DETAIL NO. M

LIMIT OF WORK
STA. 0+00
MEET EXIST. PAVEMENT

EXIST. STORM DRAIN INLET
1' GRATE EL. 20.8
INVERT 18.71

WORK
0+00

ROADWAY

S.W.M. Facility

REMOVE EXIST.
TREE SAPLINGS

CUT EXIST. PIPE TO
MEET PROPOSED GRADE

10 L.I.F. - 6" DIA.
PERF. HDPE PIPE

PROPOSED PARKING LOT

1000 SQ. FT. PROPOSED GRASSY PAVERS