Critical Area Commission
Department of Housing and Community Development
Crownsville, Maryland
August 6, 2003

SUBCOMMITTEES

10:30a.m. – 12:00p.m. Project Evaluation Subcommittee

Members: *Bourdon, Giese, Setzer, Jackson, McLean, Andrews, Jones, Rice, Mathias, Wilson*

Department of Natural Resources / Anne Arundel County Department of Public Works: Jonas Green State Park Improvements and Visitors Center	Lisa Hoerger
State Highway Administration: MD Route 450 Mitigation Plan (Prince George's County)	Lisa Hoerger
Maryland Port Administration: Gunpowder Falls State Park Phosphorus Removal Mitigation at Hammerman Area	Dawnn McCleary
Baltimore County Public Schools: Sparrows Point High School Conditional Approval to Exceed Impervious Surface Limit	Wanda Cole

10:30a.m. – 12:00p.m. Program Implementation Subcommittee

Members: *Bailey, Evans, Johnson, Lawrence, Duket, Samorajczyk, Stephens, Blazer, Gilliss, Richards*

Discussion: Worcester County Mapping Mistake and Growth Allocation	LeeAnne Chandler Mary Owens
Refinement: St. Michaels Growth Allocation Ordinance (Talbot County)	Lisa Hoerger Roby Hurley
Update: Talbot County Critical Area Program Required Changes	Lisa Hoerger Ren Serey
Discussion: Resource Conservation Area Density Issues	Mary Owens Lisa Hoerger Ren Serey

12:00p.m *Members:*	Panel: Charlestown Special Buffer Area Ordinance *Bailey, Gilliss, Wilson, Richards*	Mary Owens

12:00p.m.
Lunch

Critical Area Commission
Department of Housing and Community Development
Crownsville, Maryland
August 6, 2003
AGENDA

1:00 p.m. – 1:10 p.m.	Introductory Remarks	Chairman Martin G. Madden
	Approval of Minutes for July 2, 2003	
PROJECTS		
1:10 p.m. – 1:20 p.m.	VOTE: Department of Natural Resources / Anne Arundel County Department of Public Works: Jonas Green State Park Improvements and Visitors Center	Lisa Hoerger
1:20 p.m. – 1:35 p.m.	VOTE: Maryland Port Authority: Gunpowder Falls State Park: Phosphorus Removal Mitigation Plan at Hammerman Area (Baltimore County)	Dawnn McCleary
1:35 p.m. – 1:45 p.m.	VOTE: Baltimore County Public Schools Sparrows Point High School: Conditional Approval to Exceed Impervious Surface Limits	Wanda Cole
PROGRAMS		
1:45 p.m. – 1:55 p.m.	VOTE: Charlestown Special Buffer Area Ordinance (Cecil County)	Mary Owens
1:55 p.m. – 2:05 p.m.	Refinement: St. Michaels Growth Allocation Ordinance (Talbot County)	Lisa Hoerger Roby Hurley
2:05 p.m. – 2:15 p.m.	VOTE: Talbot County Critical Area Program Extension of Time for Required Changes	Ren Serey Lisa Hoerger Mary Owens
2:15 p.m. – 2:25 p.m.	Discussion: Resource Conservation Area Density Issues	Ren Serey Mary Owens Lisa Hoerger
2:25 p.m. – 2:35 p.m.	Information: 10% Solutions in the IDA	Tracey Gordy

2:35 p.m. – 2:45 p.m.	OLD BUSINESS Legal Update	Shaun Fenlon
	NEW BUSINESS Commission Workshop	Chairman Martin G. Madden

approved

Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
100 Community Place
People's Resource Center
Department of Housing and Community Development
Crownsville, Maryland
July 2, 2003

The full Critical Area Commission met at the People's Resource Center Crownsville, Maryland. The meeting was called to order by Chairman Martin G. Madden with the following Members in **Attendance:**

Margo Bailey, Kent County; Dave Blazer, Worcester County Coastal Bays; Dave Bourdon, Calvert County; Dr. Earl Chambers, Queen Anne's County; Judith Evans, Western Shore Member-at-Large; Ed Gilliss, Baltimore County; Joseph Jackson, Worcester County; Q. Johnson, Eastern Shore Member-at-Large; Paul Jones, Talbot County; James N. Mathias, Jr., Ocean City, Rowland Agbede, for Louise Lawrence, Maryland Department of Agriculture; Edwin Richards, Caroline County; Barbara Samorajczyk, Anne Arundel County; Douglas Stephens, Wicomico County; Douglas Wilson, Harford County; Samuel Wynkoop; Prince George's County; Daniel Mayer, Charles County; Thomas McKay, St. Mary's County; Gary Setzer, Maryland Department of the Environment; Larry Duket, Maryland Department of Planning; James McLean, Maryland Department of Business and Economic Development; Meg Andrews, Maryland Department of Transportation, Frank Dawson, Maryland Department of Natural Resources; Pat Faulkner, Maryland Department of Housing and Community Development.

Not in Attendance: William Giese, Dorchester County; William Rice, Somerset County

The Minutes of June 4, 2003 were approved with the correction to reflect the attendance of Mayor Mathias.

Chairman Madden announced the recent marriage of the Commission's Coordinator, the former Peggy Mickler, and now Peggy Campbell, with congratulations. Shaun Fenlon was introduced who was attending the meeting for Marianne Mason, Esquire, Commission Counsel, who was on vacation. Also recognized was Pat Faulkner representing the Department of Housing and Community Development in a temporary capacity as was Rowland Abgede from the Department of Agriculture. The Chairman welcomed three newly appointed Commission members: Thomas McKay, the President of the County Board of Commissioners from St. Mary's County; Daniel Mayer, County Commissioner from Charles County; and, Frank Dawson, representing the Department of Natural Resources. The Chairman announced that in the fall there will be a one-day retreat probably on the Eastern Shore primarily for the new members, but also to discuss any particular items of concern to all members.

Cecil County: Regina Esslinger presented for **VOTE** the Conditional Approval request by the Department of Natural Resources /Erickson Foundation for the NorthBay Camp at Elk Neck State Park in Cecil County. The Chairman told the Commission that a public hearing was held on June 16 following a tour of the site and the Commission panel has met and has a recommendation for the full Commission. Regina reiterated the history and the impacts of the

proposed conditional approval project to place some cabins, educational buildings, stormwater management facilities and a portion of a road in the Buffer and on steep slopes. A presentation was made at the June meeting on the conditional approval application. Ms. Esslinger read into the record (as described in a revised Staff report attached to and made a part of these Minutes) how this project proposes to meet the requisite criteria characteristics of the Conditional Approval request. **Dave Bourdon moved to approve the NorthBay project in Elk Neck State Park in Cecil County with 4 conditions: 1) There shall be 17.00 acres of mitigation for impacts to steep slopes and Buffer provided on the lease site and on DNR land adjacent to the site. 2) There shall be no additional buildings with impacts to steep slopes and Buffer. 3) There shall be no runoff from any impervious areas allowed to flow over any slope greater than 15% on the northern side of the camp. 4) The approval of all stormwater management plans shall be concurrent with MDE approval.** The Chairman acknowledged and thanked everyone for all their hard work bringing this project to fruition and a special thanks to Gary Setzer for his novel idea for facilitating the closure of the proposal. Ken Usab, Consulting Engineer with Erickson Foundation, and Shaun Fenlon, Assistant Attorney General, DNR, responded to some concerns of Barbara Samorajczyk regarding public access and public use of the facilities. Further clarification was given in a letter, which is part of the application that explains the public's rights and access to the facilities and beach area. **The motion was seconded by Jim McLean and carried 24-1; Barbara Samorajczyk opposed the project stating that the impacts are too intense and that there are other camps in the area that can provide this opportunity to underpriviledged children.**

Wicomico County: Claudia Jones presented for **VOTE** the proposed timber harvest on DNR-Chesapeake Forest Properties in Wicomico County. Timber harvests in the Critical Area are normally processed through a Memorandum of Understanding/General Approval between the Critical Area Commission and the Maryland Forest Service that was approved by the Commission in 1995. However, this General Approval applies only to private property and not State lands. This will be brought to the Commission in the future to be rectified. She said that this is a 19-year old loblolly pine plantation and this is the first thinning. A perennial stream on the property will have a 50-foot no-cut Buffer. The hardwood component in this harvest site is less than 40% of the basal area which means that the area is considered a pine forest and is not subject to FID conservation measures. Delmarva Fox Squirrel are in the area but the timber harvest will meet the conservation measures for this species by maintaining a Buffer along the stream, by maintaining at least 70 square feet of basal area, and by allowing the hardwood component of the forest to come back in to some extent. **Dave Bourdon moved to approve the request for timber harvest by the Department of Natural Resources as presented. The motion was seconded by Jim McLean and carried unanimously.**

Baltimore City: : Dawnn McCleary presented for **VOTE** the request by Conditional Approval to Clean up the Kurt Iron and Metal site in Baltimore City at the Fairfield Marine Terminal by the Maryland Port Administration (MPA). Conditional Approval is the process for State or local government projects that do not meet the requirements of the Critical Area Criteria. MPA has entered into a Voluntary Clean-up Plan (VCP) with MDE. The solid waste clean-up phase of the project will begin this year. The 11.42 acre site is completely impervious and an area of intense development. The site must be capped immediately by mandate following the solid waste removal to prevent further contamination. The site is completely impervious. Ms. McCleary said that MPA would remove solid waste material from the 100-foot Buffer and put a surface

sand filter, a portion of paved parking lot, and a security fence within the 100-foot Buffer. The new pervious areas in the 100-foot Buffer will be vegetated with groundcover. The shoreline will have riprap installed and stormwater management will be provided on site. Ms. McCleary explained how this project meets the requisite characteristics for Conditional Approval. **Dave Bourdon moved to approve the Conditional Approval request to all the proposed development activities within the 100-foot Buffer as presented. The motion was seconded by Jim McLean and carried unanimously.**

Dorchester County: Wanda Cole presented for **VOTE** the request by Conditional Approval to replace the MD 16 Bridge over Parsons Creek in Dorchester County by the State Highway Administration. The bridge was on fill and is elevated above Parsons Creek and its associated tidal wetlands. Because the roadway and its right-of-way are considered an area of intense development compliance with the 10% Rule for pollutant loading reduction is required. Ms. Cole described the technical details of the bridge replacement. She said that the entire limits of disturbance are located within the 100-foot Critical Area Buffer. Minimal excavation, grading and removal of vegetation will be required. Because there will be reduction in impervious area this project qualifies for a waiver to MDE's stormwater management requirements. Stormwater will be directed into existing side ditches. Impacts to the stream, its floodplain and wetlands will be temporary, therefore no mitigation is being required. MDE is expected to issue an approval for sediment and erosion controls. A time-of-year restriction will not be required for Parsons Creek, an anadromous fish-spawning area. There are no rare, threatened or endangered species within the project area. There are no other Habitat Protection Areas affected. Ms. Cole explained how this project meets the requisite characteristics for the Conditional Approval. **Dave Bourdon moved to approve the Conditional Approval to replace the MD 16 Bridge over Parsons Creek as presented. The motion was seconded by Jim McLean and carried unanimously**.

UPDATE on the Guest House Issue: Ren Serey, Executive Director in updating the Commission on the *Resource Conservation Area Density Issue, Dwellings as Accessory Uses* asked Lisa Hoerger to recap the history of the Commission's interactions with Talbot County on their Program (which was disseminated in a staff report attached to and made a part of these Minutes). Discussions were prompted by the Commission's action last fall concerning the Talbot County Program, and in reaction to two other local Critical Area programs that permit dwellings as accessory uses but do not count them against the density of a parcel or lot. Despite the Commission's policy, which adopted the national Building Officials and Code Administrators' definition of "dwelling" for the *Calculation of Density in the Resource Conservation Area,* certain counties have continued to permit certain types of dwelling units in the RCA without counting them towards the density of the lot or parcel.

Ms. Hoerger told the Commission about the points that were discussed pertinent to the discussion with the Oversight Committee, i.e., typical requirements for guest houses, accessory apartments, domestic quarters, caretakers residences; special exceptions; and, growth allocations. The issue was discussed in the Program Subcommittee at the Commission meeting and the general consensus of the Subcommittee is to seek clarification from the General Assembly in defining a dwelling unit for the purpose of counting density in the RCA. Chairman Madden said that he will meet with the Joint Legislative Oversight Committee on the Critical Area on July 9 and would like to provide them with the Commission's recommendations for working on potential legislation.

Talbot County: Ms. Hoerger said that Talbot County has three outstanding issues to be resolved subject to the actions taken last fall by the Commission pursuant to Natural Resources Article §8-1809(l). One has to do with Guest houses, and the other two have to do with forest plans and clearing in the Buffer, and the definition of a "tree". Just before the deadline of June 23rd for the County to correct these problems, the Talbot County Council sent "Draft" legislation to the Commission instead of "Adopted" legislation. She said that the provisions are in the documents to correct the problems if the legislation passes.

Mr. Serey said that he was told that the County has hired a new Bill drafter and that person is in the process of reviewing and redrafting those bills that have held up the process. The first time that the County Council can introduce the new bills will be July 8th although he was told that they will not be introduced until July 22nd. August 12th will be the first time a hearing could be held for the Bills which means that the Council could not vote on the Bills until Aug. 26. The Commission possibly will not receive the legislation for several more weeks, maybe late August.

Mary Owens said that the subcommittee discussed informing Talbot County by letter that they did not meet their deadline with the approved Bills and that they would need to submit their redrafted legislation to the Commission who in turn will consider another extension. Talbot County would like the sanction on the Guest House issue lifted until the General Assembly meets but the Subcommittee was not in favor of doing so. Talbot County is in the process of their comprehensive review and they may submit all their amendments instead of just these two, which may extend the Commission's review time frame to include a public hearing.

Mr. Serey said that if the time period is extended, at the August meeting there will be presented information about the Oversight Committee meeting that will be held on July 9th regarding the possibility of legislation to clear up the Guest House issue. He said that the subcommittee talked about extending the time limit for all three issues for Talbot County to August 5th, the day before the next Commission meeting. **Larry Duket moved to extend the deadline for Talbot County for complying with the deficiencies in their program to August 5th. The Commission expects to receive copies of the re-drafted legislation, confirmation the legislation has been introduced, and the schedule for public hearing and adoption by the County Council. Dave Blazer seconded the motion. The motion carried unanimously.**

Calvert County: Julie LaBranche presented for **VOTE** the Buffer Exemption Area Designation of the Quality Built Homes/Gertz property request by Calvert County. A vote on this request was deferred by the full Commission at the May Commission meeting to allow staff to gather additional information about the site. The Chairman decided to consider the County's request as a program amendment in June; he appointed a panel and a public hearing was conducted on June 23, 2003. Based on the observations of a site visit on May 19, 2003, the public hearing comments, the panel report and an evaluation of the property by the Commission's Science Advisor, Claudia Jones, and the subcommittee's recommendation to the full Commission:

Barbara Samorajczyk stated that the panel reviewed the request for approval of the Gertz property for Buffer Exemption by reviewing Section 8-1808 of the Critical Area Law. That provision states "that the Commission shall approve programs and program amendments that

meet standards and goals of the Critical Area Program and the Criteria, with regard to the buffer and the functioning provided by the Buffer and the criteria for designation of a buffer exemption area" and we concluded that ***this request did not meet these criteria because the Buffer is performing it function.***

Barbara Samorajczyk moved to deny the program amendment to extend the Buffer Area designation to the Gertz property based on the findings that the Buffer is functioning. Larry Duket seconded the motion. The motion carried unanimously.

Town of Ocean City: LeeAnne Chandler presented for **VOTE** the Coastal Bays Critical Area Program Approval for the Town of Ocean City. Legislation passed in 2002 added the Coastal Bays to the Critical Area and required the Town of Ocean City to submit a Critical Area Program by December 31, 2002. In March 2003, after receiving the Town's proposed Program and holding a public hearing, the Commission voted to notify the Town that there were specific changes that had to be made to their proposed program in order for it to be approved. The Town had until July 2nd to resubmit a revised Program. The Program has been revised and it now addresses each of the items identified by the Commission in March. The revised Program was reviewed and discussed by the Town Council who voted to formally submit the revised program to the Commission. Ms. Chandler recited the major features of the revised Critical Area Program as outlined in the staff report (attached to and made a part of these Minutes): - which are: the addition of several definitions; expansion of the section on Habitat Protection Areas; inclusion of a section on shore erosion control; and enhancing the proposed mitigation for Buffer Management Areas. The issue of community piers as they relate to condominium developments was resolved and the language that appears in the revised Program is now consistent with the language in the Critical Area Law. **Joe Jackson moved to adopt the Ocean City Critical Area Program as presented and reviewed on June 10, 2003 by the Ocean City Town Council. The motion was seconded by Dave Blazer and carried unanimously.**

St. Mary's County: Wanda Cole presented for **VOTE** the St. Mary's Comprehensive Critical Area Program and Buffer Management Plan in its completion. Ms. Cole said that in July 2002, the Commission approved, with conditions, the four-year comprehensive review of the St. Mary's County Critical Area Program.. The Commission's approval included 51 conditions, semantic and programmatic changes that would provide consistency with the State Critical Area Law and Criteria. On May 13, 2003 the County adopted Ordinance Z-03-04, Repeal and Adoption of the St. Mary's County Critical Area Program and Zoning Maps Designating the Chesapeake Bay Critical Area Overlay Zones which incorporated all of the Critical Area Commission's conditions, with the exception of conditions #'s 1, 16, 17, and 21 and will take effect ten days after the County receives the Commission's formal approval. Ms. Cole recited the Commission's conditions and the County's revisions to the four conditions (in her staff report, attached to and made a part of these Minutes), which were recommended by staff for Commission approval. Ms. Cole said that the County has prepared new digital Critical Area maps. The County's official Critical Area Overlay maps were reviewed and several areas requiring changes were identified. The updated maps include the new Buffer Management Overlay areas, approved by the Commission in July 2002, as well as the underlying zoning information. Flight zones for Patuxent Naval Air Station are also identified on these maps. **Larry Duket moved to approve the St. Mary's County's revisions to the earlier conditions of approval imposed by the Critical Area Commission and to the final St. Mary's Critical**

Area Ordinance and the updated official overlay maps. The motion was seconded by Margo Bailey and carried unanimously.

City of Crisfield: Claudia Jones presented for concurrence with the Chairman's determination of **Refinement,** the request by the Town of Crisfield to approve a refinement to their Program designating additional shoreline as Buffer Exemption Areas. Ms. Jones described the five areas to be considered and how they were evaluated: 1) McCready Hospital; 2) Hall highway/American Legion; 3) Wellington Road north of the Small Boat Harbor; 4) Walnut Street/Crockett Avenue/south of Exclusion Area; 5) Somers Cove Marina/Mrs. Paul's Seafood Plant. The City currently has Buffer Exemption Provisions in their ordinance and this section will be updated to incorporate the Commission's most recent BEA policy during the comprehensive review. The Commission supported the Chairman's determination of Refinement.

There was no legal update.

Chairman Madden thanked Dave Bourdon for his eight years of dedicated service to the Commission as well as Sam Wynkoop and Q. Johnson for all their good works. They will be retiring from the Commission shortly and will be greatly missed.

Chairman Madden appointed a panel for the Charlestown Buffer Area amendment issue in Cecil County: Margo Bailey, Chair, Doug Wilson, Ed Gilliss, Ed Richards. The meeting is to be held on July 16th at 4:00 p.m.

The Chairman told the Commission members that he thought it a good idea that they have business cards for identifying their position on the Commission if they so wished. Chairman Madden said that one of the other issues that he will be discussing with the Legislative Oversight Committee is the enforcement power of the Commission. He asked for suggestions from the members and reiterated that an e-mail would be forthcoming within the next week or so announcing the workshop. He asked for suggestions for issues to discuss before he has his next meeting with the Oversight Committee. The Chairman dispensed hats to the members with the Commission's logo and wished them a happy holiday.

There being no further business, the meeting adjourned at 3:30 p.m.

Minutes submitted by: Peggy Campbell, Commission Coordinator

Critical Area Commission

STAFF REPORT
August 6, 2003

APPLICANTS:	Department of Natural Resources, State Highway Administration in association with Anne Arundel County Departments of Public Works and Recreation and Parks
PROPOSAL:	Jonas Green State Park Improvements
JURISDICTION:	Anne Arundel County
COMMISSION ACTION:	Vote
STAFF RECOMMENDATION:	Approval with conditions
STAFF:	Lisa Hoerger
APPLICABLE LAW/ REGULATIONS:	COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

DISCUSSION:

Anne Arundel County is proposing to upgrade the Jonas Green State Park in cooperation with the current property owners who are the Department of Natural Resources (DNR) and the Maryland State Highway Administration (SHA). The project involves the construction of a visitor's center, installing shore erosion control, stabilizing an eroding slope, upgrading and installing new public walkways and reconfiguring the existing parking area. Once construction is complete, DNR will deed over the majority of the land to Anne Arundel County. A small portion of SHA land may also be deeded over to the County when construction is complete.

Jonas Green State Park is an 11.85-acre waterfront, passive recreation area located at the base of the Maryland Route 450 bridge over the Severn River. The majority of the site was created during the construction of Maryland Route 450. This site is the only public waterfront access point along the Severn River's north shore. It provides a public fishing pier and serves as the terminus of the Baltimore and Annapolis Trail. The purpose of the various upgrades is to provide adequate shore erosion control, stabilize a failing slope, and upgrade this site for more greater public use and benefits.

There is an existing compacted dirt path that exists around the perimeter of the existing, failing bulkheaded area. This will be replaced with a formalized path system. New areas of a public walkway will connect this lower level walkway area to the new visitors center outside the Buffer. The existing upper walkway will be removed and repaved both inside and outside the Buffer.

Two sets of stairs will link the upper and lower walkways and serve as a shortcut between each area and direct foot traffic away from the slopes. The visitor's center will impact steep slopes outside the 100-foot Buffer. The adjoining plaza and parking areas will be reconfigured.

Currently, the site contains existing impervious areas both inside and outside the 100-foot Buffer to the Severn River. The proposed impervious surface in the Buffer for the area of new walkway, concrete curving, and two small park bench areas totals 7,350 square feet. A reduction of 4,510 square feet will result from removing existing pavement on the upper walkway; therefore, the resulting additional impervious area in the 100-foot Buffer is 2,840 square feet (7,350- 4510=2,840).

Total disturbance to steep slopes inside the Buffer for due to slope stabilization, plaza construction and visitor center construction is 23,592 square feet. Total disturbance to steep slopes outside the Buffer is 9,233 square feet.

There are two reasons for clearing on this site. In the area of the failing slopes that will be graded for stabilization, four trees will be removed from the Buffer. Outside the Buffer 3,767 square feet of clearing will be required for the installation of a septic drain field. An additional 8 trees will be removed throughout the site due to construction issues. The County proposes to reforest on-site inside and outside the Buffer.

The Anne Arundel County Soil Conservation District is reviewing the erosion and sediment control plans. The Department of Public Works is reviewing the stormwater management plans. The plans include the installation of three infiltration devices. An update on these permits will be provided.

Since the proposal is on State-owned lands and the project will include impacts to the 100-foot Buffer and will impact steep slopes, this project requires a Conditional Approval by the Commission as found in Chapter 2 of the Critical Area Commission's regulations for State and local government development.

Conditional Approval Process

In order to qualify for consideration by the Commission for conditional approval, the proposing local agency must show that the project or program has the following characteristics **(The following responses highlighted in bold text were provided by the applicant)**:

(1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

- **Existing shoreline is actively eroding requiring disturbance within the 100' tidal Buffer and 100 year flood plain.**
- **Existing high, steep, man-made bank is actively eroding requiring disturbance in the 100' tidal Buffer, slopes, steeper than 15% and within the 100- year flood plain to stabilize.**

- **Man-made causeway leading to the fishing pier bisects property requiring disturbance in the 100' tidal Buffer to make improvements.**
- **SHA's requirement to allow for a future road leading to Baltimore-Annapolis Blvd., required relocation of the building closer to the fishing pier which requires some disturbance of slopes steeper than 15%.**
- **SHA's new policy of no parking under bridges *significantly* reduced the number of parking spaces. Reducing the parking further would greatly limit the use of the facility.**
- **Combination lower level walkway and fishing area requires an 8' wide path to accommodate handicap access and fishing from the walkway.**

(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

- **Provides shore erosion control measures to the existing eroding shoreline thereby improving the water quality of the Severn River.**
- **Provides stabilization to the high, steep man-made bank thereby improving the water quality of the Severn River.**
- **Reduces the existing impervious surfaces at the site.**
- **Provides stormwater management measures at the site, which currently has none thereby improving the water quality of the Severn River.**
- **Provides public access to the Severn River for fishing and crabbing. A license to fish at the site is not required.**

(3) That the project or program is otherwise in conformance with this subtitle.

The project is otherwise in conformance with this subtitle.

C. The conditional approval request shall, at a minimum, contain the following:

(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;

As outlined above, the literal enforcement of the provision of this subtitle would prevent the conduct of this important local and state project due to the existing special features and circumstances, associated with the site.

(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area Program or, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

The proposed development of the Jonas Green Park Visitor Center has been conducted, insofar as possible, to minimize disturbance and reduce impact to the existing steep slopes (defined as slopes equal or greater than 15%) and to the 100' critical area Buffer as stipulated in the criteria set forth in COMAR 27.02.05. Furthermore, the development of this project meets, insofar as possible, all other criteria of COMAR 27.02.05.

(3) *Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area Program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.*

With the exception of the building's footprint, the proposed and existing steep slopes will be vegetated and stabilized with Switch grass, Panicum virgatum and Indian grass, Sorghastrum nutuns. In addition, 2,376 square feet of Spartina Alterniflora and 3,023 square feet of Spartina Patens will be sprigged along the shoreline to enhance water quality. The site will further be planted with 29 trees as shown on the Buffer Management and Landscape Plan.

Several areas have been identified which are suitable for additional mitigation within 100' of the shoreline and for the provision of additional planting of trees, shrubs and perennials to mitigate the impact of the building and parking areas. Additional mitigation quantities will be provided, as requested by the Critical Area Commission (CAC), by using non-invasive species that are acceptable to the CAC. We anticipate using areas within the 100-foot Buffer near the northern edge of the site, by the woods and away from the picnic area as a receiving zone for this material. We also anticipate using areas within the 100-foot Buffer near the southern edge of the site, by the new bridge and yet away from the fishing area as another receiving zone for more of this material.

We will use a variety of materials (both trees and shrubs), from an approved plant list, provided to the applicant by CAC staff and we will meet these requirements with ornamental grasses.

We will work with the CAC to provide additional mitigation beyond that as described above, including planting material that will be located in the proposed storm water / bio-retention areas. The applicant will supplement existing material with water tolerant perennials and grasses along existing drainage swale areas.

The reconstruction of slopes will be accomplished using existing, onsite and imported materials while following acceptable engineering practices. The area of primary concern (around the existing abutments and fishing pier), will be receiving both loose stone revetment and soil replacement to retain the use of the fishing pier and bridge for future park users. In general

the material will be place in predetermined 'lifts' or layers. Areas to receive soil will then receive an erosion control matting to assist in stabilizing the new material. The mitigation of this construction will be on a square foot basis and located in the same manner as prescribed above.

Along with the conditions listed below, the conditional approval request is consistent with COMAR 27.02.06, the Commission's regulations for Conditional Approval of State or Local Agency Programs in the Critical Area.

Conditions:

1. The applicants will work with Commission staff to ensure that mitigation in the form of native plantings occur on-site to address the impacts associated with clearing for the septic drain fields, disturbance to isolated steep slopes, and new grading and impervious surfaces in the 100-foot Buffer.

2. The mitigation for clearing and slope disturbance outside the 100-foot Buffer shall be at a 1:1 ratio. The mitigation for new grading and impervious surfaces in the 100-foot Buffer shall be at a 3:1 ratio.

3. There will be a 3:1 mitigation ratio assigned for removal of individual trees in the 100-foot Buffer and a 1:1 mitigation ratio for removal of individual trees outside the Buffer.

4. If the plans for the project are altered before, during or after construction, the applicants shall re-submit these plans to the Commission for review and approval.

CRITICAL AREA COMMISSION

STAFF REPORT
August 6, 2003

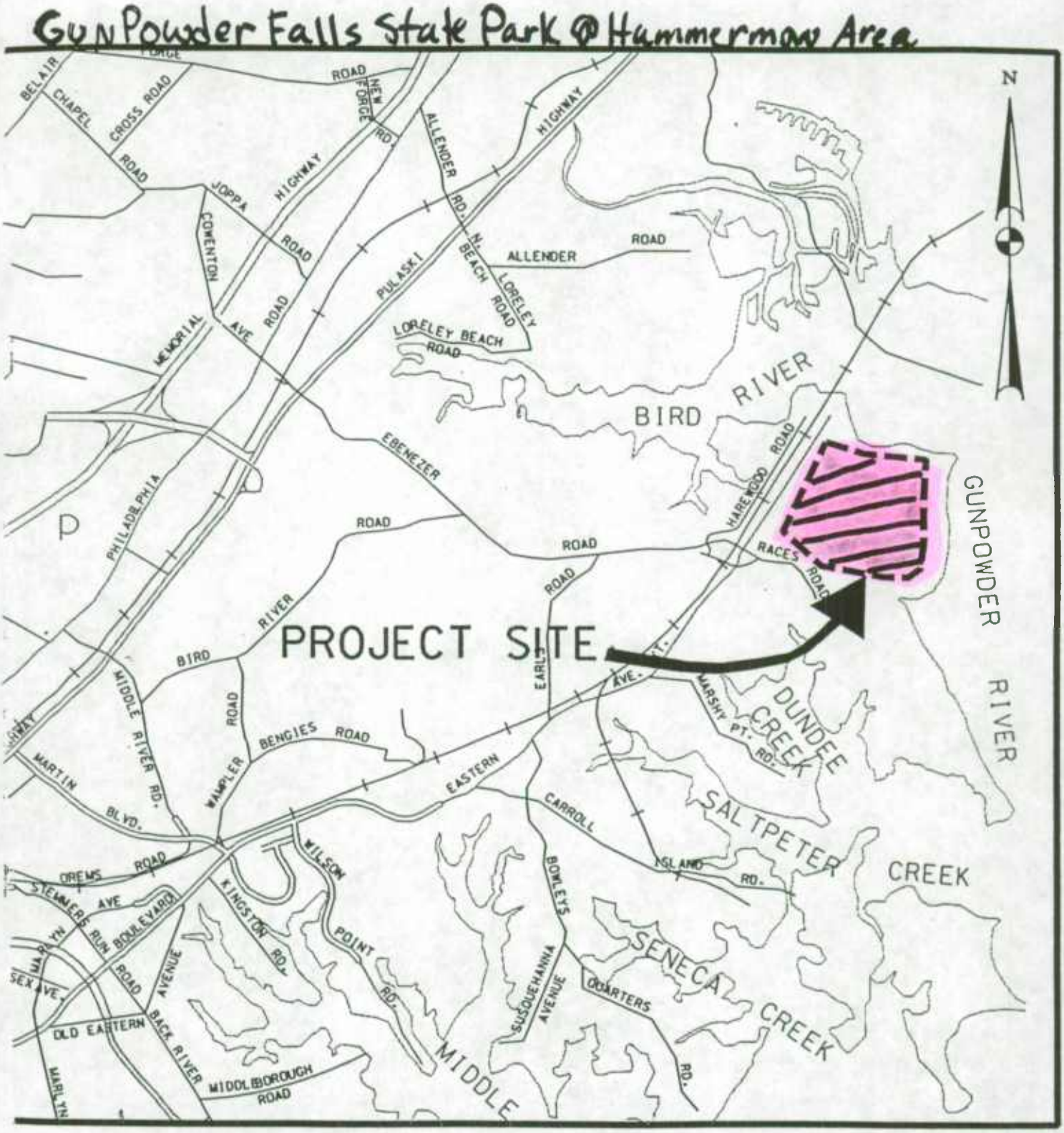
APPLICANT:	Maryland Port Administration (MPA)
PROPOSAL:	Gunpowder Falls State Park - Hammerman Area
JURISDICTION:	Baltimore County
COMMISSION ACTION:	Vote
STAFF RECOMMENDATION:	Approval
STAFF:	Dawnn McCleary
APPLICABLE LAW\ REGULATIONS:	COMAR 27.02.05 - State Agency Actions Resulting in Development on State-Owned Lands

DISCUSSION:

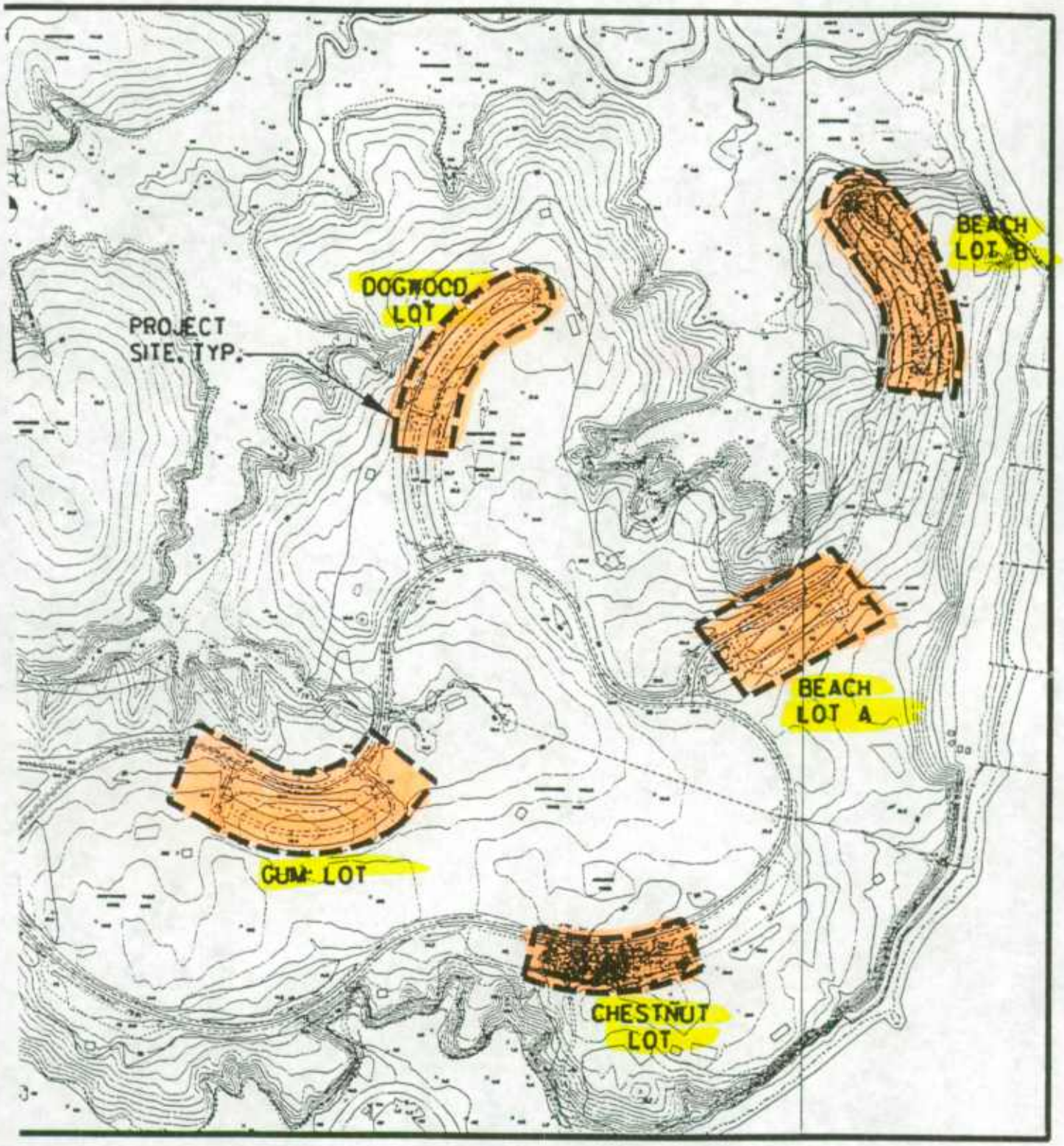
At the December 4, 2002 meeting, the Critical Area Commission approved a conceptural plan for five stormwater management areas in the Hammerman area at Gunpowder Falls State Park to address the Port's inability to treat phosphorus on site. The area is intensely developed with parking lots, roads, pavilions, restrooms, and a beach facility building. Best Management Practices are proposed for five of the currently untreated parking lots. The majority of the site is located within the Critical Area. The site drains to the surrounding forest and beach areas that are adjacent to the Gunpowder River and wetlands. A portion of the Hammerman area is located within the Critical Area Buffer, however, none of the proposed BMPs will be located in the Critical Area Buffer.

The proposed BMPs include one surface sandfilter at Dogwood Lot, two bioretention facilities at Gum Lot, one surface sandfilter at Beach Lot A, two bioretention facilities and one dry swale at Beach Lot B and one dry swale at Chestnut Lot. MPA has submitted plans for each best management practice to the Maryland Department of the Environment and is awaiting approval for all five areas. We anticipate full approval by MDE by August 6, 2003.

The Port currently owes 32.85 pounds of phosphorus treatment based on past projects. This plan proposes to treat 29.61 pounds. The MPA will still owe us 3.24 pounds of phosphorus. MPA is working with Commission staff to develop a long-range plan to address their phosphorus treatment issues and to develop a treatment bank for future projects. This plan will come to the Commission for approval.

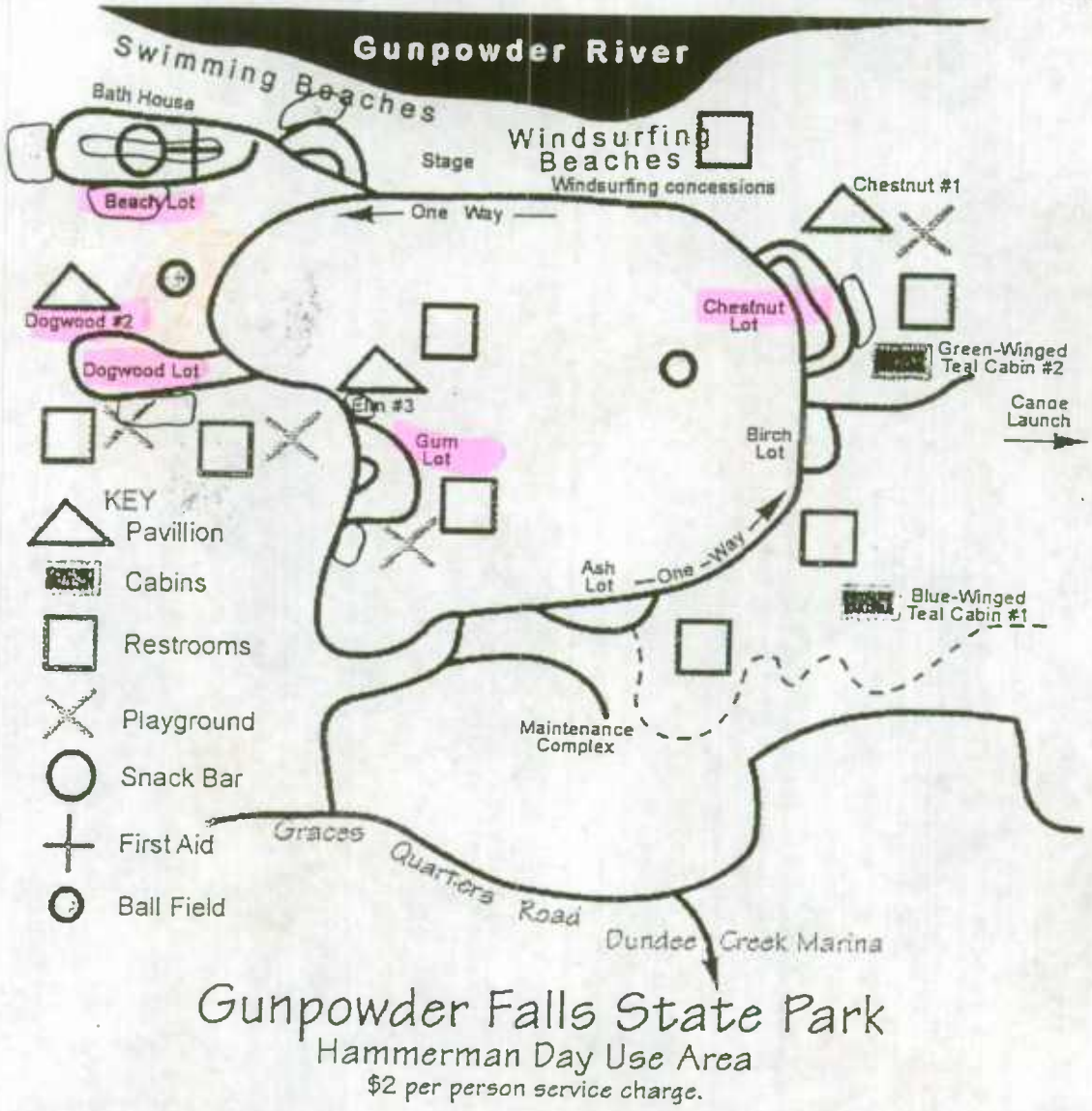


VICINITY MAP



LOCATION MAP

Map of Gunpowder Falls State Park Hammerman Area



Gunpowder Falls State Park
Hammerman Day Use Area
$2 per person service charge.

= PROPOSED BMP LOCATION

Critical Area Commission

STAFF REPORT
August 6, 2003

APPLICANT:	Baltimore County Public Schools
PROPOSAL:	Sparrows Point Sr. High School Athletic Field Bleachers
JURISDICTION:	Baltimore County
COMMISSION ACTION:	Vote
STAFF RECOMMENDATION:	Approval
STAFF:	Wanda Diane Cole
APPLICABLE LAW/ REGULATIONS:	COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

DISCUSSION:

The Sparrows Point Senior High School Pep Club is proposing the construction of bleachers at the existing athletic track, which will cause the high school parcel to exceed the 15% impervious surface limit. The high school parcel is located entirely in the LDA of Back River, and measures 25 acres. The site contains 17% impervious surface areas, and of the remaining pervious areas, 18 acres +/- are grassed athletic fields.

The bleachers will be constructed over existing turf and concrete adjacent to the existing athletic track. Concrete will be placed beneath the bleachers for maintenance reasons. An access ramp and stairways will also be constructed. The project includes the placement of 6,674 square feet of new impervious area and the removal of 4,036 square feet of existing concrete walkway, resulting in a net increase of 2,728 square feet of impervious area. There were no other opportunities for removing excess impervious areas.

There are no HPAs in the project area. No tree clearing will be necessary. The applicant will mitigate for the increase in impervious area by paying $2,505.06 into the County's stormwater fee-in-lieu fund. This fund has been used to construct stormwater improvements and/or retrofits in degraded watersheds located in the Critical Area. The school site runoff is currently managed by sheet flow across the level, grassed athletic fields and stormdrain conveyance facilities which have direct discharge into tidal waters. A Conditional Approval is required since the project parcel will exceed the 15% impervious surface limit.

Conditional Approval Process

In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:

The responses are those of the applicant.

(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

Most of the existing uses and impervious surfaces on the school site have been in existence since 1957, well before the effective date of the Critical Area Law. Thus, opportunities for removal of impervious surfaces are limited, given that these impervious surfaces are integral to other school functions and uses.

(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

The subject bleachers provide a public benefit in the Critical Area by rendering the existing track more useful to area residents. The fact that construction of the bleachers is being sponsored by a community group indicates that there will be a public benefit.

(3) That the project or program is otherwise in conformance with this subtitle;

No wetlands, buffers, Habitat Protection Areas or forest will be impacted as a result of the proposed bleacher project. The project will comply with current State-mandated stormwater management requirements by payment of a fee-in-lieu, which will be utilized by the County to fund a water quality improvement project in the Critical Area. All grading and sediment control requirements will be adhered to during construction.

The Commission must find that the conditional approval request contains the following items:

(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State of local agency program or project;

About 17% of the site is currently impervious. The proposed new bleachers will contain 6,764 square feet of impervious surfaces, and it is necessary to pave under these bleachers for maintenance and structural purposes. An existing concrete walk adjacent to the track will be removed, and the net increase of impervious surfaces will be 2,728 square feet. No other opportunities for removal of impervious surface are possible on this site. Thus, a literal

enforcement of the impervious surface provisions of the Critical Area law will prevent the bleacher project from moving forward.

(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

Baltimore County has determined that the proposed project will be consistent with the County's Critical Area Local Protection Program.

(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

Baltimore County Public Schools will pay a fee-in-lieu into the County's stormwater management fund.

The conditional approval request is consistent with COMAR 27.02.06, the Commission's regulations for Conditional Approval of State or Local Agency Programs in the Critical Area.

CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Project Evaluation Subcommittee
Bourdon, Giese, Setzer, Jackson, McLean, Andrews, Jones, Rice, Mathias, Wilson

From: Lisa Hoerger

Date: July 17, 2003

Subject: UPDATE - DOT/SHA MD 450/CSX Grade Separation, Mitigation

The MD 450/CSX Grade Separation project in Prince George's County was approved by the Commission at the April 2, 2003 meeting. The Commission approved the project with the condition that the final mitigation package be submitted to the Commission within 60 days. At the June meeting of the Project Subcommittee, two bioretention areas were approved for installation at a WSSC maintenance facility yard off of Kenilworth Avenue as mitigation to satisfy the 10% Pollutant Reduction Requirement for development in an intensely developed area.

The Project Subcommittee also approved two sites to address one-third of the 3:1 mitigation for impacts to the 100-foot Buffer. One site is at the Washington Suburban Sanitary Commission (WSSC) maintenance facility yard off Kenilworth Avenue and the other is along the right-of-way just north of the WSSC site. The remaining 2.87 acres of reforestation mitigation will be accommodated by converting reforestation mitigation to phosphorus removal, as previously approved by the Subcommittee (1 lb. phosphorus per 0.50 acres). Either offsite stormwater retrofitting, offsite reforestation, or a combination of these approaches is possible.

Additional sites have been investigated by the State Highway Administration. As of the date of this memorandum, the mitigation for this project has not been finalized due to the difficulties in locating viable reforestation or stormwater retrofitting opportunities in the Critical Area and Prince Georges County; however, the SHA District 3 Landscape Operations Division has recently instituted a program to reforest areas within existing SHA rights-of-way in order to reduce maintenance (i.e., mowing) costs. This program may yield some potential reforestation sites.

In the meantime, a preliminary mitigation plan was developed for the City of Hyattsville Maintenance Facility along U.S. Route 1, on the north branch of the Anacostia River. This plan proposes a bioretention (dry swale) for treatment of parking lot runoff. The plan was forwarded to the City of Hyattsville Public Works Department; however, no feedback has been received to date. The City did explain that opportunities for retrofit projects were questionable due to current and future plans for the development of the site.

The project's advertisement date has been delayed by approximately one month. If you have any questions prior to the meeting, please telephone or email me at (410) 260-3478 or lhoerger@dnr.state.md.us.

Bowdon - sub. rec approval w condition with of any future path next Dominion, Guidelines apps. on

? - See. by C/PL

Critical Area Commission

STAFF REPORT
August 6, 2003

APPLICANT:	Department of General Services
PROPOSAL:	Bloomsbury Square Path Easement
JURISDICTION:	City of Annapolis
COMMISSION ACTION:	Vote
STAFF RECOMMENDATION:	Pending Subcommittee Review
STAFF:	Ren Serey
APPLICABLE LAW/ REGULATIONS:	COMAR 27.02.05: Approval of State or Local Agency Programs in the Critical Area

DISCUSSION:

In May 2002 the Critical Area Commission approved as a State project the Bloomsbury Square Townhouses located on Rowe Boulevard and College Creek in the City of Annapolis. The project, which is being constructed over an existing parking lot, is nearing completion. It includes 52 townhouses and associated roads and parking areas. The Department of General Services (DGS) intends to transfer the property to the Annapolis Housing Authority, an entity created by the General Assembly.

DGS seeks Commission approval of a permanent easement that will be dedicated to the City of Annapolis when the property transfers to the Housing Authority. The easement is 20 feet wide and approximately 400 feet in length. At some time in the future the City intends to construct a pedestrian path within the easement. The path will be part of and will tie into the City's planned walkway along College Creek. The easement will connect on the South to Rowe Boulevard and on the North with an existing easement that forms the extension of St. John's Street. The Bloomsbury Square project is located in an area of intense development; the Commission previously designated the site as Buffer Exempt.

At its meeting in June 2002 the Project Subcommittee discussed an easement and pathway for this site with representatives from DGS and the City. The discussion focused on possible locations of the easement, various surface types and the necessity for the Housing Authority and the City to obtain Commission approval for construction of the path. The Subcommittee did not

No plan, no $ today; need approval today for easement. When actual project cs Sub. to Commission, surface + width to be determined.

resolve the location of the easement at that time. The easement is proposed near the top of a steep bank along College Creek in the Buffer Exempt Area; the townhouses are located outside of the Buffer.

DGS contacted the Commission last week and requested an expedited review of the easement. The Department intends to transfer the property to the Housing Authority in the near future.

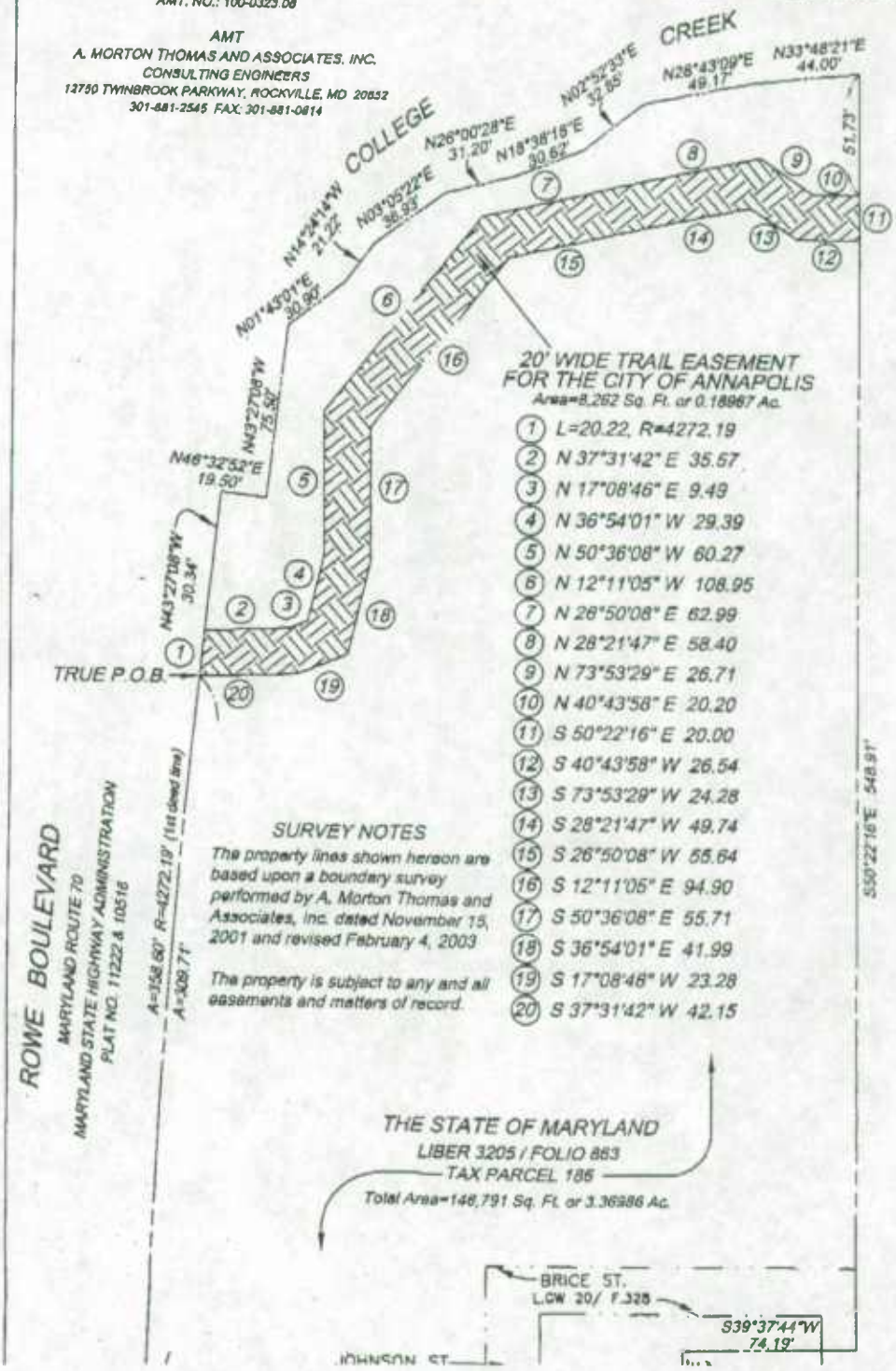
SKETCH OF 20' WIDE TRAIL EASEMENT FOR THE CITY OF ANNAPOLIS THROUGH THE LANDS OF THE STATE OF MARYLAND

LIBER 3205 FOLIO 863
SIXTH (6TH) ELECTION DISTRICT
CITY OF ANNAPOLIS, MARYLAND
JULY, 2003 SCALE: 1"=60'
AMT. NO.: 100-0323.06

AMT
A. MORTON THOMAS AND ASSOCIATES, INC.
CONSULTING ENGINEERS
12750 TWINBROOK PARKWAY, ROCKVILLE, MD 20852
301-881-2545 FAX: 301-881-0814

STATE OF MARYLAND
DANIEL RAY SCHRIEVER
No. 11015
PROFESSIONAL LAND SURVEYOR

7-22-03
Daniel R. Schriever
Professional Land Surveyor
Maryland Reg. No. 11015



20' WIDE TRAIL EASEMENT FOR THE CITY OF ANNAPOLIS

Area=8,262 Sq. Ft. or 0.18967 Ac.

1. L=20.22, R=4272.19
2. N 37°31'42" E 35.57
3. N 17°08'46" E 9.49
4. N 36°54'01" W 29.39
5. N 50°36'08" W 60.27
6. N 12°11'05" W 108.95
7. N 28°50'08" E 62.99
8. N 28°21'47" E 58.40
9. N 73°53'29" E 26.71
10. N 40°43'58" E 20.20
11. S 50°22'16" E 20.00
12. S 40°43'58" W 26.54
13. S 73°53'29" W 24.28
14. S 28°21'47" W 49.74
15. S 26°50'08" W 55.64
16. S 12°11'05" E 94.90
17. S 50°36'08" E 55.71
18. S 36°54'01" E 41.99
19. S 17°08'46" W 23.28
20. S 37°31'42" W 42.15

SURVEY NOTES

The property lines shown hereon are based upon a boundary survey performed by A. Morton Thomas and Associates, Inc. dated November 15, 2001 and revised February 4, 2003

The property is subject to any and all easements and matters of record.

Critical Area Commission

STAFF REPORT
August 6, 2003

APPLICANT:	Town of Charlestown
PROPOSAL:	Amendment – Charlestown Special Buffer Area Ordinance and Map
COMMISSION ACTION:	Vote
PANEL MEMBERS:	Margot Bailey (Chair), Ed Gilliss, Ed Richards, and Doug Wilson
PANEL RECOMMENDATION:	Pending Panel Discussion
STAFF:	Mary Ann Skilling and Mary Owens
APPLICABLE LAW/ REGULATIONS:	COMAR 27.01.09.01.C(8)

DISCUSSION:

Over the last several years, the Town of Charlestown has been working with Commission staff and Maryland Department of Planning staff to develop and implement a "buffer exemption area program" as outlined in COMAR 27.01.09.01.C(8). In accordance with these provisions, the Town has developed an ordinance that allows development in the Buffer on sites where it can be demonstrated that the existing pattern of residential, industrial, commercial, or recreational development prevents the Buffer from fulfilling its functions. As part of the ordinance, the Town has included provisions for mitigation, as required by COMAR, in order to achieve the water quality and habitat protection objectives of the Buffer.

The Town Planning Commission and Town Commissioners have discussed this proposal in depth at several public meetings in order to resolve issues pertaining to setbacks and mitigation. On May 13, 2003, the Commissioners approved Ordinance No. 2003-02 as an amendment to Chapter 175 (Zoning) of the Code of the Town of Charlestown. (The ordinance was previously incorrectly numbered as Ordinance No. 2003-01, and the Town is in the process of correcting the error in numbering.) The Critical Area Commission held a public hearing on this matter on July 16, 2003 in Charlestown, and no opposition was expressed.

The Town has used the Commission's two policies for Buffer Exemption Areas and prepared an ordinance that includes specific provisions regulating new development and redevelopment in

these areas, as well as, mitigation. The ordinance is included as Attachment (1). The Town, with the assistance of Mary Ann Skilling, Maryland Department of Planning Circuit Rider, has designated two areas as a "Special Buffer Area" (SBA) as depicted on the map in the enclosed information. See Attachment (2). The Town evaluated the Buffer in each area and made findings regarding the functions of the Buffer that are included in Attachment (3).

The ordinance is fairly similar to the Commission's policies for "buffer exemption areas," and includes the following provisions:

- The Planning Commission will be responsible for ensuring that impacts to the Buffer are minimized.

- The ordinance mandates that new development and redevelopment not be located closer than 30 feet to the water or edge of wetlands. This differs slightly from the Commission's policies which allow redevelopment up to 25 feet from the water and prohibits new development closer than 50 feet. There are very few sites to which the new development provisions would apply.

- Accessory structures are permitted waterward of the principal dwelling unit; however, the total of new and existing accessory structures shall not exceed 500 square feet within 50 feet of the water and 1,000 square feet total. These provisions are consistent with the Commission's policy.

- Mitigation requirements are clearly specified with specific size requirements for trees, large shrubs, and small shrubs. Herbaceous plants are also given a small amount of credit in order to encourage property owners to plant on their property rather than pay fees-in-lieu.

- The area identified as the Northern-North East River Special Buffer Area includes several developed marina properties, which are sites where redevelopment activities are likely to occur. The Town's ordinance includes two forms of mitigation for commercial, industrial, institutional, recreational, and multi-family residential development. These include establishing a 25-foot wide bufferyard equal in size to two times the area of the new development activity **and** one of the following three options: 1) mitigation planting equal to two times the area of the new development activity, 2) removal of an equivalent area of impervious surface or construction of a BMP for stormwater quality management, or 3) payment of fees in the amount of $2.50 per square foot of the development activity.

- Only grandfathered lots are eligible to be mapped as Special Buffer Areas. The Town has not included provisions in their ordinance allowing lots designated as SBAs to be

subdivided, and maintain their SBA designation.

THE TOWN COMMISSIONERS OF CHARLESTOWN
ORDINANCE NO. 2003-01

AN ORDINANCE AMENDING CHAPTER 175 (ZONING) OF THE CODE OF THE TOWN OF CHARLESTOWN TO ALLOW LIMITED USE OF SHORELINE AREAS DESIGNATED AS SPECIAL BUFFER AREA (SBA) ON THE CHARLESTOWN CRITICAL AREA MAP DATED DECEMBER, 2002

WHEREAS the Town Commissioners of the Town of Charlestown may amend and supplement to Code of the Town of Charlestown; and,

WHEREAS the Town Commissioners of the Town of Charlestown desire to amend Chapter 175 (Zoning) for the purpose of adding Section 175-23.1 entitled Special Buffer Area (SBA); and,

WHEREAS this Amendment has been submitted to the Town Planning Commission for report and recommendation and a public hearing having been held on October 22, 2002.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Commissioners of Charlestown that Chapter 175 (Zoning) of the Code of the Town of Charlestown be and the same is hereby amended to include the following:

Section 175-23.1. Special Buffer Area (SBA)

A. The following provisions are intended to accommodate limited use of shoreline areas that have been given the Critical Area designation of SBA under the provisions of this Ordinance while protecting water quality and wildlife habitat to the greatest extent possible. This section applies only to new development or redevelopment within 100 feet of tidal waters, tidal wetlands and tributary streams on lots of record as of December 1, 1985. The lots have been officially designated by the Town, approved by the Critical Area Commission and are noted as SBA on the Charlestown Critical Area Map dated December 2002. Mean high tide, the edge of tidal wetlands, and the bank of tributary streams, shall be the indicator from which setback distance is measured.

B. Single Family Detached Residential Development and Redevelopment Standards.

New development or redevelopment activities, including structures, roads, parking areas and other impervious surfaces, will be permitted in the SBA only when the Planning Commission finds that efforts have been made to minimize impacts to water quality and other biological resources. The development shall comply with the following standards:

ATTACHMENT (1)

(1) New development or redevelopment activities shall minimize the extent of intrusion into the SBA. New development and redevelopment shall not be located closer to the water (or the edge of tidal wetlands) than 30 feet.

(2) Existing principal structures, accessory structures or impervious surfaces in the SBA may be replaced in the same location. Any increase in impervious area within the SBA shall comply fully with the requirements of this Ordinance.

(3). New accessory structures may be permitted in the SBA in accordance with the following setback requirements:

(a) New accessory structures may be located closer to the water or edge of tidal wetlands than the principal dwelling only if it has been determined by the Planning Commission or their designee that there are no other feasible locations for the accessory structures.

(b) The area of the accessory structures shall be minimized and the cumulative total of all new and existing accessory structures in the SBA shall not exceed 500 square feet within 50 feet of the water and 1,000 square feet total.

(c) In no case shall any new structure be located less than 30 feet from the water (or edge of tidal wetlands).

(4) Variances to other local setback requirements shall have been considered before additional intrusion into the SBA,

(5) Development may not impact any Habitat Protection Area (HPA) other than the SBA, including nontidal wetlands, other State or federal permits notwithstanding. SBA designation shall not be used to facilitate the filling of tidal wetlands that are contiguous to the SBA to create additional buildable land for new development or redevelopment.

(C) Any new development or redevelopment within the Buffer in an SBA requires mitigation in the form of plantings, offsets, or fees-in-lieu.

(1) In order to offset any adverse impacts to the Buffer associated with authorized construction in a Special Buffer Area, the applicant shall be willing to provide mitigation plantings equivalent to two times the footprint of the new development in accordance with the credit system set forth in Table 1. The sizes of all plantings shall be as follows:

Trees:	6 feet tall or 2 inch caliper
Large Shrubs	3 Gallon
Small Shrubs:	1 Gallon
Herbaceous Plants:	Any size

(2) Applicants who cannot comply with the planting requirement may choose to offset adverse impacts through the removal of an equivalent area of impervious surface in the SBA, the construction of a Best Management Practice for storm water quality, or other measures approved by the Planning Commission that improve water quality or enhance habitat.

(3) In the event that mitigation on-site is not feasible, a fee of $1.50 per square foot shall be paid to The Town SBA Mitigation Fund.

D. New Commercial, Industrial, Institutional, Recreational and Multi-family residential Development and Redevelopment Activity.

New development or redevelopment activities, including structures, roads, parking areas and other impervious surfaces will be permitted in the SBA only when the Planning Commission finds that efforts have been made to minimize impacts to water quality and other biological resources. The development shall comply with the following standards:

(1) New development, including accessory structures, shall minimize the extent of intrusion into the SBA. New development shall not be located closer to the water (or edge of tidal wetlands) than the local setback for the zoning district, or 30 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. The 30-foot setback shall be maintained for all subsequent development or redevelopment of the property.

(2) Redevelopment, including accessory structures, shall minimize the extent of intrusion into the SBA. Redevelopment shall be located no closer to the water (or edge of tidal wetlands) than 30 feet. Structures on adjacent properties shall not be used to determine the setback line. Existing structures located within the setback may remain or a new structure may be constructed on the footprint of an existing structure or impervious surface. Opportunities to establish a 30-foot setback should be maximized.

(3) Development and redevelopment may not impact any HPA other than the Buffer, including nontidal wetlands, other State or federal permits notwithstanding.

(4) The provisions of this ordinance shall not be used to facilitate the filling of tidal wetlands that are contiguous to the SBA or to create additional buildable land for new development or redevelopment.

E. Any Commercial, Industrial, Institutional, Recreational and Multi-Family Residential Development and Redevelopment with the SBA requires two forms of mitigation as outlined below:

(1). A planted bufferyard, 25 feet wide shall be established either on the project site between the new development and the water or within the Buffer on another property identified by the Town. The area of the bufferyard shall be equal to two times the footprint of the development activity in the Buffer. The credit system set forth in Table 1 shall be used to determine the species and quantity of plantings in the bufferyard. The bufferyard shall be densely planted and mulched, so that mowing will not be required.

(2). In addition to establishing a bufferyard, one of the following mitigation measures shall be implemented based on the following order of preference and the recommendations of the Planning Commission or their designee:

A. The applicant shall provide mitigation plantings equivalent to two times the footprint of the new development in accordance with the credit system set forth in Table 1.

B. Applicants who cannot comply with the planting requirement may choose to offset adverse impacts through the removal of an equivalent area of impervious surface in the SBA or the construction of a Best Management Practice for storm water quality.

C. In the event that mitigation on-site is not possible, a fee of $2.50 per square foot shall be paid to the Town Special Buffer Area Mitigation Fund.

F. Notification Requirements

(1) Within SBAs, all new commercial, industrial, institutional, recreational, multi-family residential development or redevelopment projects shall be submitted to the Critical Area Commission in accordance with the requirements in COMAR 27.03.01.03. Mitigation plans shall be included as part of the project submission.

(2) For all residential, commercial, industrial, institutional, recreational, and - family residential projects, the Planning Commission shall make written findings documenting that all the provisions of this ordinance have been met. These findings must be available to the Commission upon request.

(3) The reporting of development activity carried out under the provisions of this Ordinance shall be included in the jurisdiction's quarterly reports.

G. Requirements for Mapping New SBAs

(1) Only grandfathered lots are eligible to be mapped as SBAs.

(2) For each SBA, the lots that comprise the SBA shall include a Buffer, which is significantly impacted by development activities that existed at the time of local Program approval and that prevents the Buffer from fulfilling its functions. Undeveloped or vacant parcels (i.e. infill lots) may be included in an SBA if development within the Buffer cannot be avoided based on the size of the parcel or lot, area of the parcel or lot within the Buffer, or the surrounding pattern of development.

(3). If only part of a parcel or lot meets the criteria for designation as an SBA then only those portions of the parcel or lot shall be mapped and the remainder of the parcel or lot shall be subject to the 100-foot Buffer restrictions and requirements.

(4). Any proposal to designate an area as an SBA shall include the jurisdiction's written findings and supporting reasons which demonstrate the degree to which the Buffer on the properties proposed for SBA designation, does not perform the following functions:

(a) Provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;

(b) Minimize the adverse effects of human activities on wetlands, shorelines, stream banks, and aquatic resources;

(c) Maintain an area of transitional habitat between aquatic and upland communities;

(d) Maintain the natural environment of streams; and

(e) Protect riparian wildlife habitat.

H. Definitions

For the purpose of implementing this policy, the following words have the following meanings. (In the case of conflicts with other definitions, the stricter provisions shall apply.):

Accessory Structure means a structure that is detached from the principal structure, located on the same lot and clearly incidental and subordinate to the principal structure; or if there is no principal structure on the lot, a structure that is customarily incidental and subordinate to a principal structure.

Buffer is a naturally vegetated area established or maintained to protect aquatic, wetland, shoreline, and terrestrial environments from man made disturbances.

Bufferyard means an area at least 25 feet wide, located near the water, edge of wetlands, or edge of tributary streams densely planted with native species. This area shall be maintained for the purpose of providing wildlife habitat and enhancing water quality and shall not be maintained in a manner that conflicts with these purposes.

Development Activity means the construction or substantial alteration of residential, commercial, industrial, institutional, recreational or transportation facilities or structures. Development activities include, among other things, structures, roads, parking areas, and other impervious surfaces, mining and related facilities, clearing, and grading. For purposes of implementing this policy, development activity does not include subdivision.

Distance from the water: for tidal water, the mean high tide shall be used as the datum from which setback distances shall be measured.

Grandfathered Parcel/Lot means a parcel of land or lot that was subdivided into recorded, legally buildable lots where the subdivision received final approval before December 1, 1985.

Natural Forest Vegetation means vegetation consisting of canopy trees, understory trees, shrubs, and herbaceous plants that are typically found in riparian areas in Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements in this policy shall be designed to mimic the structure and species composition of natural forests.

New Development means a development activity that takes place on a property with pre-development imperviousness less than 15 percent as of December 1, 1985.

Principal Structure means, for the purpose of establishing setbacks, the primary or predominant structure on any lot or parcel. For residential parcels or lots, the principal structure is the primary dwelling, excluding utilities.

Redevelopment means a development activity that takes place on a property with pre-development imperviousness greater than 15 percent as of December 1, 1985.

BE IT FURTHER ORDAINED AND ESTABLISHED that in all other respects chapter 175 of the Code of the Town of Charlestown remains unchanged and in full force and effect.

BE IT FURTHER ORDAINED AND ESTABLISHED by the Town Commissioners of Charlestown that this Ordinance shall become effective upon the expiration of twenty (20) days following the approval and adoption of the Town Commissioners of Charlestown and approval by the Critical Area Commission.

SOUTHERN - NORTH EAST RIVER (Area 2)

Charlestown is requesting that the southern part of North East River identified as Area 2 on Map 2 be designated as a BEA because the existing pattern of development prevents the Buffer from fulfilling the functions set forth in the Criteria. The following factors were considered:

1) The Buffer's ability to provide for the removal of sediments, nutrients, and harmful or toxic substances has been compromised due to the presence of many existing structures within the Buffer. The area is developed primarily with single family residences that were in existence prior to Critical Area Regulations. The lots are predominately less than a quarter acre with houses located generally 50 feet or less from the shoreline. There are numerous accessory structures and walkways to private piers located within the Buffer. Existing vegetation is primarily lawn grass and scattered trees and shrubs.

2) The Buffer's effectiveness at minimizing the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources is limited because human activities are taking place very close to the shoreline. There are insignificant areas of natural vegetation within the Buffer and the shoreline is heavily developed and actively used as a summer recreational area.

3) The Buffer does not function optimally as an area of transitional habitat between aquatic and upland communities because this area is developed with structures and is actively used by property owners. There is little natural vegetation to provide food or cover for wildlife or to provide water quality protection or enhancement Most of the shoreline has been altered through the installation of bulkheads, revetments or maintained as sandy beaches for water activities.

4) The Buffer does not function to maintain the natural environment of streams because the existing stream has been compromised by development along its edge.

5) The Buffer's capacity for protecting wildlife habitat on this site is severely limited because the Buffer is developed and is actively used as yard areas by property owners. Human disturbance to wildlife would be unavoidable because of the intensity of the development in this area.

TOWN OF CHARLESTOWN
BUFFER EXEMPTION AREA EVALUATIONS

NORTHERN, NORTH EAST RIVER BEA (Area 1)

The Town of Charlestown is requesting that the North East River BEA identified as Area 1 on Map 1 be designated as a BEA because the existing pattern of development prevents the Buffer from fulfilling the functions set forth in the Criteria. The following factors were considered:

1) The area in question was discussed in the Town's Critical Area Program dated May 4, 1988, but was not officially mapped. This area consist of marinas and Town owned parcels used for water access.

2) The Buffer's ability to provide for the removal of sediments, nutrients, and harmful or toxic substances has been virtually eliminated due to the presence of parking lots, boat storage areas, streets and structures. Most of the Buffer is completely impervious with buildings and parking lots at the water's edge. There is very little vegetation in the Buffer. The area is developed primarily with commercial and maritime uses.

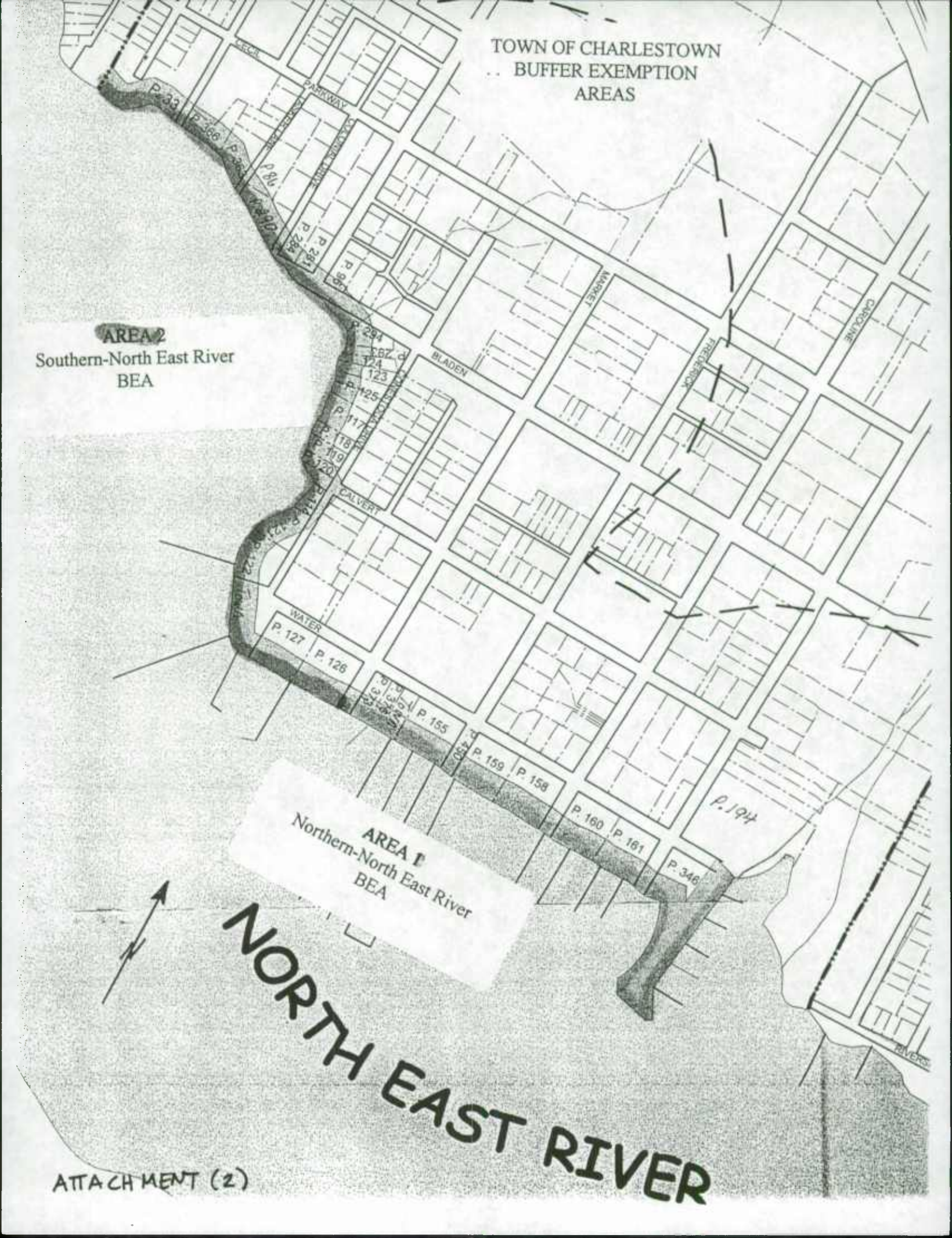
3) The Buffer's effectiveness at minimizing the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources is limited because human activities are taking place very close to the shoreline. The nature of marinas and boat yards create intense human activity along the shoreline. There are minimal areas of natural vegetation within the Buffer and the shoreline is heavily developed and actively used for boating activities.

4) The Buffer does not function optimally as an area of transitional habitat between aquatic and upland communities because of the impervious areas and structures which are actively used for a variety of commercial and maritime activities. There is little natural vegetation to provide food or cover for wildlife or to provide water quality protection of enhancement. Most of the shoreline has been altered with the installation of bulkheads and other structural erosion control measures.

5) The Buffer does not function to maintain the natural environment of streams because there are no streams in this area.

6) The Buffer's capacity for protecting wildlife habitat on this site is severely limited because the Buffer is developed and is actively used for commercial and maritime activities. Human disturbance to wildlife would be unavoidable because of the intensity of the development is this area.

ATTACHMENT (3)



ATTACHMENT (2)

Critical Area Commission

STAFF REPORT
August 6, 2003

APPLICANT: Town of St. Michaels

PROPOSAL: Critical Area Program Changes - Growth Allocation

COMMISSION ACTION: Refinement

STAFF RECOMMENDATION: Concurrence

STAFF: Roby Hurley

APPLICABLE LAW/ REGULATIONS: Natural Resources Article §8-1809(h)

DISCUSSION:

The Town of St. Michaels is in the process of completing two amendments to its Critical Area Program. These changes resulted from an analysis of the growth allocation section and a pending development project. The amendments will establish time limitations for the implementation of growth allocation projects and will provide certain restrictions pertaining to the review of multiple applications affecting the same property. Neither change alters the requirements of the Critical Area Law or Criteria with respect to growth allocation.

Chapter 292 - Time Limitations

Currently, the Town Program limits the use of growth allocation to those projects or phases of projects that can be completed in two years. Growth Allocation would revert back to the Town in the event that the project was not completed in the two years following approval. With the advent of Traditional Neighborhood Development styles and the desire by the Town to extend the build-out of a proposed project, a plan for allowing additional time to complete the project is proposed. The proposed text change will accommodate phased projects and will allow the Town Commissioners the flexibility to grant extensions when circumstances warrant. The time limits for the use of growth allocation will continue to be two years, but can be extended at the discretion of the Town Commissioners. This change further defines the terms "approved" and "completion" for the use of the Commissioners when ruling on extension requests.

Chapter 293 – Multiple Applications

Although not part of the original Critical Area Program, the Town had previously amended its ordinance to regulate multiple applications for growth allocation on a single parcel of land. The latest proposed language addresses time limits on subsequent growth allocation requests, the process for withdrawing requests, and the assessment of fees associated with partial reviews of growth allocation requests. In general, the Town will not permit an application for growth

allocation within twelve months of the withdrawal of an application for the same land, nor may an application for growth allocation be filed for the same land for which an application is pending. The Town reserves the right to alter this requirement upon such conditions as they deem to be in the best interest of the Town.

The Planning Commission voted for a positive recommendation on June 26, 2003. The Town Commissioners opened the public hearing on July 22, 2003. The Town Commissioners will vote on August 12, 2003. The Town's Program requires approval by the Town Commissioners after Critical Area Commission approval. This process will be changed in the upcoming Comprehensive Review of the St. Michaels Program.

St. Michaels Growth Allocation Changes

b) <u>Guidelines</u>

(8) **E.** An application for growth allocation shall include a schedule of project development, and if the development is to be in sections or phases, the schedule on which the project sections or phases will be developed. Project approval and award of growth allocation shall be limited to a project, or phases(s) of a project that can be completed within two (2) years after approval of the project, or phases(s) of a project, unless the Town Commissioners, in their sole discretion, specify in their written decision to grant growth allocation for a longer period of time after approval within which the project or phase(s) is required to be completed, or impose conditions for progress of the approved project, or phases(s) thereof that will automatically allow the growth allocation granted for such project or phases(s) thereof, to continue in effect indefinitely, provided that such conditions are met. If, upon the expiration of two (2) years, or upon the expiration of such longer period of time as may have been specified upon the award of growth allocation, or upon the failure of such condition that may have been imposed upon the award of growth allocation, the project is not completed, the growth allocation awarded for the project or area of the project that remains incomplete shall be automatically revoked unless, before such automatic revocation, the owner of the project for which growth allocation was awarded requests an extension in writing. The filing of such written request for extension of time to complete the project shall automatically extend such time for the shorter period of: (a) 180 days following the original expiration date of the award of growth allocation; or (b) until the Town Commissioners issue a written denial of the request for extension of time, which denial may be issued upon a vote thereon at a public meeting, without a hearing. Before the expiration of the time within which the project is otherwise required to be completed, as such time may have been automatically extended in accordance herewith, the Town Commissioners, upon such timely written request for extension, in their sole discretion, may by public vote grant an extension of the time limit within which the project is required to be completed. For the purpose of this subsection a project shall be considered "approved" when all governmental permits and approvals that are required by all applicable land-use laws and regulations have been issued for such project or phase(s). If a project or phase(s) thereof, for which growth allocation has been awarded, is not approved within eighteen months after the date on which growth allocation was awarded thereof, then all of the growth allocation awarded for such project or phase(s) thereof shall be automatically revoked and returned to the Town's allotment. For the purpose of this subsection a project or phase(s) thereof, shall be considered "completed" when the construction or installation of all improvements relating to governmental infrastructure (including roads, curbs, sidewalks, street lights, water supply facilities, stormwater

management, and sewerage collection facilities) and public utility infrastructure (including electricity distribution facilities, and telephone, cable television and internet communication facilities), as required by or pursuant to applicable law or governmental regulation, have been completed to each lot in the project or phase(s) thereof. The Town Commissioners shall have the sole power to make the determination as to whether a project or a phase is "approved" or "completed", as those terms are defined in this subsection.

c) **Process.**

(4) Multiple applications:

A. An applicant may withdraw an application for the award of Growth Allocation at any time; however, such withdrawal shall not relieve the applicant from the duty to pay the fees and costs incurred by the Town to the time of such withdrawal. Within twelve (12) months after the withdrawal of an application for the award of Growth Allocation, no subsequent application shall be filed with the Town by an applicant, or accepted by the Town, for processing for the award of Growth Allocation, involving some or all of the same land which is the subject of such withdrawn application, except that the Town Commissioners may, in their sole discretion, upon such conditions as they deem in the best interest of the Town, by resolution specify that the said time limitation shall not apply to a particular subsequent application and allow the filing and processing of such subsequent application. Under no circumstances shall there be more than one application for growth allocation, relating to some or all of the same land, being actively processed by the Town or on appeal at the same time.

B. An application for the award of Growth Allocation shall not be filed with the Town by an applicant, or accepted for filing by the Town, if that application is for the same land which is in whole or in part the subject of a previously filed application that is a pending application for the award of Growth Allocation filed with the Town, except that the Town Commissioners may, in their sole discretion, upon such conditions as they deem in the best interest of the Town, by resolution permit the filing of an application for the award of Growth Allocation for the same land which is in whole or in part the subject of a previously filed application that is pending if the applicant agrees to stay the previously filed pending application until a final decision is rendered on the subsequent application. If the subsequently filed application for growth allocation is granted, the previously filed application that was stayed shall be automatically deemed withdrawn. If the subsequently filed application is denied by a final decision, thereafter upon written request by the applicant the previously filed and stayed application shall be activated for processing by the Town.

Under no circumstances shall there be more than one application for growth allocation, relating to some or all of the same land, being actively processed by the Town or on appeal at the same time.

C. Within twelve (12) months after the date of a final decision on the merits regarding an application for the award of Growth Allocation, no subsequent application for the award of Growth Allocation shall be filed with the Town by an applicant, or accepted by the Town for processing for the award of Growth Allocation, involving some or all of the same land which was the subject of such previous final decision. However, the time limitation imposed by this Subpart C. of this Part (4) (Multiple Applications) shall not apply to prohibit or delay the processing of a previously filed application that was stayed pending a final decision that denied a subsequently filed application that is permitted to be processed, in the sole discretion of the Town Commissioners, pursuant to Subpart B. of this Part (4) (Multiple Applications).

COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND

TALBOT COUNTY GOVERNMENT BUILDING

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HOPE R. HARRINGTON
HILARY B. SPENCE

July 22, 2003

RECEIVED

JUL 24 2003

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Ren Serey, Executive Director
Critical Area Commission
1804 West Street, Suite 100
Annapolis, Maryland 21401

Dear Mr. Serey:

Pursuant to your letter dated July 14, 2003 please be advised that the Talbot County Council intends to introduce five bills concerning the Critical Area at our meeting on Tuesday, August 12th. The bills are as follows:

- A BILL TO AMEND THE TALBOT COUNTY CODE, CHAPTER 190 ZONING, ARTICLE II, DEFINITIONS AND WORD USAGE, SECTION 190-14. TERMS DEFINED, BY ADDING OR AMENDING DEFINITIONS TO COMPLY WITH THE CHESAPEAKE BAY CRITICAL AREA COMMISSION FOUR-YEAR REVIEW REQUIREMENT

- A BILL TO AMEND THE TALBOT COUNTY CODE, CHAPTER 190 ZONING, ARTICLE IV, LAND USE REGULATIONS BY ZONING DISTRICTS, SECTION 190-19. GENERAL TABLE OF LAND USE REGULATIONS, BY ADDING OR CHANGING THE SPECIFIC USE CONDITIONS TO COMPLY WITH THE CHESAPEAKE BAY CRITICAL AREA COMMISSION FOUR-YEAR REVIEW REQUIREMENT

- A BILL TO AMEND THE TALBOT COUNTY CODE, CHAPTER 190 ZONING, ARTICLE XI, CRITICAL AREA SPECIAL PROVISIONS, BY ADDING OR CHANGING SPECIFIC REQUIREMENTS TO COMPLY WITH THE CHESAPEAKE BAY CRITICAL AREA COMMISSION FOUR-YEAR REVIEW REQUIREMENT

- A BILL TO AMEND THE TALBOT COUNTY CODE, CHAPTER 190 ZONING, ARTICLE XII, SITE PLAN REVIEW, BY ADDING OR CHANGING SPECIFIC REQUIREMENTS TO COMPLY WITH THE CHESAPEAKE BAY CRITICAL AREA COMMISSION FOUR-YEAR REVIEW REQUIREMENT

- A BILL TO AMEND THE TALBOT COUNTY CODE, CHAPTER 190 ZONING, ARTICLE XIV, ADMINISTRATION, SECTION 190-109 D, GROWTH ALLOCATION DISTRICT BOUNDARY AMENDMENTS IN THE CRITICAL AREA, BY ADDING A NEW PARAGRAPH (21) GROWTH ALLOCATION FOR SPECIFIC USES IN THE RURAL CONSERVATION (RC) ZONE, TO COMPLY WITH THE CHESAPEAKE BAY CRITICAL AREA COMMISSION FOUR-YEAR REVIEW REQUIREMENT

Once the bills have been introduced, a copy of each bill will be sent to your attention for your review. Public hearings on the above named bills will be on September 9, 2003 with the County Council vote on September 23rd.

Thank you for your patience. Should you have any questions, please feel free to contact R. Andrew Hollis, County Manager, at (410) 770-8010.

Sincerely,

COUNTY COUNCIL OF TALBOT COUNTY

Thomas G. Duncan

Thomas G. Duncan, President

TGD/jkm

Cc: Dan Cowee, Planning Officer

FOR THE RECORD

Legal Report – Critical Area Commission July/August 2003

1. The State Court of Appeals decided the Edwin Lewis case on July 31st. The Court remanded the case back to the local zoning board in Wicomico County, because the Court ruled (4-3 vote) that the Board did not apply the law correctly. The Board had denied variances for 6 hunting cabins already built in the 100-foot buffer. The decision and dissent together are over 70 pages long, and Marianne is reviewing the case carefully with the Attorney General's Office in Baltimore. Marianne will be happy to talk to any of you individually about the case, and you may call her when she returns from vacation on August 18th.

2. In the Circuit Court for Cecil County: We received a favorable decision in the case of Knight's Island Preserve v. Cecil Board of Appeals. The Cecil Board of Appeals denied a variance for more boat slips than allowed by law. The developer appealed, and we supported the Board's decision. The circuit court affirmed the Board. The developer's time to appeal further has expired.

3. In the Circuit Court for Harford County: In Old Trails Partnership v. Board of Appeals, the parties have filed their legal briefs, and we will argue before the judge on September 25th. We are supporting the decision of the Harford County Board of Appeals to deny blanket variances for construction of 56 houses on steep slopes and in the Buffer. The Board granted some, but not all, of the variances, and we believe that the Board properly balanced environmental protection and the developer's property rights.

4. Before the Board of Appeals in Calvert County: Julie La Branche testified at a hearing in the Dides case. This applicant has partially constructed a home addition in the Buffer. He was twice denied variances, and he has ignored a court order to restore the site. The Board denied the variance again.

5. On July 18th, Chairman Madden appealed a decision of the Cecil County Board of Zoning Appeals in the Wruble case. The Cecil Board granted variances for a swimming pool and pool house in the Buffer. The applicant's property is 10 acres in size, and already developed with a large house, deck, and driveway. We believe that the Board improperly granted the variance, because the Board did not consider the reasonable use of the entire parcel, as required under the General Assembly's 2002 amendments to the Critical Area law.

CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Commission Members

From: Ren Serey

Date: August 5, 2003

Subject: Accessory Structures and Uses in the Resource Conservation Area (RCA)

At the July meeting staff were instructed to survey the 16 Counties with regard to whether accessory structures and uses are counted towards the density in the RCA. Below are the questions staff posed to the Counties:

1. Please advise the Commission of any accessory uses and structures that may be used for residential purposes and meet the definition of a dwelling unit, but are not counted towards the one-dwelling-unit-per-twenty-acre density requirement in the RCA. The uses and structures include tenant houses, in-law apartments, guesthouses, and caretakers' houses.

2. What a type of limitations on these uses and structures are used (i.e., are they approved through a special exception process)?

3. How frequently are these uses and structures inspected for compliance with what was permitted?

4. Is a record kept of these uses and structures (i.e., through building permits or some other means)?

5. Have these uses and structures been permitted to be subdivided or sold separately from the primary residence on the site?

6. Approximately how many of these types of structures that are not counted towards the RCA density requirement are permitted per year?

The results of this survey are attached. This item will be discussed at the August meeting.

Accessory Structures and Uses in the Resource Conservation Area

County	Type of Accessory Structure or Use	Limitations	Are these uses inspected, if so how frequently?	Number permitted per year	How are records kept?	Is subdivision permitted?
Annapolis	Employee Living Quarters	*See below	Only upon initial inspection	None existing to date	Building permit (for 3 years)	No
Anne Arundel	Domestic Quarters	*See below	Only upon initial inspection	One	A list is maintained	Only if 1/20 is met
Baltimore	Tenant Houses	*See below	No inspection	Less than 1 in last 7 years	Building permits	If both structures existed prior to 1985
Calvert	Accessory apartment	*See below	Once	1-2	Building permits	No
Caroline	None					
Cecil	Tenant house Accessory apartment Guest House	*See below	Periodic	None existing to date	Building permits	No, except guesthouses
Charles	None					
Dorchester	None					
Harford	In-law apartment	*See below	No inspection since no permit issued	Unknown	No records are kept since no permit is issued	No since part of the dwelling
Kent	Temporary hunting trailer	*See below	During and after the hunting season to ensure removal	3	Building permits	No
Prince George's	Tenant houses Accessory Apartments	*See below	Annual		Building permits	No
Queen Anne's	None					
St. Mary's	None					
Somerset	In-law apartment	*See below				
Talbot	Employee residence Guest House	*See below	Once	10	Building permits	No
Wicomico	None					
Worcester	None					

*** LIMITATIONS**

Annapolis – Employee living quarters

- A special exception is not required.
- Must meet the basic requirements of the residential zoning district in which they are located.

Anne Arundel – Domestic quarters

- A written agreement is required.

Baltimore County – Tenant houses

- One additional dwelling per lot of record for a bona fide tenant worker.

Calvert – Accessory apartment

- Must be within 100-feet of the dwelling and attached to an accessory building such as a garage.
- Shall be no more than 900 square feet.
- If in the dwelling it shall be no more than 40% of the total square footage of the building.
- One kitchen is permitted within the apartment.

Cecil – Tenant house, accessory apartment, guest house

Tenant house
- Limited to one per 100 acres without subdivision

Accessory apartment
- Only counts if separate structure from primary residence

Guest houses
- Limited to parcels greater than 50 acres, unless a special exception is granted. Unclear as to whether it "counts" with respect to RCA density.

- Permitted inside the principal dwelling

Kent – Temporary hunting trailers

- Require a building permit
- May not arrive before the hunting season
- Must be removed after the hunting season
- Must comply with nonconforming use and grandfathering provisions

Prince George's – Tenant houses, accessory apartments

Tenant houses
- Not regulated by the County, but through a farm plan

Accessory apartments
- Permitted inside the principal dwelling

Somerset – In-law apartments

- Board of appeals approval required.

Talbot – Guest residence

- 2-acre minimum.
- 1 guest residence per parcel.
- Excludes manufactured homes and mobile homes.
- Shall not be occupied by the same individual for longer than 6 months.
- An individual occupying a guest residence for more than 3 months shall not reoccupy the residence for 1 month after ceasing occupancy.
- May be indefinitely occupied by an individual related by blood or marriage to the property owner.
- In all zones, except RAC and RC where parcels are 20 acres or larger, no guest residence shall exceed 1,500 square feet.