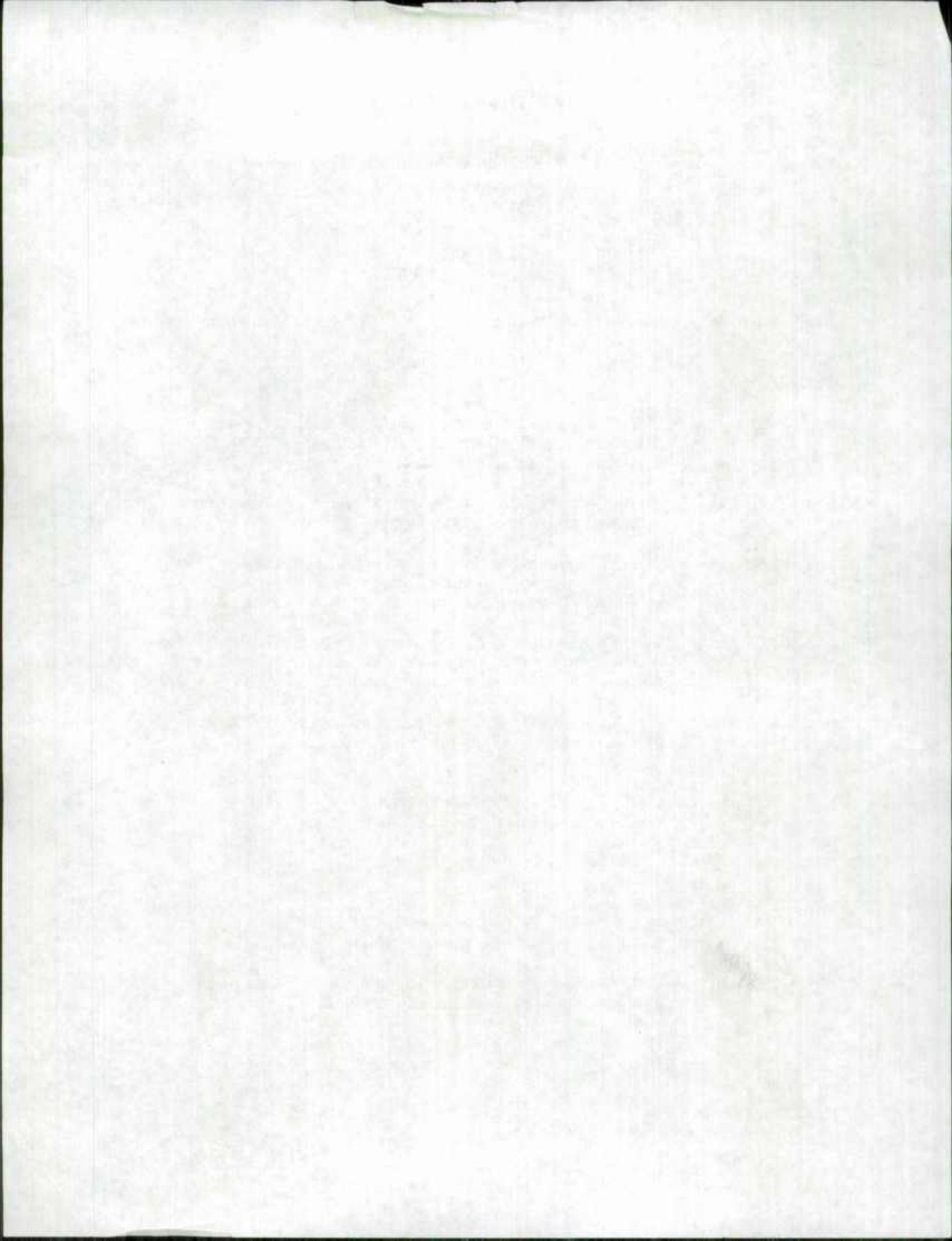


Critical Area Commission

Meeting Place and Date:
Department of Housing and Community Development
Crownsville, Maryland
October 1, 2003

AGENDA

1:00 p.m. – 1:10 p.m.	Introductory Remarks	Chairman Martin G. Madden
	Approval of Minutes for September 3, 2003	
PROJECTS		
1:10 p.m. – 1:30 p.m.	VOTE: Department of Natural Resources: Black Walnut Point Cabins – Conditional Approval (Talbot County)	Lisa Hoerger
1:30 p.m. – 1:40 p.m.	VOTE: St. Mary's College: Student Services Building Parking Lot (St. Mary's County)	Mary Owens
1:40 p.m. – 1:50 p.m.	VOTE: Department of Natural Resources: Janes Island State Park: Sewer Line Installation (Somerset County)	Claudia Jones
1:50 p.m. – 2:05 p.m.	VOTE: State Highway Administration: Bridge Replacements – Weems Creek and College Creek – Conditional Approval (Annapolis)	Dawnn McCleary
2:05 p.m. – 2:15 p.m.	VOTE: Department of Natural Resources: Point Lookout State Park Playground (St. Mary's County)	Wanda Cole
2:15 p.m. – 2:25 p.m.	VOTE: Town of Perryville: Perryville Park Conditional Approval (Cecil County)	Mary Ann Skilling
PROGRAMS		
2:25 p.m. – 2:40 p.m.	Refinement: Town of Chesapeake Beach: Buffer Exemption Area Designation – Fishing Creek Landings Marina (Calvert County)	Julie LaBranche
2:40 p.m. – 2:50 p.m.	VOTE: Anne Arundel County: Homeport Farm Growth Allocation: Deed Restrictions	Lisa Hoerger



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
September 3, 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:

Meg Andrews, Maryland Department of Transportation
Margo Bailey, Kent County
Dave Blazer, Worcester County Coastal Bays
Dave Bourdon, Calvert County
Judith Evans, Western Shore Member-at-Large
William Giese, Dorchester County
Ed Gilliss, Baltimore County
Joseph Jackson, Worcester County
James N. Mathias, Jr., Ocean City
Thomas McKay, St. Mary's County
Daniel Mayer, Charles County
William Rice, Somerset County
Barbara Samorajczyk, Anne Arundel County
Douglas Wilson, Harford County
Larry Duket, Office of Planning
Louise Lawrence, Maryland Department of Agriculture
Gary Setzer, Maryland Department of the Environment
James McLean, Maryland Department of Business and Economic Development
Frank Dawson, Maryland Department of Natural Resources

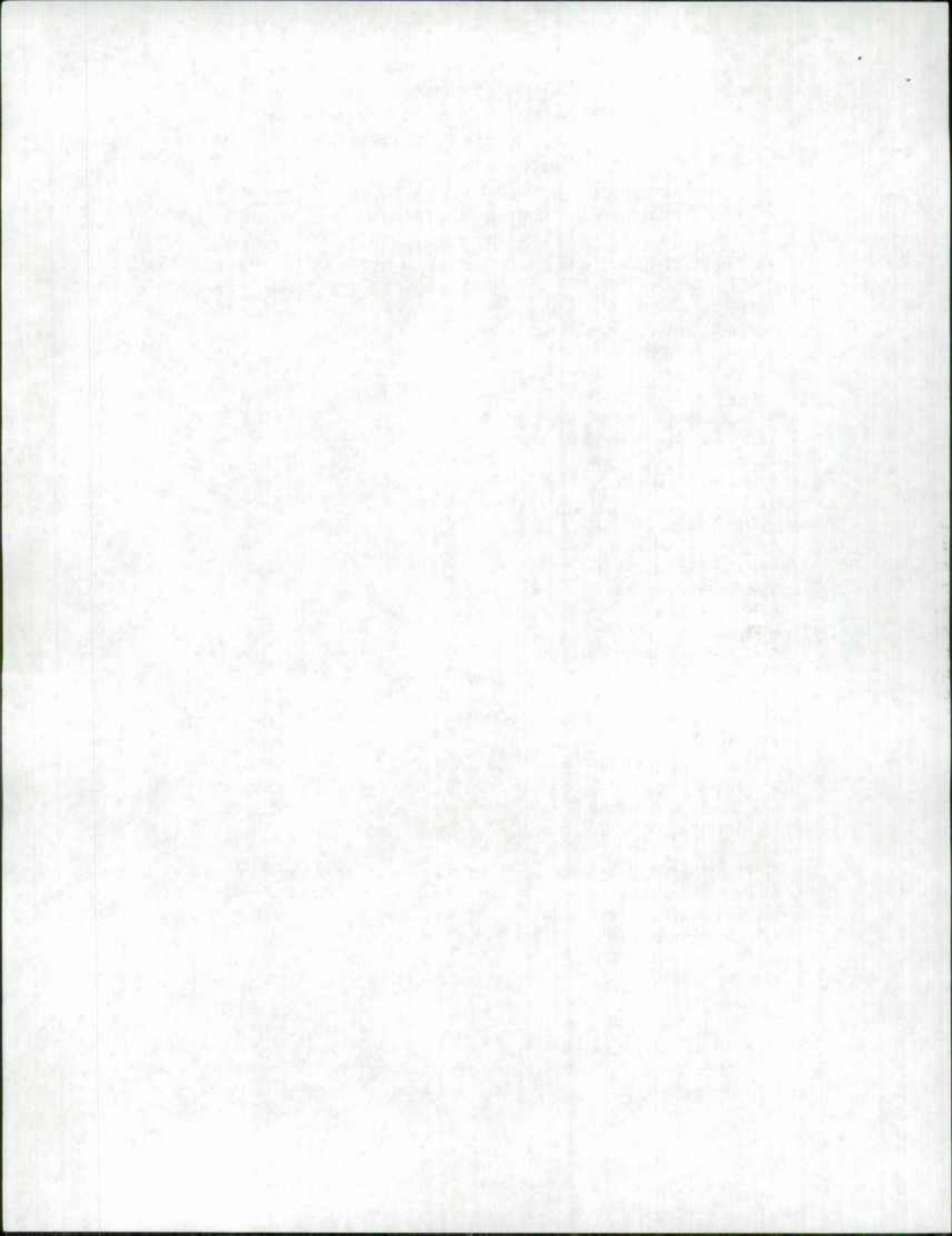
Not in Attendance:

Paul Jones, Talbot County
Dr. Earl Chambers, Queen Anne's County
Douglas Stephens, Wicomico County
Edwin Richards, Caroline County

The Chairman presented Governor's citations to departing Commission members Dave Bourdon of Calvert County; Dave Cooksey, Charles County; Bob Goodman, Department of Housing and Community Development, Samuel Q. Johnson, Eastern Shore Member-at-Large. Sam Wynkoop, Prince George's County, was unable to attend.

The Minutes of August 6, 2003 were corrected to reflect the attendance in July of William Rice.

Anne Arundel County: Lisa Hoerger presented for VOTE the Riva Road Widening Project proposed by the Anne Arundel County Department of Public Works. The widening and geometric improvements will improve sight distance and decrease the probability of accidents.



Critical Area Commission Minutes

September 3, 2003

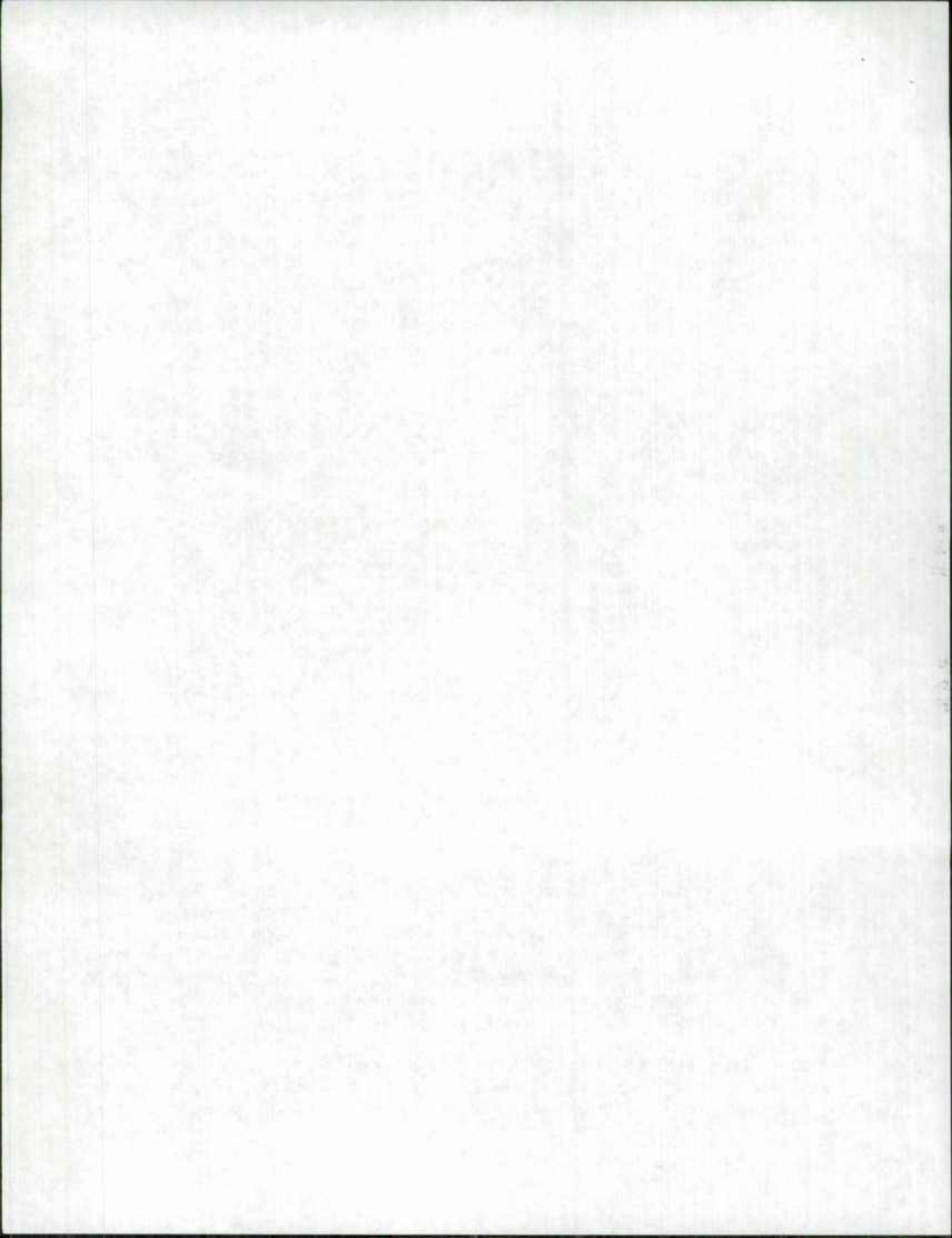
The sidewalk improvements, traffic safety beacons, school bus stop improvements, refuge islands and lighting will increase public safety for pedestrian traffic. The County right-of-way has a split Critical Area designation of Intensely Developed Area and Limited Development Area and the total impacts to the Critical Area portion will be 41,215 square feet. The total mitigation required is 70,770 square feet. The County is proposing to replant 71,780 square feet in various sites along the right-of way both inside and outside the Critical Area. For the portion of the project in the IDA, the 10% calculations were performed by the County for Pollutant Removal and two bioretention areas are proposed. There are no rare, threatened or endangered species on this site. The project is being reviewed for stormwater and sediment and erosion control practices. MDE is reviewing a joint permit application for impacts to tidal wetlands. Ms. Hoerger iterated the characteristics of this project for meeting the requirements for a conditional approval. As a condition of the Conditional Approval Request, the Commission staff recommends the following mitigation:

1). Anne Arundel County Department of Public Works shall provide mitigation at a 2:1 ratio for all new grading and impervious areas in the 100-foot Buffer and 1:1 mitigation for clearing and steep slope disturbance outside the expanded Buffer. Dave Bourdon moved to approve the proposed Riva Road Widening project by Anne Arundel County. The motion was seconded and carried unanimously.

Worcester County: LeeAnne Chandler presented for VOTE the proposal by the Department of Natural Resources to replace an existing pier and to add an ADA Access at Pocomoke River State Park. The project is within the 100-foot Buffer. No clearing is proposed; no Best Management Practices are currently proposed; approximately 320 square feet of impervious surface is proposed. Milburn Landing is located within the Mattaponi Natural Heritage Area (NHA) which was designated to protect numerous endangered and threatened plant species that live in the unique bald cypress swamp ecosystem along the lower Pocomoke River. While no impacts to the NHA are anticipated, recommendations from the DNR's ecologist are being sought. The Commission staff recommended approval of the project with conditions: 1. Mitigation will be provided at a 2:1 ratio in the form of tree and shrub planting in the vicinity of the project site. A signed Planting Agreement will be required. 2. Strict sediment and erosion control measures will be installed and kept in place until the site is fully stabilized. 3. The project will be completed in conformance with the recommendations of DNR's Eastern Region Ecologist. Dave Bourdon moved to approve the proposal by the Department of Natural Resources to replace an existing pier and to add an ADA Access at Pocomoke River State Park. The motion was seconded and carried unanimously.

City of Annapolis: Dawnn McCleary presented for VOTE the proposal by the Department of General Services to demolish, grade, and pave the current site of the Bloomsbury Square apartments. The 1.59 acre property is entirely in the Critical Area but outside the 100-foot Buffer, in an Intensely Developed Area. A bioretention facility is proposed to reduce pollutant loadings. The 10% reduction requirement will be met on site. Dave Bourdon moved to approve the proposal by the Department of General Services for the paving the Bloomsbury Square apartments site. The motion was seconded and carried unanimously.

Anne Arundel County: Lisa Hoerger presented for VOTE the satisfaction of a condition of approval for the Homeport Farm Growth Allocation in Anne Arundel County. When the Commission approved the Homeport Farm growth allocation request, the development envelope



Critical Area Commission Minutes

September 3, 2003

concept was used to avoid deducting the entire parcel. The County was required to assure the Commission that any remaining areas of RCA are a minimum of twenty acres, and to ensure the areas would retain their RCA character. One area of remaining RCA was less than twenty acres. The County and the property owner agreed to provide an easement from an adjoining property owner to ensure the twenty-acre set aside would be established on this site. That condition was, "...prior to recordation of the subdivision plat for Homeport Farms, the County shall submit to the Commission for its approval a conservation easement that will ensure that the 7.73+/- acres of land adjacent to the Homeport Farm property shall be maintained in uses appropriate to the Resource Conservation Area (RCA), as those uses are set forth in the County Critical Area ordinance. The 7.73+/- acres shall be contiguous to the 12.27+/- acre area to remain RCA, which is located at the southern portion of the property. The easement shall ensure that a total area of 20 contiguous acres of land at the southern portion of the project will retain the character and uses of RCA. After Commission approval, and prior to recordation of the subdivision plat for Homeport Farm, the conservation easement shall be recorded." Dave Bourdon moved to approve the proposed easement document to satisfy one of the conditions of the growth allocation approval. The motion was seconded and carried unanimously.

New Business

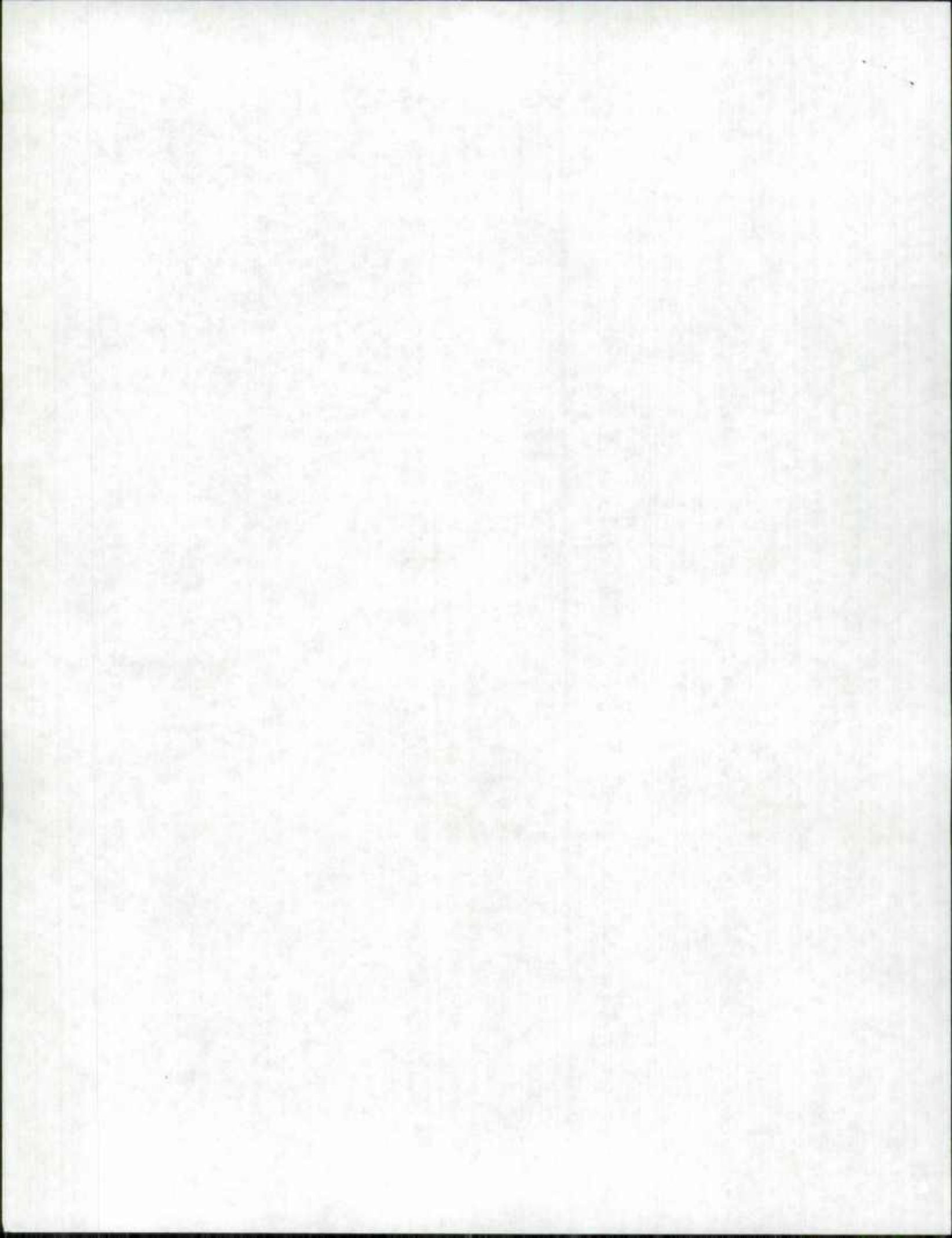
Chairman Madden briefed the Commission on the upcoming retreat on September 23rd. It will be held at the University of Maryland's Wye Research Center in Queen Anne's County. An agenda and directions will be forwarded prior to the retreat.

Old Business

Marianne Mason briefed the Commission on legal activities for the prior month. She reported that the Old Trails case would be heard in Harford County Circuit Court on September 25th. In this case the Commission is supporting the decision of the Harford County Council sitting as the Board of Appeals to grant a partial variance for development on a site with severe development constraints. The case has been on-going for more than two years.

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

Minutes submitted by: Peggy Campbell, Commission Coordinator



*Base ap
Bowdon*

Critical Area Commission

STAFF REPORT

October 1, 2003

APPLICANT: Department of Natural Resources

PROPOSAL: Black Walnut Point -Replacement of Existing Cottages

JURISDICTION: Talbot County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: **Pending Project Subcommittee's Discussion**

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

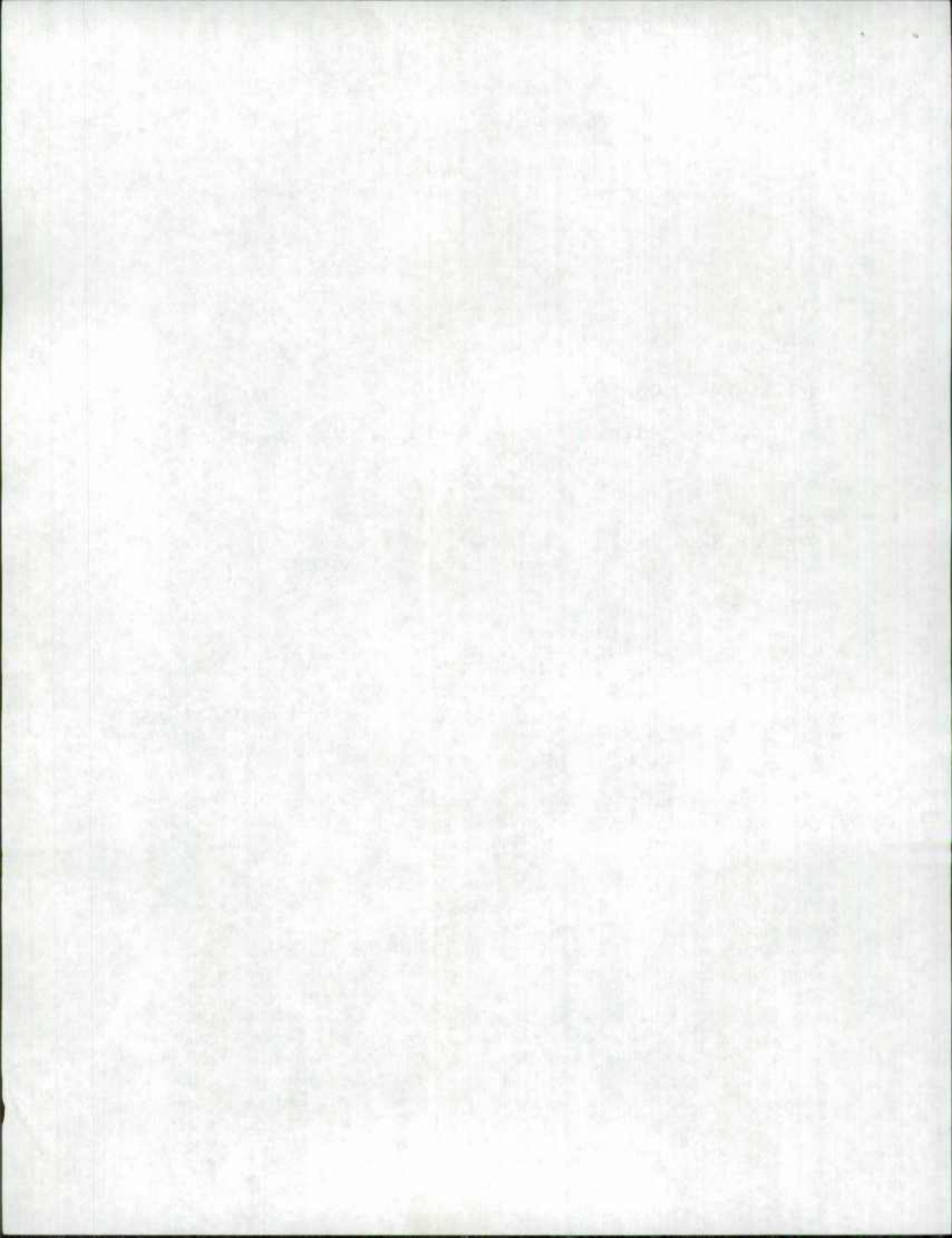
DISCUSSION:

The Department of Natural Resources leases a six-acre portion of the Black Walnut Point property that consists of 57.51 acres in Tilghman, Maryland. The six-acre tract has been leased on a long-term basis to the Black Walnut Point Inn, Inc. since 1989. The property is operated as a bed and breakfast facility. A new long-term lease agreement was negotiated with the tenant, which was approved by the Maryland Board of Public Works on October 30th, 2002. This new lease requires the tenant to provide certain improvements to the leased premises.

The tenant proposes removing two cottages, one shed, and one-half of the existing garage/shed. All three structures are located within the 100-foot Buffer to the Choptank River. The existing shed and cottages are located within ten feet of the water's edge. The shed is located on the stone revetment area.

The tenant proposes to replace the buildings with six prefabricated cottage buildings set on piers located within the 100-foot Buffer, but set back further away from the shoreline and will cause no soil disturbance. The tenant also proposes a 30' x 36' addition to the existing office and a seventh cottage. This addition and cottage will be located outside the 100-foot Buffer.

The total impervious area removed from the 100-foot Buffer is 4,356 square feet. The total new impervious area is 3,492 square feet; therefore a net reduction of 864 square feet within the 100-foot Buffer will result from the project. The required mitigation is 10,476 square feet (3,492 square feet x 3) of planting at a 3:1 ratio within the 100-foot Buffer. The proposed addition and cottage outside the 100-foot Buffer will require 1:1 mitigation for any clearing.



The Maryland Department of the Environment (MDE) determined that no permits for stormwater or sediment control are needed since there will be no disturbance. The Department of Natural Resources (DNR) confirmed that there are no rare, threatened, or endangered species on this site.

The Department of Natural Resources has not completed its review of this project, and more information may be provided at the Commission meeting.

Since the proposal is on State-owned lands and the replacement of the cottages will impact the 100-foot Buffer, this project requires a Conditional Approval by the Commission as found in the Code of Maryland Regulations at 27.02.06 of the Critical Area Commission's regulations for State and local government projects.

Conditional Approval Process (COMAR 27.02.06.01 B & C)

In order to qualify for consideration by the Commission for conditional approval, the proposing State agency must show that the project or program has the following characteristics: **(The following responses highlighted in bold text were provided by the applicant, DNR and are do not reflect the Commission staff's position):**

- (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;*

The premises are leased as a bed and breakfast facility. The existing cottages used for overnight guests are in poor condition and must be replaced. The property is a peninsular area, thus the replacement of the cottages is restricted by the existing facilities, the overall layout of existing buildings/septic, and the existing topography

*Sm. #
of people
greater
setback
fewer
cottages
bldg.*

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

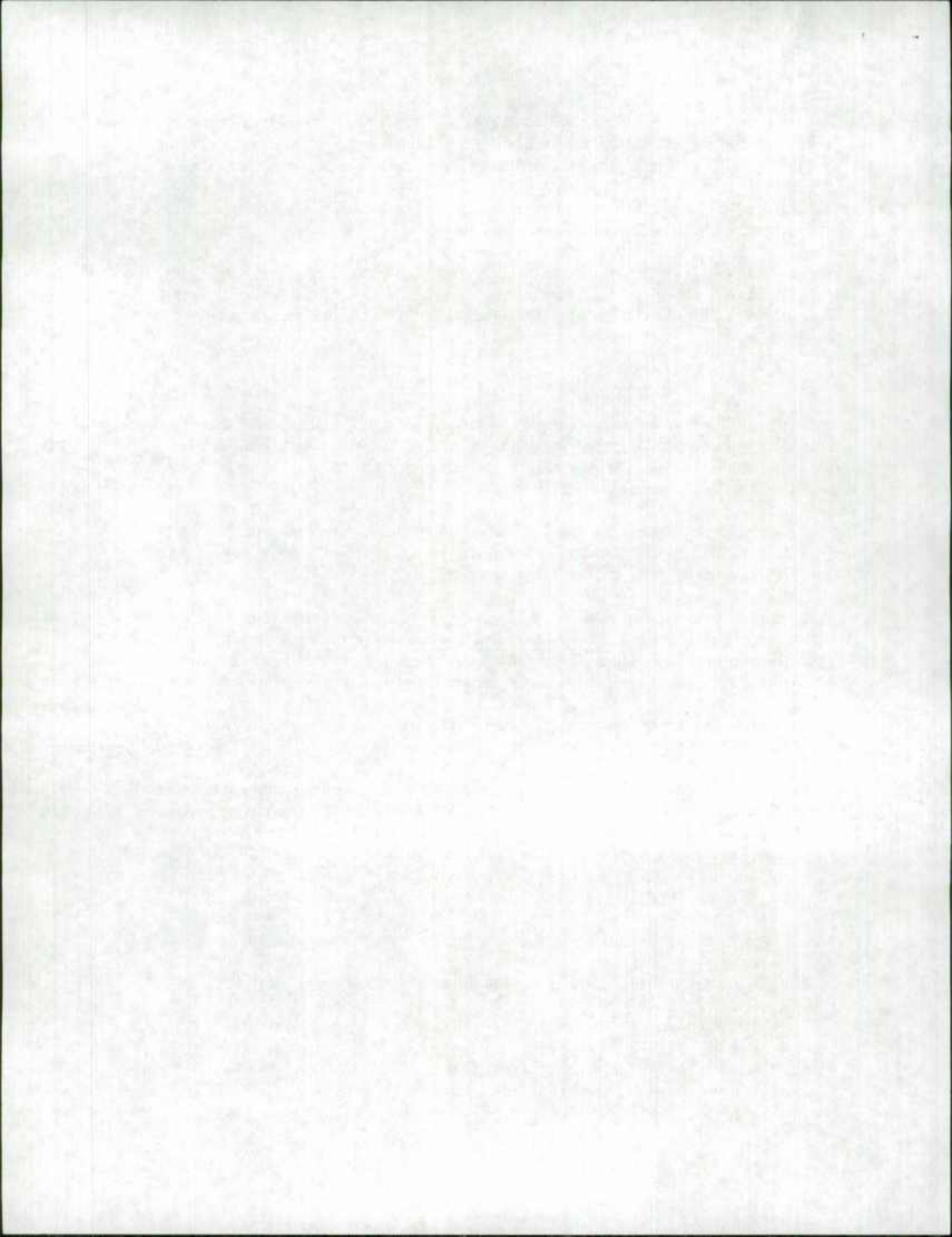
The public benefits of this project include the use by the public of public lands owned by DNR and offered as a bed and breakfast facility with conference/meeting areas. This improved property was acquired with public funds and DNR has leased the property to a company that can offer the use of the premises to the public. Also, one of the replacement cottages will be in compliance with the Americans with Disabilities Act (ADA) thus offering disabled citizens better access and use of this public facility.

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

The project conforms in all other ways to the Critical Area Program.

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;*



A literal enforcement of the provisions of this subtitle will prevent the replacement of existing cottages that are in poor condition and non-ADA compliant.

(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;

There will be no disturbance within the Critical Area as the replacement cottages are pre-fabricated and will be placed on piers. No MDE permits for stormwater or sediment control are required.

(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.

The State via the tenant proposes to provide reforestation at a 3:1 ratio for clearing and impervious area that will occur inside the Buffer and at a 1:1 ratio for clearing that will occur outside the Buffer.

* The Commission is required to base its approval, denial or modification to this project based on the following factors (COMAR 27.02.06.01 E):

1) Less imp. surface
2) same # of people
greater set. back

1. The extent to which the project or program is in compliance with the requirements of the relevant chapters of this subtitle;
2. The adequacy of any mitigation measure proposed to address the requirements of this subtitle that cannot be met by the project or program; and
3. The extent to which the project or program, including any mitigation measures, provides substantial public benefits to the overall Chesapeake Bay Critical Area Program.

Conceptual?

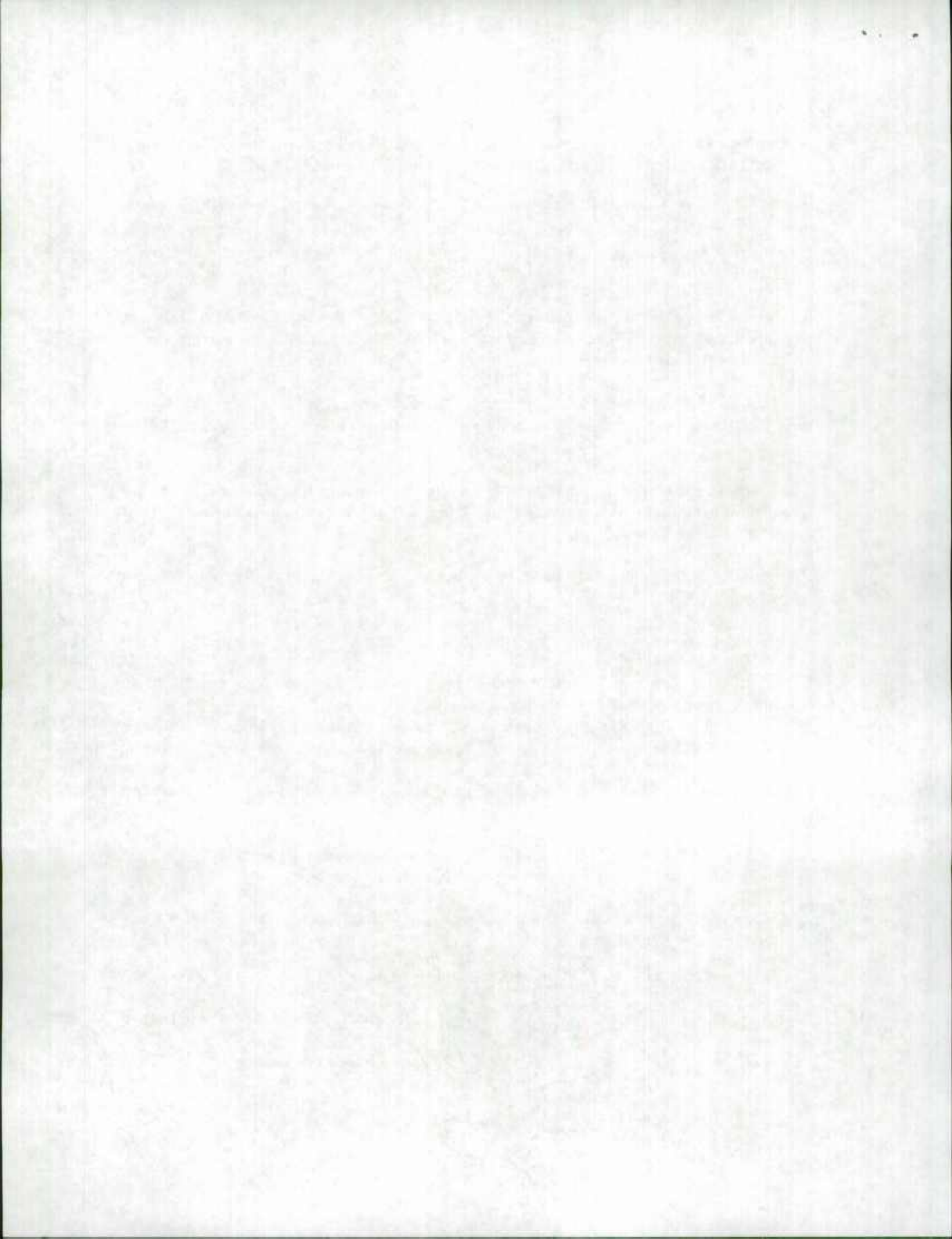
Commission staff recommends the following mitigation as a condition of the Conditional Approval Request:

1. The tenant shall provide mitigation at a 3:1 ratio for all disturbances to the 100-foot Buffer and 1:1 mitigation for clearing outside the expanded Buffer.
2. If the tenant fails to provide the proposed mitigation for unforeseen reasons, the Department of Natural Resources agrees to fulfill the mitigation obligation on this site.

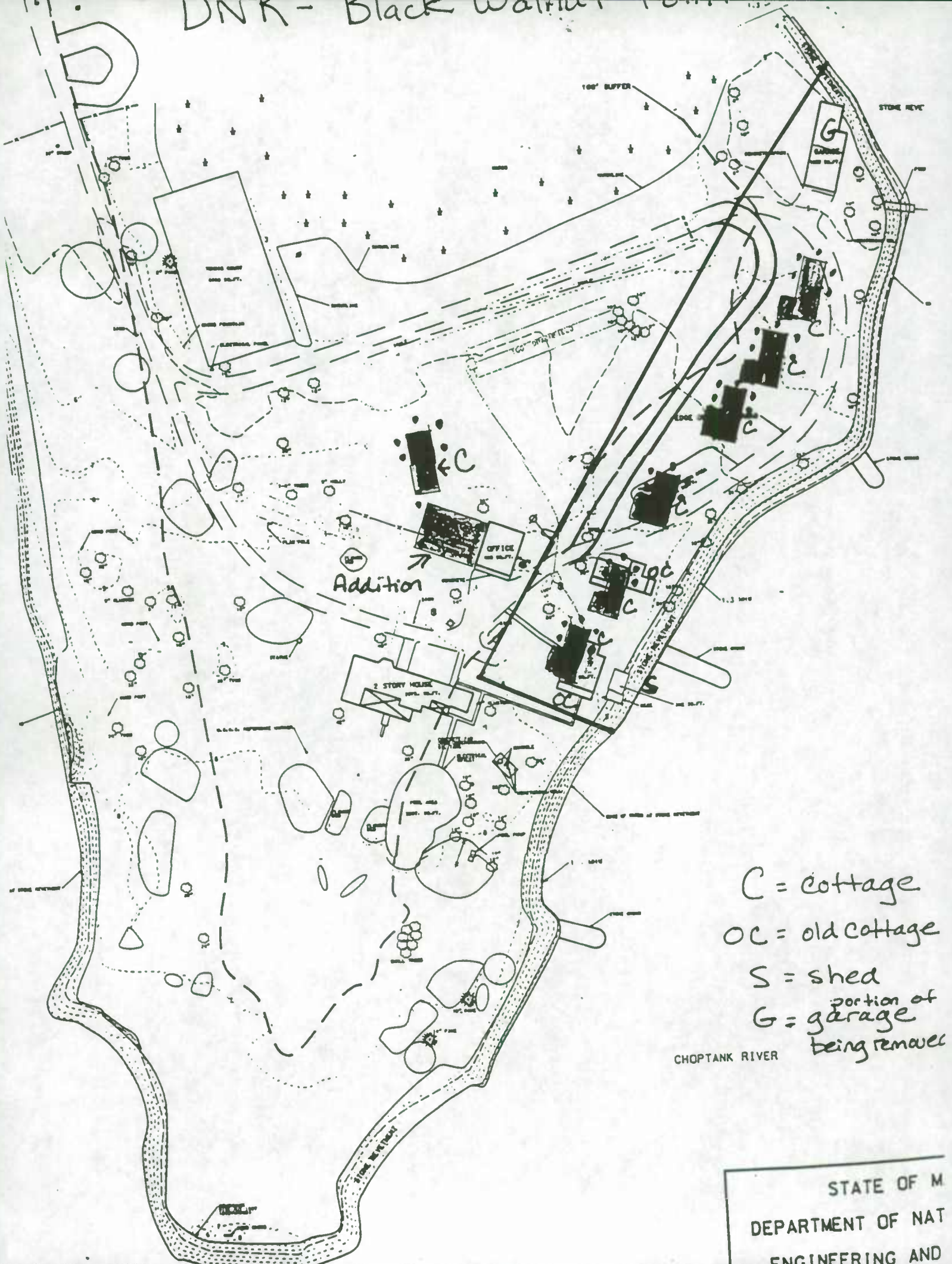
3. Final site plan will be reviewed & approved by C.A. staff. Any substantial changes to be approved by Full Comm. Dawson. see.

Banden
Conditional Approval

C.P.U.



DNR - Black Walnut



Addition

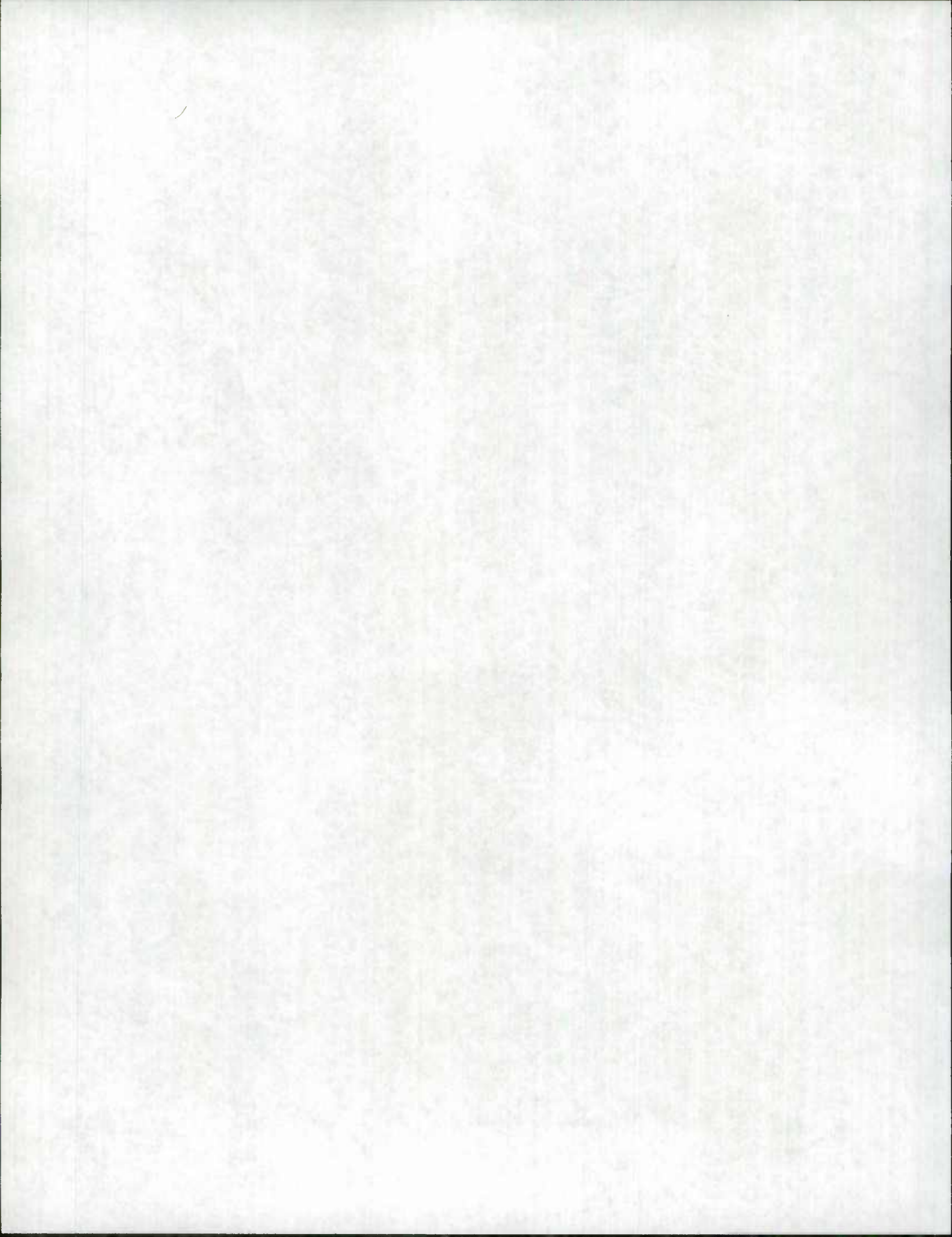
2 STORY HOUSE

OFFICE IN REAR

- C = cottage
- OC = old cottage
- S = shed
- G = garage
portion of
being removed

CHOPTANK RIVER

STATE OF M.
DEPARTMENT OF NAT.
ENGINEERING AND



Change
add —

Black Walnut Pt.

Within the 100 foot Buffer Area —

Removing 2,274 sq. ft.

2 cottages

summer kitchen Marked in pink

¼ lower garage

New Additions 1,692 sq. ft.

3 new cottages Marked in red

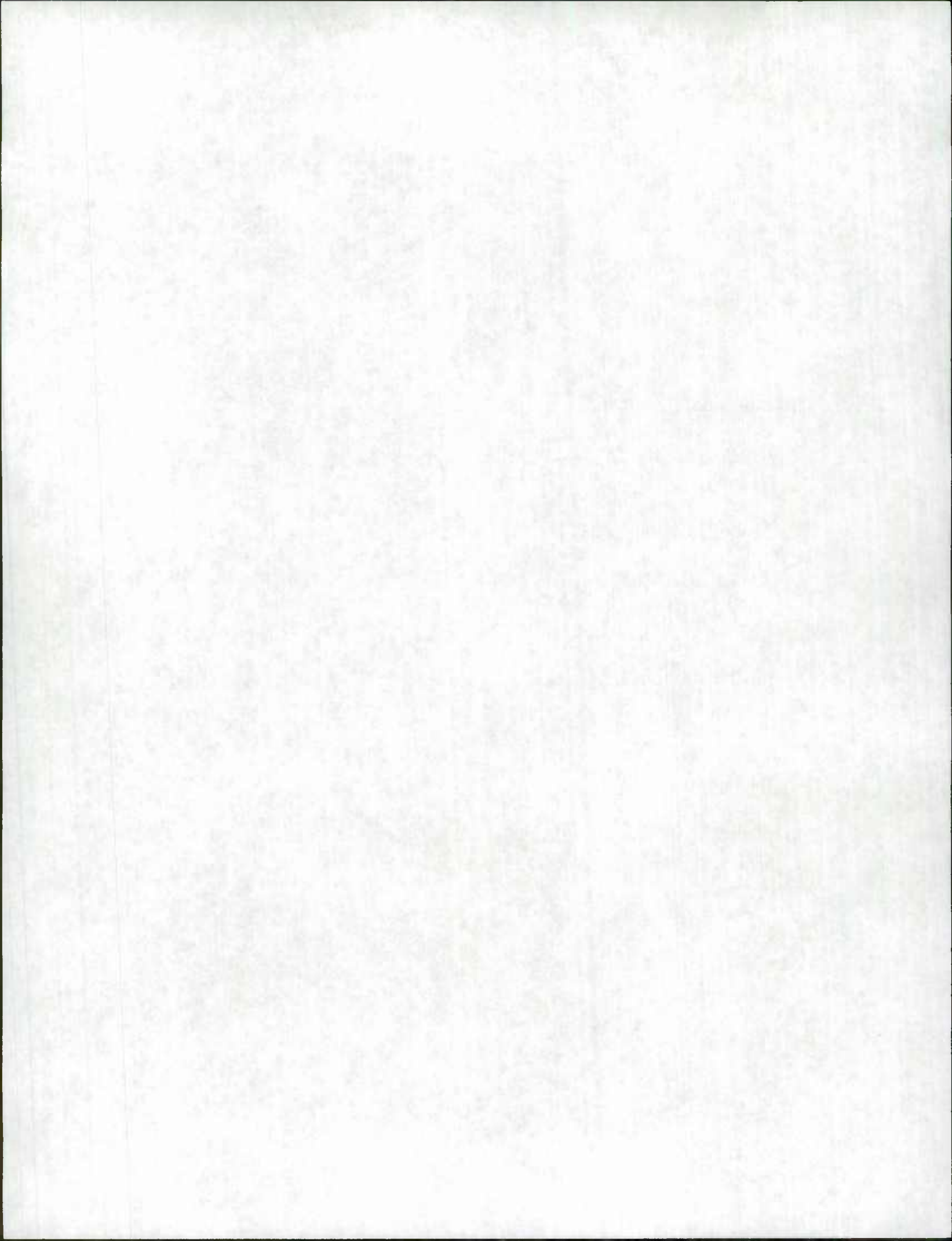
Slight modification of Road

TOTAL REDUCTION INSIDE OF 100 FT. BUFFER AREA 1260 SQ. FT.

Outside the 100 foot Buffer Area

Extension of Office 900 sq. ft.

4 cottages 2256 sq. ft Marked in red



Critical Area Commission

STAFF REPORT

October 1, 2003

APPLICANT: St. Mary's College

PROPOSAL: Student Services Building Parking Lot

JURISDICTION: St. Mary's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with condition

STAFF: Mary Owens

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

DISCUSSION:

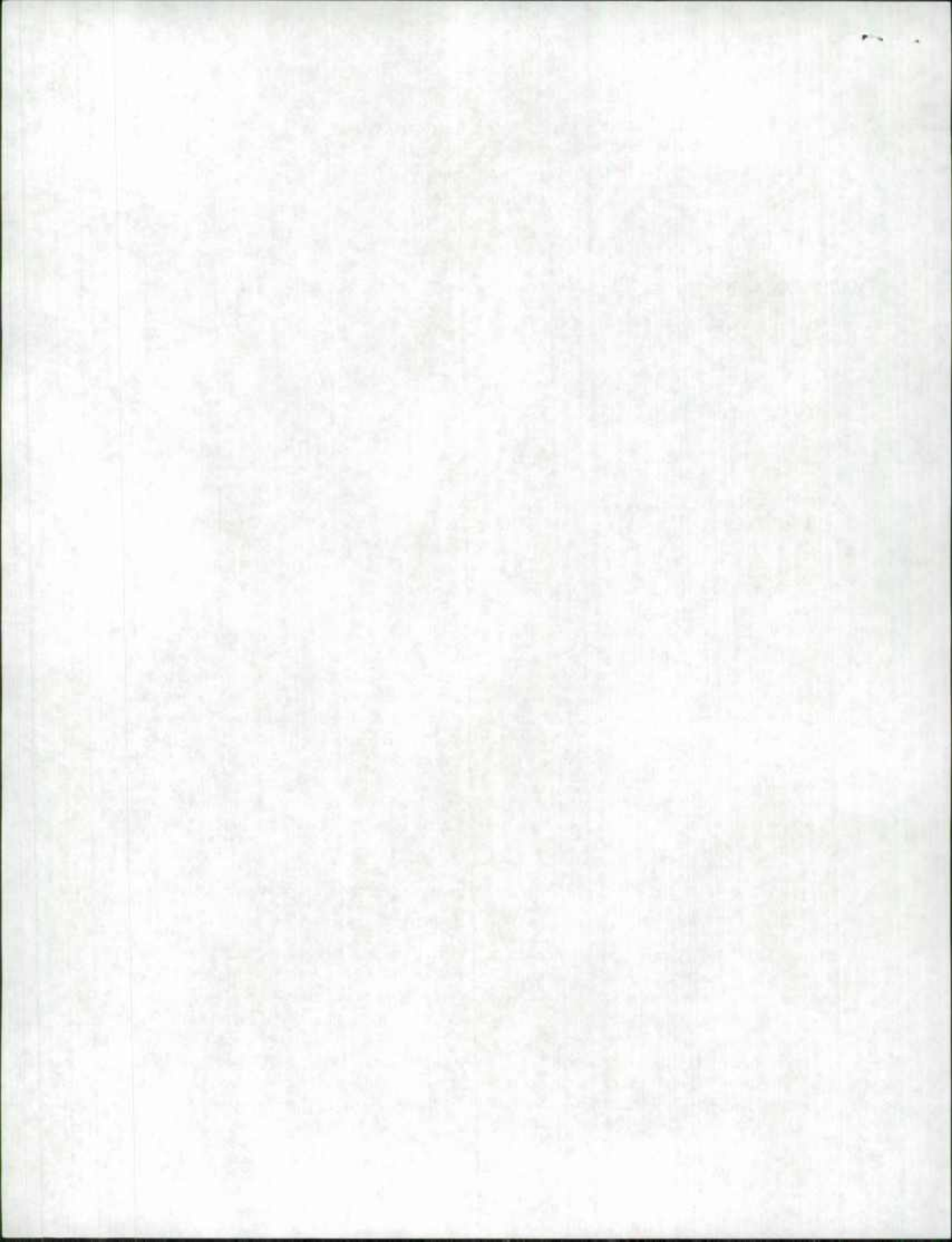
St. Mary's College is requesting approval of a project involving the construction of a 355 car parking lot. The project is scheduled for construction this fall and will support the future Student Services Building, which is proposed for construction in 2005. The project site includes an area where significant archaeological resources were found, and this affected the configuration of the parking lot and the location and type of stormwater management facilities. The project has been designed to avoid and preserve areas where archaeological resources were found.

gravel paved system for parking lot

A part of this project involves the removal of an existing water tower and associated water lines. After the water tower and water lines are removed, the area will be restored and planted with grass. This part of the project does not require Commission approval because it is located outside the Critical Area.

The parking lot is located in an open field area that is almost entirely within the Critical Area. There are no impacts to Habitat Protection Areas.

The campus is largely developed and is considered an area of intense development. There are no impervious surface limits; however, compliance with the 10% Rule for pollutant removal is required. The project involves the use of Gravelpave, a system of pervious pavers with a gravel substrate that is capable of storing stormwater runoff and allowing gradual infiltration into the soil. Commission staff reviewed the manufacturer's information with the consulting engineer, and it was determined that, for purposes of calculating phosphorus loads, the pavers would be considered 65% impervious. Typical asphalt and concrete paving surfaces are considered 100% impervious. Based on this modification to the calculations, the resulting pollutant removal



requirement was calculated to be 3.38 pounds of phosphorus. Four infiltration trenches with pretreatment measures (three pretreatment trenches and one stilling basin) will be constructed as Best Management Practices for stormwater quality. The Maryland Department of the Environment has reviewed the stormwater design.

The project involves the removal of some natural vegetation in the form of hedgerows and the edge of an existing forested area. Approximately 8,000 square feet of vegetation will be removed. In a unique arrangement with the Critical Area Commission and the Department of Natural Resources, St. Mary's College complies with the planting requirements of the Critical Area Act and Forest Conservation Act by replacing all forest cleared on a project site at a one-to-one ratio or providing 15% forest cover on each project site, whichever is greater. On this site, the 15% forest cover totals 31,559 square feet. The plans for the project include landscaping in and around the parking lot consisting of 104 trees and 50 shrubs. The forest cover credit associated with these plans equals 11,000 square feet. An additional 20,559 square feet of planting will be required, and is proposed to be satisfied by planting on other project sites at the College. Commission staff is working with St. Mary's College staff to ensure that the planting requirements for all projects recently approved by the Commission are satisfied by landscaping on the project site or in an afforestation area.

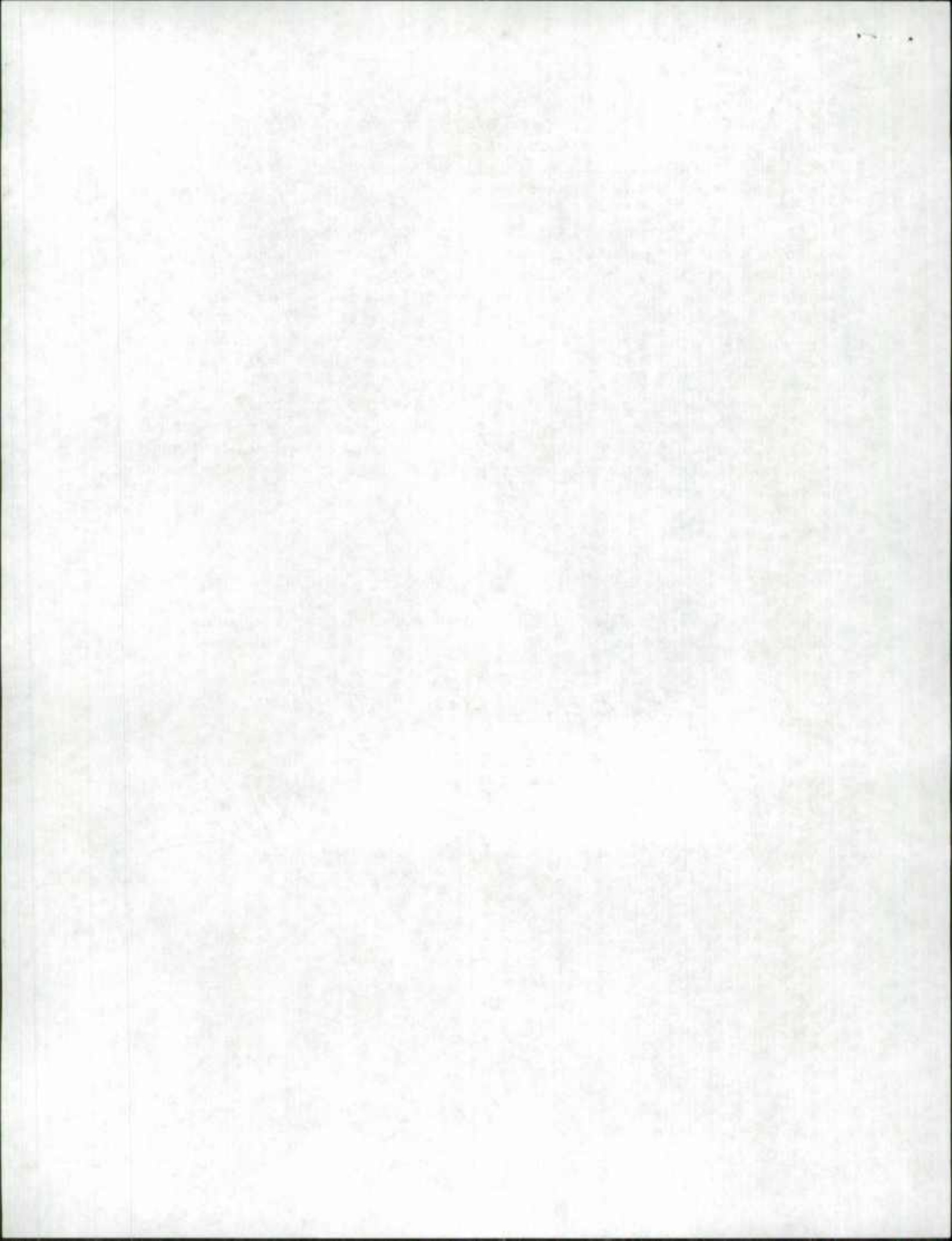
STAFF RECOMMENDATION:

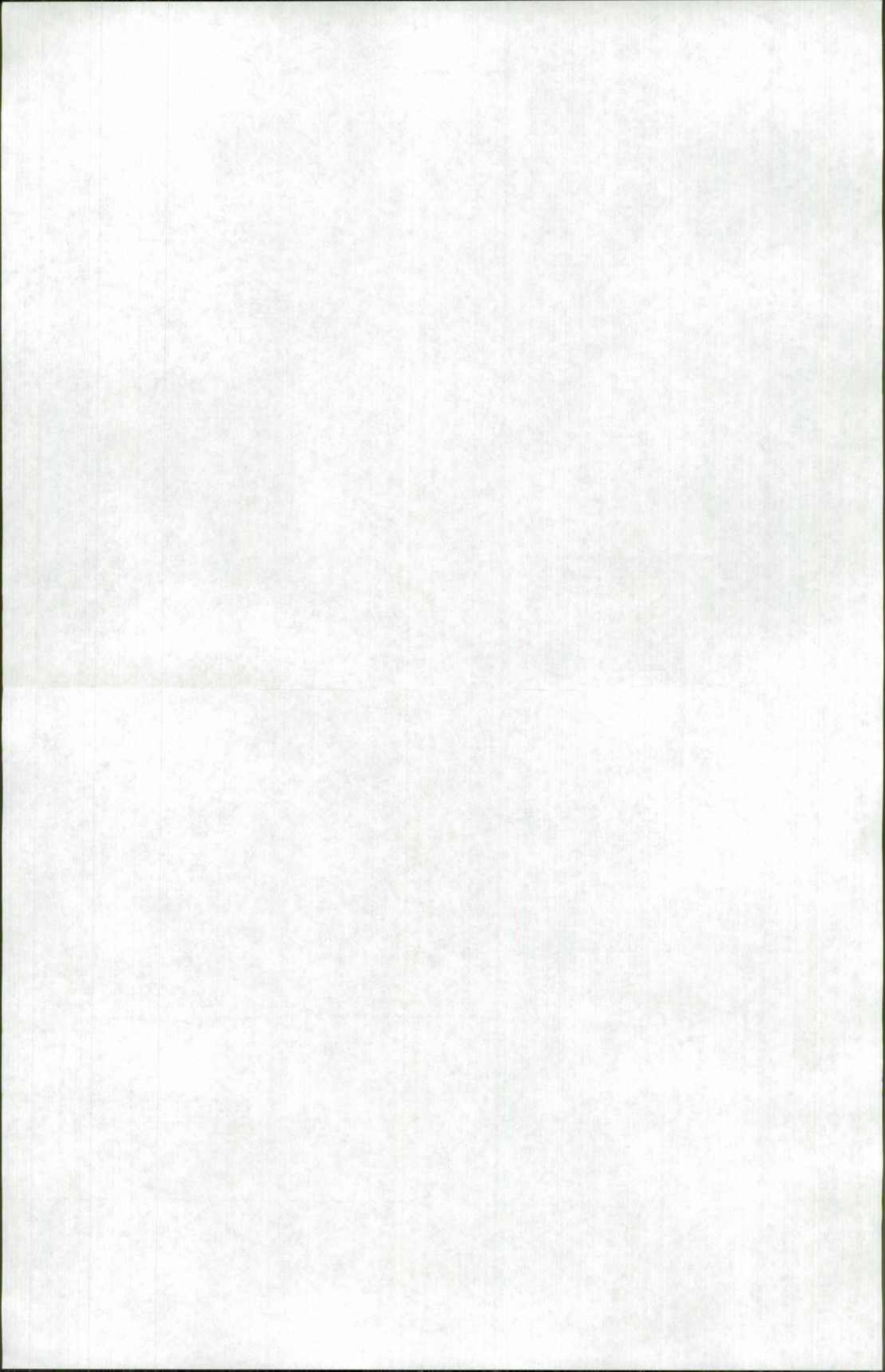
Commission staff recommends that this project be approved with the following condition:

A Planting Agreement shall be executed with Commission staff prior to initiating construction on this project.

next mo. a landscape plan to Comm.

*Bowdon - Carlton
(Chambers) McKay sec. C/U*





Critical Area Commission

STAFF REPORT

October 1, 2003

APPLICANT: Department of Natural Resources – Jane’s Island State Park

PROPOSAL: Jane’s Island State Park Sewer Service

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Conditional Approval with conditions

STAFF: Claudia Jones

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval

DISCUSSION:

The Somerset County Sanitary District is proposing to connect the mainland area of Jane’s Island State Park to the Somerset County Sanitary Sewer System with provisions for future service to other residences in the area.

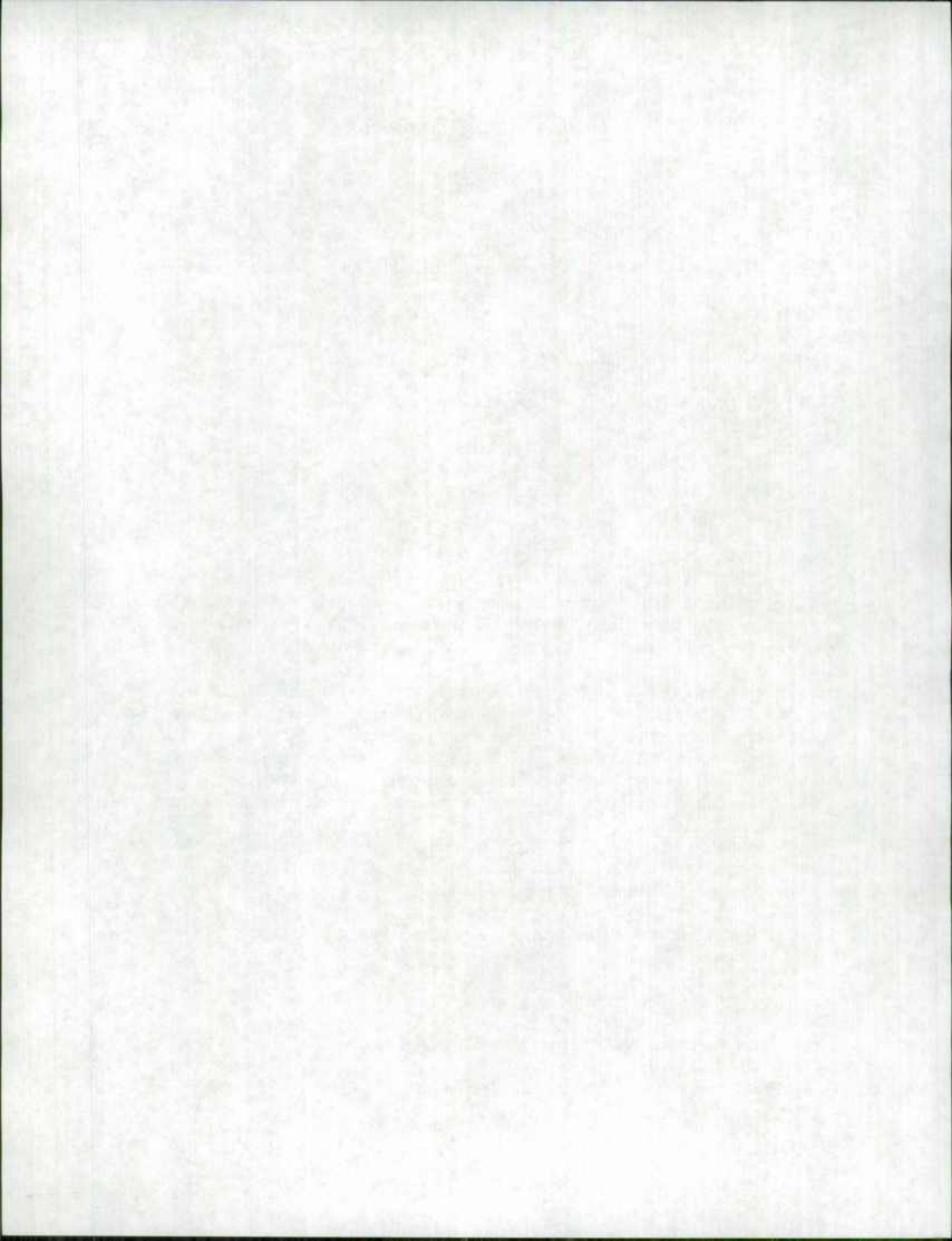
Sewer service for the park currently consists of various septic tanks and drainfields to serve individual areas of the park. Some of the systems are failing and pose a potential for ground and surface water contamination. Sewage from the administrative building, bathhouses, vehicle pump-out, and the cabin/conference area will be conveyed to an existing manhole located on Jacksonville Road. It has been determined that a pump station and force main sewage conveyance system with gravity components would be the most feasible solution for the park.

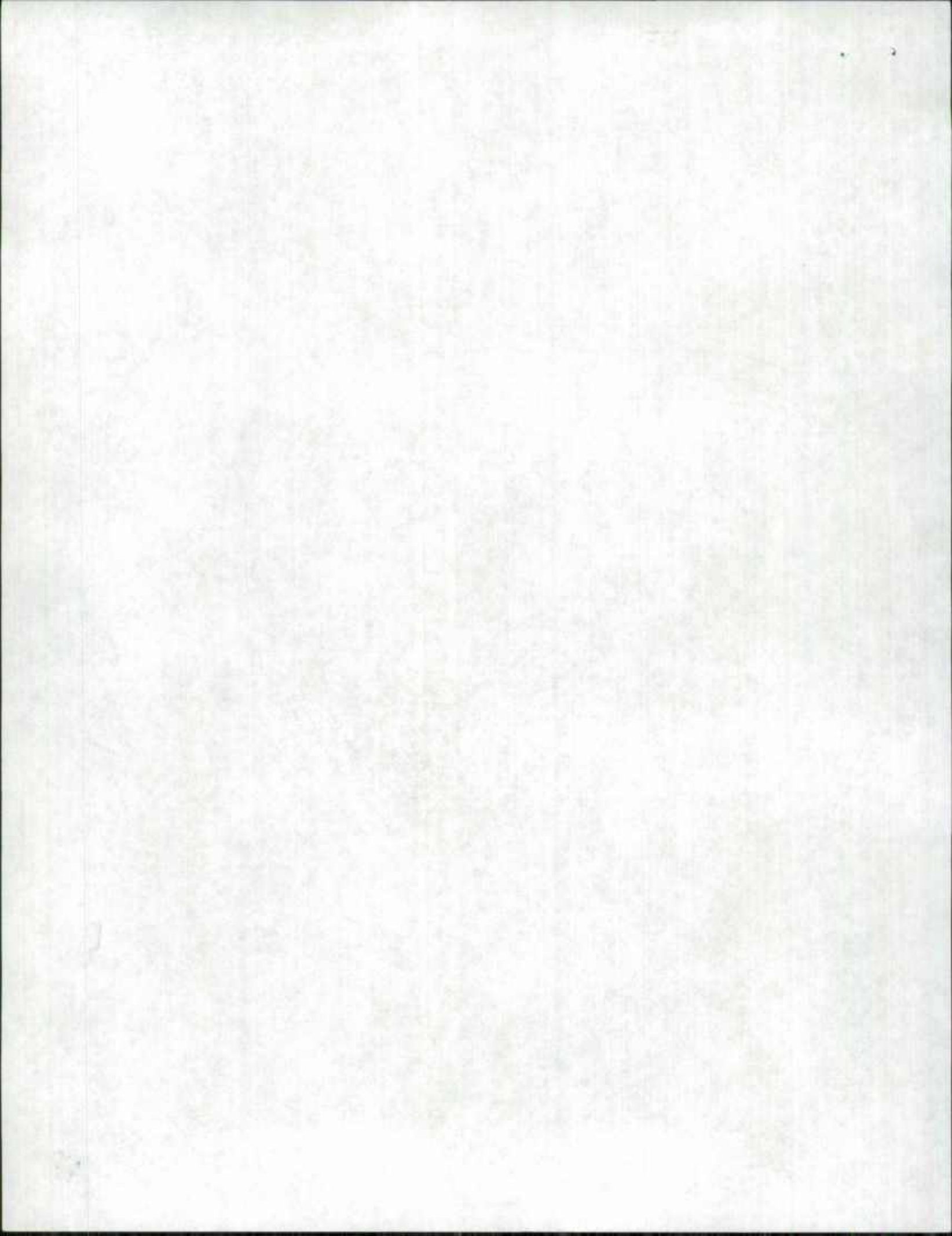
The total disturbance in the 100-foot Buffer is 2,450 square feet for sewer installation. The total disturbance in the Critical Area is 18,030 square feet outside of the Buffer. Additional impervious surface is 2,050 sq. ft. for the pump station.

It does not appear that there will be any tree clearing needed for this project. The staff recommendation is for approval of this project with the following conditions.

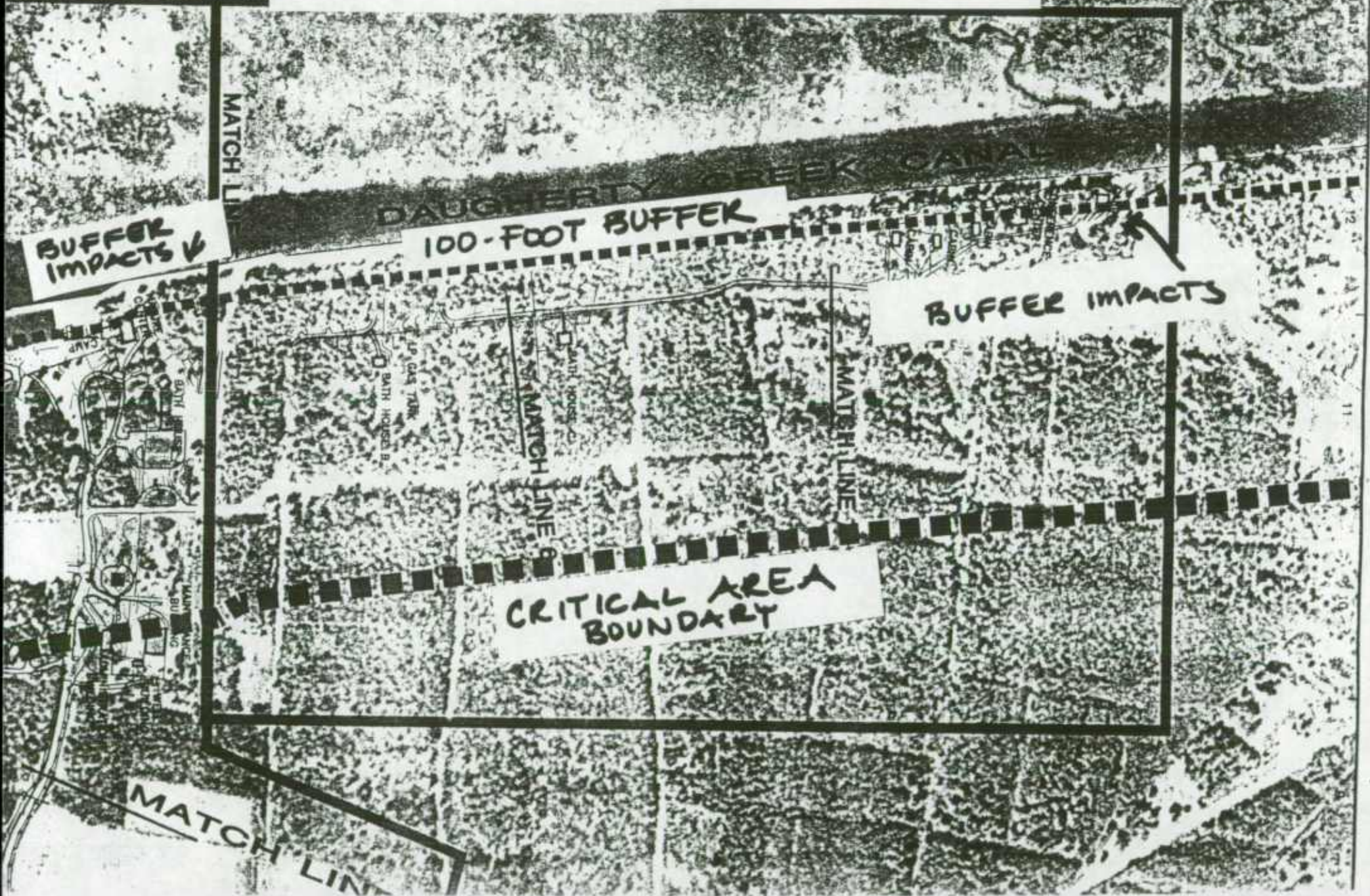
Recommended Conditions

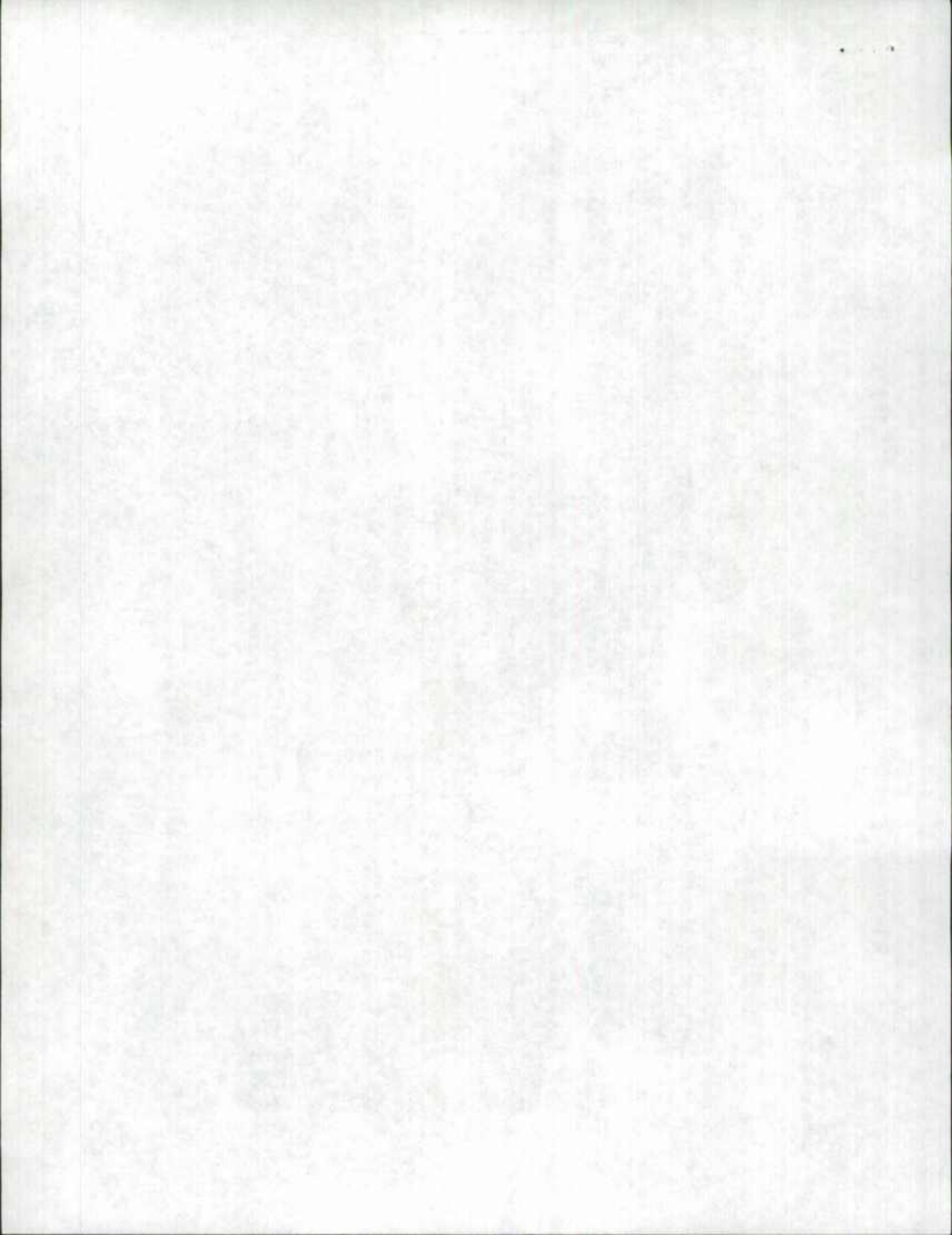
1. That the area disturbed is restored to predisturbance conditions.
2. That MDE approval is received.
3. That there are no threatened or endangered species that will be disturbed by this project.





JANE'S ISLAND SEWER PROJECT





Expansion to be accommodated by extra large wide median strip. (B. Same states not so serious process.

Ext. Lane

Critical Area Commission

Bowdon

**STAFF REPORT
October 1, 2003**

APPLICANT: State Highway Administration

PROPOSAL: Weems Creek and College Creek Bridge Replacement and Rehabilitation

JURISDICTION: Anne Arundel County and City of Annapolis

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval *Conditional*

STAFF: Dawnn McCleary

APPLICABLE LAW/REGULATIONS: COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

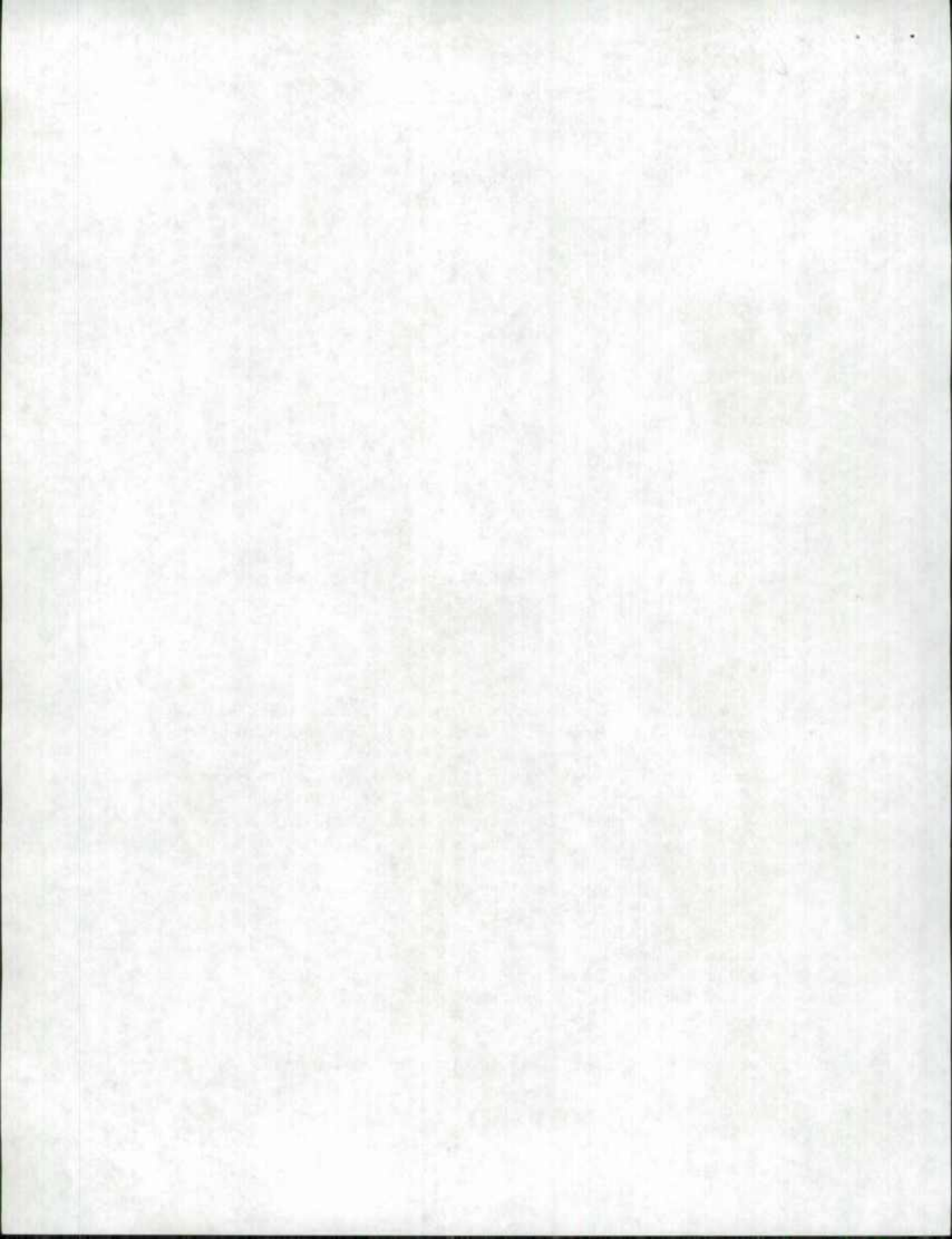
DISCUSSION:

State Highway Administration is proposing improvements to the Weems Creek and College Creek bridges at MD 70/Rowe Boulevard. The Weems Creek bridge straddles Anne Arundel County and Annapolis; all of the College Creek bridge is located in Annapolis. The proposed project will consist of the replacement of the Weems Creek bridge and the rehabilitation of the College Creek bridge. The replacement and rehabilitation of both bridges will improve the operation, safety and attractiveness of MD 70 where it enters Annapolis. With the exception of drainage improvements and a sidewalk that extends west along MD 70 past the US 50\301 interchange, the project is within the Critical Area. Both bridge projects are designated as Areas of Intense Development. Total disturbance within the Critical Area is 6.68 acres.

The Weems Creek Bridge will include new pier construction and new sidewalks. Disturbance will be 5.6 acres. Disturbance to the Buffer will be 2.9 acres. The College Creek Bridge will be 4.7 feet wider than the existing bridge. It will also include the construction of new curb and gutters and the construction of city gateway entrance structures and vista areas at the bridge limits. Disturbance will be 1.07 acres. Disturbances to the Buffer will be 0.74 acres.



There will be a slight increase in impervious area over the existing conditions when both bridges are combined.



*Continued, Page Two
Weems Creek and College Creek Bridge
October 1, 2003*

There will be less impervious surface on the Weems Creek bridge due to a shift in roadway design, the removal of several medians and wide paved shoulder areas, and replacement of areas with wider permeable planted medians and narrow shoulders. For the College Creek bridge, there is a slight increase in imperviousness by 0.12 acres due to a slightly wider superstructure.

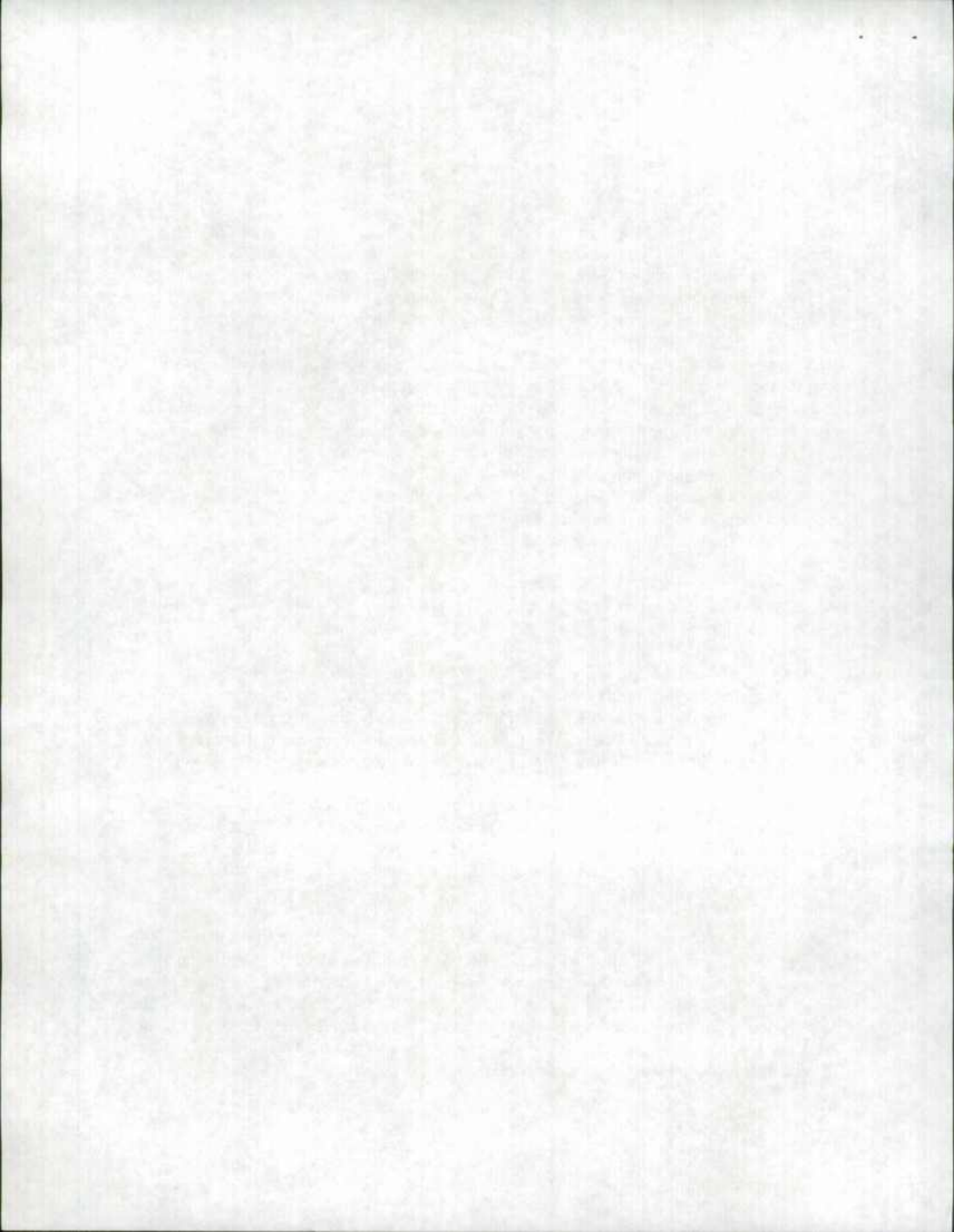
SHA is proposing to clear a total of 1.8 acres of forest and streetscape plantings as well as to clear for the construction of several water quality treatment facilities. SHA is proposing to clear 1.32 acres in the Buffer. Mitigation will take the form of reforestation and streetscape plantings along the roadside in new wider medians, within the 50/301 interchange and the bridge approaches. The proposed bioretention area will also include trees and shrubs. SHA will use native species for the mitigation. This location will provide approximately 5 acres for replanting. SHA is proposing to plant 3.84 acres in the 100-foot Buffer for Weems Creek and College Creek. Outside the Buffer but within the Critical Area, 0.48 acres will be cleared. This will be replaced at a 1:1 ratio. The total mitigation for impacts in the Buffer and Critical Area are ~ 4.44 acres.

Stormwater will be handled by five (5) bioretention facilities and one pond upgrade, which will treat 12.9 acres of new and previously untreated impervious surface. The 10% Rule requires that 4.25 pounds of phosphorus be removed; 34.69 pounds will be removed.

For the Weems Creek bridge, there will be three bioretention facilities within the 100-foot Buffer. Bioretention facility 1 is located between MD 70 and Kirkey Road west of the southbound land and will remove 1.5 lbs of phosphorus annually. Bioretention facilities 2 and 3 are located on the Annapolis side of Weems Creek Bridge and will be treating the northbound and southbound lanes. Each facility will remove 0.9 lbs. of phosphorus.

An existing stormwater management pond in the Critical Area that treats drainage outside the Critical Area will be updated to an extended detention wetland facility. Finally, the required removal rate for Weems Creek portion of the project is 1.9 lbs. of phosphorus. The three proposed bioretention facilities and the pond upgrade will provide a total removal rate of 30.8 lbs. of phosphorus.

There will be two bioretention facilities on the College Creek portion of the site within the 100-foot Buffer. Bioretention facility 4 will treat a portion of the bridge deck runoff and some of the approach. Bioretention facility 4 will remove 0.76 lbs. of phosphorus from impervious surface area on site. This facility will also treat 2.69 lbs of phosphorus from the approach roadway. The Bioretention facility 5 will remove 0.44 lbs of phosphorus. The required removal rate for College Creek portion of the project is 2.35 lbs. of phosphorus. The two proposed facilities will remove 3.89 lbs of phosphorus annually over the required removal.



*Continued, Page Three
Weems Creek and College Creek Bridge
October 1, 2003*

Weems Creek and College Creek are documented anadromous fish spawning areas, therefore no work will take place from February 15th - June 15th. There are also no federal proposed or listed endangered or threatened species that exist within the project impact area.

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:

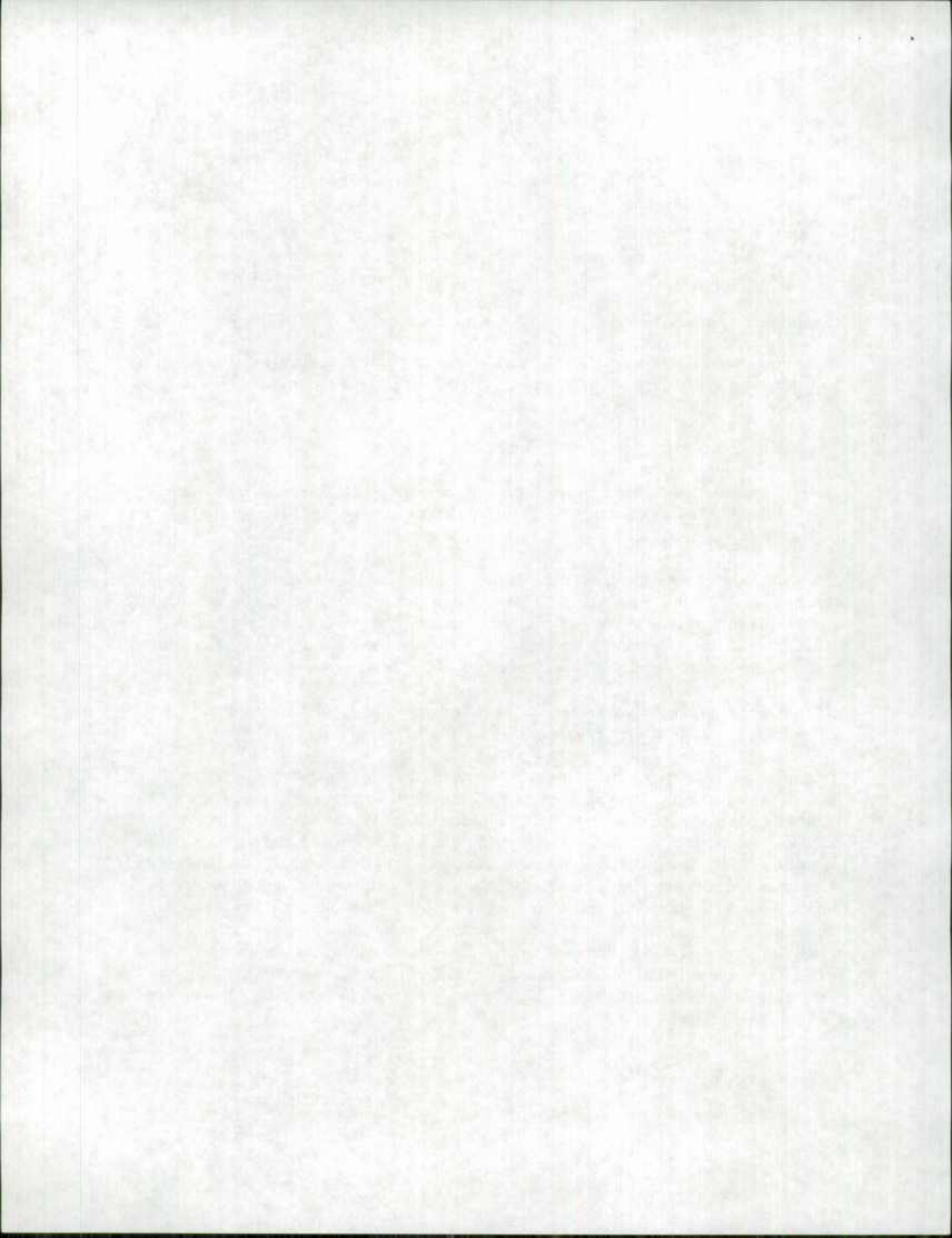
The following are the responses of the applicant:

(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;

The MD 70 roadway and bridges over Weems and College Creeks were constructed prior to the enactment of the Critical Area regulations. SHA is required to maintain its roadways and bridges in a safe operating condition. Both bridges are in need of repair/replacement and literal enforcement of these regulations would prevent SHA from implementing improvements that would ensure continued and safe use of the bridges leading to and from Annapolis.

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

The project would provide substantial public benefits to the Program including recreational and educational opportunities and improved water quality in both Weems and College Creeks. The proposed bridges will be wider to provide better access for pedestrians and bicyclists. By providing a safe and attractive facility, people will be more likely to walk and bike to get to their destination, which in turn would promote greater awareness of the resources of the Chesapeake Bay and reduce pollution caused by the use of automobiles. Also, local organizations may be more willing to conduct educational tours across the bridges. Furthermore, the project includes the construction of five bioretention facilities and the upgrading of an existing stormwater management pond. These facilities will treat roadway runoff in excess of what is required by MDE. The roadway runoff, including runoff from the bridge decks, will be filtered by these facilities before being released into the creeks. Currently, runoff from the bridge decks goes directly into the creeks.



*Continued, Page Four
Weems Creek and College Creek Bridge
October 1, 2003*

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

The project has minimized encroachment into the Buffer by providing nearly in-kind replacement of the Weems Creek bridge. A slightly new alignment of the bridge is necessary to allow for uninterrupted maintenance of four lanes of traffic to and from Annapolis. In addition, there will be a net reduction in impervious area as a result of the replacement of the Weems Creek bridge, which may help improve water quality. At the College Creek bridge, there will be an increase in impervious surface area to provide better bicycle/pedestrian access, however it will be less than 10 %. Overall, the proposed five (5) bioretention facilities and upgraded stormwater management pond will treat roadway runoff in excess of what is required.

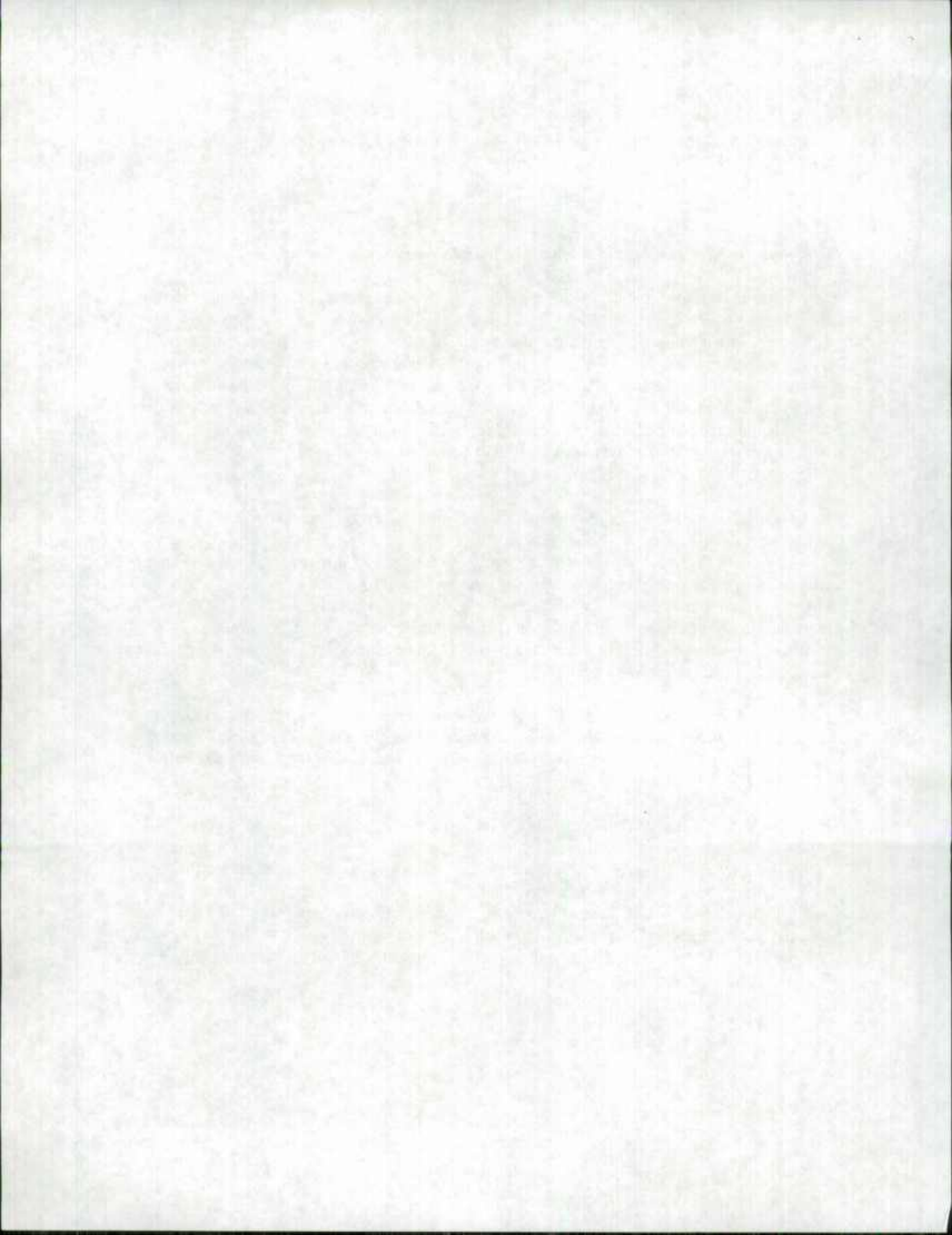
The Commission must find that the conditional approval request contains the following items:

(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;

SHA is required to maintain its roadways and bridges in a safe operating condition. Both bridges are in need of repair/replacement and literal enforcement of these regulations would prevent SHA from implementing improvements that would ensure continued and safe use of the bridges leading to and from Annapolis.

(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;

This project has minimized impacts to the Buffer and sensitive areas, such as the adjacent tidal wetlands. The proposed footprint overlaps the existing footprint to the greatest extent possible while still allowing for uninterrupted maintenance of four lanes of traffic. The impacts to tidal wetlands are from shading effects of the new Weems Creek bridge, which will be approximately 9 feet wider than the existing bridge to allow for better bicycle/pedestrian access. On the other hand, the new bridge will have fewer piers penetrating to the streambed. A net reduction of 60 cubic yards of fill/structure in the floodplain will result from this project, which may have a positive impact on water quality.



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(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.

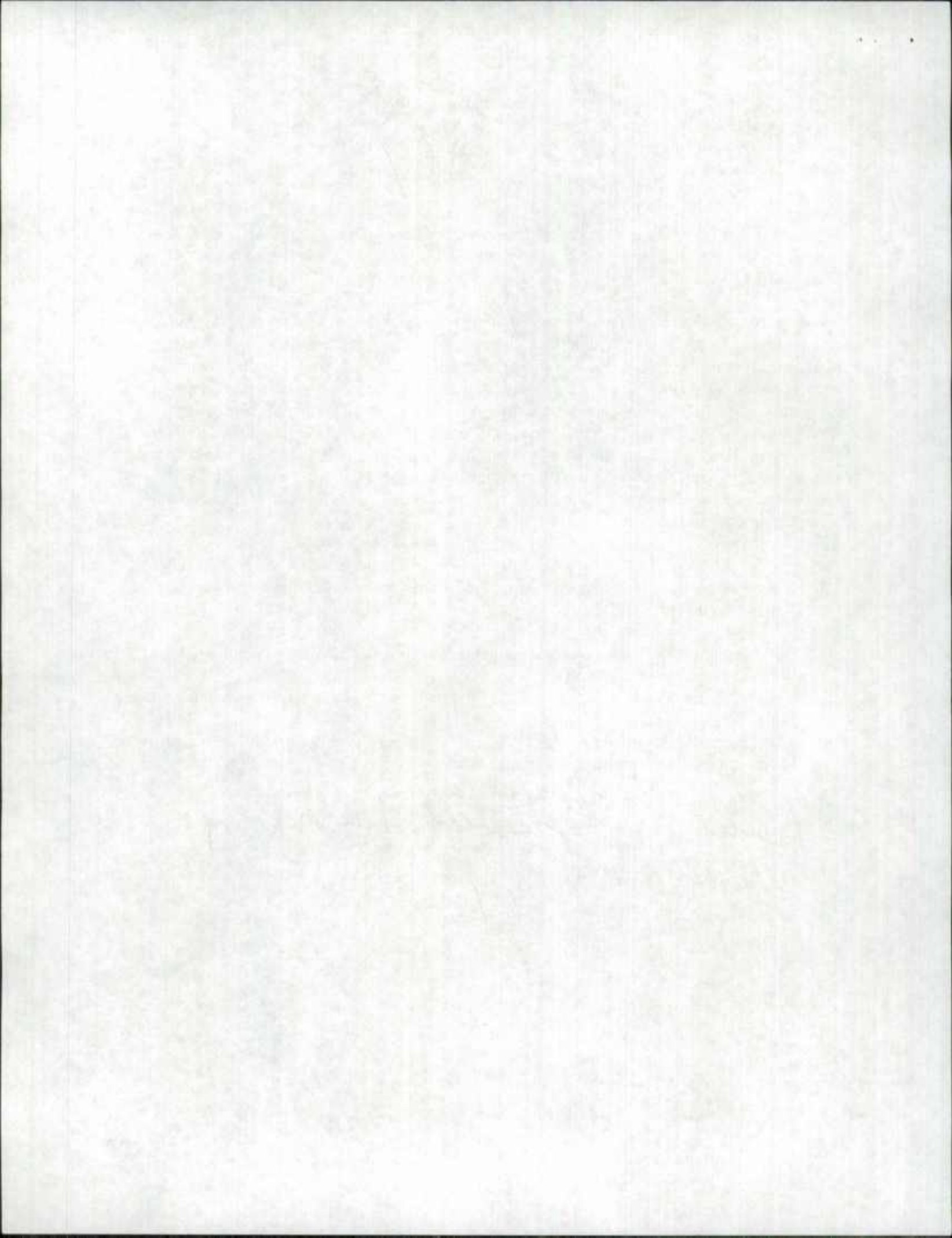
Compliance with the 10 % Rule for removal of phosphorus pollutant loadings will be exceeded by the construction of five (5) bioretention facilities and upgrade of an existing stormwater management pond. Reforestation as mitigation for tree clearing will be accomplished almost entirely onsite within the Critical Area. Only 0.5 acre (out of the total 4.5 acre needed for mitigation) of plantings will occur outside the Critical Area, but on the project site. Tidal wetland impacts of 0.04 acre will be mitigated by planting wetland plants along Weems Creek near Kirkley Road. In addition to the above stated mitigation, SHA is attempting to incorporate enhancement projects that the community task force suggested including removal of invasive species and planting native ones in their place, repair of a collapsed end wall, and trash removal along the creeks and roadways.

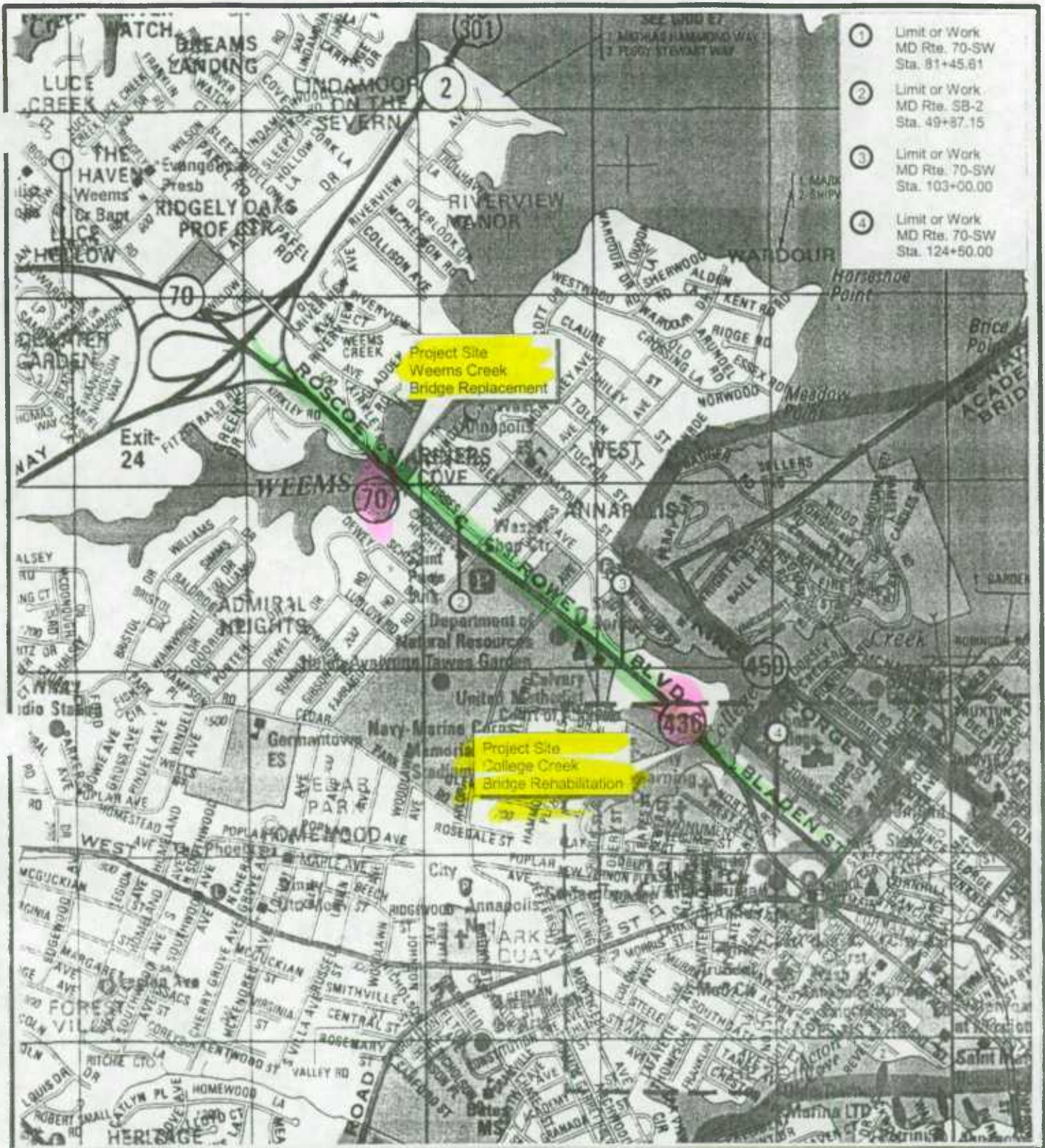
The Commission is required to base its approval, denial or modification to this project on the following factors:

1. The extent to which the project or program is in compliance with the requirements of the relevant chapters of this subtitle;
2. The adequacy of any mitigation measure proposed to address the requirements of this subtitle that cannot be met by the project or program; and
3. The extent to which the project or program, including any mitigation measures, provides substantial public benefits to the overall Chesapeake Bay Critical Area Program.

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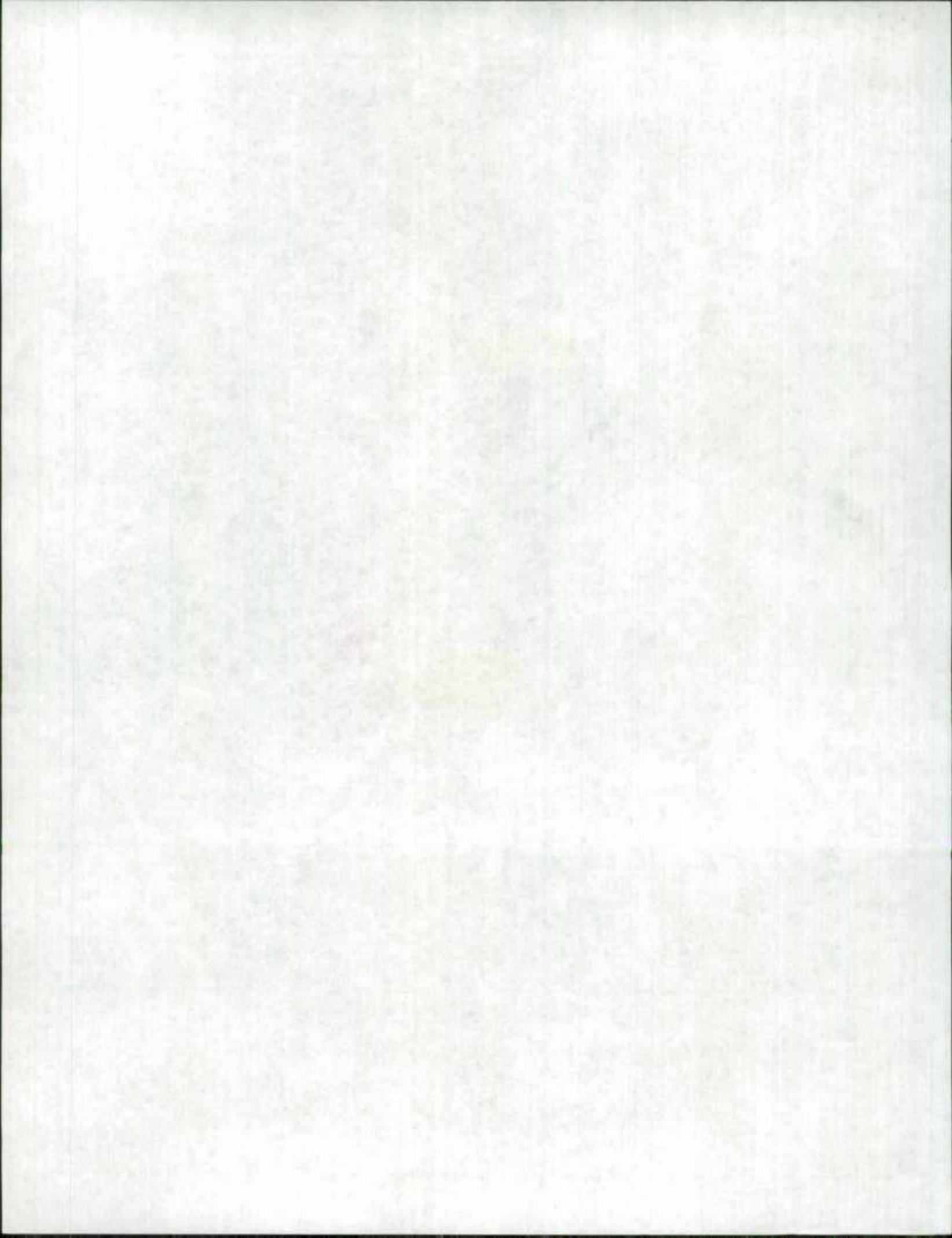
Boundon . ^{approve as} as presented based on findings
Chambers - See - C/m





MD 70 (Rowe Boulevard):
 Bridge Replacement and Rehabilitation
 Figure 1- Project Location Map





Critical Area Commission

STAFF REPORT October 1, 2003

APPLICANT: Department of Natural Resources

PROPOSAL: Playground at Pt. Lookout State Park

JURISDICTION: Saint Mary's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

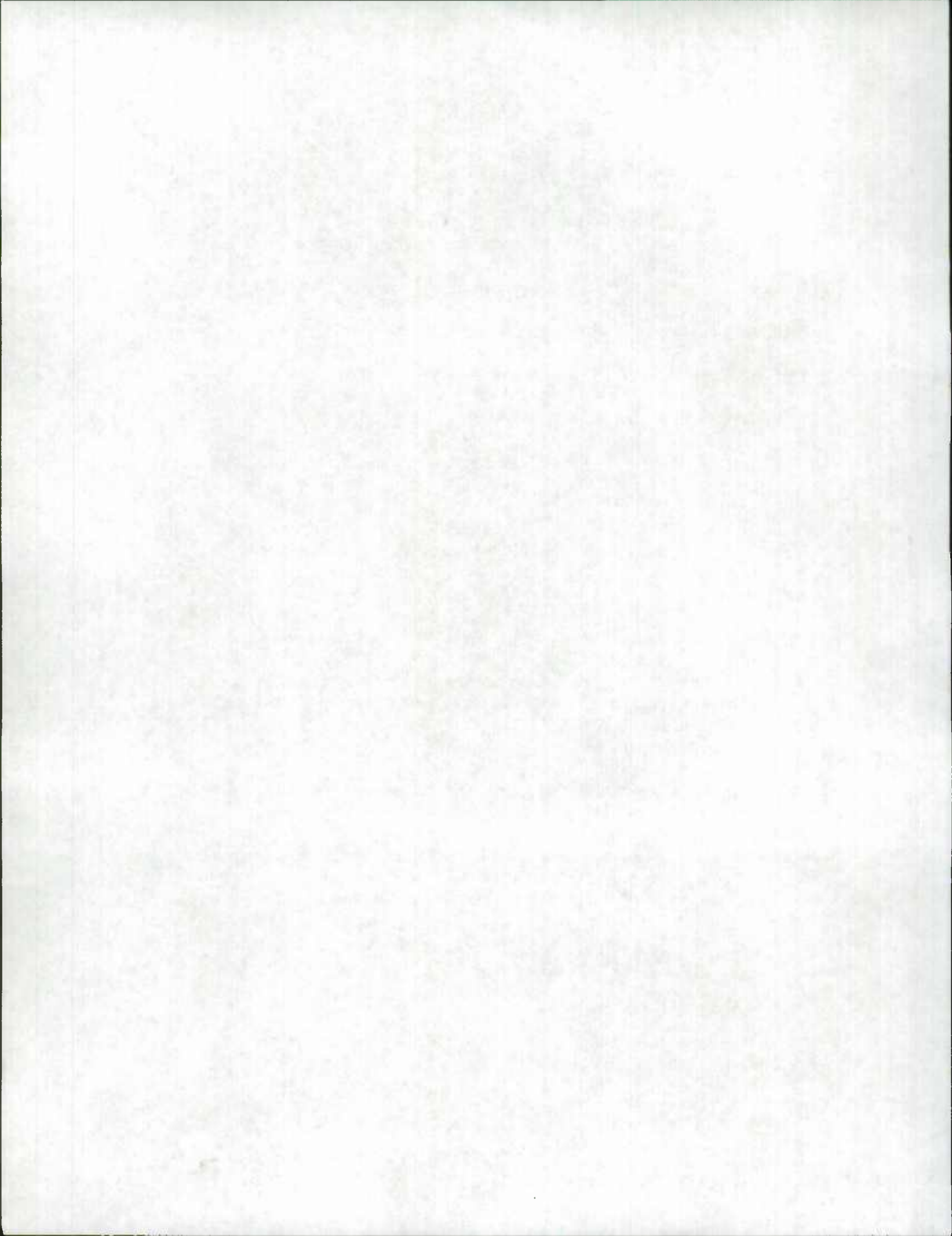
STAFF: Regina Esslinger/Wanda Cole

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

DISCUSSION:

The Department of Natural Resources is proposing to replace and upgrade a playground at the Hoffman's Camping Loop at Point Lookout State Park. This site has had a playground since the mid-1970's, but the play equipment was removed last year due to safety and liability concerns. The upgraded playground will consist of modern, ADA accessible components in a 70-foot by 57-foot pervious play area, a 5-foot wide by 30-foot long concrete walkway, and one ADA accessible parking space.

The project is not within the 100-foot Buffer. There is no clearing associated with the project. There will be approximately 1000 square feet of new impervious surface, which includes the ramp, the parking space, footers for the equipment, and playground border. No Best Management Practices (BMPs) are proposed; stormwater run-off can be easily infiltrated into the surrounding field area. According to the Department of Natural Resources, there are no records for threatened or endangered species within the project area.



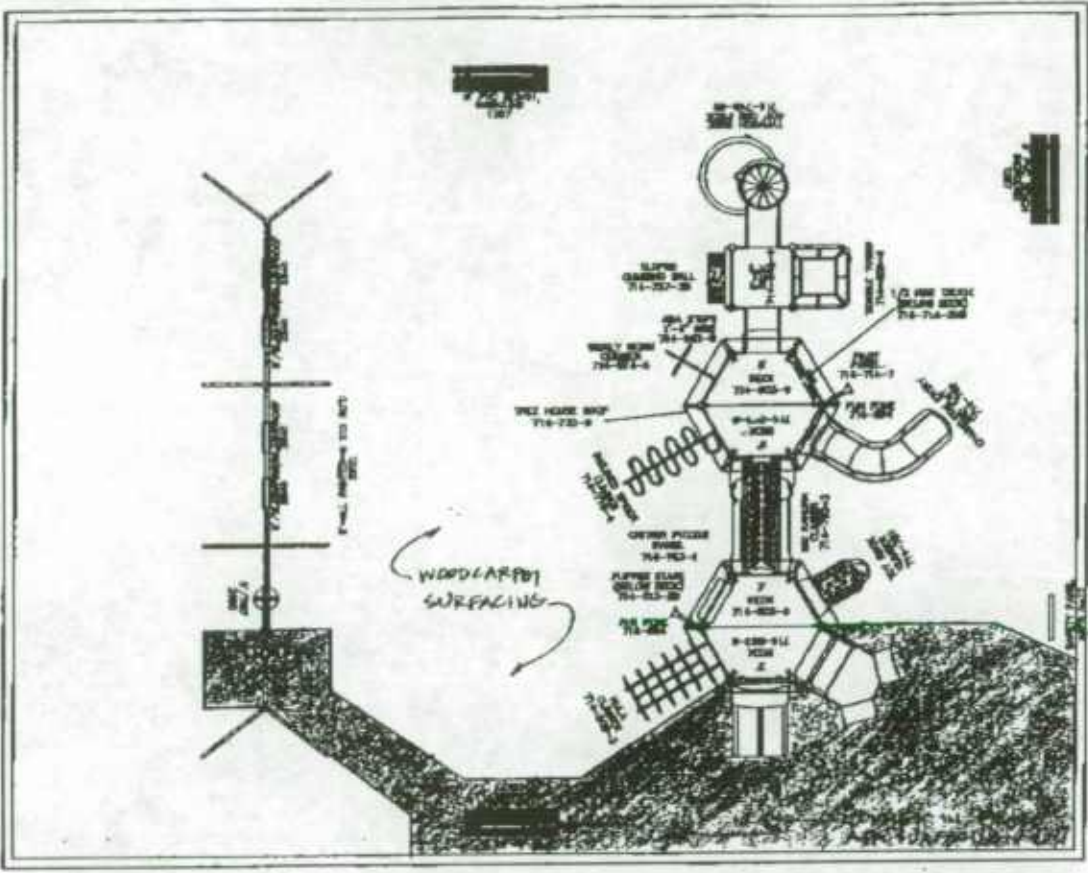
POINT LOOKOUT CAMPGROUND DNR - ANNAPOLIS, MD

5-12 PLAY AREA

BLANKED PLAY ACTIVITIES - TOTAL	12	FEET
BLANKED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER	1	FEET
BLANKED PLAY ACTIVITIES ACCESSIBLE BY RAMP	1	FEET
GROUND LEVEL ACTIVITY TYPE	4	FEET
GROUND LEVEL ACTIVITY QUANTITY	0	FEET

P.04

AREA: 3875 SQ. FT.
PERIMETER: 215'
The information provided is for
estimation purposes only.



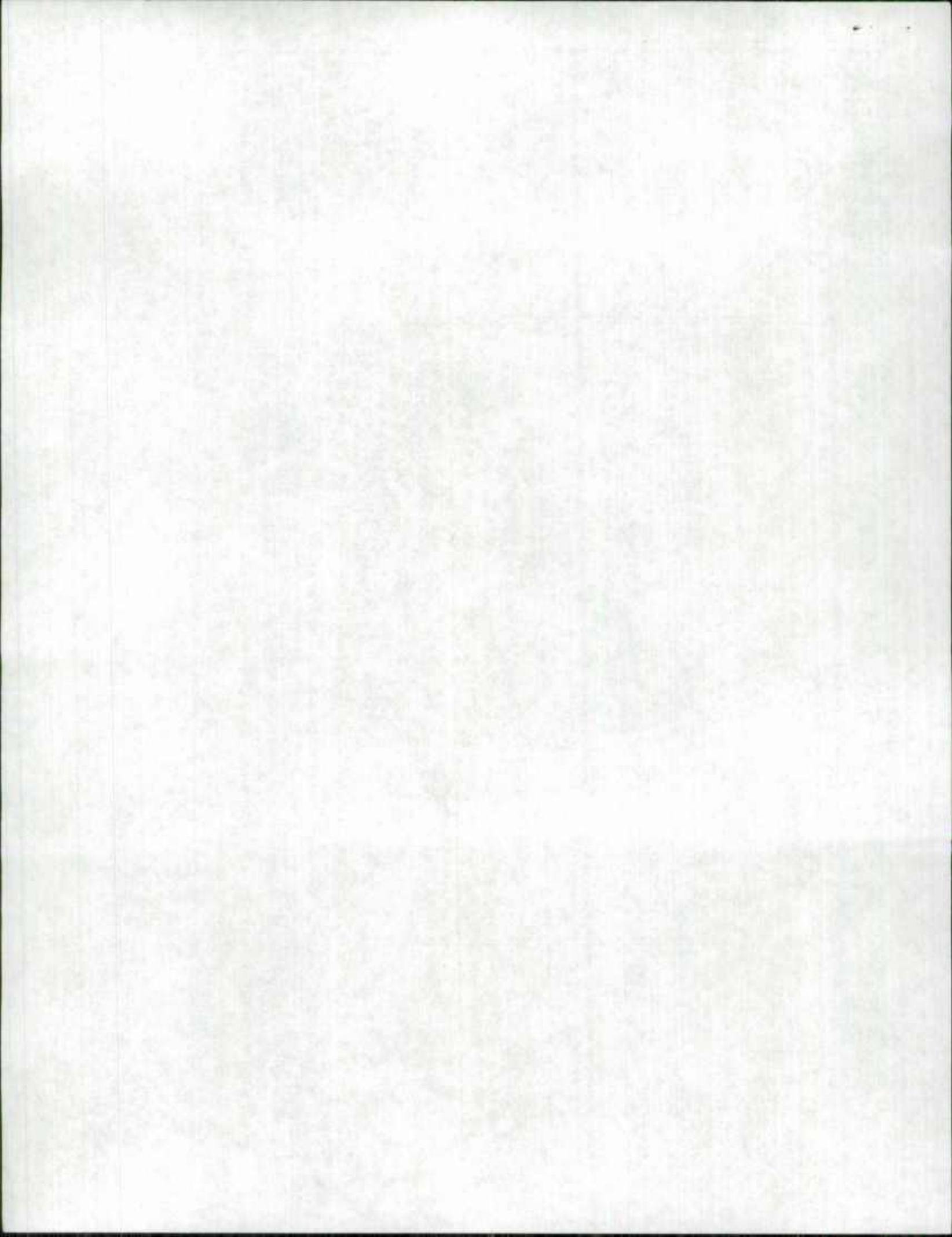
To promote safe and proper equipment use by children, Miraclic recommends the frontal placement of either a Miraclic safety sign or other appropriate safety signage near each play system's main entry point(s) to inform parents and supervisors of the age appropriateness of the playground and general rules for safe play.

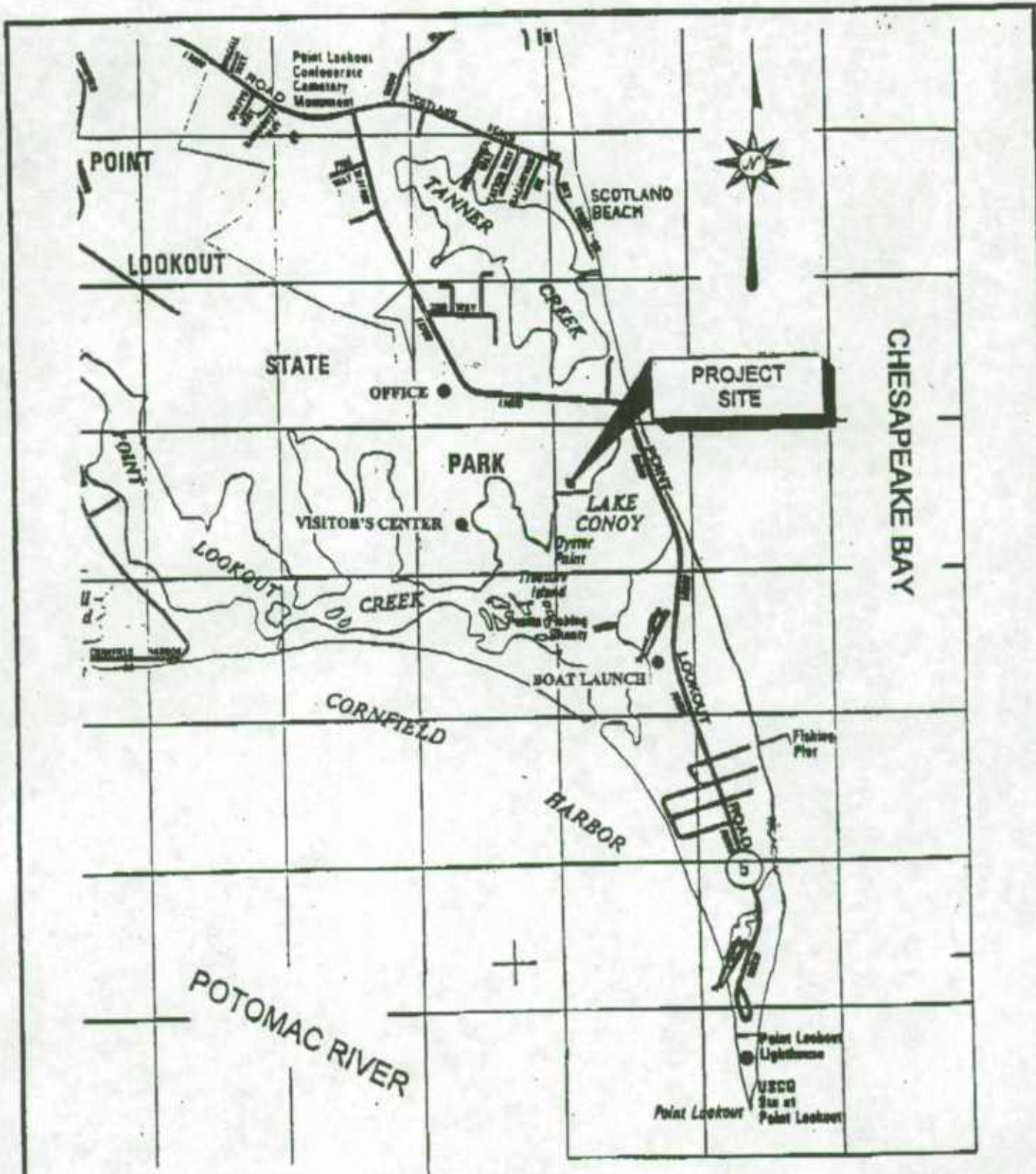


THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487. AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS.	CD92108	<input checked="" type="checkbox"/> COMPLIES TO CPSC	DESIGNED FOR AGES 5-12	DATE: 5/19/03
	GROUND SPACE: 49' X 42' PROTECTIVE AREA: 70' X 57'	<input checked="" type="checkbox"/> COMPLIES TO ASTM	ADDITIONAL GROUND LEVEL ACCESSIBLE ITEMS NEEDED (BY AREA COMPONENT)	SCALE: 1/8" = 1'-0"
	<input checked="" type="checkbox"/> COMPLIES TO ADA	TYPE: 0 QUANTITY: 0	CONNIE	

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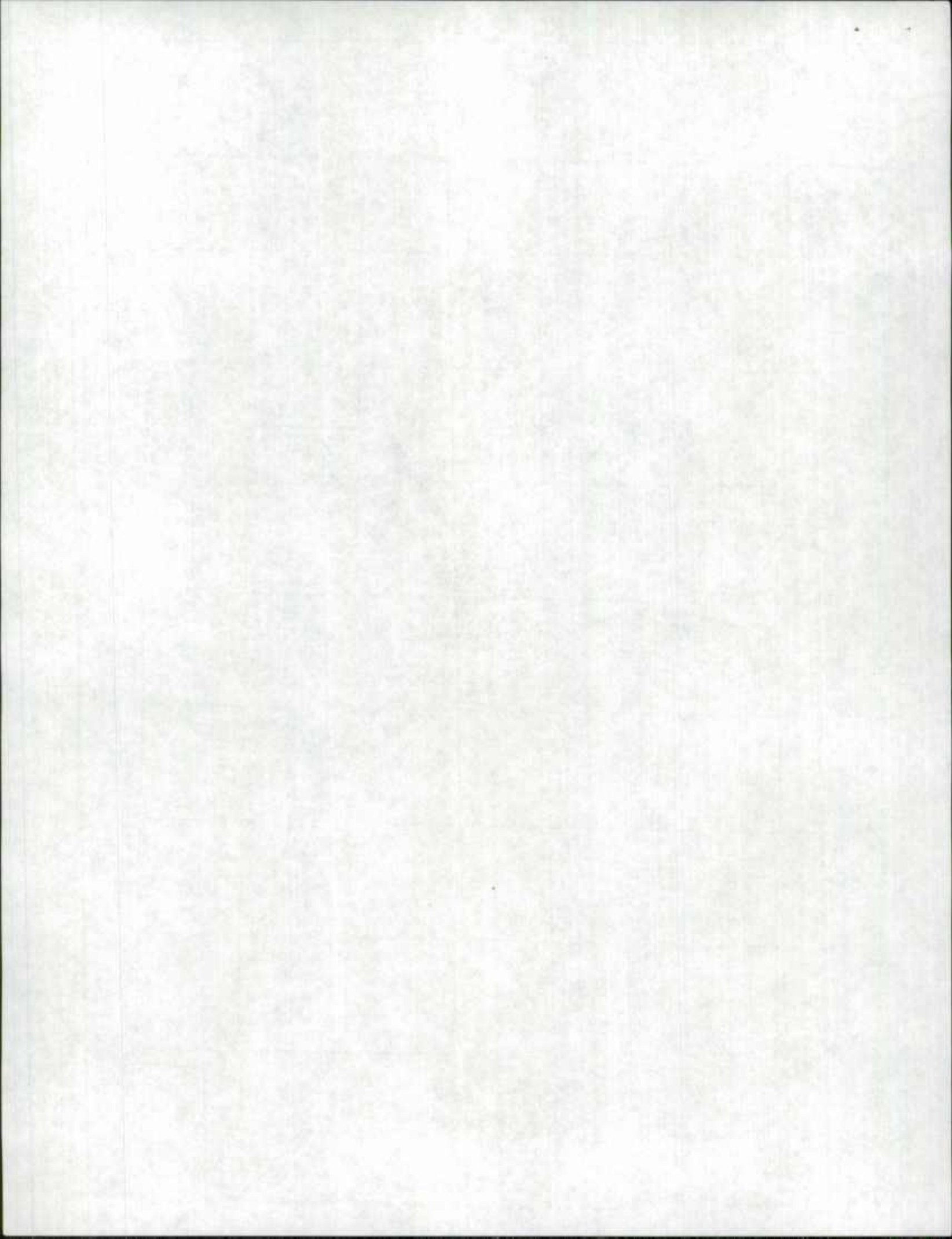
SEP-17-2003 11:09





VICINITY MAP
 POINT LOOKOUT STATE PARK

ST. MARY'S COUNTY, MARYLAND



Critical Area Commission

STAFF REPORT

October 1, 2003

APPLICANT: Town of Perryville

PROPOSAL: Parking Lot

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Conditional Approval

STAFF: Mary Ann Skilling

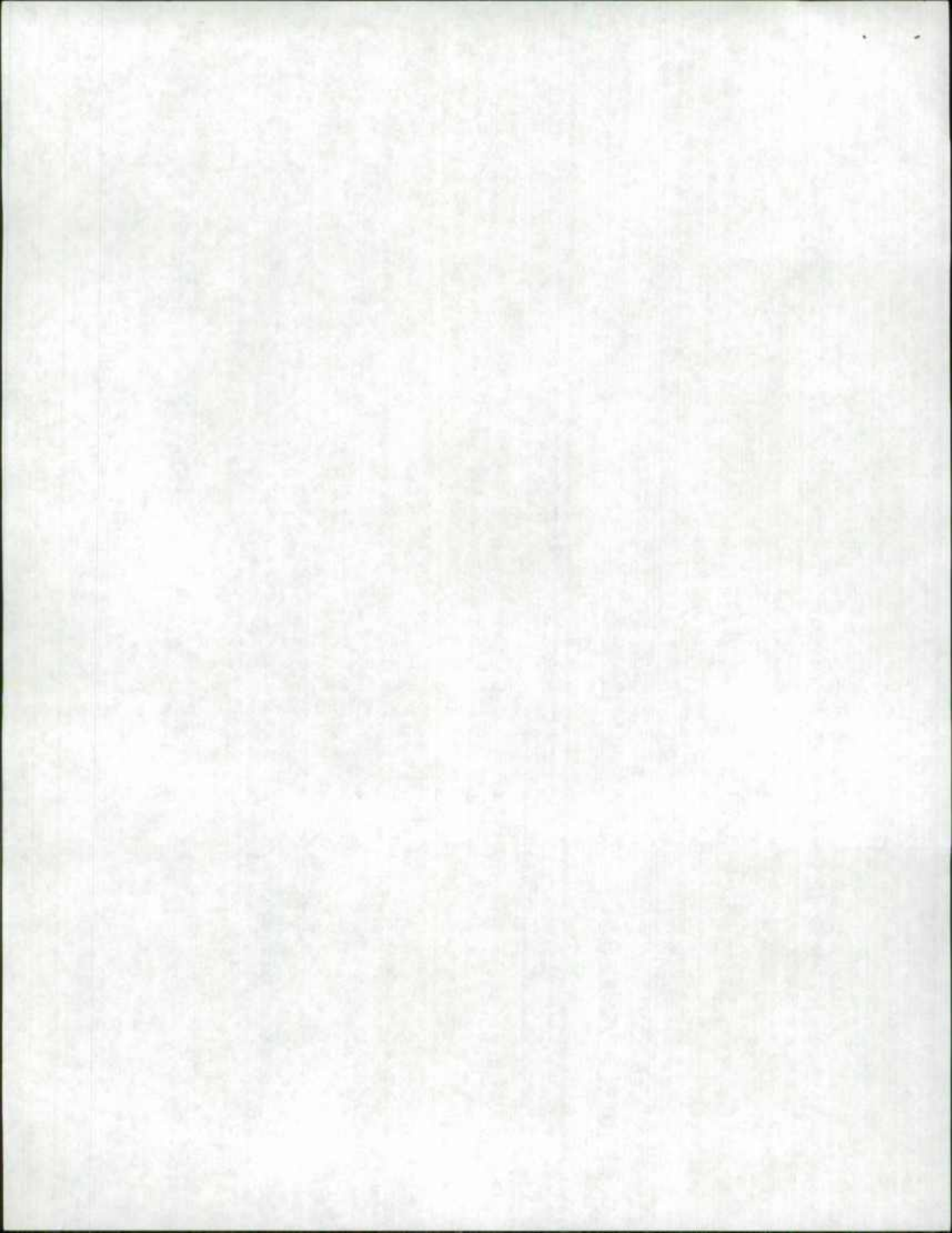
**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval of Local Agency Programs in the Critical Area

DISCUSSION:

The Town of Perryville is seeking approval to install a parking area at the town owned park south of the Veteran's Medical Center as part of a canoe/kayak launching facility. This site is presently being used to launch canoes and kayaks, which has caused the bank to erode. Since there is no established parking area in close proximity to this site, cars are parking directly off the existing road toward the water within five to ten feet of a steep bank. The Town wishes to establish a parking area for the canoe/kayak launching facilities to prevent erosion within the Buffer. The park does not presently provide any designated water access sites. The existing road was constructed for access to the Veterans Hospital located on the town park property. Most of the existing road is within the Buffer. The Town has been awarded funds from DNR Waterway Improvement to assist with the development of the canoe/kayak launching facility and parking area.

This parcel is designated a Resource Conservation Area (RCA). The parking lot has been designed to minimize the impacts to the Buffer. Since the road exists in the Buffer, the approaches will be within the 100-foot Buffer. Only one tree will be removed to construct the parking area. Approximately 11,284 square feet of impervious surface will be installed of which 2,270 square feet is within the Buffer.

There are no other Habitat Protection Areas that will be affected by this project.



Conditional Approval Process

In order to qualify for consideration by the Commission for conditional approval, the proposing state agency must show that the project or program has the following characteristics:

(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;

There exist both special features and special circumstances in regard to this project that preclude the Town of Perryville from constructing the proposed enhancements without impacting the Buffer. There is no parking area within close proximity of the launching facility. The proposed parking will deter visitors from parking on the riverside of the road causing severe erosion on the banks of Mill Creek. The existing road is already within the Buffer, therefore, any access to a parking lot would be in the Buffer.

The canoe/kayak launching facility was necessary to provide a stabilized area for public access for this purpose to prevent further erosion of the site. The popularity of canoe/kayak launching facility and their limited availability is an important consideration. This facility provides a single point of access to Mill Creek a tributary of the Chesapeake Bay as well as provides protection of the bank in this location. This project could not be implemented without conditional approval.

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

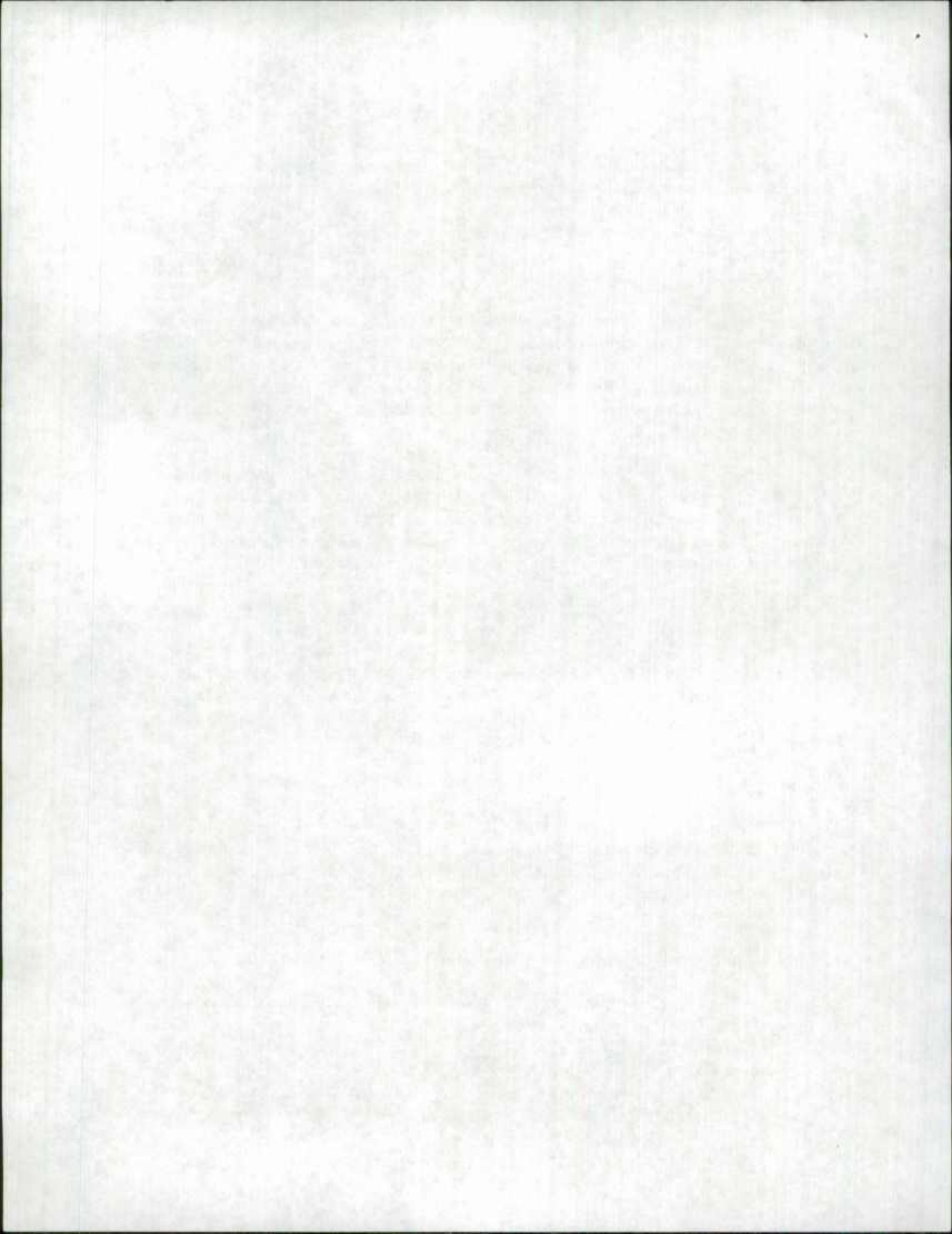
Both the parking and launching facility provide a safe and direct public access to the Bay. Canoes and kayaks are popular recreational water crafts that when provided assigned access are the least damaging to Bay resources. Most individuals, who use this mode of water transportation, are interested in the quiet and serene surroundings in which they can operate.

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

The project provides public access that must occur within the Buffer. The project is solving an erosion problem. The parking has been designed to meet the intent of the law insofar as possible. Planting 9 trees and 79 shrubs within the Buffer is providing mitigation. Canoe/Kayak launching facilities qualify as water dependent facilities

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;



A literal enforcement would prevent the Town of Perryville from providing public access and logistical parking for an activity encouraged by the Critical Area regulations. It would also prevent the use of DNR Waterway improvement funds for the support of public access.

(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;

This project will solve a parking and access problem that is causing erosion along the banks of the Town Park. The project meets the public access criteria and water dependent facility criteria. It will also solve an existing problem.

(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.

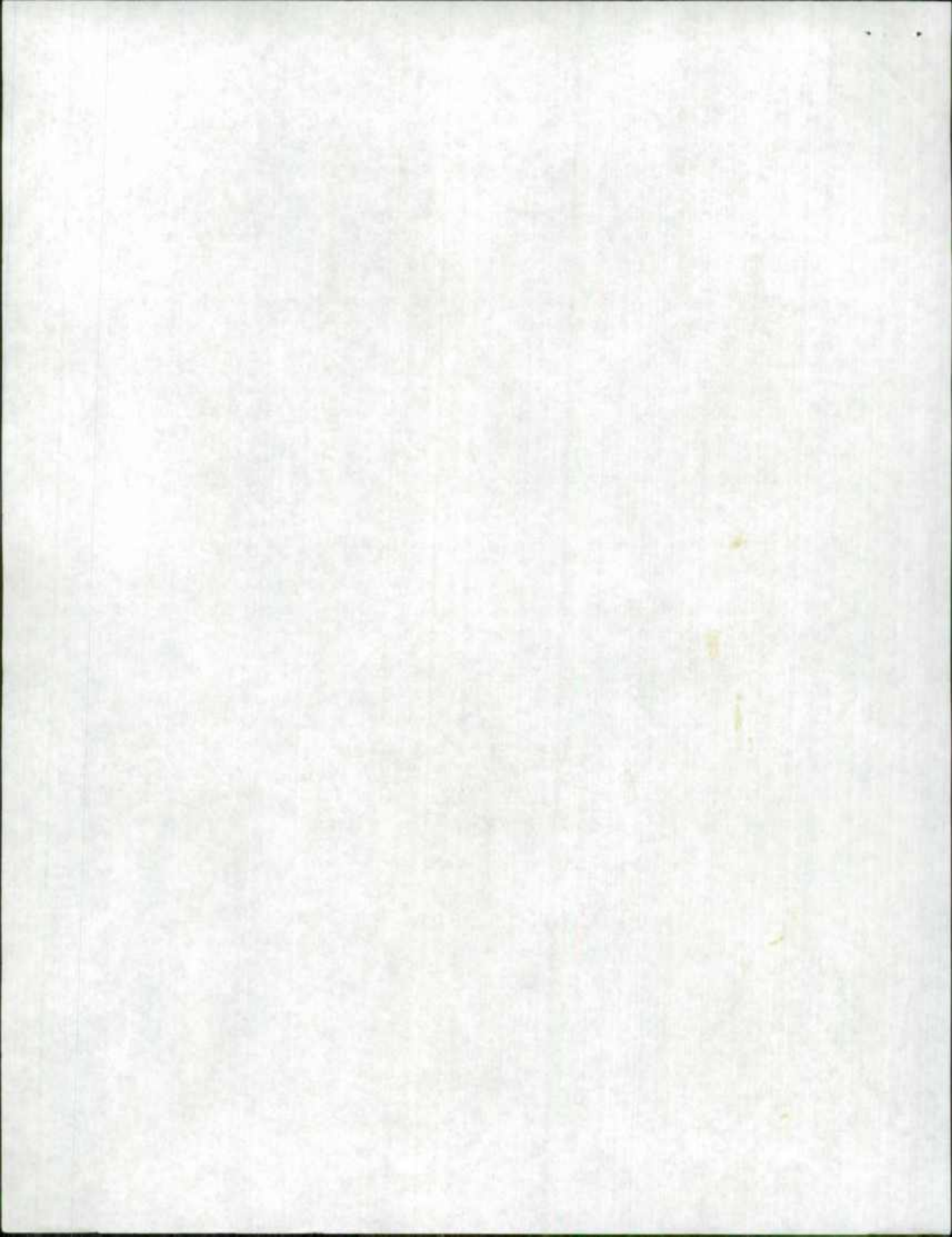
The existing conditions are having an adverse effect on the Buffer. The proposed project will remedy an existing problem while enhancing the Buffer with plantings.

The Commission is required to base its approval, denial or modification to this project based on the following factors:

1. The extent to which the project or program is in compliance with the requirements of the relevant chapters of this subtitle;
2. The adequacy of any mitigation measure proposed to address the requirements of this subtitle that cannot be met by the project or program; and
3. The extent to which the project or program, including any mitigation measures, provides substantial public benefits to the overall Chesapeake Bay Critical Area Program.

** Stormwater ^{condition} mgmt. plans when ...
D. Bourdon - app. as present
m'clear - see
C/M*

*ppg. dot
Designed to
meet the intent
of the Law*



Critical Area Commission

STAFF REPORT

October 1, 2003

APPLICANT: Chesapeake Beach

PROPOSAL: Buffer Exemption Area Designation of the Fishing Creek Landings Marina property

COMMISSION ACTION: Concurrence with the Chairman's determination of Program Refinement

STAFF RECOMMENDATION: Approval with conditions

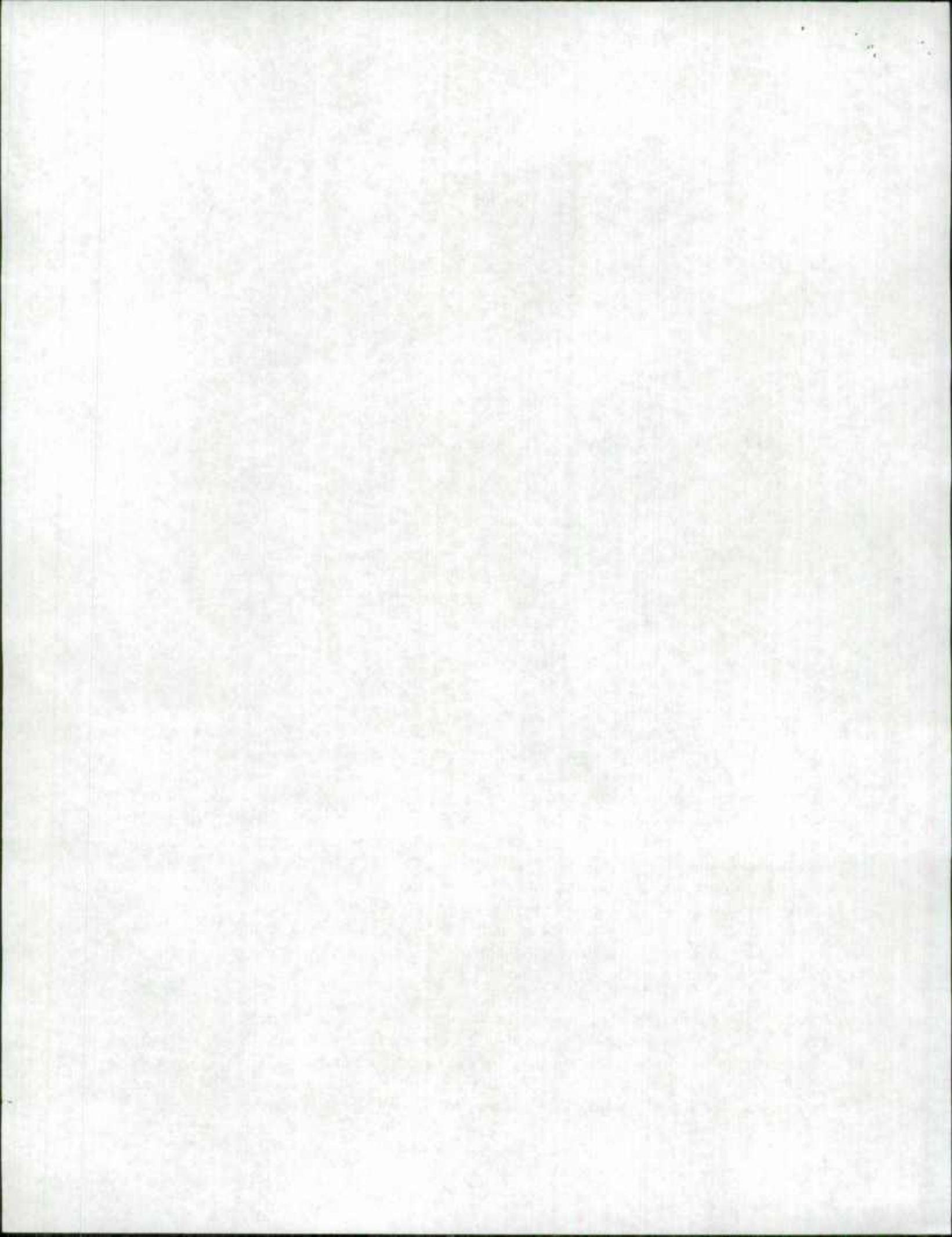
STAFF: Julie V. LaBranche and Mary Owens

**APPLICABLE LAW/
REGULATIONS:** §8-1809 Approval and Adoption of Program
COMAR 27.01.09.01(C)(8) Habitat Protection Areas
in the Critical Area (Buffer provisions)

DISCUSSION:

The Fishing Creek Landings Marina property (Tax Map 103, P22, Parcel J) is located along the northern side of Fishing Creek, a tidal tributary of the Chesapeake Bay, adjacent to MD 261 in the Town of Chesapeake Beach in Calvert County. The property is 13.31 acres and is developed with a commercial marina and associated facilities. The majority of the property has a split designation of Intensely Developed Area (IDA) and Resource Conservation Area (RCA) (refer to attached map #1). Portions of the marina property and surrounding area have been highly developed since adoption of the local Critical Area program in 1988, including establishment of dredge disposal facilities to maintain boat access to Fishing Creek, and recordation of a high-density subdivision (Creekside), which was designed but not constructed. Since a dredge disposal cell was located on the property through the early 1990's, most of the IDA portion of the Fishing Creek Landings Marina property is composed of dredged material. (Refer to the photographs of the property included in the Commission mailing.)

A portion of the Fishing Creek Landings Marina property was designated a Buffer Exemption Area (BEA) as part of a program refinement approved by the Commission in 1990 to capture the additional highly developed properties along Fishing Creek (refer to map #2). Subsequently, the property owner has requested that an additional portion of the property be designated a BEA in conjunction with the current proposal to redevelop the marina. Based on observations made on

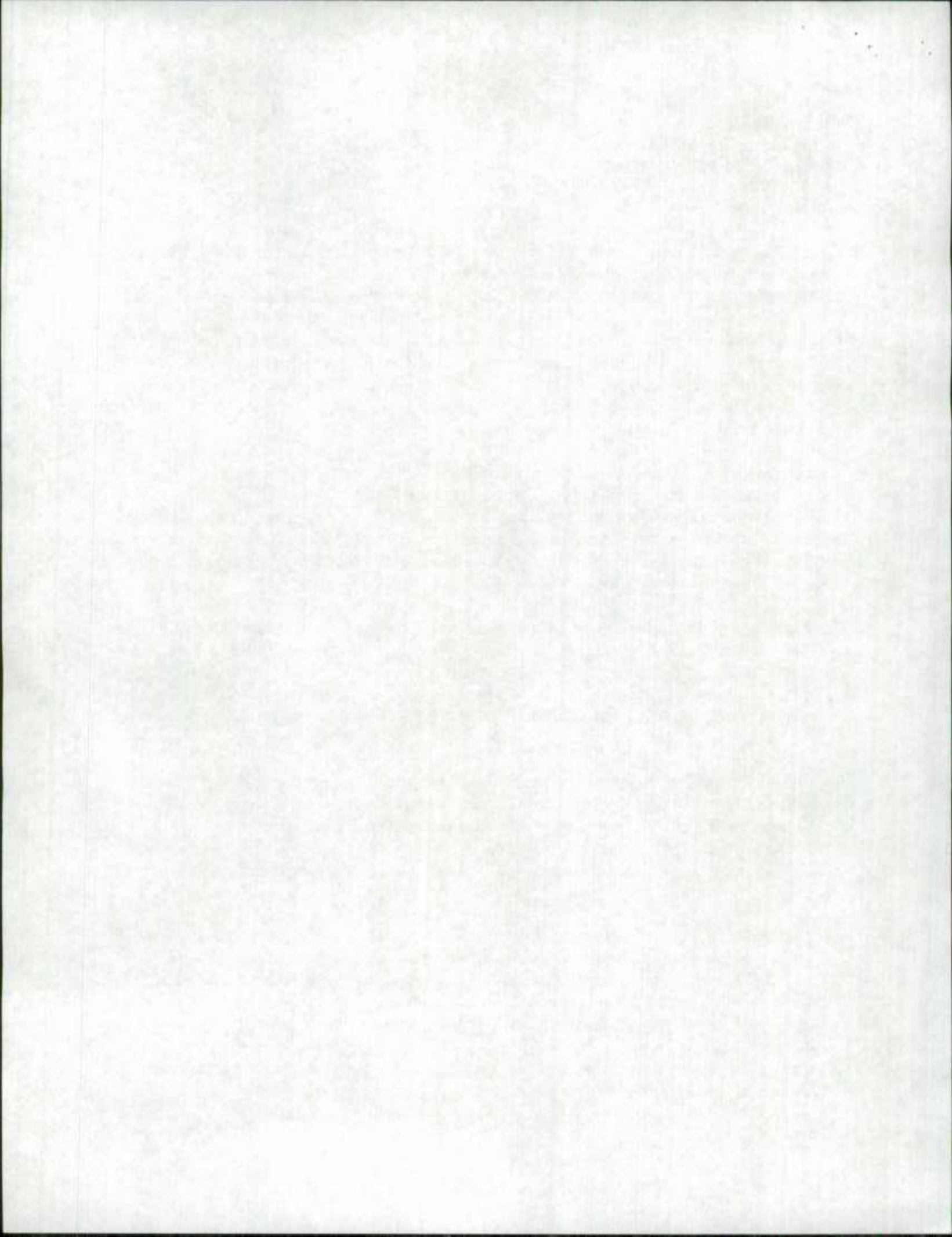


Chesapeake Beach
Buffer Exemption Area Designation
Fishing Creek Landings Marina

the site, only a small portion of the Buffer in the non-BEA portion of the property is currently developed with a gravel parking and boat storage area. Outside of the developed area, the Buffer consists of several trees, large stands of *Phragmites australis*, herbaceous vegetation, and grass. This portion of the Buffer may also contain jurisdictional nontidal wetlands, although a wetland delineation has not been performed on the site. Because there may be jurisdictional nontidal wetlands on this portion of the property, Commission staff recommends that only the developed portion of the Buffer be designated as a BEA at this time (as shown on the revised site plan). At a later date, it is possible that the remainder of the property could be designated as a BEA, pending evaluation of the Buffer for the presence of nontidal wetlands.

At their meeting of August 21, 2003, the Town Council of Chesapeake Beach made findings in support of their approval of the property owner's request for BEA designation of a portion of the Fishing Creek Landings Marina property. The Town has documented how the previous land uses and the existing pattern of commercial development have prevented the Buffer from performing its functions as stated in the Criteria. In evaluating the site for designation as a Buffer Exemption Area, the following factors were considered:

- 1) The ability of the Buffer to provide for the removal of sediments, nutrients, and harmful or toxic substances has been compromised because there is existing development within the Buffer. The existing gravel parking and boat storage area is composed of impervious material. Stormwater runoff from this area is conveyed to an existing stormwater management pond adjacent to the Buffer, to provide water quality benefits for this portion of the site.
- 2) The effectiveness of this portion of the Buffer at minimizing the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters and aquatic resources is limited because the Buffer is developed with a gravel parking and boat storage area composed of impervious material and human activity occurs within the Buffer continuously. There is no natural vegetation to attenuate the impacts of existing development and human activity within the Buffer.
- 3) The Buffer does not function optimally as an area of transitional habitat between aquatic and upland communities due to the occurrence of human and commercial activities associated with the marina and the absence of natural vegetation within the Buffer. Boats are stored and vegetation (weeds and ground cover) is mowed frequently within the developed portion of the Buffer. There is no natural vegetation to provide habitat within the Buffer.
- 4) The Buffer does not function to maintain the natural environment of streams because there are no streams adjacent to this particular portion of the property.

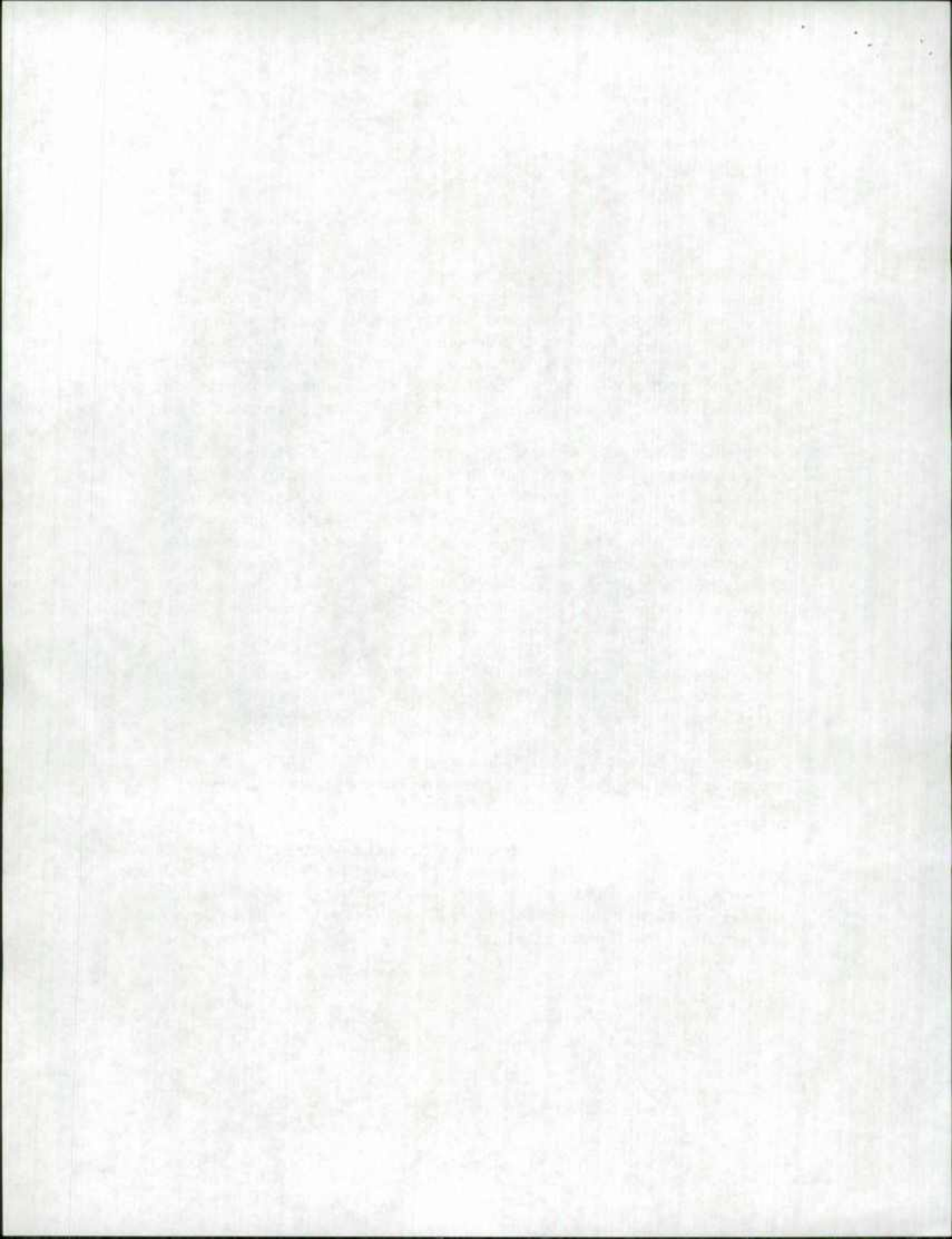


Chesapeake Beach
Buffer Exemption Area Designation
Fishing Creek Landings Marina

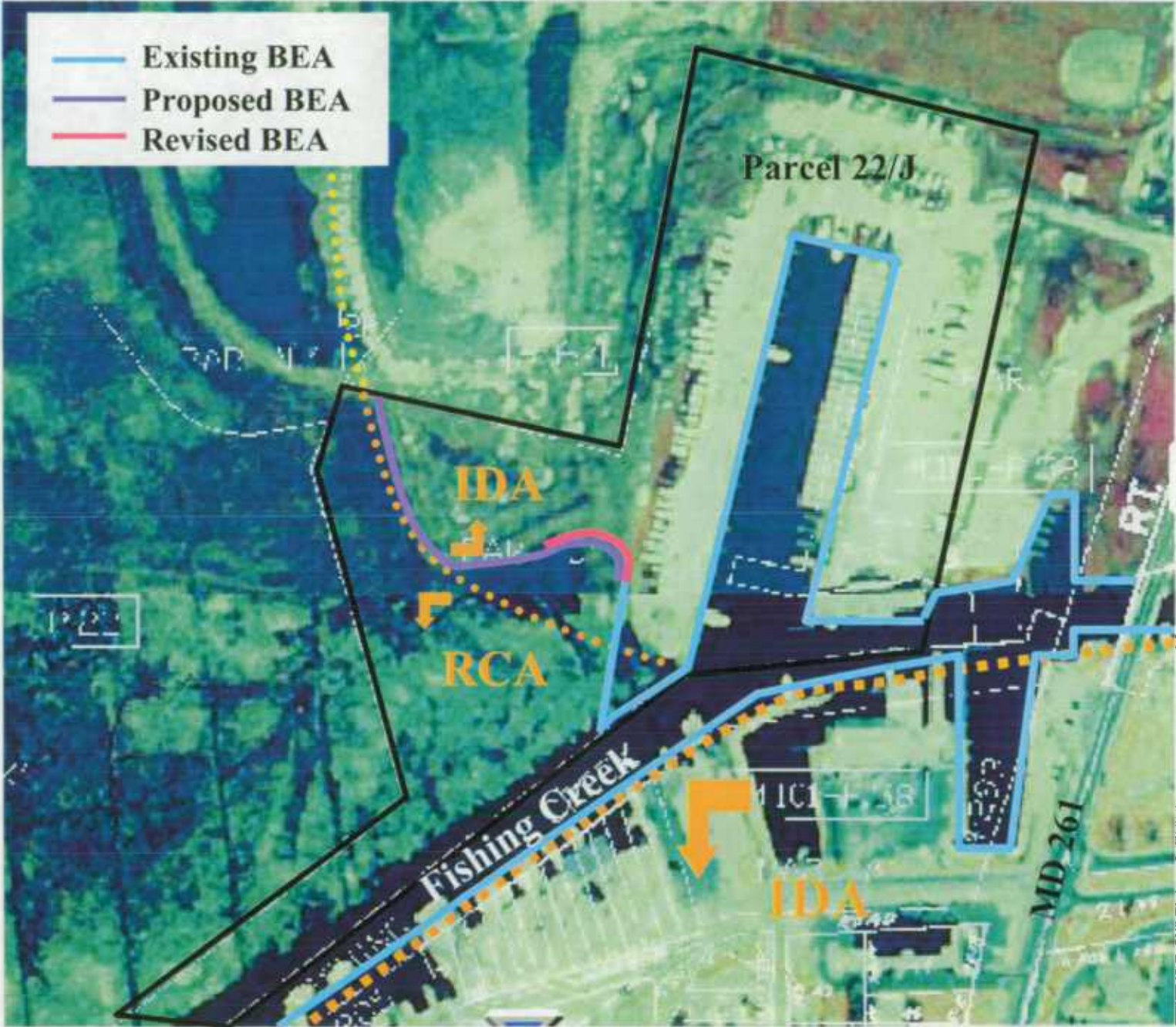
- 5) The entire length of Bay shoreline within Chesapeake Beach, including the first several hundred feet along Fishing Creek, is designated a BEA (refer to map#2). Designation of this portion of the property as a BEA is consistent with existing BEA mapping in the Town, which includes the highly developed areas along Fishing Creek and the Chesapeake Bay. In addition, the adjacent properties are also designated Intensely Developed Areas (IDA), except the westernmost portion of the Fishing Creek Landings Marina property and lands to the west of the marina which are designated Resource Conservation Areas (RCA) (refer to map #1.)

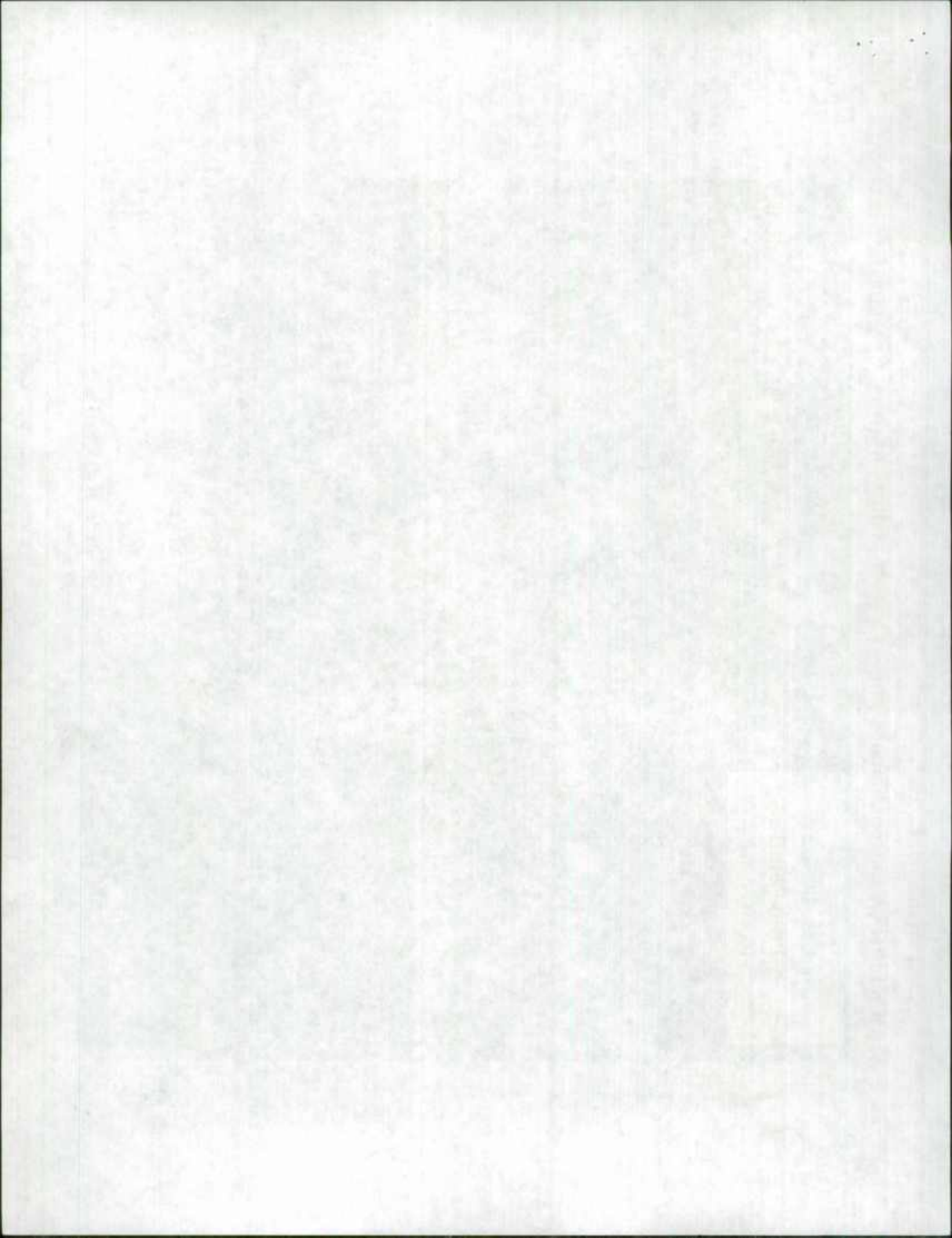
Commission staff concurs that the developed portion of the Buffer on the Fishing Creek Landings Marina property does not perform the Buffer functions, as stated in COMAR 27.01.09.01(B) and that expansion of the existing Buffer Exemption Area on the property is consistent with the Criteria and the provisions for establishment of Buffer Exemption Areas in the Town's Critical Area program. However, at this time Commission staff recommends approval of a portion of the area proposed by the Town as a BEA. The portion recommended for designation as a BEA is the developed portion of the Fishing Creek Landings Marina property (as shown on the site plan revised by Commission staff). Commission staff recommends approval of the Town's proposal with the following conditions:

- 1) The area proposed for designation as a Buffer Exemption Area be amended to include only the area of the site that is currently developed due to the possibility that nontidal wetlands may exist within the Buffer in the undeveloped areas of the site.
- 2) As required by the Town's program for redevelopment within a Buffer Exemption Area and an Intensely Developed Area, the extent of the property shoreward of the redevelopment and all other permeable areas shall be established and maintained in natural vegetation. The applicant, with the support of the Town, has proposed to prepare a Buffer Management Plan for the entire site, which will include the creation of a vegetated buffer strip between the developed area and the Buffer. The buffer strip should be densely planted with a mix of native trees and shrubs. The Buffer Management Plan should include measures to control the *Phragmites* adjacent to the parking and boat storage area to ensure the success of plantings in these areas.



Map #1: BEA Designation of Fishing Creek Landings Marina, Chesapeake Beach





BEA designation of Fishing Creek Landings Marina, Chesapeake Beach



Photograph 1: area of proposed BEA



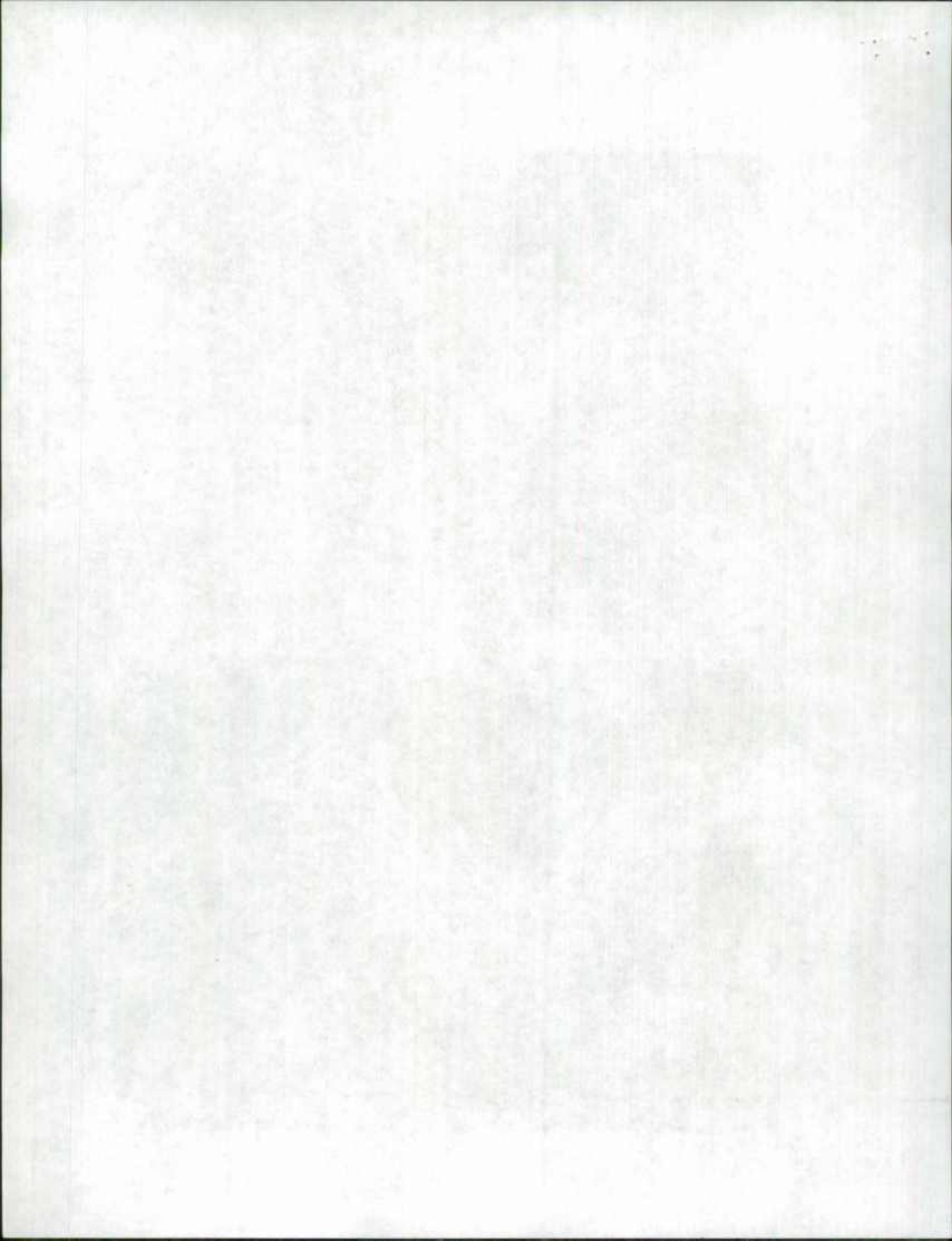
**Photograph 3:
area of
proposed BEA**



Photograph 2: area of proposed BEA



**Photograph 4:
existing BEA**



Map #2: Proposed BEA
TOWN OF CHESAPEAKE BEACH

REVISION TO AREAS
MAPPED FOR BUFFER
EXEMPTION

NOV. 24, 1989

1"=200'

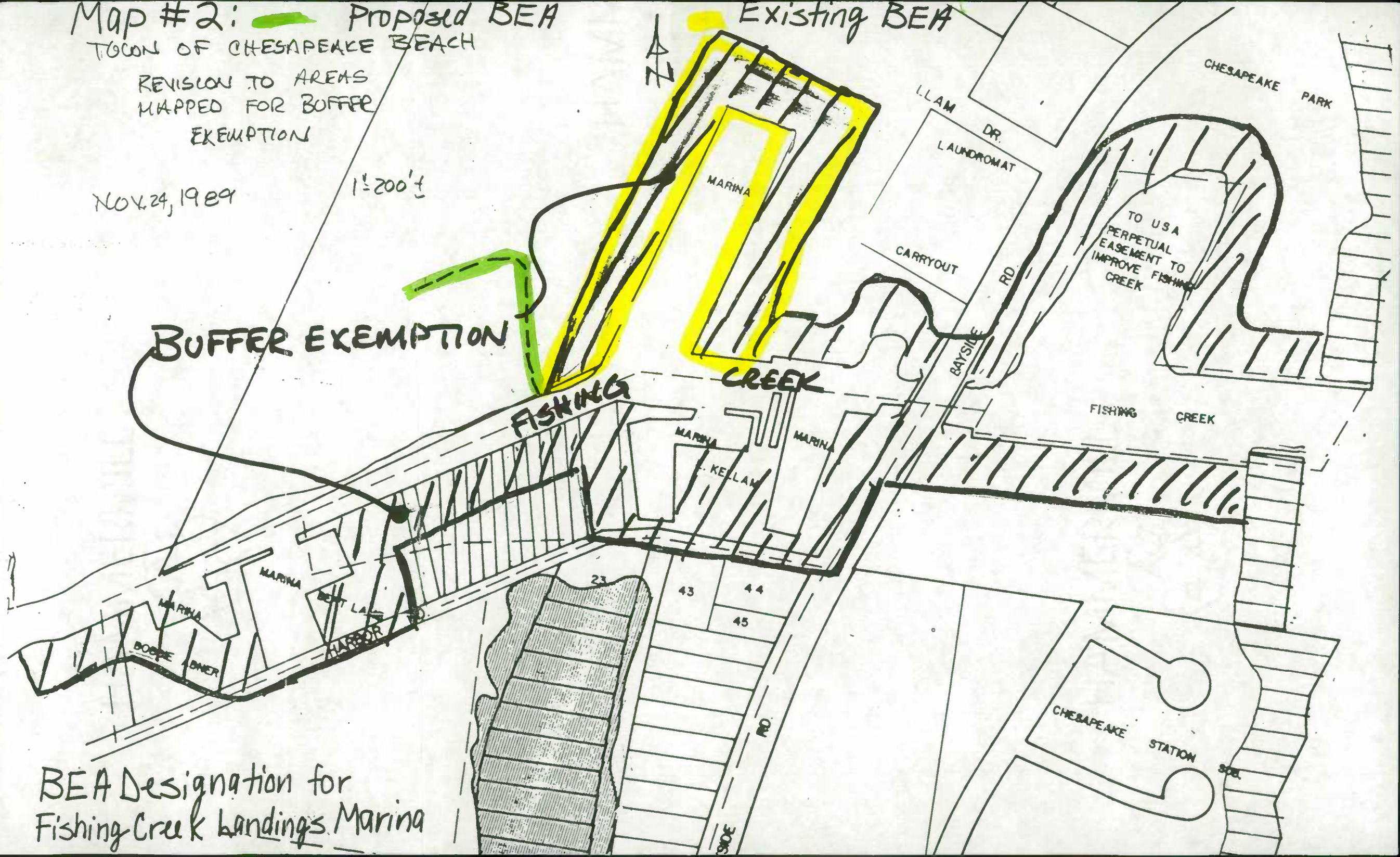
Existing BEA

BUFFER EXEMPTION

FISHING CREEK

CREEK

BEA Designation for
Fishing Creek Landings Marina



1875
H. W. B. B. B.

H. W. B. B. B.

Vote on deed doc. *approve Satisfies Condition of g.A.*
MAM - *Barley moved, no full exemption, be removed*
Atty agreed to do that. If not removed,
MAM, even if

Critical Area Commission

on subcom. recommendations rem. of phrase

STAFF REPORT
October 1, 2003

Still satisfies Condition
Quelch - sec.

APPLICANT: Anne Arundel County
PROPOSAL: Homeport Farm Growth Allocation Approval of Condition
COMMISSION ACTION: Vote
STAFF RECOMMENDATION: Pending Subcommittee Review
STAFF: Lisa Hoerger
APPLICABLE LAW/REGULATIONS: Natural Resources Article 8-1808.1 and COMAR 27.01.02.06

ETA
C-514
1 abstention
P. Snow

DISCUSSION:

As you may recall, the Homeport Farm growth allocation request changed 18.75 acres of Resource Conservation Area (RCA) to Limited Development Area (LDA). Because a development envelope was used to deduct the growth allocation, and the development envelope was located in the middle of the property, the remaining RCA lands were split into two areas.

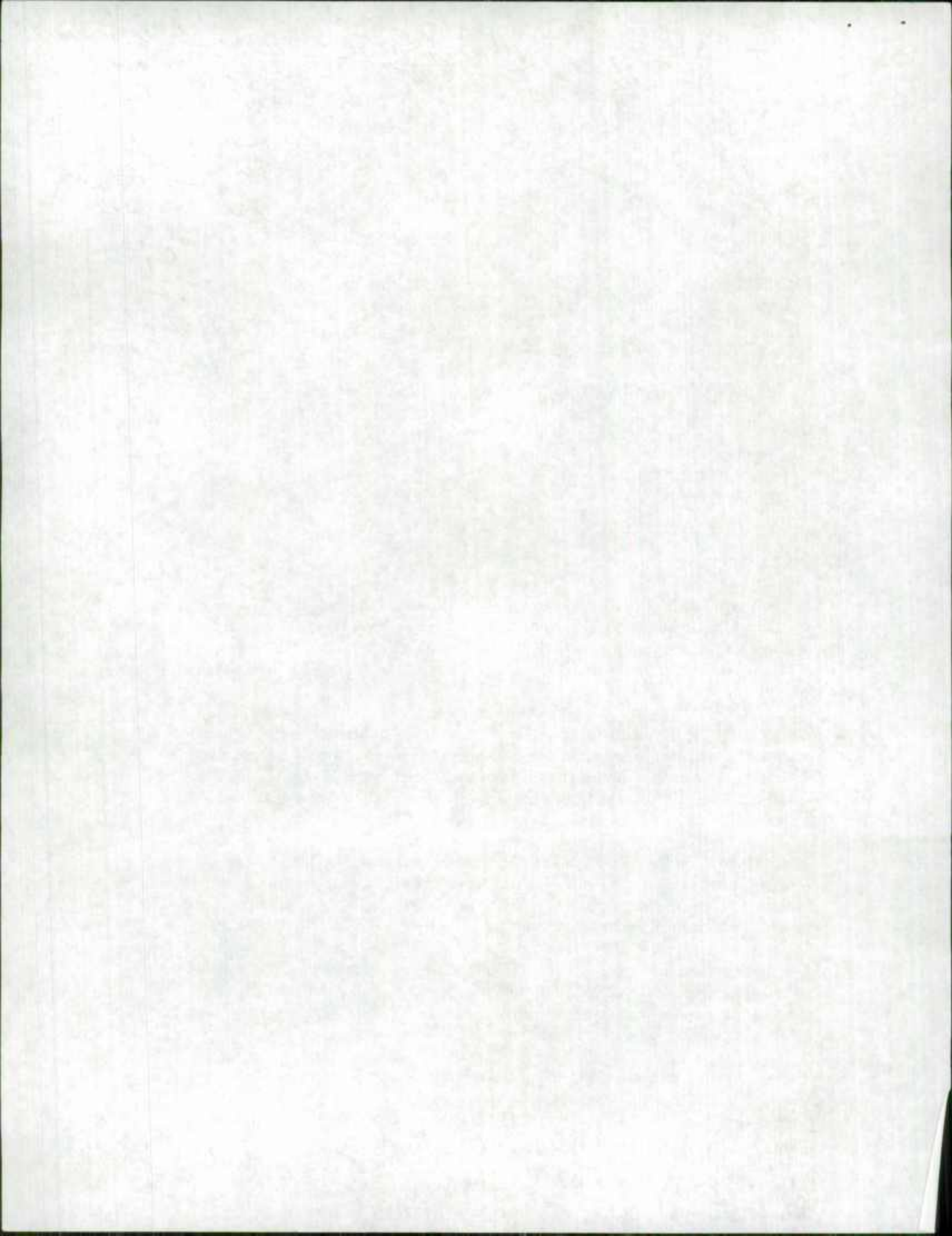
The RCA land to the south was just under the minimum 20-acre requirement; therefore when the Commission approved the growth allocation it added the condition that an easement be obtained from the adjoining property to satisfy the 20-acre requirement. At its September 3, 2003 meeting, the Commission approved the easement document proposed by Anne Arundel County to satisfy this condition.

The other RCA area, which consists of 25.15 acres, will be deeded over to Anne Arundel County for use as a County park. That deed is the subject of a second condition required by the Commission when the growth allocation was approved, which is that the deed will be reviewed and approved by the Commission.

The applicant and the County provided Commission staff with the deed. It includes specific language, which limits the development of the parcel to low intensity recreational uses and restricts intensive recreational uses and commercial or industrial uses. A copy of the deed is attached.

If you have any questions, please telephone me at (410) 260-3478.

Ensure
Types of recreational uses consistent =
Deed given to County in exchange for g.A. to do this project
Restrictions even more strict



TAX EXEMPT TRANSFER

TAX ID:

NO TITLE EXAMINATION

DEED

THIS DEED, made this _____ day of _____, 2003, by and between HOMEPORT FARM L.L.L.P. (formerly Homeport Farm L.P.), (hereinafter, Grantor), party of the first part, and ANNE ARUNDEL COUNTY, MARYLAND, a body corporate and politic of the State of Maryland, (hereinafter, Grantee), party of the second part.

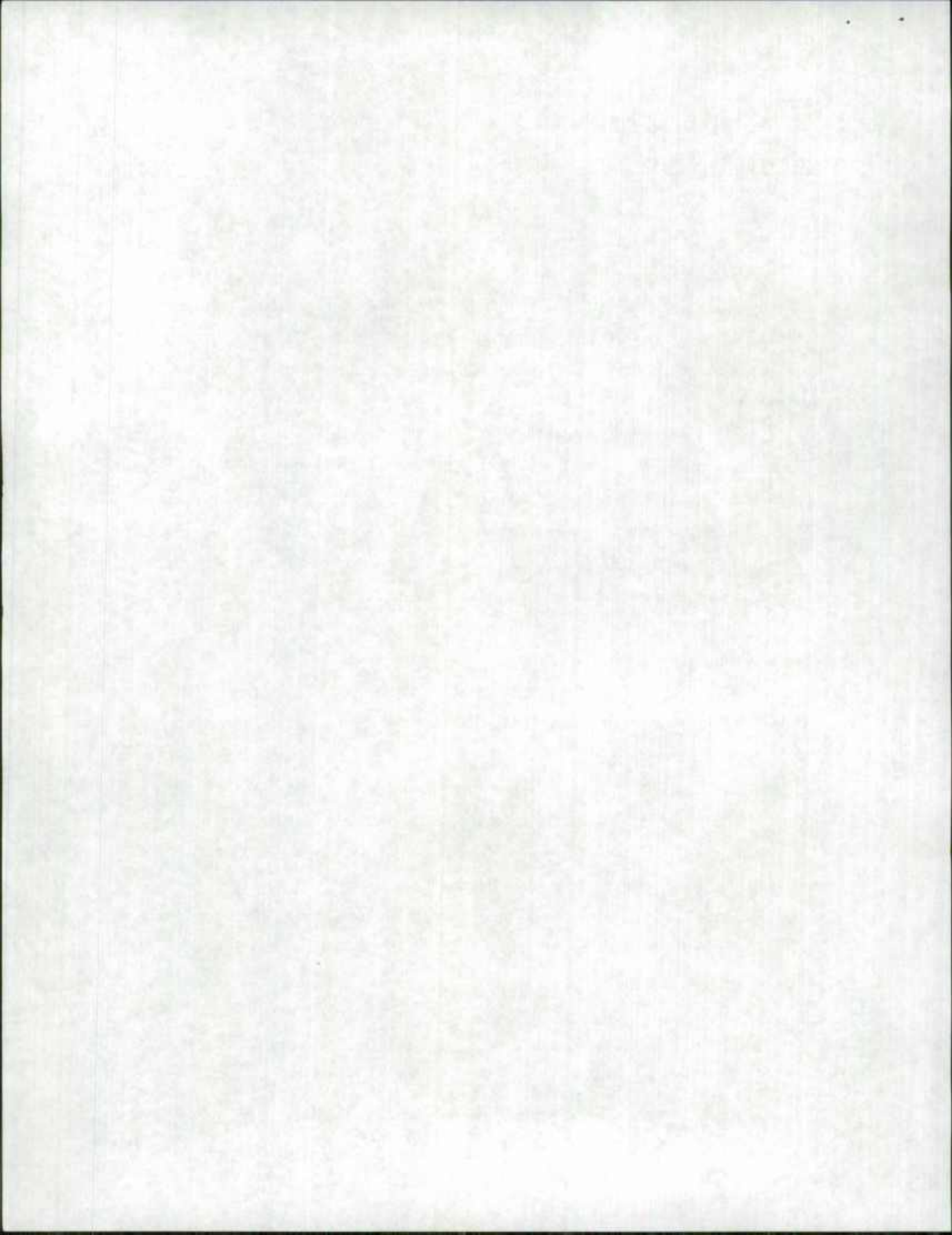
WHEREAS, Anne Arundel County and the Chesapeake Bay Critical Area Commission awarded Grantor a Critical Area Growth Allocation that facilitates development of a 31 home residential community (hereinafter, Growth Allocation); and

WHEREAS, Grantor, in consideration of the Growth Allocation, desires to convey to Anne Arundel County certain property located on Church Creek for a waterfront park subject to the covenants contained herein; and

WHEREAS, the waterfront park will benefit the citizens of Anne Arundel County and the Critical Area of the County.

WITNESSETH, That Grantor, for and in consideration of the grant of Growth Allocation, and other good and valuable consideration, the receipt and sufficiency of which is herby acknowledged, does hereby grant, convey and assign unto the said ANNE ARUNDEL COUNTY, MARYLAND, a body corporate and politic of the State of Maryland, its successors and assigns, in fee simple, the following described real property, situate, lying and being in the Second Assessment District of Anne Arundel County, State of Maryland, and described as the "Future County Park" parcel consisting of approximately 25.15 acres as shown on a subdivision plat entitled Homeport Farm recorded among the land records of Anne Arundel County at Book _____, Page _____ (Plat No. _____).

BEING a portion of the property which by Deed dated February 12, 1981
and



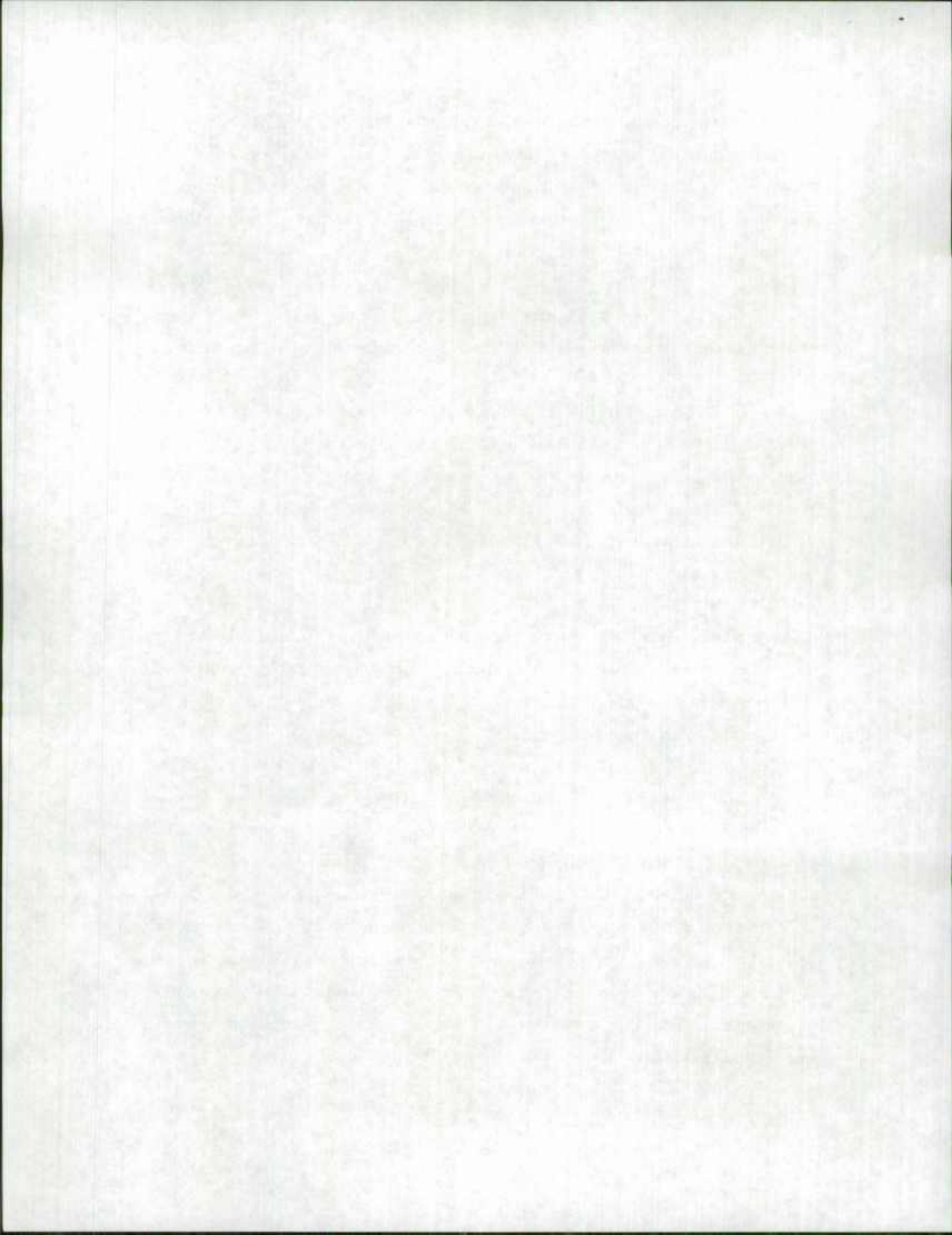
recorded among the Land Records of Anne Arundel County in Liber 3390, Folio 806 was granted and conveyed by Hunting Davis, et al unto the Grantor herein and which by Deed dated September 1, 1983 and recorded among the Land Records of Anne Arundel County in Liber 3630, Folio 529 was granted and conveyed by Hunting Davis to the Grantor herein.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described parcel of ground and premises above described and mentioned, and hereby intended to be conveyed together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said ANNE ARUNDEL COUNTY, MARYLAND, a body corporate and politic of the State of Maryland, its successors and assigns, in fee simple.

AND the Grantor hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted, and that it will execute such further assurances of the same as may be requisite.

THIS PROPERTY shall be held, sold, and conveyed subject to a perpetual restriction that the property shall be used only for parkland, nature preservation and restoration, open space and low-impact recreational uses including, but not limited to, nature study, bicycling, walking and running trails, fishing, crabbing, the storage, docking and launching of non-motorized watercraft, gardening, environmental research and conservation and similar uses and activities. The property shall not be developed or used for intensive recreational purposes including ball fields or basketball courts, equestrian activities, motorized recreation of any type, concerts and/or similar intensive or noise generating activities or uses. The property shall not be developed or used for



commercial or industrial purposes. The Grantor, its successors and assigns, shall have standing to enforce the covenants contained herein, at law or in equity.

WITNESS the hand and seal of the said Grantor.

[Signature Page to Follow]

ATTEST:

HOMEPORT FARM L.L.L.P.

By: _____
Derek H. Davis, General Partner

WITNESS:

ACCEPTED BY:

_____ (Seal)
John Brusnighan
Chief Administrative Officer for
Janet S. Owens, County Executive

STATE OF MARYLAND, ANNE ARUNDEL COUNTY, to wit:

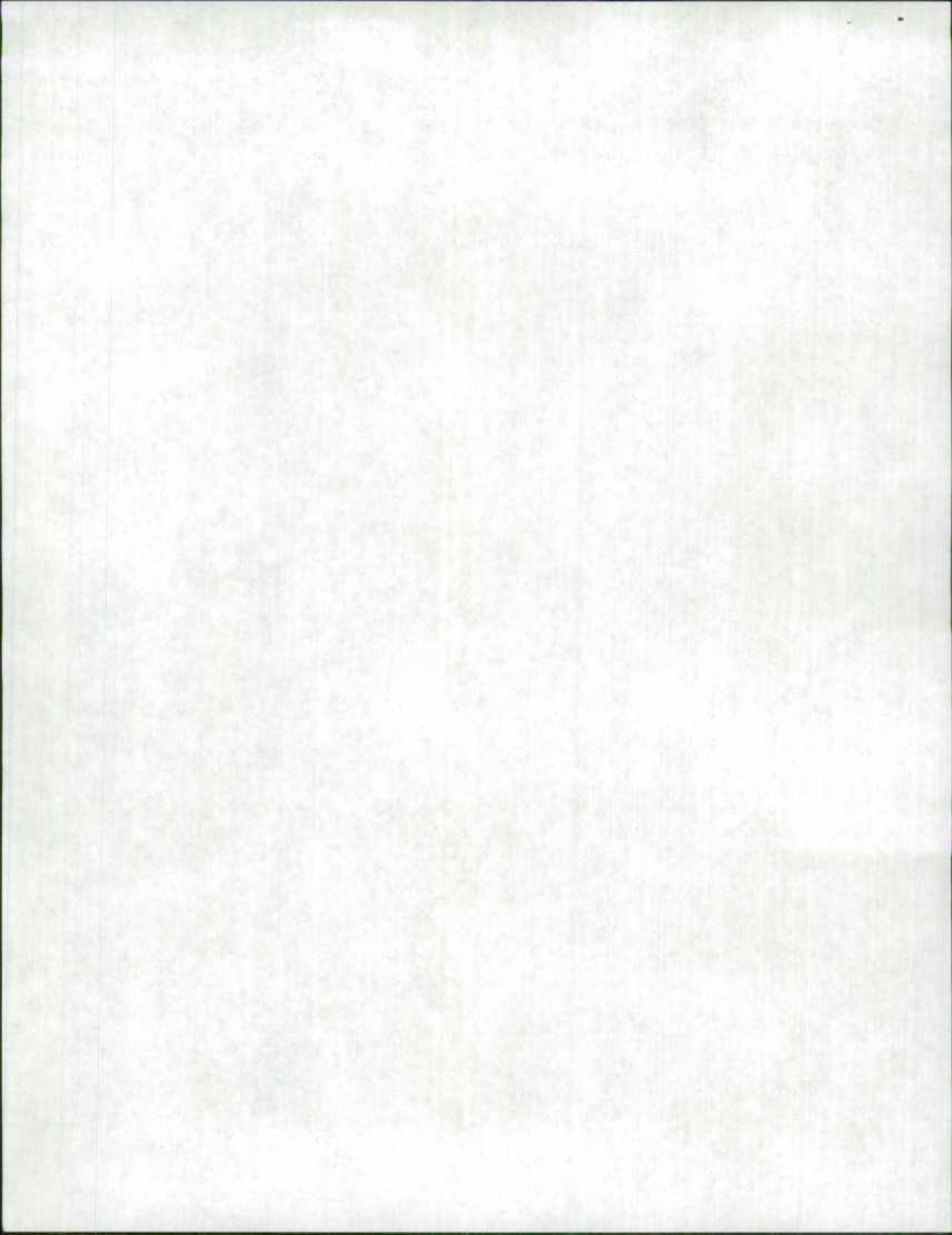
I HEREBY CERTIFY, that on this _____ day of _____, 2003, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Derek H. Davis, General Partner of Homeport Farm L.L.L.P., and that he, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing, in my presence, the name of the said Partnership by himself as said General Partner.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, Anne Arundel County, to wit:



I HEREBY CERTIFY, that on this _____ day of _____, in the year 2003, before the subscriber, personally appeared John Brusnighan, who acknowledged that he executed the foregoing instrument for the purposes therein contained as the fully authorized Chief Administrative Officer for Janet S. Owens, County Executive.

Notary Public

My Commission Expires:
APPROVED as to form & legal sufficiency:

Office of Law

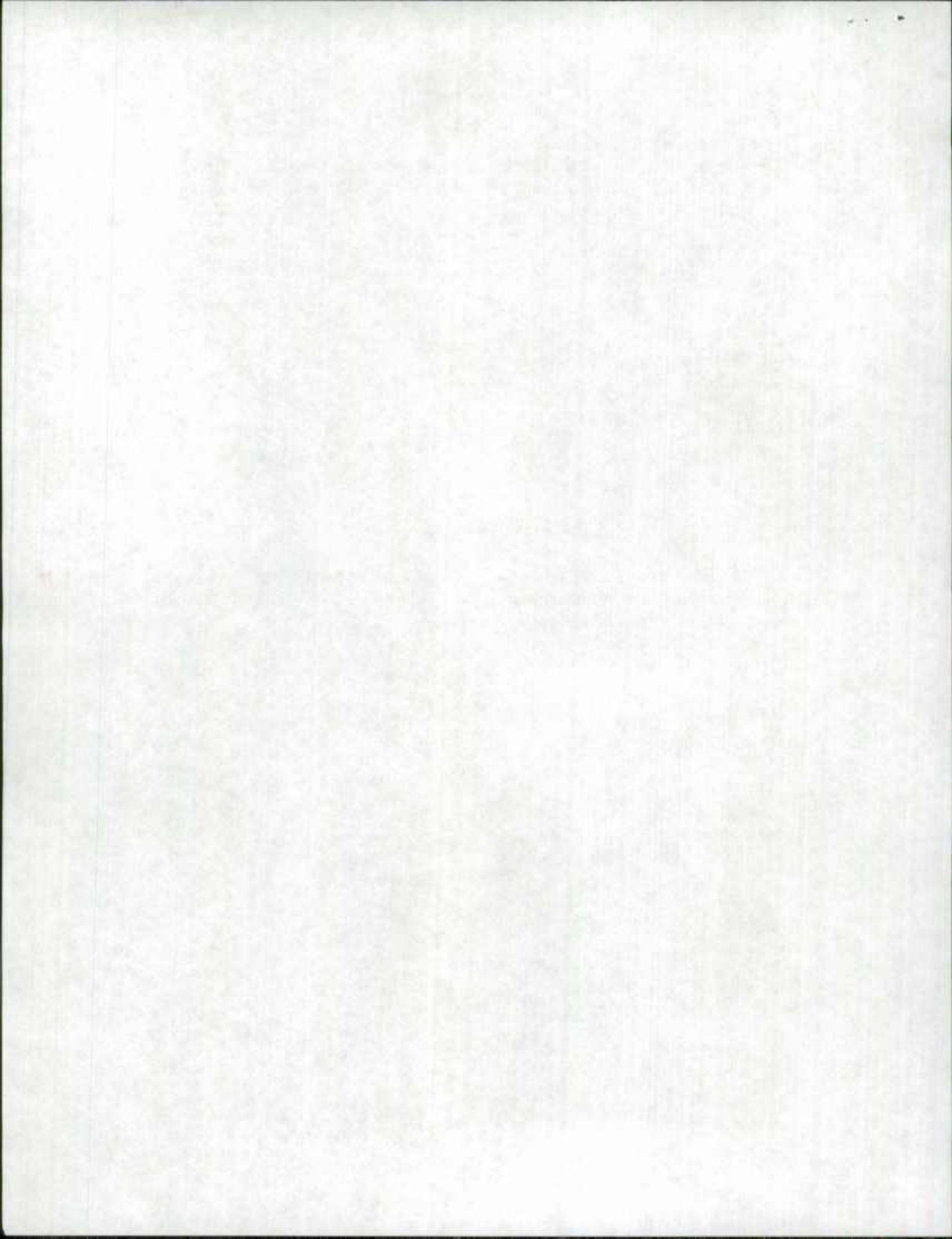
ATTORNEY CERTIFICATION

The undersigned attorney at law, admitted to practice before the Court of Appeals of Maryland, certifies that the within instrument was prepared by, or under the supervision of, the undersigned attorney at law.

DAVID M. PLOTT

PLEASE RETURN TO:

David M. Plott, Esq.
Linowes and Blocher, LLP
145 Main Street
Annapolis, MD 21401



Critical Area Commission

Concur

STAFF REPORT
October 1, 2003

APPLICANT: Town of St. Michaels
PROPOSAL: Annexation and Growth Allocation - Strausburg
JURISDICTION: Town of St. Michaels
COMMISSION ACTION: Refinement (Tentative)
STAFF RECOMMENDATION: Approval
STAFF: Roby Hurley
**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809(h)

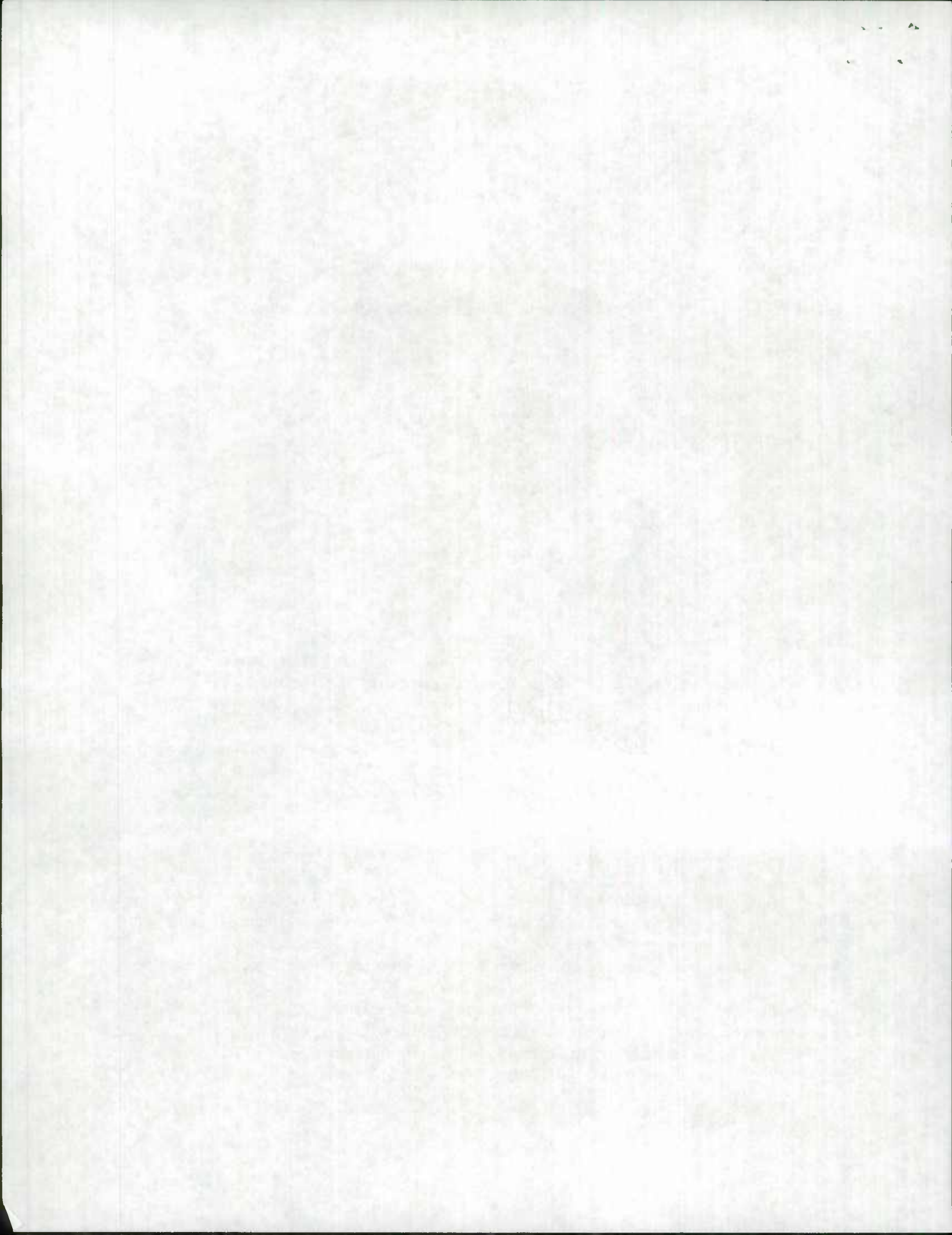
DISCUSSION:

The Town of St. Michaels annexed 158.27 acres into the Town boundaries and approved a request for growth allocation for property owned by Vance and Nancy Strausburg. The growth allocation request is for conversion of ~~21~~ ^{20.1} acres from a Resource Conservation Area (RCA) to a Limited Development Area (LDA).

In addition to the growth allocation request and the annexation, the Strausburg property will eventually be proposed as a subdivision consisting of ten lots. The site is listed in the Town Comprehensive Plan as "Designated Critical Area Growth Allocation Area" and a Priority Funding Area in Talbot County.

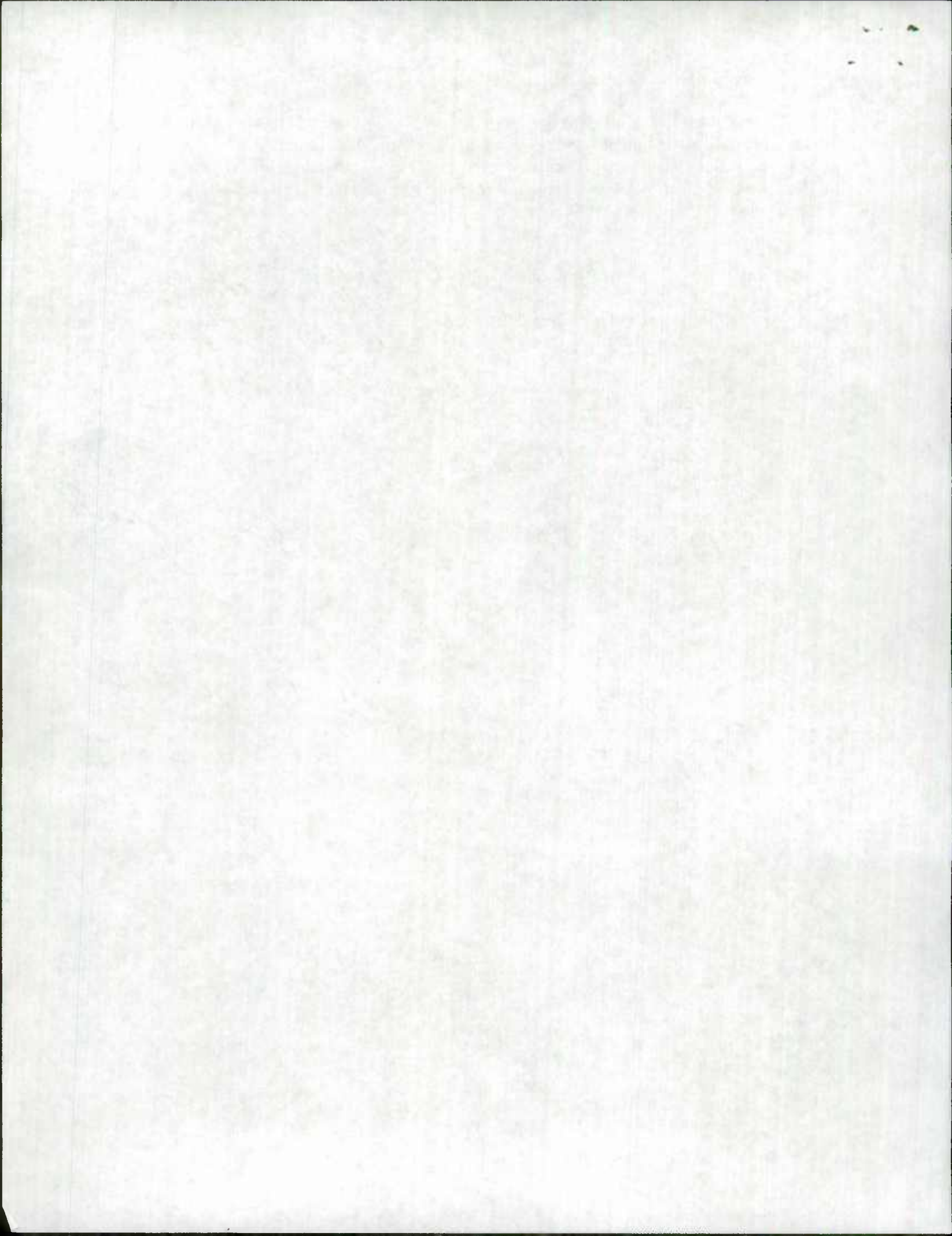
The Strausburg Farm contains 136 acres. The intent is to create a ten-lot subdivision. With approximately 100 acres in the Critical Area, they could have five dwelling units; however they are only proposing four lots in the RCA. One of the lots will be the existing home and 96 acres of which 75 acres will be placed in a permanent easement. The growth allocation will allow six additional lots. Correspondence dated December 27, 2002 from the Department of Natural Resources, Heritage and Biodiversity Division stated that there are no listed species on the site.

The development envelope concept is proposed and allows greater than 20 acres of RCA remaining. The Town addressed the adjacency guidelines and it appears that the new area of LDA will not be directly adjacent to existing LDA. A 300-foot setback will not be provided on the new lots. There are no known Habitat Protection Areas on the site other than the Buffer.



The Planning Commission made a positive recommendation on August 21, 2003 which was then forwarded to the Town Commissioners. During an advertised public hearing period, there was no public comment. The Town Commissioners approved the growth allocation on September 11, 2003. The Town of St. Michaels requests this annexation and growth allocation as a refinement to the Town's Critical Area Program.

- Amayn Baily conditions
As proposed by sub committee
- 1) pin to new of S.D. plot
T.P.C. B.M.P. for prop
prop to
 - 2) prop to record
Sul to C.S. a consent. grant
to the
76 acres
RCA
 - 3) amt of 8.9 - shall be 20.1 acres
Easmt ~



Strausburg Conditions

Buffer

Prior to recordation of the subdivision Plat for the Strausburg property, the Town Planning Com'n shall approve a Buffer Mngt Plan for the Property. Implementation of the Plan shall take place prior to issuance of any building permits.

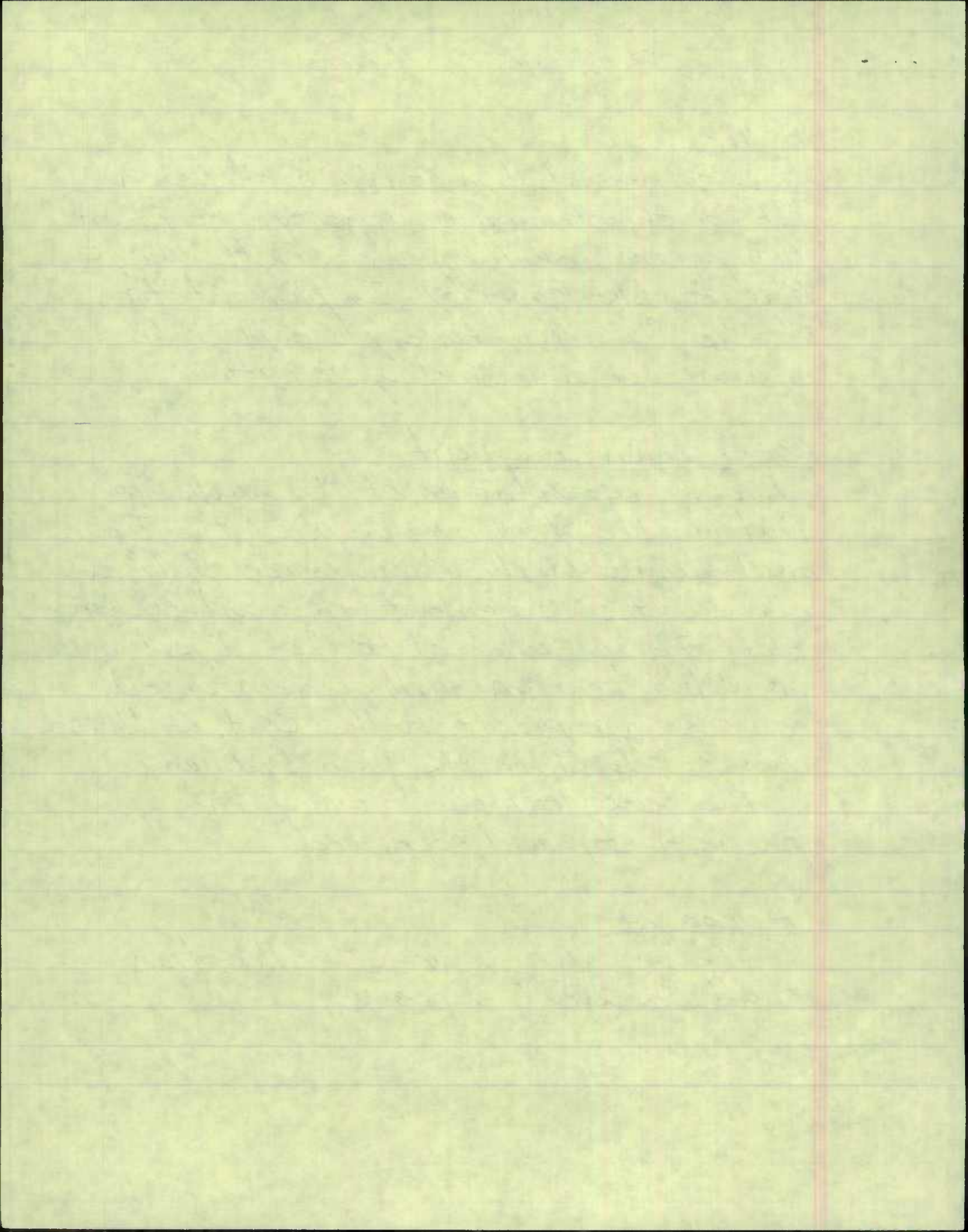
Conservation Easement

Prior to recordation of the subdivision Plat for the Strausburg property, the Town shall submit to the Commission Staff, a conservation easement that will ensure that 76 ac. adjacent to the subject growth allocation, shall be maintained in uses appropriate to the RCA, as those uses set forth in the Town Ordinance.

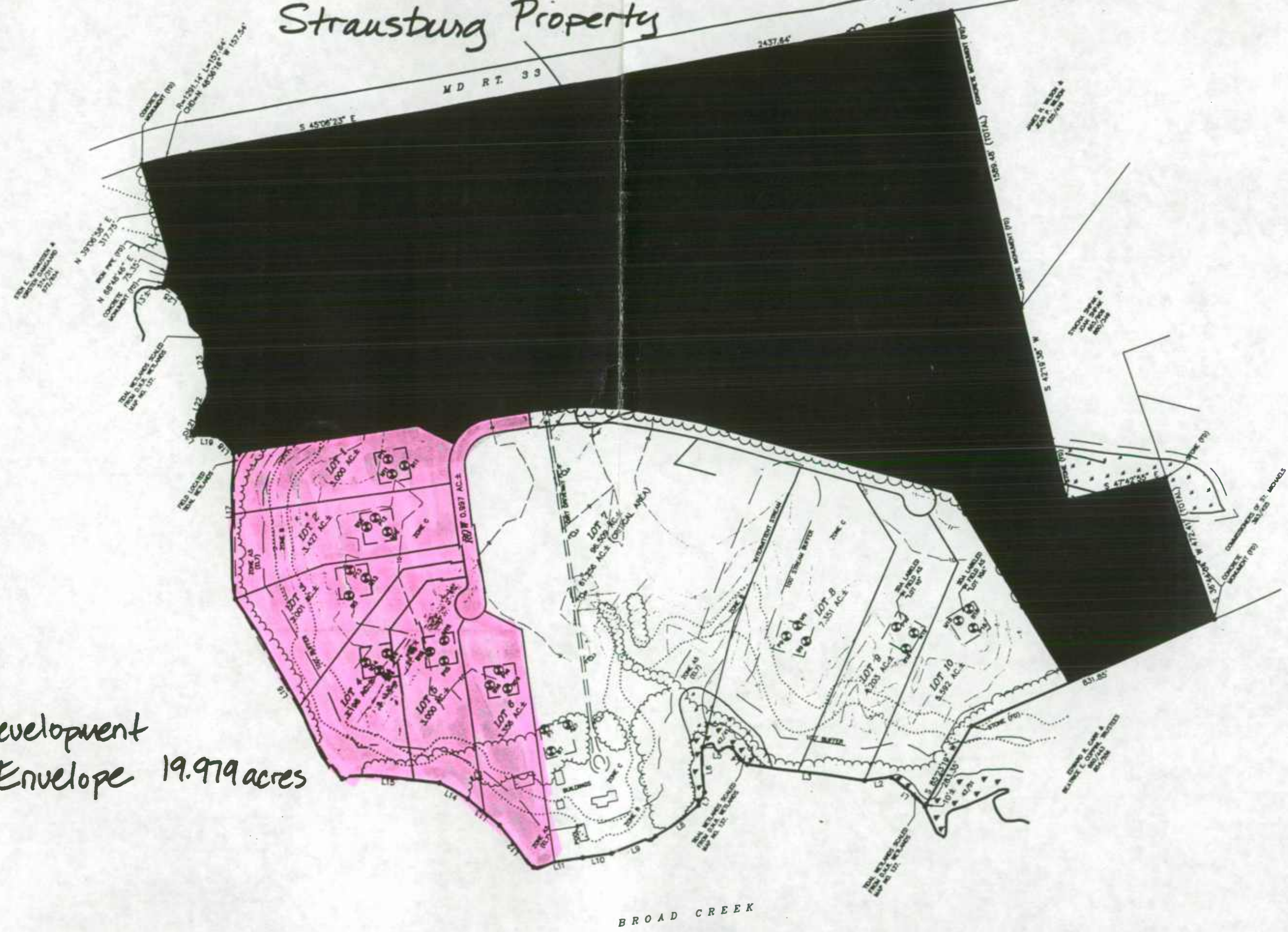
The easement shall remain in perpetuity and recorded.

Acresage

The amount of growth allocation shall be 20.1 acres.



TOWN OF ST. MICHAELS Straustung Property



Development Envelope 19.979 acres

BROAD CREEK





Maryland Department of Transportation

The Secretary's Office

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Robert L. Flanagan
Secretary

Trent M. Kittleman
Deputy Secretary

Martin G. Madden, Chairman
Critical Area Commission
1804 West Street, Suite 100
Annapolis, Maryland 21401

September 29, 2003

Re: Designation of Meg Andrews to represent the
Secretary of the Department of Transportation

Marty
Dear Chairman Madden:

By this letter, I revoke my designation of Meg Andrews to serve as the representative of the Secretary of Transportation on the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. This revocation is effective as of the date of this letter and until October 2, 2003 only, Ms. Andrews will be my designee from October 2, 2003 forward.

I hereby designate Don Halligan to serve as the representative of the Secretary of Transportation on the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. This designation is effective on the date of this letter and it remains effective until October 2, 2003.

Thank you for your assistance with this matter.

Very truly yours,

Robert L. Flanagan, Secretary,
Maryland Department of Transportation



