

Critical Area Commission
Chesapeake and Atlantic Coastal Bays
100 Community Place, Crownsville, MD 21032

February 7, 2024

Project Implementation Subcommittee Minutes

Subcommittee Members in Attendance: *Conway, Adams, Grant, R. Hance, Kiernan, McCarthy, Patel, Roche, Palma, Young*

Not Present: *Roberson (Co-Chair), Marion*

Guests: *Dave Lykens (Harford Co.), David Ivy (WSSC), Walid Halboni (WSSC), Dan Furman (Harford Co.), Christie Bishoff (consultant), Mark Coughlin (WSSC), Claude Modise (WSSC), Regina Esslinger (Baltimore Co.), Gris Batchelder (Baltimore Co.), Jason Traband (Bay Engineering)*

Item 1. Approval of December minutes.

Commissioner R. Hance moved to approve the December minutes. Commissioner Roche seconded the motion. All voted in favor. Motion passed unanimously.

Item 2. Mariner Point Park Stormwater Management Retrofit – Conditional Approval (Harford County)

Presented by Susan Makhoulouf

The County proposes to construct two (2) bioswales and one (1) micro-bioretenion facility to treat runoff from existing impervious surfaces including a parking lot and road. The proposed micro-bioretenion facility is located partially within the Critical Area Buffer in an area that is currently a grass swale situated between a parking lot and a walking path adjacent to tidal waters. One of the bioswales is located partially within the Buffer and the other bioswale is located entirely outside the Buffer. Construction is anticipated to begin mid-to-late 2024 and last 2-3 months. Mitigation planting will take place in Spring 2025.

Discussion: Commissioner Conway asked how the mitigation is calculated, by number of trees or caliper inch? Ms. Makhoulouf explained it is based on the square footage of the Buffer impacted and based on the number of trees removed. Commissioner Hance asked if the Commission would still need to approve if just tree clearing, and Ms. Makhoulouf responded yes, because it is in the Buffer. Commissioner Palma asked about maintenance of the bioswales, and Jason Traband responded that the County will need to maintain the areas to keep the TMDL credits.

Commissioner Grant moved to accept the staff recommendation. Commissioner Palma seconded the motion. All in favor. Motion passed unanimously.

Item 3. Grange Elementary School Parking Lot – Conditional Approval (Baltimore County)

Presented by Katie Hayden

The Baltimore County Board of Education is seeking approval to construct a new parking lot at Grange Elementary School. The project site is located on the grounds of Grange Elementary School, a 15-acre County-owned school located at 2000 Church Road, Dundalk, Maryland. The project is located entirely within the Critical Area on land designated as Intensely Developed Area (IDA).

Grange Elementary School was originally constructed in 1960 and serves grades Pre-Kindergarten through Grade 5. The existing single bus/car loop, which is utilized by buses, parents, and staff, is not large enough to provide safe drop-off and pick-up for students at the start and finish of the school day. Due to limited on-site parking, many of the teachers park beneath overhead powerlines in a BGE right-of-way (ROW) located adjacent to the school. The off-site parking is not authorized by BGE and creates a potentially hazardous situation that does not comply with Baltimore County Public Schools safety protocols. The project area is 1.54 acres in size and involves a new parking lot and a new queuing lane/car loop. The new development will provide parking for teachers and create a safer process for daily drop-off and pick-up of students. Additional site improvements include the installation of four (4) stormwater management (SWM) facilities.

Discussion: Commissioner Conway asked how they will ensure that people will not continue parking at the BGE property. Ms. Bishoff explained that the gravel will be removed and replaced with grass, and the curb cuts will be replaced with curbs, so cars will be unable to park. Commissioner Roche asked if the pavement will be pervious or traditional impervious, and Ms. Bishoff responded that it is traditional asphalt, due to a maintenance issue with Baltimore County Schools. Commissioner Palma motioned to approve the project with conditions as outlined in the staff report. Commissioner Grant seconded the motion. All in favor. **Motion passed unanimously.**

Item 4: Information Only – Washington Suburban Sanitary Commission Memorandum of Understanding for General Approval Update

Presented by Mike Grassmann

Over the last several months, staff from the Critical Area Commission and the Washington Suburban Sanitation Commission (WSSC) have worked together to update the existing General Approval Memorandum of Understanding (MOU) between WSSC and the Critical Area Commission. WSSC wishes to meet with the Project Subcommittee to discuss the draft MOU for preliminary review and comment before officially submitting it for Commission approval. A copy of the draft MOU is attached to the memorandum.

The purpose of this Project Subcommittee discussion is to provide preliminary feedback to WSSC regarding the draft text MOU. This MOU is planned to be submitted to the Critical

Area Commission for final review and approval in Spring 2024, and WSSC wants to ensure that any questions from the Commission are addressed well in advance before this final review.

The Project Subcommittee will be asked to discuss their comfortability with the general outline and parameters of the MOU, with particular focus on whether the Commission has additional questions regarding decommissioning.

Discussion:

Commissioner Hance started the discussion by asking how many decommissioned buildings may exist in the Critical Area. WSSC indicated that they could look into that, but it would require information from the planning section and may require compilation of multiple lists. The discussion then moved to the Critical Area Commission's authority for reviewing decommissioned structures that are left in place as COMAR 27.02 requirements related nearly entirely to proposed development activities. There is no requirement in regulation that any State agency notify the Commission when it intends to abandon a structure.

The discussion then moved to whether the Commission could review whether abandoned sites could be used when new development is proposed. Commissioners asked questions related to differences in treating new buildings versus redeveloped buildings, removing assets and restoring areas to natural sites vs reusing assets and minimizing impacts elsewhere, and what types of opportunities exist for mitigation or offsets with removal of abandoned structures.

Commission staff offered that in the context of this MOU, whose purpose is to cover proposed maintenance and minor development activities by a State agency, there may be some opportunity to consider reuse of existing developed sites when new development is proposed as well as a general acknowledgement of minimizing impacts to the Critical Area overall. Commissioners expressed an interest in WSSC (and other agencies) placing greater emphasis in examining the environmental impacts of abandoned buildings more closely and either moving forward more quickly in removing them or reusing them and causing less development elsewhere.

Commission staff suggested that an additional Whereas clause be added to the MOU that would (1) acknowledge development should be located outside the Critical Area to maximum extent possible (consistent with COMAR 27.02.05), (2) acknowledge WSSC shall consider reuse of decommissioned sites, as appropriate and (3) add that when WSSC is planning projects that might have significant HPA impacts, preference should be given to evaluating decommissioned sites. WSSC staff confirmed they would review the additional language and provide internal feedback and they would also go back to the Planning section and ask about an inventory of decommissioned sites in the Critical Area.