

Critical Area Commission

STAFF REPORT September 7, 2022

APPLICANT:	Charles County Department of Recreation, Parks, & Tourism
PROPOSAL:	Chapel Point Park: Phase 2 – Maintenance Building, Parking and Shoreline Access Improvements
JURISDICTION:	Charles County
COMMISSION ACTION:	Vote
STAFF RECOMMENDATION:	Approval
STAFF:	Jennifer Esposito
APPLICABLE LAW/ REGULATIONS:	COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

DISCUSSION

Charles County Recreation, Parks, & Tourism is seeking approval to expand and improve shoreline access at two areas (North Fishing Access and Midway Beach Access) of Chapel Point Park. Located in south Charles County on the Port Tobacco River, the park consists of a mix of forest and agricultural fields, and includes several streams, wetlands, and beaches. The 821-acre property is partially located within the Critical Area with 214.12 acres designated as Resource Conservation Area (RCA).

The park is owned by the Department of Natural Resources (DNR), Maryland Park Service, but 50 acres are managed and maintained by the County under a lease agreement. The leased areas include: park access roads and an existing boat launch located at the North Fishing Access; the Midway Beach Access which is currently used for beach access, picnicking, parking, and a kayak launch; and approximately 3,000 linear feet of shoreline. These areas are the subject of this proposal, considered Phase 2 of the project, and therefore coming to the Commission as a local project. Phase 1 was located on the State-owned portion of the park and was approved by Commission staff on February 5, 2020, as a Category II project under the Memorandum of Understanding between DNR and the Critical Area Commission. The overall goal of Phase 2 is to enhance and expand existing shoreline access to account for the increase in recreational use the park is currently experiencing.

Proposed Scope of Work and Critical Area Impacts

Phase 2 consists of the following:

- Maintenance Building
 - Construct a 273- linear-foot by 10-foot-wide gravel access drive
 - Install a concrete pad and 1,440 square-foot pole barn maintenance building
 - Provide parking
- North Fisherman’s Access
 - Maintain and repair 1,800 linear feet of an existing crowned gravel road
 - Widen and pave 272 linear feet of an existing gravel road
 - Expand existing parking areas and provide additional parking
 - Install a gate for permitted access
 - Install reinforced turf for water access and turnaround area
 - Relocate a portable restroom
 - Replace an existing kiosk
 - Install a flat bottom grass swale and a micro-bioretenion stormwater feature
- South Access to Midway Beach
 - Grade and resurface 739 linear feet of existing gravel road
 - Grade, resurface, and widen 847 linear feet of existing gravel road
 - Construct 880 square feet of paved access drive to Midway Beach
 - Install a reinforced turf turnaround area for hand carry boat access
 - Remove a shed and restore area to natural surface
 - Install a fence and stabilize an existing corn crib and install an interpretive panel
 - Install a portable restroom
 - Install a gate for maintenance access
 - Install a kiosk

A site plan is attached to this staff report (Attachment 1).

The project is anticipated to commence before the fall of this year and should be completed within three months from the start of construction. The total limit of disturbance (LOD) comprises of 4.71 acres. The existing lot coverage in the LOD is 1.71 acres and post construction lot coverage within the LOD will total 3.87 acres, both within and outside of the Critical Area.

Portions of the proposed improvements will be located within the Critical Area Buffer. The impacts and lot coverage associated with shoreline access are considered water dependent. All other improvements are considered as nonwater-dependent impacts, but some are still located in the Critical Area Buffer due to existing conditions, such as expanding portions of existing roads and parking areas that are already compacted do to daily use (see Attachment 2 for a breakdown of Buffer impacts). Because of this, this project requires conditional approval by the Commission under COMAR 27.02.06.

Forest Clearing

A total of 32,368 square feet of forest and developed woodland outside of the Buffer will be impacted as a result of this project. The forested areas within the park are Forest Interior Dwelling Bird (FIDS) habitat.

Buffer Impacts

The project proposes a total of 32,251 square feet of permanent impacts to the Buffer with 3,829 square feet of canopy coverage to be removed.

Stormwater Management

Critical Area 10% phosphorus reduction is not required for this project, as all impacts are located within the RCA. However, MDE stormwater management is required for the project. Through a combination of non-rooftop disconnection points, grass swales, alternative surfaces, dry wells, and a microbasin, a total of 3.87 impervious acres will be treated.

Breakdown of Impacts: Table 1

Location of Impact	Impact Type	Impact Amount (Sq. Ft.)	Impact Ratio	Total (Sq. Ft.)
Buffer	Water-Dependent Access	28,803	2:1	57,606
	Canopy Removed	3,829	1:1	3,829
	Nonwater-Dependent	1,724	3:1	5,172
Non Buffer	Forest Clearing	32,368	1:1	32,368
Total Mitigation Required				98,975 Sq. Ft. (2.27 acres)

Proposed Mitigation

Mitigation will be provided both inside and outside of the Buffer with native canopy and understory species, and the proposed mitigation will provide at least a 1:1 planting ratio back inside of the Buffer. Additionally, the selected species and location of the proposed mitigation will enhance existing FIDS habitat. A mitigation planting plan is attached to this staff report as Attachment 3. The proposed mitigation is as follows:

Proposed Mitigation: Table 2

Type	Amount in Sq. Ft.	Amount in Acres
Landscape Stock	40,510	0.93 acres
Seedling Stock	102,801	2.36
Total Mitigation Provided	143,311	3.29

Permits and Review by Other Agencies

Stormwater Management and Erosion and Sediment Control Plans

The stormwater management plan and erosion and sediment control plans have been approved by the County.

Department of Natural Resources

The Department of Natural Resources Wildlife and Heritage Service (WHS) determined in an August 15, 2019, letter that the forested area on the project site may contain Forest Interior Dwelling Bird habitat. The letter included protection measures to reduce the likelihood of adverse impacts to FIDS habitat such as locational and design standards to reduce impacts to interior habitat. The letter also indicated that the open waters adjacent to the project are known historic waterfowl concentration areas. However, water-dependent activities that could impact waterfowl are not currently proposed.

Maryland Historical Trust

The Maryland Historic Trust (MHT) determined in a September 14, 2020, letter that there are two recorded archeological sites located in the vicinity of the proposed site improvements, and that the site contains a prehistoric shell. However, it is the recommendation that the proposed site improvements will have no adverse effect on historic properties.

United States Fish and Wildlife Service

In a June 20, 2019, letter from the United States Fish and Wildlife Service (USFWS), it was determined that there are no critical habitats, refuge lands, or fish hatcheries within the project area.

Public Notification Requirements and Comments

Notice of the project was published on May 27, 2022, in the Southern Maryland News. A sign with information about the project was posted on the property on May 25, 2022, as required by COMAR 27.03.01.03. As of the date of the writing of this staff report, no public comments have been received; any comments received will be noted at the Commission meeting.

CONDITIONAL APPROVAL PROCESS (COMAR 27.02.06.01)

To qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project has the following characteristics. Responses were supplied by the County and summarized by Commission staff.

B. (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;

Existing parking areas at the Fisherman’s access are overused and overcrowded resulting in compacted areas beyond the gravel surface (and within the Critical Area Buffer). The project will treat runoff from existing compacted areas and provide expanded hand carry shoreline access at Midway Beach with new parking located outside the Critical Area Buffer. The existing highly eroded Midway Beach access drive will be paved with asphalt to prevent further erosion. Grading will be limited to the top and bottom to smooth out vertical curves, and reinforced turf will be installed for stormwater management. The existing drive needs to stay open to serve the existing group camping areas and for hand carry boat drop. All other alternatives would have more significant impacts and impact otherwise undeveloped forest, so the existing access drive location is the only option.

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

The project will improve water quality by treating runoff from existing compacted parking areas and eliminate highly eroded fall line runoff going down the access drives at both shorelines. Additionally, the project will reduce vehicular traffic at the water’s edge by closing the north Fisherman’s access to permitted uses only, while still providing hand carry canoe and kayak access and limited vehicular access for permitted watermen that use it to pick up their catch. Expanding shoreline access parking outside the Critical Area Buffer at Midway Beach will serve expanded access for hand carry boats to the Port Tobacco River with its abundant wildlife and birding opportunities, as well as fishing.

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

With the exception of the expanded parking spaces noted above and a small corner of the lot where the portable restroom is currently located, all other modifications at North Fisherman’s access are in conformance with this subtitle. Except for paving the sloped section of the existing highly compacted and eroded Midway beach access drive, all other modifications at Midway Beach are in conformance with this subtitle.

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

C. (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;

The project was authorized as part of a lease agreement between the Maryland Park Service and Charles County Department of Parks, Recreation and Tourism. The terms of the lease were based on a jointly prepared and approved management plan that defined shoreline access and parking areas that could be used. The Midway Beach access drive is required to meet the terms of the lease between the County and DNR, which includes converting that location to day use with hand carry boat access. Eliminating the two parking spaces in the Critical Area Buffer at the

North beach access would not be enforceable (or would require physical modifications to prevent access with potentially more impact than confining the parking to its current location).

C. (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 plans were reviewed and approved by the Maryland Park Service prior to submitting for the Charles County Development Services Permit (which has conditional approval). A site tour was conducted at the start of the design process that included MD DNR staff and leadership with responsibilities for Chapel Point State Park as the leaseholder, Charles County Department of Recreation, Parks, and Tourism as the lessee, and Charles Planning and Growth Management (PGM) staff responsible for Critical Area program implementation. Based on the conclusions made from the site tour, and meetings before and after the tour, the project was designed and submitted for Concept Stormwater Management, Site Stormwater Management, and Development Services Permit reviews with Critical Area compliance comments provided by Charles County PGM staff. The design was refined at each review to increase conformity with the provisions of this subtitle to the extent possible while still meeting the terms of the lease.

C. (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.

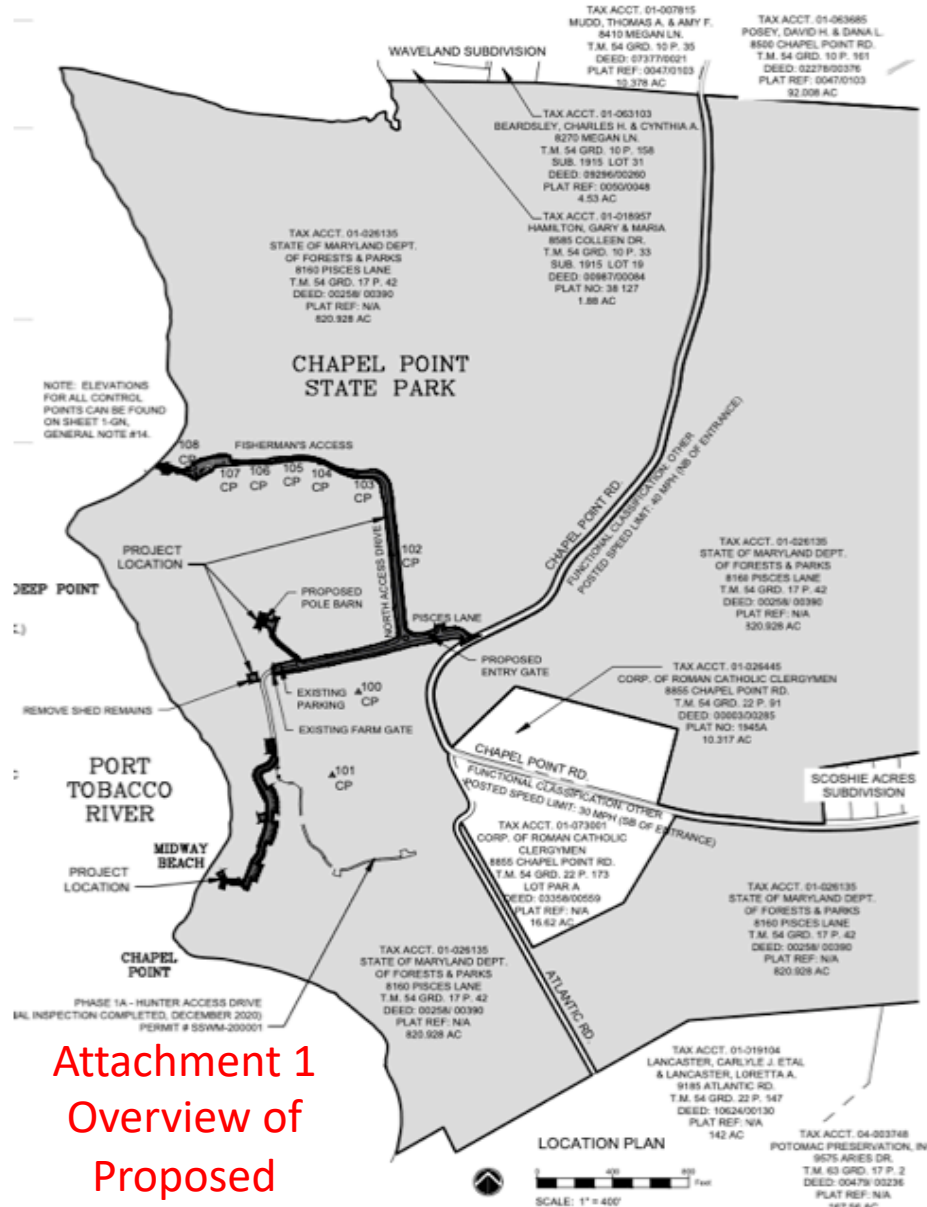
The County is providing 3:1 mitigation for all nonwater-dependent Critical Area Buffer impacts. The total mitigation provided exceeds the required mitigation for the project by an acre.

RECOMMENDATION

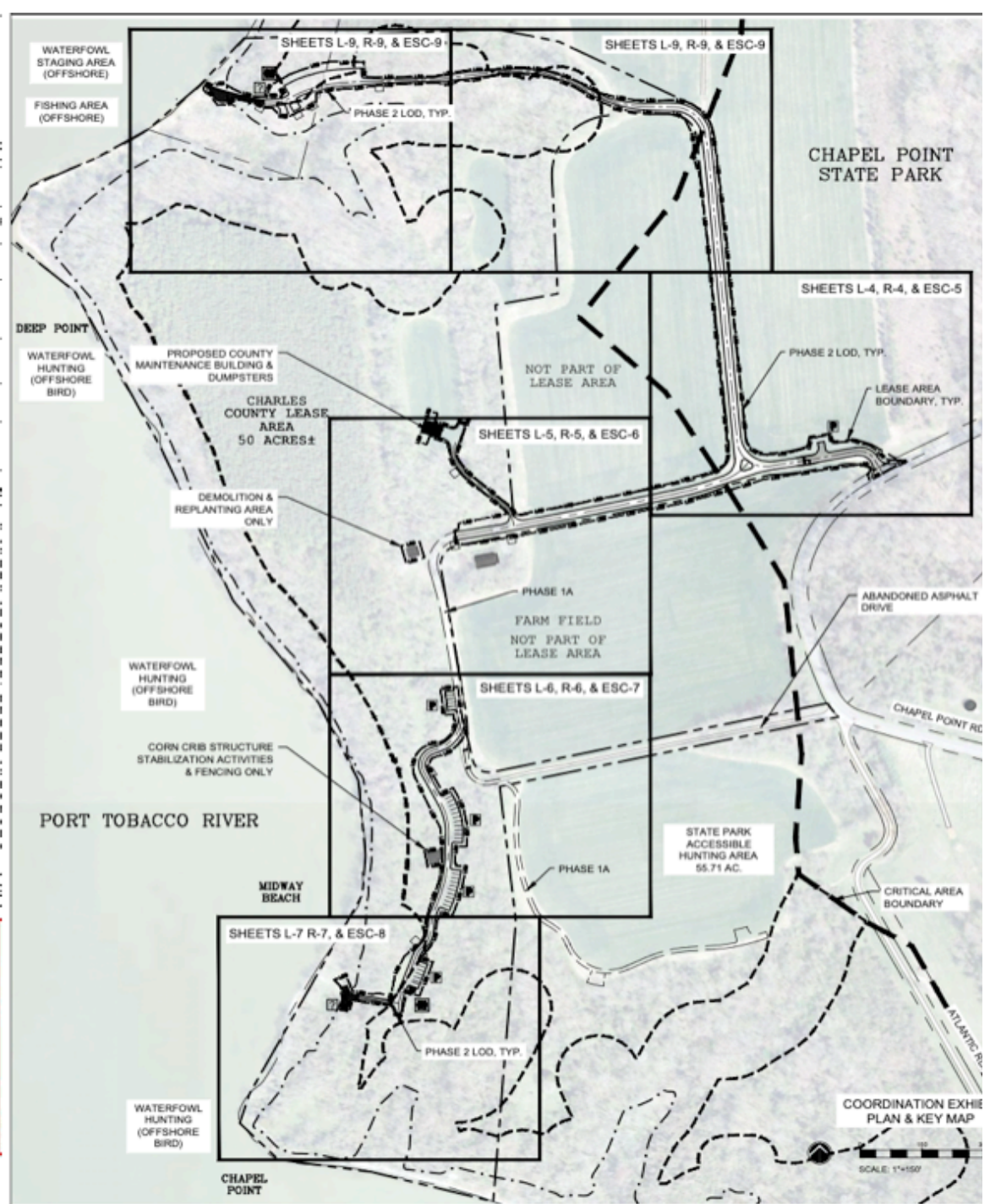
Commission staff recommends approval of this project.

PHASE 2 IMPROVEMENTS CHAPEL POINT PARK RENOVATION

CHARLES COUNTY DEPARTMENT OF PARKS, RECREATION & TOURISM
ELECTION DISTRICT 1
CHARLES COUNTY, MARYLAND

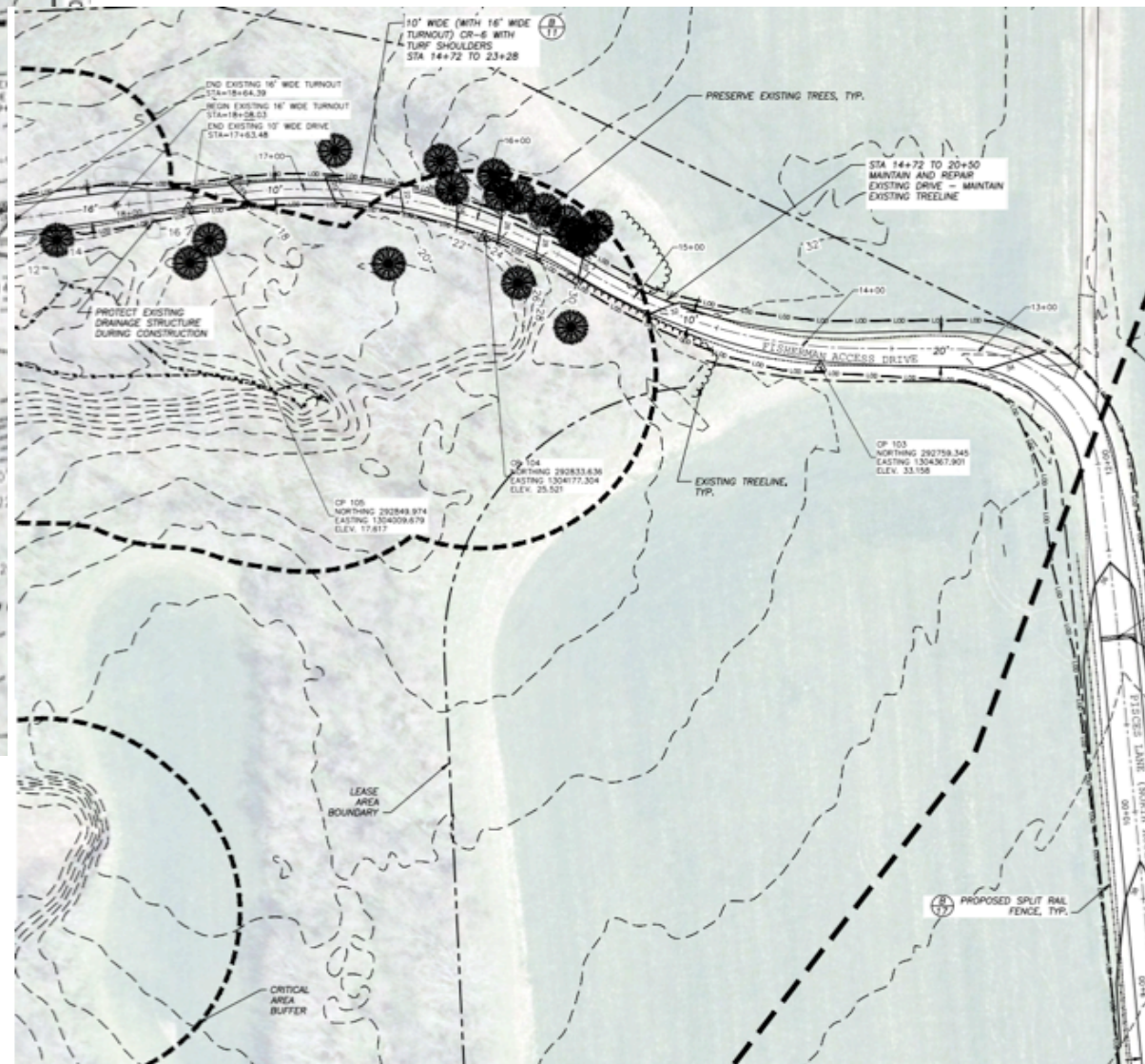
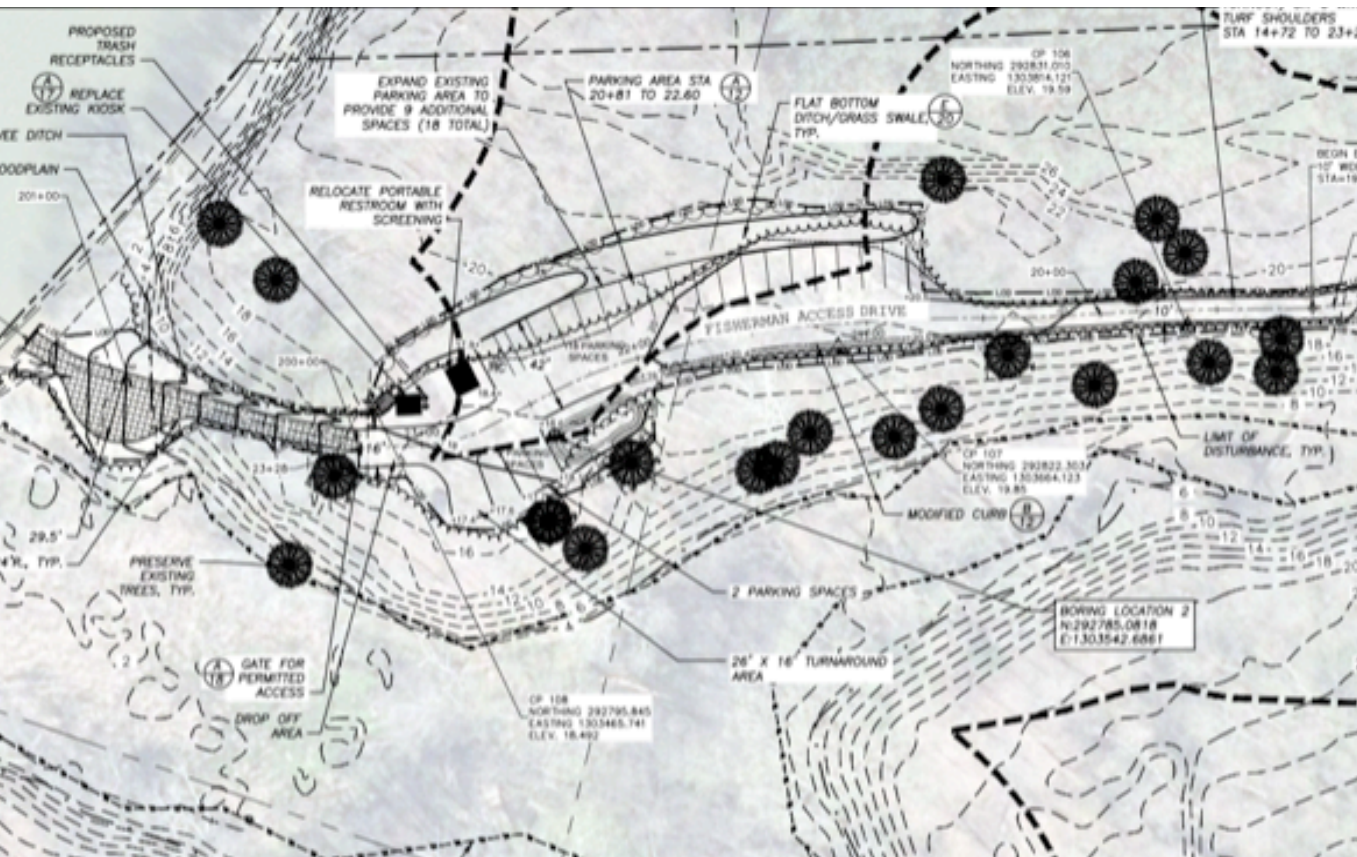


Attachment 1
Overview of
Proposed

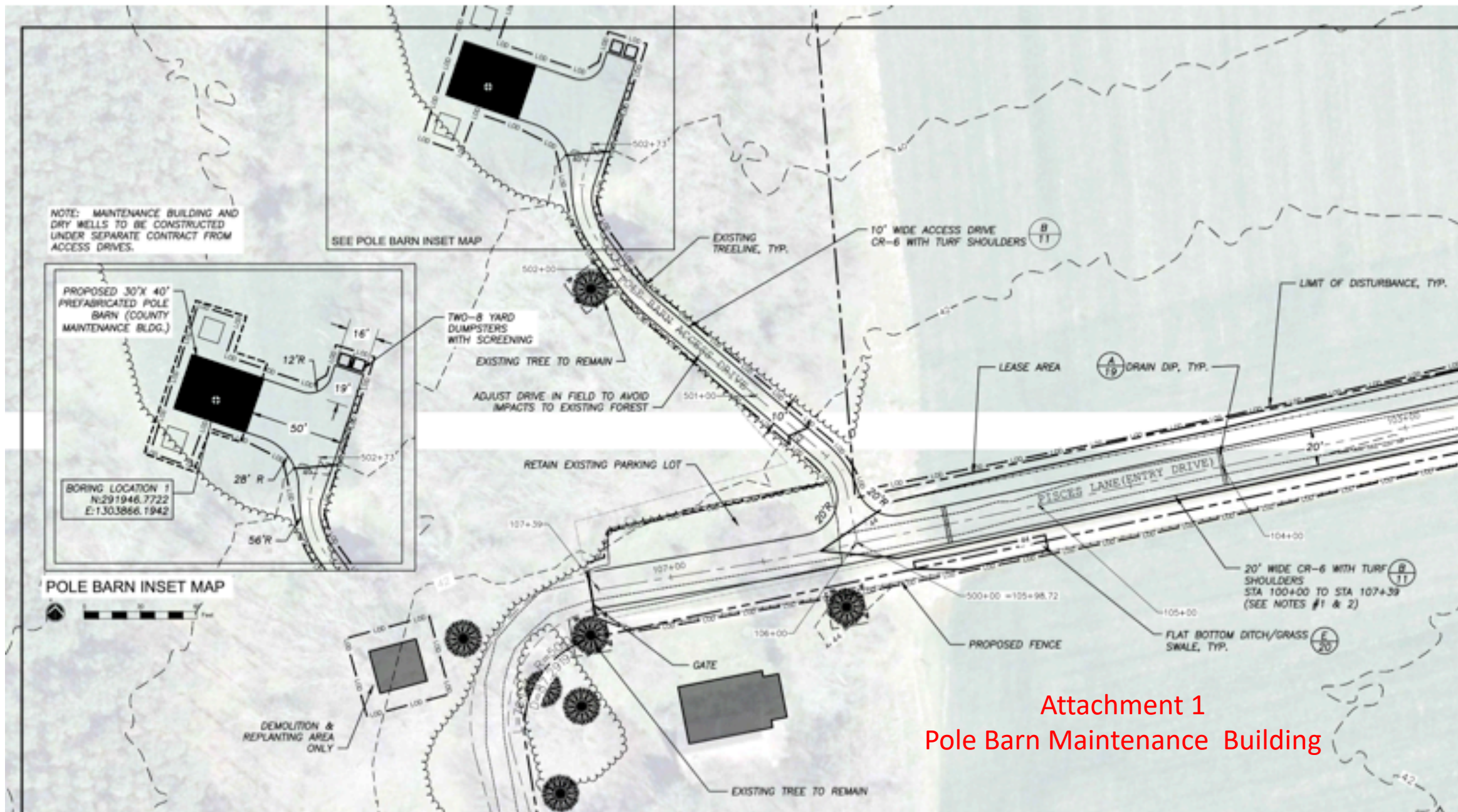


Attachment 1 Existing Conditions





Attachment 1
North Fisherman's Access
and Access Road



Attachment 1
Pole Barn Maintenance Building

Attachment 1
Midway Access
Parking and Access



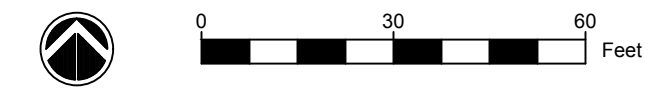


MATCHLINE - SEE SHT L-6

LEGEND

- PROPOSED ACCESS DRIVE ALIGNMENT
- MHW MHW MEAN HIGH WATER - 1.75 (APPROX.)
- WETLAND DELINEATION (ESA, 2019)
- EXISTING TREELINE (DCI, 2019)
- EXISTING 2 FT. CONTOURS (CHARLES COUNTY, 2019)
- EXISTING 2 FT. CONTOURS (DCI, 2019)
- EXISTING GRAVEL DRIVES (DCI, 2019)
- EXISTING TREES >18" DBH (DCI, 2019)
- PARCEL LINES (CHARLES CO., 2019)
- 100 YEAR FLOODPLAIN (FEMA, 2017)
- CRITICAL AREA BUFFER (100') (ESA, 2022)
- CHARLES COUNTY LEASE AREA (BOUNDARY IS FOR REFERENCE AND INFORMATIONAL PURPOSES ONLY)
- LIMIT OF DISTURBANCE
- PROPOSED 2 FT. CONTOURS
- PROPOSED TREELINE

DATA SOURCES: EXISTING CONDITIONS AND TOPOGRAPHIC SURVEY PROVIDED BY DCI (JULY 2019). ALL OTHER EXISTING DATA PROVIDED BY CHARLES COUNTY UNLESS OTHERWISE NOTED.



Attachment 2 Buffer Impacts

BUFFER DISTURBANCE TYPES

- EXISTING - WATER DEPENDENT
- PROPOSED - WATER DEPENDENT
- EXISTING - NON-WATER DEPENDENT
- PROPOSED - NON-WATER DEPENDENT

DESIGNED BY: RS/C	DATE	REVISION	CONSTRUCTION	REVISION	REVISION	NUMBER
DRAWN BY: JH	DATE	DATE	DATE	DATE	DATE	DATE
SUBMITTED BY: RS/C	CONTRACT NO.					
FILE NAME: ChapelPPZ_BufferImpactE-Addr_050222.dwg						

SUBCONSULTANTS
 Robert G. Smith and Associates, Inc.
 1100 Northpointe Blvd., Suite 200
 Chesapeake, VA 23041
 757.533.9972
 www.rgsai.com

LARDNERKLEIN
 LANDSCAPE ARCHITECTS, P.C.
 4150 Southpointe Blvd., Suite 200
 Chesapeake, VA 23041
 757.533.9972
 www.lardnerklein.com

**PHASE 2 IMPROVEMENTS
 CHAPEL POINT PARK RENOVATION**
 CHARLES COUNTY, MARYLAND
 DEPARTMENT OF RECREATION, PARKS, AND TOURISM

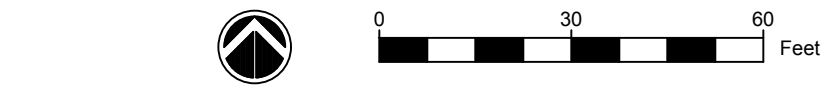
MIDWAY BEACH SHORELINE ACCESS & CHAPEL POINT ACCESS DRIVE (SITE)



LEGEND

- PROPOSED ACCESS DRIVE ALIGNMENT
- MEAN HIGH WATER - 1.75 (APPROX.)
- WETLAND DELINEATION (ESA, 2019)
- EXISTING TREE LINE (DCI, 2019)
- EXISTING 2 FT. CONTOURS (CHARLES COUNTY, 2019)
- EXISTING 2 FT. CONTOURS (DCI, 2019)
- EXISTING GRAVEL DRIVES (DCI, 2019)
- PROPOSED FENCE
- EXISTING TREES >18" DBH (DCI, 2019)
- PARCEL LINES (CHARLES CO., 2019)
- 100 YEAR FLOODPLAIN (FEMA, 2017)
- CRITICAL AREA BOUNDARY (1000') (MARYLAND IMAP, 2019)
- CRITICAL AREA BUFFER (100') (ESA, 2022)
- CHARLES COUNTY LEASE AREA (BOUNDARY IS FOR REFERENCE AND INFORMATIONAL PURPOSES ONLY)
- LIMIT OF DISTURBANCE
- PROPOSED 2 FT. CONTOURS

DATA SOURCES: EXISTING CONDITIONS AND TOPOGRAPHIC SURVEY PROVIDED BY DCI (JULY 2019). ALL OTHER EXISTING DATA PROVIDED BY CHARLES COUNTY UNLESS OTHERWISE NOTED.



Attachment 2 Buffer Impacts

BUFFER DISTURBANCE TYPES

- EXISTING - WATER DEPENDENT
- PROPOSED - WATER DEPENDENT
- EXISTING - NON-WATER DEPENDENT
- PROPOSED - NON-WATER DEPENDENT

MATCHLINE - SEE SHT L-10

MATCHLINE - SEE SHT L-4

DESIGNED BY: RS&C	DATE:	CONTRACT NO.:	FILE NUMBER:
DRAWN BY: JH	LOG BY: RS	SUBMITTED BY: RS&C	PLOT DATE:
SCALE:	PLOT SCALE:	FILE NAME:	ANSI D
REVISION NUMBER	REVISION DATE	CONSTRUCTION REVISION	DATE

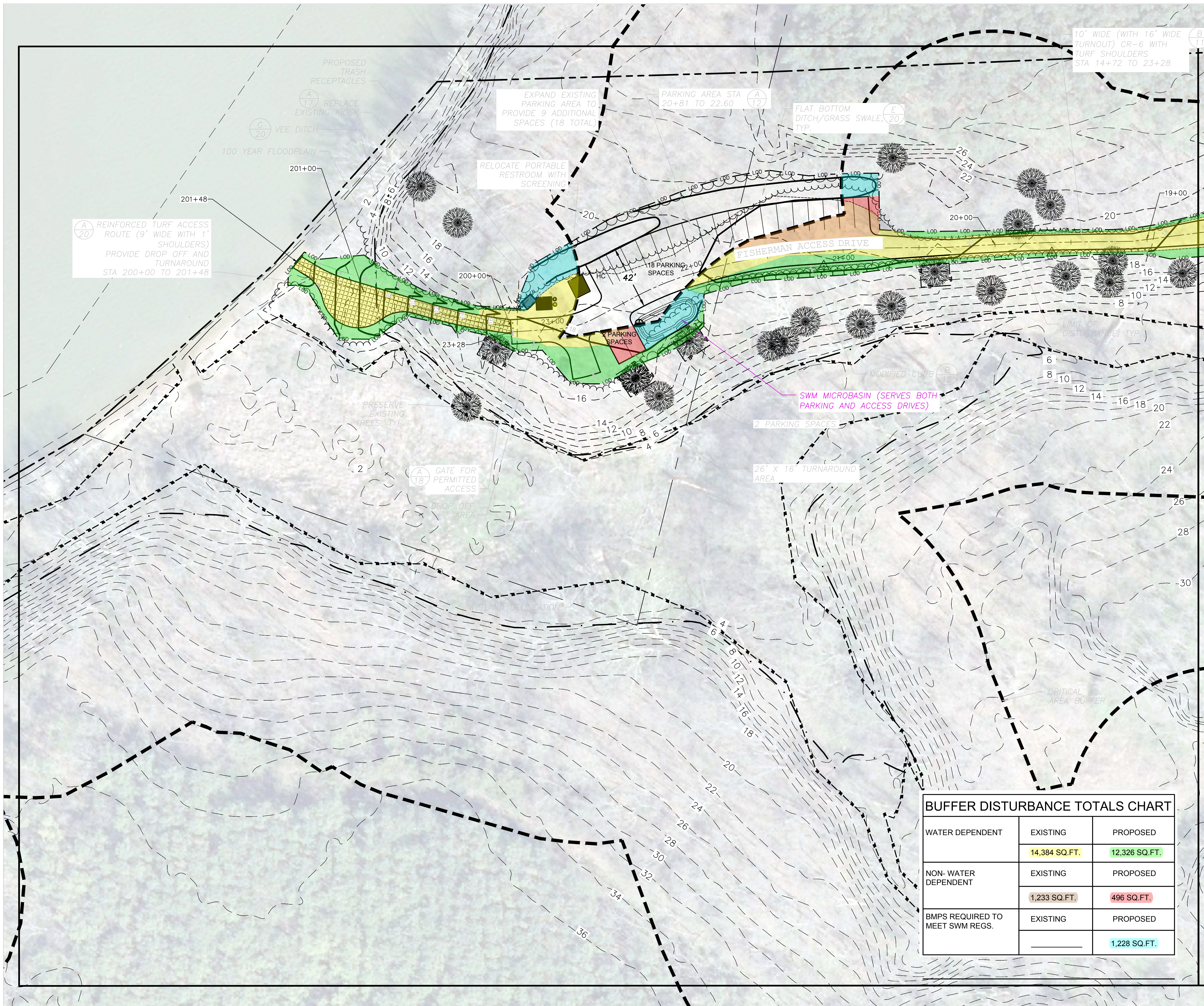
SUBCONSULTANTS

LARDNERKLEIN
LANDSCAPE ARCHITECTS, P.C.
1115 South Tower Road, Suite 200
Farmingdale, NY 11735
781.339.9972
www.lardnerklein.com

**PHASE 2 IMPROVEMENTS
CHAPEL POINT PARK RENOVATION**

CHARLES COUNTY, MARYLAND
DEPARTMENT OF RECREATION, PARKS, AND TOURISM

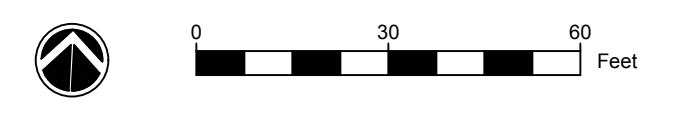
FISHERMAN ACCESS DRIVE (SITE)



LEGEND

- PROPOSED ACCESS DRIVE ALIGNMENT
- MHW MHW MEAN HIGH WATER - 1.75 (APPROX.)
- WETLAND DELINEATION (ESA, 2019)
- EXISTING TREELINE (DCI, 2019)
- EXISTING 2 FT. CONTOURS (CHARLES COUNTY, 2019)
- EXISTING 2 FT. CONTOURS (DCI, 2019)
- EXISTING GRAVEL DRIVES (DCI, 2019)
- EXISTING TREES >18" DBH (DCI, 2019)
- PARCEL LINES (CHARLES CO., 2019)
- 100 YEAR FLOODPLAIN (FEMA, 2017)
- CRITICAL AREA BUFFER (100') (ESA, 2022)
- CHARLES COUNTY LEASE AREA (BOUNDARY IS FOR REFERENCE AND INFORMATIONAL PURPOSES ONLY)
- LIMIT OF DISTURBANCE
- PROPOSED 2 FT. CONTOURS
- +20.5 PROPOSED SPOT ELEVATIONS
- PROPOSED TREELINE

DATA SOURCES: EXISTING CONDITIONS AND TOPOGRAPHIC SURVEY PROVIDED BY DCI (JULY 2019). ALL OTHER EXISTING DATA PROVIDED BY CHARLES COUNTY UNLESS OTHERWISE NOTED.



**Attachment 2
Buffer Impacts**
BUFFER DISTURBANCE TYPES

- EXISTING - WATER DEPENDENT
- PROPOSED - WATER DEPENDENT
- EXISTING - NON-WATER DEPENDENT
- PROPOSED - NON-WATER DEPENDENT
- PROPOSED BMPS (SERVES BOTH WATER AND NON-WATER DEPENDENT USES)

BUFFER DISTURBANCE TOTALS CHART

WATER DEPENDENT	EXISTING	PROPOSED
		14,384 SQ.FT.
NON-WATER DEPENDENT	EXISTING	PROPOSED
		1,233 SQ.FT.
BMPS REQUIRED TO MEET SWM REGS.	EXISTING	PROPOSED

DESIGNED BY: RS&C
 DATE: X
 SUBMITTED BY: RS&C
 CONTRACT NO.: X
 FILE NUMBER: X
 FILE NAME: ChapelPt2_BufferImpactsFinal_050222.dwg

REVISION DATE
 CONSTRUCTION REVISION
 REVISION NUMBER

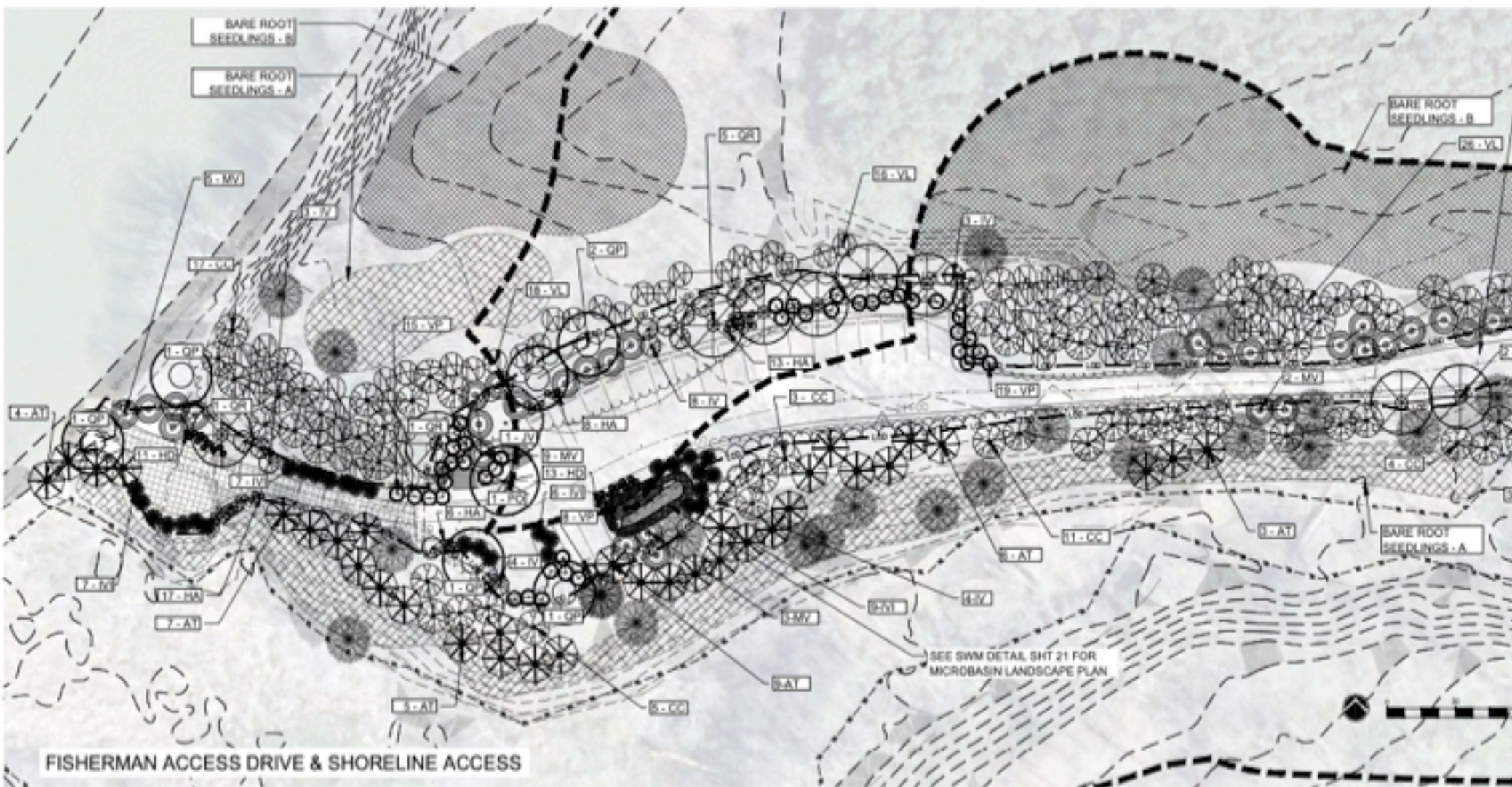
SUBCONSULTANTS
 Robert Grubb and Associates, Inc.
 1100 Northpointe Blvd., Suite 200
 Chesapeake, Virginia 23030
 757.330.9972
 www.rgandassociates.com

LARDNERKLEIN
 LANDSCAPE ARCHITECTS, P.C.
 4150 Northpointe Blvd., Suite 200
 Chesapeake, Virginia 23030
 757.330.9972
 www.lardnerklein.com

**PHASE 2 IMPROVEMENTS
 CHAPEL POINT PARK RENOVATION**

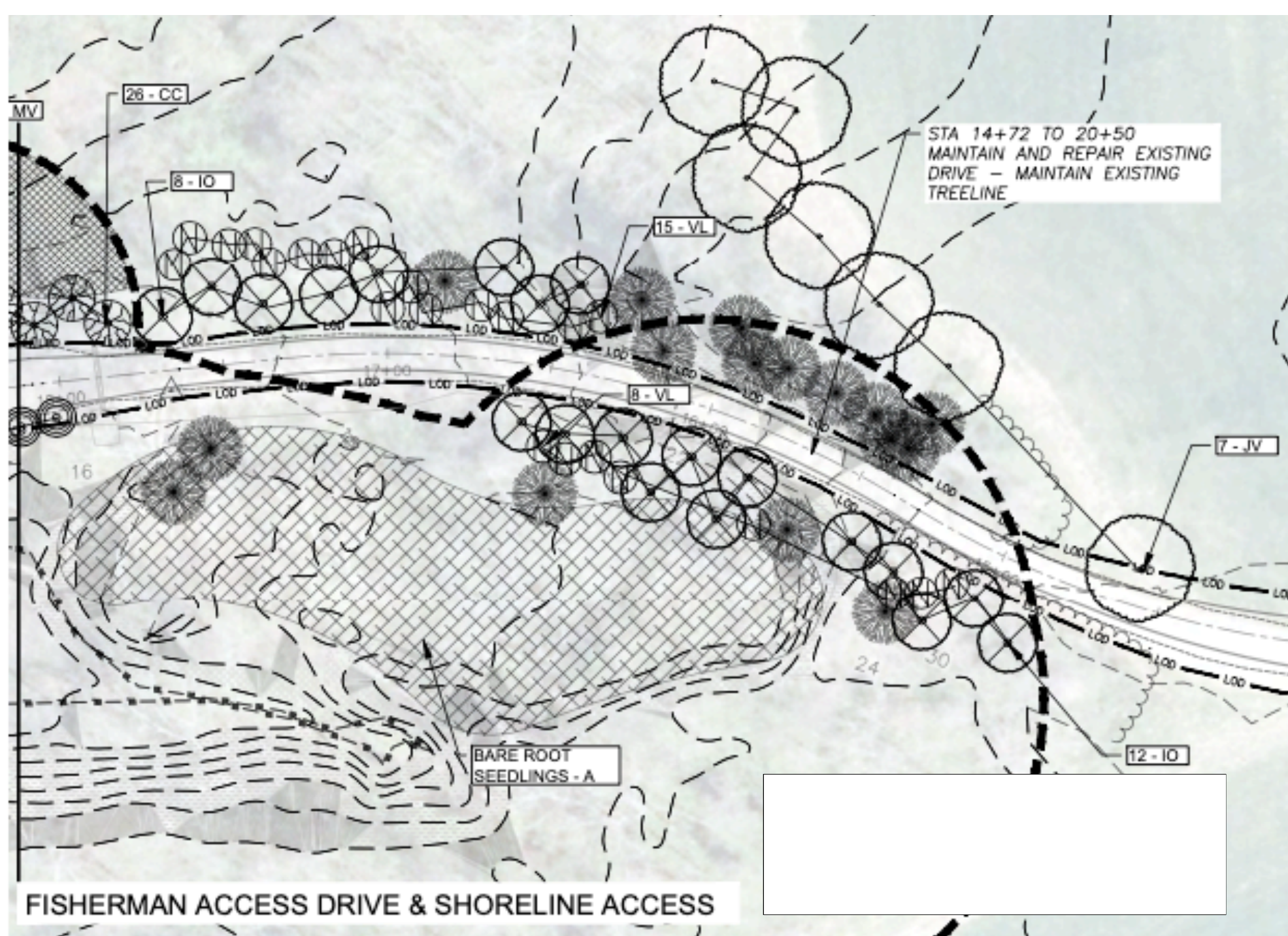
CHARLES COUNTY, MARYLAND
 DEPARTMENT OF RECREATION, PARKS, AND TOURISM

FISHERMAN ACCESS DRIVE & SHORELINE ACCESS (SITE)

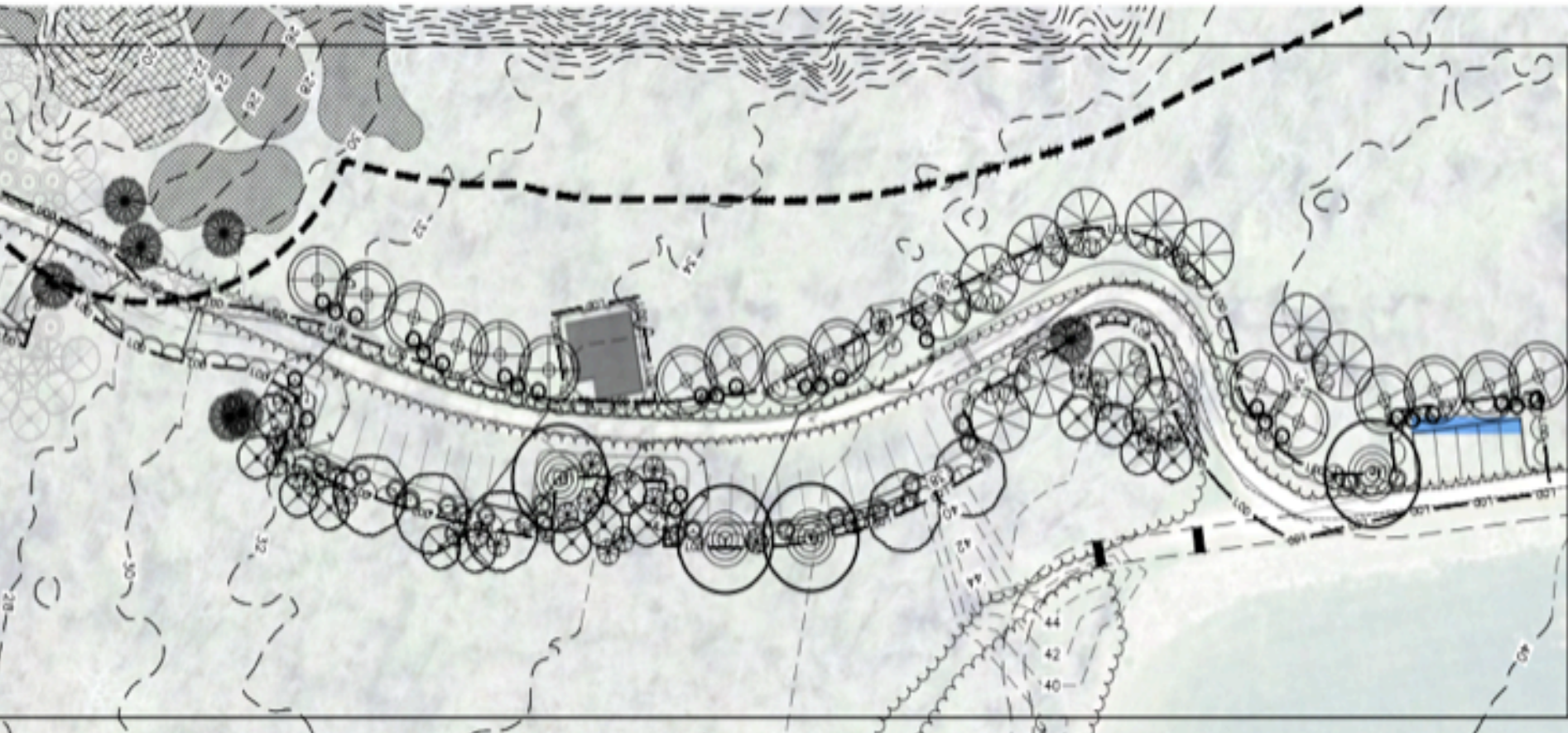


SYM.	BOTANICAL NAME	COMMON NAME
CANOPY TREES - 2" CALIPER		
	PLATANUS OCCIDENTALIS	AMERICAN SYCAMORE
	QUERCUS PHELLOS	WILLOW OAK
CANOPY TREES - 3/4" CALIPER		
	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR
	QUERCUS RUBRA	NORTHERN RED OAK
UNDERSTORY TREES - 3/4" CALIPER		
	ASIMINA TRILOBA	PAW PAW
	MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA
	ILEX OPACA	AMERICAN HOLLY
	CERCIS CANADENSIS	REDBUD
	VIBURNUM LENTAGO	NANNYBERRY
LARGE SHRUB - 3'-0" HIGH		
	VIBURNUM PRUNIFOLIUM	BLACK HAW VIBURNUM
	ILEX VERTICILLATA	WINTERBERRY
	ITEA VIRGINICA	VIRGINIA SWEETSPIRE
SMALL SHRUBS - 18" HIGH		
	HYPERICUM DESIFLORUM	DENSE ST. JOHN'S WORT
	HYDRANGEA ARBORESCENS	WILD HYDRANGEA
	BARE ROOT SEEDLINGS - A	
	BARE ROOT SEEDLINGS - B	

Attachment 3
North Fisherman's Access
Mitigation/Planting Plan



SYM.	BOTANICAL NAME	COMMON NAME
CANOPY TREES - 2" CALIPER		
	PLATANUS OCCIDENTALIS	AMERICAN SYCAMORE
	QUERCUS PHELLOS	WILLOW OAK
CANOPY TREES - 3/4" CALIPER		
	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR
	QUERCUS RUBRA	NORTHERN RED OAK
UNDERSTORY TREES - 3/4" CALIPER		
	ASIMINA TRILoba	PAW PAW
	MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA
	ILEX OPACA	AMERICAN HOLLY
	CERCIS CANADENSIS	REDBUD
	VIBURNUM LENTAGO	NANNYBERRY
LARGE SHRUB - 3'-0" HIGH		
	VIBURNUM PRUNIFOLIUM	BLACK HAW VIBURNUM
	ILEX VERTICILLATA	WINTERBERRY
	ITEA VIRGINICA	VIRGINIA SWEETSPIRE
SMALL SHRUBS - 18" HIGH		
	HYPERICUM DESIFLORUM	DENSE ST. JOHN'S WORT
	HYDRANGEA ARBORESCENS	WILD HYDRANGEA
	BARE ROOT SEEDLINGS - A	
	BARE ROOT SEEDLINGS - B	



Attachment 3
Midway Drive/Access
Mitigation/Planting Plan

