

Blue Ribbon Committee – Critical Area Buffer

AGENDA

March 21, 2011

Local Program:

INTRODUCTION:

Define Talbot County i.e. location, geography, natural resources.

1. Goals of the Talbot County Critical Area Program:
 - a. First – Improve Water Quality
 - b. Second – Maintain Habitat
 - c. Third- Minimize adverse human impact
 - d. Fourth – Compliment other environmental regulations [County Surface Water Management Regulations, MDE Wetland Regulations].
 - e.
2. Depth of the Buffer:
 - a. Buffer depths defined in the law and therefore, no change is recommended
 - b. Buffer planting depth and composition per regulation and therefore, may be defined by County Program
 - i. Planting depth presently 100 ft. Suggest 60-65 ft. - and/or a sliding scale of less intense woody plantings.
 - ii. Consider planting credits for plantings outside the buffer but proximate to structures – treating runoff from driveways, garages, parking pads; effluent from Septic system.
 - c.
3. Planting Credits:
 - a. Credit for existing buffer plantings.
 - b. Credit for all wetland plantings - incl'd. marsh plantings channelward of buffer.
 - c. Planting credit requirement for “*substantial alteration*” shall be the same as that for accessory structure, i.e., “Establish buffer based on *net square footage* increase in lot coverage *outside the Buffer*”.
 - d. Subdivision of existing lot – delete buffer penalty requiring that original lot establish 200 ft., fully vegetated buffer.
 - e. Develop alternate approaches to buffer plantings, presenting options that meet program goals and property owners’ expectations.
4. Pier access:
 - a. Eliminate mitigation for pier access
 - b.

5. Shore Erosion Control
 - a. Eliminate mitigation for Wetland Creation (Living Shoreline)
 - b. Credit for wetland plantings (see 3 b – above)
 - c.

6. Planting Requirements (see also #3 above)
 - a. Eliminate maximum percentages for various planting classifications i.e. herbaceous, shrubs (large and small), and understory trees.
 - b. Permit only warm season grasses and small shrubs in the transitional buffer elevation [\leq +5.0 ft. MLW].
 - c.

7. Surety
 - a. Eliminate Surety for Planting plans costing less than \$5,000.00
 - b. Provision for normal vegetative decline rather than 100% guarantee i.e. require 85% survival after 2 years
 - c. Defer to other guarantees already in place.
 - d.

8. Education – Outreach - Miscellaneous
 - a. Establish a model “best practices” plan for addressing the management and maintenance of the buffer.
 - b. Add long term certainty to property owner responsibility.
 - c. Publish and distribute mitigation requirements for additions.
 - d. Create FAQ sheet to address property owners concerns about structures, riprap, irrigation repairs and tree maintenance within the buffer. Structure document to confirm implicit right to perform “normal maintenance”.
 - e. Develop visual aids, defining buffer options.
 - f. Water quality benefits of grasses v. three tiered buffer.
 - g.