



OFFICE OF THE PLANNING AND ZONING COMMISSION

**PLANNING COMMISSION
AGENDA
NOVEMBER 15, 2023
6 PM**

- I. Call to Order & Roll Call**
- II. Approval of the November 15, 2023 Planning Commission Agenda.**
- III. Approval of the minutes of the October 25, 2023 Planning Commission Meeting.**
- IV. Public Comment on any item on the agenda: NOTE: There will be a 2-minute limit on comments received.**
- V. Old Business**
 - 1. Critical Area Regulations – Final review**
 - 2. Rules of Procedure- Continued**
 - 3. Fees-in-Lieu**
- VI. New Business**
 - 1. Critical Area Property Owners Notice of Responsibility**
- VII. Comments by Commissioners- Note: 1-minute limit on comments**
- VIII. Adjournment**



PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING COMMISSION MEETING OCTOBER 25, 2023 6 PM

I. Commission Chair Kathleen Berault called the meeting to order at 6:00 pm. In attendance were Chair Berault, Vice-Chair Cindy Greengold, Laura Blackwelder, Larry Brown, Kelly Huhn, and Rachel Larsen Weaver, Commission members, Sarah Franklin, Town Planner, and Sharon L. Humm, Commission Clerk. Absent was Jan Ruttkay, Commission member.

II. Approval of the October 25, 2023 Planning Commission Agenda.

MOTION: Commissioner Blackwelder moved to approve the October 25, 2023 Planning Commission agenda. Seconded by Vice-Chair Greengold, all in favor.

III. Approval of the September 27, 2023 Planning Commission meeting minutes.

MOTION: Commissioner Brown moved to approve the September 27, 2023 Planning Commission meeting minutes. Seconded by Commissioner Weaver.

MOTION: Commissioner Blackwelder moved to amend the September 27, 2023 minutes, page 3, under Part 5. Other Habitat Protection Areas to include the wording “and Randle Cliff Natural Heritage” after the words Forest Interior Dwelling Species (FIDS) habitat. Seconded by Commissioner Huhn, all in favor.

IV. Public Comment on any item on the agenda –

1. Laura Blackwelder of 3256 Cannoncade Court, Chesapeake Beach. Ms. Blackwelder stated she is speaking as a private citizen and not as a commission member. She read her written comments relating to the Coastal Resiliency Plan into the record and is requesting they be made part of the record of this meeting.

V. New Business

1. **Coastal Resiliency Plan** – Chair Berault made a brief statement on the Coastal Resiliency Plan. She stated the Town received \$775,000 in grant funds from the Department of Natural Resources to develop flood risk maps and a flood and sea level rise action plan. The committee is a citizen lead committee that held its first meeting in March of 2022. The Coastal Resiliency Steering Committee has held six public meetings and two public work sessions to engage the public in the planning process. Public comments received have been incorporated into this draft plan. The Plan was due to the State in June of this year per the Memorandum of Understanding (MOU). The Town submitted a draft plan to the State by the due date. However, the State needs to see that the plan is adopted by the Town Council to be in compliance with the MOU and to be eligible for further funding on projects identified in the action plan. The Steering committee is in

the final stages of reviewing the draft plan and is seeking any final comments from the Planning Commission members and any final comments from the public at its next meeting. Chair Berault gave the Commissioners the opportunity to make any comments at this time and encouraged them to submit written comments through the link on the website for review and consideration by the Committee.

VI. Old Business

1. Critical Area Regulations – Ms. Franklin provided the Commission with an updated critical area ordinance that incorporated revisions from the Commission’s last meeting. As per Commissioner Brown’s request, she also provided a memo regarding comparison of COMAR 27.01.02.03 and 27.01.02.04 as it relates to allowable uses in the Intensely Developed Areas (IDA) and the Limited Development Areas (LDA).

Part 5. Other Habitat Protection Area- A (3), add the FIDS and Randle Cliff Natural Heritage to this sentence.

Part 6. Water Dependent Facilities – A (3) ~~“The requirement of COMAR 27.01.02 apply to this chapter section.”~~ Commissioner Blackwelder would like to remove the strikethrough and retain the language. After a brief discussion, Ms. Franklin will review what the impact of COMAR 27.01.02 requirements would be as it relates to this section and make a recommendation at the next meeting. She advised moving ahead with the motion and based on her findings will recommend whether this text should remain or be struck.

MOTION: Commissioner Blackwelder moved to remove the strikeout of A (3) and retain the language and revisit this section next month. Seconded by Commissioner Huhn, all in favor.

Further into this section it was realized the rationale of the above COMAR removal. This will be removed as presented. It was noted that all other COMAR references will be retained throughout the document.

F. Community Piers and Other Community Boat-Docking and Storage Facilities. # (1)

After discussion the Commission was in agreement to have Ms. Franklin rearrange points (a), (b), & (c). Have (b) as (a), (c) as (b), then (a) to follow as (c).

Part 7. Growth Allocation – No changes.

Part 8. Grandfathering – No changes.

Part 9. Variances – Removed. Use the variance procedures/standards already in Section 290-32F.

Part 10. Lot Consolidated and Reconfiguration – No changes.

Part 11. Local Development Projects - No changes.

Part 12. Program Changes – Removed. Will use existing section of the Zoning Ordinance, Section 290-29.

Part 13. Enforcement –

D. Required Enforcement Action – “When the Town of Chesapeake Beach identifies a violation of this Ordinance it shall take enforcement action, ~~including which may include~~:

MOTION: Vice-Chair Greengold moved to remove the strikethrough and keep the word “including” and delete “which may include.” Seconded by Commissioner Blackwelder, all in favor.

The Commission briefly discussed fines associated with critical area violations. These are provided under Section 290-30 of the zoning ordinance. The Commission agreed they would revisit this topic at a later date.

Chair Berault stated the review of the Critical Area ordinance has been completed and entertained a motion to forward to Ms. Franklin for edification and then provide the Commission with a clean document for the Commission to make a final review.

MOTION: Vice-Chair Greengold moved to forward the amended critical area document to Ms. Franklin for edification where she then will provide a clean document for the Commission to review. Seconded by Commissioner Brown, all in favor.

Commissioner Brown commented that while the resiliency plan is in draft, on page 30 of that plan, there is a recommendation that says to amend the zoning ordinance, including critical area regulations, to require that all required storm water management practices and techniques for development or redevelopment projects in areas on the 2100 maps as flood area, be proven effective with the 2.4-foot rise in sea level assumed as a base condition. His question to Ms. Franklin is how would we do that and is that something that should be in the critical area regulations? Ms. Franklin will take a closer look at this recommendation.

VII. New Business (Continued)

2. Rules of Procedure – Chair Berault stated the Commission has been provided with a draft copy of Rules of Procedure created specifically for the Planning Commission. Commissioner Brown has submitted a number of amendments he would like to present for consideration.

MOTION: Commissioner Brown moved to amend Section 2, paragraph C. Secretary to add the following as C (1), “All proposed Planning Commission agenda items must be approved by the Chair before inclusion in a subsequent meeting agenda. The Chair may consult the Town staff on availability of resources necessary to accomplish an agenda item, before it is included on the agenda. The Chair and staff may determine appropriate agenda topics and availability of resources needed. Seconded by Vice-Chair Greengold. Ayes, Commissioners, Blackwelder, Brown and Greengold. Opposed, Commissioners Berault, Huhn, and Weaver. Resulting in a tie vote, the **Motion Fails**.

The Commission unanimously agreed to change “Secretary to “Commission Clerk.”

MOTION: Commissioner Brown moved to amend Section 4-Notice and reword to say “An objective is to inform the public of issues being considered by the Planning Commission by

posting on the Town website the future meeting agenda seven (7) days prior to a Planning Commission meeting. Seconded by Vice-Chair Greengold, all in favor.

Chair Berault stated the Commission will continue discussion on the Rules of Procedure at its next meeting scheduled for November 15, 2023 at 6 PM.

VIII. Adjournment:

There being no further comments, Commissioner Huhn moved to adjourn the meeting at 9:05 PM. Seconded by Commissioner Weaver, all in favor.

Submitted by,

Sharon L. Humm
Commission Clerk

This meeting can be viewed in its entirety on the Town website on the Planning Commission page www.chesapeakebeachmd.gov.

CHESAPEAKE BEACH PLANNING AND ZONING COMMISSION
RULES OF PROCEDURE
(Adopted <month, day, year>)

SECTION 1 – PURPOSE

The purpose of these rules is to establish procedures for the conduct of all matters which come before the Chesapeake Beach Planning and Zoning Commission (hereinafter referred to as the “Planning Commission”), by law or custom. These Rules of Procedure are in addition to and supplement any requirements of the Zoning Ordinance for the Town of Chesapeake Beach in Calvert County, Maryland (the “Zoning Ordinance”), the Land Use Article of the Annotated Code of Maryland and the State of Maryland Open Meetings Act. The Commission, by resolution, may adopt policies to implement these Rules of Procedure.

SECTION 2 – ORGANIZATION

A. Membership

In accordance with Chapter 290 (Zoning), 290-31 (Planning Commission) Subsection (C) The Planning Commission shall consist of seven members, the majority of whom are residents, appointed by the Mayor and confirmed by the Town Council for five-year terms, and terms of appointment shall be staggered. Any vacancy in membership for an unexpired term shall be filled by appointment by the Mayor and approved by the Council.

B. Officers

In accordance with Chapter 290 (Zoning), § 290-31 (Planning Commission), Subsection (D)(1) of the Code of the Town of Chesapeake Beach, the Planning Commission shall elect a Chair from its membership. The election shall occur annually at the first meeting of the Planning Commission every calendar year. **The Chair shall serve a term of one year, or until the Chair ceases to be a member of the Planning Commission, whichever comes first.** The Chair shall preside at all hearings and meetings of the Planning Commission. The Chair shall decide all points of order, objections and procedure, subject to these rules, unless otherwise directed by a majority of the Planning Commission members present. In addition to a Chair, the Planning Commission **simultaneously** shall elect a Vice-Chair who shall preside over the Planning Commission in the Chair’s absence. The Vice-Chair shall succeed the Chair if that office is vacated before the term is completed and shall serve the unexpired term of the vacated office. A new Vice-Chair shall be elected at the next regularly scheduled meeting **after the Vice-Chair assumes the office of the Chair, and at such other time as the office of the chair is vacated.**

C. Secretary

The Town Clerk for the Town of Chesapeake Beach shall serve as the Secretary to the Planning Commission. The Secretary to the Planning Commission shall perform official duties assigned by these Rules or the Planning Commission. The Secretary shall prepare the agenda which shall be approved by the Chair. The Secretary is the contact person for all normal communications between Planning Commission members, applicants, staff and the public.

D. Removal of Members

Any appointed member may be removed, after a public hearing, by the Town Council.

SECTION 3 – APPLICATIONS

All applications shall be filed on forms approved by the Planning Commission and shall be accompanied by the filing fee established by the Town. Applications must be signed by the applicant and contain all requested information, or in the absence of such information an explanation shall be provided as to why the information is not provided. Applications failing to comply with this requirement shall be deemed incomplete, will not be accepted for filing and will be returned to the applicant with a statement of the required information that is missing or incomplete.

Commented [1]: This is from Board of Appeals, not sure if you all need it.

SECTION 7 – FILING AND SERVICE

Applications, notices, statements, exhibits, and other papers (collectively referred to as “documents”) filed with the Planning Commission shall be filed with the Secretary to the Planning Commission. The Applicant shall provide the number of copies required by the Planning Commission. Copies of all exhibits offered or accepted into evidence at any hearing shall be provided to and served upon all other parties. The original of all exhibits shall be given to the Secretary, with a copy to each Planning Commission member and the Planning Commission’s staff. In addition one copy of each exhibit shall be served upon each party of record.

Commented [2]: This is from Board of Appeals, not sure if you all need it.

SECTION 4 - NOTICE

Notice of all meetings of the Planning Commission shall be made as prescribed by the Zoning Ordinance. Notification shall follow the procedures outlined in § 290-32(D) of the Town Code.

SECTION 5 – QUORUM

A majority of the voting members of the Planning Commission shall constitute a quorum for voting purposes.

SECTION 6 – OPEN MEETINGS

All hearings and meetings of the Planning Commission shall be open to the public in accordance with the Maryland Open Meetings Act (Md. Code Ann., Gen. Prov. § 3-101, et seq.), as the same is amended from time to time. The Planning Commission may meet in closed session as authorized by the Maryland Open Meetings Act.

SECTION 8 – RECORD OF PROCEEDINGS

It shall be the duty of the Secretary to keep a true and accurate record of all proceedings at all meetings. Meetings shall be electronically recorded. A video or tape recording may be accepted as the official record. Recordings shall not be transcribed except at the request and expense of the person making the request. A request for a transcript must be in writing, addressed to the Secretary to the Planning Commission and be accompanied by a sufficient deposit as determined by the

Town.

SECTION 9 - ORDER OF BUSINESS

All meetings of the Planning Commission shall be open to the public. Promptly at the hour set on the day of each meeting, the business of the Planning Commission shall be taken up for consideration and disposition in the following order:

1. Approval of Agenda
2. Approval of Minutes
3. Other Administrative Items
4. Public Comment related to Agenda Items
5. Business Items
6. Commissioner Comment
7. Adjournment

SECTION 10 – INFORMATION FROM THE PUBLIC

A. The Chair may prescribe procedures for registration of speakers and may require that each person come forth and state the following information:

- (1) name;
- (2) address; and
- (3) person or individual he/she represents, or that he/she is speaking as an individual.

The Chair may announce reasonable registration requirements for speakers so that all may have an opportunity to be heard. The Chair shall provide for the orderly conduct of hearings and may request the assistance of appropriate authorities to maintain order.

B. The following guidelines shall be observed for citizen participation:

Guidelines for Citizen Participation

- (1) All statements or questions must be addressed to the Chair.
- (2) Speakers will generally be called in the order appearing on the sign-up sheet.
- (3) Members of the Planning Commission may address questions to each speaker.
- (4) Persons whose names do not appear on the sign-up sheet when discussion on an item commences may be permitted to add their names during the course of the public hearing at the discretion of the Chair.
- (5) Speakers and members of the audience shall maintain proper decorum. The Chair may request disruptive individuals to leave the hearing or meeting, and may have any disruptive individual who continues to interfere with the proceedings removed.

SECTION 11 – RULES OF ORDER

The rules of parliamentary practice and procedure as set forth in the latest published edition of Robert's Rules of Order shall govern the Planning Commission in all cases not otherwise provided for in these Rules of Procedure or the Zoning Ordinance. The conduct of meetings shall conform to these Rules of Procedure and the Charter and Ordinances of the Town.

1. Members of the Planning Commission or staff shall be recognized by the Chair before they have the floor to speak.
2. Members of the Planning Commission or staff shall follow standards of courtesy and decorum during meetings.
3. Discussion should be relevant to the agenda item the Planning Commission is discussing. If discussion has strayed from the agenda topic at hand any member of the Planning Commission may request a "call for orders of the day", and the Chair shall bring the discussion back to the agenda item.

SECTION 12 – RESCHEDULED OR CANCELED MEETING (Amended April 10, 2018)

The Chair, in consultation with other available members of the Planning Commission, may cancel or reschedule a meeting of the Planning Commission due to inclement weather, lack of business of the Planning Commission, lack of a quorum of the Planning Commission, or convenience of the Planning Commission or Town staff.

SECTION 13 – MINUTES

The Planning Commission shall have written minutes prepared to reflect each item that the Planning Commission considered, the action that the Planning Commission took on each item, and each vote that was recorded. If a member is absent or fails to vote, such fact should be recorded as well. Minutes shall be kept by the Secretary and shall also identify the date, time and place of the meeting and contain a record of attendance. Minutes shall be prepared as soon as practicable, but in all cases prior to the next scheduled hearing at which the minutes shall be placed on the Planning Commission's agenda for approval. Once approved, the minutes shall be placed in a record book for filing and shall be considered a matter of public record and shall be made available for inspection during regular business hours.

If the Planning Commission meets in closed session, the minutes for its next open session shall include (i) a statement of the time, place and purpose of the closed session; (ii) a record of the vote of each member as to closing the session; (iii) a citation of the authority under the Maryland Open Meetings Act for closing the session; and (iv) a listing of the topics of discussion, persons present, and each action taken during the session. Any minutes and any tape recording of a closed session shall be sealed and may not be open to public inspection, except as provided for in State law.

SECTION 14 – RECORDING OF PUBLIC HEARINGS AND MEETINGS

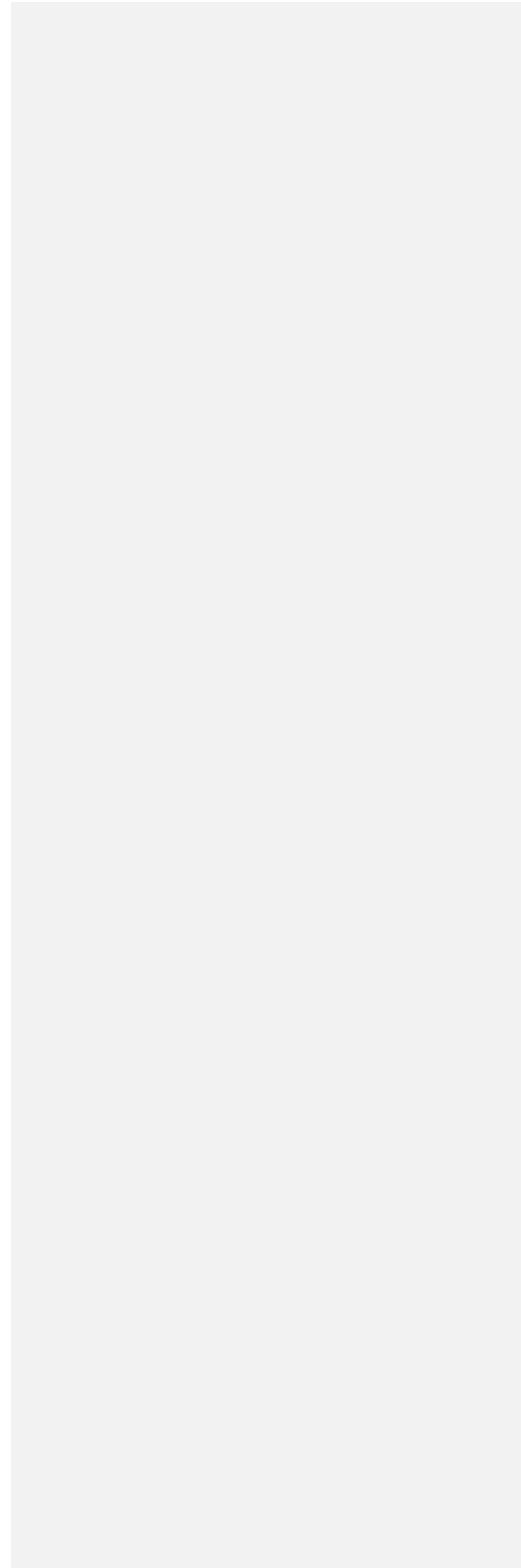
Persons desiring to videotape, televise, photograph, broadcast, or record a hearing or meeting of the Planning Commission shall submit a written request to the Secretary to the Planning

Commission at least five (5) days prior to the date of the hearing or meeting. Any such activity may be permitted only with the prior written consent of the Planning Commission.

SECTION 15 – CONFLICT

In the event that any of the provisions of these Rules of Procedure contradict or conflict with any provision of the Zoning Ordinance, said provisions shall be of no force and effect and the provisions of the Zoning Ordinance shall govern.

DRAFT



Larry Brown
Sep 26, 2023

Proposed changes to draft
Rules of Procedure

1. All proposed Planning Commission Agenda items must be reviewed by the Chairman before inclusion in a subsequent meeting agenda. The Chairman may consult the Town Staff on availability of resources necessary to accomplish an agenda item, before it is included on the agenda.
2. If requested, the Town staff will evaluate resource requirements, estimate staff time required to prepare for discussion, and project when to schedule an agenda item so that it fits appropriately into the staff and Commission work schedule.
3. (delete "Section 4, and replace with) SECTION 4 - NOTICE. An objective is to inform the public of issues being considered by the Planning Commission by posting on the Town website the future meeting agenda two weeks prior a PC meetings. Section 290-32E
4. (delete "Section 5, and replace with) SECTION 5 - QUORUM. Four Commissioners present at a meeting shall constitute a quorum. Section 290-32E(5). No action of the Commission shall be valid unless authorized by a majority (four) vote of the total allowed (7) members of the Commission. Section 290-32E(6). No decision of the Planning Commission shall be final until the written decision of the Commission is signed and filed. Section 290-32G
5. Amend section 6 to include: Chair will assign a time limit for citizen participation which may be determined by the number of individuals that have signed-up to speak. Individuals representing a group or organization may be allowed more time than an individual, however, only one person may speak on behalf of an organization.
6. (new) SECTION 2 E. Rules of Procedure. During its first scheduled meeting in January, the Commission shall annually review its Rules and

Procedures and amend them as necessary. These Rules of Procedure may be amended by an affirmative vote by a minimum of four Commissioners, provided that 30-days prior to the date of amendment, a public notice shall be issued and a written description be sent to all members of the Planning Commission.

7. The Board of Appeals may request an advisory opinion from the Planning Commission on applications for special exceptions, variances and interpretations. If an advisory opinion is requested from the Commission regarding special exceptions, variances and interpretations, the opinion shall be rendered within 30 days after submission to the Commission.
Section 290-32K
8. The Zoning Administrator shall prepare and present to the Commission an annual report at the beginning of each year for the Commission's consideration and approval, in accordance with the provisions of the Land Use Article of the Annotated Code of Maryland. Section 290-31A(9)
9. Consideration of properly submitted and complete Category 1 Site Plan applications shall take precedence over all other Commission business.
Section 290-31A(6)
10. Site Plan applications shall include a detailed list of all sections of the Chesapeake Beach zoning code that the applicant has consulted. Section 290-24B.
11. The date of the first Planning Commission meeting where the Zoning Administrator presents a complete site plan application shall be the date that the plan is filed with the Commission, and the date from which the requirement for approval or rejection is calculated.. Section 290-25A(5)(d).
12. No Commission decision should be brought to a vote until every Commissioner has received, and has had at least two weeks to review the issue or application and all supporting documents, including the Town staff report.

To: Planning and Zoning Commissioners
From: Cindy Greengold

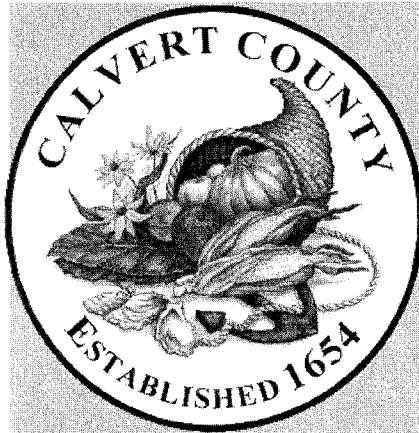
Re: Community Outreach Program regarding Critical Area Ordinance

Objective: Create and establish a program to educate the residents of Chesapeake Beach of their responsibility for protecting the Bay ecosystem.

I have communicated with Jennifer Esposito of the Maryland Critical Area Commission, Calvert County Critical Area Representative, Ron Marney, and our own Town Administrator, Ms. Holly Wahl regarding developing a program for this community outreach. Calvert County maintains a very detailed web site page specifically for the critical area, including videos. The state also maintains web pages and a variety of very detailed brochures regarding the critical area. Ms. Esposito is looking into the possibility of obtaining funds for this outreach program.

Ideas to consider:

1. Establish a sub committee from P&Z, the Tree Committee, and the Green Team to develop an outreach plan and work with Ms Wahl to implement.
2. Develop a specific web page that refers landowners to the State and County web pages and also provide information that is pertinent to Chesapeake Beach, including the fee schedule for fines and the map.
3. Develop print materials specific to Chesapeake Beach that explain Critical Area Regulations, etc. and keep at town hall for landowners that don't use digital formats.
3. Send out a postcard that has a QR code that offers information regarding the critical area.
4. Hold community meetings that Ron Marney and/or Maryland Critical Area staff could attend to share info.
5. Utilize the utility bill to provide information directing landowners to our web site.
6. Use social media platforms to provide more educational opportunities.



What is the Critical Area?

All land within 1,000 feet of the mean high tide line of tidal water or tidal wetland.

Do You Live In the Critical Area? You Need to Know!

Find your property on the zoning map—it's available online! www.co.cal.md.us—Go to Planning & Zoning & then click on Zoning Maps. The red line marks the boundary of the Critical Area. Close to the line? Check with Planning & Zoning for the final word.



CRITICAL AREA

Calvert County Department of Planning & Zoning
150 Main Street, Prince Frederick, MD 20678 • (410) 535-2348

The purpose of the program is to mitigate the damaging impact of water pollution and loss of natural habitat while also accommodating the County's future growth.

QUESTIONS? CONCERNS?

If it is about vegetation or tree removal—Ask for **Robin**.

If it is about your construction project or shoreline erosion project—Ask for **John**!

If it is about an enforcement issue or a violation—Ask for **Libby**!

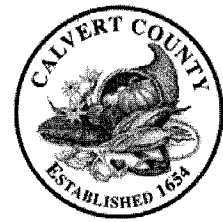
(410) 535-2348

Rev 3-09

What Activities are Regulated?

- A permit is needed for construction projects.
- A permit is needed to grade, to add fill material and to control shore erosion.
- A permit is needed to cut or clear vegetation.
- A permit is needed to remove dead trees.
- Trees posing an immediate threat may be removed without a permit but still need prior Planning & Zoning approval.
- Branches on the lower one-third of the height of mature trees may be pruned without a permit.
- Invasive vines may be removed but need prior Planning & Zoning approval.
- Stiff penalties are imposed for unauthorized clearing in the buffer.
- Maintenance of existing lawns is allowed.





Frequently Asked Questions ~ Chesapeake Bay Critical Area and Critical Area Buffer

What is the Critical Area?

The Critical Area is all land area within 1,000 feet of the mean high water line of tidal waters or the landward edge of tidal wetlands of the Chesapeake and Coastal Bays and their tidal tributaries. The exact limits of the Chesapeake Bay Critical Area are established on official maps.

What is the 100-Foot Buffer?

The Critical Area Buffer is an area of natural vegetation of at least 100 feet, measured landward from the mean high water line of tidal waters, tributary streams and tidal wetlands. The 100-foot buffer is expanded to include any contiguous sensitive areas, including steep slopes, hydric soils and highly erodible soils.

How do I know whether my property is in the Critical Area?

Maps delineating the Critical Area have been formally approved as part of each local jurisdiction's Critical Area program and are available in the jurisdiction's planning and zoning offices. When in doubt, always call Calvert County Community Planning and Building.

I live in the Critical Area and I have a dead tree that I want to remove. Do I need a permit?

Yes. All vegetation removal including dead or damaged trees requires a permit and sometimes an approved vegetation or Buffer Management Plan as determined by Community Planning & Building.

Do I need a permit to cut trees on my waterfront lot that are less than 4 inches in diameter?

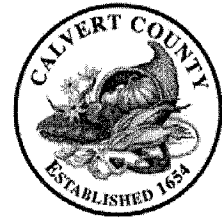
All trees of any size, as well as shrubs and vines, are considered habitat in the Critical Area and are subject to the Critical Area regulations. BEFORE you cut any trees or other vegetation on your property in the Critical Area - call Community Planning & Building.

Can I remove trees from my property if they are located in the Critical Area 100-foot Buffer?

That depends. No trees may be removed from the Buffer unless they are dead or diseased, are a safety hazard to person or property, or for permitted development. A county approved permit and Buffer Management Plan are required prior to removal.

When is a Buffer Management Plan required in the Critical Area? Who prepares this plan?

Any disturbance in the 100-foot Critical Area Buffer or expanded Critical Area Buffer will require a Buffer Management Plan approved by Community Planning & Building. For removal of several individual trees and tree pruning, the property owner can prepare a plan. For proposed larger tree removal and removal of vines and briars and replacement with desirable understory plants, the property owner may need the assistance of a professional.



Frequently Asked Questions ~ Chesapeake Bay Critical Area and Critical Area Buffer

Can I remove invasive species (phragmites, English ivy, and kudzu) from my Buffer?

Yes, with a permit. The county encourages the removal of invasive species. However, you must have a county approved Buffer Management Plan to replant the area with native species and control the re-growth of the invasive species.

Are farmers exempt from the Critical Area regulations? Is logging and timber harvesting allowed in the Critical Area?

Farmers are not exempt from the Critical Area regulations. All farms in the Critical Area must have a Soil Conservation and Water Quality Plan (SCWQ) in place. Other restrictions on agriculture within the Buffer also exist. All timber harvesting and cutting in the Critical Area requires a Timber Harvest Plan, and that which exceeds 5,000 square feet requires a Sediment and Erosion Control Plan. Any commercial timber harvesting of any size within the Buffer requires a Buffer Management Plan as well.

If I think I see a clearing violation near the water, who do I call?

Contact Community Planning & Building, Code Enforcement to report alleged illegal clearing.

Do I need a permit to plant trees and shrubs in the Buffer?

Community Planning & Building approval is required and planting native vegetation is encouraged. Sometimes a permit may be required depending on the scope of proposed work, i.e. using heavy machinery. When planting trees and other vegetation in your Buffer, be sure to use native species and avoid exotic and invasive species.

What are FIDS?

FIDS is an acronym for Forest Interior Dwelling Species. These are bird species that require large forested tracts in order to live and reproduce. Many neotropical migrant songbirds are FIDS and rely on large forested areas in the Chesapeake Bay watershed for breeding and nesting.