

ZONING REGULATIONS

297 Attachment 24

Charles County

Appendix N

Chesapeake Bay Critical Area Erosion Protection Measures Above Mean High Water Additional Criteria for County Applications

N-1: Construction standards.

The County will apply the following standards for approving erosion control measures located above mean high water under a Buffer Management Plan:

1. Measures shall not have a cross-section width which is greater than 10 feet or two times the height of the bank, whichever is less.
2. Measures shall not have a cross-section height which is greater than five feet or 1/2 the cross-section width, whichever is less.
3. Wooden bulkhead structures shall not be used.
4. Revetment-like structures shall be constructed using filter cloth and fill in accordance with MDE guidelines used for shore erosion control measures that are placed at or below mean high water.
5. There shall be no grading of the existing bank other than that needed to cut a maximum 15-foot-wide path to the beach for access unless it is demonstrated that construction is not feasible without a wider path. No other cutting or removal of existing vegetation along the bank shall be allowed.
6. Work shall be performed from the beach side or, when open lawn already exists landward of the bank, from open work areas that are a maximum 15 feet wide, unless it is demonstrated that construction is not feasible without a wider path.
7. Minor fill of eroded gullies, depressions remaining from the root wads of wind-thrown or under-cut fallen trees or to protect on-site disposal systems and well infrastructure may be approved by the Planning Director.
8. Mitigation for the disturbance to the Buffer to install the erosion control measure shall be at a ratio of 2:1 based upon the area disturbed.
9. All mitigation plantings shall be native to Maryland and placed within the Critical Area Buffer.
10. A grading permit and/or Soil Conservation District review and approval may be required based upon the amount of disturbance.

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N-2: Application criteria.

Each application to the County shall contain the following information included in a Buffer Management Plan:

1. Photographic evidence of an existing erosion problem;
2. The specific location of the site on a USGS 7.5 Topographic Map;
3. The location of the Buffer based upon field analysis and verification;
4. The location of any stockpile areas. Stockpile areas shall not be located within the Buffer, to the extent feasible. Stockpile areas permitted within the Buffer shall not require any clearing of native vegetation, and shall be approved by the Planning Division prior to the approval of the project;
5. Information regarding whether or not the structure will be constructed from the water or from the land. Construction shall be from the water unless it can be demonstrated that it is not feasible. For construction from the land, a 15-foot-wide construction path may be utilized within the Buffer, unless it is demonstrated that construction is not feasible without a wider path, provided no clearing is associated with this access. The path shall be the most direct route available and determined by the Planning Division to be least intrusive to the Buffer. Mitigation will be required for the disturbance to the Buffer for the access path pursuant to the provisions of this chapter; and
6. A Buffer Management Plan to provide mitigation based upon the amount of clearing and disturbance to the Buffer.

N-3: Variance required.

Any application which deviates from these standards will require Board of Appeals approval of a variance for disturbance in the Critical Area Buffer. Applicants for variance must demonstrate why they cannot apply these standards for installation of the erosion protection measures.