

Calvert County Staff Report Findings of Fact

CAMA 09-11. Proposed Special Buffer Management Area Status for Stoney's Banquet Facility in Broomes Island

January 6, 2010

Summary of Request

The owners of the Stoney's Banquet Facility in Broomes Island have requested to be designated a Special Buffer Management Area. The Property (Parcel 15, Tax Map 38C, 1.49 acres) is located in Broomes Island and is being developed as a commercial banquet facility. The Zoning is Marine Commercial District and the Critical Area Overlay is LDA (requesting change to IDA via growth allocation). The site was previously occupied by the Warren Denton & Company (around 1926), the largest oyster packing house on the Patuxent River. The property & its facilities were expanded over time in part because the business refuse (oyster shells) were tossed outside the buildings and became the compacted substrate supporting the buildings, parking & areas used for business. Many of the structures existed in the 100-ft and even 50-ft Buffers and there was little to no native vegetation on the site. Warren Denton & Company operated until 2001 at which time, the property was sold. Tropical Storm Isabel in 2003 rendered the building unusable and a safety hazard at which point the building structure was razed leaving the foundation slab in place. Stoney's Banquet Facility constructed facilities & improvements over the existing foundation & other impervious surfaces at some point after 2006 without permits. A mitigation plan for the violation is being prepared. The existing pattern of development prevents the Buffer from fulfilling its function.

The Board of County Commissioners at the recommendation of the Planning Commission has approved this amendment to the Calvert County Critical Area Map. Below are the findings of fact concerning the proposed map amendment.

Requirements for Special Buffer Management Area (SBMA) mapping amendments:

Should the existing patterns of residential, commercial, industrial and institutional development prevent the Buffer from fulfilling its functions, the applicants must demonstrate each of the following:

- (a) That the parcel was created prior to December 13, 1988. The parcel was created circa 1926.
- (b) That the principal structures in the proposed Special Buffer Management Area are located within the one-hundred-foot Critical Area Buffer. The attached 2003 aerial shows that the primary oyster packing facility existed in the 100-ft buffer. The attached proposed development plan shows the 100-ft and 50-ft Buffers.

- (c) That other development activities (i.e., accessory structures, access roads, septic systems, rip-rap and bulk heading, etc.) impact the one-hundred-foot Critical Area Buffer. Outbuildings, parking and road access also exist in or partially in the 100-ft Buffer (see attached 2003 aerial).
- (d) That the one-hundred-foot Critical Area Buffer does not contain forest cover. The vegetation in the Buffer consists mostly of lawn with a few trees and shrubs, most of which have been planted since the oyster packing facility was destroyed. Much of the soil on this site is compacted oyster shell.

Stoney's Banquet Facility Special Buffer Management Area Evaluation

Calvert County is requesting that the Stoney's Banquet Facility (Parcel 15, Tax Map 38C, 1.49 acres) be designated as a Special Buffer Management Area. Using the criteria set forth in COMAR 27.01.09; staff finds that the existing pattern of development prevents the Buffer from fulfilling its function.

1. The Buffer's ability to provide for the removal of sediments, nutrients, and potentially harmful or toxic substances has been compromised by the existing structures in the Buffer. The existing vegetation is primarily lawn grass and scattered trees and shrubs. The site was developed as an oyster packing facility, which was mostly located in the 100-ft buffer and was destroyed. The site is proposed to be developed as a banquet facility.
2. The Buffer's effectiveness at minimizing the adverse impacts of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources is limited because human activities are taking place near the shoreline because of the location of existing development. There are minimal areas of natural vegetation within the Buffer and the shoreline is improved with primary and accessory structures within the Buffer.
3. The Buffer does not function optimally as an area of transitional habitat between aquatic and upland communities because this area was developed as an oyster packing facility and other accessory structures and was actively influenced by human activity. There is little natural vegetation to provide food or cover for wildlife or to provide water quality protection or enhancement. Much of the soil is compacted oyster shell.
4. The Buffer's capacity for protecting wildlife habitat on this site is severely limited because of the previous and proposed development within the Buffer and the active use of the site proposed. Human disturbance to wildlife would be unavoidable because of the intensity of the development previously existing and proposed on this property.

Figure 24. Warren Denton Oyster Packing Facility, 2003

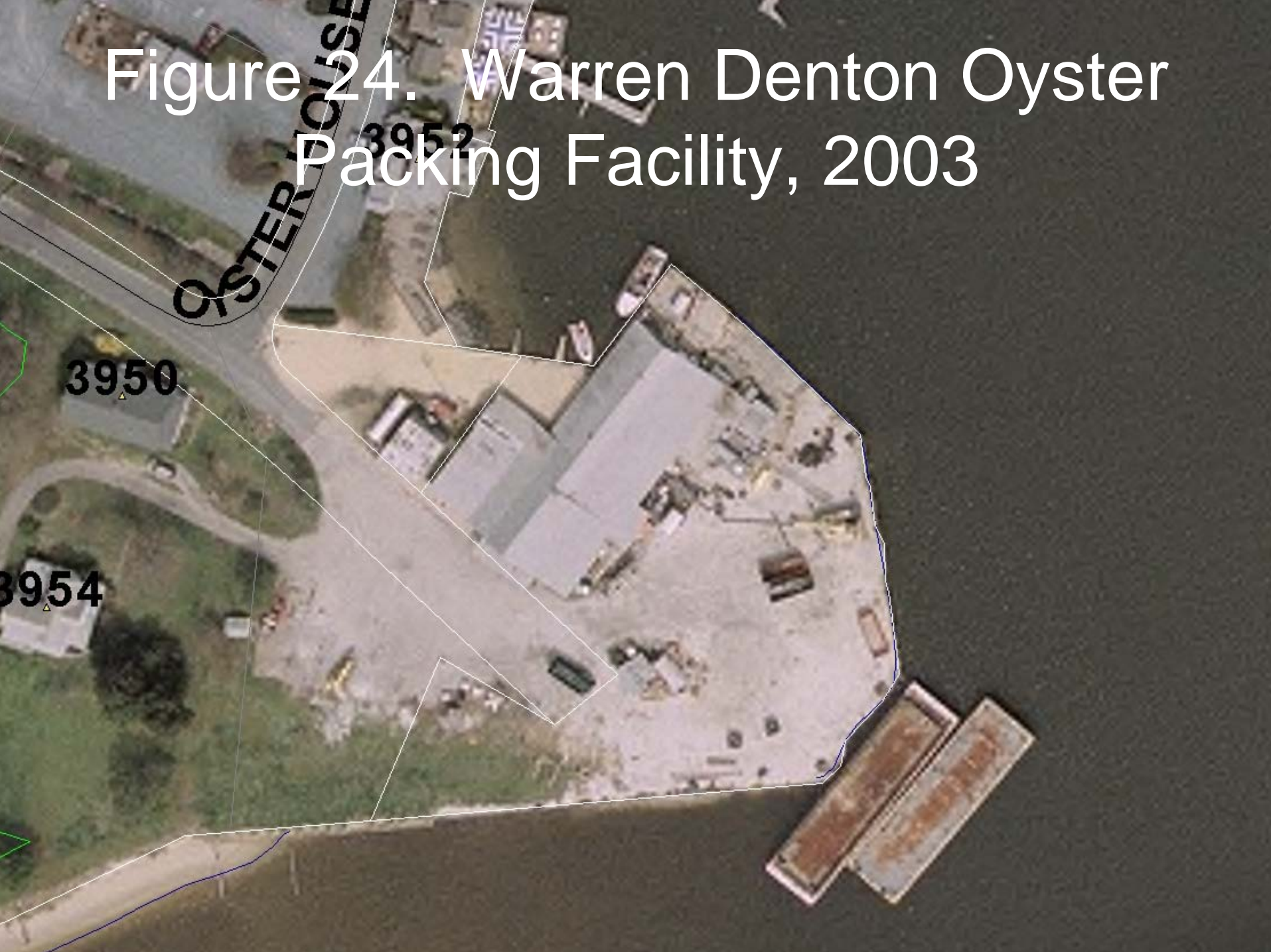
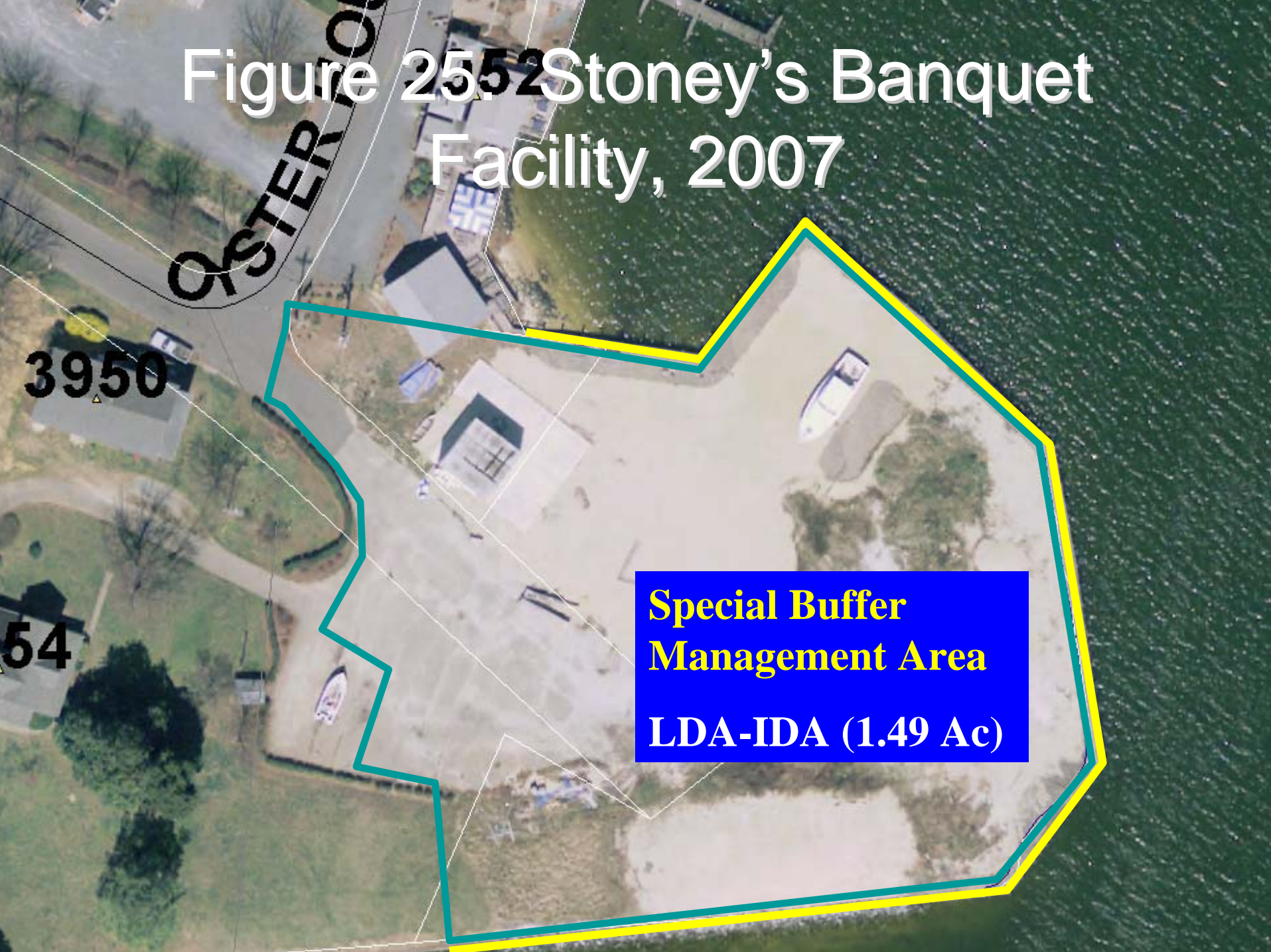


Figure 25.2 Stoney's Banquet Facility, 2007



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**Special Buffer
Management Area
LDA-IDA (1.49 Ac)**