

# The Capital

## South County

### Critical Area Commission OKs Franklin Point Park

By E.B. FURGURSON III, Staff Writer

The Maryland Critical Area Commission has unanimously approved the county's plans to develop Franklin Point Park in Shady Side, but some stringent caveats could make it difficult to put any athletic fields there.

The panel on Wednesday outlawed ballfields and parking lots in wetlands, limited the width of hiking paths, ordered protection of bird habitat and shifted the location of planned buildings.

"I think the Critical Area Commission has today taken Franklin Point under its wing, fulfilling its responsibility to protect important natural areas," said Mike Shay, a board member of South Arundel Citizens for Responsible Development, an environmental group that kept one of the last large parcels along the Chesapeake Bay from being developed into 200 homes.

Besides the two all-purpose athletic fields, the county's plan for the 477-acre site calls for a nature and art center, hiking trails and low-impact access to the water.

With Critical Area approval the deal to transfer ownership from the Department of Natural Resources to the county can proceed, pending an OK from the Board of Public Works. The conditions set by the commission will be included in the deed of transfer, a DNR official said.

It is a victory, of sorts, for both sides in the argument over ballfields. Supporters of local youth sports had argued in favor of the all-purpose fields sorely needed in Shady Side will find satisfaction the plan was approved with ballfields intact. Proponents of more passive activity will find hope in the new wetland restrictions.

But the condition forbidding ballfield or parking lots in any wetlands is a potential blow to county plans because the area is so wet. The spot where the county had planned to build the sports fields, ideal for soccer, has pockets of wetlands on it.

Critical Area Commission Executive Director Ren Serey explained the commission wetland ruling applies to any form of wetland, tidal, non-tidal and even smaller pockets like those identified on the ballfield site.

County Recreation and Parks construction chief Jack Keene was glad the plan had crossed the Critical Area hurdle, but reacted cautiously: "We will have to carefully review the (commission's) full finding . . . to determine the impact of these restrictions and what options are open to the county if they do impact the plan."

The DNR also has set its own certain conditions on the transfer. Chief among them are requiring the Army Corps of Engineers to outline just where wetlands occur and Anne Arundel County to show it has looked elsewhere for ballfield sites before developing them at Franklin Point.

DNR Program Manager John Wilson, who has been working with county officials on the park plan and transfer, said the county would only have to delineate the areas to be developed, not the entire property. He also said those wetlands studies can be done as phases of development occur.

On the alternative sites he said, "The county has to come to us and say we have looked at sites X, Y and Z, and (these) are the reasons they won't work."

Del. Bob Costa, R-Deale, has been working with area residents trying to find alternative sites.

"We have two already, and we are looking for more," he said.

The first was county land surrounding the Sudley Landfill in West River. Mr. Costa floated an idea to secure matching funds in the Maryland legislature to pay for a feasibility study of the Sudley site, but the county said it wasn't interested.

The second site is outside Deale where the county and a local landowner have talked about using a sod farm north of Bay Front Road.

The state took title to the property in 1999 as part of a \$5.7 million shared-cost deal to acquire the property from the former developer. It stipulated the deed would fall to the county after it developed a management plan for the park. Other DNR requirements or recommendations would include:

Limiting grass cutting and tree clearing to preserve bird habitat.

Placing and designing paths with DNR oversight.

Using green building techniques.

Studying the use of a state-of-the-art nitrogen removal septic system.

County environmental planner Elinor Gawel told the commission at its meeting in Crownsville that the county spent a lot of time and resources on the plan, including a separate environmental study. She explained the planning committee looked at several alternative sites at Franklin Point before deciding on the final ballfield site.

Gary Setzer, the Maryland Department of the Environment representative on the commission, also chaired the sub-panel that looked at the county plan. It held a hearing in Shady Side last month before making the recommendation to the full commission on Wednesday.

"We had quite a spirited panel. The hearing almost became all about ballfields," he told the full commission.

He said the panel considered what the Board of Public Works said at the time the state

agreed to purchase the property. The board did so in order to preserve the property in its natural state as a bay buffer and educational tool.

"Nowhere did they talk about athletic fields," he said.

But in consideration of the work done by the county to prepare a plan, he thought the commission should let it move forward, with the conditions.

The Critical Area Commission will get another look at any development at Franklin Point because the panel must approve detailed plans for any of the recommended development at the site. That will likely be years away due to budget constraints, though the county spending plan unveiled this week provides \$100,000 for a parking lot at Franklin Point.

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