

CF 203-06 1936 Downtown Sanitary  
Site Plan Sewer

Approved KS  
1/3/07

Comment

5/4/07 gkr

MSA.S.1829-5716

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338  
[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

January 4, 2007

Mr. Calvin Dize  
City Manager  
City of Crisfield  
P.O. Box 270  
Crisfield, Maryland 21817

Re: 1936 Downtown Sanitary Sewer Replacement

Dear Mr. Dize:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On January 3, 2007, the Critical Area Commission unanimously approved the City's proposal to replace and upgrade an existing sanitary sewer, portions of which are in the 100-foot Buffer, located on Maryland State Highway 413 (from 7<sup>th</sup> Street to 10<sup>th</sup> Street) and 10<sup>th</sup> Street in Crisfield, Maryland, Maryland. This approval included the following condition:

- The City of Crisfield shall submit an acceptable mitigation plan for review and approval to Commission staff and, if necessary, to the Project Subcommittee, by March 7, 2007

In fulfillment of the proposed mitigation planting plan please sign and return the attached planting agreement. Also, please notify the Commission once the mitigation plantings have been implemented. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

Cc: Mr. Keith Lackie, Maryland Department of Planning

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Sarey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
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January 4, 2007

Mr. Calvin Dize  
City Manager  
City of Crisfield  
P.O. Box 270  
Crisfield, Maryland 21817

Re: 1936 Downtown Sanitary Sewer Replacement

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- The City of Crisfield shall submit an acceptable mitigation plan for review and approval to Commission staff and, if necessary, to the Project Subcommittee, by March 7, 2007

In fulfillment of the proposed mitigation planting plan please sign and return the attached planting agreement. Also, please notify the Commission once the mitigation plantings have been implemented. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resources Planner

Cc: Mr. Keith Lackie, Maryland Department of Planning

## *Critical Area Commission*

### **STAFF REPORT**

**July 5, 2006**

**APPLICANT:** City of Crisfield

**PROPOSAL:** 1936 Downtown Sanitary Sewer Replacement

**JURISDICTION:**

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Approval with Conditions

**STAFF:** Kate Schmidt

**APPLICABLE LAW/  
REGULATIONS:** COMAR 27.02.04 State or Local Agency Actions Resulting  
in Major Development on Lands Owned by Local  
Jurisdictions

### **DISCUSSION:**

This project will replace the original 1936 sanitary sewer located on Maryland State Highway 413 (from 7<sup>th</sup> Street to 10<sup>th</sup> Street) and 10<sup>th</sup> Street in Crisfield, Maryland. The existing system is deteriorating and in danger of collapse. The total project consists of 3 lines; Line "A" is in the northbound side of Highway 413 from 7<sup>th</sup> St. to the end of line, Line "B" is located in 10<sup>th</sup> St. east of Highway 413, and Line "C" is in the southbound lane of Highway 413 from 7<sup>th</sup> St. to 9<sup>th</sup> St. In total, the new system will consist of 2,580 linear feet of 12-inch PVC sanitary sewer replacement (an upgrade from the existing 10-inch vitrified clay pipe) and in-kind replacement of 238-linear feet of 8-inch PVC sanitary sewer line. The upgrade from 10-inch to 12-inch pipe is necessary due to the potential of increased flow from future development.

The project is located in the Intensely Developed Area (IDA) of Crisfield's Critical Area district. The proposed work will temporarily disturb 8,970 square feet of Critical Area outside of the 100-foot Buffer and 270 square feet inside the Buffer. A review by the Maryland Department of Natural Resources Wildlife and Heritage Service found no State or Federal records for rare, threatened, or endangered species within the boundaries of the project site.

## **Conditional Approval Process**

*In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:*

**The following are the responses of the applicant:**

***B.(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;***

The gravity sewer replacement will include the replacement of approximately 2,590 square feet of 8-inch and 10-inch vitrified clay pipe (VCP) with new 12-inch PVC sanitary sewer within Maryland State Highway 413 and the replacement of approximately 240 feet of 8-inch VCP in 10<sup>th</sup> Street southeast of Maryland State Highway 413 with new 8-inch PVC sanitary sewer. Approximately 90 feet of the proposed 8-inch sanitary sewer in 10<sup>th</sup> Street is located within the 100-foot Buffer and is currently servicing the surrounding properties located within the 100-foot Buffer. If the gravity sewer were relocated outside the 100-foot Buffer, the properties would no longer have the ability to connect to the gravity sewer collection system.

***B.(2) That the project or program otherwise provides substantial public benefits to the Critical Area Program;***

Replacement of the gravity sewer will increase the capacity of the gravity sewer to eliminate gravity sewer backups, surcharging, potential overflows into the roadways which could eventually drain into the Bay, and eliminate an existing sanitary sewer which is severely deteriorated and in danger of collapse which could allow raw sewage to enter the Bay.

***B.(3) That the project or program is otherwise in conformance with this subtitle;***

To our knowledge, the project in this area will otherwise be in compliance with all the provisions listed in this Subtitle.

*The conditional approval request shall, at a minimum, contain the following:*

***C.(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State of local agency program or project;***

The project is located within the City's Critical Area Overlay District and a portion of the project is within the 100-foot Buffer. The work is being completed within existing State and City rights-of-way. Relocating the sewer outside of the City's Critical Area Overlay District and the 100-foot Buffer would deny sewer service to existing residents and

business within the Critical Area Overlay District. The Critical Area Commission must approve disturbances and construction proposed in this area.

***C.(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;***

Erosion and Sediment Control details are shown on Sheet 8. All possible measures are to be taken to prevent pollution of the waters in the vicinity of the project site. The construction techniques used will be followed through the duration of the project and in accordance with the Somerset County Soil Conservation District. The entire project will be conducted with City and State Right of Ways.

***C.(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.***

The project will create only temporary disturbance in the City and State rights-of-way. An area of approximately 8,970 square feet will be temporarily disturbed within the Critical Area, and an area of approximately 270 square feet will be temporarily disturbed within the 100-foot Buffer. The temporary disturbance areas are for pipe and manhole installation and exclude required asphalt mill and overlay work within State Highway rights-of-way. No tree removal is anticipated during the project.

(Staff Note: The City has not proposed mitigation for Buffer impacts due to the fact that disturbance is to land that has already been developed. The Commission traditionally requires state agencies and local governments to mitigate on a 2:1 basis for this type of disturbance. Findings E.2 and E.3 below address adequacy of mitigation measures and benefit of such measures to the overall program.)

### **Staff Recommendation**

Staff recommends the project be approved with the following condition:

The City of Crisfield shall provide 2:1 mitigation for the 270 square feet of temporary impacts. The City shall submit an acceptable mitigation plan by August 1, 2006, to meet this requirement.

3

*The Commission shall approve, deny, or request modifications to the request for conditional approval based on the following factors:*

*E.(1) The extent to which the project or program is in compliance with the requirements of the relevant chapters of this subtitle;*

*E.(2) The adequacy of any mitigation measures proposed to address the requirements of this subtitle that cannot be met by the project or program; and*

*E.(3) The extent to which the project or program, including any mitigation measures, provides substantial public benefits to the overall Critical Area Program.*

**Hoerger, Lisa**

---

**From:** Schmidt, Katherine  
**Sent:** Tuesday, December 12, 2006 1:22 PM  
**To:** Hoerger, Lisa  
**Cc:** 'K Lackie'  
**Subject:** Crisfield Water Line Project

Lisa:

The City of Crisfield has contact Keith and asked to have their sewer line project added to the Commission agenda. The City had previously brought this project forward in June. However, they did not agree with Commission policy that they should provide mitigation for impacts to the Buffer since the impacts consisted of removing pavement, replacing an old line, and putting the pavement back. The impacts consisted of 270 square feet in a BEA. Therefore, we were asking for 2:1. As Keith will be able to explain to you tomorrow, the City has now agreed to the mitigation and he has a letter stating as much. Attached is the staff report we did back in July. I thought you may want to review it and discuss timing with Keith in case we think it can go on the January agenda.

Keith – as per the message I left on your phone, I will be out the rest of this week. But I can call you from home on Thursday if you like. Send me an email and let me know. I'll be able to check it.

Thanks,  
Kate

Kate Schmidt  
*Natural Resource Planner*  
Critical Area Commission for the  
Chesapeake and Atlantic Coastal Bays  
1804 West Street, Suite 100  
Annapolis, MD 21401  
410-260-3475

12/13/2006



## ***Critical Area Commission***

### **STAFF REPORT**

**January 3, 2006**

**APPLICANT:** City of Crisfield

**PROPOSAL:** 1936 Downtown Sanitary Sewer Replacement

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Conditional Approval with Condition

**STAFF:** Keith Lackie

**APPLICABLE LAW/  
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

#### **DISCUSSION:**

This project will replace the original 1936 sanitary sewer located on Maryland State Highway 413 (from 7<sup>th</sup> Street to 10<sup>th</sup> Street) and 10<sup>th</sup> Street in Crisfield, Maryland. The existing system is deteriorating and in danger of collapse. The proposed activities consist of excavating a 3-foot wide trench of pavement, replacing the sewer line and then replacing the pavement. However, as a portion of the activities will occur within the 100-foot Buffer to the Chesapeake Bay, this project requires Conditional Approval by the Commission.

The total project consists of replacing 3 lines; Line "A" is in the northbound lane of Highway 413 from 7<sup>th</sup> St. to the end of line, Line "B" is located in 10<sup>th</sup> St. east of Highway 413, and Line "C" is in the southbound lane of Highway 413 from 7<sup>th</sup> St. to 9<sup>th</sup> St. Approximately 90 feet of the upgrade on 10<sup>th</sup> Street will occur within the 100-foot Buffer. The 100-foot Buffer in this area is designated as Buffer Exemption Area (BEA). In total, the new system will consist of upgrading 2,580 linear feet of 12-inch PVC sanitary sewer replacement from 10-inch vitrified clay pipe and in-kind replacement of 238-linear feet of 8-inch PVC sanitary sewer line. The upgrade from 10-inch to 12-inch pipe is necessary due to the potential of increased flow from future development.

The project is located in the Intensely Developed Area (IDA) of Crisfield's Critical Area district. The proposed work will temporarily disturb 8,970 square feet of Critical Area outside of the 100-foot Buffer and 270 square feet inside the Buffer (90 linear feet by 3 foot width). Other than impacts to the Buffer, there are no other Habitat Protection Areas within the project boundaries.

## **Conditional Approval Process**

*In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:*

**The following are the responses of the applicant:**

***B.(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;***

If the gravity sewer were relocated outside the 100-foot Buffer, the properties would no longer have the ability to connect to the gravity sewer collection system.

***B.(2) That the project or program otherwise provides substantial public benefits to the Critical Area Program;***

Replacement of the gravity sewer will increase the capacity of the gravity sewer to eliminate gravity sewer backups, surcharging, potential overflows into the roadways which could eventually drain into the Bay, and eliminate an existing sanitary sewer which is severely deteriorated and in danger of collapse which could allow raw sewage to enter the Bay.

***B.(3) That the project or program is otherwise in conformance with this subtitle;***

To our knowledge, the project in this area will otherwise be in compliance with all the provisions listed in this Subtitle.

*The conditional approval request shall, at a minimum, contain the following:*

***C.(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State of local agency program or project;***

The project is located within the City's Critical Area Overlay District and a portion of the project is within the 100-foot Buffer. The work is being completed within existing State and City rights-of-way. Relocating the sewer outside of the City's Critical Area Overlay District and the 100-foot Buffer would deny sewer service to existing residents and business within the Critical Area Overlay District.

***C.(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;***

Erosion and Sediment Control details are shown on Sheet 8 of the submitted site plans. All possible measures are to be taken to prevent pollution of the waters in the vicinity of the project site. The construction techniques used will be followed through the duration of the project and in accordance with the Somerset County Soil Conservation District.

***C.(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.***

The project will create only temporary disturbance in the City and State rights-of-way. An area of approximately 8,970 square feet will be temporarily disturbed within the Critical Area, and an area of approximately 270 square feet will be temporarily disturbed within the 100-foot Buffer. The temporary disturbance areas are for pipe and manhole installation and exclude required asphalt mill and overlay work within State Highway rights-of-way. No tree removal is anticipated during the project. The City understands that mitigation will be required on a 2:1 ratio for disturbance within the 100-foot Buffer which is designated as BEA. The City requests 60 days from Commission approval for submission of a mitigation plan.

*The Commission shall approve, deny, or request modifications to the request for conditional approval based on the following factors:*

***E.(1) The extent to which the project or program is in compliance with the requirements of the relevant chapters of this subtitle;***

***E.(2) The adequacy of any mitigation measures proposed to address the requirements of this subtitle that cannot be met by the project or program; and***

***E.(3) The extent to which the project or program, including any mitigation measures, provides substantial public benefits to the overall Critical Area Program.***

**Staff Recommendation**

Staff recommends the project be approved with the following condition:

The City of Crisfield shall submit an acceptable mitigation plan for staff review and approval by March 7, 2007.



*Maryland Department of Planning*

*Martin O'Malley*  
Governor

*Anthony Brown*  
Lt. Governor

November 8, 2007

*Richard Eberhart Hall*  
Secretary

*Matthew J. Power*  
Deputy Secretary

Percy J. Purnell, Mayor  
City of Crisfield  
P.O. Box 270  
Crisfield, Maryland 21817

**RECEIVED**

NOV 9 2007

Re: 1936 Sewer Rehabilitation - CDBG Funding

**CRITICAL AREA COMMISSION**

Dear Mr. Mayor:

Please accept this response to your letter dated October 24, 2007, regarding "environmental screening" in association with Maryland Department of Housing and Community Development Block Grant funding of the 1936 Sewer Rehabilitation. As noted within your letter, the City had previously requested this "environmental screening", however, an incorrect map was provided to this office as an attachment to a letter from the City dated October 3, 2007. As you are aware much of this project is located within the City's Chesapeake Bay Critical Area.

The map attached to the City's letter dated October 24, 2007 accurately depicts the sewer rehabilitation reviewed and conditionally approved by the State Critical Area Commission on January 3, 2007. The Critical Area Commission approved this project subject to implementation of a mitigation plan, and this mitigation plan has been approved by the Critical Area Commission Staff.

Once again, the revised map provided by the City conforms to the approval granted by the State Critical Area Commission. Should you have any questions, please feel free to contact me at (410) 713-3460.

Sincerely,

Keith Lackie  
Regional Planner / Circuit Rider

Cc: Julie Roberts, CAC  
Calvin Dize, City Manager

Percy J. Purnell, Jr. Mayor  
City Council:  
Raymond D. Anderson, Vice-Pres.  
Roger R. Riggan, Jr.  
Kimberly B. Lawson  
Barry Dize  
LaVerne Johnson

City of Crisfield  
City Hall  
319 W. Main Street  
Crisfield, Maryland 21817

P.O. Box 270  
410-968-1333  
Fax 410-968-2167  
staff@crisfieldcityhall.com

October 24, 2007

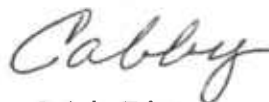
Mr. Keith Lackie  
MDOP Circuit Rider  
201 Baptist Street, Ste. 24  
Salisbury, MD 21801

RECEIVED  
DEPARTMENT OF PLANNING  
OCT 24 2007  
KIMBER EASTERN SHOWS OFFICE

Dear Mr. Lackie:

Please be advised that the incorrect map accompanied the City of Crisfield's letters to various agencies requesting comments on our 1936 sewer replacement project. Two maps of the City are enclosed more clearly defining the actual route of the project. The City regrets any confusion caused by the submittal of the incorrect map.

Sincerely,

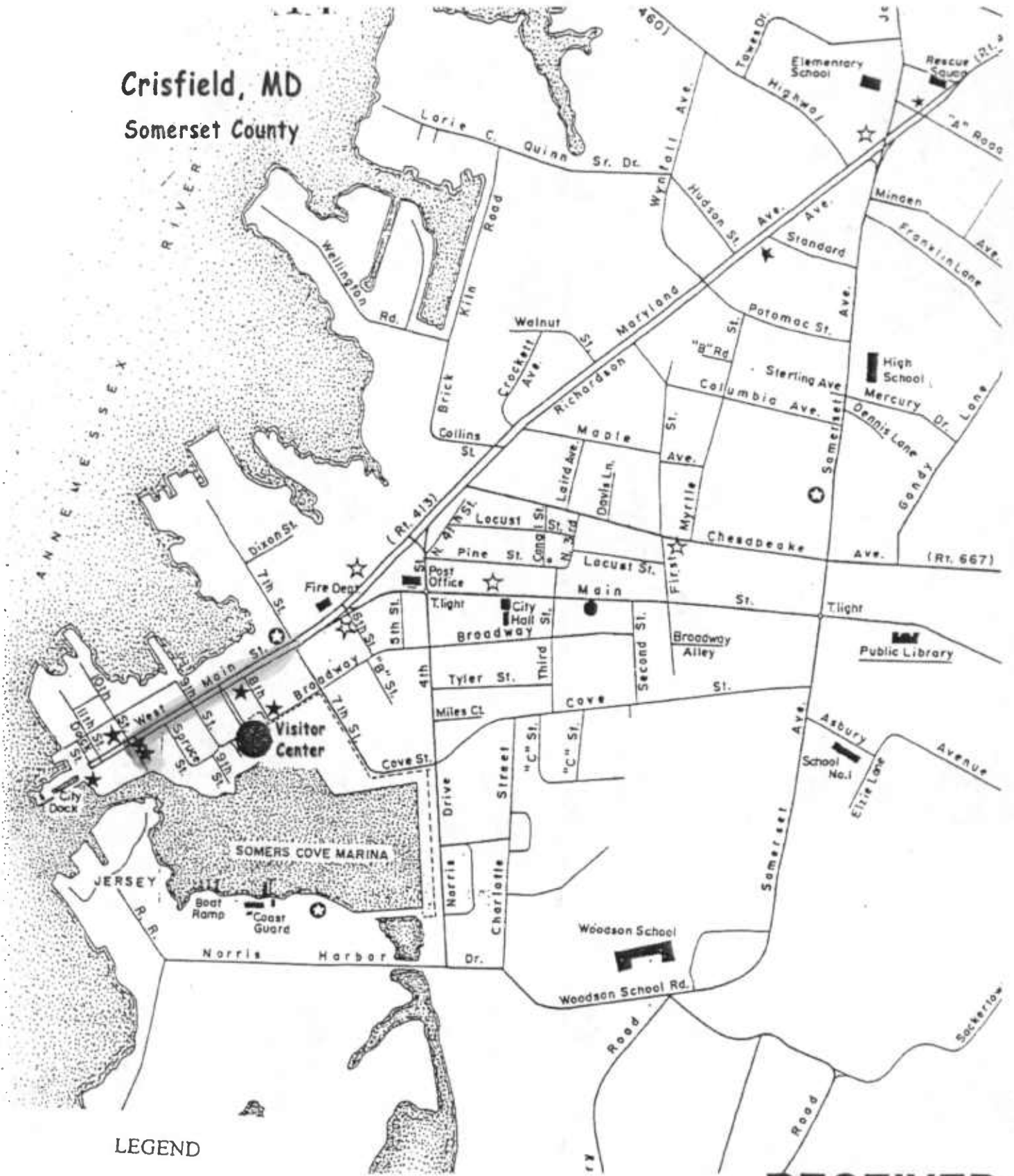


Calvin Dize,  
City Manager

CD/vs

Encl.

**Crisfield, MD**  
Somerset County

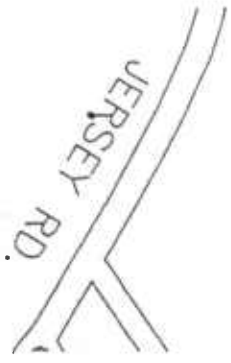
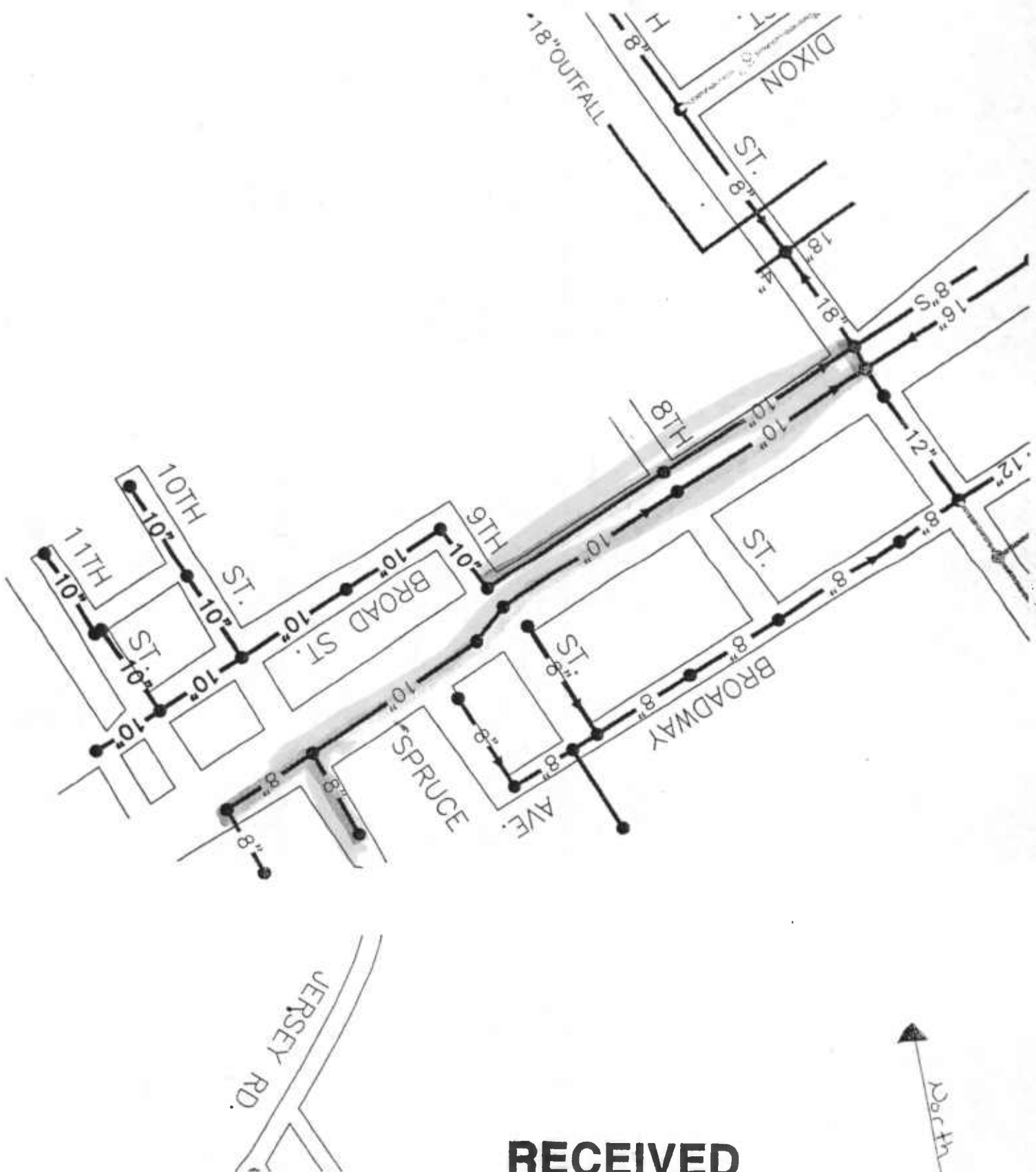


LEGEND

**RECEIVED**

NOV 9 2007

CRITICAL AREA COMMISSION



**RECEIVED**

NOV 9 2007

CRITICAL AREA COMMISSION

Drawing 10-T



Maryland Department of Planning

Martin O'Malley
Governor
Anthony Brown
Lt. Governor

October 23, 2007

Richard Eberhart Hall
Secretary
Matthew J. Power
Deputy Secretary

Percy J. Purnell, Mayor
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

Re: 1936 Sewer Rehabilitation - CDBG Funding

Dear Mr. Mayor:

Please accept this response to your letter dated October 3, 2007, regarding "environmental screening" in association with Maryland Department of Housing and Community Development Block Grant funding of the 1936 Sewer Rehabilitation. As you are aware much of this project is located within the City's Chesapeake Bay Critical Area.

You will recall that a portion of this project (located on Maryland State Highway 413 from 7th Street to 10th Street and along 10th Street) was the subject of a Conditional Approval, on January 3, 2007, by the Chesapeake Bay Critical Area Commission (in accordance with COMAR 27.02.06). This Conditional Approval was required as a portion of the proposed project was to be located within the 100-foot Tidal Buffer (Buffer) of the Critical Area.

Unfortunately, the scope of the proposed project, as delineated in the map attached to your October 3, 2007 letter, far exceeds that approved by the Critical Area Commission and encroaches upon the Buffer in several places. Therefore, prior to any work progressing (beyond that approved by the Commission's Conditional Approval dated January 3, 2007) a new Conditional Approval by the Critical Area Commission will be required.

As a result of the expanded scope of work a new detailed site plan, meeting all the requirements of the previously approved site plan, must be submitted for review by this office and the Critical Area Commission Staff. Once the Commission Staff has deemed the project "ripe" for consideration by the Commission's Project Subcommittee and full Commission, a Public Hearing in Crownsville will be scheduled.

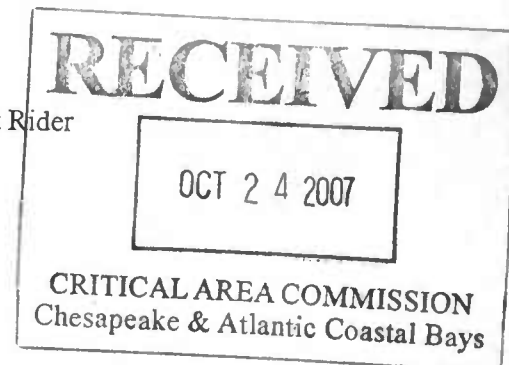
Should you have any questions, please feel free to contact me at (410) 713-3460.

Sincerely,

[Handwritten signature]

Keith Lackie
Regional Planner / Circuit Rider

Cc: Julie Roberts, CAC
Calvin Dize, City Manager





Percy J. Purnell, Jr. Mayor  
City Council:  
Raymond D. Anderson, Vice-Pres.  
Roger R. Riggan, Jr.  
Kimberly B. Lawson  
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LaVerne Johnson

City of Crisfield  
City Hall  
319 W. Main Street  
Crisfield, Maryland 21817

P.O. Box 270  
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Fax 410-968-2167  
staff@crisfieldcityhall.com

October 3, 2007

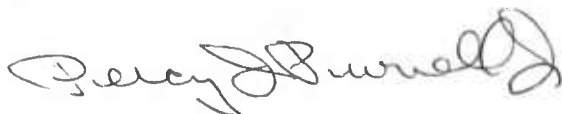
Ms. Tracey Gordy  
Maryland Department Planning  
201 Baptist Street, P. O. Box 24  
Salisbury, MD 218040

Dear Ms. Gordy,

The City of Crisfield, Maryland has applied for Maryland Community Development Block Grant funds from the Maryland Department of Housing and Community Development. These funds are to assist the city in rehabilitating the old 1936 sewer system that serves the downtown section of town nearest to the Chesapeake Bay. The sewer is leaking and is in desperate need of major repairs. A map of the project area is included with this letter. The portion of the sewer to be replaced with these funds is labeled as Phase II on the map.

In accordance with the Department of Housing and Community Development environmental assessment requirements, we are informing you about our approved project and requesting an environmental screening. We are also enclosing a map of the area. The contact person for this project is Mr. Calvin Dize who is the City Manager. Mr. Dize can be reached at 410-968-1333.

Sincerely,



Mr. Percy J. Purnell  
Mayor

RECEIVED  
MD. DEPARTMENT OF PLANNING

OCT 4 2007

LOWER EASTERN SHORE OFFICE

RECEIVED  
DEPARTMENT OF PLANNING

JANES

ISLAND

STATE

PARK

CRISFIELD, MARYLAND

RIVER

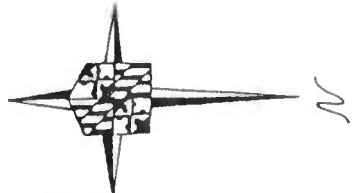
ANNEMESSEX

LITTLE

Phase II  
Project Area

Phase I  
Project Area

Phase III  
Project Area





Maryland Department of Planning

Martin O'Malley  
Governor  
Anthony Brown  
Lt. Governor

Richard Eberhart Hall  
Secretary  
Matthew J. Power  
Deputy Secretary

July 18, 2007

Mr. Calvin Dize  
City Manager  
City of Crisfield  
P.O. Box 270  
Crisfield, Maryland 21817

Re: Mitigation Plan for 1936 Sanitary Sewer Replacement Project

Dear  Mr. Dize.

Please accept the following letter as an indication of approval of the proposed mitigation plan for the above referenced project. The City proposes to plant six (6) trees at Somers Cove Marina as mitigation for the disturbance to the 100 foot Tidal Buffer which will occur during the replacement of the 1936 sanitary sewer line.

As a condition of this approval, please note that the trees must be 1.5" to 2" diameter in size and must be placed within 100 feet of tidal water. Enclosed, you will find a list of recommended native species.

As always, should you have any questions please feel free to contact me at (410) 713-3460.

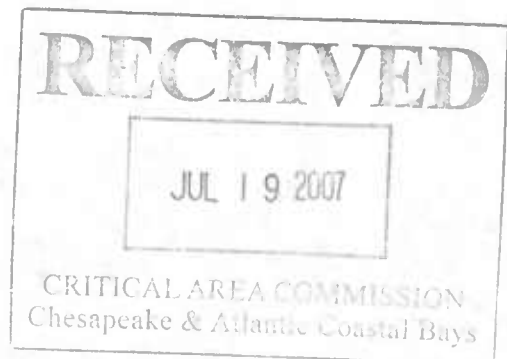
Sincerely,



Keith Lackie  
Regional Planner/Circuit Rider

Enclosure

Cc: Kate Schmidt, CAC



RECEIVED  
MD. DEPARTMENT OF PLANNING

Gerold G. Friedel, P.E.  
Michael R. Wigley, AIA  
Rondy B. Duplechoin, P.E.  
Charles R. Woodward, Jr., LS  
Jo Anne Williams, P.E.  
Charles A. Houser, P.E.  
W. Zachary Crouch, P.E.

November 21, 2006

NOV 22 2006

LOWER EASTERN SHORE OFFICE

Maryland Department of Planning  
Lower Eastern Shore Regional Office  
201 Baptist Street, Suite 24  
Salisbury, Maryland 21801

ATTN: Mr. Keith Lackie

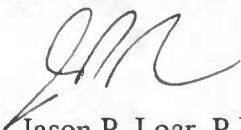
RE: 1936 Downtown Sanitary Sewer Replacement  
Crisfield, Maryland  
DBF #187A014A

Dear Mr. Lackie:

On behalf of the City of Crisfield, I am enclosing a revised narrative addressing all of the standards for Critical Area Commission Conditional Approval as requested in your March 27, 2006 letter. Please note the final item in which the City states that they understand that mitigation will be required.

Should you have any further questions, concerns, or require further clarification in regards to this project please feel free to contact either myself or Calvin Dize, Crisfield City Manager, at your convenience.

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Jason P. Loar, P.E.  
Project Manager

JPL/res  
N:\01\187a\187A014A\Letters\Lackie2.jpl.doc

Enclosures

cc: P.J. Purnell, Mayor – City of Crisfield  
Calvin Dize, City Manager – City of Crisfield

Conditional Approval Process

In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show that the project or program has the following characteristics:

The following are the responses offered by the applicant:

- (1) *That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented:*

The gravity sewer replacement will include the replacement of approximately 2,590 feet of 8-inch and 10-inch vitrified clay pipe (VCP) with new 12-inch PVC sanitary sewer within Maryland State Highway 413 and the replacement of approximately 240 feet of 8-inch VCP in 10<sup>th</sup> Street southeast of Maryland State Highway 413 with new 8-inch PVC sanitary sewer. Approximately 90 feet of the proposed 8-inch sanitary sewer in 10<sup>th</sup> Street is located within the 100 Foot Buffer and is currently servicing the surrounding properties located within the 100 Foot Buffer. If the gravity sewer were to be relocated outside of the 100 Foot Buffer, the properties would no longer have the ability to connect to the gravity sewer collection system.

- (2) *That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program:*

Replacement of the gravity sewer will increase the capacity of the gravity sewer to eliminate gravity sewer backups, surcharging, potential overflows into the roadways which could eventually drain into the Bay, and eliminate an existing sanitary sewer which is severely deteriorated and in danger of collapse which would allow raw sewage to enter the Bay.

- (3) *That the project or program is otherwise in conformance with this subtitle:*

To our knowledge, the project in this area will otherwise be in compliance with all the provisions listed in this Subtitle.

*The Commission must find that the conditional approval request contains the following:*

- (1) *A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project:*

The project is located within the City's Critical Area Overlay District and a portion of the project is within the 100 Foot Buffer, the work is being completed within existing State and City Right of Ways. Relocating the sewer outside of the City's Critical Area Overlay District and the 100 Foot Buffer would deny sewer service to existing residents and

business within the Critical Area Overlay District. The Critical Area Commission must approve disturbances and construction proposed in this area.

- (2) *A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical area Program or, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05:*

Erosion and Sediment Control details are shown on Sheet 8. All possible measures are to be taken to prevent pollution of the waters in the vicinity of the project site. The construction techniques used will be followed through the entire duration of the project and in accordance with the Somerset County Soil Conservation District. The entire project will be conducted within City and State Right of Ways.

- (3) *Measures proposed to mitigate adverse effects of the project or program on and approval Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05*

The project will create only temporary disturbances in the City and State Right of Ways, an area of approximately 8,970 square feet will be temporarily disturbed within Critical Area, and an area of approximately 270 square feet will be temporarily disturbed within the 100 Foot Buffer. The temporary disturbance areas are for pipe and manhole installation and exclude required asphalt mill and overlay work within State Highway Right of Way. No tree removal is anticipated during the project. The City understands that mitigation will be required on a 2:1 ratio of mitigation to disturbance within the 100 Foot Buffer. The City requests 60 days from Commission approval for submission of a mitigation plan.



Gerald G. Friedel, P.E.  
Michael R. Wigley, AIA  
Randy B. Duplechoin, P.E.  
Charles R. Woodward, Jr., LS  
Ja Anne Williams, P.E.  
Charles A. Hauser, P.E.  
William Z. Crauch, P.E.

April 19, 2006

Maryland Department of Planning  
Lower Eastern Shore Regional Office  
201 Baptist Street, Suite 24  
Salisbury, Maryland 21801

ATTN: Mr. Keith Lackie

RE: 1936 Downtown Sanitary Sewer Replacement  
Crisfield, Maryland  
DBF #187A014A

Dear Mr. Lackie:

On behalf of the City of Crisfield, I am responding to your letter of March 27, 2006 requesting clarification and/or additional information in regards to the City of Crisfield's 1936 Downtown Sanitary Sewer Replacement Project. For clarity, I have reiterated your statements below with corresponding responses.

- 1) *In the DBF "project description", which is in the form of a cover letter separate from the construction drawings, it is not clear if the proposed work is in-kind replacement or if larger size pipes will be used. Please clarify.*

Within Maryland State Highway 413, the original 1936 sanitary sewer consists primarily of 10-inch vitrified clay pipe (VCP) with the exception of a portion of 8-inch VCP southwest of 10<sup>th</sup> Street. This project will replace the original 1936 sanitary sewer in Maryland State Highway 413 with new 12-inch PVC sanitary sewer and replace in-kind, with regards to size, the existing 8-inch VCP sanitary sewer in 10<sup>th</sup> Street with new 8-inch PVC sanitary sewer. The proposed sanitary sewer in Maryland State Highway 413 is a larger pipe size than the original due to the possibility of increased flow from future development. The proposed construction drawings identify the size of the existing and proposed sanitary sewers.

- 2) *In the first paragraph of the DBF "project description" it states, in part, that "this project is located in Crisfield...from 7<sup>th</sup> street to the pier", however, in scaling the proposed sewer line replacement it appears that the replacement line along Maryland Avenue ends well short of the pier. Please clarify.*

Letter: Mr. Keith Lackie  
Maryland Department of Planning  
April 19, 2006  
Page 2

The description reiterated above was in general terms. For clarity and as identified on the proposed construction drawings, the project is located in Crisfield, Maryland primarily on Maryland State Highway 413 with a portion on 10<sup>th</sup> Street. Line "A" is in the northbound lane of Maryland State Highway 413 from 7<sup>th</sup> Street to the terminal manhole at Station 17+54, approximately 130 feet from the existing pier/bulkhead. Line "B" is in the southbound lane of Maryland State Highway 413 from 7<sup>th</sup> Street to 9<sup>th</sup> Street. Line "C" is located in 10<sup>th</sup> Street east of Maryland State Highway 413. A proposed waterline is also located in 7<sup>th</sup> Street crossing Maryland State Highway 413.

- 3) *At a minimum, the terminus of the work to occur along 10<sup>th</sup> Street lies within the 100 Foot Buffer (Buffer), and perhaps (near station 7 of the line along Maryland Avenue) a portion of the Maryland Avenue line replacement may be within the Buffer. Therefore, please field locate the 100 Foot Buffer, which is taken from the mean high water line or the landward edge of tidal marsh, and clearly depict and label the 100 Foot Buffer on Sheet 2 of the revised plans. Also, on Sheet 2, please indicate the date the Buffer was field delineated and the person or firm that conducted the delineation.*

The 100 Foot Buffer has been identified on Sheet 2 (see the revised proposed construction drawings enclosed), and a portion of Line "C" on 10<sup>th</sup> Street does in fact lie within the 100 Foot Buffer however none of Line "A" is located within the 100 Foot Buffer. A note was added stating that the 100 Foot Buffer was field delineated using Davis, Bowen & Friedel, Inc.'s December 2005 survey in conjunction with Somerset County's 2004 Orthoquad maps, see Note 6 on Sheet 2.

- 4) *On Sheet 2 of the revised plan please place the following note: "This project is located within an Intensely Developed Area of Crisfield's Chesapeake Bay Critical Area District."*

The above stated note was added to the revised proposed construction drawings enclosed, see Note 5 on Sheet 2.

- 5) *Please obtain a letter from the Maryland Department of Natural Resources, Natural Heritage Division, which indicates the absence or presence of any rare, threatened or endangered plant or wildlife species. [MD DNR, Wildlife & Heritage Division – Tawes State Office Building, E-1 – 580 Taylor Avenue – Annapolis, MD 21402]*

A letter has been obtained from the Maryland Department of Natural Resources, Natural Heritage Division, stating that there are no rare, threatened, or endangered plant or wildlife species within the boundaries of this project. A copy of the letter is enclosed.



Letter: Mr. Keith Lackie  
Maryland Department of Planning  
April 19, 2006  
Page 3

- 6) *Please have either the City of DBF prepare a narrative addressing all of the standards for Critical Area Commission Conditional Approval found attached to this letter.*

A narrative has been prepared and is enclosed.

- 7) *On Sheet 2 of the revised plan please place the following calculations:*

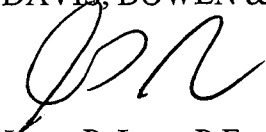
- *Area of temporary disturbance with the Buffer*
- *Area of permanent disturbance with the Buffer*
- *Area of temporary disturbance with the Critical Area*
- *Area of permanent disturbance with the Critical Area*

Calculations were performed and placed on Sheet 2 of the enclosed revised proposed construction drawings.

In addition, the City of Crisfield is concerned and would like further explanation to your statement in the third to last paragraph on page two of your letter in which you state that "mitigation in the form of planted woody vegetation shall be required on a not less than 2:1 ratio of the area for all Buffer disturbance, both temporary and permanent." This is clear and understood when construction occurs within an existing vegetative area in the Buffer. However, in regards to this project, the construction within the Buffer will consist of the removal of existing asphalt for installation of the new lines and subsequent replacement of asphalt, i.e. there will be no increase in impervious area or removal of any existing vegetation. Please provide the City and copy myself further explanation, preferably verbage from the Critical Area Commission statutes, rules and regulations, regarding whether this type of mitigation is required for this particular project.

If you have any further questions, concerns, or require further clarification in regards to this project please feel free to contact either myself or Calvin Dize, Crisfield City Manager, at your convenience.

Very Truly Yours,  
DAVIS, BOWEN & FRIEDEL, INC.



Jason P. Loar, P.E.  
Project Manager

JPL/res  
N:\01\187a\187A014A\Letters\Lackie1.jpl.doc

cc: Calvin Dize, City Manager – City of Crisfield (w/o enclosures)

### Conditional Approval Process

In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show that the project or program has the following characteristics:

The following are the responses offered by the applicant:

- (1) *That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented:*

The gravity sewer replacement will include the replacement of approximately 2,590 feet of 8-inch and 10-inch vitrified clay pipe (VCP) with new 12-inch PVC sanitary sewer within Maryland State Highway 413 and the replacement of approximately 240 feet of 8-inch VCP in 10<sup>th</sup> Street southeast of Maryland State Highway 413 with new 8-inch PVC sanitary sewer. Approximately 90 feet of the proposed 8-inch sanitary sewer in 10<sup>th</sup> Street is located within the 100 Foot Buffer and is currently servicing the surrounding properties located within the 100 Foot Buffer. If the gravity sewer were to be relocated outside of the 100 Foot Buffer, the properties would no longer have the ability to connect to the gravity sewer collection system.

- (2) *That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program:*

Replacement of the gravity sewer will increase the capacity of the gravity sewer to eliminate gravity sewer backups, surcharging, potential overflows into the roadways which could eventually drain into the Bay, and eliminate an existing sanitary sewer which is severely deteriorated and in danger of collapse which would allow raw sewage to enter the Bay.

- (3) *That the project or program is otherwise in conformance with this subtitle:*

To our knowledge, the project in this area will otherwise be in compliance with all the provisions listed in this Subtitle.

*The Commission must find that the conditional approval request contains the following:*

- (1) *A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project:*

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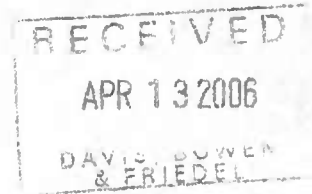
Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

April 7, 2006

Mr. Jason P. Loar  
Davis, Bowen, & Friedel, Inc.  
P.O. Box 93  
Salisbury, MD 21803-0093



**RE: Environmental Review for 1936 Downtown Sanitary Sewer Replacement,  
Crisfield, DBF # 187A014A, Somerset Co., MD.**

Dear Mr. Loar:

The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific comments or requirements pertaining to protection measures at this time. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted. It is also important to note that the utilization of state funds, or the need to obtain a state authorized permit may warrant additional evaluations that could lead to protection or survey recommendations by the Wildlife and Heritage Service. If this project falls into one of these categories, please contact us for further coordination.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Byrne".

Lori A. Byrne,  
Environmental Review Coordinator  
Wildlife and Heritage Service  
MD Dept. of Natural Resources

ER #2006.0692.so

### Planting Agreement for State/Local Projects

State/Local Agency  
City of Crisfield

Project Number  
CF 203-06

Agency Contact  
Mr. Calvin Dize

Phone Number  
410-968-1333

Commission Approval Date  
1/3/2007

CAC Planner  
Kate Schmidt

Project Name  
1936 Downtown Sanitary Sewer Replacement Project

Project Location  
Maryland State Highway 413 & 10th Street, Crisfield MD

Square Feet Cleared Outside 100ft. Buffer  
8970

Mitigation Ratio for Clearing Outside Buffer  
N/A

Mitigation Calculation Outside Buffer  
N/A

Square Feet Disturbed/Cleared Within Buffer\*  
270

Mitigation Ratio for Disturbance/Clearing Within Buffer\*  
2 to 1

15% Afforestation Requirement Met?  
N/A

Mitigation Calculation Within Buffer  
540

Total Mitigation Requirement  
540 square feet

Planting and Natural Regeneration Plan (attach additional sheets if necessary)  
The City of Crisfield will plant six (6) Oak Trees on the Somers Cove Marina Property as shown on the attached Site Plan.

Planting Date \_\_\_\_\_ Year \_\_\_\_\_

First Site Visit Date \_\_\_\_\_ Completed by \_\_\_\_\_  
Second Site Visit Date \_\_\_\_\_ Completed By \_\_\_\_\_

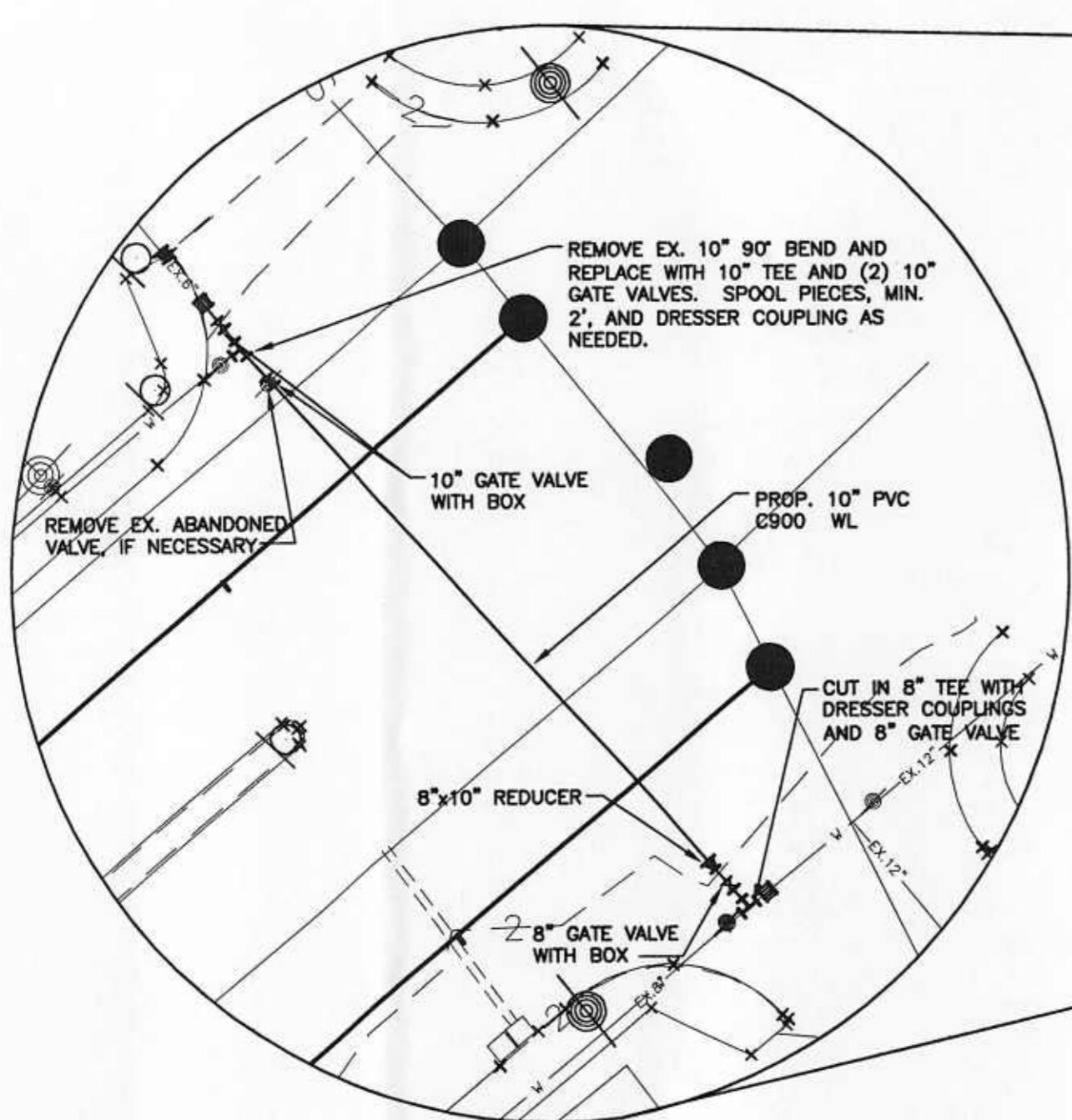
Date Mitigation Complete \_\_\_\_\_

Responsible Contact for Mitigation (Print) \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

\*See reverse for details

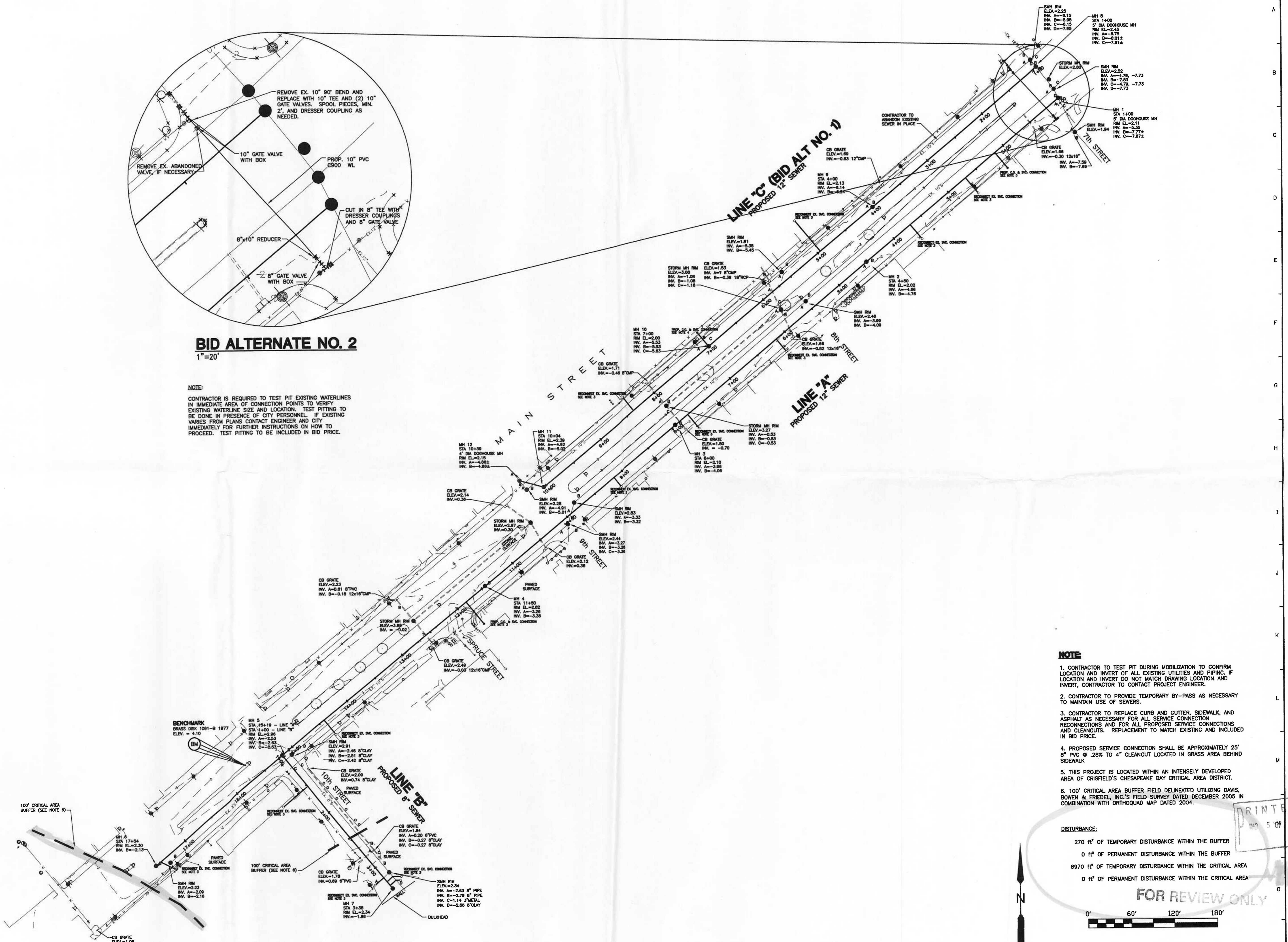
Date	7671	Post-It* Fax Note	
# of pages	3	To: Kate Schmidt	
From	Neesh Lachar	Co./Dept	CAC
Co.	MSP/LES	Phone #	
Phone #	7133460	Fax #	

16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1 0

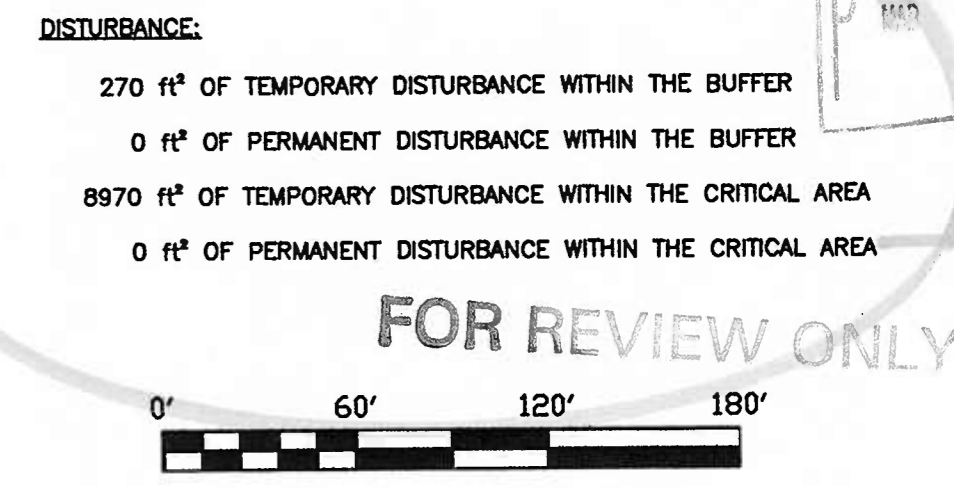


**BID ALTERNATE NO. 2**  
1"=20'

**NOTE:**  
CONTRACTOR IS REQUIRED TO TEST PIT EXISTING WATERLINES IN IMMEDIATE AREA OF CONNECTION POINTS TO VERIFY EXISTING WATERLINE SIZE AND LOCATION. TEST PITTING TO BE DONE IN PRESENCE OF CITY PERSONNEL. IF EXISTING VARIES FROM PLANS CONTACT ENGINEER AND CITY IMMEDIATELY FOR FURTHER INSTRUCTIONS ON HOW TO PROCEED. TEST PITTING TO BE INCLUDED IN BID PRICE.



- NOTE**
- CONTRACTOR TO TEST PIT DURING MOBILIZATION TO CONFIRM LOCATION AND INVERT OF ALL EXISTING UTILITIES AND PIPING. IF LOCATION AND INVERT DO NOT MATCH DRAWING LOCATION AND INVERT, CONTRACTOR TO CONTACT PROJECT ENGINEER.
  - CONTRACTOR TO PROVIDE TEMPORARY BY-PASS AS NECESSARY TO MAINTAIN USE OF SEWERS.
  - CONTRACTOR TO REPLACE CURB AND GUTTER, SIDEWALK, AND ASPHALT AS NECESSARY FOR ALL SERVICE CONNECTION RECONNECTIONS AND FOR ALL PROPOSED SERVICE CONNECTIONS AND CLEANOUTS. REPLACEMENT TO MATCH EXISTING AND INCLUDED IN BID PRICE.
  - PROPOSED SERVICE CONNECTION SHALL BE APPROXIMATELY 25' 8" PVC @ .28% TO 4" CLEANOUT LOCATED IN GRASS AREA BEHIND SIDEWALK
  - THIS PROJECT IS LOCATED WITHIN AN INTENSELY DEVELOPED AREA OF CRISFIELD'S CHESAPEAKE BAY CRITICAL AREA DISTRICT.
  - 100' CRITICAL AREA BUFFER FIELD DELINEATED UTILIZING DAVIS, BOWEN & FRIEDEL, INC.'S FIELD SURVEY DATED DECEMBER 2005 IN COMBINATION WITH ORTHOQUAD MAP DATED 2004.



THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC., AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION.

ARCHITECTS ENGINEERS SURVEYORS  
SALESBURY, MARYLAND (410) 543-9091  
MILFORD, DELAWARE (302) 424-1441

**DAVIS BOWEN & FRIEDEL, INC.**

**CITY OF CRISFIELD  
1936 DOWNTOWN SANITARY SEWER REPLACEMENT  
SOMERSET COUNTY, MARYLAND**

Revisions:

Date:	FEBRUARY 2007
Scale:	1"=60'
Dwn. By:	NWB
Proj. No.:	187A014A
Dwg. No.:	2