

Chesapeake Bay Critical Area Commission
Department of Housing and Community Development
Crownsville, Maryland 21401
Conference Room 1100A
January 7, 1998
AGENDA

SUBCOMMITTEES

11:00a.m. - 11:30 a.m. Project Evaluation

Members: Langner, Bourdon, Giese, Goodman, Corkran, Foor, Blake, Cooksey, Hearn, Dietz

Boardwalk at Point Lookout State Park	Mary Owens, Chief, Prgm. Amendments
Improvements to Miniature Golf Course at Point Lookout State Park	Mary Owens, Chief, Prgm. Amendments
Shore Erosion Control at Chancellor's Point	Mary Owens, Chief, Prgm. Amendments
Walkway and Sidewalk Improvements in Chesapeake Beach (INFO ONLY)	Mary Owens, Chief, Prgm. Amendments

12:00 p.m. - 1:00 p.m. - LUNCH

PLENARY MEETING

1:00 p.m. - 1:05 p.m.	Approval of Minutes of November 5, 1997	John C. North, II, Chair
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PROGRAM AMENDMENTS and REFINEMENTS

1:05 p.m. - 1:15 p.m.	Refinement/Calvert County Text Amendment for Intra-family Transfers	Dawnn McCleary, Planner
1:15 p.m. - 1:30 p.m.	Refinement/City of Annapolis Harness Creek Overlook Annexation	Dawnn McCleary, Planner
1:30 p.m. - 1:40 p.m.	Refinement/Talbot County Revision to Zoning Requirements for RCA Marinas & Piers	Greg Schaner, Planner

PROJECT EVALUATION

1:40 p.m. - 1:55 p.m.	VOTE, DNR - Point Lookout State Park Boardwalk Construction	Mary Owens, Chief Program Amendments
1:55 p.m. - 2:10 p.m.	VOTE, DNR - Point Lookout State Park Improvements to Miniature Golf Course	Mary Owens, Chief Program Amendments

2:10 p.m. - 2:25 p.m.

VOTE, DHCD - Historic St. Mary's City
Shore Erosion Control at the Brome Howard
House and Chancellor's Point North

Mary Owens, Chief
Program Amendments

2:25 p.m.- 2:45 p.m.

Old Business
New Business

John C. North, II
Chairman

Next Commission Meeting February 4, 1998 Anne Arundel

Chesapeake Bay Critical Area Commission
Harrison's Chesapeake House
Tilghman, Maryland
November 5, 1997

approved 1

The Chesapeake Bay Critical Area Commission met at Harrison's Chesapeake House, Tilghman, Maryland. The meeting was called to order by Chairman John C. North, II with the following Members in attendance:

Bourdon, Dave, Calvert County
Blake, Russell, Worcester County
Corkran, William, Talbot County
Myers, Andrew, Caroline County
Duket, Larry, Maryland Office of Planning
Evans, Diane, Anne Arundel County
Foor, Dr. James C., Queen Anne's County
Whitson, Michael, St. Mary's County
Goodman, Robert, DHCD
Wynkoop, Samuel E., Prince George's County

Hearn, J. L., Md. Department of the Environment
Langner, Kathryn, Cecil County
Deitz, Mary, Department of Transportation
Cooksey, David, Charles County
Robinson, Thomas Edward,
Eastern Shore Member-at-Large
Giese, William, Jr., Dorchester County
Castleberry, Will, Dept. Business Economic Dev.
Pinto, Robert, Somerset County

The Minutes of ~~November 5~~ ^{Oct. 1}, 1997 were approved as read.

John Hoffman, Town Engineer for Chesapeake Beach, requested a continuance on the issue of BEA designation for the Tidewater Homes Property in Chesapeake Beach. This issue was up for a vote by the full Commission. Mr. Hoffman told the Commission members that technical and legal issues came up in the morning panel meeting that need to be researched with MDE before the presentation before the Commission. Mike Whitson, Chairman of the panel discussion, commented that the panel has asked the applicant, Ken Muller, to report to the Commission within 60 days on the status of the investigation. There was no objection from the Commission members for continuing the matter for 60 days and at that time a time frame will be established for further action.

Dawnn McCleary, Planner, CBCAC presented for Vote the proposal for a Shore Erosion Control project at Martinak State Park in Caroline County by the Department of Natural Resources. Three areas will be developed with non-structural designs which have no major impact on wildlife habitats. There are no records of rare, threatened or endangered species. Ray Tracy, DNR, gave the technical design details to the Commission. Kay Langner moved to approve the Martinak State Park soil erosion control project with the condition that trees will be replaced which were removed by construction and to explore the possibility of having students plant some of the plants. The motion was seconded by Bob Goodman and carried unanimously.

LeeAnne Chandler, Planner, CBCAC presented for Vote the proposal for sewer line extension near the Fort Foot National Park, along the Potomac River in Prince's County by the Washington Suburban Sanitary Commission. She described the details of the project and said that there will be no impacts to the Buffer or any Habitat Protection Areas. Directional drilling will be used to install the lines to preserve as many trees as possible and any removed will be replaced in kind. Kay Langner moved to approve the WSSC Fort Foot National Park sewer extension project as presented. The motion was seconded by Bob Goodman and carried unanimously.

OLD BUSINESS

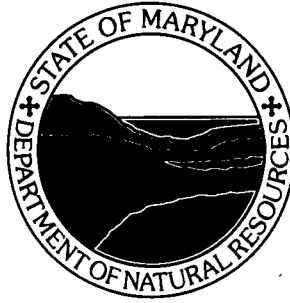
There was no old business reported.

NEW BUSINESS

Marianne Mason, Esquire, Commission Counsel updated the Commission members on legal matters. She said that testimony was presented before the Dorchester Board of Appeals in two cases wherein the applicants were requesting variances for swimming pools in the Buffer. Both variances were granted. She will consult with Chairman North and Ren Serey, Executive Director, CBCAC regarding filing an appeal to the Circuit Court in Dorchester County. In both those cases, the Board made no findings as to the variance standards. A Brief has been prepared and will be filed in the Court of Special Appeals on a pool case in Anne Arundel County. This is an old case in which the Board of Appeals granted a variance for a pool in the buffer in Anne Arundel County. The Commission appealed the case to the Circuit Court where the Board's decision was reversed. The applicant has appealed to the Court of Special Appeals. It is hoped that this decision will be favorable to the Commission and will help in future cases.

There being no further business, the meeting adjourned.

Minutes submitted by: Peggy Mickler, Commission Secretary



Parris N. Glendening
Governor

Maryland Department of Natural Resources

Tawes State Office Building
Annapolis, Maryland 21401

John R. Griffin
Secretary

Carolyn D. Davis
Deputy Secretary

January 7, 1998

The Honorable John C. North II
Chairman
Critical Area Commission
45 Calvert Street
Annapolis, MD 21401

Dear Judge North,

This letter is to authorize Ray Dintaman to be my representative at the CBCAC meeting today and to vote on my behalf.

Sincerely,

Sarah J. Taylor-Rogers, Ph.D.
Assistant Secretary

410-260-8113

Telephone: _____
DNR TTY for the Deaf: (410) 974-3683

CHESAPEAKE BAY CRITICAL AREA
STAFF REPORT
January 7, 1998

APPLICANT: Calvert County

PROPOSAL: Refinement Request: Calvert County Text Amendment for Intra-family Transfers within the Critical Area

COMMISSION ACTION: Concurrence

STAFF: Dawnn McCleary

**APPLICABLE LAW
REGULATION:** Annotated Code of Maryland, Natural Resources Article §8-1809(h) and (I)

DISCUSSION:

The Board of County Commissioners of Calvert County and Calvert County Planning Commission approved Text Amendment No. 97-10 which concerns intra-family transfer within the Critical Area. The purpose of the amendment is to limit the number of lots that could be conveyed to each immediate family member to one per family member. (See Attachment A)

The Commission staff believes that this proposed change in the County's program is consistent with the intent of the Critical Area Law. The Chairman has determined that this change in the County's program can be approved as a refinement.

TEXT AMENDMENT NO. 97-10
AMENDMENTS TO SECTION 4-9.08
OF THE CALVERT COUNTY ZONING ORDINANCE

RE: INTRAFAMILY TRANSFERS

Amend Section 4-9.08 of the Zoning Ordinance as indicated below (Additions shown in CAPS).

4-9.08 Intrafamily Transfers

- A. Bona fide intrafamily transfers may be made only from parcels of land that:
1. Were of record on March 1, 1986; and
 2. Are 7 acres or more and less than 60 acres in size.
- B. A parcel of land may only be subdivided into the number of lots indicated in this subsection by means of a bona fide intrafamily transfer:
1. A parcel that is 7 acres or more and less than 12 acres in size may be subdivided into 2 lots.
 2. A parcel that is 12 acres or more and less than 60 acres in size may be subdivided into 3 lots. The lots may be created at different times.
- C. It is required as a condition of approval of the County that:
1. Any deed for a lot that is created by a bona fide intrafamily transfer shall contain a covenant stating that the lot is created subject to the provision of this section; and
 2. A lot created by a bona fide intrafamily transfer may not be conveyed subsequently to any person other than a member of the owner's immediate family, except under procedures established pursuant to subsection (d) of this section.
 3. This subsection does not prevent the conveyance of the lot to a third party as security for a mortgage or deed of trust.
 4. **THE NUMBER OF LOTS CONVEYED SHALL BE LIMITED TO ONE (1) PER IMMEDIATE FAMILY MEMBER. NO MORE THAN THREE (3) SUCH LOTS (TWO (2) INTRA FAMILY LOTS) MAY BE CREATED PER PARCEL.**

RECEIVED

OCT 27 1997

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Z.O. Section 4-9.08 (continued)

- D. The subsequent conveyance of lots to persons other than immediate family members is permitted if:
 - 1. The lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel of land for purposes of ultimate commercial sale; and
 - 2. Either:
 - a. a change in circumstances has occurred since the original transfer was made that is not inconsistent with this section and that warrants an exception; or
 - b. other circumstances that are consistent with this section and with the County's Program to maintain land areas necessary to support the protective uses of agriculture, forestry, open space, and natural habitats in Resource Conservation Districts warrant an exception.
 - 3. An affidavit affirming the truth of (i) and (ii) is signed by the family member who originally conveyed the lot.

CHESAPEAKE BAY CRITICAL AREA COMMISSION
STAFF REPORT
January 7, 1998

APPLICANT: City of Annapolis

PROPOSAL: Refinement Request: Annexation of 9.4 acres of
Harness Creek Overlook

COMMISSION ACTION: Concurrence

STAFF: Dawnn McCleary

APPLICABLE LAW
REGULATION: Annotated Code of Maryland, Natural Resources Article,
Section 8-1809(h) and (I)

DISCUSSION:

Recently, the City of Annapolis annexed 33.597 acres from Anne Arundel County of which 9.4 acres are located in the Critical Area. The property was designated as a Limited Development Area (LDA) of Critical Area when it was part of Anne Arundel County, and it will retain the same designation within the City of Annapolis after annexation. The purpose of this annexation is to provide sewer and water service to a property that is proposed for development.

The proposed annexation does not involve a change in the LDA designation and will not have an effect on the use of land or water in the Critical Area; therefore, the request maybe approved as a refinement.

Chesapeake Bay Critical Area Commission

STAFF REPORT

January 7, 1998

APPLICANT: Talbot County

PROPOSAL: Refinement: Revision to Zoning Requirements for RCA
Marinas and Piers

COMMISSION ACTION: Concurrence

STAFF: Greg Schaner

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809(p) (program
refinements)

DISCUSSION:

The County has approved a bill to revise the Zoning Ordinance [Section 19.14(a)] allowing no more than 10 guest rooms on property zoned for marinas and piers. The allowance of guest rooms would extend to all zoning classes including RCA. There are currently two marinas in the County which are classified as RCA. The County currently prohibits any new RCA marinas and piers, and allows expansion only for the existing RCA marinas and piers. In other words, this provision will only affect grandfathered facilities.

The Commission staff believes that this proposed revision is consistent with the County's Critical Area Program and with State requirements. The Chairman has determined that this revision can be approved as a refinement.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

January 7, 1998

APPLICANT: Department of Natural Resources (Resource Planning)

PROPOSAL: Construction of Boardwalk at Point Lookout State Park

JURISDICTION: St. Mary's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Mary Owens

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05, State Agency Actions Resulting in
Development on State-Owned Lands

DISCUSSION:

The Department of Natural Resources with the staff of Point Lookout State Park are proposing to construct a boardwalk approximately 54 feet long by 4 feet wide above an existing tidal marsh area in order to provide safe access to a beach and fishing jetty. The boardwalk will eliminate degradation and destruction of the marsh caused by pedestrian traffic through the area by funneling park users to a single controlled point of access over the wetlands.

This project does not involve any forest clearing but will involve some impacts to tidal wetlands to install pilings and construct the boardwalk. There is an existing path through the wetlands which was created by fishermen using the beach. The proposed boardwalk will be in the same location as the existing path in order to minimize impacts. It is anticipated that the wetlands will naturally regenerate after the boardwalk is constructed because regular disturbance from pedestrians will be eliminated. No further mitigation is proposed.

Point Lookout State Park staff submitted a Joint Application for the Alteration of Tidal Wetlands to the Maryland Department of the Environment (MDE). The Army Corps of Engineers approved the project on December 8, 1997. Phil Mohler of MDE anticipates that the Wetlands License will be issued in early January 1998.

There are no known threatened or endangered plant or animal species that will be affected by the construction of this boardwalk.

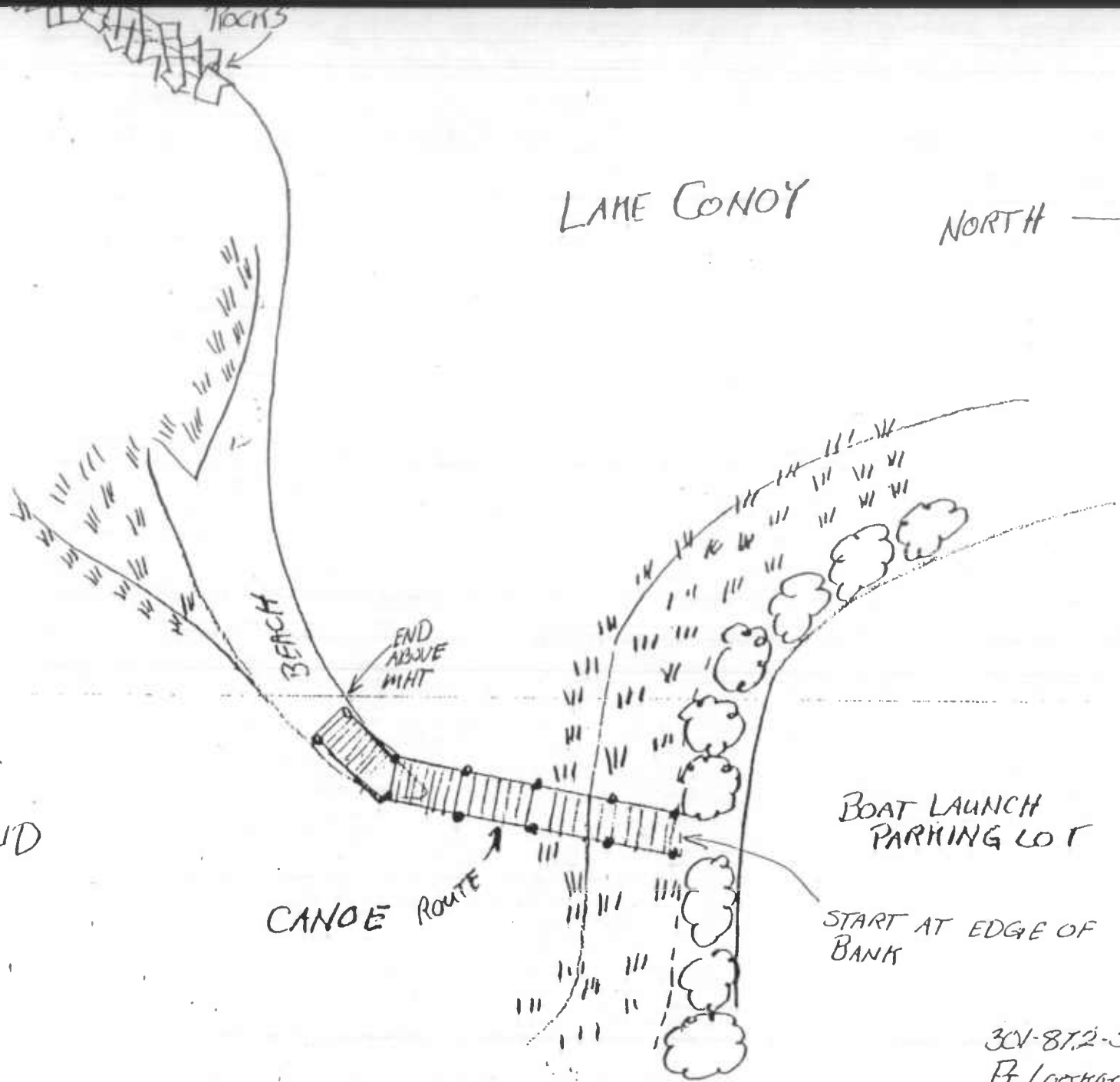
This project is consistent with COMAR 27.02.05, the Commission's regulations for State projects on State lands.

(b)

LAKE CONOY

NORTH →

POND



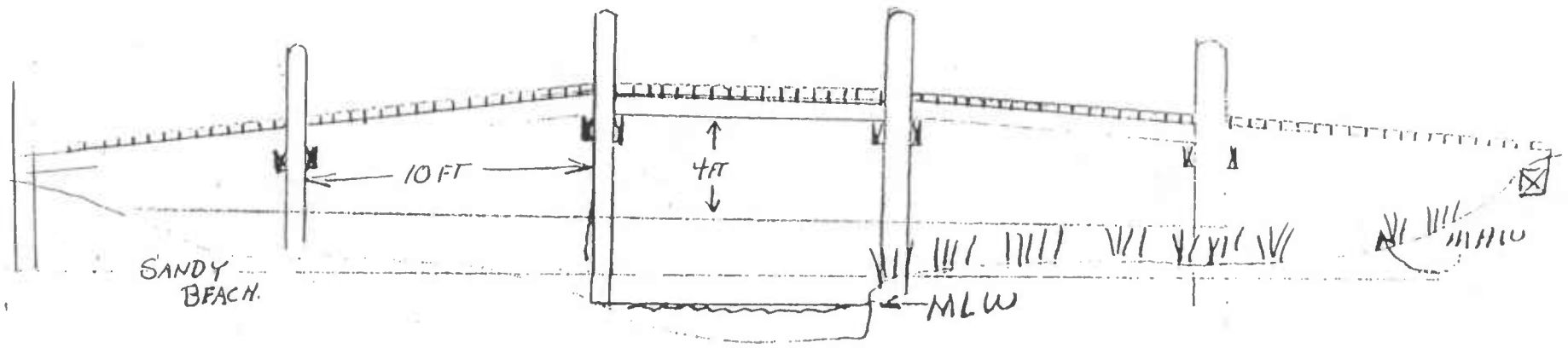
BOAT LAUNCH
PARKING LOT

CANDOE ROUTE

START AT EDGE OF
BANK

301-872-5688
P. LOOKOUT ST. PARK
N.T.S.

(5)



301-872-5688
PT. LOOKOUT ST. PARK
NTS

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

January 7, 1998

APPLICANT: Department of Natural Resources (Resource Planning)

PROPOSAL: Improvements to Miniature Golf Course at Point Lookout State Park

JURISDICTION: St. Mary's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Mary Owens

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05, State Agency Actions Resulting in Development on State-Owned Lands

DISCUSSION:

The Department of Natural Resources and the staff of Point Lookout State Park are proposing to renovate the existing miniature golf course at Point Lookout State Park. The project involves the installation of lighting on the miniature golf course, the installation of bathrooms and a washer and dryer hook-up in an existing building, and the installation of security gates and a camp site hook-up.

This project does not include any proposed clearing, because existing buildings and structures will be renovated. The new security gates and camp site hook-up will be located in existing cleared areas. If any incidental clearing is necessary to install the lighting or other utilities, then any trees or brush cleared will be replaced on an equal basis.

There are no known threatened or endangered plant or animal species that will be affected by the project, and the project is located outside of the 100-foot Buffer.

This project is consistent with COMAR 27.02.05, the Commission's regulations for State projects on State lands.

TO TANNERS
CREEK
NOT 500 YDS

EXISTING CLEARING GROUND

97-DNR-128
Map 1 Site

PT. LOOKOUT
ST. PARK,
GOLF COURSE
PROJECT.

DRAWN BY:
DONNIE HAMMETT
NTS

301-872-5688

EXISTING ST
HIGHWAY DITCH
WHICH WILL NEED FILTER
CLOTH.

EXISTING
PUMP PIT

EXISTING
PARK RENTAL
DEPALCO
HOUSE

EXISTING
CAMPSITE
TO GET HOOKUPS

NEW
SEWAGE
HOOKUP

EXISTING GOLF
BUILDING

NEW
LINE
(H₂O)

EXISTING
WATER
LINE

EXISTING
PARKING
LOT

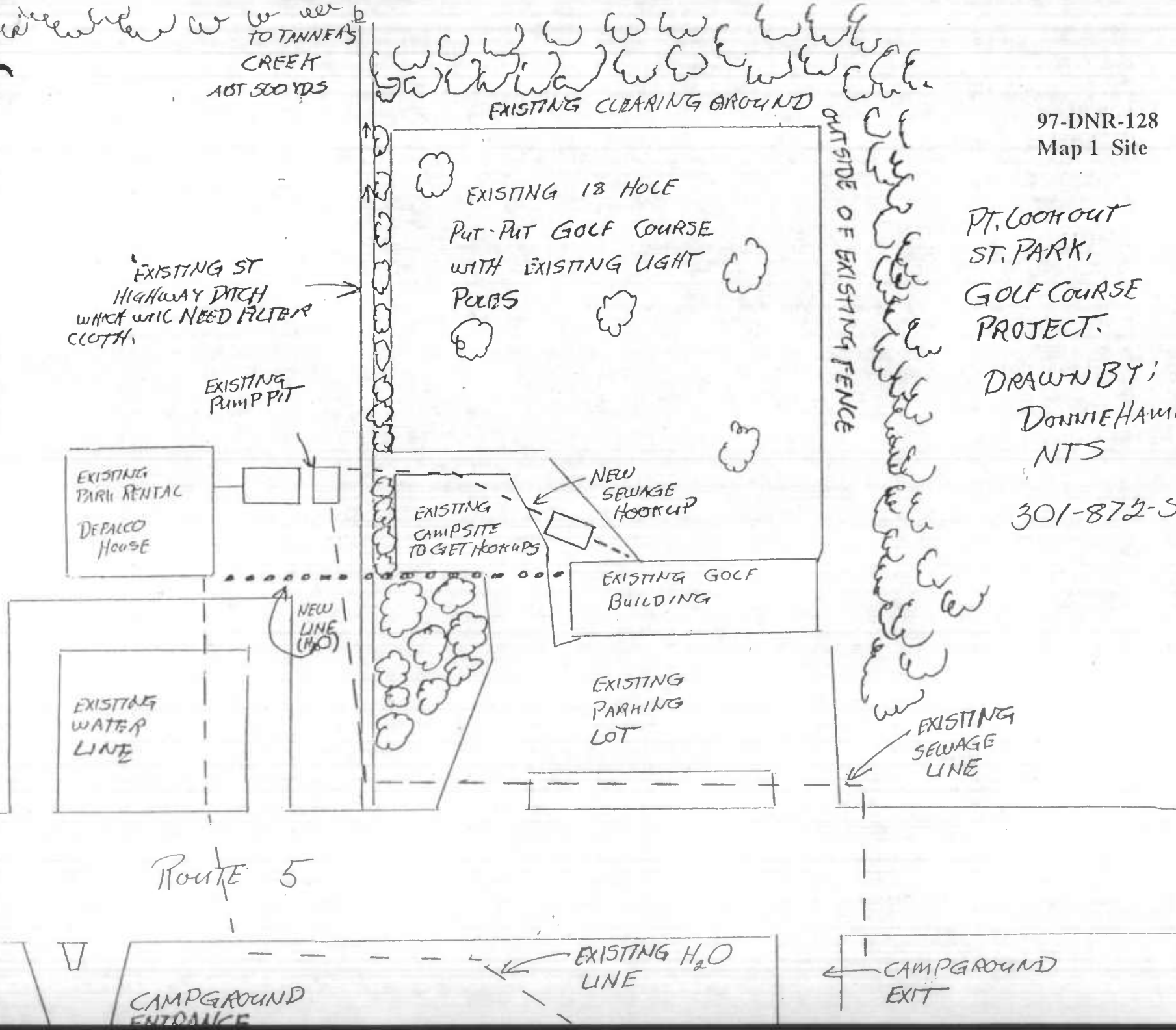
EXISTING
SEWAGE
LINE

ROUTE 5

CAMPGROUND
ENTRANCE

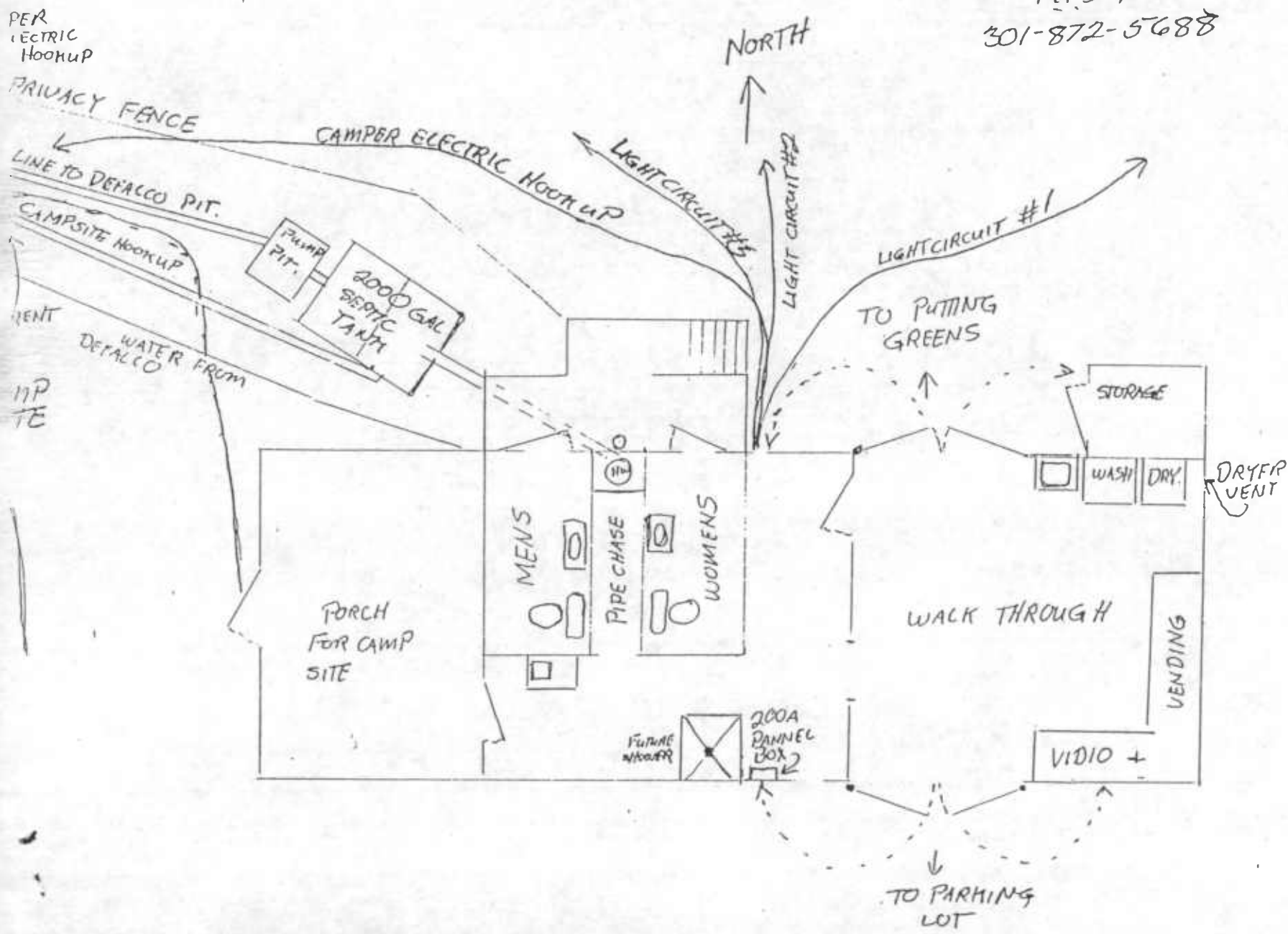
EXISTING H₂O
LINE

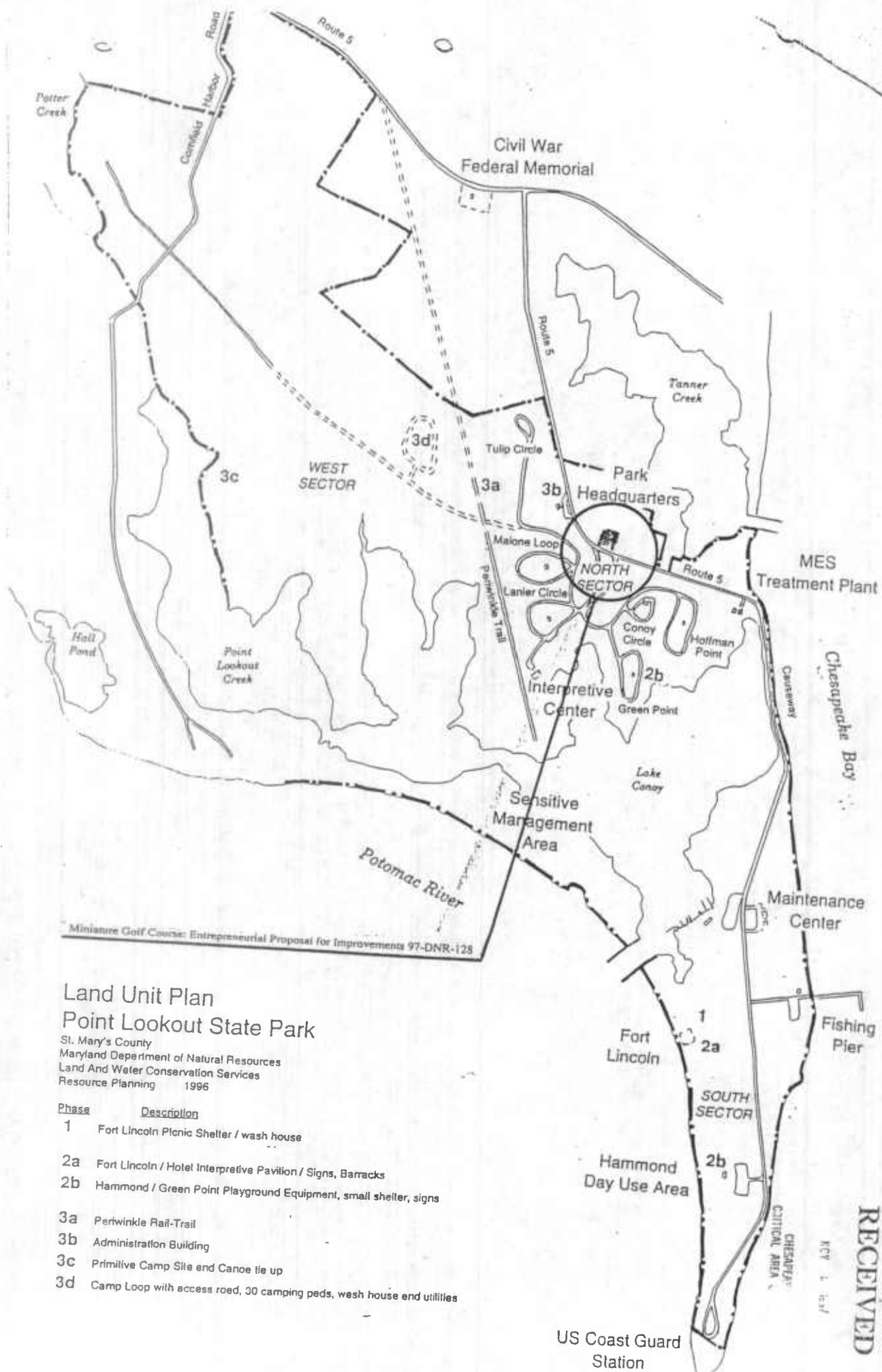
CAMPGROUND
EXIT



97-DNR-128
Map 2 Building Area Modifications

PT. LOOKOUT ST. PARK
DRAWN BY: DONNIE HAMMETT
NTS.
301-872-5688





Miniature Golf Course: Entrepreneurial Proposal for Improvements 97-DNR-128

Land Unit Plan
Point Lookout State Park
 St. Mary's County
 Maryland Department of Natural Resources
 Land And Water Conservation Services
 Resource Planning 1996

Phase	Description
1	Fort Lincoln Picnic Shelter / wash house
2a	Fort Lincoln / Hotel Interpretive Pavilion / Signs, Barracks
2b	Hammond / Green Point Playground Equipment, small shelter, signs
3a	Periwinkle Rail-Trail
3b	Administration Building
3c	Primitive Camp Site and Canoe tie up
3d	Camp Loop with access road, 30 camping pads, wash house and utilities

US Coast Guard Station

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OFFICE OF THE MAYOR AND TOWN COUNCIL

January 7, 1997

Judge John C. North, II
Chesapeake Bay Critical Area Commission
45 Calvert Street, 2nd Floor
Annapolis, MD 21401

Re: Buffer Exemption Area Request
Tidewater Homes/Callis Property

Dear Judge North:

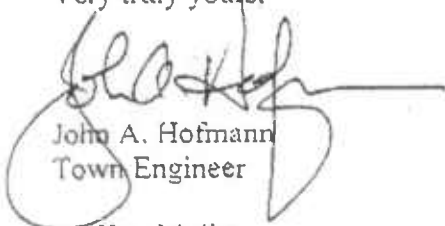
At the Commissioner's November meeting, the Town requested and the Commission granted a postponement of action on the Town's proposal to grant Buffer Exemption Area status to a portion of the subject parcel. The purpose of the request was to allow time for the Town and the project sponsor to consider certain recommendations that were being put forward by the CAC subcommittee at a session previous to the full Commission meeting.

In the last two (2) months the project sponsor has been working with the staff of the Maryland Department of the Environment to reevaluate the location of tidal wetland boundaries on this site so as to establish the impact of the standards included in the Town program and the conditions which were recommended by the subcommittee. The effort to reevaluate the tidal wetland boundaries is still underway in that many field measurements have been obtained which now must be reviewed with MDE for a final determination.

On behalf of the project sponsor and the Town, I request that your Commission continue to hold from taking any further action on the Town's request until we have concluded our discussions with MDE. I propose that we furnish you another status update at your March 1998 meeting, at which time we should be in a better position to determine how to go forward with the Buffer Exemption Area request.

Please feel free to let me know if you need anything additional prior to our suggested March update.

Very truly yours,



John A. Hofmann
Town Engineer

cc: Ken Muller

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 974-2426

Fax: (410) 974-5338

December 22, 1997

MEMORANDUM

TO: Critical Area Commission Members

FROM: Ren Serey

SUBJECT: Buffer Variance

I have attached two recent items from the Baltimore Sun regarding one of our Buffer cases. The first item is an article dated November 14, 1997 about a deck constructed in the Buffer without permits. Mr. Frank Citrano lost his bid for a Buffer variance before the Anne Arundel County Board of Appeals. He appealed to the Circuit Court, lost again and subsequently appealed to the Court of Special Appeals. The court will hear the appeal in January.

The second item is an editorial about the Citrano case which the Sun published on November 20th. The editorial is a strong endorsement of the Critical Area regulations and the need to consider the cumulative impacts of seemingly small actions.

Please contact me if you have questions or would like additional information.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

More court fights on deck

Man continues quest to keep structure he built on property

Officials say he has violated state law

By LAURA SULLIVAN
SUN STAFF

Frank Citrano moved his family four years ago to a quiet, scenic parcel on the Magothy River in Anne Arundel County, where he could sit on a deck and watch the water.

He built a modest deck, a 15-foot-by-20-foot wood-working wonder wrapped around the oak in his yard.

The problem was that Citrano built his beloved deck within 100 feet of the river shore without getting a permit in violation of state law. He didn't think anybody would notice or care, but his neighbor turned him in. The county told him to take it down.

In the three years since, Citrano has been on a self-described crusade to save his deck, a symbol of the comfortable suburban life he wanted for his family. He is prepared to go to the U.S. Supreme Court if he has to, and he's well on the way.

He has spent more than \$30,000 on legal fees, gone through two courts and two appeals boards to the Court of Special Appeals, and he is still going, though he hasn't won a ruling yet.

"It's principle to me now," Citrano said. [See Deck, 3B]



ALGERINA PERNA/SUN STAFF

Battle: Frank Citrano built a deck on his parcel within 100 feet of the Magothy River shore without getting a permit, and county officials told him to take it down. Citrano has fought in the courts for three years to keep it.

Man wages fight against officials to keep deck near Magothy River

[Deck, from Page 1B]

recently, standing on his deck. "I will go to jail before I tear this down."

He isn't the first crusader. Assistant Attorney General Marianne M. Mason has faced.

Mason, hired specifically to defend the 1988 law that protects waterways on the Chesapeake Bay, squares off against hundreds of people who try building decks, ponds or swimming pools in the 100 feet of space that the Critical Area Commission calls the "buffer zone."

She has had eight people defend their yard embellishments in Circuit Court this year. Last year, she said, a St. Mary's County resident went to the state Court of Appeals. That court — the state's highest — declined to hear the matter.

"You don't realize how many people there are," Mason said. "One person after another stands before the court saying their pool has a special circumstance."

For each one she writes briefs hundreds of pages long. She and her adversaries subpoena handfuls of neighbors, who swear on Bibles for one side or the other.

Ditch-digging, saw-waving amateur pool and deck builders give impassioned speeches about their illegal handiwork. One even cried.

The trials last for hours. Citrano's circuit court transcript runs 200 pages.

"There are convicted murder-

"There are convicted murderers out there, and they're fighting me."

Frank Citrano has spent more than \$30,000 on legal fees to keep his deck.

ers out there, and they're fighting me," Citrano said, looking down the row of houses next to his. A few of them have decks. "That guy has one. And there's three over there. Everybody's got them but me."

People who built their decks before 1988 aren't affected by the law.

Citrano feels further wronged because he spiraled his deck around a tree; he says he didn't add any extra structure to the buffer zone.

Three members of the county board of appeals even seemed to agree with him — before ruling against him: "We cannot conclude by using our collective common sense that this deck will adversely impact the environment. ... We join in the denial ... because the law requires it, not because it is the right thing to do."

"So why can't I have it?" Citrano asks after reading that paragraph out loud.

Because, Mason maintains, while one deck may seem harmless, hundreds of harmless decks together will eventually hurt the Chesapeake Bay.

"If the commission says, 'Oh, we don't want to deal with another pool,'" she said, "what's to prevent everyone else from saying, 'Well, he got one?'"

Citrano's strategy is to keep fighting until he dies — keeping the disputed deck while his case winds its way through various courts — or until Mason gives up.

That's not likely. Mason said she hopes others will learn from Citrano's experience that resistance is futile.

"What I am protecting is the integrity of the law that the General Assembly established," she said. "... One pool at a time."

Baltimore Sun
Friday 11/14/97

Baltimore Sun 11-20-97

One man, one deck, one bay

■ Chesapeake's 'Critical Area': *Building illegally near shoreline is not a harmless act.*

FRANK CITRANO may see himself as the noble suburban property owner waging a principled fight to save his waterside deck from the monolithic state government. He has himself miscast. His role more resembles that of someone who flouted the rules that govern development within 100 feet of the Chesapeake Bay.

The argument that his 15-by-20 foot deck overlooking the Magothy River is harmless to the environment misses the point of the state's Critical Areas law that established a "no build" buffer around the Chesapeake Bay and its tributaries in 1988. The law sought to control all shoreline construction to minimize destruction of natural vegetation and topography.

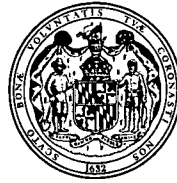
To build in the zone, a person needs permission — something Mr. Citrano failed to obtain. He built his deck without any approvals and now must suffer the consequences. Even though the county appeals board and state courts have refused to rule in his favor, Mr. Citrano insists on tilting at windmills. His legal bills now total \$30,000 by his estimate.

Mr. Citrano contends his small deck doesn't degrade the environment, but the issue is larger than him and his deck today. What happens to the bay if thousands of shoreline property owners do the same? The General Assembly concluded the cumulative effect of building shorefront swimming pools, decks and gazebos would be devastating and must be regulated.

Shorelines are fragile and subject to natural forces. Once decks and the like are built, owners go to great lengths to protect them. They may want to build sea walls or install rip rap to fend off erosion. The deck that Mr. Citrano fights for today may have to be buttressed against erosion long after he has sold the property. These "improvements" ultimately harm the Chesapeake Bay by removing shoreline grasses, vegetation and trees that act as natural filters.

Tens of millions of federal and state dollars are spent to protect valuable shorefront properties in Ocean City in order to replenish sand that continually washes away. If unfettered building were allowed on the Chesapeake, taxpayers — who might sympathize with a case of Joe Homeowner fighting Big Government — would find themselves saddled with more bills to protect shoreline investments.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

December 15, 1997

Dear Commission Member:

RE: Anne Arundel County Judicial Appeal /§ 8-1812(a)
Notice

On December 11, 1997 we filed a Petition for Judicial Review stating our intent to appeal the case of Belvoir Farms Homeowners Association.

Belvoir Farms Homeowners Association applied for a special exception to permit a community pier and boat ramp in a residential zoning district, and a variance to permit a greater number of slips at a community pier. According to the Anne Arundel County Zoning Code in Section 12-214(b)(2) and COMAR §27.01.03.07, the number of boat slips permitted at a community pier is limited to the number of lots located in the Critical Area. While this is a ninety-lot subdivision, this would limit the site to four slips since only four lots are in the Critical Area. The applicants sought twenty-three slips. The administrative hearing officer denied both the special exception and variance request. On appeal to the County Board of Appeals, the applicant was granted the special exception and permitted nineteen slips.

I believe that the Anne Arundel County Board of Appeals improperly applied the variance standards in this case and consequently overturned the decision of the administrative hearing officer. Commission staff appeared before the Board of Appeals and opposed the variance to allow a greater number of slips than otherwise allowed under Natural Resources Article §8-1805. We chose not to comment on the special exception. In addition to improperly applying the variance standards, I believe this case could set a precedent to encourage other subdivisions either wholly or partially outside of the Critical Area to petition for more slips than envisioned under COMAR 27.01.03.07.

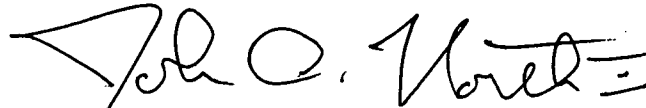
In accordance with Natural Resources Article, §8-1812, Annotated Code of Maryland, if you disapprove of my action in this case, please notify me in writing within 35 days after the date of this notice. As provided in §8-1812, if 13 members of the Commission indicate disapproval of my action in a timely manner, I shall withdraw the action initiated. Please note the other procedural safeguards set forth in §8-1812.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Commission Members
Page Two
December 11, 1997

Thank you for your anticipated cooperation. The full Commission file on this matter is available at the Commission office for your review.

Very truly yours,

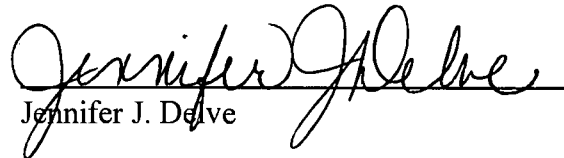
A handwritten signature in black ink, appearing to read "John C. North, II". The signature is written in a cursive style with a large initial "J" and a double underline at the end.

John C. North, II
Chairman

cc: Marianne D. Mason, Esquire

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 24 day of December, 1997 I mailed a copy of this §8-1812(a) Notice via first class mail, postage prepaid, to each member of the Chesapeake Bay Critical Area Commission.


Jennifer J. Dolve

Holly Neck Improvement Association, Inc.
1910 Marsh Rd.
Baltimore, MD. 21221

December 17, 1997

Jane Nishida, Secretary of the Environment
2500 Broening Hwy.
Baltimore, MD. 21224

FILE COPY

Dear Secretary Nishida,

The membership of the Holly Neck Improvement Association, Inc. has instructed me to forward a question to you for response. Before I ask the question, let me give you a little background information.

In 1983 the Maryland General Assembly, and Governor Hughes enacted the Chesapeake Bay Critical Areas Legislation. This historic document pointed out, among many things, that one of the main sources of pollution of the Chesapeake Bay was over development around the watershed. The legislation created an area surrounding the Bay watershed in which future development was to be limited. Keep in mind that the entire lower Back River Neck peninsula is within the Critical Areas boundary.

In 1993 the Cedar Beach Sewage Collection System was completed. The Cedar Beach system differed from other collection systems in that it employed the new technology of the "grinder pump" system. These grinder pumps, and the accompanying 3 inch main line pipes in the roads were constructed specifically to limit development.

Since the installation of the Cedar Beach Collection System, Baltimore County, through variances, non-conforming use, and special exceptions has given approval for the construction of no less than 35 new homes to be connected to the Cedar Beach System.

Since the enactment of the Critical Areas legislation, the number of homes on the lower Back River Neck south of Hyde Park Rd. has more than doubled, and continues to grow. Just look at Sue Creek Landing, Cape May Landing, New Haven Woods (both sections) and the list goes on.

Our specific question is two-fold. We request an exact definition of the terms "to limit development" and "limited development". In addition, we would like to know when Baltimore County is going to include the effects sewer capacity, infrastructure (including schools), pollution (air & water), health-safety-&welfare, and total build out hazards into the equations they use to decide if and when development should occur.

As you can see, this letter is copied to many different people and agencies. It is our desire to have a separate and specific response from each one. On behalf of the membership of the Holly Neck Improvement Association, I would like to thank you for your assistance and cooperation on this matter.

Respectfully,



Keith Roberts, President
Holly Neck Improvement Association, Inc.

cc: Councilman Vince Gardina
Senator Paul Sarbanes
Senator Barbara Mikulski
Congressman Bob Ehrlich
Governor Parris Glendening
County Executive Ruppertsberger
Delegates DeCarlo, Holt & Weir
Tom Filip, U.S. Army Corps of Engineers
Robert Beckett, Administrator, Growth Management Program, DNR
Arthur Dorman, Chairman, Chesapeake Bay Trust
Ronald Kreitner, Director, State Planning Office
Stephen G. Samuel Moxley, Chesapeake Bay Critical Areas Commission
George Perdikakis, Director, DEPRM
Arnold Jablon, Director, Permits & Development Management
Pat Keller, Director, Office of Planning
Lawrence Schmidt, Zoning Commissioner
Carl Maynard, President, BRNPCA