

Staff Correspondence File I - 1998 Reader Files - Ren

S1832-138-1

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

April 28, 1998

Mr. Steven Kaii-Ziegler, AICP
Planning Director
Department of Planning and Zoning
Queen Anne's County
107 N. Liberty Street
Centreville, Maryland 21617

Re: Future Text Amendments Clarifying Section 14-153 - Special
Provisions For Buffer Exempted Areas

Dear Steve:

Thank you for your letter concerning the Buffer Exemption provisions in the Queen Anne's County Critical Area program. I think your suggestion that we work together to draft necessary changes is excellent. I'll ask Greg Schaner to contact Sue Ann Hyer-Morgan so that they can begin looking at issues of consistency between the County Code and the Critical Area Act and Criteria. Your anticipated time frame of 120 days seems appropriate.

I look forward to working with you and your staff.

Sincerely,

A handwritten signature in cursive script that reads "Ren Serey".

Ren Serey
Executive Director

cc: Mr. Greg Schaner
Ms. Mary Owens
Ms. Regina Esslinger
Ms. Marianne Mason, Esq.

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

Judge John C. North, II
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April 28, 1998

Mr. Steven Kaii-Ziegler, AICP
Planning Director
Department of Planning and Zoning
Queen Anne's County
107 N. Liberty Street
Centreville, Maryland 21617

Re: Transfer Development Rights

Dear Mr. Kaii-Ziegler:

At its regularly scheduled meeting on April 1, 1998, the Chesapeake Bay Critical Area Commission reviewed provisions of the Queen Anne's County Critical Area program relating to Transfer Development Rights (TDRs). As you recall, in December 1995, you presented to the Commission a comprehensive set of amendments to the local County program. Included in these amendments were provisions which required that a TDR could be lifted from a parcel only if each 20-acre set-aside area contained at least eight acres of upland. The Commission has determined, upon recommendation from its Program Subcommittee and in accord with the attached Staff Report, that the eight-acre upland provision is not a minimum requirement for local TDR programs.

I will be happy to meet with you to discuss the Commission's decision. Please contact me at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Ren Serey".

Ren Serey
Executive Director

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(410) 822-9047 Fax: (410) 820-5093

Chesapeake Bay Critical Area Commission

STAFF REPORT

APRIL 1, 1998

APPLICANT: Queen Anne's County

PROPOSAL: Possible Amendment to Existing Transfer Development Rights Program

JURISDICTION: Queen Anne's County

COMMISSION ACTION: Provide Guidance to County

SUBCOMMITTEE RECOMMENDATION: Advise the County that its Transfer Development Rights program is not required to provide for a minimum of eight acres of upland for each 20 acres set aside when a development right is created.

STAFF: Ren Serey

APPLICABLE LAW/REGULATIONS: COMAR 27.01.02.05 (Resource Conservation Area provisions); NR Article 8-1808.1 (d) (Development in the Resource Conservation Area; one dwelling unit per 20 acres).

DISCUSSION:

Transfer Development Rights (TDRs) are a mechanism by which local governments encourage protection of certain types of land or resources. Typically, a county will offer owners of identified land (the sending area) the opportunity to sell development rights to a developer or to the county itself. The development rights then may be used elsewhere in the county (the receiving area), possibly within a designated growth area or to promote some other local goal or program. In some cases, a jurisdiction will downzone an area designated to receive TDRs so that the development rights brought in will not increase density beyond the original level. Other TDR programs provide that existing density levels can increase only through use of the purchased rights.

Queen Anne's County

In December, 1995, the Commission approved a TDR program as part of Queen Anne's County's comprehensive four-year review. The County program allows RCA land to generate TDRs provided that at least 20 acres are set aside for each development right. The development rights are used elsewhere within the RCA, thus maintaining an overall RCA density in the Critical Area of one dwelling unit per 20 acres. Under the County program, private tidal wetlands¹ can be included in the calculation of development rights if the parcel generating the TDRs has at least eight acres of upland for each development right created.

The County asked the Commission whether other alternatives were possible for calculating TDRs and to allow the County to amend its program if the Commission decided that the eight-acre upland minimum was not required.

The Criteria

The Critical Area Criteria encourage local governments to use TDRs within the Resource Conservation Area (RCA). COMAR 27.01.02.05 C (4) states that:

"Land within the resource conservation area may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres. Within this limit of overall density, minimum lot sizes may be determined by the local jurisdiction. Local jurisdictions are encouraged to consider such mechanisms as cluster development, transfer of development rights, maximum lot size provisions, and/or additional means to maintain the land area necessary to support the protective uses."

The Criteria contain no other reference to TDRs and no specific guidance on the minimum requirements of a local TDR program or its operation. However, the mandatory Criteria policies for the RCA in general are helpful in describing factors local governments should consider in setting up a TDR program to protect RCA resources. These policies are set out at COMAR 27.01.02.05 B:

- I. Conserve, protect, and enhance the overall ecological values of the Critical Area, its biological productivity, and its diversity;
- II. Provide adequate breeding, feeding, and wintering habitats for those wildlife populations that require the Chesapeake Bay, its tributaries, or coastal habitats in order to sustain populations of those species;

¹ Private tidal wetlands are private property. They are tidally-influenced in terms of vegetation, soils and hydrology, but are located above the mean high water line; wetlands below mean high water are State wetlands. Both categories are distinct from nontidal wetlands, which are not influenced by the tide and are privately owned unless located on government lands such as parks or rights-of-way.

- III. Conserve the land and water resource base that is necessary to maintain and support land uses such as agriculture, forestry, fisheries activities, and aquaculture; and
- IV. Conserve the existing developed woodlands and forests for the water quality benefits that they provide.

The Critical Area Act

The eight-acre upland provision is set out in an amendment to the Critical Area Act. In 1986, the General Assembly amended the Act at Section 8-1808.1(d). The amendment provides as follows:

Calculation of 1-in-20 acre density of development.-- In calculating the 1-in-20 acre density of development that is permitted on a parcel located within the resource conservation area, a local jurisdiction may permit the area of any private wetlands located on the property to be included, under the following conditions:

- (1) The density of development on the upland portion of the parcel may not exceed 1 dwelling unit per 8 acres; and
- (2) The area of private wetlands shall be estimated on the basis of vegetative information as designated on the State wetlands maps.

A Change in Position

Staff has recommended to the Program Subcommittee, and the subcommittee has agreed, that the Commission should change its position regarding the TDR element of Queen Anne's County's Critical Area Program. There are several reasons for this change including the following:

- When Queen Anne's County submitted its TDR program for Commission approval, staff mistakenly believed that the eight-acre requirement also controlled development undertaken through TDRs. In the intervening years, staff has realized that such an interpretation is not required by the Act or Criteria, or consistent with the goals of the Critical Area program.
- There are no minimum requirements regarding TDRs in the Critical Area Act and Criteria. The eight-acre provision in the Act applies solely to traditional development within the RCA, where density, absent other factors, is limited to one dwelling unit per 20 acres. The Act is silent on transfer development rights. TDRs, like grandfathered lots and intrafamily transfers, are not a traditional form of development in the RCA. Rather, they are a tool which the Criteria specifically encourage local governments to employ in order to further the resource-protection policies of COMAR 27.01.02.05 B.

There is, however, much that can be ascertained from the Criteria concerning the purposes of a local TDR program. Protecting large areas of tidal wetlands, forests, streams, ravines, buffers, steep slopes, nontidal wetlands and other sensitive habitats is the foundation of the Critical Area program. A local program focusing on providing permanent protection for large portions of the RCA furthers the goals of the program, which are:

- 1) To minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) To conserve fish, wildlife, and plant habitat; and
- 3) To establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Even though Critical Area regulations prevent many direct disturbances to wetlands, habitats of threatened or endangered species and forest interior dwelling birds and other sensitive areas, the habitat value of these areas is often reduced when adjacent lands are developed.

Providing local jurisdictions with a broad-based planning tool, such as a TDR program unrestricted by the eight-acre requirement, would allow them to plan comprehensively for the protection of these resources.

Commission Counsel Marianne Mason provided guidance on separating local TDR programs from the eight-acre requirement. Ms. Mason brought to our attention a recent Supreme Court case covering TDRs in the Lake Tahoe region. The following is from Justice Scalia's concurrence in that case:

TDRs, of course, have nothing to do with the use or development of the land to which they are (by regulatory decree) "attached." The right to use and develop one's own land is quite distinct from the right to confer upon someone else an increased power to use and develop his land. The latter is valuable, to be sure, but it is a new right conferred upon the landowner in exchange for the taking, rather than a reduction of the taking. In essence, the TDR permits the landowner whose right to use and develop his property has been restricted or extinguished to extract money from others....the marketable TDR [is] a peculiar type of chit which enables a third party not to get cash from the government but to use his land in ways the government would otherwise not permit...

Judge John C. North, II
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Ren Serey
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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 24, 1998

Mr. Jon Grimm
Department of Planning and Zoning
P O Box 3000
Leonardtown, Maryland 20650

RE: Citizen Volunteer and Action Day at Myrtle Point Park

Dear *Jon* Mr. Grimm:

As you know, Critical Area Commission staff have been working closely with County Planning and Recreation and Parks staff, the Recreation and Parks Steering Committee, and representatives from Rhodeside and Harwell on the development of a Master Plan for Myrtle Point Park. The Critical Area Commission is interested in and supportive of the County's acquisition of and planning for the use of the property for public water access and a park; therefore, the recent publicity surrounding the proposed "Citizen Volunteer and Action Day" is quite disturbing.

Last Thursday, Commission staff attended a public information meeting about the Park Master Plan and obtained a copy of an advertisement for the "St. Mary's County Chainsaw, Bushhog and Weed Whacker Club Citizen Volunteer and Action Day" at Myrtle Point Park. The advertisement appeared in the April 14, 1998 edition of a local newspaper. The advertisement requests that volunteers join County Commissioners Larry Jarboe and Chris Brugman in clearing brush, cutting up debris, and other activities at Myrtle Point Park. This advertisement appears to provide local endorsement of development activities that have not been submitted to the Commission as required by COMAR 27.02.02 (State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions). Please be advised that the Commission is concerned because the advertisement implies that the County is not complying with the procedures set forth in the Critical Area Law, and that some of the proposed activities may be prohibited in certain areas of the property.

Please advise the Commission as soon as possible regarding the proposed activity scheduled for May 16, 1998. If the County Commissioners intend to move forward with the advertised activities, then the Department of Planning and Zoning must certify that the proposed

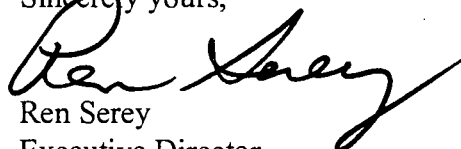
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Mr. Grimm
April 24, 1998
Page Two

activities are consistent with the local Critical Area Program. A description of the proposed activities and the Commissioner's request for certification must be submitted to the Commission prior to any activity on the property.

If you have any questions, please feel free to contact me or Mary Owens at (410) 974-2426.

Sincerely yours,



Ren Serey
Executive Director

RS/MRO/jjd

cc: The Honorable John F. Slade, III, Delegate
Commissioners of St. Mary's County
Ms. Christine Holmberg, St. Mary's County Planning and Zoning
Mr. Keith Lackie, St. Mary's County Planning and Zoning
Mr. Phil Rollins, St. Mary's County Recreation and Parks
Mr. Dick Myers, Senator Dyson's Office
Mr. Ken Shanks, DNR
Marianne Mason, Esq., OAG

Judge John C. North, II
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Ren Serey
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April 6, 1998

Mr. Steve Adams
Maryland National Capital Park
and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: National Harbor
Conceptual Site Plan CSP-98012

Dear Mr. Adams:

Thank you for providing a copy of the most recent conceptual site plan for National Harbor. The Chesapeake Bay Critical Area Commission recognizes the grandfathered status of this project and Prince George's County's approval of growth allocation. We have thus reviewed the plan only in comparison to the 1988 concept plan and the variances granted by the Board of Appeals in 1989. Although there are certain differences between the current proposal and the prior plan and variances, the intense level of shoreline development is consistent with the earlier approvals. Therefore, we have no substantive comment at this time. However, we would like to continue to review updates to the proposal and any revisions to the variances.

Please contact me if you have questions regarding the Commission's review or if you need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Ren Serey".

Ren Serey
Executive Director

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Chesapeake Bay Critical Area Commission

**STAFF REPORT
APRIL 1, 1998**

APPLICANT: Queen Anne's County

PROPOSAL: Possible Amendment to Existing Transfer Development Rights Program

JURISDICTION: Queen Anne's County

COMMISSION ACTION: Provide Guidance to County

SUBCOMMITTEE RECOMMENDATION: Advise the County that its Transfer Development Rights program is not required to provide for a minimum of eight acres of upland for each 20 acres set aside when a development right is created.

STAFF: Ren Serey

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DISCUSSION:

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The County asked the Commission whether other alternatives were possible for calculating TDRs and to allow the County to amend its program if the Commission decided that the eight-acre upland minimum was not required.

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Judge John C. North, II
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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 24, 1998

Mr. John Spear
St. Mary's County Courthouse
P.O. Box 859
Leonardtown, Maryland 20650

Dear Mr. Spear:

I would like to request a copy of Judge Raley's decision in the Matter of Dorsey (Civil Case 91-1472). The hearing was lengthy, covering portions of two days. I am only requesting the Court's final decision, which was announced from the bench on March 13, 1998 after a recess of 1 1/2 hours. Please bill me at the above address.

Sincerely,

Ren Serey
Executive Director

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(410) 822-9047 Fax: (410) 820-5093

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

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
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March 19, 1998

The Honorable John F. Wood, Jr.
Lowe House Office Building
Room 140
Annapolis, Maryland 21401

Dear Delegate Wood:

You asked that I provide you with an update on the matter of Dr. Laheri, who owns property in the Mulberry South subdivision in St. Mary's County. The legal proceedings concerning Dr. Laheri have now been concluded. The Circuit Court for St. Mary's County granted the Critical Area Commission's request for a permanent injunction for disturbance within the Critical Area Buffer and ordered the site restored to its condition prior to the excavation activities. It was indeed unfortunate that the Commission was required to initiate legal action in order to enforce the conditions of an earlier court-approved consent decree. However, the actions of St. Mary's County and Dr. Laheri left the Commission with no alternative.

I'll give you a brief synopsis of the history of the situation. In 1993, Phil Dorsey, the original owner of the property, received a variance from the Board of Appeals for construction of a house, garage and swimming pool building, all within the Buffer on this lot on Breton Bay. The Commission appealed the variance, due to the Board's approval of the swimming pool. Settlement negotiations resulted in a consent decree which allowed construction of the house and garage. The decree restricted all further development within the Buffer. Mr. Dorsey subsequently sold the still-vacant lot to Martha Looper, who proceeded to build a house, attached deck and garage in 1994. Ms. Looper's site plan was different from Mr. Dorsey's proposal and St. Mary's County coordinated with the Commission to ensure our agreement with the changes.

Dr. Laheri purchased the property in 1996. Last October, he applied to the Board of Appeals for a variance to excavate the Buffer for a walkout basement and to construct a new deck. The Commission would have been opposed to the excavation because of the additional disturbance and significant impacts to the Buffer. The County at that point removed the variance from the Board's agenda and, after failing to reach agreement with the Commission on an alternative,

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The Honorable John F. Wood, Jr.
March 19, 1998
Page 2

minimal level of disturbance, issued Dr. Laheri a permit. This was a serious violation of the consent decree. Dr. Laheri then excavated an area measuring 50 x 12 feet, to a depth of more than six feet. Nevertheless, over the course of the next few weeks, our office negotiated with Dr. Laheri but we were unable to reach agreement. On March 13th, Judge Raley issued the permanent injunction and order for complete restoration of the site.

I know that Dr. Laheri believes he has been treated unfairly by the Commission. However, when Dr. Laheri purchased the property he was made fully aware that the consent decree existed and that any Buffer disturbance required the Commission's approval as set out in the consent decree. He admitted this to me during a site visit on his property on February 11th. He said that he considered buying the property from Mr. Dorsey in 1993 but decided against it due to uncertainties regarding the decree. On the witness stand during the court proceedings, he said he had no prior knowledge of the consent decree.

As you know, the Commission has an obligation to all property owners to ensure that the Critical Area Program is carried out in a uniform and consistent manner. In that regard, I believe Judge Raley carefully considered the testimony of Ms. Julie Burke, Dr. Laheri's next door neighbor. She testified at the hearing that she felt such activity within the Buffer was extremely harmful to the environment and that development regulations should be properly enforced.

If you have questions or need additional information, please contact me.

Sincerely,



Ren Serey
Executive Director

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 18, 1998

Ms. Pat Farr
Department of Environmental Protection
and Resource Management
County Courts Building, 401 Bosley Avenue
Towson, Maryland 21204

Re: Hopewell Pointe

Dear Ms. Farr:

We have reviewed the above referenced proposal for a variation of standards and we have looked at the property in relation to the County's Buffer Management Area (BMA) standards and mapped areas on map NE 2-i. This property, as well as an adjacent property and a property across Hopkins Creek, have previously developed shorelines but were excluded from the BMA mapping. It appears that these properties could have been included in the County's BMA.

We understand that some projects, including Hopewell Pointe, were excluded from the BMA process because of previous County Critical Area review. However, there is nothing in the County policy or in the Commission's policy that would prohibit their inclusion. The County may wish to consider adding the above referenced areas, and any other similar areas, into its Buffer Management Program. Commission staff would like to confirm any proposed map changes with site visits.

Based on our review, the variation of standards for Hopewell Pointe may not be needed because this property appears to be consistent with the County's Buffer Management Program. Please let us know if you concur with these findings so that we can determine whether to proceed with our review of the variation of standards request.

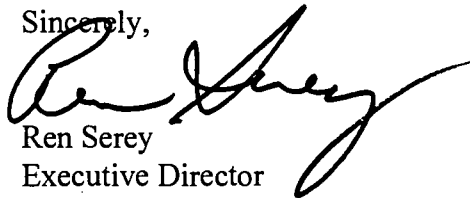
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Ms. Pat Farr
March 18, 1998
Page Two

Thank you for the opportunity to comment on this proposal. Our staff is available to make site visits with you upon request. Please do not hesitate to contact us at (410)974-2426 if you have any questions or concerns.

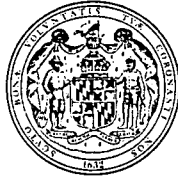
Sincerely,



Ren Serey
Executive Director

cc: BC 86-98

Judge John C. North, II
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Ren Serey
Executive Director

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March 10, 1998

Ms. Gail Owings
Planning Director
Court House
103 North Cross Street
Chestertown, Maryland 21620

Dear Ms. Owings:

I am writing in response to your questions concerning water-dependent facilities in the Buffer of the Chesapeake Bay Critical Area. Specifically, you have asked whether the use of a previously-approved water-dependent structure can be changed to a new, non-water-dependent use.

As you know, all development structures and activities, except those that are water-dependent, are prohibited from location in the Buffer under provisions of the Critical Area Criteria and the Kent County Critical Area Program. These provisions are intended to ensure that development activities along the Bay and its tidal tributaries have the least possible impacts on water quality and the habitats of fish, plant and wildlife species. When a water-dependent use or activity is authorized in the Buffer, it is considered an exception to the general prohibition, but also recognized as a necessity in order for the use to be carried out. When such a use ends, there is no longer sufficient justification to allow the impacts to water quality and habitat to continue. Any proposed use that is not water-dependent can be authorized only by variance where, among other factors, an applicant must show that the Buffer restrictions would result in unwarranted hardship.

If you need additional information or have further questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Ren Serey".

Ren Serey
Executive Director

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

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

March 9, 1998

Mr. Chris Rogers
Cecil County Office of Planning and Zoning
County Office Building, Room 300
Elkton, Maryland 21921-5935

Re: Cecil County Comprehensive Review and Update

Dear Mr. Rogers:

The purpose of this letter is to respond to the issues your office has raised regarding the recommended changes to the Buffer expansion language for contiguous steep slopes in Cecil County's Critical Area program. It is your understanding that COMAR 27.01.09.01C(7) gives local jurisdictions discretion to determine whether the Buffer shall be expanded for contiguous steep slopes of 15 percent or greater. The plain language of COMAR 27.01.09.01C(7) states that the Buffer "shall" be expanded in the case of contiguous slopes of 15 percent or greater. The Commission has consistently applied this language to require mandatory Buffer expansion for contiguous steep slopes. Your letter puts forward the County's argument in four points. Please allow me to address your argument point-by-point.

You state that expansion of the Buffer for steep slopes depends upon a determination of the probability of adverse impact from a specific development. However, by directing local jurisdictions to use all of the Buffer criteria in *developing* their programs (COMAR 27.01.09.01C), the Commission determined that the Buffer should not only be established, but also expanded, uniformly throughout the Critical Area where contiguous steep slopes exist at or near the shoreline. Buffer expansion in the case of steep slopes is not a function of project review but of program implementation. The Critical Area Act directed the Commission "to establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, *even if pollution is controlled*, the number, movement, and activities of persons in that area can create adverse environmental impacts." In addition to its function as a mechanism for the removal or reduction of sediments, nutrients, and toxic substances in runoff, the Buffer is intended to provide an area of transitional habitat between aquatic and upland communities.

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(410) 822-9047 Fax: (410) 820-5093

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

Mr. Rogers
March 9, 1998
Page Two

You further state that your office finds it "illogical" that the Criteria framers intended to allow the local jurisdictions to exercise their discretion in expanding the Buffer for hydric soils and highly erodible soils but not for steep slopes. As noted above, the language of COMAR 27.01.09.01C(7) is mandatory.

The Commission is charged by the Act to insure that the Criteria are applied consistently and uniformly statewide. All other local jurisdictions require the mandatory expansion. Local jurisdictions are allowed flexibility and discretion in determining how the contiguous slope is measured, and the Commission's staff is able to provide your office with a survey of the methods other local jurisdictions have adopted.

While the Commission respects the practical technical expertise of the local jurisdictions in implementing approved Critical Area programs, the Commission is bound to exercise its oversight authority under the statute to determine that Programs are interpreted in a consistent and uniform manner. The Commission has full authority to interpret the law and the criteria. Our Assistant Attorney General is in full concurrence with the Commission's interpretation.

You have requested that we address the implications to the County if disagreement persists regarding interpretation of the Buffer expansion language. I have included below the provision in the Critical Area Act which deals with the Critical Area Commission's authority regarding local programs found to contain mistakes, omissions or conflicts with the state criteria or laws.

The Critical Area Law states that the Commission "has all powers necessary for carrying out the purposes" of the Law and Criteria (Annotated Code of Maryland, Natural Resources Article §8-1806. For the implications for a local government whose program is found to contain clear omissions, please see Code of Maryland, Natural Resources Article §8-1809(1)(1).

(1) *Correction of clear mistakes, omissions, or conflicts with criteria or laws.* -

(1) If the Commission determines that an adopted program contains a clear mistake, omission, or conflict with the criteria or law, the Commission may:

(i) Notify the local jurisdiction of the specific deficiency.

(ii) Request that the jurisdiction submit a proposed program amendment or program refinement to correct the deficiency.

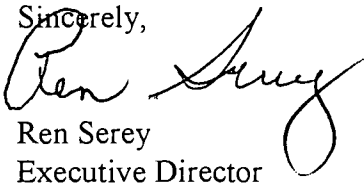
(2) Within 90 days after being notified of any deficiency under paragraph (1) of this subsection, the local jurisdiction shall submit to the Commission, as program amendments or program refinements, any proposed changes that are necessary to correct those deficiencies.

(3) Local project approvals granted under a part of a program that the Commission has determined to be deficient shall be null and void after notice of the deficiency.

Mr. Rogers
March 9, 1998
Page Three

Please note that we believe that a reevaluation of the County's method of measuring the slope may alleviate some of the County's concerns that the implementation of the mandatory expansion is unreasonable. Again, the Commission staff is available to work to incorporate this flexibility into the County's implementation of this provision.

Sincerely,



Ren Serey
Executive Director

cc: Mr. Alfred C. Wein, Jr.
Ms. Kathryn Langner, Critical Area Commission
Marianne Mason, Esq.
John C. North, II, Chairman

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

March 5, 1998

Mr. Bruce Bozman
Regional Planner
Maryland Office of Planning
Lower Eastern Shore Regional Office
Salisbury District Court/Multi Service Center
201 Baptist Street, Box 24
Salisbury, Maryland 21801

Bruce
Dear Mr. Bozman:

The Commission approves of the Office of Planning's request to replace Ms. Karen Phillips with Ms. Tracey Greene as a Circuit Rider for the Critical Area Commission and that the Towns previously under Ms. Phillips will now be assigned to Ms. Greene.

Sincerely,

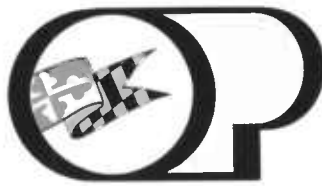
A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey
Executive Director

RS/jjd

cc: Ms. Tracey Greene
Ms. Veronica Moulis
Ms. Jennifer Delve

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



MARYLAND *Office of Planning*

✓ Regena
✓ Mary
✓ Veronica

Parris N. Glendening
Governor

Ronald M. Kreitner
Director

January 21, 1998

Mr. Ren Serey
Executive Director
Chesapeake Bay Critical Area Commission
45 Calvert St., 2nd Floor
Annapolis MD 21401

Dear Mr. ^{Ren} ~~Serey~~:

Pursuant to Article V of the Memorandum of Understanding dated June 4, 1997, between the Chesapeake Bay Critical Area Commission and the Maryland Office of Planning, we are requesting the substitution of Tracey Greene for Karen Phillips. Attached is a copy of Ms. Greene's résumé, which demonstrates her knowledge and ability to execute the duties of the Circuit Rider position.

Also, under Personnel Assignments on page three of the Scope of Work, Tracey Greene should be substituted for each of the towns previously assigned to Karen Phillips.

Please give me a call at 410-749-4618, if you have any questions or concerns. I look forward to your confirmation of these changes.

Sincerely,

Bruce Bozman
Regional Planner

BB:la

cc: Scrib Sheafor

RECEIVED

JAN 23 1998

**CHESAPEAKE BAY
CRITICAL AREA COMMISSION**

Confidential Resume of
TRACEY L. GREENE
27707 Equestrian Drive
Salisbury, Maryland 21801
(H) 410-749-3560 (W) 410-822-2030

EDUCATION

Master of Urban Studies (MUS)
OLD DOMINION UNIVERSITY, Norfolk, VA.
Graduated December 1989

Bachelor of Science (B.S.) in Geography and Regional Planning
Interdisciplinary Minor in Urban Planning
Minor in Sociology
SALISBURY STATE UNIVERSITY, Salisbury, MD.
Graduated May 1987 - General Honors Degree

EXPERIENCE

Assistant Director, April 1994 - Present
Talbot County Office of Planning and Zoning
Easton, MD 21601

Aid in the hiring/supervision of staff and assume all duties and responsibilities of the Planning Director in his absence. Review and prepare staff reports for all applications to the Planning Commission and for all proposed amendments to the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations. Conduct research and initiate long-range planning projects. Provide staff assistance, make staff presentations and assist the general public in planning related matters. Responsible for the implementation and enforcement of all county land use ordinances.

Planner, October 1989 - April 1994
Salisbury - Wicomico County Department of Planning, Zoning and Community Development, Salisbury, MD 21801

Responsible for all facets of planning activities including review and preparation of long-range plans, subdivision and site plan reviews, zoning analyses and housing studies. Coordinator for the Maryland State Chesapeake Bay Critical Area Program for the City of Salisbury and Wicomico County, Maryland. Prepared and presented technical reports to the Planning Commission, Board of Zoning Appeals, and City and County Councils. Department was a joint city-county agency for a growing area involved in a wide range of urban and rural issues.

Human Resources Intern, January 1989 - June 1989
Hampton Roads Planning District Commission
Chesapeake, VA 23320

Internship with a regional planning agency responsible for providing technical assistance to an eight-county area in Southeastern Virginia. Collected, coded and mapped workplace data for Southeastern Virginia to be used by the Census Bureau for 1990 journey to work data. Aided in the inventory phase of the Southeastern Virginia Regional Solid Waste Plan.

Research Assistant, August 1987 - May 1989
Center for Regional Studies, Old Dominion University
Norfolk, VA 23529

Agency within the Department of Urban Studies and Public Administration at Old Dominion University that educated the public on regional issues and problems. Assisted the chairman in preparing a state-of-the-region report for Hampton Roads, Virginia. Researched key indicators such as population growth, economic development and transportation.

Planning Intern/Junior Planner, June 1986 - June 1987
Salisbury - Wicomico County Department of Planning, Zoning and Community Development, Salisbury, MD. 21803

Collected and compiled data for planning studies prepared by the Department. Initiated an area-wide housing and neighborhood inventory for the City of Salisbury.

HONORS AND ACTIVITIES

- * Recipient of Maryland Governor's Citation for Work with Chesapeake Bay Critical Area Program.
- * Recipient of Maryland Governor's Citation for Work with Maryland Tributary Strategies Program.
- * Salisbury State University Honor's Program Graduate
- * Member of Salisbury State and Old Dominion Alumni Associations

REFERENCES

Available upon request.

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

March 2, 1998

Mr. Wayne M. Davis, President
W.M. Davis, Inc.
P.O. Box 1210
Leonardtown, Maryland 20650

Re: Laheri site, Mulberry South

Dear Mr. Davis:

Thank you for forwarding Dr. and Mrs. Laheris' latest proposal for their property at Mulberry South. I was surprised that the site plan was not in line with the ideas we discussed with you and Dr. Laheri in your office on February 19th. That concept focused on substantially smaller windows which would allow for restoration of the site. Dr. Laheri's proposal provides instead that the site remain in its current state. This is unacceptable, as we made clear to Dr. Laheri during the recent meeting.

If you or Dr. Laheri make revisions to the proposal and want us to review them, please contact me. I am available to meet at your office or on-site.

Sincerely,

A handwritten signature in cursive script that reads "Ren Serey".

Ren Serey
Executive Director

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

JUDGE JOHN C. NORTH, II
CHAIRMAN
410-822-9047 OR 410-974-2418
410- 820-5093 FAX

REN SEREY
EXECUTIVE DIRECTOR
410-974-2418 /26
410-974-5338 FAX



WESTERN SHORE OFFICE
45 CALVERT ST., 2ND FLOOR
ANNAPOLIS, MARYLAND 21401

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

February 24, 1998

The Honorable Ronald A. Guns, Chairman
Maryland House of Delegates
Lowe House Office Building, Room 161
6 Governor Bladen Blvd.
Annapolis, MD 21401-1991

RE: HB 319 Critical Area - Impervious Surfaces - Exemption

Dear Chairman Guns:

I am writing to bring to your attention a matter of some concern to the Chesapeake Bay Critical Area Commission. HB 319 creates an exemption to the impervious surface limits for swimming pools and thus departs from the broad-based and carefully considered changes to those limits enacted just two years ago (SB 657, Chapter 410, Acts, 1996).

The 1996 amendments to the Critical Area Act applied to grandfathered lots and were supported by the Commission, local governments and the Chesapeake Bay Foundation. These changes provided much-needed relief to owners of small lots developed before implementation of the Critical Area program. The new limits have been in effect since October 1, 1996, and in that short time seem to have provided the flexibility to deal effectively with the constraints of development on small grandfathered lots.

The Commission encourages new ideas and more effective and equitable ways of implementing the Critical Area program. The method of change provided by HB 319, however, is most inappropriate. If homeowners need additional relief from the impervious surface regulations, we should revisit the statutory limits. We should not begin identifying classes of structures for exemption. Such a course of action is neither efficient nor helpful to the local governments charged with administering the Critical Area requirements.

Thank you for your consideration of these issues. Please contact me or Mr. Ren Serey, the Commission's Executive Director, if we can be of further assistance.

Very truly yours,

A handwritten signature in black ink that reads "John C. North, II".
John C. North, II
Chairman

JUDGE JOHN C. NORTH, II
CHAIRMAN
410-822-9047 OR 410-974-2418
410-820-5093 FAX

REN SEREY
EXECUTIVE DIRECTOR
410-974-2418 /26
410-974-5338 FAX



WESTERN SHORE OFFICE
45 CALVERT ST., 2ND FLOOR
ANNAPOLIS, MARYLAND 21401

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

February 24, 1998

The Honorable George W. Owings, III
Maryland House of Delegates
Lowe House Office Building, Room 217
6 Governor Bladen Blvd.
Annapolis, MD 21401-1991

RE: HB 319 Critical Area - Impervious Surfaces - Exemption

Dear Delegate Owings:

I am writing to inform you that the Chesapeake Bay Critical Area Commission must respectfully oppose House Bill 319. The bill creates an exemption to the impervious surface limits for swimming pools and thus departs from the broad-based and carefully considered changes to those limits enacted just two years ago (SB 657, Chapter 410, Acts, 1996).

The 1996 amendments to the Critical Area Act applied to grandfathered lots and were supported by the Commission, local governments and the Chesapeake Bay Foundation. These changes provided much-needed relief to owners of small lots developed before implementation of the Critical Area program. The new limits have been in effect since October 1, 1996, and in that short time seem to have provided the flexibility to deal effectively with the constraints of development on small grandfathered lots.

The Commission encourages new ideas and more effective and equitable ways of implementing the Critical Area program. The method of change provided by HB 319, however, is most inappropriate. If homeowners need additional relief from the impervious surface regulations, we should revisit the statutory limits. We should not begin identifying classes of structures for exemption. Such a course of action is neither efficient nor helpful to the local governments charged with administering the Critical Area requirements.

If you have questions or would like to discuss the Commission's position, please contact me or Mr. Ren Serey, the Commission's Executive Director at (410) 974-2426.

Very truly yours,

A handwritten signature in black ink that reads "John C. North, II".
John C. North, II
Chairman

UDGE JOHN C. NORTH, II
CHAIRMAN
410-822-9047 OR 410-974-2418
410-820-5093 FAX

REN SEREY
EXECUTIVE DIRECTOR
410-974-2418 /26
410-974-5338 FAX



WESTERN SHORE OFFICE
45 CALVERT ST., 2ND FLOOR
ANNAPOLIS, MARYLAND 21401

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

February 20, 1998

Mr. Jack N. Tawil
9109 Locksley Road
Fort Washington, MD 20744

Dear Mr. Tawil:

I am sorry to inform you that we have selected another candidate for the position of Natural Resources Planner. We first interviewed those candidates who had substantial experience in both habitat protection and land use management, and we made the selection from the initial round of interviews.

Thank you for your interest in the position and the Chesapeake Bay Critical Area Commission.

Sincerely,

A handwritten signature in cursive script that reads "Ren Serey".

Ren Serey
Executive Director

RS/smb.

2/20/98 Letter

Distribution:

Mr. John W. S. Foster
Post Office Box 105
Queenstown, MD 21658

Mr. Norman A. Bourg
4705 Oliver Street
Riverdale, MD 20737

Mr. Jeffrey Forbes
501 Truitt Street
Salisbury, MD 21804

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

February 5, 1998

MEMORANDUM

TO: The Honorable Katherine M. Jones
Secretary of Appointments

FROM: John C. North, II
Chairman, Chesapeake Bay Critical Area Commission

SUBJECT: Commission vacancies

In response to your request, a review of our records regarding the status of Critical Area Commission members indicates the following:

Samuel Wynkoop, Prince George's County Term ends June 30, 1998
Eligible for reappointment. Mr. Wynkoop is finishing County Executive Wayne Curry's term.
Mr. Curry's recommendation for renomination of Mr. Wynkoop is attached.

Andrew Myers, Caroline County Term ends June 30, 1998
Eligible for reappointment. Mr. Myers has stated that he wishes to be reappointed.

Steven G. Samuel Moxley, Baltimore County Term ends June 30, 1998
Mr. Moxley did not attend any of the Commission's 10 official meetings during 1997. Under Section 8-1804 (c) (6) of the Critical Area Act, he is considered to have resigned because he did not meet the 60% annual attendance requirement. If the Governor waives the resignation, Mr. Moxley could be reappointed to a second term. We attempted to contact Mr. Moxley but he has not responded.

Philip J. Barker, Harford County Second term ends June 30, 1998
Not eligible for reappointment.

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(410) 822-9047 Fax: (410) 820-5093

The Honorable Katherine M. Jones
Page 2

Russell Blake, Worcester County
Not eligible for reappointment.

Second term ends June 30, 1998

Kathryn Langner, Cecil County
Not eligible for reappointment.

Second term ends June 30, 1998

As possible replacements for the open positions we offer the following suggestions:

Harford County

Either the Harford or Cecil County position must be filled by a local (county or municipal) elected or appointed official.

Theresa Pierno: Ms. Pierno is a former Harford County Council member and remains involved in numerous local planning and conservation activities. She is Director of the Division of Education, Bay Policy and Growth Management at the Department of Natural Resources. She was appointed to this position by Governor Glendening. She coordinates the Department's efforts concerning the Rural Legacy program and Maryland's Tributary Strategies. Ms. Pierno is eligible for the position if the new Cecil County representative is a local or elected official.

Cecil County

Melissa Cook-MacKenzie: Ms. Cook-MacKenzie is Town Administrator for the Town of North East. She is thoroughly knowledgeable concerning the issues of growth management and environmental protection in and around municipalities. She is responsible for the day-to-day implementation of the Town's Critical Area program and would bring valuable local experience to the Commission. Ms. Cook-MacKenzie would fulfill the Critical Area Act requirement that at least one member must be an elected or appointed official of a municipality.

Robert O. Matthews: Mr. Matthews is chair of the Chesapeake City Planning Commission. He is retired. He has worked closely with the Commission's Circuit Rider Planner on the comprehensive review of the Town's Critical Area program. Mr. Matthews would fulfill the municipal official requirement.

Jack L. Shagena: Mr. Shagena is a member of the Cecil County Planning Commission. He is retired.

The Honorable Katherine M. Jones
Page 3

Ms. Debbie Cain: Ms. Cain is Executive Officer of the Cecil County Board of Realtors. She was Chair of the Critical Area Committee which advised the County prior to adoption of the original Critical Area program. Ms. Cain is not an local elected or appointed official. If she were selected, the Harford County representative would have to fill an elected or appointed post.

Worcester County

The Worcester County position does not have to be filled by a local elected or appointed official if Andrew Myers is reappointed as the Caroline County representative.

Joseph Jackson: Mr. Jackson is a member of the Pocomoke City Council. He also serves as District 1 Vice President of the Maryland Municipal League. He owns a plumbing contracting business. Mr. Jackson would fulfill the municipal official requirement.

Suzanne Knudsen: Ms. Knudsen is the former mayor of Snow Hill. She owns and operates the River House Inn in Snow Hill.

Michael Conger: Mr. Conger is chair of the Nature Conservancy's Nassawango Creek Stewardship Committee.

Baltimore County: We do not have a recommendation at this time. However, if Mr. Moxley is not reappointed, we will likely submit a name for the Governor's consideration.

If we can be of further service in this regard, please contact me or Mr. Ren Serey at (410) 974-2426.



Wayne K. Curry
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
OFFICE OF THE COUNTY EXECUTIVE



January 28, 1998

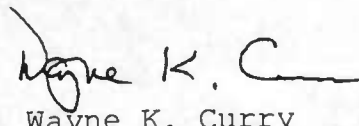
The Honorable Parris N. Glendening
Governor of Maryland
State House
Annapolis, Maryland 21401-1955

Dear Governor Glendening:

It is my pleasure to submit the name of Mr. Samuel E. Wynkoop, Jr., for reappointment to the Chesapeake Bay Critical Area Commission, for the term beginning June 30, 1998. Mr. Wynkoop serves as Director of the Prince George's County Department of Environmental Resources. As such, he provides knowledgeable insight into the issues facing the Commission. He has capably served as a Commissioner since February 1997.

Thank you for your prompt consideration of this matter. It is my understanding that Mr. Wynkoop's nomination will be considered by the Senate in mid-February. Should you need further information, please contact Mr. Wynkoop at (301) 883-5812.

Sincerely,


Wayne K. Curry
County Executive

✓ cc: Ren Serey, Executive Director
Chesapeake Bay Critical Area Commission

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FEB 3 1998

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772
(301) 952-4131
TDD (301) 925-5167

Staff Correspondence File I - 1998 Reader Files - Down

S1832-138-2

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

May 11, 1998

Mr. Roby Hurley
Critical Area Circuit Rider
Easton Shore Office
31 Creamery Lane
Easton, MD 21601

RE: Town of Denton Mapping
Mistake Application for 21.88 Areas

Dear Mr. Hurley:

This letter is to officially notify you that on May 6, 1998, the Critical Area Commission concurred with the Chairman's determination to approve the Town of Denton's refinement for a mapping mistake. The Town contends that the LDA designation was not consistent with the LDA mapping standards included in the Criteria and used by the Town. The Town's Critical Area maps will change the designation of 21.88 acres from LDA to IDA. The new Ordinance #369 revokes the Town's existing Critical Area map and adopts a new map produced by George, Mile, and Buhr and dated March 1998.

Please incorporate this refinement into the Town of Denton's Critical Area Program with 120 days from the date of this letter. Thank you for your cooperation.

Sincerely

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Jennifer Shull
Mary Owens
Refinement File

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

TRANSACTION REPORT

P. 01

MAY-13-98 WED 08:11 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAY-13	08:10 AM	914108205093	38"	2	SEND	OK	353	

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Roby Hurley*
COMPANY: *CAC*

FAX #: *(410) 820-5093*

FROM: *DAWN McCleary*

NUMBER OF PAGES SENT: *(2)*

DATE: *May 13, 1998*

TIME:

REMARKS:

Any questions, please call Thom's

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.



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

May 6, 1998

Mr. Roby Hurley
Critical Area Planner
Eastern Shore Office
31 Creamery Lane
Easton, Maryland 21601

**RE: Federalsburg MarshyHope
Shoreline Rehabilitation Project**

Dear Mr. Hurley:

Thank you for providing "Notification of Certification" that the above project is consistent with the Town of Federalsburg's Critical Area Program. This office understands that the above project is part of an ongoing shore erosion project. The work will be divided into 500 linear feet phases and will take between three and six years to complete both sides of the Marshyhope Creek shoreline but in different locations. This project will rehabilitate approximately 3000 feet of barren shoreline. The shoreline work will slowly progress north, phase by phase with construction taking place by land. The first phase of the project received consistency approval in July 1997.

Critical Area Commission staff understands that the purpose of the project is to prevent further erosion of the west side of the Marshyhope Creek shoreline adjacent to South Main Street. There will be an additional 500 linear feet of the west side of the Marshyhope Creek shoreline north to the Maryland and Delaware Railroad Bridge. The proposed project includes the development of paths with native landscape plantings, pavilions, benches, and wetland mitigation and the replacement of a retaining wall. The Project Evaluation staff understands that:

1. The shoreline exists as a flat, straight and sparsely vegetated area created by a previous flood control project;
2. There are no known Federal and State threatened or endangered plant or wildlife species present at the project site;

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




Continued, Page Two
Mr. Hurley
Marshyhope Shore Erosion
May 6, 1998

3. The proposed park project should not have any direct negative fisheries impacts on the Marshyhope Creek;
4. This project is designed to continue reducing sedimentation and nutrient loading into the creek;
5. This project will help create and enhance a marsh habitat and help restore and encourage spawning areas for a variety of fish life that inhabit the Marshyhope Creek;
6. The site was a park area created during a dredging project back in the late 1960's and is currently a treeless mowed grass upland that is abutting the Marshyhope Creek; and,
7. This project is designed to emphasize the installation of a vegetative buffer for shoreline stabilization..

Critical Area Commission staff has determined that the above development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located; 2) does not substantially affect the Critical Area program of the local jurisdiction ; and 3) is not considered by the Commission to be major development. (See COMAR Chapter Two, Regulations for Development in Critical Area Resulting from State and Local Agency Programs). Therefore, formal approval of the project by the Commission is not necessary. The approval of this consistency will be filed with the Commission.

If there are any questions pertaining to the above project, please feel free to call me at (410) 974-2426.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Conway Gregory
Regina Esslinger
FE - 387-97

read file

**CHESAPEAKE BAY CRITICAL AREA COMMISSION
STAFF REPORT
FINAL
May 6, 1998**

APPLICANT: Town of Denton Planning and Zoning

PROPOSAL: Mapping Mistake to convert 21.88 Acres of Limited Developed Area to an Intensely Developed Area

JURISDICTION: Town of Denton

COMMISSION ACTION: Review for Concurrence

STAFF RECOMMENDATION: Concurrence with Chairman's determination

STAFF: Dawnn McCleary & Roby Hurley

**APPLICABLE LAW
REGULATION:** Natural Resources Article 8-1802 and COMAR 27.01.02.07(A) & (C)

DISCUSSION:

The Town of Denton has requested that the Commission consider approximately 21.88 acres of Limited Developed Area (LDA) designated land near the downtown area of Denton as a mapping mistake and review the proposed corrections as a refinement to the Town's program. The Town contends that the LDA designation was not consistent with the LDA mapping standards included in the Criteria and used by the Town. The mapping mistake is proposed as a refinement because the proposed changes and the effect of the changes on the use of land and water in the Critical Area are consistent with what is currently allowed by the Chesapeake Bay Critical Area Program.

The Critical Area Criteria (COMAR 27.01.02.03) describe IDAs as those areas where residential, commercial, institutional and industrial, land used predominated and where little natural habitat occurs. The criteria state that these areas shall have at least one of the following features on December 1, 1985:

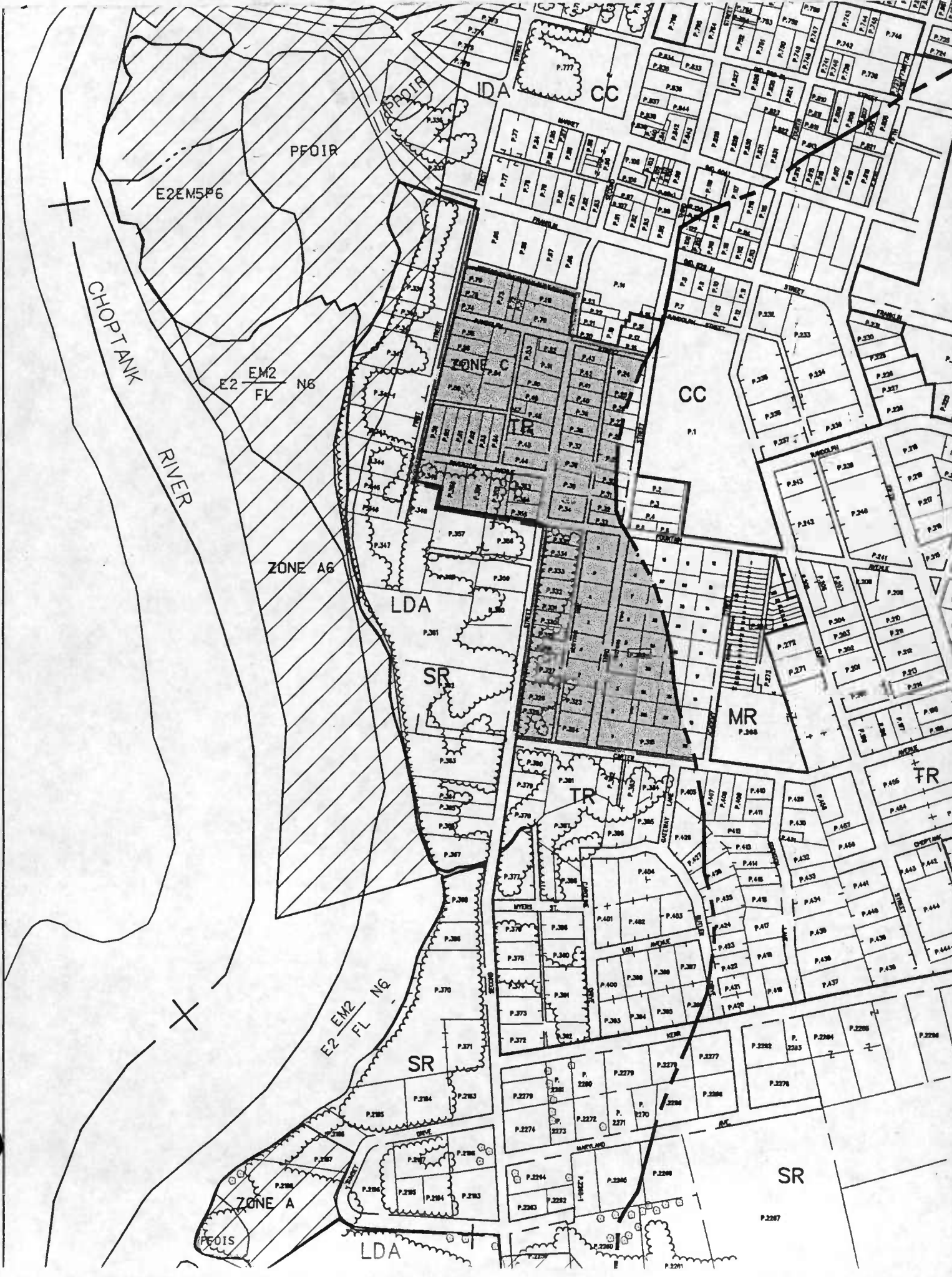
1. Housing density equal to or greater than four dwelling units per acre;
2. Industrial, institutional or commercial uses are concentrated in the area; or
3. Public Sewer and water collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acre.

Continued, Page Two
Denton Mapping Mistake
Staff Report
May 6, 1998

For the following reasons, the Town of Denton proposes that a mistake occurred in the original mapping and that the area should have been mapped as IDA for the following reasons:

1. Public sewer and water were in place as of Dec. 1, 1985;
2. Housing density was approximately 4.6 dwelling units per acres;
3. The area was part of a larger area where industrial, institutional and commercial uses were concentrated; and,
4. There was little natural habitat in the area.

On April 6, 1998, the Mayor and Town Commissioners approved an ordinance amending the Town's Critical Area maps to change the designation of 21.88 acres from LDA to IDA. A public hearing was held on April 20, 1998, and there was very little public comment on the proposed change. The new ordinance revokes the Town's existing Critical Area map and adopts a new map produced by George, Mile, and Buhr and dated March 1998.



CHOPTANK RIVER

PFDIR

E2EM5P6

E2 EM2 FL N6

ZONE A6

LDA

SR

E2 EM2 FL N6

SR

ZONE A

LDA

IDA

CC

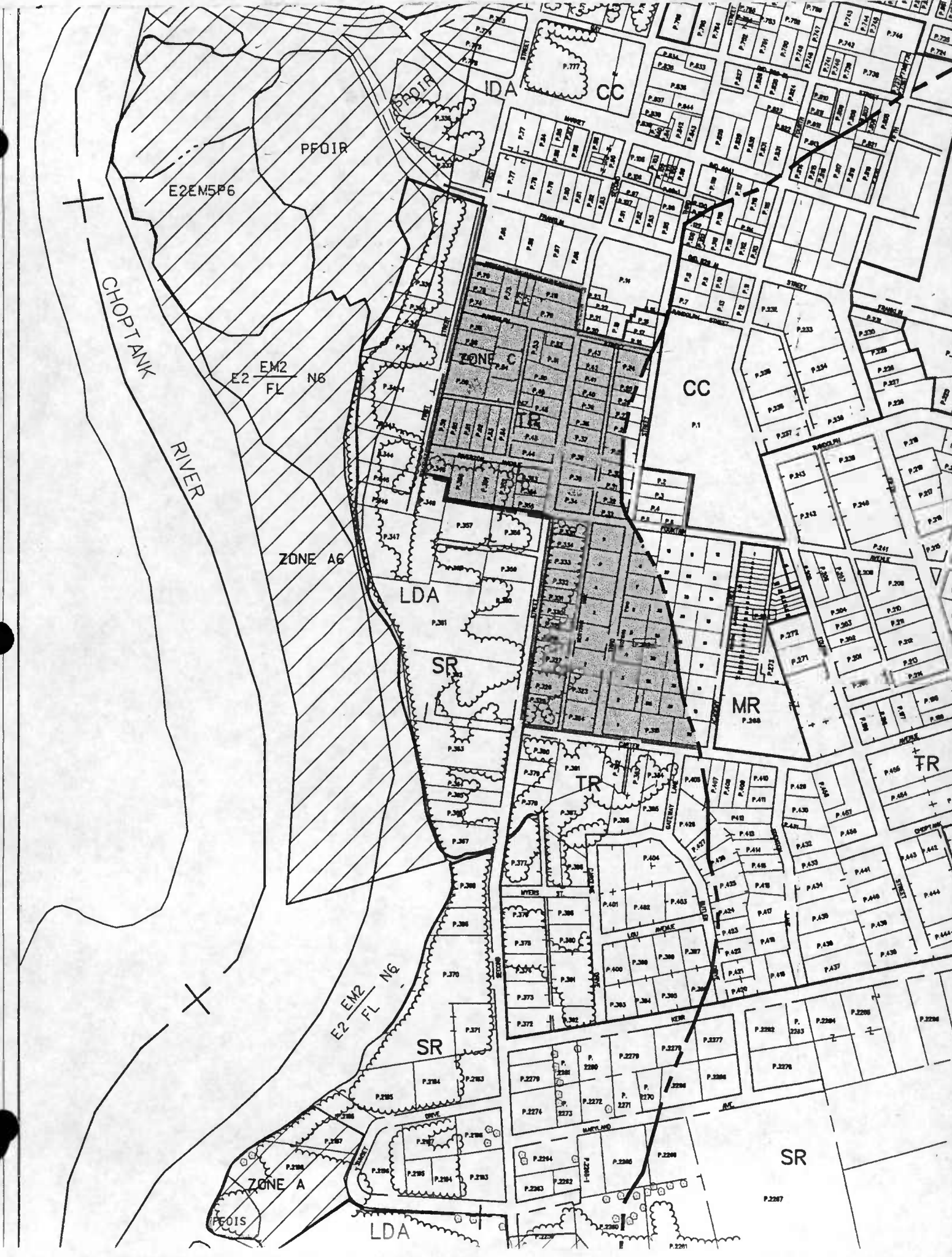
CC

MR

TR

SR

PFOIS



file copy



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

May 6, 1998

Ms. Lori Schmick
Environmental Planner
Caroline County P & Z
P.O. Box 339
Denton, MD 21629

Dear Ms. Schmick:

This letter is in response to a conversation we had on April 29, 1998 about subdivision submittal within the Critical Area. COMAR 27.03.01.03(A)(1) and (2) explains which developments, subdivisions and site plans require Commission notification if they occur wholly or partially within IDAs, LDAs or RCAs. (Please see enclosure.) Proposed development in the RCA over 5,000 square feet requires notification by the Commission.

In reference to the proposed subdivision just outside of the Town of Hillsboro that was brought to our attention, COMAR 27.02.01.02 (F) states that the local approving authority may not process an application which has been sent to the Commission for notification until it has received notice of receipt from the Commission. If the County is in violation of this section, the proposed project shall be void. This office is happy to work within the local deadlines and time frames for providing comments.

If you have any questions, please feel free to call me at (410) 974-2426.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

Enclosure
cc: Regina Esslinger
Laur.sub

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



D. Once an application is submitted to the Executive Director pursuant to these regulations, the Chairman, Executive Director, and staff may, after notifying and obtaining approval of the property owner, inspect the subject property.

E. After receipt of a copy of an application from the applicant or local approving authority, the Commission shall send written notice of receipt to the applicant and to the local approving authority before the close of the next business day. A failure of the Commission to send a timely notice shall render §F of this regulation inapplicable as to that application.

F. The local approving authority may not process an application which has been sent to the Commission for notification until it has received notice of receipt from the Commission. To expedite this process, the local jurisdiction may telephone the Commission to verify receipt of any given application. Any action of the local approving authority in violation of this section shall be void.

.03 Categories of Applications of Which the Commission Wishes to Receive Notification.

A. Developments, Subdivisions, and Site Plans Requiring Project Approval.

(1) The local approving authority, or the applicant, shall send copies of applications for all developments, subdivisions, and site plans wholly or partially within the critical area, except those specified in §A(2), below.

(2) The following types of developments, subdivisions, and site plans are exempted from §A(1), above, if the proposed development, subdivision, or site plan does not result in a physical disturbance to the buffer:

(a) The following developments, subdivisions, or site plans that would occur wholly or partially within IDAs:

(i) A single family dwelling unit,

(ii) A structure which is accessory to a single family dwelling unit which may include, but is not limited to, a pool, garage, porch, shed, or tennis courts,

(iii) Development in which the land disturbance does not exceed 15,000 square feet,

(iv) Subdivisions resulting in 10 lots or less, or 10 dwelling units or less;

TRANSACTION REPORT

P. 01

MAY-06-98 WED 10:36 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAY-06	10:22 AM	914104794187	2' 41"	4	SEND	OK	331	

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5558

FACSIMILE TRANSMITTAL

TO: *Lori Schmick*
COMPANY: *Caroline Co. P+E*
FROM: *Diana McLeary*
DATE: *May 6, 1998*

FAX #: *(410) 479-4187*

NUMBER OF PAGES SENT: *(5)*

TIME:

REMARKS:

*Any questions, please call
Thanks*

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

PROJECT:

Name: BGE - Spring Gardens

1700 Race Street

CAC #: BA102.98 Local #: 045

Date: May 1, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McCleary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Beth Stromman

FAX #: (410) 244-7358

COMPANY: Balto, City Dept. of

FROM: DANN McCLEARY
Planning

NUMBER OF PAGES SENT: (2)

DATE: May 1, 1998

TIME:

REMARKS:

Any questions, please call me.

Danns

BGE - Spring Gardens Project



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

April 29, 1998

Ms. Olivia Vidotto
Planner
Calvert Co. Dept. Of
Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Lore Subdivision, Lot 1

Dear Ms. Vidotto:

This letter is in response to the above minor subdivision for Dowell Elementary School. Critical Area Staff understands that 7.03 acres of land is in the Critical Area and out of the 7.03 acres, 3.85 acres is forested. The proposal is to clear 2.63 acres of the site within the Critical Area. Critical Area Commission staff has reviewed the County's proposal to clear over the 30% maximum clearing allowed. Based on the site plan, the clearing is needed to provide room for a proposed playing field for the school. Because the applicant is proposing to clear more than 30% of forest, the entire area to be cleared must be mitigated at a 3:1 ratio with native vegetation. This office would also like to see the proposed planting plan.

In addition, please see enclosed a letter that was written to Bobbie Hutchinson concerning the site plan. If there are any questions, please feel free to call me.

Sincerely,


Dawnn McCleary
Natural Resources Planner

Enclosure`

cc: David Brownlee
Regina Esslinger
CA 192-98

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



CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Olivia Vidotto
COMPANY: Calvert Co. P+Z
FROM: Dawn McCleary
DATE: April 29, 1999

FAX #: (410) 414-3092

NUMBER OF PAGES SENT: 2

TIME:

REMARKS:

Any questions, please call me.
Thanks.

Judge John C. North, II
Chairman



Ren Serey

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

April 21, 1998

Mr. Roby Hurley
Critical Area Circuit Rider
Easton Shore Office
31 Creamery Lane
Easton, MD 21601

**RE: Town of Denton Mapping
Mistake Application for 21.88+/- Acres**

Dear Mr. Hurley:

On April 15, 1998, the Chesapeake Bay Critical Area Commission received your letter officially notifying the Commission that the Mayor and Town Commissioners approved and adopted Ordinance #369. Critical Area Commission staff has reviewed the ordinance and understands that the Town is requesting an amendment to their Critical Area maps to change the designation of part of the Town from Limited Developed Area (LDA) to Intensely Developed Area (IDA). The area to be changed from LDA to IDA consists of approximately 21.88 acres located adjacent to an existing IDA.

We are accepting the application as a complete submittal, and Chairman North will make a refinement determination within thirty days of the date of this letter. I will notify you subsequent to this decision.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Jennifer Shull
Mary Owens

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

* P. 01 *
* TRANSACTION REPORT *
* APR-22-98 WED 06:07 PM *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
* APR-22 06:05 PM 914108205093 1' 04" 4 SEND OK 260 *

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Roby Hunley*

FAX #: *(410) 820-5093*

COMPANY: *MD Office of Planning/CAC*

FROM: *Dawn McCreary*

NUMBER OF PAGES SENT: *4*

DATE: *April 22, 1998*

TIME:

REMARKS:

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

PROJECT:

Name:

Choptank Marina
(21743 Water Street Village of Choptank)

CAC #:

CR 197-98

Local #:

9B-12V

Date:

April 21, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McCreary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Crystal Pomeroy*
COMPANY: *Caroline Co. P+Z*
FROM: *Dawn McCleary*
DATE: *April 21, 1998*

FAX #: *(410) 479-4187*

NUMBER OF PAGES SENT: *(2)*

TIME:

REMARKS:

*Any questions, please feel free
to call me at (410) 974-2426.*

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

u



Reader file

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

April 21, 1998

Mr. Roby Hurley
Critical Area Circuit Rider
Easton Shore Office
31 Creamery Lane
Easton, MD 21601

**RE: Town of Denton Mapping
Mistake Application for 21.88+/- Acres**

Dear Mr. Hurley:

On April 15, 1998, the Chesapeake Bay Critical Area Commission received your letter officially notifying the Commission that the Mayor and Town Commissioners approved and adopted Ordinance #369. Critical Area Commission staff has reviewed the ordinance and understands that the Town is requesting an amendment to their Critical Area maps to change the designation of part of the Town from Limited Developed Area (LDA) to Intensely Developed Area (IDA). The area to be changed from LDA to IDA consists of approximately 21.88 acres located adjacent to an existing IDA.

We are accepting the application as a complete submittal, and Chairman North will make a refinement determination within thirty days of the date of this letter. I will notify you subsequent to this decision.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Jennifer Shull
Mary Owens

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Ms. Jennifer Shull
COMPANY: Caroline Co. P+Z
FROM: Dawn McCleary
DATE: April 20, 1998

FAX #: (410) 479-3534 (410)

NUMBER OF PAGES SENT: (2)

TIME:

REMARKS:

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

 * P. 01 *
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 * TRANSACTION REPORT *
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 * APR-22-98 WED 06:03 PM *
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 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *

 * APR-22 06:01 PM 914104793534 43" 2 SEND OK 259 *
 *

JUDGE JOHN C. NORTH, II
CHAIRMAN
410-822-9047 OR 410-974-2418
410-820-5093 FAX



WESTERN SHORE OFFICE
45 CALVERT ST., 2ND FLOOR
ANNAPOLIS, MARYLAND 21401

REN SEREY
EXECUTIVE DIRECTOR
410-974-2418 /26
410-974-5338 FAX

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

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

April 17, 1998

Mr. Jeff Torney
Planner
City of Annapolis P & Z
160 Duke of Gloucester Street
Annapolis, MD 21401

RE: 225 Wardover Drive

Dear Mr. Torney:

This letter is in reference to the above project which was submitted to the Critical Area Commission for review. Critical Area Commission staff has the following comments:

1. Because the site plan shows steep slopes within the Buffer, the Buffer must be expanded for the steep slopes. It appears the addition is in the expanded Buffer and will need a variance.
2. This office recommends that the City consult with the Maryland Department of the Environment's Tidal Wetland Division to determine whether the wetlands are tidal influenced. If the area is tidal, then the site plan needs to show a 100-foot Buffer.

Once these comments have been addressed, this office would like this project resubmitted for review. If there are any questions, please free to call me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads 'Dawnn McCleary'.

Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Regina Esslinger
An 166.98

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Jeff Torney*
COMPANY: *Annapolis P+E*
FROM: *Dawn McCleary*
DATE: *April 20, 1997*

FAX #: *(410) 263-1129*

NUMBER OF PAGES SENT: *①*

TIME:

REMARKS:

Any questions, please call me

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

TRANSACTION REPORT

P. 01

APR-20-98 MON 11:01 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
APR-20	10:59 AM	94102631129	43"	2	SEND	OK	240	

JUDGE JOHN C. NORTH, II
CHAIRMAN
410-822-9047 OR 410-974-2418
410-820-5093 FAX



WESTERN SHORE OFFICE
45 CALVERT ST., 2ND FLOOR
ANNAPOLIS, MARYLAND 21401

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

REN SEREY
EXECUTIVE DIRECTOR
410-974-2418 /26
410-974-5338 FAX

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

April 17, 1998

Ms. Bobbie Hutchinson
Planner
Calvert County P & Z
176 Main Street
Prince Frederick, MD 20678

**RE: Dowell Elementary School
SPR 98-21 in Calvert County**

Dear Ms Hutchinson:

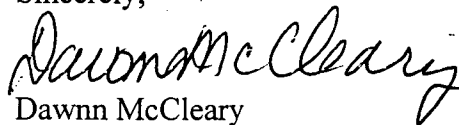
This letter is in reference to the applicant's request to build an elementary school within the Critical Area. After reviewing the above project, this office has the following comments:

1. A conditional approval from the Commission or a variance is necessary to grade in the extended Buffer for the ballfields. This office recommends relocating the fields out of the Buffer to eliminate Buffer disturbance.
2. The site plan shows a stormwater management basin within the extended Buffer. This office does not support stormwater management facilities in the Buffer, and therefore recommends the basin be moved. A variance is required for the basin if it is to remain in the buffer, or a conditional approval from the Commission is required.
3. Growth allocation for this project is not necessary. This project will be reviewed as a Chapter Two project.
4. The 10% Rule calculations on Worksheet A must be submitted for review since the site is proposed to be an Intensely Developed Area.

Continued, Page Two
Ms. Hutchinson
Dowell Elementary School
April 17, 1998

The above information needs to be resubmitted for review. If there are any questions pertaining to the above, please feel free to call me at (410) 974-2426.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: David Brownlee
Regina Esslinger
Ren Serey
CA 156-98
dowell.98

TRANSACTION REPORT

P. 01

APR-20-98 MON 11:04 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
APR-20	11:02 AM	914104143092	44"	3	SEND	OK	241	

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5358

FACSIMILE TRANSMITTAL

TO: *Bobbie Hutchinson*
COMPANY: *Calvert Co. P + Z*
FROM: *Dawn Mc Cleary*
DATE: *April 24 1998*

FAX #: *(410) 414-3092*

NUMBER OF PAGES SENT: *3*

TIME:

REMARKS:

Any questions, please call me

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

read de file



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

April 9, 1998

Mr. Duncan Stuart
Environmental Planner
Baltimore Dept. of Planning
417 East Fayette Street, 8th Floor
Baltimore, MD 21202

**RE: Fiber Optic Cable System
In Baltimore City (980011024)**

Dear Mr. Stuart:

This letter is in reference to CXS request to construct a fiber optic cable system within the Baltimore City's Gwynns Falls Watershed Area of the CXS Critical Area right of way. This office understands that the proposed construction practices are to on-track plow a, four 1 1/4" interduct into the railway ballast. The crossing of the Gwynns Falls area will be completed by bridge attachment with limited backhoe use at both ends of the stream and without any instream activity. This office also understands that there will be no 100-foot Buffer impacts. Any temporary disturbance to pervious areas should be replanted.

If there are any questions pertaining to the above, please feel free to call me at (410) 974-2426.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: David Robert De Caro - EK, Inc.
Regina Esslinger - CBCAC

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Duncan Stuart

FAX #: (410) 244-7358

COMPANY: City of Balt. Planning

FROM: Dawn McCleary
Dept.

NUMBER OF PAGES SENT: 2

DATE: April 9, 1998

TIME:

REMARKS:

Any questions, please call
me.

TRANSACTION REPORT

P. 01

APR-09-98 THU 03:49 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
APR-09	03:40	PM 94102447358	1' 16"	2	SEND	OK	203	

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

April 2, 1998

Dr. Conway Gregory
Grant Administrator
118 North Main Street
Federalsburg, MD 21632

**RE: Revised Federalsburg Riparian
Restoration Project**

Dear Mr. Gregory:

Thank you for providing "Notification of Certification" that the project is consistent with the Town's Critical Area program. As you are aware, the above project was revised recently to include an adjacent surface mine pond. Because of this revision, this office reevaluated the additional information along with what has been proposed.

In 1968, the Town of Federalsburg channelized the creek within the town limits to address flooding concerns. The trees adjacent to the Marshyhope Creek were cut and the material excavated from the creek was deposited on the floodplain. This activity eventually resulted in the loss of forested and scab-shrub wetlands, both tidal and nontidal. Currently, three to five feet or more of fill exist on site. The site currently established in lawn, which is maintained by mowing.

The project site consists of approximately 20 acres of land located south of the Route 314\318 bridge over Marshy Hope Creek. This site extends from the bridge to the veterans boat ramp with 8.92 acres of this proposed project in within the Critical Area 100 foot Buffer, 7.89 acres designated as Intensely Developed Area and 10.57 acres designated as Resource Conservation Area.

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



Continued, Page Two
Dr. Conway
Marshy Hope Wetland
Restoration Project
April 2, 1998

According to the Town of Federalsburg's Critical Area Report, the purpose of this project is to restore the functions associated with the riparian and floodplain areas, restore in-stream habitat and provide a greenway link both north and south of the proposed project site. The purpose of the adjacent surface mine pond enhancement is to correct poor water quality which has impacted fish and wildlife habitat. The pond will be improved through the creation of a shallow wetland bench to provide fish and habitat.

The Project Evaluation staff understands:


1. That there are no rare, threatened or endangered plant species on the site;
2. That for the protection of habitat there will be approx. 4.5 acres of fresh tidal emergent and scrub-shrub wetlands, 4.5 acres of scrub-shrub and forested nontidal wetlands restored;
3. That this project will remove and dispose of approx. 45,000 cubic yards of fill material, along with the grading, and stabilization of the site;
4. That this project will restore the State rare seaside alder (*Alnus Maritima*) community and habitat for anadromous fish such as blueback herring, striped bass, American and hickory shad;
5. That this project will provide environmental education as well as recreational opportunities for local residents and visitors; and,
6. That two temporary crossings are proposed for the duration of the construction phase.

Continued, Page Three
Dr. Conway
Marshy Hope Wetland
Restoration Project
April 2, 1998

Based on the information submitted by the County, the Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area on the site on which the development is located; 2) does not substantially affect the Critical Area program of the local jurisdiction; and 3) is not considered by the Commission as major development. (See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs). Therefore, approval of the above project by the Commission is not necessary.

If there are any questions pertaining to the above project, please feel free to contact me at (410) 974-2426.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc:Roby Hurley
Nancy Stewart
Regina Esslinger
FE 158-97 ✓
Marshy.98

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Conway Gregory*
COMPANY: *Town of Federalsburg*
FROM: *Dawn McHenry*
DATE: *April 2, 1998*

FAX #:

754-9269 (410)
~~*(410) 282-9110*~~

NUMBER OF PAGES SENT:

TIME:

REMARKS:

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Nancy Steward*
COMPANY:

FAX #: *(410) 260-8779*

FROM: *DAnn McCleary*

NUMBER OF PAGES SENT: *4*

DATE: *April 2, 1998*

TIME:

REMARKS:

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

 * P. 01 *
 * TRANSACTION REPORT *
 * APR-02-98 THU 01:23 PM *
 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
 * APR-02 01:20 PM 914107549269 2'28" 4 SEND OK 153 *



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

April 2, 1998

Mr. Eldon Miller
Maryland Port Administration
The World Trade Center
Baltimore, MD 21202-3041

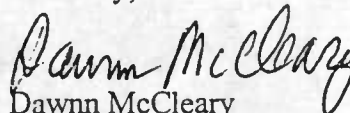
**RE: Acquisition of Kurt Iron
& Metal Property: 3000 Childs
Street in Baltimore City**

Dear Mr. Miller:

The purpose of this letter is to acknowledge receipt of your letter informing the Critical Area Commission of Maryland Port Administration's (MPA) intention of acquiring and developing the Kurt Iron and Metal Property located at 3000 Childs Street in Baltimore City. This office understands that MPA will notify the Critical Area Commission of any future development activity within the Critical Area.

If there are any questions pertaining to the above project, please feel free to call me at (410) 974-2426.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger

15-98 MPA

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



CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Eldon Miller*

FAX #: *(410) 385-4790*

COMPANY: *MD Port Administration*

FROM: *Dawn McCleary*

NUMBER OF PAGES SENT: *4*

DATE: *April 2, 1998*

TIME:

REMARKS:

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

TRANSACTION REPORT

P. 01

APR-02-98 THU 01:20 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
APR-02	01:19	PM 94103854790	50"	2	SEND	OK	152	

Readyfile



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

March 31, 1998

Mr. Jeff Torney
Planner
City of Annapolis P & Z
160 Duke of Gloucester Street
Annapolis, MD 21401

**RE: Critical Area Legislation
Comments for City of Annapolis**

Dear Mr. Torney:

Thank for allowing this office to review the City's proposed Critical Area Legislation comment letter dated December 21, 1997 to Paul Goetzke, City Attorney. After reviewing the comments outlined in the letter, this office has the following comments for the letter as well as the City's Critical Area Program:

1. On Page 33 - 35 of the City program, the City needs to clarify that not all maritime facilities are water dependent. Maritime facilities which are not water dependent should be located outside of the Buffer. A determination about water dependency should be made on a case by case basis.
2. On Page 35, Paragraph c of the City's Critical Area Program, the first sentence needs to be changed to "all maritime districts without a variance." In the second sentence under paragraph c, delete the word "fourth district."
3. On Page 35, Paragraph d of the City's Program, some of the language seems to supersede the Buffer language. Staff will need to work with you and Mr. Arason to modify this section.
4. On Page 49, Paragraph (c)(2) of the City's program, delete the words "be managed to."
5. On Page 48 and 49 of the City's program, the City needs to include all the language from Chapter 9 of COMAR into the Buffer Section of the program. This includes the language about the 100-foot Buffer on tributary streams.

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



Continued, Page Two
Mr. Torney
Proposed Legislative
Comments- Annapolis
March 31, 1998

6. In the City of Annapolis Zoning Ordinances, under Section 21.67.065 - Buffer Exemption Areas - Paragraph E, the second line "Structures on adjacent properties . . ." can be removed.
7. In the City of Annapolis Zoning Ordinances, under Section 21.67.056 - Buffer Exemption Areas Paragraph B, the last sentence should be removed starting with "These areas could but not necessary . . ."
8. Under Section 21.67.080 H.2., Development Requirements - Limited Development Areas - Paragraph H is not included, and there appears to be incorrect codification. This section must include the new impervious surface language. (See enclosure)
9. Please rewrite Section 21.67.150 to properly reflect the standards that must be met in order for the Board of Appeals to grant variances from the Critical Area Criteria. See examples of the language used in St. Mary's County and Calvert County Zoning Ordinances.
10. Under Section 21.67.150 (A)(6) - Variances- Add after the word "variance" . . . including administrative variances.
11. Under Section 21.67.160 - Administrative Variances on fourth line instead of putting COMAR 27.01.11 from the Criteria, the City needs to refer to the standards in 21.67.150 rather than from our criteria.

Critical Area Commission staff would like to meet with you and Jon Arason to go over the above comments as well as any additional questions or comments this office may have. The meeting date for our office and your staff has been scheduled for April 9, 1998 at 10:00 am.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Regina Esslinger
Mary Owens
Legis.ann

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Jeff Torrey
COMPANY: City of Annapolis
FROM: Dawn McCleary
DATE: ~~March~~ April 1, 1999

FAX #: (410) 263-1129
NUMBER OF PAGES SENT: 3
TIME:

REMARKS:

Any questions, please call me!!
Thanks

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

TRANSACTION REPORT

P. 01

APR-01-98 WED 09:31 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
APR-01	09:30 AM	94102631129	1'09"	3	SEND	OK	149	

Post-it® Fax Note		7671	Date	3/27/98	# of pages	1
To	Duncan Stuart		From	Dawn McCleary		
Co./Dept.	Baltimore City Planning Dept.		Co.	CBCAC		
Phone #	(410) 396-585902		Phone #	(410) 974-2426		
Fax #			Fax #	974-5338		

PROJECT:
 Name: Royal Farms store
Bldg. Permit
 CAC #: BA 138-98 Local #: 000982
 Date: March 23, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McCleary
 Reviewer's Signature

Project Evaluation Division
 Telephone: (410) 974-2426

PROJECT:
 Name: North shore Parking lot
2225 Boston St.
 CAC #: BA 135-98 Local #: Case No. 88C
 Date: March 26, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McCleary
 Reviewer's Signature

Project Evaluation Division
 Telephone: (410) 974-2426

PROJECT:

Name: Royal Farm Store

Build. Permit

CAC #: BA 138-98 Local #: 000982

Date: March 23, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McCleary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

PROJECT:

Name: North shore Parking lot

22 25 Boston St.

CAC #: BA 135-98 Local #: Case No. 881

Date: March 26, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McCleary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

TRANSACTION REPORT

P. 01

MAR-27-98 FRI 01:12 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAR-27	01:11 PM	94102447358	50"	1	SEND	OK	123	

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

March 27, 1998

Ms. Roxana Homer
Planner
Calvert County P & Z
150 Main Street
Prince Frederick, MD 20678

RE: John Kennedy
98-2422 (Revised)

Dear Ms. Homer:

This office has reviewed the revised site plan for the above project in which the applicant has requested a variance to clear more than the 6,000 square feet. After a site visit to the applicant's lot, this office recommends that the applicant explore the following options to reduce clearing:

1. Reconfigure the septic system and move it towards the road or use an alternative vertical septic system. This would allow the applicant to move the house off the steep slopes as well as minimize clearing. This office would support a variance to the front yard setback if needed; and,
2. Reduce the size of the driveway by moving the house closer to the road or by eliminating the driveway and adding a car parking area near the road with a walkway to the house.

This office recommends that the applicant keep all development activity within the constraints of the 6,000 square feet of clearing allowed. Based on the site visit, it seems that there are site design alternatives that would minimize clearing so that all of the development activity could be accommodated without exceeding the 6,000 square feet maximum. It is necessary to minimize the clearing because of the steep topography, highly erodible soils, and natural drainage patterns that exist on this site. Excessive clearing will adversely affect water quality and impact fish, wildlife, and plant habitat within the Critical Area and would not be in harmony with the general spirit and intent of the Critical Area law.

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

Continued, Page Two
Ms. Homer
Kennedy (Revised) 98-2422
March 27, 1998

Thank you for the opportunity to provide additional comments. Please include this letter in your file and submit it as part of the record for the variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: David Brownlee
Regina Esslinger
CA 612-97
Kennedy.wpd

George 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

March 27, 1998

Ms. Roxana Homer
Planner
Calvert County P & Z
150 Main Street
Prince Frederick, MD 20678

**RE: Kathleen Gorman
98-2438**

Dear Ms. Homer:

The applicant is proposing to build a detached garage on steep slopes. The proposed detached garage is 90 feet from the edge of the cliff. Based on the site plan, it appears that the applicant can move the garage farther away from the cliff towards the driveway.

If there are any questions pertaining to the above project, please feel free to call me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: David Brownlee
Regina Esslinger
CA 133-98

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Roxana Homer
COMPANY: Calvert Co. Pt 2
FROM: Dawn McHenry
DATE: March 27, 1998

FAX #: (410) 414-3092

NUMBER OF PAGES SENT: ~~4~~

TIME:

REMARKS:

Any question please call me.

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

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* TRANSACTION REPORT *
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* MAR-27-98 FRI 11:15 AM *
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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

March 25, 1998

Ms. Bobbie Hutchinson
Planner
Calvert County P & Z
150 Main Street
Prince Frederick, MD 20678

**RE: Solomon's Office and Retail Center
Medical Office at the Bedford
Glascock Property**

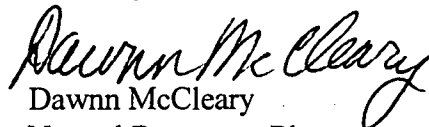
Dear Ms. Hutchinson:

In 1992, this office approved 14.2 acres in the Critical Area for growth allocation from a Limited Developed Area to Intensely Developed Area on the Glascock property. The proposed project shows that 12.6 acres are in the Critical Area. It appears there is a discrepancy on the correct amount of growth allocation. Please provide this office with information as to why the acreage figures differ.

Also, in order to complete the review of this project, this office needs a copy of the 10% calculations since the parking lot is in an Intensely Developed Area. The County's Critical Area form showed that the 10% rule was done but no Worksheet A was submitted from the "The Applicant's Guide for 10% Rule Compliance."

If there are questions pertaining to the above, please feel free to call me at (410) 974-2426.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: David Brownlee
Regina Esslinger
CA 104-98

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Ms. Bobbie Hutchinson*

FAX #: *(410) 414-3092*

COMPANY: *Calvert Co. P + Z*

FROM: *Dawn McCleary*

NUMBER OF PAGES SENT: *2*

DATE: *March 25, 1998*

TIME:

REMARKS:

Any questions, please feel free to call me.

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

* P.01 *
* TRANSACTION REPORT *
* MAR-25-98 WED 05:20 PM *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
* MAR-25 05:19 PM 914104143092 37" 2 SEND OK 109 *

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

March 25, 1998

Mr. Tom Smith
Chief of Current Planning
City of Annapolis P & Z
160 Duke of Gloucester Street
Annapolis, MD 21401

**RE: Additional Comments for
Harness Creek Overlook Subdivision**

Dear Mr. Smith:

The Critical Area Commission staff has reviewed the additional information concerning Harness Creek Overlook Subdivision and has the following comments:

1. If the City can ensure that the lots across the street in the County will remain undeveloped, they can be included in impervious surface and clearing calculations. This can be accomplished through some sort of recorded written agreement with the City as a party. This agreement should be part of the subdivision approval.
2. According to the forest clearing calculations submitted to us on the most recent site plan, the applicant is proposing to clear 28%. Therefore, mitigation must be at a 1½ : 1 ratio with native vegetation, on site if possible.
3. The column showing the 20% maximum clearing allowed is not necessary and can be removed from the most recent site plan.
4. After reviewing the calculations for the impervious surfaces limitations, the figures given for the 25% limit are not accurate and these numbers have to be corrected on the site plan. This office will not support a variance to exceed the impervious surface limitation on any of these new lots.


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

Continued, Page Two
Tom Smith
Harness Creek Comments
March 25, 1998

5. The applicant should maintain canopy closure over the stormwater management outfall in the Buffer. Any clearing within the Buffer for the outfall must be mitigated on a 3:1 ratio with native vegetation.

Once these corrections are made by the applicant, this office would like to review the final site plan. If there are any additional questions, please feel free to call me at (410) 974-2426.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jeff Torney
Jon Arason
Claudia Jones
Regina Esslinger
AN 487-97
Smith.har

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Tom Smith
COMPANY: Annapolis Pt 2
FROM: Dawnn McCleary
DATE: March 25, 1998

FAX #: (410) 263-1129

NUMBER OF PAGES SENT: 3

TIME:

REMARKS:

Any questions please call me

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

TRANSACTION REPORT

P. 01

MAR-25-98 WED 05:18 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAR-25	05:17 PM	94102631129	57"	3	SEND	OK	108	

PROJECT:

Name:

Wilkins + Stinson Property
(Rolling Hill Road) (Subdivision) (minor)

CAC #:

CA 136-98

Local #:

MSD-98-14

Date:

March 23, 1999

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Daum McLeary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Olivia Vidotto
COMPANY: Calvert Co. P+Z
FROM: Dawn McCleary
DATE: March 23, 1999

FAX #: (410) 414-3092

NUMBER OF PAGES SENT: 2

TIME:

REMARKS:

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

 * P. 01 *
 * TRANSACTION REPORT *
 * MAR-23-98 MON 04:42 PM *
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 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *

 * MAR-23 04:41 PM 914104143092 37" 2 SEND OK 090 *
 *

PROJECT:

Name: Howard Blake Jr
3441 Horn Drive (Deep Landing sub.)
CAC #: CA 126-98 Local #: -
Date: March 20, 1999

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McCleary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Eddie Dichter*

FAX #: *(410) 414 - 3092*

COMPANY: *Calvert Co. P+Z*

FROM: *Dawn McCleary*

NUMBER OF PAGES SENT: *2*

DATE: *March 23, 1998*

TIME: *=*

REMARKS:

*Any questions please feel free to
call me.*

Thanks

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

RECEIVED

CLEARINGHOUSE REVIEW

MAR 18 1998

March 16, 1998

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)
 Lynn Davidson, Wildlife (E-1)
 Robert Beckett, State Forest and Park Service (E-3)
 John Rhoads, Natural Resources Police (E-3)
 Ray Dintaman, Environmental Review (B-3)
 Sandi Olek, Education, Bay Policy and Growth Mgmt. (E-2)
 Marian Honeczy, Forestry (E-1)
 Bill Hodges, Resource Assessment Services (B-3)
 Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)

FROM: H. Grant Dehart, ^(HGD) Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #3393-12-154
 Bel Air Park Development, Rockfield Park - Harford County

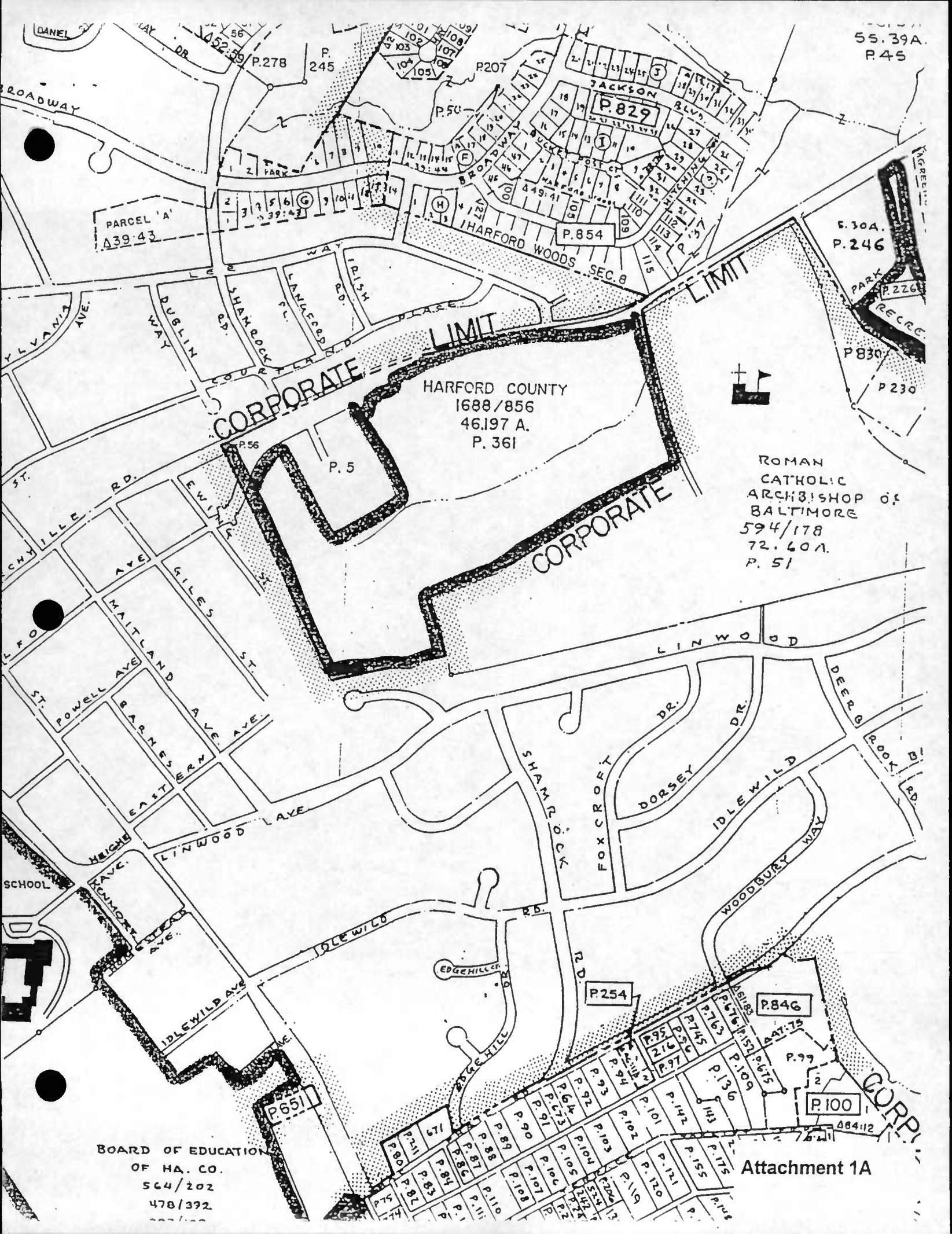
This project proposes the development of Rockfield Park to include the addition of a restroom/storage building.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by March 31, 1998. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

	<u>CHECK</u>	<u>INITIAL</u>
1. The project does not conflict with the plans, programs or objectives of this Agency.	<input checked="" type="checkbox"/>	3/20/98 DM
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	<input type="checkbox"/>	_____
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	<input type="checkbox"/>	_____

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



55.39A.
P.45

PARCEL 'A'
A39.43

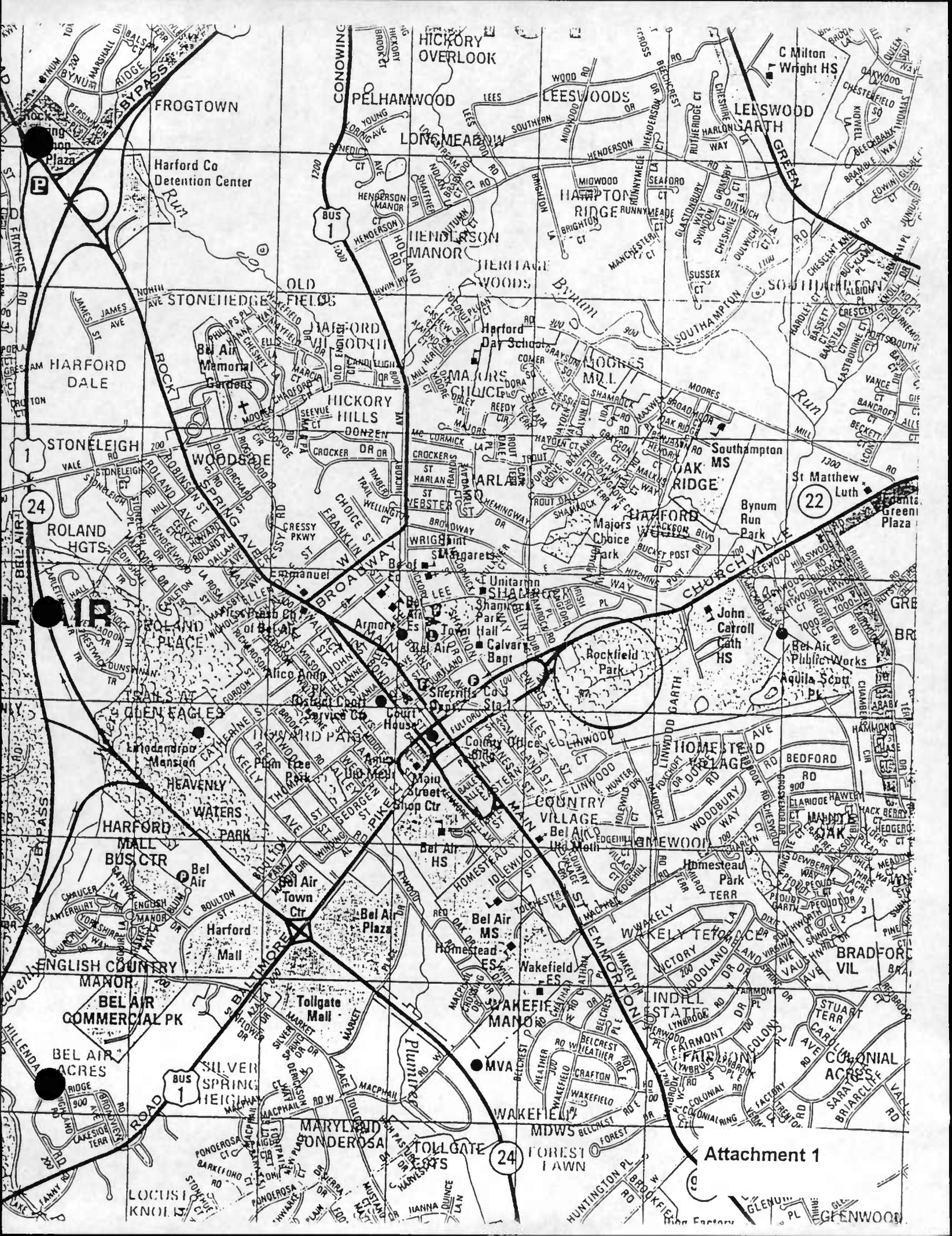
E.30A.
P.246

HARFORD COUNTY
1688/856
46.197 A.
P. 361

ROMAN
CATHOLIC
ARCHBISHOP OF
BALTIMORE
594/178
72.601.
P. 51

BOARD OF EDUCATION
OF HA. CO.
564/202
478/392

Attachment 1A



Attachment 1

RECEIVED

CLEARINGHOUSE REVIEW

MAR 18 1998

March 16, 1998

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Lynn Davidson, Wildlife (E-1)
Robert Beckett, State Forest and Park Service (E-3)
John Rhoads, Natural Resources Police (E-3)
Ray Dintaman, Environmental Review (B-3)
Sandi Olek, Education, Bay Policy and Growth Mgmt. (E-2)
Marian Honecny, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)

FROM: H. Grant Dehart, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #3390-5-107
Hillsboro Community Park Acquisition - Caroline County

This project proposes the acquisition of a 1.842 acre parcel next to the park.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by March 21, 31 1998. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

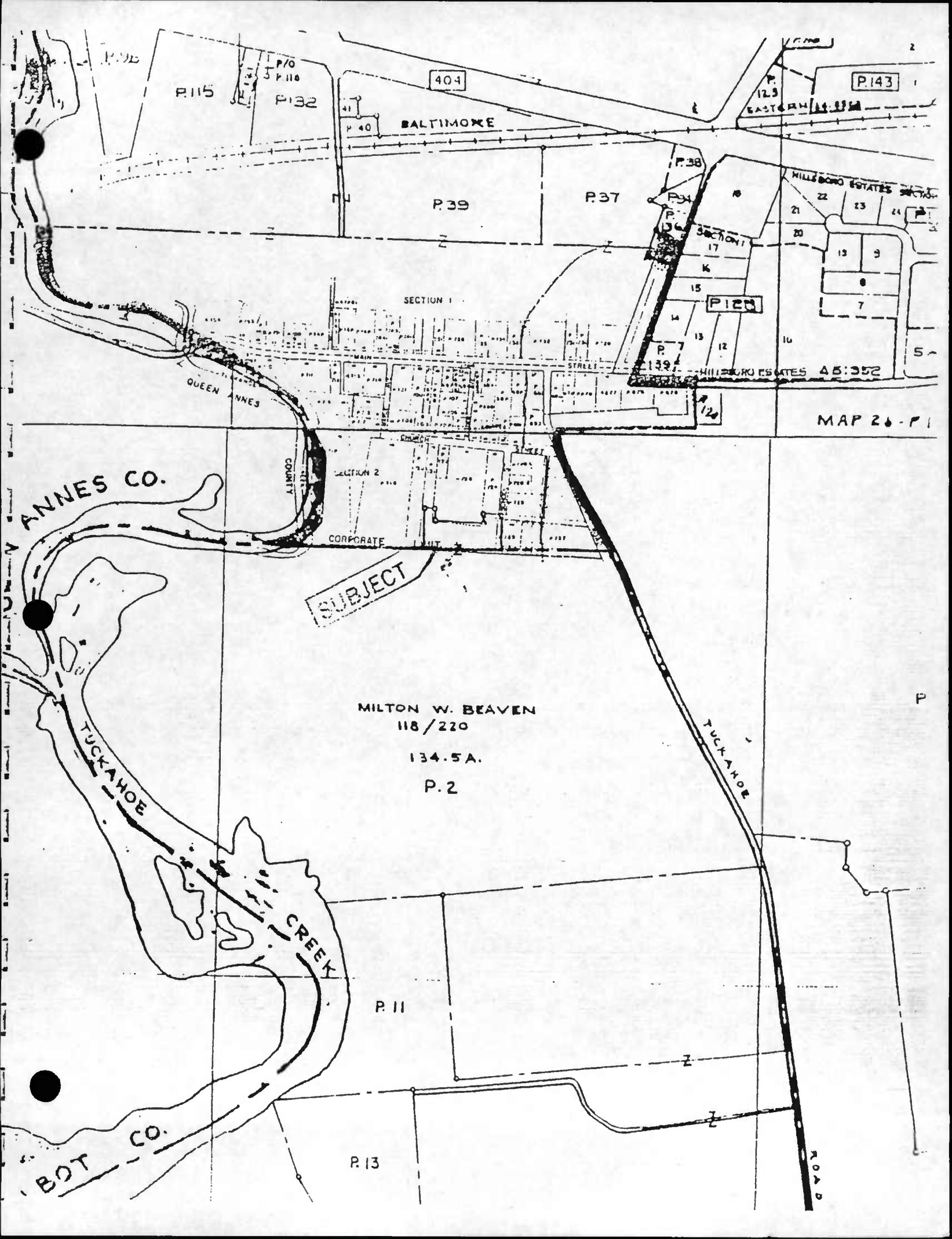
CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

3/20/98
DM

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



P.115
P.132
P.118
P.116

40.4

BALTIMORE

P.143

P.123
EASTERN

P.39

P.37

P.38

HILLSBORO ESTATES SECTION 1

SECTION 1

P.123

22
23
24
21
20
13
9
8
7
16
5

QUEEN ANNES

HILLSBORO ESTATES 45:352
MAP 26-P1

QUEEN ANNES CO.

SUBJECT

MILTON W. BEAVEN
118/220
134.5A.
P.2

TUCKAHOE

TUCKAHOE

CREEK

P.11

BOT CO.

P.13

ROAD

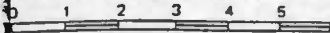
CAROLINE COUNTY, MD.

INDEX TO MAPS

Pages 2, 3 and 4 provide you a complete Step-by-Step guide to using your Street Map Book, Map Legend, Table of Contents and Key to Abbreviations. Take a few minutes to familiarize yourself with this time saving information.

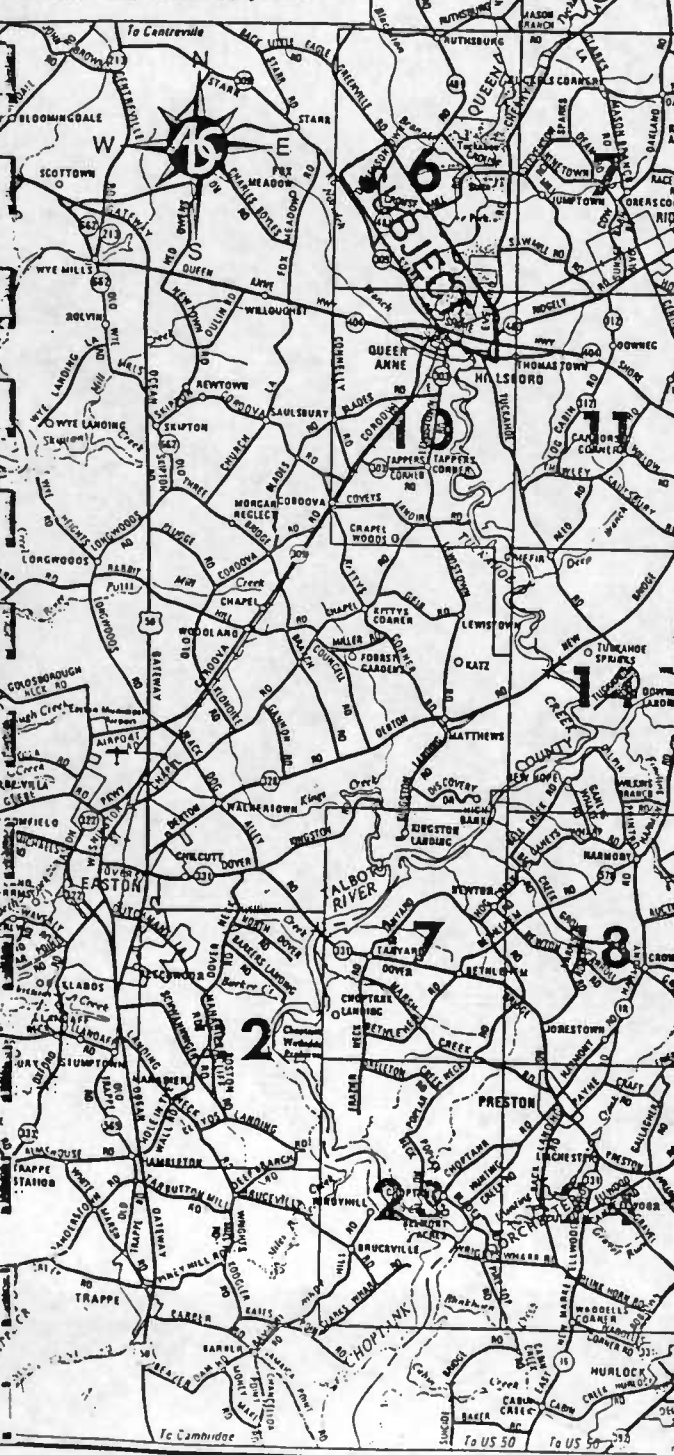
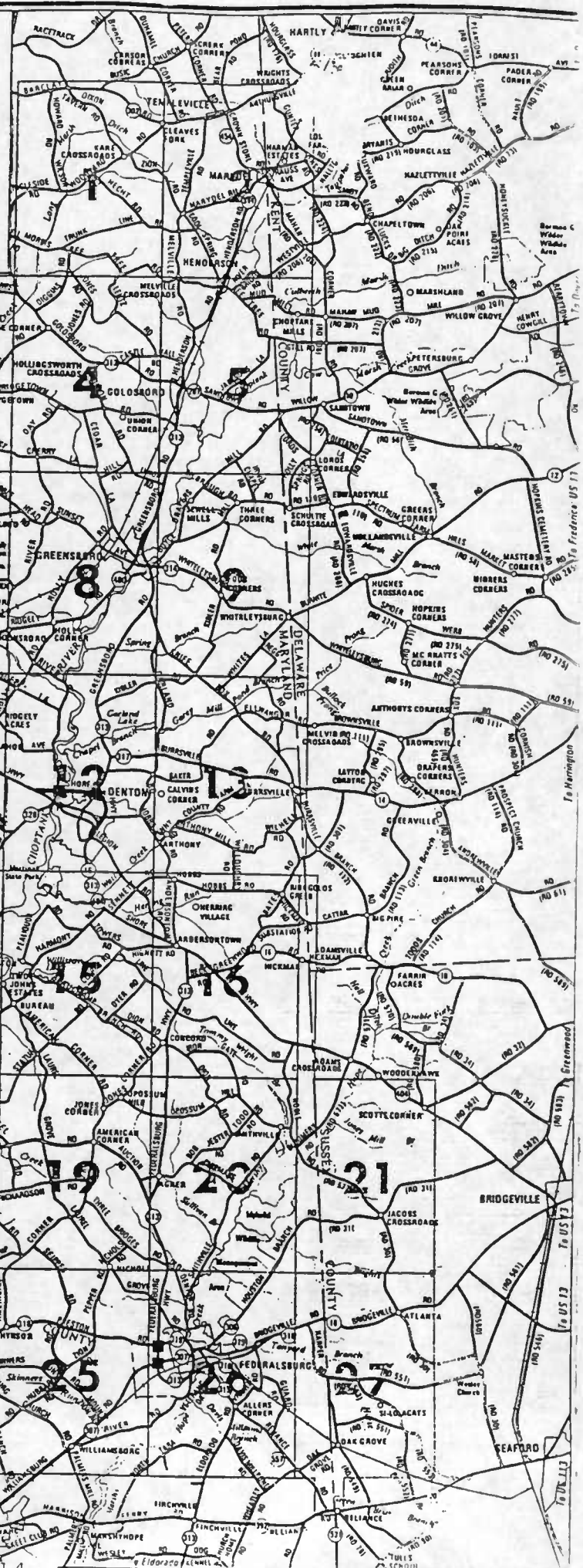
CAROLINE COUNTY, MD

SCALE IN MILES



EXIT

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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

March 19, 1998

Mr. Jeff Torney
Planner
City of Annapolis P & Z
160 Duke of Gloucester
Annapolis, MD 21401

**RE: Tunnel in the 100-foot Buffer
On Spa Drive**


Dear Mr. Torney:

This letter is in reference to a discussion we had about a City resident who would like to build an underground tunnel in the 100-foot Buffer for water access. Due to the nature of the proposed development, this kind of Buffer impact appears excessive and would require major excavation of the Buffer. The purpose of the Buffer is to protect aquatic resources, wetlands, shoreline, and terrestrial environments from man-made disturbances by removing sediments, nutrients, and potentially harmful or toxic substances in runoff that may enter the Bay.

This office does not oppose access to the water, but Buffer intrusion needs to be minimized. This office would oppose an underground tunnel that would severely impact the 100-foot Buffer. The applicant should look at other types of devices that could be used to provide reasonable access to the water such as a chair lift and/or stairs. Critical Area Commission staff can assist the City staff and the applicant in developing alternative plans to provide access to the water.

If there are any questions pertaining to the above, please feel free to call me at (410) 974-2426.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Regina Esslinger
General File

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Jeff Torney
COMPANY: Annapolis P + Z
FROM: Dawn McCleary
DATE: March 19, 1998

FAX #: (410) 263-1129

NUMBER OF PAGES SENT: 2
TIME:

REMARKS:

Any questions, please call me

Thanks

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

* P. 01 *
* TRANSACTION REPORT *
* MAR-19-98 THU 01:01 PM *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
* MAR-19 12:59 PM 914104143092 35" 2 SEND OK 074 *

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

March 19, 1998

Ms. Olivia Vidotto
Planner
Calvert County P & Z
150 Main Street
Prince Frederick, MD 20678


**RE: Huntington South Section II
SD-98-03**

Dear Ms. Vidotto:

This letter provides comments for the above referenced subdivision. The applicant is planning to create seven lots with two lots in the Critical Area Resources Conservation Area (RCA). After reviewing the above project, this office has determined that the RCA density on this parcel is limited to one dwelling. The current site plan shows part of Lot 6 within the Critical Area boundaries. All development activities on Lot 6 such as dwellings, septic fields, etc. are prohibited and must be placed out of the RCA.

If there are any questions pertaining to the above, please feel free to call me at (410) 974-2426.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: David Brownlee
Regina Esslinger
CA114-98

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Olivia Vidotto*
COMPANY: *Calvert Co. P+Z*
FROM: *DAWN McCleary*
DATE: *March 19, 1998*

FAX #: *(410) 414-3092*

NUMBER OF PAGES SENT: *2*

TIME:

REMARKS:

Any questions, please call.

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

TRANSACTION REPORT

P. 01

MAR-19-98 THU 01:00 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAR-19	12:59 PM	914104143092	35"	2	SEND	OK	074	

Post-it® Fax Note 7671		Date	3/14/98	# of pages	1
To	Duncan Stuart	From	Dawn McClary		
Co./Dept.	Balto. Planning	Co.	CBCAC		
Phone #	391-5908	Phone #	974-2426		
Fax #	244-7358	Fax #	974-5338		

Revised Plan Review

PROJECT:
 Name: A. J. Suckett
Site Plan (Revised + Additional Inf)
 CAC #: BA 108-98 Local #: 380
 Date: March 16/1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McClary
 Reviewer's Signature

Project Evaluation Division
 Telephone: (410) 974-2426

Revised Plan Review

PROJECT:

Name:

A. J. Suckett

CAC #:

Side Plan (Revised + Additional Inf)

Date:

BA 103-98

Local #:

280

March 26, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn M. Clary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

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

March 13, 1998

Mr. Jeff Torney
City of Annapolis P & Z
160 Duke of Gloucester
Annapolis, MD 21401

**RE: Berth Jabin's Yacht Yard
7310 Edgewood Road**

Dear Mr. Torney:

The site is currently improved with on-land boat storage and maritime uses. Critical Area Commission staff understands that the applicant is proposing to expand their on-land boat storage by constructing a gravel yard within the 100-foot Buffer. After reviewing the above project, this office has the following comments:

1. No clearing or new impervious surfaces are allowed in the 100-foot Buffer without a variance;
2. The 10% calculations must be done in an Intensely Developed Area; and,
3. No limits on clearing in Intensely Developed Area.

If there are any questions in reference to the preliminary review of the above project, please feel free to call me.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Regina Esslinger
An 124-98

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

PROJECT:

Name: A. J. Sackett
1701 South Highland Ave
CAC #: BA 109-99 Locat #: 880
Date: March 9, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Danny McClean
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

PROJECT:

Name: Lutheran World Center
701 South Chawkes Street
CAC #: BA-109-98 Local #: 002
Date: March 9, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McClary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

CHESAPEAKE BAY CRITICAL AREA COMMISSION

ATTMAN GLAZER BUILDING

45 Calvert Street, 2nd floor

Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Duncan Stuart*
COMPANY: *Balta City P+Z*
FROM: *Dawn Mc Cleary*
DATE: *March 19 1998*

FAX #: *(410) 244-7348*

NUMBER OF PAGES SENT:

TIME:

REMARKS:

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

 * P.01 *
 * TRANSACTION REPORT *
 * MAR-10-98 TUE 02:15 PM *
 *
 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *

 * MAR-10 02:12 PM 94102447358 2'25" 3 SEND OK 026 *
 *

reader file

PROJECT:

Name: Severn House

Fairview Ave

CAC #: Am 07-98 Local #: 04-98

Date: March 6, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Danna McIlroy
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

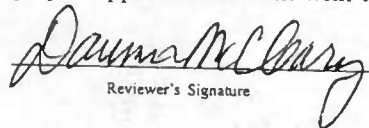
Revised Name correction 3/10/98

Readyfile

Post-it® Fax Note	7671	Date	3/9/98	# of pages	1
To	JEFF Torrey	From	Dawn McClary		
Co./Dept.	City of Annapolis P12	Co.	CBCAC		
Phone #	263-7961	Phone #	974-2426		
Fax #	263-1129	Fax #	974-5338		

PROJECT:
Name: Shearwater Condominium
Fairview Ave
CAC #: An 87-98 Local #: 04-98
Date: March 6/1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.


Reviewer's Signature

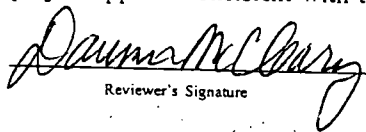
Project Evaluation Division
Telephone: (410) 974-2426

Out 3/9/98

Readyfile

PROJECT:
Name: Shearwater Condominium
Fairview Ave
CAC #: AN 87-98 Local #: 04-98
Date: March 6/1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.


Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

Out 3/9/98

PROJECT:

Name: Consolidated Coal

4300 Newgate Ave

CAC #: BA 107-99 Local #: 733

Date: March 9, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McLeary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

3/9/98
New fax machine
no receipt
with this
boxed copy

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Duncan Stuart* FAX #: *(410) 244-7358*
COMPANY: *Balto. City Planning Dept.*
FROM: *Dawn McLeary* NUMBER OF PAGES SENT: *2*
DATE: *March 9, 1998* TIME:

REMARKS:

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as soon as possible at (410) 974-2426.

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

March 4, 1998

Ms. Roxana Homer
Planner
Calvert County P & Z
150 Main Street
Prince Frederick, MD 21401

RE: Owen Cummings
98-2432

Dear Ms. Homer:

This letter is in reference to the applicant's request for a variance to build a garage and addition to the existing house. After reviewing the above project, this office has determined that the existing impervious surface on the site is 20.05%. The applicant is proposing to add 8.22% of impervious surface totaling 28.27%. This would place the above project below the 31.25% impervious surface limit allowed. Because of this, a variance to the impervious surface limitation is not required by the applicant if the County ensures the items listed below are met.

Calvert County must make sure the following conditions exist on the site. They are: that 1) impervious surfaces on the property are minimized, 2) that water quality impacts associated with runoff from the new impervious surface are minimized or use of best management practices are implemented; and 3) that on-site mitigation or fees-in-lieu are used to offset potential adverse impact to water quality. (See Section §8-1808.3 of the Critical Area Act)

Thank for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: David Brownlee
Regina Esslinger
CA 89-98

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

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

March 4, 1998

Ms. Roxana Homer
Planner
Calvert County P & Z
150 Main Street
Prince Frederick, MD 20678

**RE: Theodore Norris
98-2431**

Dear Ms. Homer:

This letter is in reference to the applicant's request for a variance to increase the impervious surface within the 100-foot Buffer by building a carport and shed addition. After reviewing the above project, this office has determined that the existing impervious surface on the site is 17.37%. The applicant is proposing to add 1.11% of impervious surface totaling 18.48%. This would put the proposed impervious surface over the 15% impervious surface limitation. (*See Section §8-1808.3 of the Critical Area Act*) Critical Area staff cannot support the variance request to increase impervious surface on site beyond the existing amount.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for a variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: David Brownlee
Regina Esslinger
CA 88-98

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



CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Roxana Homer
COMPANY: Calvert Co. P+Z
FROM: Dawn McCleary
DATE: March 4, 1999

FAX #: (410) ~~410~~ - 414 - 3092

NUMBER OF PAGES SENT:

TIME:

REMARKS:

Any questions, please call me.

Marks

Dawn

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as soon as possible at (410) 974-2426.

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MESSAGE CONFIRMATION
TRANSMISSION

NAF-04-199 MED 04:43

FORM ID:

P-9933

TEL NO.:

NO.	DATE	SET. TIME	TOTAL TIME	ADDR. SBD.	ID	DEPT. CODE	HPGS
010	03-03	01:41	03 01:50		410414309E		OK-3 NG-0

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

March 2, 1998

Ms. Olivia Vidotto
Planner
Calvert County P & Z
150 Main Street
Prince Frederick, MD 20678

**RE: Rousby Hall Woods Subdivision
SD 98-06**

Dear Ms. Vidotto:

This letter provides comments for the above referenced subdivision. The applicant is planning to create eight lots within the Critical Area Resource Conservation Area (RCA) with three of the lots being created through an intrafamily transfer. After reviewing the above project, this office has the following comments:

1. The RCA density on this parcel is limited to the three intrafamily lots proposed. All additional development activities such as dwellings, septic fields, etc. are prohibited and must be placed out of the RCA;
2. The preliminary site plan shows an existing road going through several of the proposed lots. The existing road does not impact steep slopes, while the proposed road does. Development activities on slopes greater than 15% is prohibited. (*See Calvert County Critical Area Zoning Ordinance 4-8.07 (A) (6)*).
3. This office recommends that there be plats note stating the three RCA lots are an intrafamily transfer; and,
4. This office recommends that there be a plat note showing to whom the lots will be conveyed in the family. The County must make sure that the lots go to immediate family members that are outlined in the intrafamily requirements. (*See COMAR §8-1808.2 a(3), pp.10 & 11 for definition of immediate family*)

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

Continued, Page Two
Rousby Hall Woods
March 2, 1998

This office needs the above information in order to complete the review of the above project. If there are any questions, please feel free to call me at (410) 974-2426.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: David Brownlee
Roxana Homer
Regina Esslinger
CA 64-98

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Olivia Vidotto*
COMPANY: *Calvert Co. P + Z*
FROM: *Dawn McLeary*
DATE: *March 2, 1998*

FAX #: *(410) 414-3092*

NUMBER OF PAGES SENT:

TIME:

REMARKS: *Any questions, please call me*

Mark

Dawn

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MESSAGE CONFIRMATION
TRANSMISSION

JAN-07-100 SAT 01:47

TEPH ID:

P-9999

TEL NO.:

NO.	DATE	ST. TIME	TOTAL TIME	RRRR	SEC	ID	DEPT CODE	#PSS
002	1-07	01:45	00:01:59			4104143092	ADY-3	NG-0

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

February 24, 1998

Ms. Olivia Vidotto
Planner
Calvert County P & Z
150 Main Street
Prince Frederick, MD 20678

RE: Additional Information on
Patuxent Point - Phase II
Solomon's Island in Calvert County

Dear Ms. Vidotto:

A representative from Collinson, Oliff and Associates, Inc. provided additional information to this office in response to my January 25, 1998 letter. After reviewing the additional information, this office has the following comments:

1. Limits of disturbance should be shown on the site plan. At this point, staff is unable to determine if the proposed development will impact the expanded Buffer; and
2. Please indicate the type of material that will be used for the access path to the pier and how the path will be installed; and,

If there are any additional questions, please feel free to call me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: David Brownlee
Regina Esslinger
CA 609-97

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Olivia Vidotto
COMPANY: Calvert Co. P+Z
FROM: Dawn McCleary
DATE: Feb. 25, 1999

FAX #: (410) 414-3092
NUMBER OF PAGES SENT: 2
TIME:

REMARKS:

Any questions, please call me

Thanks

Dawn

no receipt from Michael 2/25/99

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as soon as possible at (410) 974-2426.

MESSAGE TRANSMISSION

1971-01-100 SUN 20:26

TERM ID:

F-9995

TEL NO.:

NO.	DATE	ET.	TIME	NO.	FD	ID	DEPT CODE	HPGS
01	01-01	20:24	00:01:14			4104143002	0-2	16-0

PROJECT:

Name: Oakington Manor (Lot 8+9)
(County) Club Road, House de Corice
CAC #: HC 73-198 Local #: VAR 4797
Date: Feb. 24, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McLeary

Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Kit West*

FAX #: *(410) 979-8239*

COMPANY: *Hanford Co. P+2*

FROM: *Dann McCleary*

NUMBER OF PAGES SENT: *2*

DATE: *Feb. 25, 1998*

TIME:

REMARKS:

*Any questions, please call me
- Monks
Danna*

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

MESSAGE CONFIRMATION
TRANSMISSION

JAN-01-'00 SUN 20:13

TERM ID:

P-9939

TEL NO.:

NO.	DATE	ST. TIME	TOTAL TIME	ABBR. SCD	ID	DEPT. CODE	# PGS
006	01-01	20:12	00:01:28		873 8239		01 - 2 NG - 0

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

February 23, 1998

Mr. H. Grant Dehart
Program Open Space
Dept. Of Natural Resources
580 Taylor Ave
Annapolis, MD 21401

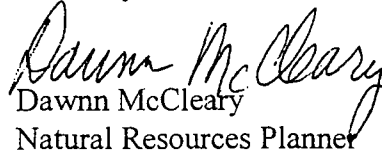
RE: Local POS Project #3380-5-106
Choptank Marina Auxiliary Parking
Acquisition - Caroline County

Dear Mr. Dehart:

The Critical Area Commission understands that POS money will be used to acquire 1.5 acres to be used as a supporting parking facility for the Choptank Marina. If the above project impacts the 1000 foot Critical Area and the 100-foot buffer, this office would like to review the proposed site plan for the parking lot during the preliminary plan review process. Any parking lot development that may occur in the 100-foot Buffer is not an acceptable activity.

If there are any questions pertaining to the above, please feel free to call me.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Lori Schmick
Regina Esslinger
POS Choptank.98

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



CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Marti Sullivan*
COMPANY: *Program OpenSpace*
FROM: *Dawn McCleary*
DATE: *Feb. 23, 1998*

FAX #: *(410) 260-9404*
NUMBER OF PAGES SENT: *3 4*
TIME:

REMARKS: *Any questions, please call me (410) 974-2426.*

Dawn

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as soon as possible at (410) 974-2426.

MESSAGE CONFIRMATION
TRANSMISSION

FEB-23-'98 MON 15:54

TERM ID:

P-9959

TEL NO.:

NO.	DATE	ST. TIME	TOTAL TIME	ABER. SED	ID	DEPT CODE	CPGS
197	02-23	15:51	07:02:47		94100605404		4ING-0

Readerfile

CLEARINGHOUSE REVIEW

RECEIVED

February 9, 1998

FEB 17 1998

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Jonathan McKnight, Wildlife (E-1)
Robert Beckett, State Forest and Park Service (E-3)
John Rhoads, Natural Resources Police (E-3)
Ray Dintaman, Environmental Review (B-3)
Sandi Olek, Education, Bay Policy and Growth Mgmt. (E-2)
Marian Honecny, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)

FROM: H. Grant ^(HGD) Dehart, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #3380-5-106
Choptank Marina Auxiliary Parking Lot Acquisition - Caroline County

This project proposes the acquisition of 1.5 acres for the use as a supporting parking facility for the Choptank Marina.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by February 23, 1998. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

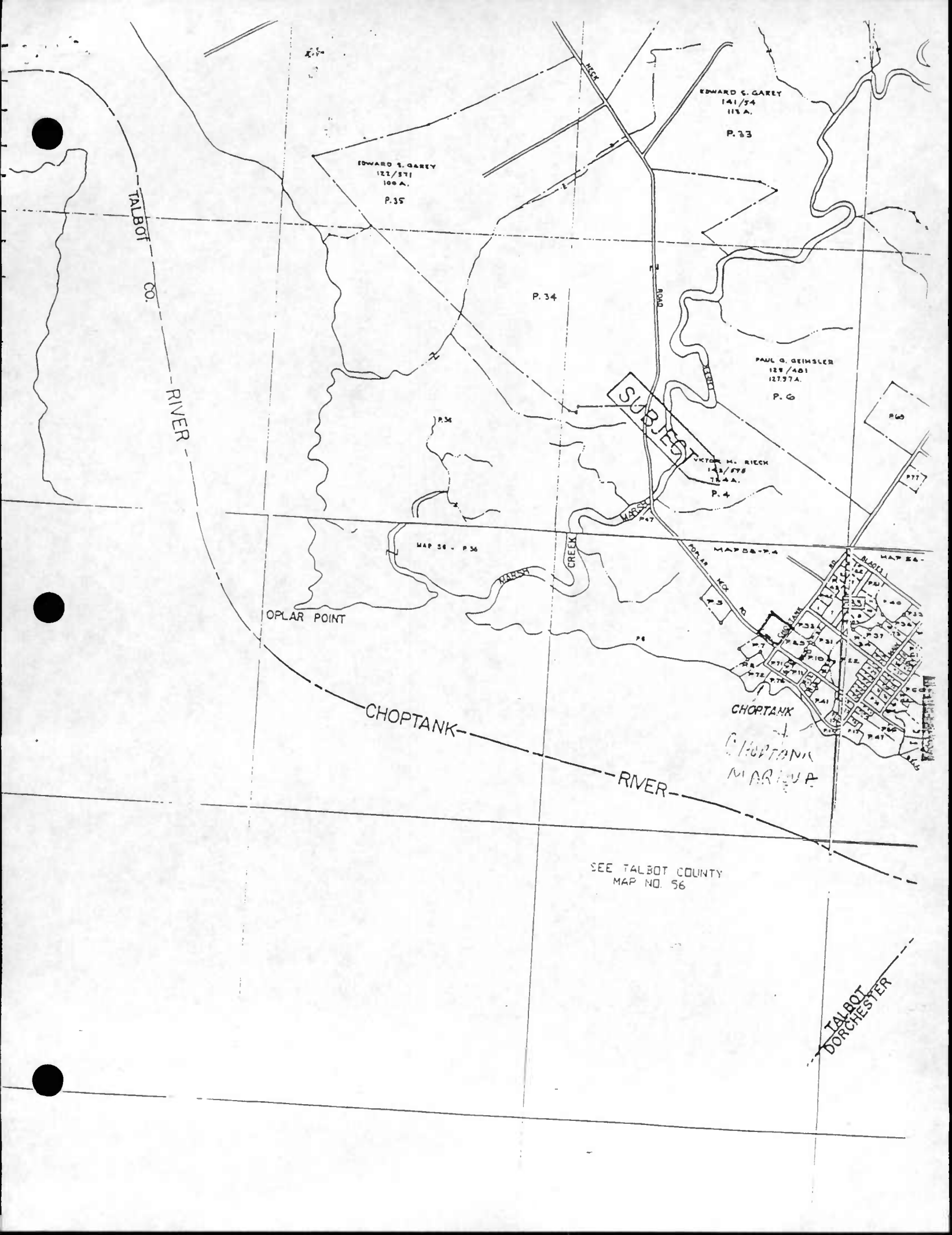
CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

_____	_____
✓	2/23/98 DM
_____	_____

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



TALBOT CO. RIVER

OPLAR POINT

CHOPTANK RIVER

SUBJECT

EDWARD S. GAREY
122/571
100 A.
P. 35

EDWARD S. GAREY
141/74
112 A.
P. 33

P. 34

PAUL G. GEIMSLER
128/401
127.57 A.
P. 6

VICTOR M. RIECK
143/578
78.4 A.
P. 4

MAP 56 - P. 36

MAP 56 - P. 4

CHOPTANK MARSH

SEE TALBOT COUNTY
MAP NO. 56

TALBOT
DORCHESTER

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5538

FACSIMILE TRANSMITTAL

TO: *Duncan Stuart*

FAX #: *(410) 244-7358*

COMPANY: *Balto. Dept. of Planning*

FROM: *Dawn McClary*

NUMBER OF PAGES SENT: *2*

DATE: *Feb. 20, 1998*

TIME:

REMARKS:

*Any questions, please call
me*

Thanks

Dawn

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

PROJECT:

Name: W.W. Granger
(2100 Haines Street)
CAC #: DA-30-98 Local #: 000874-01
Date: FEB. 18, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McClary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

PROJECT:

Name: Hobelman Car Coating Facility
2901 Childs Street

CAC #: BA 63-98 Local #: 000877

Date: Feb 17, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Deann McCleary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Duncan Stuart*

FAX #: *(410) 244-7358*

COMPANY: *Dept. of Planning*

FROM: *Dawn McCleary*

NUMBER OF PAGES SENT: *2*

DATE: *Feb. 18, 1998*

TIME:

REMARKS:

*Any questions please call me
See you Thursday at 10:30 AM.*

Dawn

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

MESSAGE CONFIRMATION
TRANSMISSION

FEB-18-'98 WED 14:20

TERM ID:
TEL NO.:

P-9999

NO.	DATE	ST. TIME	TOTAL TIME	ABBR/SED	ID	DEPT CODE	#PGS
189	02-18	14:18.2	00:01:21		301 244 7358		04-2 NG-0

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

February 17, 1998

Mr. Duncan Stuart
Environmental Planner
Baltimore City Dept. Of Planning
417 East Fayette Street, 8th Floor
Baltimore, MD 21202

RE: Guilford Pharmaceuticals
at 6611 Tributary Street

Dear Mr. Stuart:

The Critical Area Commission staff has reviewed the above project. In order to complete the review of this project, Critical Area Commission staff needs a planting plan for the bioretention facilities that will go into the 100-foot Buffer.

The site plan shows a proposed foot bridge in the 100-foot Buffer. Since the foot bridge will encroach in the 100-foot Buffer, this office needs the following: 1) the amount of forest to be cleared with limits for clearing shown; 2) the location for Buffer mitigation, if on-site; and 3) a planting plan for the mitigation. Please forward all additional information to this office for review. I will provide comments at that time. If you have any questions, please call me at (410) 974-2426.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Beth Strommen
Regina Esslinger
BA 27-98

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Duncan Stuart*
COMPANY: *Balto. City*
FROM: *Dawnn Mc Cleary*
DATE: *Feb. 17, 1998*

FAX #: *(410) 244-7358*

NUMBER OF PAGES SENT: *2*

TIME:

REMARKS:

Any question, please call me.

Thanks

Dawnn

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

PROJECT:
Name: Preston Walls
(Dorothy Lane)
CAC #: CR 56-98 Local #: 98-05V
Date: Feb. 17, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McClary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Lori Schmick*

FAX #: *(410) 479-4187*

COMPANY: *Caroline County Pt 2*

FROM: *Dawn McLeary*

NUMBER OF PAGES SENT: *1*

DATE: *Feb. 17, 1998*

TIME:

REMARKS:

Any questions, please call me

Thanks

Dawn

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

udge 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

February 6, 1998

Ms. Lori Schmick
Environmental Planner
Caroline County P & Z
P.O. Box 339
Denton, MD 21629

**RE: Hackett's Garden: A Lands of RWL
Development Company (Caroline County)**

Dear Ms. Schmick:

The purpose of this letter is to respond to the January 6, 1998 letter from Sean Callahan requesting confirmation whether the above project is exempt from the Forest Conservation Act because more than 50% of the total tract area is within the Critical Area. After reviewing the project, this office has determined that, although the project is not "exempt" from the Forest Conservation Act, the provisions of Senate Bill 33 may be applied. These provisions state that an applicant that is proposing a subdivision for a site with more than 50% of the property within the Critical Area, may extend Critical Area forest protection measures in lieu of meeting the requirements of the Forest Conservation Act. The following comments apply to the forested areas located both inside and outside the Critical Area:

1. The 100-foot Buffer in the Critical Area and the 50-foot stream buffer outside the Critical Area should be maintained in natural vegetation. Appropriate notes shall be placed on the plat to ensure this protection.
2. One side of the 50-foot stream buffer at the northern part of the area outside the Critical Area is not shown.
3. Add a 50-foot buffer on both sides of the stream located at the southern part on the property.


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

Continued, Page Two
Ms. Schmick
Hackett's Garden
February 6, 1998

4. All proposed future cutting or clearing of forest and developed woodlands, will require reforestation. For replacement of forest and developed woodland, all forests that are allowed to be cleared shall be replaced on at least an equal area basis. If more than 20% of the existing forest is to be cleared, up to 30%, then the forest shall be replaced at a ratio of 1:5 to 1. If more than 30% is proposed to be cleared, then the forest shall be replaced at a ratio of 2 to 1. These provisions shall be included on the plat.

For any future development on Lots 1, 3, and 4 and part of Lot 2 within the Resource Conservation Area, the total impervious surfaces for the entire subdivision within the Critical Area may not exceed 15% appropriate notes shall be included on the plat. If there are additional questions, please feel free to call me at (410) 974-2426.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Marian Honeczy
Mary Owens
Regina Esslinger

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Marian Honczyk*
COMPANY: *Forest Service*
FROM: *Dawn McHenry*
DATE: *Feb. 6, 1999*

FAX #: *(410) 543-6768*
NUMBER OF PAGES SENT: *3*
TIME:

REMARKS:

Any questions, please call me

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Duncan Stuart*
COMPANY: *Balta City Planning*
FROM: *Dawn Mcleary*
DATE: *Feb. 5, 1998*

FAX #: *(410) 244-7358*
NUMBER OF PAGES SENT: *3*
TIME:

REMARKS:

Any questions, Please Call

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

George 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

February 5, 1998

Mr. Duncan Stuart
Environmental Planner
Baltimore Planning Department
417 East Fayette Street, 8th
Baltimore, MD 21202-

**RE: Airport Car Care
At 6400 Arundel Cove Ave.**

Dear Mr. Stuart:

This letter is in reference to the January 26, 1998 site visit to the Airport Car Care lot in which a commercial development activity is being proposed. This office has the following comments:


1. New (non-grandfathered) commercial uses are not permitted in the Resource Conservation Area (RCA);
2. Development in the RCA is limited to 15% impervious surfaces on the site, and mitigation ratios for clearing are prescribed in the Critical Area Criteria. (See COMAR 27.01.02.05 C (7)) For clearing up to 20%, the replacement ratio is 1:1. For clearing that is between 20% and 30%, the replacement ratio for the entire cleared area is 1.5:1, and at 30% and above, the replacement ratio for the entire site is 3:1;
3. Staff understands that the clearing and paving of the parking lot are a violation and permits have not been issued; and,
4. Before this project is submitted for official Critical Area review, the site plan needs to show the 1000 foot Critical Area line, the 100 foot Buffer, the amount of forest clearing, forest acreage, impervious surfaces and the current Critical Area designation on the site plan.

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

Continued, Page Two
Mr. Stuart
Airport Car Care
February 5, 1998

Finally, without a growth allocation or determination of a mapping mistake, this development is not permitted as proposed. Commission staff is available to assist you in evaluating these two options. If there are any questions, please feel free to call me at (410) 974-2426.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Sue Williams
Ren Serey
Regina Esslinger
Mary Owens
BA Airport.98

Reader file
copy

PROJECT: Port Discovery Child Museum
Name: 35-43 Market Place
CAC #: BA 47-48 Local #: 000822-01
Date: Feb. 2, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McCleary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Duncan Stuart*
COMPANY: *Ba to. City Planning*
FROM: *Dawn McCleary*
DATE: *Feb. 26, 1998*

FAX #: *(410) 244-*

NUMBER OF PAGES SENT: *2*

TIME:

REMARKS:

Any questions please call.

*P.S. This project notice was sent to you according to our records
maybe it got lost in the mail.*

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

LEASE INFORMATION
TRANSMISSION

JAN-23-'00 TUE 03:06

TERM ID:
TEL ID:

P-9999

NO.	DATE	ST.	TIME	TOTAL TIME	ABBR. SBD	ID	DEPT CODE	PHONE
127	01-23-00	03:05	03:01:30			001 244 7358		04-216-0

CLEARINGHOUSE REVIEW

January 27, 1998 E

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Jonathan McKnight, Wildlife (E-1)
Robert Beckett, State Forest and Park Service (E-3)
John Rhoads, Natural Resources Police (E-3)
Ray Dintaman, Environmental Review (B-3)
Sandi Olek, Education, Bay Policy and Growth Mgmt. (E-2)
Marian Honecny, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)

FROM: H. Grant Dehart, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #3378-4-33
Robinwood Park - Calvert County.

This project proposes the acquisition of 104 acres as the original purchase for Robinwood Park.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by February 13, 1998. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

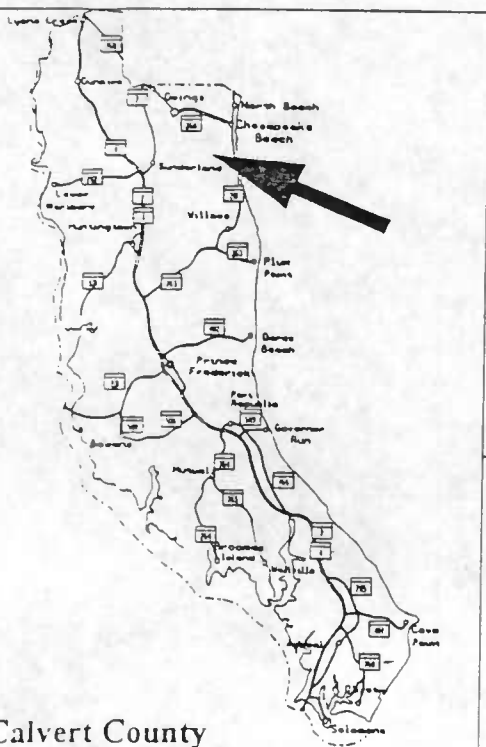
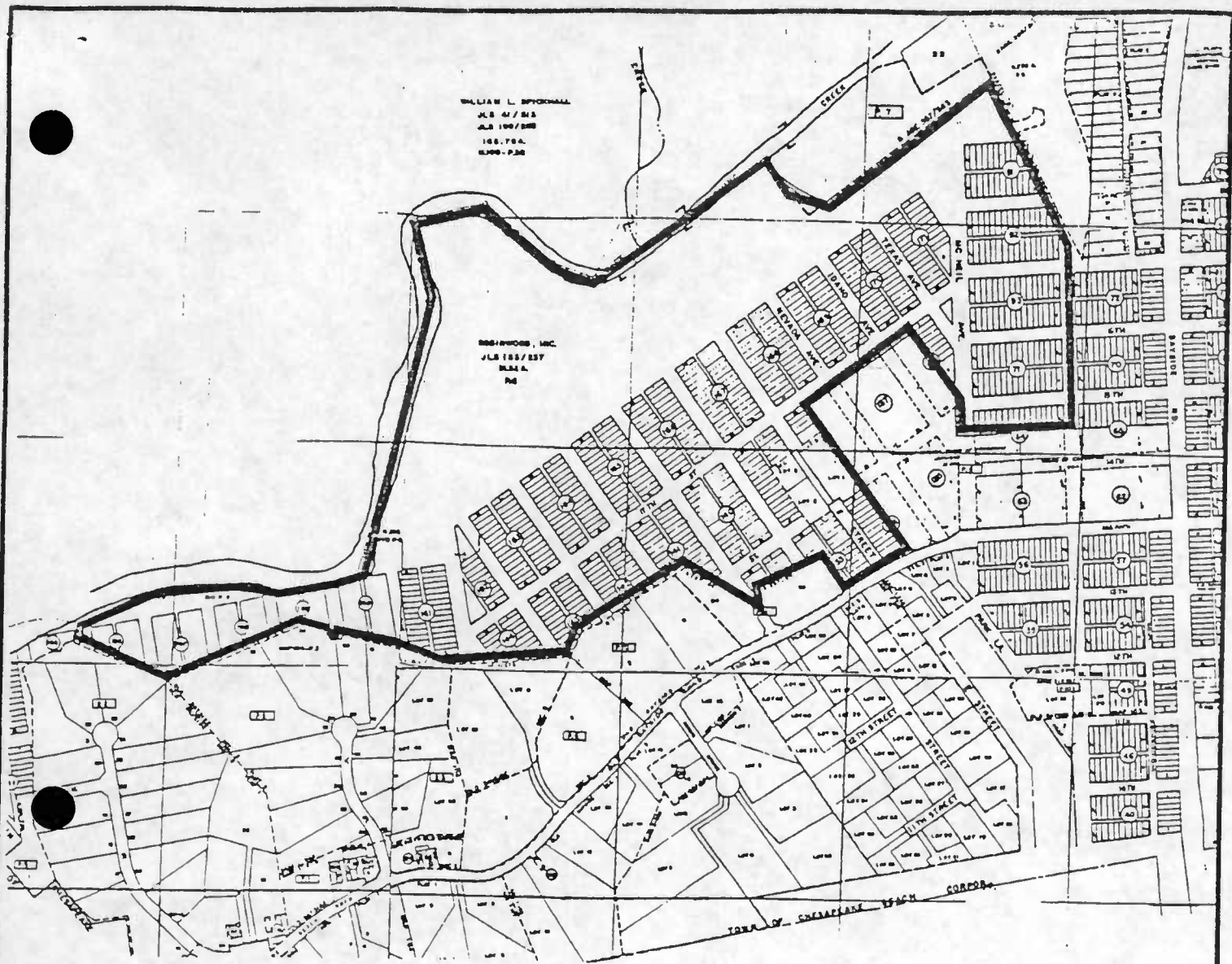
CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency. _____
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration. _____
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment. _____

2/2/98
DM

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



MD. Department of Natural Resources
Program Open Space

Ward / Robinwood Property
S.P.M. 103 Parcel 6

Total +/- 104 Acres

RECEIVED

CLEARINGHOUSE REVIEW

FEB 2 1998

January 27, 1998

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)
 Jonathan McKnight, Wildlife (E-1)
 Robert Beckett, State Forest and Park Service (E-3)
 John Rhoads, Natural Resources Police (E-3)
 Ray Dintaman, Environmental Review (B-3)
 Sandi Olek, Education, Bay Policy and Growth Mgmt. (E-2)
 Marian Honeczy, Forestry (E-1)
 Bill Hodges, Resource Assessment Services (B-3)
 Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)

FROM: H. Grant Dehart, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #3375-4-31
 Dunkirk District Park Improvements - Calvert County

This project proposes the construction of a large playground, a skateboard park, the development of a picnic grove, restrooms, and infrastructure improvements such as a well, paths, and water lines.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by February 13, 1998. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

CHECK

INITIAL

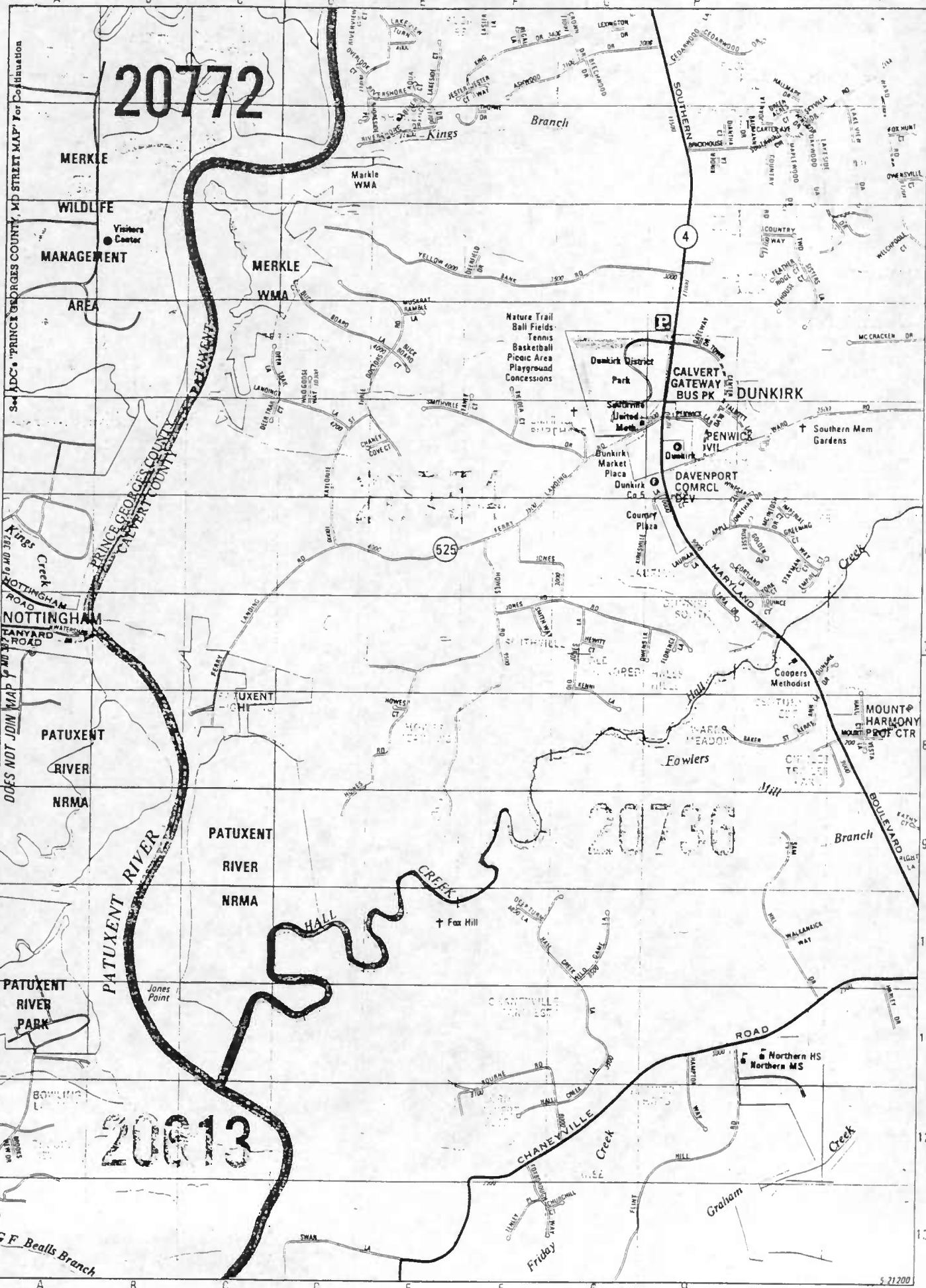
1. The project does not conflict with the plans, programs or objectives of this Agency. DM
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration. _____
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment. _____

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.

900,000 FT

Joins Map 1 76

890,000 FT



20772

20730

20813

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10,000 FT

Joins Map 3

ADC "PRINCE GEORGES COUNTY, MD STREET MAP" For Distribution
DOES NOT JOIN MAP 1

G F Bealls Branch

Joins Map 5

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

January 23, 1998

Ms. Kit West
Environmental Planner
Harford County P & Z
220 South Main Street
Bel Air, Maryland 21014-3865

***RE: Winters Run Interceptor Parallel
Phase II- Critical Area Consistency Report***

Dear Ms. West:

Thank you for providing "Notification of Certification" that the above project is consistent with Harford County's Critical Area Program. The above referenced project, located in Harford County's Winters Run in the Edgewood area will occur in the Resource Conservation Area and the Intensely Developed Area. 80% of the project will be constructed through the Resource Conservation Area and 15% of the project will be constructed through the Intensely Developed Area with the remaining 5% to lie outside of the Critical Area.

According to the Critical Area Report, Critical Area Commission staff understands that the purpose of this project is to construct a new, reliable interceptor that will supplement or replace the existing sewer interceptor. Since the existing sewer lines are presently near their design flow capacity, this project will ensure that sewage overflows due to undersized sewers will not pollute this area. The project will involve the installation of 5,070 linear feet of new gravity sewer and the abandonment of about 4,500 linear feet of existing sewer line.

The Project Evaluation staff understands:

1. All of the proposed disturbance within the Critical Area is located in the 100-foot Critical Area Buffer. The requirements of the Forest Conservation Plan\Buffer Management Plan will be satisfied as long as the trenching for root pruning is provided for the specimen trees whose root crowns will be affected by the sewer construction;
2. Habitat Protection Areas will be impacted because there are no reasonable alternatives available. The mitigation site for forest and wetland impact will be outside the Critical Area;

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

Continued, Page Two
Ms. West
Winters Run Interceptor Parallel
Consistency Report
January 23, 1998

3. 3,000 square feet of the project will occur in nontidal wetlands with five streams being crossed by this project. The impacts and mitigation for disturbance to wetlands and their buffers have been addressed in the Joint Federal\State Wetland Permit Application and the Off-site Mitigation Report;
4. Portions of this project will occur in riparian forest\forest interior dwelling species (FIDS) habitat, the Otter Point Creek Habitat of Local Significance, and Critical Area Buffer adjacent to anadromous fish breeding habitat. David Brinker from the Department of Natural Resources has verified in two letters that the potential impacts of the project to these resources have been minimized to the satisfaction of the Heritage and Biodiversity Conservation Programs. It has been requested that no construction activities involving motorized equipment or similar disturbances will occur during the breeding season of these species from March 1 to August 31;
5. No known colonial waterbird nesting sites or waterfowl concentration areas will be impacted by this project;
6. Based on correspondence with the U. S. Fish and Wildlife Services and the MD Dept. Of Natural Resources, Natural Heritage Program, there will be no impact to any habitats of rare, threatened or endangered species; and,
7. There are no stormwater management issues. Because this project involves construction of a buried pipe, no new impervious surfaces will be created. Sediment and erosion control methods will be applied throughout the project area.

Critical Area Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located; 2) does not substantially affect the Critical Area program of the local jurisdiction is located; 3) is not considered by the Commission to be a major development. (See COMAR Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs).

Continued, Page Three
Ms. West
Winters Run Interceptor Parallel,
Phase II - Consistency Report
January 23, 1998

Therefore, approval of the above project by the Commission is not necessary. The approval of this consistency will be filed with the Commission.

If there are any questions pertaining to the above project, please feel free to contact me at (410) 974-2426.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Kit West

FAX #: (410) 879-8239

COMPANY: Harford Co. P+Z

FROM: Dawn McCleary

NUMBER OF PAGES SENT: 4

DATE: January 23, 1998

TIME: =

REMARKS:

FAX

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

udge 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

January 23, 1998

Ms. Olivia Vidotto
Planner
Calvert County P & Z
150 Main Street
Prince Frederick, MD 20678

RE: Patuxent Point- Phase III
Solomons Island in Calvert County

Dear Ms. Vidotto:

This letter is in reference to the review of the Patuxent Point Phase III Subdivision in which 78 buildable lots will be created in the Critical Area. After reviewing the above subdivision, this office has the following comments:

1. According to the County's Critical Area Form, there will be an increase in the amount of impervious surfaces within the IDA. Because of this increase, Critical Area staff will need to review the 10% Rule calculations which were not submitted to this office;
2. Lots 137, 147, 154, 155, 160, 161 and 168 show decks\patios that are adjacent to the 100-foot Buffer. It does not appear that these lots can be developed without intruding into the Buffer. Any Buffer disturbance necessitates a variance, and this office cannot support Buffer variances for new development; and,
3. This office could not find access to the proposed pier. Is there a way for access to the pier?

If there are any questions pertaining to the above information, please feel free to call me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: David Brownlee
Regina Esslinger
CA Phase III

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Olivia Vidotto
COMPANY: Calvert Co. P + Z
FROM: Dawn McHenry
DATE: January 23, 1996

FAX #: (410) 414-3092

NUMBER OF PAGES SENT: 2

TIME:

REMARKS:

F A X

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

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

January 22, 1998

Mr. Thomas Smith
City of Annapolis P & Z
160 Duke of Gloucester Street
Annapolis, MD 21401

RE: Harness Creek Overlook
Subdivision Preliminary Plans

Dear Mr. Smith:

Critical Area Commission staff reviewed the preliminary subdivision plans for Harness Creek Overlook, and has the following comments:

1. This office has noticed that there is an acreage discrepancy in the amount of land within the Critical Area as noted in several places on the site plan. Our records show that the acreage within the Critical Area that the applicant has shown on the site plan is incorrect. Because of this, the forest/woodland clearing and impervious surface calculations have to be corrected.
2. The applicant needs to show the amount of total Critical Area acreage that was annexed from Anne Arundel County into the City of Annapolis. Correspondence from your office states that 9.4 acres was annexed in the Critical Area. It is our understanding that the entire Critical Area annexation is part of this development. The preliminary site plan shows acreage within the City of Annapolis and Anne Arundel County. This office understands that the proposed development will take place in the City of Annapolis. The site plan must indicate correct acreages and the recent annexation.
3. Based on Ms. Valera's December 5, 1998 letter stating that the existing stream does not appear on the quad sheet, staff rereviewed the quad sheet. A blue line stream does run through the site. As defined in the Critical Area Criteria, any stream shown on the quad sheet is a tributary stream. Tributary streams must have a 100-foot Buffer and the site plan must properly reflect this 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

Continued, Page Two
Mr. Smith
Harness Creek Overlook
January 22, 1998

4. This office recently provided comments to Jeff Torney regarding possible Forest Interior Dwelling Birds (FIDS) on the site.

If there are any questions pertaining to the above subdivision comments, please feel free to call me at (410) 9742426.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Jeff Torney
Regina Esslinger
CA Overlook.Har

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Tom Smith
COMPANY: City of Annapolis
FROM: Damon McCleary
DATE: January 22, 1998

FAX #: (410) 263-1129

NUMBER OF PAGES SENT: 3

TIME:

REMARKS:

F A X

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Manti Sullivan
COMPANY: Program Open Space

FAX #: (410) 260-8404

FROM: Dawn McCleary

NUMBER OF PAGES SENT: 7

DATE: January 21, 1998

TIME:

REMARKS:

Any questions, please feel free to call
me

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

STATE OF ILLINOIS
TRANSMISSION

JAN 21 '78 WED 09:28

TRAN ID:

F-9999

FILE NO.:

IND.	DATE	ST.	TIME	TOTAL TIME	ABBR.	SRU	ID	DEPT. CODE	PAGE
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RECEIVED

JAN 14 1998

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

CLEARINGHOUSE REVIEW

January 6, 1998

TO: Arnold Norden, Greenways and Resources Planning (E-4)
 Jonathan McKnight, Wildlife (E-1)
 Robert Beckett, State Forest and Park Service (E-3)
 — John Rhoads, Natural Resources Police (E-3)
 Ray Dintaman, Environmental Review (B-3)
 Sandi Olek, Education, Bay Policy and Growth Mgmt. (E-2)
 Marian Honecny, Forestry (E-1)
 Bill Hodges, Resource Assessment Services (B-3)
 Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr):

FROM: H. Grant ^(AGD) Dehart, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #3371-12-153
 Park Land Acquisition (Walter) - Harford County

This project proposes the acquisition of 50 acres of wood land located adjacent to Deer Creek.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by January 20, 1998. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

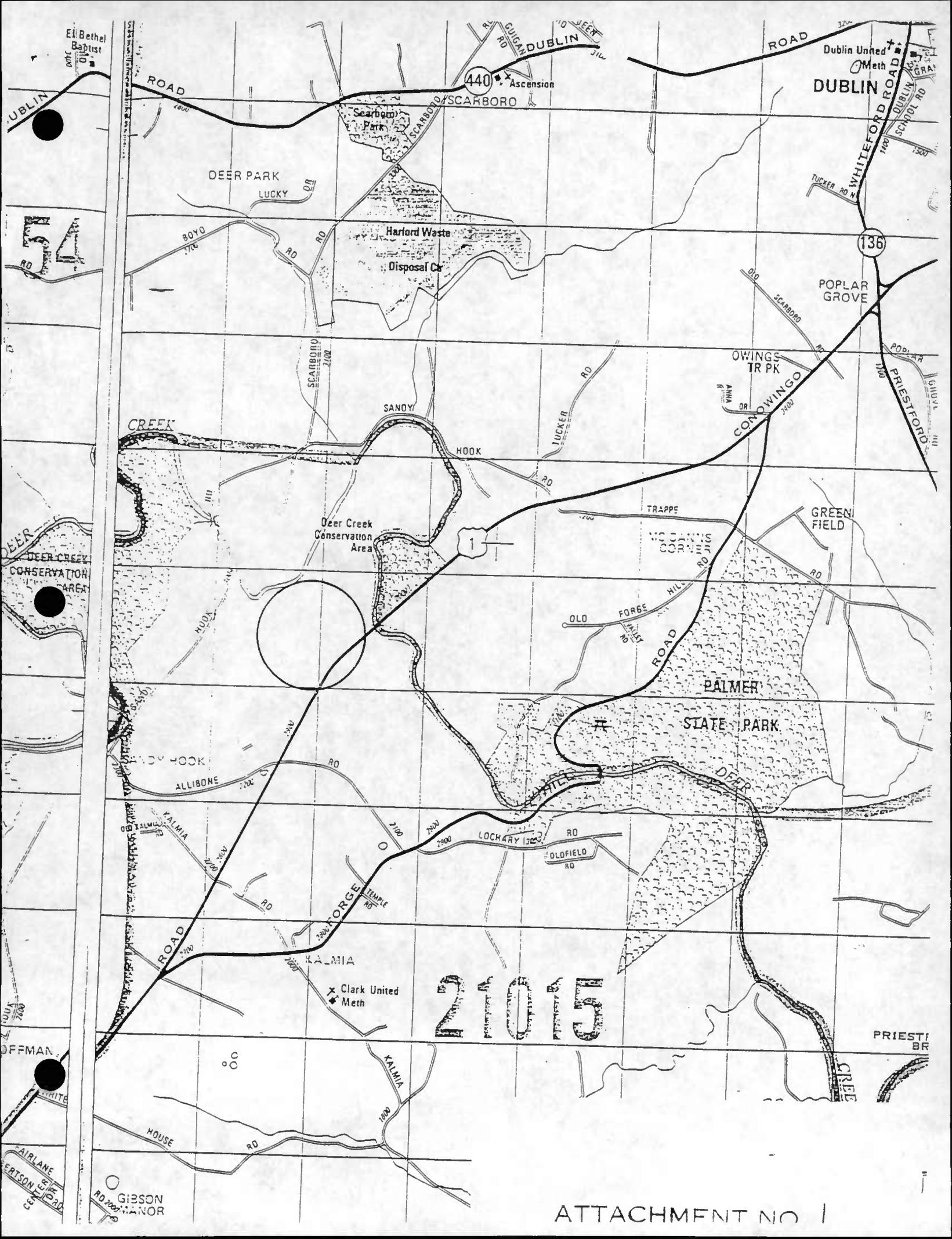
CHECK ONE AND INITIAL

CHECK

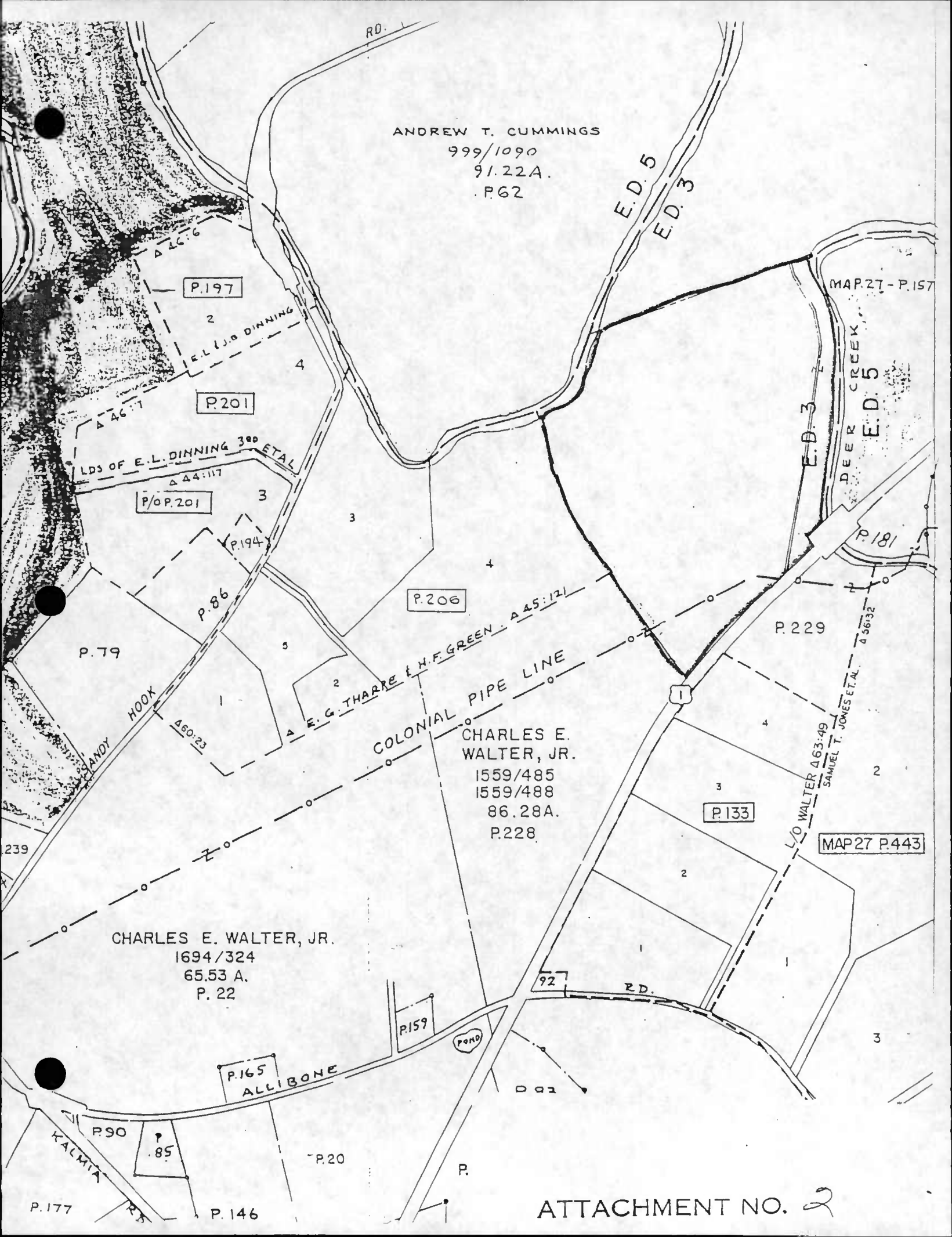
INITIAL

- | | | |
|---|---------------|---------------------------|
| 1. The project does not conflict with the plans, programs or objectives of this Agency. | <u> ✓ </u> | <u> 1/20/98
DM </u> |
| 2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration. | <u> </u> | <u> </u> |
| 3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment. | <u> </u> | <u> </u> |

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



ANDREW T. CUMMINGS
999/1090
91.22A.
.P.62



P.197

2

P.201

LDS OF E.L. DINNING 3RD ETAL
A 44:117

P/O.P.201

P.194

P.86

P.79

HOOK

A 46:23

P.206

E.G. THARRE & H.F. GREEN A 45:121

COLONIAL PIPE LINE

CHARLES E. WALTER, JR.
1559/485
1559/488
86.28A.
P.228

P.229

P.133

MAP 27 P.443

CHARLES E. WALTER, JR.
1694/324
65.53 A.
P.22

P.159

POND

P.165
ALLIBONE

P.90

P.85

P.20

KALMIA

P.177

P.146

ATTACHMENT NO. 2

RECEIVED

CLEARINGHOUSE REVIEW

JAN 14 1998

January 6, 1998

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)
 Jonathan McKnight, Wildlife (E-1)
 Robert Beckett, State Forest and Park Service (E-3)
 — John Rhoads, Natural Resources Police (E-3)
 Ray Dintaman, Environmental Review (B-3)
 Sandi Olek, Education, Bay Policy and Growth Mgmt. (E-2)
 Marian Honecny, Forestry (E-1)
 Bill Hodges, Resource Assessment Services (B-3)
 Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)

FROM: H. Grant Dehart, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #3370-12-151
 Park Land Acquisition (Cummings) - Harford County

This project proposes the acquisition of 91 acres of farm land located adjacent to Deer Creek.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by January 20, 1998. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

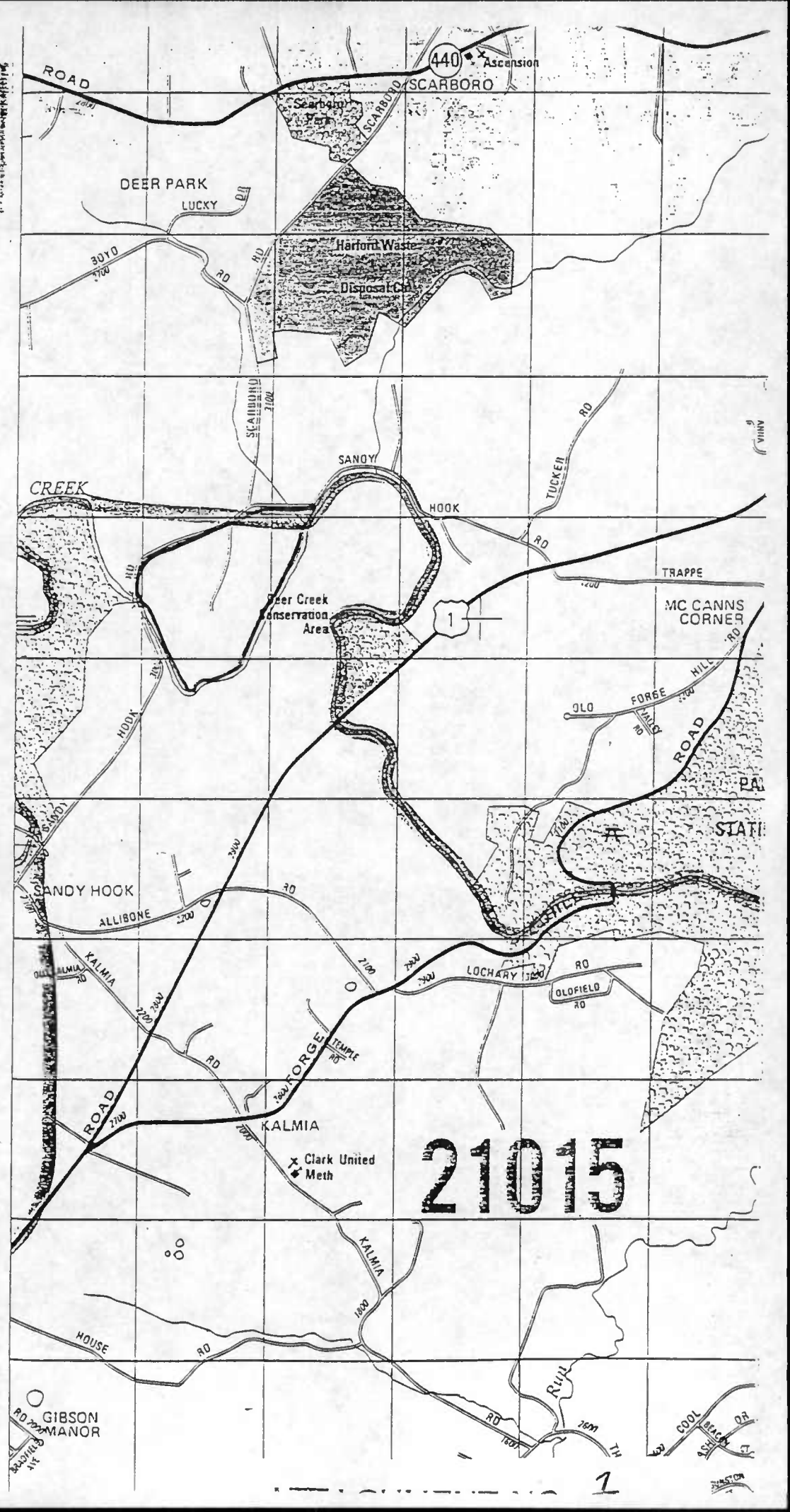
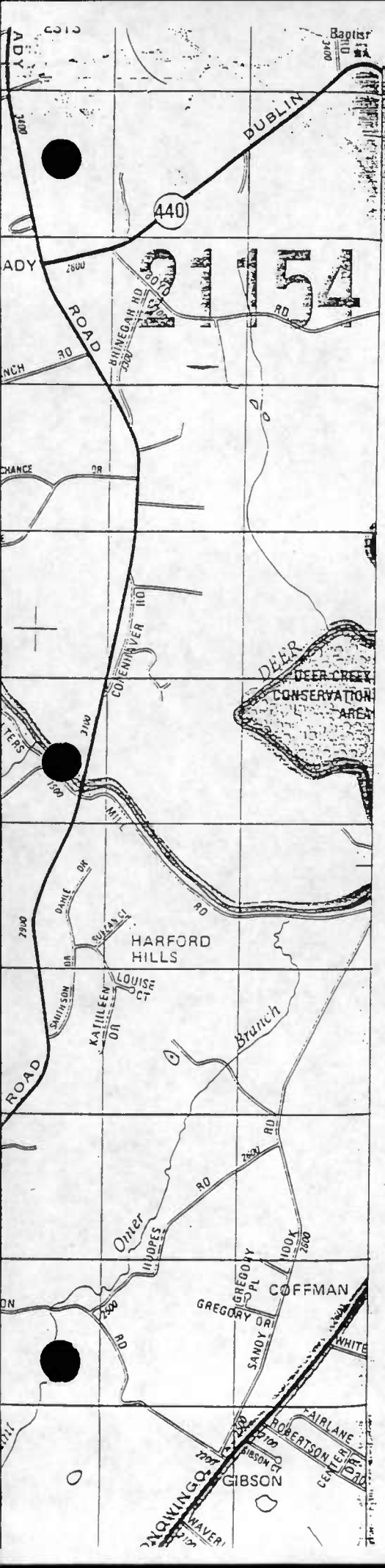
CHECK ONE AND INITIAL

CHECK

INITIAL

- | | | |
|---|-------|---------------|
| 1. The project does not conflict with the plans, programs or objectives of this Agency. | ✓ | 1/20/98
DM |
| 2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration. | _____ | _____ |
| 3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment. | _____ | _____ |

Please return to Marti Sullivan, Program Open Space, Taxes State Office Building (E-4) Annapolis, upon completion of review.



21015

WHITE LABORATORY, INC.
1235/368
.68A.
.57

HENRY P. WHITE
LABORATORY, INC
997/832
81.984
P.60

RIVER GLEN ESTATES, INC.
1559/858
52.68A.
P.59

P.61

P.81

P184

SANDY HOOK

W. GARY GR
960/955
81.20 A.
P.26

ANDREW T. CUMMINGS
999/1090
91.22A.
P.62

P.197

E.L. DINNING

P.201

LDS OF E.L. DINNING 3RD ETAL

P/O.P.201

P.194

P.86

P.79

P.206

E.G. THARRE & H.F. GREEN

COLONIAL PIPE LINE

CHARLES E.
WALTER, JR.
1559/485

E.D.3

E.D.5
E.D.3

MAP 27 - P.15
H.F. GREEN
E.D.5

P.181

P.229

MUEL T. JONES ET AL.
45632

46349

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Olivia Vidotto*
COMPANY: *Calvert Co. P+Z*
FROM: *Dawn McKeary*
DATE: *January 16, 1998*

FAX #: *(410) 414-3092*

NUMBER OF PAGES SENT: *2*

TIME:

REMARKS:

F A X

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

file copy

PROJECT:
Name: Robert Sealey
CAC #: Sub (SD 9720) Local #: SD 9720
Date: January 16, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McLeary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Duncan Stuart*
COMPANY: *Balto. City P + Z*
FROM: *Dawn McClary*
DATE: *January 16, 1998*

FAX #: *(410) 244-7358*

NUMBER OF PAGES SENT: *2*

TIME:

REMARKS:

*I have no "no comment" ^{card} copy in my file
although my file have this project signed out with no comment.
This attached copy is for the file that this office had no
comments to the project.*

*Also, Beth Strommen gave me a copy of the 10%
calculations for this project when I visited your office sometime
ago. I missed placed the copy she gave me. Could you
get another copy of the 10% calculations for my file.?*

Any questions, please call me

Thanks

Dawn

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

file copy

PROJECT:

Name: Consolidated Coal Co.

CAC #: BA 139-97 Local #: 000733-01

Date: January 16, 1998

The staff of the Chesapeake Bay Critical Area Commission have completed their review of the above-referenced project. The project appears consistent with the local Critical Area Program.

Dawn McClary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

Note: Additional calculations were sufficient enough to approve this project with no comment as of Nov 26, 1997.



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

January 13, 1998

Ms. Kit West
Environmental Planner
Harford County P & Z
220 South Main Street
Bel Air, Maryland 21014-3865

RE: MAEF Facility at Swan Harbor Farm Park
Critical Area Consistency Report

Dear Ms. West:

Thank you for providing "Notification of Certification" that the above project is consistent with Harford County's Critical Area Program. The above referenced project, located in Harford County's Swan Point Farm Park area south of Havre de Grace, Maryland will occur in a Resource Conservation Area. The property covers approximately 200 acres inside the Critical Area, and 275 acres outside the Critical Area totaling 475 acres of land which is operated by Harford County Department of Parks and Recreation. According to the Critical Area Consistency report, the property currently includes agricultural fields, woodlands, tidal and non-tidal wetlands, a farm complex of buildings and the main house. The report also outlines existing impervious surfaces such as the main access road, a parking area, farms complex and the house.

Critical Area Commission staff understands that the purpose of the above project is to develop an agricultural teaching facility by constructing an addition to the existing barn and converting the existing barn space to office space.

The Project Evaluation staff understands:

1. The existing gas\diesel tanks on site will be removed;
2. Because the Critical Area Buffer, tidal and non-tidal wetland buffers, two Habitats of Local Significance, and a tributary stream\anadromous fish breeding water are all on site, this project is designed to avoid impact to all Habitat Protection Areas (HPA);

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

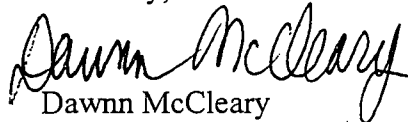
Continued, Page Two
Ms. West
Swan Harbor Farm Park
January 13, 1998

3. There will be no impact to a colonial waterbird nesting site, a waterfowl concentration area and a submerged aquatic vegetation which are located in the offshore area of the Bay adjacent to the property;
4. The project will involve a minor addition of impervious surfaces which is negligible in relation to the large area of undeveloped farmland in the RCA. The additional impervious surfaces of about 1800 sf will be addressed with stormwater management to divert runoff to infiltrations on the surrounding lawn; and,
5. No impact to any trees is anticipated for this project. Also, if any trees are damaged or destroyed by construction, the trees will be replaced onsite with native species. The existing parking area and the access road will be replaced with native shade trees.

Critical Area Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located; 2) does not substantially affect the Critical Area program of the local jurisdiction; and 3) is not considered by the Commission a major development. (See COMAR Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs). Therefore, approval of the above project by the Commission is not necessary. The approval of this consistency will be filed with the Commission.

If there are any questions pertaining to the above project, please feel free to contact me at (410) 974-2426.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Kit West

FAX #: (410) 879-8239

COMPANY: Hanford Co. P + Z

FROM: Dawnn McCleary

NUMBER OF PAGES SENT: 3

DATE: January 14, 1998

TIME:

REMARKS:

F A X

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.

CHESAPEAKE BAY CRITICAL AREA COMMISSION
ATTMAN GLAZER BUILDING
45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: *Kit West*
COMPANY: *Harford Co.*
FROM: *Dawn McCleary*
DATE: *January 13, 1998*

FAX #: *(410) 879-8239*
NUMBER OF PAGES SENT: *3*
TIME:

REMARKS:

F A X

If you do not receive all of the pages, please contact us
as soon as possible at (410) 974-2426.



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

January 12, 1998

Ms. Kit West
Environmental Planner
Harford County P & Z
220 South Main Street
Bel Air, MD 21014-3865

**RE: Winters Run Pump Station,
Odor Remediation**

Dear Ms. West:

Thank you for providing "Notification for Certification" that the above project is consistent with Harford County's Critical Area Program. The above referenced 1.10 acre project, located in Harford County along Winter's Run near Perry Avenue, is an existing sewer pump station in the Resource Conservation Area. Critical Area commission staff understands that the project involves construction of a 444 square foot addition to the existing pumping station building to house ventilation equipment to alleviate an existing odor problem.

The Project Evaluation staff understands:

1. The proposed building addition will be constructed in a maintained lawn area on the pumping station sites with no trees being affected;
2. No Habitat Protection Areas (HPA) or wetlands will be will affected or impacted; and,
3. There will be a slight increase in impervious surfaces (approx. 444 sf.) over an existing lawn area, but the increase will fall below the County's 15% cap allowed on the parcel within the RCA.

Critical Area Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located; 2) does not substantially affect the Critical Area program of the local jurisdiction; and 3) is not considered by the Commission as major development.

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

Continued, Page Two
Ms. West
Winters Run Pumping Station
January 12, 1998

(See COMAR: Chapter Two Regulations for Development in the Critical Area Resulting from State and Local Agency Programs). Therefore, approval of the above project by the Commission is not necessary. The approval of this consistency will be filed with the Commission.

If there are any questions pertaining to the above project, please feel free to contact me at (410) 974-2426.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger

Ren Serey



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

January 8, 1998

Mr. John Arason
Director
City of Annapolis P & Z
160 Duke of Gloucester Street
Annapolis, MD 21401

Dear Mr. Arason:

On January 7, 1998, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the City's annexation of 9.4 acres in Harness Creek Overlook is a refinement to the City's Critical Area maps. The refinement to revise the City's Critical Area maps has been approved.

Please provide a copy of the revised Critical Area map to this office when it has been prepared. If you should have any questions about these comments, please feel free to call me at (410) 974-2426.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Jeff Torney
Mary Owens
Ca. Ann

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

Reader file



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

January 8, 1998

Mr. Hagner R. Mister
President
Calvert County Board of County
Commissioners
Courthouse, 175 Main Street
Prince Frederick, MD 20678

Dear Mr. Mister:

On January 7, 1998, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the County's request for a Text Amendment to the intra-family transfer provisions is a refinement to the County's Critical Area Program. The purpose of the refinement is to limit the number of lots that could be conveyed to each immediate family member to one per family member. The refinement to revise the County's Critical Area program has been approved.

Please provide a copy of the Commissioner's final resolution when it has been prepared. If you should have any questions about these comments, please feel free to call me at (410) 974-2426.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: David Brownlee
Mary Owens
CA. Ann

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



CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 CALVERT STREET
ANNAPOLIS, MD. 21401

Phone: 410 974-2426

Fax: 410 974-5338

FACSIMILE TRANSMITTAL

TO MS. ROXANA HOMER

FAX (410) ~~533-1787~~ ⁴¹⁴⁻³⁰⁹²

COMPANY CALVERT COUNTY PLANNING & ZONING

FROM DAWN MCCLEARY-EVANS NO. OF PAGES SENT 6

DATE Jan 7, 1998 TIME _____

COMMENTS if there are any questions
about the "NO Comment" responses, please
call me as soon as possible. Please see
Re attached three letter responses from

Dawn

FAX

DATE: Jan 6, 1998

Calvert County
Department of Planning and Zoning
County Service Plaza
175 Main Street
Prince Frederick, MD 20678

Attention: Mr. Homer

Project:

Name John Thorp
Scientists Cliffs
CAC # CA 624-97
Local # 98-2425

The staff of the Chesapeake Bay Critical Bay Critical Area Commission have completed their review of the above referenced project. **There are no comments at this time.**

Dawn McCleary-Evans
Dawn McCleary-Evans
Natural Resources Planner

DATE: Jan. 6, 1997

Calvert County
Department of Planning and Zoning
County Service Plaza
175 Main Street
Prince Frederick, MD 20678

Attention: Mr. Homer

Project:

Name Lance Billingsley
Western Shore

CAC # CA 622-97

Local # 98-2423

The staff of the Chesapeake Bay Critical Bay Critical Area Commission have completed their review of the above referenced project. **There are no comments at this time.**

Dawnn McCleary-Evans
Dawnn McCleary-Evans
Natural Resources Planner

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

January 6, 1997

Ms. Roxana Homer
Calvert County
County Service Plaza
175 Main Street
Prince Frederick, MD 20678


RE: Robert & Linda Western: 98-2424
Island Creek Estates

Dear Ms Homer:

This letter is in reference to the applicant's request to build a house in the 100-foot buffer. Critical Area Commission staff understands that the applicant is proposing to demolish the existing house presently on the lot and reconstruct a new house. After reviewing the site plan, Critical Area Commission recommends that the applicant move the house out of the 100-foot buffer. There appears to be adequate room on site to do so. This office also recommends mitigation for trees that will be removed at a 3:1 ratio with native plantings, on site if possible.

Thank you the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: David Brownlee
Regina Esslinger
CA 98-2424

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

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

January 6, 1998

Ms. Roxana Homer
Calvert County P & Z
County Service Plaza
175 Main Street
Prince Frederick, MD 20678

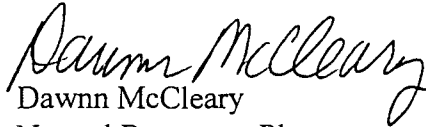
**RE: Christen Welde-Vorhes
CA 98-2421**

Dear Ms. Homer:

This letter is in reference to the applicant's request for a variance to build a fence in the 100-foot buffer. After reviewing the site plan, the Critical Area Commission understands that the fence has already been built and that this request is for an after the fact variance. We oppose the granting of the variance and recommend removal and restoration of the buffer by mitigation with native vegetation on a 3:1 ratio.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc David Brownlee
Regina Esslinger
CA 98-2421

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



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

January 6, 1998

Ms. Roxana Homer
Calvert County P & Z
County Service Plaza
175 Main Street
Prince Frederick, MD 20678

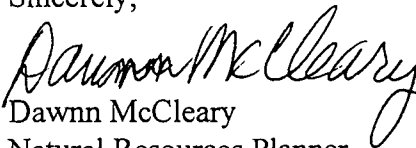
RE: **John Kennedy**
CA 98-2422

Dear Ms. Homer:

This letter is in reference to the applicant's request for a variance to clear more than 6,000 square feet. Critical Area Commission staff understands that the applicant received approval by the Board of Appeals to build on steep slopes and within the extended buffer. Commission staff also understands that the Board denied the applicant's request to clear more than 6,000 square feet. After reviewing the site plan, staff has determined that the applicant has again requested to clear more than 6,000 square feet. This office will support the 1993 Board of Appeals decision to deny the applicant's request to clear more than 6,000 square feet of trees. The clearing of more than 6,000 square feet will adversely affect water quality and adversely impact fish, wildlife, and plant habitat within the Critical Area and would not be in harmony with the general spirit and intent of the Critical Area law.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

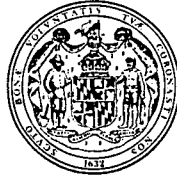

Dawnn McCleary
Natural Resources Planner

cc: David Brownlee
Regina Esslinger
CA 98-2422

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

Staff Correspondence File I - 1998 Reader File - Lisa S1832-138-3

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

May 15, 1998

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

RE: Development Activities and RCA Density

Dear Ms. Chalkley:

I am writing in response to your request to clarify those types of development activities which constitute density in the Resource Conservation Area (RCA). The Critical Area Criteria in Section 27.01.02.05.C.4 states that, "Land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres." It is clear a dwelling unit constitutes density. I will attempt to clarify what other activities that are associated with development also constitute density.

In 1994 the Commission adopted a policy entitled "The Calculation of Density in the Resource Conservation Area" (enclosed) which included adoption of the following definition of dwelling unit used by the Building Officials and Code Administrators International, Inc. (BOCA):

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

The Commission has consistently interpreted that permanent provisions for sanitation include septic systems, and that septic systems must be considered a part of a dwelling unit. This reasoning can be found in another Commission policy called "Policy on Shared Septic Facilities for the Limited Development Area and Resource Conservation Area" (enclosed). Any septic systems beyond the prescribed density in an RCA would require growth allocation.

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(410) 822-9047 Fax: (410) 820-5093

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



Ms. Chalkley
Page Two
May 15, 1998

Other types of development activities that typically occur include accessory structures. These uses should not be in the RCA if they are associated with development in the Limited Development Area or outside the Critical Area.

I hope this clarifies those uses which constitute density in the RCA. If you have any questions or comments, please feel free to call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: Ren Serey, Executive Director, CBCAC
Mary Owens, Chief, Program Implementation, CBCAC



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

May 14, 1998

Mr. Terry L. Richardson, Vice President and General Manager
Lane Engineering, Inc.
P.O. Box 1767
408 North Washington Street
Easton, Maryland 21601

Re: Galloways Townhouses

Dear Mr. Richardson:

Thank you for your letter outlining the impervious surface issue regarding the above-referenced project in the Critical Area. It is my understanding that Greg Schaner of this office has contacted you and explained our position. In any case, I will provide you with written confirmation of our position per your request.

This office appreciates the inherent conflict a developer faces when constructing townhouses on small lots. Adhering to the 25% maximum allowable impervious area on each lot is not always possible, although maintaining the maximum 15% limit overall can often be attained. However, the impervious surface limitations provided for in Natural Resources Article 8-1808.3(d)(4) clearly state:

"If an individual lot 1 acre or less in size is part of a subdivision approved after December 1, 1985, then man-made impervious surfaces of **the lot** may not exceed 25% of the lot. However, the total of the impervious surfaces over the entire subdivision may not exceed 15%." (Emphasis added)

The intent behind this provision, we believe, is clear. In addition it is rooted in State law, and absent any amended language to this provision this office feels we cannot consider lots that are not grandfathered to be allowed to exceed the 25% limitation. Therefore, your client is required to seek variances for all lots with impervious areas over 25%. Any similar previously approved projects were done so in error. In any case, this office would not oppose these variances and we are considering some amended language to the law to accommodate these types of projects.

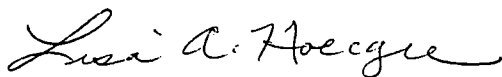
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(410) 822-9047 Fax: (410) 820-5093

Mr. Richardson
Page Two
May 14, 1998

For future reference, our office has recently undergone a slight reorganization. Consequently, I will be your new Critical Area staff contact at the Commission office for any projects you may have in Talbot County, or the towns of Easton, St. Michael's and Oxford.

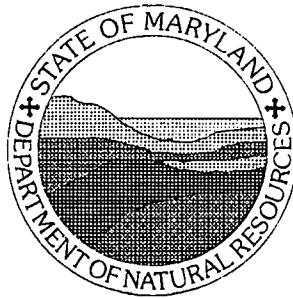
Thank you for your anticipated cooperation. I look forward to working with you in the future. If you have any additional questions, please feel free to call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: Tom Hamilton, Town of Easton
Roby Hurley, Circuit Rider



Parris N. Glendening
Governor

Maryland Department of Natural Resources
ENVIRONMENTAL REVIEW
Tawes State Office Building, B-3
Annapolis, Maryland 21401

John R. Griffin
Secretary

Carolyn D. Davis
Deputy Secretary

May 12, 1998

Memorandum

To: Meredith Lathbury, CCWS, EBPGM
Mike Slattery, FWHS
Arnold Norden, LWCS
Bill Hodges, RAS
Regina Esslinger, CBCAC
Sgt. Robert Davis, NRP
Bob Beckett, FPS

From: ^{RCD} Ray C. Dintaman, Jr., Director, Environmental Review Unit

Subject: Environmental Assessment Information Request - Jenkins Environmental, Inc. - 6704 Curtis Ct., Anne Arundel County, Glen Burnie, MD.

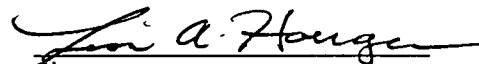
Please review the attached information and send any comments you may have relative to the Department's concern to me by May 29, 1998.

Please complete the following and return this memorandum with your response:

Check one:

Comments are attached.

No comments.


Signature

Agency

If no comments are received by May 29, 1998, it will be assumed that you have none.

RCD:rcd
Attachment

RECEIVED

MAY 13 1998

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

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

May 13, 1998

Ray C. Dintaman, Jr., Director
Environmental Review Unit
Tawes State Office Building, B-3
Annapolis, Maryland 21401

Re: Environmental Assessment Information Request - Jenkins Environmental, Inc.
6704 Curtis Ct., Anne Arundel County, Glen Burnie, Maryland

Dear Mr. Dintaman:

I would like to offer some general information regarding the above referenced request. The subject property appears to be in an Intensely Developed Area (IDA) and possibly in a Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. I have enclosed the corresponding Critical Area map for your information and use. As you are aware, development or redevelopment activities in the Critical Area are subject to certain regulations. I will outline below those that would apply in this case.

- 1) If any activities are proposed within the IDA, a 10% reduction in pollutant loadings must be demonstrated by the applicant. Clearing and impervious surfaces are not limited.
- 2) If any activities proposed in the RCA, clearing is limited to 20% and impervious surfaces are limited to 15% of the site. In addition, no intense uses such as commercial, industrial or institutional uses are permitted in the RCA.
- 3) No new development activities are permitted in the 100-foot or expanded Buffer (for hydric soils, highly erodible soils or 15% or greater slopes, if applicable). Only water-dependent uses are permitted. They include access, piers (subject to MDE permits), boat ramps, etc.

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(410) 822-9047 Fax: (410) 820-5093

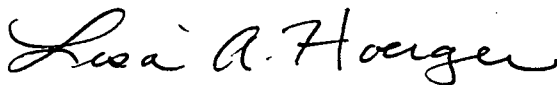
Mr. Dintaman
Page Two
May 13, 1998

- 4) Regardless of the Critical Area designation, the applicant should be seeking comments from the Heritage and Biodiversity Division of the Department regarding the presence of any rare, threatened or endangered species that may be present on the site.

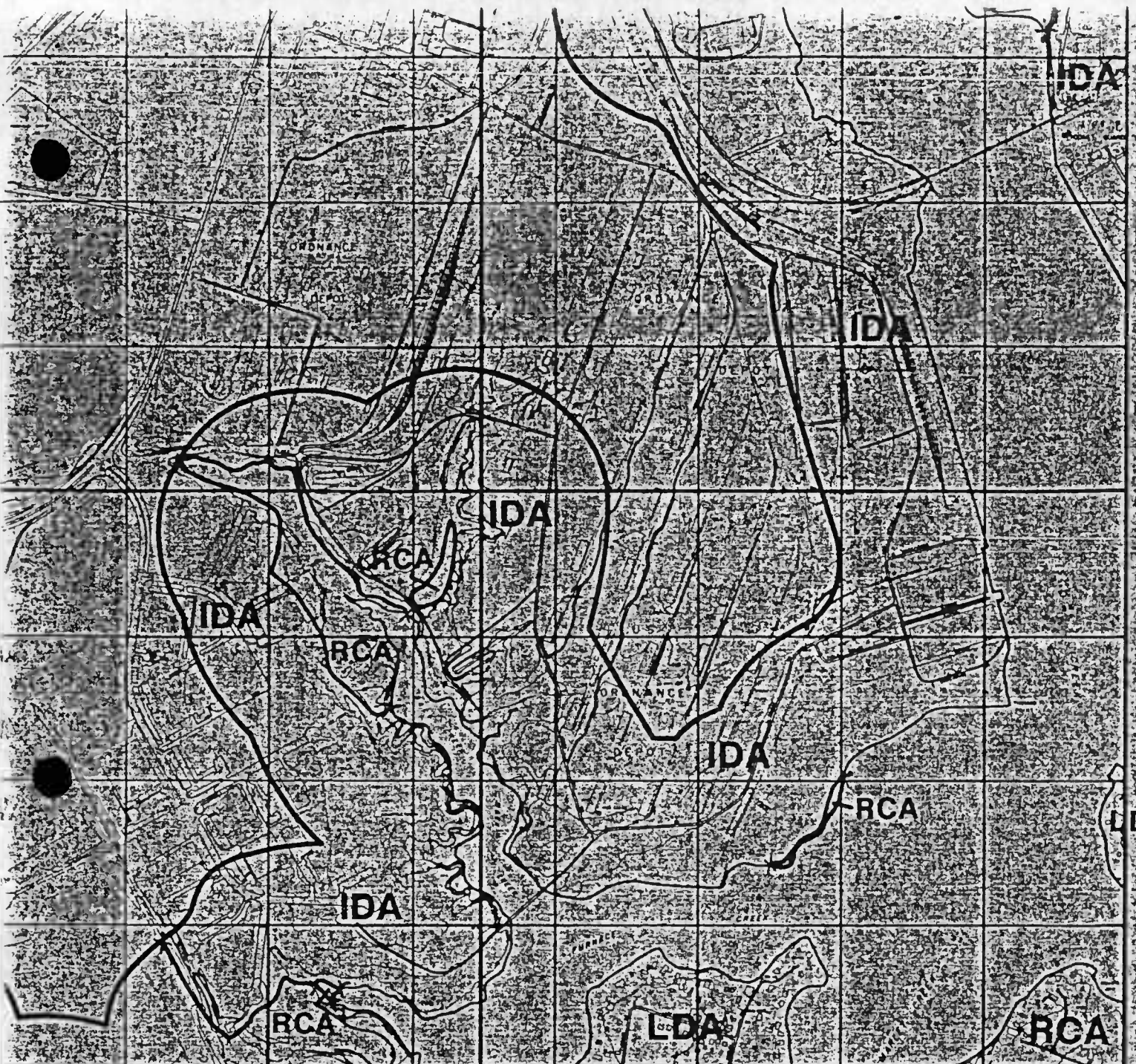
Privately owned properties must coordinate any development activities occurring in the Critical Area with the local planning and zoning office. In this case, the applicant or property owner should contact the Office of Planning and Code Enforcement for information at (410) 222-7000. If the property is owned by the local government or a State agency, the applicant should contact this office directly at (410) 974-2426 as the proposed development activities may require approval by the Chesapeake Bay Critical Area Commission, and at a minimum review by Commission staff.

Thank you for the opportunity to comment. If you have any questions, please feel free to call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist



4

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E 916,500

E 921,000

ANNE ARUNDEL COUNTY MARYLAND

SHEET NO. 2

(DISTRICT 385)

SCALE 1" = 1000'

2 & 5' CONTOUR INTERVAL



DECLINATION 1960

George 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
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May 8, 1998

Mr. Mark Wedemeyer
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Forest Glen Assisted Living Facility - Grading Permit No. G02005178

Dear Mr. Wedemeyer:

I have received your letter dated May 7, 1998 regarding the above-referenced project. The issue of uses in the Resource Conservation Area (RCA) is an important one to the Commission. As you may know, the last comprehensive review of the Anne Arundel County Critical Area Program occurred in 1993. At that time the Commission and the County were successful in working out many issues. However, the Commission and the County were not able to resolve the issue of uses in the RCA, and when growth allocation would be necessary.

To our knowledge failure to resolve these issues has not resulted in problems with the implementation of the County's Program. Since the time of the last comprehensive review in 1993, those projects reviewed by our office appear to be consistent with the Critical Area Criteria in regard to the RCA. The only exception is the Deale Driving Range project which was not approved by the Administrative Hearing Officer or the Board of Appeals for reasons other than the use issue. Also in that case, the Commission and the County agreed that certain aspects of the project were not appropriate uses in the RCA and would otherwise require growth allocation.

In our discussions with Tom Andrews, Elinor Gawel and other persons involved in the latest four year comprehensive review process over the last two years, we have strongly recommended to the County that a table of uses for the RCA be provided so these issues would not be open to interpretation. However, we have been informed that the County still does not wish to pursue this alternative.

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(410) 822-9047 Fax: (410) 820-5093

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Mr. Wedemeyer
Page Two
May 8, 1998

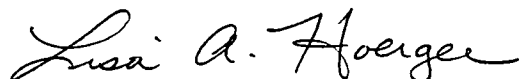
Unfortunately, the failure to resolve this issue necessarily results in the Commission making these determinations on a case by case basis. Therefore, at its meeting the morning of June 3, 1998, the Program subcommittee will take up the issue of the Anne Arundel County Program and how this assisted living facility should be viewed as it relates to uses in the RCA. The subcommittee may recommend that the full Commission consider the issues at its afternoon meeting.

Please be aware that the Commission may decide that this project requires growth allocation. In the meantime, if the County still intends to issue and release permits, and growth allocation is determined to be necessary, then a deduction of the County's growth allocation could occur retroactively.

We hope you will be able to attend the June 3rd meeting of the Critical Area Commission. It will be held at the North East Yacht Club in North East, Maryland in Cecil County. We will provide you with directions and a time schedule in the near future.

If you have any questions, please feel free to call Mr. Ren Serey or myself at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: The Honorable Diane R. Evans, County Council
Thomas Andrews, Chief Administrative Officer, A.A. Co.
Ronald Nelson, Land Use Officer, A.A. Co.
Steven R. Cover, Director, PACE
Joseph J. Elbrich, Jr., Assistant Director, PACE
Frank W. Ward, Assistant Director, PAC
Michael K. Murray, PACE
Marianne Mason, Deputy Counsel, OAG/DNR
Ren Serey, Executive Director, CBCAC
Regina Esslinger, Chief, Project Evaluation, CBCAC
Mary Owens, Chief, Program Implementation, CBCAC

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

May 7, 1998

Mr. Frank L. Hamons, Manager
Harbor Development
Maryland Port Administration
Maritime Center II
2310 Broening Highway
Baltimore, Maryland 21224-6621

Dear Mr. Hamons:

At its meeting on May 6, 1998, the Chesapeake Bay Critical Area Commission voted to approve the proposed New Stormdrain Project at the CSX/Cox Creek Dredged Material Placement Facility as presented at the afternoon meeting. The Commission conditioned the approval as follows:

- 1) Recommend approval as the applicant is providing for the first half inch of storage for the impervious areas based on the site plan submitted;
- 2) If the applicant fails to receive permits from the Maryland Department of the Environment and/or the Army Corps of Engineers, or if as a result of obtaining those permits, the design changes, the applicant shall resubmit the revised plan to the Commission for approval; and
- 3) The applicant will provide Commission staff with final figures regarding mitigation for all clearing and/or impacts that will result both inside and outside the Buffer, and will coordinate an appropriate on-site or off-site area for planting.

Thank you for your patience with our process and with the assistance provided by your staff and from the staff of the Maryland Environmental Service. It was a pleasure to coordinate this project with both staffs as they were accommodating and responsive to the changes in design suggested by the Project Subcommittee.

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

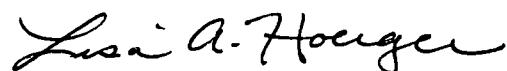
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Mr. Hamons
Page Two
May 7, 1998

I expect that we will be communicating shortly regarding the renovation of the dredged material placement cells. If you have any questions or concerns, please call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: William Lear, MPA
Michael Hart, MPA
Wayne Young, MES
Vanessa Jones, MES
Stephen Storms, PhD, MES
Ren Serey, CBCAC
Regina A. Esslinger, CBCAC



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 974-2426 Fax: (410) 974-5338

May 1, 1998

Ms. Deborah A. Renshaw
Talbot County Office of Planning
& Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Irish Bend Farm
M-911

Dear Ms. Renshaw:

I have received the subdivision request of Irish Bend Farm and offer the following comments.

- 1) It appears the density for this 106.520 acre parcel has been met. Therefore no further development or activities associated with development are permitted inside the Critical Area portion of this parcel.
- 2) There are two private access roads noted on the site plan. It appears the road to the south is an existing dirt road, while the road labeled Irish Lane is proposed. The proposed Irish Lane will permanently impact the 100-foot Buffer. Therefore, the configuration of this subdivision may need to change so that new permanent access roads will not impact the Buffer.
- 3) The Buffer shall be reestablished on this parcel as the land use is being converted from agricultural to residential. Native species are recommended.
- 4) The applicant is not required to afforest the site. However, reforestation at a minimum 1:1 replacement ratio will be necessary for all clearing up to 20% of the parcel inside the Critical Area. We recommend native species for any necessary replacement.

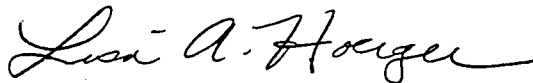
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Ms. Renshaw
Page Two
May 1, 1998

- 5) The County should ensure before final subdivision approval occurs that the Heritage and Biodiversity Division of the Department of Natural Resources has responded to the applicant's request for review. If any rare, threatened or endangered species are found on this parcel this office respectfully requests that the County submit that information to this office for further review.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please call me at (410 974-2426).

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: TC 211-98

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

May 1, 1998

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Special Exception 1998-0132-S, and Variance 1998-0133-V, the property of Cypress Cove LLC. The applicant proposes to construct an assisted living facility. This office has no comment regarding the special exception request to permit this type of facility in an R2 district. The use does not conflict with the critical area designation of a Limited Development Area.

In regard to the variance, this office recommends the following:

1. A site plan should be resubmitted delineating the 100-foot Buffer and the expanded Buffer prior to the variance hearing. From previous submittals we are aware that an expanded Buffer due to steep slopes exists on the site. Once the Buffer is delineated, the limits of disturbance and all structures, including stormwater management devices, should be shown on the site plan.
2. The applicant should accommodate all new structures and impervious areas outside the Buffer in order to minimize disturbance. Reconfiguring and reducing the footprint of the structure and parking can eliminate disturbance to the Buffer, recognizing the driveway will impact the Buffer.
3. In response to the last proposal for this site, Wayne Tyndall from the Heritage and Biodiversity Division of the Department of Natural Resources, wrote a letter dated July 20, 1995 in which he recommends excluding all development from the Buffer in order to protect an adjacent Natural Heritage Area (letter enclosed). This office defers to Mr. Tyndall's expertise concerning these Natural Heritage Areas.

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(410) 822-9047 Fax: (410) 820-5093

Mr. Dooley
Page Two
May 1, 1998

4. The proposed lighthouse/recreational building should be eliminated from the plans as it is not a water-dependent structure and therefore is not permitted in the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

Enclosure

cc: AA 209-98

llg/llc
A# 8-90

RECEIVED

JUL 24 1995

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

20 July 1995

Maryland Natural Heritage Program
Tawes State Office Bldg (E-1)
Annapolis, MD 21401
410-974-2870

Nancy Matthews
Cattail Consulting
PO Box 1599
Severna Park, MD 21146

RE: Cypress Cove Estates

Dear Nancy Matthews:

The "Proposed Assisted Living Facility", as drawn on the attached map, appears to be within the minimum 100-foot Critical Area Buffer. The Buffer, in turn, is adjacent to a portion of Cypress Creek Natural Heritage Area. Enclosed is a map of the Area boundary, which encompasses most of the tidal marsh system along the western site boundary.

To protect the Natural Heritage Area from development activities and to be in accordance with the Critical Area Protection Program, exclusion of development activities from the Buffer will be necessary along the western border of the site. The site appears to be sufficiently large to accomodate this recommendation.

Respectfully,

R. Wayne Tyndall

R. Wayne Tyndall
Maryland Natural Heritage Program

✓ cc: Regina Esslinger

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

May 1, 1998

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0128-V, the property of Thomas M. McCarty. The applicants propose to construct two decks that will require less setbacks and Buffer. It is not clear from the information provided how much Buffer intrusion will result from the construction of the proposed decks. Provided the decks are reasonably-sized and disturbance to the Buffer is minimized, this office does not oppose this variance request. We recommend mitigation in the form of native plantings at a 3:1 ratio.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 207-98

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

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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

May 1, 1998

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0131-V, the property Magothy Forest Association. This office offers no comment regarding the variance to less road frontage. However, we recommend that the path leading to the pier be mulched and be no wider than three feet for the portion that runs through the Buffer. Also, any clearing associated with the path or construction of the pier should be mitigated at a 2:1 ratio with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 208-98

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



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

April 29, 1998

Mr. Robert Cuthbertson
MDE, Water Management Administration
Tidal Wetlands Division
2500 Broening Highway
Baltimore, Maryland 21224

Re: 98-WL-0761, The Downs Property Owners Association

Dear Mr. Cuthbertson:

This office has no objection to the proposed shore erosion work along the shoreline of Brewer Creek and Clements Creek. We understand this work will involve both structural measures (stone sill, stone revetment) and nonstructural measures (sand, marsh vegetation). However, the application indicated the presence of submerged aquatic vegetation (SAV). Any proposed shore erosion work near the SAV should ensure the protection and conservation of the species.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please call me at (410) 974-2426.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: Tidal Wetlands File

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



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

April 29, 1998

Mr. Robert Cuthbertson
MDE, Water Management Administration
Tidal Wetlands Division
2500 Broening Highway
Baltimore, Maryland 21224

Re: 98-WL-1006, Piera Limited Partnership

Dear Mr. Cuthbertson:

This office has no objections to the proposal to construct a bulkhead, travel lift piers and dredge the area, provided these activities will not disturb the sensitive and/or and endangered species indicated on the application accompanying the notice. All efforts should be made to avoid this species and to provide for its long term viability. Your office may want to contact the Heritage and Biodiversity Division of the Department of Natural Resources for technical assistance.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please call me at (41) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: Tidal Wetlands File

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



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

April 30, 1998

Mr. Robert Cuthbertson
MDE, Water Management Administration
Tidal Wetlands Division
2500 Broening Highway
Baltimore, Maryland 21224

Re: 98-WL-1406, John Marselle and Douglas Gardner

Dear Mr. Cuthbertson:

This office has no objection to the proposed shore protection of this application. However, on sheet 5 of 11 there appears to be a stockpile area that is partially located within the 100-foot Buffer. The stockpile area should be accommodated outside of the Buffer and any areas of the Buffer that are expanded due to hydric soils or slopes that are 15% or greater. Also, the proposed access road that is within either the 100-foot or expanded Buffer should be temporary, and the area should be restored with native vegetation at a 1:1 ratio.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please call me at (410) 974-2426.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: Tidal Wetlands File

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



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

April 21, 1998

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0108-V, the application of Nye and Helfrich. This office reviewed a similar proposal for these lots two years ago. Our comments are essentially the same. Provided the lot is properly grandfathered, this office has no objection to siting a single family dwelling on lots 8-10. However, we have some concerns over the development of this lot, which are outlined below.

- 1) Based on the proposed impervious coverage, no further impervious areas will be permitted except by variance.
- 2) We recommend the dwelling be sited closer to Hickory Road to minimize intrusion on steep slopes that are 15% or greater.
- 3) Mitigation should be provided with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 194-98

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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April 17, 1998

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Special Exception 1996-0284-S, the application of Constellation Properties. From the site plan provided, it appears there will be no disturbance inside the Critical Area resulting from the special exception request or from the associated grading. If these plans should change, and the applicant will be grading or filling in the Critical Area under a special exception, a copy of those changes should be sent to this office for review and comment.

For future reference the Code of Maryland Regulations expressly provide that the Commission shall be notified by the local jurisdictions of certain classes of projects occurring in the Critical Area. Special exception requests are required to be forwarded to this office for review and comment.

Thank you for forwarding this request to our office for review. Please include this letter in your file. If you have any questions, please call me at (410) 974-2426.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 185-98

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 15, 1998

Mr. Mark Wedemeyer
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Forest Glen Assisted Living Facility

Dear Mr. Wedemeyer:

This office has reviewed the administrative plat and grading permit plans for the above referenced project and has determined that it is not an appropriate use in the Resource Conservation Area (RCA). This determination is based on the size and scale of this proposal, and the County's definition of assisted living facilities found in the Zoning Code at §10-122.

The immediate request is for a 8,000 square foot building, a 13 car parking lot, driveway, and associated stormwater management measures. The County Code allows up to fifteen persons at an assisted living facility. The level of intensity of this use does not appear to be consistent with the character of the RCA. The Critical Area Criteria in COMAR 27.01.02.05 characterize the RCA as a "nature-dominated environment". While residential uses are allowed in the RCA, the proposed assisted living facility seems likely to involve greater environmental impacts than those normally associated with residential uses.

The Code describes another level of group homes that may be appropriate in the RCA. Article 10-122(a)(1) defines a family care facility which allows no more than six individuals. This type of facility, appropriately sized, would be considered a use consistent with the RCA since it limits its level of activity by limiting the number of people.

The County should not issue the grading permit that is currently pending for this project. The applicant should be encouraged to either scale down the proposal so that it is consistent with the RCA overlay, or to apply for growth allocation.

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Mr. Wedemeyer
Page Two
April 15, 1998

Finally, it is unclear from the signed plat when this parcel was illegally subdivided. If the parcel was subdivided since the adoption of the County's Critical Area Program, there may be an RCA density issue.

Thank you for your attention to this matter. If you have any questions, please call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: Michael Murray, PACE
Kevin Reigert, Assistant to Delegate Schade
AA 184-98



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

April 14, 1998

Ms. Lori Allen
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Dear Ms. Allen:

I would like to comment on the Critical Area Forest Mitigation Plan for the Tanyard Cove Phase I subdivision request (S90-210/P97-210). The proposed areas for reforestation appear suitable. However the applicant should be reminded that the results of a Forest Interior Dwelling Bird (FID) study may affect the final design of this project. It should not be assumed at this point that the maximum 30% clearing allowed under the County's Zoning Ordinance will be permitted on this site if FIDs are present.

Thank you for the opportunity to comment. Please call me if you have any questions at (410) 974-2426.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA523-97

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

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

April 10, 1998

Ms. Lori Allen
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Dear Ms. Allen:

I have received another resubmittal for the Waterwood subdivision request (MS 95-042). It appears comments from our letter dated March 10, 1998 were addressed by the applicant except for our comments relating to the Buffer requirements. The Buffer on lot 5 is still shown incorrectly. It must be expanded to provide for the slopes greater than 15%.

Also, the proposed clearing figures vary from the table at letter "n" on page one of five of the plat to the table on sheet six of six of the final development plan. The County should ensure the figures match and clearing is kept to the minimum necessary due to the presence of Forest Interior Dwelling Birds, and in any case should not exceed twenty percent.

Thank you for the opportunity to comment. Please include this letter in your file. Please call me if you have any questions at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 550-97

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

John C. North, II
Chairman



Ren Serey
Executive Director

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April 10, 1998

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0101-V, the property of Frank Brown. The applicant proposes to construct a dwelling addition that will require less setbacks and is in the 100-foot Buffer. The application does not address hardship in regard to the proposed deck. It appears this site is already improved with a deck.

If the hearing office determines that the configuration of the addition and deck is the minimum necessary to afford relief, mitigation at a 3:1 ratio of native species should be provided for all new disturbance. Also, the application mentions that the subject property is in a Buffer Exemption Area (BEA), however it is not in a BEA and must mitigate at 3:1.

Finally, the proposal will result in a total area of impervious cover at 15%. The applicant should be made aware that no further impervious areas will be permitted on this lot.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 173-98

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

John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 974-2426 Fax: (410) 974-5338

April 10, 1998

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0094-V, the property of David Seibel. The applicant proposes to demolish an existing dwelling and construct a new single family dwelling. The application does not include a site plan showing the existing footprint. The new dwelling should encroach no further into the Buffer than the existing dwelling. Any new disturbance should be mitigated for at a 3:1 ratio with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 170-98

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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April 10, 1998

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0091-V, the property of Landfall Development Corporation. The applicant proposes to construct a single family dwelling that will require less setbacks and will be within the nontidal wetland buffer. The applicant should be seeking permits from the Maryland Department of the Environment, Nontidal Wetlands Division and the Army Corps of Engineers. This office defers to those agencies for recommendations regarding impacts to nontidal wetlands and their buffers.

Provided the lot is properly grandfathered, this office offers no objection to the siting of a single family dwelling on this lot. Impacts to the nontidal wetlands buffer should be minimized. It appears that if the dwelling is moved closer to the rear of the lot it may reduce the impacts to the nontidal wetland buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 168-98

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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April 10, 1998

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0092-V, the property of Eileen and Lou Martini. The applicant proposes to construct a screened porch over an existing patio. It is not clear from the information provided whether there will be additional disturbance to the Buffer. If so, mitigation at a 3:1 ratio of native species should occur.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 169-98

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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April 9, 1998

Mr. Mark Wedemeyer
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Forest Glen Assisted Living Facility

Dear Mr. Wedemeyer:

I understand that the administrative plat for the above-referenced project has been approved. Also, I understand this project occurs in the Resource Conservation Area (RCA) of the Critical Area and will disturb an area greater than 5,000 square feet. According to the Code of Maryland Regulations (COMAR) 27.03.01.03.A.(2)(c), Notification of Project Applications, the County is required to forward this type of project to our office for review and comment, otherwise the action is void (COMAR 27.03.02.F).

Based on our telephone conversation on April 8, 1998, the issuance of the grading permit is pending agency comments. Those comments are due on April 13, 1998. Our office respectfully requests that the County not issue the grading permit until we have had an opportunity to review the plans and offer the County comments. I expect to get those plans this afternoon. We will have those comments back to your office by April 15.

Thank you for your attention to this matter. Please call me if you have any questions regarding our notification requirements.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: Michael Murray, PACE
Ren Serey, Executive Director, CBCAC
Regina Esslinger, Chief of Project Evaluation

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

April 9, 1998

Mr. Mark Wedemeyer
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Dear Mr. Wedemeyer:

I have received the subdivision request for the Kurre Property (MS 98-030). The applicants propose to create two lots from one existing parcel. Proposed lot one is already improved with a single family dwelling. Proposed lot two indicates the proposed dwelling will be in the 100-foot Buffer. The County should not allow subdivision of new lots in the Critical Area when they will necessitate the need for a variance.

This office does not oppose the subdivision request, however we cannot support any variances as a result of developing lot two. It appears the applicant can accommodate a dwelling outside the 100-foot Buffer on lot two as it is 3.7 acres. I have reviewed the variance request for this parcel and have attached those comments for your information.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please call me at (410) 974-2426.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

Enclosure

cc: AA147-98
AA 177 -98

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

John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 26, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0071-V, the property of Brent Kurre. The applicant proposes to construct a single family dwelling in the Buffer. The information provided indicates this lot is the subject of a family conveyance. Therefore it is not a grandfathered lot under the County's Critical Area Program. Newly created lots should not necessitate the need for a variance.

In addition, it appears the proposed dwelling can be sited outside of the 100-foot Buffer. The lot is 3.7 acres. The applicant has not indicated why it would be a hardship to locate the proposed dwelling outside of the Buffer. It appears more clearing would be involved, if the dwelling is outside the Buffer, however the Buffer is a no disturbance area. Clearing is allowed in the Critical Area and it appears replacement can occur in the Buffer on this lot. Also, the mitigation ratio for clearing outside the Buffer is 1:1 rather than a 3:1 requirement inside the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 147-98

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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April 9, 1998

Ms. Lori Allen
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Dear Ms. Allen:

I have received the resubmittal of the Tanyard Cove, Phase I subdivision request for final approval. My comments are outlined below.

- 1) The foremost concern of this office is that the Forest Interior Dwelling Bird (FID) study has not been completed for this site. There are existing features on the final development plan that may need to be reconfigured depending on whether the site is considered to be viable FID habitat, and which species are identified. Those features include the road network, stormwater management ponds, recreational trail system, water and sewer lines and the clearing associated with these features.
- 2) It appears the applicant has addressed all comments in my letter to you dated October 20, 1997, except it appears the sanitary sewer line on parcel S16 is still in the Resource Conservation Area (RCA). This location may need to change depending on the results of the FID study.
- 3) We understand parcel S17 has been eliminated and that a future stormwater management pond for parcel S18 will be located within parcel S18. The applicant shall ensure that no future stormwater management ponds are located in any designated Habitat Protection Areas (HPAs) or in the RCA.
- 4) The green space on the plans are also labeled as recreation areas. Any green space or planned recreation areas that are within a HPA or the RCA should be labeled as "passive recreation" to ensure that future plans for these parcels will not include any sort of intense recreational amenities or activities.

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Ms. Allen
Page Two
April 9, 1998

- 5) The Recreation Master Plan includes a woodchip trail that weaves in and out of the Buffer. This trail should maintain a path outside of the Buffer. Also, this plan notes a destination point on page two. The applicant shall ensure that this point is not in the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: AA 523-97

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

April 8, 1998

Pam Miley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Ms. Miley:

I would like to comment on Variance 1998-0041-V, the property of Mike Piera. The applicant proposes to construct two elevated parking areas that will require less setbacks. This office offers no comment regarding the setback issue as it is purely a local determination.

The site is in an Intensely Developed Area (IDA) and therefore is required to perform the 10% pollutant reduction calculations. Regardless of whether the site is currently 95% impervious and the new construction will not result in a net increase on the site, this proposal is considered redevelopment and it therefore subject to the 10% requirement found in Article 28, Section 1A-104(b)(3).

It is my understanding that the calculations have not been completed for this site. This office believes those calculations, and any subsequent Best Management Practices (BMPs) that will be required as a result of the calculations, should be completed and reviewed and approved by Planning and Code Enforcement prior to the issuing of any building or grading permits.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. If you have any questions, please call me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 99-98

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 8, 1998

Pam Miley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Ms. Miley:

I would like to comment on Variance 1998-0038-V, the property of Roxanne Veal. The applicant proposes to construct a single family dwelling that will require less setbacks, disturbance to the nontidal wetlands and a variance to the nontidal wetlands buffer. It is our understanding that the applicant had to reapply for these variance because it was discovered that the entire property is in a nontidal wetland. Therefore the applicant should be applying for a new or modified permit to the Maryland Department of the Environment (MDE) and the Army Corps of Engineers.

It appears the dwelling could be moved closer to the road to minimize disturbance. Mitigation should occur at a ratio prescribed by MDE and/or the Corps, but in no case should be less than 1:1.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 90-98

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

George 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

April 7, 1998

Ms. Lori Allen
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Dear Ms. Allen:

I would like to comment on the subdivision request of Riverdale Glen, Phase II (P98-058). The applicant proposes to construct seven single family dwellings. From the information provided it appears no Habitat Protection Areas will be impacted. Any clearing should be mitigated at a 1:1 ratio with native species. A plat note should be provided for those lots that do contain the 100-foot Buffer. It should notify future homeowners that no clearing or development activities are permitted in the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please call me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 140-98

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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April 7, 1998

Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Dear Ms. Chalkley:

I would like to comment on the subdivision request of Louis Phipps (P98-066). The applicant proposes to subdivide a parcel in the Resource Conservation Area (RCA). There will be one 3.26 acre lot and the remaining 29.47 acres in the Critical Area will be a residue parcel. It appears the proposed lot will not impact any designated Habitat Protection (HPAs).

The residue parcel straddles the Critical Area line. A plat note should be added stating that the RCA density has been exhausted in the Critical Area portion of the Residue parcel, and no further development or activities associated with development are permitted in the RCA portion of the parcel. Any clearing on lot 1 should be replaced on-site at a 1:1 ratio with native species.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please call me at (410) 974-2426.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 141-98

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 974-2426 Fax: (410) 974-5338

April 7, 1998

Ms. Mary Rosso, President
Coalition of Communities and Citizens Against Flyash
7618 Solley Road
Glen Burnie, Maryland 21061

Dear Ms. Rosso:

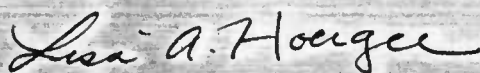
Thank you for your letter expressing the concerns of the Coalition of Communities and Citizens Against Flyash (CCCAF). This office has obtained a copy of the Anne Arundel County Board of Appeals decision of January 21, 1998 which includes the condition that our office provide written approval for any disturbance to the Critical Area portion of the site. Based on conversations with County staff, the portion of the Chestnut Hill Farm site that is in the Critical Area will not be used as the fill site. We understand that the flyash proposed to be deposited will be outside the Critical Area.

We recognize that a significant portion of the pollution that enters the Chesapeake Bay comes from the air and water sources like groundwater and runoff from adjacent lands. Unfortunately, our regulations do not cover these sources of deposition into the Bay. However, this project does raise concerns regarding this type of pollution source outside of the Critical Area and the impacts it will have on lands and waters inside the Critical Area.

You are correct and the Board properly conditioned the special exception in assuring that Commission staff review and provide written comments to Anne Arundel County regarding impacts to the Critical Area portion of the site. We have contacted the County in order to receive a copy of the application. We will continue to maintain that contact and will monitor the project.

Thank you again for your informative letter and accompanying newspaper articles which frame the progression of this case. If you have questions, please feel free to contact me at (410) 974-2426.

Sincerely,


Lisa A. Hoerger
Environmental Specialist

cc: Mr. Ren Serey, Executive Director, CBCAC

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





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

April 6, 1998

Ms. Anne F. Carter, Administrator
Board of Appeals for Prince George's County
County Administration Building
Upper Marlboro, Maryland 20772

Re: James Garrett, Swan Creek Club Development
Appeal No. V-34-98

Dear Ms. Carter:

I would like to offer comments on Variance CP- 92008/01, the application of James Garrett. The applicant proposes to construct an addition, new patio and sidewalk that will intrude into the 100-foot Buffer from mean high water. This office does not oppose the addition provided the applicant can demonstrate impacts to the Buffer are minimized and the area will be mitigated for at a 3:1 ratio for all new disturbance. New disturbance includes grading, footprint and clearing.

We believe the proposed patio addition may not be the minimum variance necessary to afford relief to the applicant. From the site plan provided, it appears the applicant already enjoys this amenity through an existing deck and brick patio, both on the waterside of the dwelling.

If the proposed sidewalk and additional parking area will require clearing, mitigation of native species should be required at a 1:1 ratio.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. Please notify the Commission in writing of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: Dawn Hawkins
PG 155-98

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

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

April 6, 1998

Mr. Steve Cover, Director
Anne Arundel County Department of Planning and Code Enforcement
Heritage Office Center
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Dear Mr. Cover:

I would like to offer comments regarding the request of J. William Sykes, Jr. to change the status of his property to a Buffer Exemption Area (BEA). Based on the information submitted and a site visit with Ms. Elinor Gawel and the building contractor, this office does not support the designation of this lot as a Buffer Exemption Area.

The Critical Area Criteria in COMAR 27.01.09.01.B (8) states that a BEA designation may be appropriate "...where it can be sufficiently demonstrated that the existing pattern of residential, industrial, commercial or recreational development in the Critical Area" prevents the Buffer from fulfilling its functions relating to habitat and water quality. Generally, Commission staff has found that it is difficult to evaluate a single, undeveloped lot and determine that it meets the criteria for BEA designation.

This office opposes the County's request to map this single lot as a BEA; however, we would be willing to evaluate the entire subdivision to determine if it could be designated as a BEA in accordance with the County's BEA program. If the County would like to explore this option, County staff should submit relevant documentation (aerial photographs, subdivisions plats, etc.) for Commission staff review. However, that request would need to come from the County. Currently, Anne Arundel County is working on its four-year comprehensive review, and the designation of new BEAs may be included as part of the comprehensive review process.

Thank you for the opportunity to comment. Please call me with any questions or concerns at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: Ms. Elinor Gawel, PACE
Ms. Mary Owens, CBCAC

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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March 31, 1998

Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Dear Ms. Chalkley:

I have received the subdivision request for the French Oldsmobile property (MS 98-020). The applicant requests an administrative subdivision to legalize two lots. This office has no objection to the request. However, the County should ensure the lots will not require the need for any variances. From the information provided to this office, it appears no variance will be necessary.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please call me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 142-98

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

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

March 31, 1998

Mr. Harold Cassell, Wetlands Administrator
Board of Public Works
Wetlands Administration
Post Office Box 1510
Annapolis, Maryland 21404

Re: Tidal Wetlands Case No. 97-0799
Gerald Herson (Pleasure Marine Center)
Anne Arundel County

Dear Mr. Cassell:

Thank you for providing our office with the Wetland Report and Recommendation of the Department of the Environment regarding the above-referenced case. We would like to take this opportunity to provide comments concerning the proposed marina reconfiguration at this site.

- 1) This office last offered comments to the MDE, Tidal Wetlands Division by letter dated February, 26, 1997 in regard to the latest proposal at the Pleasure Marine Center (letter enclosed). Our comments focused on maintaining the water quality and habitats at this site as found in COMAR 27.01.03.04B. We defer to the Tidal Wetlands Division for their expertise in ensuring the concerns outlined in this section of the criteria are adequately addressed.
- 2) The plans indicate a parking area. The proposed parking area shall be located outside of the 100-foot Buffer. If applicable, the parking area shall also be located outside the expanded Buffer due to 15% or greater slopes.
- 3) Any clearing associated with the marina configuration or proposed parking area shall be replaced on an equal area basis outside the Buffer and at a 3:1 ratio inside the Buffer. Native species should be used.
- 4) We understand dredged material will be placed at an upland location on the applicant's property. The location of the placement area should not involve clearing and should not impact the root zones of any trees.


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

Mr. Cassell
Page Two
March 31, 1998

- 5) The information describes a proposed 70-foot concrete bulkhead to be constructed above mean high water. This places the structure in the 100-foot Buffer. Since this structure is water-dependent, mitigation should be performed at a 1:1 ratio for all new permanent disturbance.
- 6) The applicant proposes to locate an eight foot by eight foot storage shed on one of the piers. Natural Resources Article 8-1808.4 prohibits a local jurisdiction from issuing a building permit except under specific circumstances. It does not appear this site meets any of those circumstances. I have enclosed that provision of the Natural Resources Article for your information.
- 7) Stormwater management shall be provided for the new parking area. Both quality and quantity shall be addressed. The stormwater management device shall also be accommodated outside of the 100-foot Buffer or the expanded Buffer, if applicable. The device that will serve as stormwater management should not be used to accommodate runoff from the proposed interception ditch that will be carrying boat maintenance products. That ditch should be routed to a separate treatment/collection facility.

Thank you for the opportunity to comment on this proposal before it is reviewed by the State Board of Public Works. If you have any questions, please call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: Mr. Robert Cuthbertson, MDE, Tidal Wetlands Division
Mr. Frank Ward, Anne Arundel County, Planning and Code Enforcement
Mr. Ren Serey, CBCAC

(f) *Variances.* — A local jurisdiction may grant a variance from the provisions of this section in accordance with regulations adopted by the Commission concerning variances as part of local program development set forth in COMAR 27.01.11 and notification of project applications set forth in COMAR 27.03.01.

§8-1808.4. Structures on piers.

(a) *Applicability of section to Prince George's County.* — This section does not apply to any project involving the construction of a dwelling unit or other non-water dependent structure on a pier located on State or private wetlands within the Critical Area in Prince George's County.

(b) *"Pier" defined.* — (1) In this section, "pier" means any pier, wharf, dock, walkway, bulkhead, breakwater, piles, or other similar structure.

(2) "Pier" does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

(c) *Applicability of section generally.* — This section applies notwithstanding:

(1) Any other provision of this subtitle; and

(2) Any criteria or regulation adopted by the Commission under this subtitle.

(d) *Preemption of other requirements.* — This section preempts any other requirement concerning piers in the Critical Area.

(e) *Building permits.* — (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a local jurisdiction may not issue a building permit for any project involving the construction of a dwelling unit or other non-water dependent structure on a pier located on State or private wetlands within the Critical Area.

(2) This section does not prohibit or restrict a local jurisdiction from issuing a building permit for a project involving the construction of a dwelling unit or other non-water dependent structure on a pier located on State or private wetlands within the Critical Area that was issued a permit by the Secretary on or before January 1, 1989.

(3) A local jurisdiction may issue a building permit for a project involving the construction of a dwelling unit or other non-water dependent structure on a pier located on State or private wetlands within the Critical Area if:

(i) The project is constructed on a pier in existence as of December 1, 1985 that can be verified by a Department of Natural Resources aerial photograph dated 1985, accompanied by a map of the area;

(ii) The project does not require an expansion of the pier greater than 25% of the area of piers or dry docks removed on the same property; however, additional expansion may be allowed in the amount of 10% of the water coverage eliminated by removing complete piers from the same or other properties. If the horizontal surface area of a pier to be removed is not intact but the remaining pilings identify its previous size, that area may be used in determining the additional expansion permitted. The project expansion based on water coverage eliminated can be considered only if all nonfunctional piers on the property are removed except for the project pier. The total expansion may not exceed 35% of the original size of the piers and dry docks removed;

(iii) The project is approved by local planning and zoning authorities; and

(iv) The project is located in an intensely developed area, as designated in programs adopted or approved by the Critical Area Commission under this subtitle.

(4) A local jurisdiction may issue a building permit for the repair of an existing dwelling unit or other non-water dependent structure on a pier located on State or private wetlands within the Critical Area.

(5) Except for projects under paragraph (2) of this subsection, and in addition to all other provisions of this section, all projects involving the construction of a dwelling unit or other non-water dependent facility on a pier located on State or private wetlands within the Critical Area may not be issued a building permit unless:

(i) The applicant demonstrates that the construction and operation of the project will not have a long term adverse effect on the water quality of the adjacent body of water in accordance with standards established by the local jurisdiction's critical areas program;

(ii) The applicant is required to improve the water quality of existing stormwater runoff from the project site into adjoining waters in accordance with standards established by the local jurisdiction's critical areas program; and

(iii) The applicant demonstrates that any sewer lines or other utility lines extended for the pier will not adversely affect the water quality of adjoining waters in accordance with standards established by the local jurisdiction's critical areas program.

§8-1808.5. Community pier in buffer.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

JUDGE JOHN C. NORTH, II
CHAIRMAN
410-822-9047 OR 410-974-2418
410-820-5093 FAX

REN SEREY
EXECUTIVE DIRECTOR
410-974-2418 /26
410-974-5338 FAX



WESTERN SHORE OFFICE
45 CALVERT ST., 2ND FLOOR
ANNAPOLIS, MARYLAND 21401

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

February 26, 1997

Mr. Robert Cuthbertson
Tidal Wetlands Division
MDE, Water Management Administration
2500 Broening Highway
Baltimore, Maryland 21224

Dear Mr. Cuthbertson:

I would like to comment on the proposed marina reconfiguration in Main Creek by Gerald Herson (97-GL-0799). From the information provided, the applicant will be removing two existing piers, associated finger piers and moorings and will be constructing several new timber piers, associated finger piers and moorings, a new travel lift bay and boat lifts. Additionally, the applicant proposes to dredge a 45 x 30 area.

This office is aware of the previous plans for this site which involved the construction of a boat ramp closer to the headwaters of Main Creek. The proposed construction has been sited along the main channel of Main Creek in the area of the existing piers, slips and boat ramp. From the information provided, it appears that those structures will be removed and replaced. While this office has no objection to the redevelopment of this marina site, we have concern over the extensive pier configuration. The Anne Arundel County Critical Area Program references COMAR 27.01.03.04 regarding local plan requirements for water-dependent facilities. COMAR 27.01.03.04 B states:

- (1) That the activities will not significantly alter existing water circulation patterns or salinity regimes;
- (2) That the water body upon which these activities are proposed has adequate flushing characteristics in the area;
- (3) That disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized;
- (4) That adverse impacts to water quality that may occur as a result of these activities, such as nonpoint source runoff, sewage discharge from land activities or vessels, or from boat cleaning and maintenance operations, is minimized;

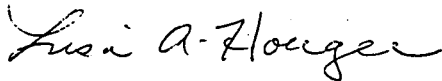
Mr. Cuthbertson
Page Two
February 26, 1997

- (5) That shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting;
- (6) That dredging shall be conducted in a manner, and using a method, which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Critical Area, generally;
- (7) That dredged spoil will not be placed within the Buffer or elsewhere in that portion of the Critical Area which has been designated as a habitat protection area except as necessary for:
 - (a) Backfill for permitted shore erosion protection measures,
 - (b) Use in approved vegetative shore erosion projects,
 - (c) Placement on previously approved channel maintenance spoil disposal areas, and
 - (d) Beach nourishment; and
- (8) That interference with the natural transport of sand will be minimized.

We ask that your office keep these plan requirements in mind when reviewing this proposal. The applicant should be aware that any future facilities (parking lot, tennis courts, pool, etc) that may be associated with this marina, but are not water-dependent by their intrinsic nature, shall be located outside of the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file as part of the record. If you have any questions, please call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: Frank Ward, Anne Arundel County Office of Planning and Code Enforcement
Ren Serey, Chesapeake Bay Critical Area Commission
AA 298-96

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

March 26, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0085-V, the property of TSC Magothy and Associates. The applicant proposes to expand a nonconforming use by constructing several dwelling additions. One addition will require a variance to the required 100-foot Buffer. This office offers no comment regarding the nonconforming use issue. We do not oppose the proposed Buffer variance provided mitigation is performed at a 3:1 ratio with native species. All clearing that will occur outside the Buffer should be mitigated at a 1:1 ratio with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 150-98

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

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

March 26, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variances 1998-0086 and 1998-0087. The applicants propose a joint use pier on common property lines and on lots without principal structures. This office has no comment regarding the immediate variance request. However, the County should ensure that this subdivision does not have a community pier before permitting individual piers.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 151-98

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



Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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March 26, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0070-V, the property of Melvin H. Bell. The applicant proposes to demolish an existing building and reconstruct it in the Buffer. It appears the building is proposed to be placed on the footprint of the existing building with the exception of an additional 750 square feet. We recommend mitigation of native species at a 3:1 ratio be provided for all new disturbance to the Buffer.

The stormwater management trench should not be located in the Buffer. No justification was provided for the location in the Buffer. In addition, the applicant should consider alternative methods, such as plantings, depending on site and soil conditions. Both new development and redevelopment should accommodate required stormwater management devices outside the Buffer. We understand that in the case of redevelopment that may not be possible, however the County should require the applicant to justify that the proposed location in the Buffer is the only alternative before allowing this type of development activity in the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 974-2426 Fax: (410) 974-5338

March 26, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0067-V, the property of Jerry B. and Karen C. Agee. It appears the applicants request an after the fact variance for existing decks and front porches built within the setbacks and the expanded Buffer. This office request that mitigation of native species be provided at a 3:1 ratio for all new disturbance to the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 144-98

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



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

March 26, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0071-V, the property of Brent Kurre. The applicant proposes to construct a single family dwelling in the Buffer. The information provided indicates this lot is the subject of a family conveyance. Therefore it is not a grandfathered lot under the County's Critical Area Program. Newly created lots should not necessitate the need for a variance.

In addition, it appears the proposed dwelling can be sited outside of the 100-foot Buffer. The lot is 3.7 acres. The applicant has not indicated why it would be a hardship to locate the proposed dwelling outside of the Buffer. It appears more clearing would be involved, if the dwelling is outside the Buffer, however the Buffer is a no disturbance area. Clearing is allowed in the Critical Area and it appears replacement can occur in the Buffer on this lot. Also, the mitigation ratio for clearing outside the Buffer is 1:1 rather than a 3:1 requirement inside the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 147-98

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

idge 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

March 25, 1998

Elinor Gawel
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Dear Ms. Gawel:

Thank you for your letter regarding proposed uses of the County's reforestation fund. We would prefer to meet with County staff prior to making any determinations as to what uses will be acceptable to the Commission. However, we maintain that the funds proposed for training and conferences is not an acceptable use of the monies.

Please contact Mary Owens or myself at (410) 974-2426 to schedule a convenient time to meet.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: Marianne Mason, Deputy Counsel, DNR
Ren Serey, Executive Director, CBCAC

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



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

March 23, 1998

Suzanne Schappert
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Ms. Schappert:

I would like to comment on Variance 1998-0020-V, the application of Anne Arundel County Department of Public Works. The applicant proposes to construct a new blower building in the Buffer. We understand this project results from an agreement made between the Public Works Department and the Maryland Department of the Environment. Under this agreement the Public Works Department would institute a Biological Nutrient Removal process. This program is part of a larger effort of the Bay Program to meet the target 40% reduction in nutrients entering the Chesapeake Bay by the year 2000. This office supports efforts made at water reclamation facilities across the State to implement measures that will reduce nutrients entering the Bay and its tributaries.

The Department of Public Works is upgrading the Cox Creek Water Reclamation Facility (WRF) for this purpose. Unfortunately, the proposed building is located in the Buffer which coincidentally is a very important component of the natural landscape in that it functions as a filter to impede nutrients from entering the Bay and its tributaries. We understand the proposed building will be located over existing impervious area. It was not made clear in the application why the proposed building was necessary inside the Buffer. It appears the site is constrained by existing buildings and parking areas. In any case, we do not oppose this variance since it appears no new impervious areas will be created in the Buffer. Any new or additional disturbance to the Buffer that may result from construction of the building should be mitigated at a 3:1 ratio with native species.

The application does mention that an area of existing impervious surface will be removed to offset the proposed building. It was not clear whether this area is also inside the Buffer, however we would encourage any unnecessary impervious areas to be removed, particularly if they are in the Buffer. We do not agree that this area will offset the impacts of the proposed building,

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(410) 822-9047 Fax: (410) 820-5093

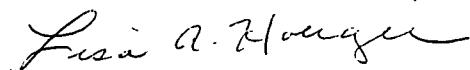
Ms. Schappert
Page Two
March 23, 1998

consequently approval of the building location should not be based on the fact that there will be some area of impervious surface removed elsewhere on the site. It should also not preclude the applicant from providing mitigation for any new area of disturbance either inside or outside of the Buffer.

Finally, this office believes the applicant should provide some type of water quality treatment for the new building even if it will be over existing impervious area. New development or redevelopment of a site affords the property owner the opportunity to correct and/or address how stormwater is treated that is leaving the site. The Critical Area Criteria in COMAR 27.01.02.03.D instruct local jurisdictions to require an applicant proposing development in an Intensely Developed Area (IDA) to reduce pollutants leaving a site 10% below pre-development levels or to provide offsets.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: AA 77-98

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

March 23, 1998

Ray C. Dintaman, Jr., Director
Environmental Review Unit
Tawes State Office Building, B-3
580 Taylor Avenue
Annapolis, Maryland 21401

Re: CENAB/MPA Environmental Assessment for Proposed Renovation of the CSX/Cox Creek
Dredged Material Placement Facility; Patapsco River, Anne Arundel County

Dear Mr. Dintaman:

I would like to offer comments regarding the above reference project. This office has been in contact with the Maryland Port Administration (MPA) for the past several years regarding this site as a proposed dredge placement site. The MPA has continued to keep the Commission staff updated on their progress. Currently, the Commission is reviewing a proposed stormdrain project that will involve rerouting the current outfalls to one outfall outside of the placement area. A vote on this project is expected at the next Commission meeting on April 1, 1998.

The Commission will review and vote on future redevelopment projects at this site. We are aware of the renovations proposed for the CSX and Cox Creek containment cells. Our issues will mainly focus on the 100-foot Buffer including disturbances to the Buffer. Also, any clearing on site will require replacement at a minimum 1:1 ratio for clearing outside of the Buffer and 3:1 replacement for clearing inside the Buffer. Any other Habitat Protection Areas (HPAs) that the Heritage and Biodiversity Division may identify will also require protection measures under the Critical Area Criteria.

We understand that some type of shore erosion control will also be part of the renovations at this site. Again, any other HPAs (i.e. anadromous fish, colonial waterbirds, submerged aquatic vegetation, etc.) will necessitate protection and conservation under the Critical Area Criteria.

If you have any questions, or need clarification of the issues mentioned in this letter, please call me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

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

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
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March 20, 1998

Ms. Anne Pearson
c/o Alliance for Community Education
111 Hickory Lane
Annapolis, Maryland 21403

Dear Ms. Pearson:

Thank you for including our office in your plans to develop the Eco-House Demonstration project. Subsequent to our site visit on Wednesday, March 18th I would like to take this opportunity to outline some potential issues associated with the development of lot 3 on Claibourne Road.

The lot is characteristic of many lots in the Annapolis Roads subdivision in that it exhibits natural features which require sensitive development practices. The steep slopes that are 15% or greater will require a buffer from the top of the slopes. Depending on the required width of that buffer, the proposed house location may or may not need a variance. A 100-foot Buffer applies to tidal waters, tributary streams and tidal wetlands.

Some clearing will be necessary to access the site for construction. Mitigation for all clearing will be required at a 1:1 ratio with native species. If the proposed dwelling or disturbances associated with development occur within any required buffer areas, mitigation at a 3:1 ratio is required. This office can provide you with a list of appropriate plantings. Impervious surface area is limited to 25% of the lot size.

Disturbance to the area of nontidal wetlands near Claibourne Road will necessitate permits from the Maryland Department of the Environment (MDE), Nontidal Wetlands Division. I understand you have spoken with Ms. Judy Cole of that office regarding access to the proposed construction site, including remediation efforts of the current stormwater drainage through that wetland area.

If you require additional assistance, or would like some input regarding development, please do not hesitate to call Mary Owens or myself at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: Ren Serey, Executive Director
Mary Owens, Chief, Program Implementation

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

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
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March 18, 1998

Elinor Gawel
Anne Arundel County Department of Planning
and Code Enforcement
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Dear Ms. Gawel:

The Critical Area Commission staff has received the legislation passed by the County Council (Bill No. 104-97) as part of the required four year comprehensive review. In general, Bill 104-97 brings the County's program into conformance with the Critical Area Law and Criteria, and addresses those program issues the County has experienced difficulty in administering. However, the following issues must be addressed before the Commission may process the package as an amendment. I have outlined these issues below.

- 1) We assume that the County is submitting only those resource inventory maps which have been amended since the last four year review. Included with the resource inventory maps should be the maps showing the Critical Area designations. This set of maps also needs to be updated. There are changes to designations that need to be adjusted resulting from either growth allocations or mapping mistakes. In addition, we specifically requested the County to amend the map containing the Enyart parcel which resulted in a change to the Critical Area line. The County may choose to supply this office with a complete new set of maps or to supply only those maps that have changed since the date of the original Program approval.
- 2) Commission staff recommend that the County review its Critical Area Program document as part of conducting the four year comprehensive review. If no changes are proposed the County shall provide a statement certifying that a review of the Program document has been accomplished.
- 3) On page two of Bill 104-97 a change to the Floodplain Management, Sediment Control, and Stormwater Management Ordinance needs to be amended. The definition of subdivided parcels should read as follows:

"Subdivided parcels" means any parcel that has been subdivided as defined in Article 26, 1-101(54) of this code INTO RECORDED, LEGALLY BUILDABLE LOTS AS OF DECEMBER 1, 1985 and that meets all requirements of the Anne Arundel County Subdivision regulations in effect on the date the parcel was subdivided.

The Commission staff believes that the additional language is necessary to ensure that subdivided parcels contain properly grandfathered lots and that the use of this term in other parts of the County's ordinances will conform to the Commission's criteria.

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

- 4) Page five of Bill No. 104-97 addresses Title 3. Stormwater Management. This section also needs clarification. We understand that the County is distinguishing between the stormwater requirements for Intensely Developed Areas (IDAs) and the stormwater requirements for Limited Development Areas (LDAs) and Resource Conservation Areas (RCAs). What is not clear is whether sections 3-202 (b)1-5, (c), 8, and (e)(1)(2) and most importantly section 3-202 (d)(8) will remain in the Code. These sections refer to order of preference for stormwater management and storage capacity. This office maintains that these sections must remain in the Code, otherwise it will not conform to COMAR 27.01.02.04.D (2)(a-c).
- 5) Page seven addresses Article 26 Subdivisions. The bill notes letter "k", but it appears that the lettering should read (j) according to the current version of Article 26 since no letter "k" currently exists and it appears that the County is rewording letter "j". Please clarify this numbering.
- 6) Page eight addresses the changes to the new impervious surface law. The County should consider outlining a fee schedule to address the provision that provides for a fee at Section 1A-105(5)(V). The fee is locally determined and may mirror the County's fees for reforestation.
- 7) Pages nine and ten address reforestation in the Critical Area. The new language allowing grandfathered lots less than one-half acre to be cleared may not be acceptable to the Commission because mitigation will only be required at an equal area of replacement or .60 cents. Currently mitigation for forest cutting or clearing on these lots is required at a 2:1 or 3:1 ratio, or at .90 cents or \$1.20 when they are cleared over 20% or over 30%.

The purpose of this new provision is to address two issues: The first issue is that property owners with small lots will not be burdened with 2:1 or 3:1 replacement ratios just because they have small lots. The other issue is that the County will not be collecting as many fees.

This office is aware of the difficulty the County continues to experience in spending its reforestation monies. However, the Criteria in COMAR 27.01.02.04(C)(3)(a), (b), (c) and (d) require local jurisdictions, at a minimum, to maintain and preferably increase their forest area. It is not clear how the County is meeting or will continue to meet these criteria. Staff also maintain that the County should propose to the Commission a long-range plan for spending the reforestation monies collected. While we understand the challenge faced by property owners with small lots, the County should require a cap on the amount of clearing on lots less than one-half acre. We recommend a cap of 6,000 square feet. The provision should read as follows:

For legal residential lots one-half acre or less in size that were in existence on or before December 1, 1985, clearing shall be limited to the minimum necessary to accommodate a house, septic system, driveway, and reasonable amount of yard, NOT TO EXCEED 6,000 SQUARE FEET, and mitigation shall be undertaken in the following order of preference:

Commission staff believe that the Commission may be able to accept the new language regarding reforestation if it provides for a cap on total clearing that will be allowed on lots under one half acre.

- 8) Page eleven addresses Title 10. Miscellaneous Regulations. The County intends to provide for an accelerated process by which the Director may grant a variance to certain persons who require accommodation for a physical disability in order to allow accessibility to a dwelling. We note that the variance standards have been included, and we request that the new language clarify that this will be an administrative variance process and that public notice will be provided. We also note that the County Code has no specific provisions for an administrative variance process. In addition to the language suggested below, the County Code should also provide for an administrative variance process which includes adequate public notice.

Within the Critical Area, the Director may, THROUGH AN ADMINISTRATIVE VARIANCE PROCESS, authorize a reduction in the lot coverage, Buffer, and Habitat Protection Area requirements of this Article so that improvements or modifications for accessibility to existing dwellings may be provided in order to accommodate a physically challenged resident provided the following criteria are met:

Adding this language will clarify that the process is an administrative variance, and by providing for an administrative variance process elsewhere in the County Code, that public notice will be provided. Administrative variances also are subject to COMAR 27.03.01.03.B-D which requires notification to the Commission of all applications for variances.

A final note which relates to the County's reforestation procedures but which is not a part of Bill 104-97 needs to be addressed by County staff since it may affect the four-year comprehensive review. In recent months, this office was made aware of the County's reforestation policy through a direct request for the reforestation plan required of the Woods Landing subdivision (see letter dated December 4, 1997 - enclosed), and through receiving a copy of a document titled "Easements on Off-Site Forest Guidelines" (enclosed). Both the Woods Landing example and the guidelines appear to be inconsistent with guidance provided by Commission staff and the County's reforestation guidelines found in the County's Zoning Ordinance and the County's Critical Area Program document. The methods currently used for reforestation need to be addressed so that the Commission can be assured that forest cover is replaced in Anne Arundel County. Commission staff would like to continue our meetings with the County staff as soon as possible to discuss this inconsistency.

Thank you for your consideration of these comments and recommendations. Additional information is necessary before this amendment package can be accepted for final processing. Please call me if you have any questions or would like to schedule a meeting with our staff.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: Marianne Mason, Esquire
Ren Serey, Executive Director
Mary Owens, Chief, Program Implementation



ANNE
ARUNDEL
COUNTY,
MARYLAND

156-91
CURRENT PLANNING
2664 RIVA ROAD, P.O. BOX 6675, MS 6301
ANNAPOLIS, MARYLAND 21401

DEPARTMENT OF PLANNING AND CODE ENFORCEMENT

December 4, 1997

RECEIVED

DEC 9 1997

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Lisa A. Hoerger
Chesapeake Bay Critical Area Commission
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

Re: Woods Landing II Reforestation

Dear Ms. Hoerger,

Clearing for the Woods Landing Section II development required 8.43 acres of forest removal. That was more than 20% of the forest on site, but less than 30%. Replacement had to be at one and one-half times or 12.645 acres.

The applicant posted a reforestation bond for \$330,321.60 to have the grading permit released. In the meantime, he was pursuing various options for reforestation or easements.

The developer had one year from the August 1996 agreement date to find a site. No site for reforestation was found by the developer and the County did not have a site. Several sites were proposed to be placed under easement which had existing forest in the Critical Area, but which were not protected from allowable development activities.

The off-site location accepted by the County is adjacent to the Patuxent River, a river which is subject to the Patuxent River Policy Plan calling for special protection measures within the Primary Management Area.

The County required that the 12.645 acre obligation for Woods Landing be at 2 to 1 or 25.29 acres of existing forest to be placed under a perpetual easement.

Enclosed is a copy of the recorded easement and Exhibit. Also, I am sending along the Final Development Plan and the Grading Plan.

There is a small amount of clearing still allowed - approximately 18,000 sq.ft. - which will have to meet its reforestation obligation at that time.

Should you have any questions, please call me at 410-222-7459.

Sincerely,

Penny Chalkley
Development Division

PC:lc
Enclosure

cc: Joseph Elbrich
Lori Allen
Edward St. John
Anarex, Inc.



Printed on
Recycled Paper

EASEMENTS ON OFF-SITE FOREST GUIDELINES

For the purpose of calculating acreage and considering the suitability of placing easements on off-site forest as a replacement for reforestation in the Critical Area, the following guidelines shall be used:

Developable land is given equal area credit at the replacement ratio for the project. It must be upland and no steep slopes, no buffers or expanded buffers. (If 10 acres of clearing requires 1 ½ times replacement, then equal area credit is 15 acres of upland). Easement is in perpetuity on all contiguous acreage.

Steep slopes, wetlands, floodplains, buffers and expanded buffers are credited at 1/2 (.50) the replacement ratio for the project. (If 10 acres of clearing requires 1 ½ times replacement, then 1/2 (.50) area credit is 30 acres of non-upland and buffer). Easement is in perpetuity on all contiguous acreage. It is important to credit these areas so that a protective easement can include them. They are often areas of rare and endangered species, provide contiguous habitat to our valued water resources, reduce erosion potential and enhance the preservation of habitat protection areas. Floodplains may not comprise more than 50% of the total reforestation obligation.

Combination - must be contiguous (10 acres of clearing at 1 ½ times = 15 acres. 5 acres of upland for equal credit; other $10 \div .50 = 20$ acres. Total 25 acres). Easement is in perpetuity on all contiguous acreage.

Easements may be placed on RCA land where development potential is reduced because of the possibility of other uses permitted on existing legal lots; i.e.

- timber harvesting
- sand and gravel operation
- conversion of upland to agriculture
- pasturing of livestock, stables, animal husbandry
- churches
- aquaculture operations, fish hatcheries, etc.
- golf courses
- parks
- nonprofit institutions
- plant nurseries
- trailer park expansion
- marina expansion

However, all dedicated land will be deleted from the total acreage available to calculate density, clearing or impervious coverage for any other project.

Preference will be given to:

- Unfragmented blocks of forest or forest in which openings will be planted
- Forest adjacent to or within HPA's
- Forest adjacent to protected land
- Forests on both sides of tributary stream
- Forest which include nontidal wetlands and buffers
- Forests within Scenic River watershed (Severn River)
- Forests within Patuxent River Primary Management Area
- Forests including Heritage sites and wetlands of Special State Concern

PC:lc

George 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

March 13, 1998

Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Dear Ms. Chalkley:

On Tuesday, March 3, 1998 we met with representatives of the South River Colony project. Our discussion focused on the development of parcel B specifically in regard to the location of the stormwater management pond. The pond is located in the Resource Conservation Area (RCA) yet serving development outside of the RCA. Apparently, parcel B received sketch plan approval in 1990 and is part of a larger Planned Unit Development (PUD). In addition to sketch plan approval, the applicants received and have kept current variances for the outfall structure and a permit from the Army Corps of Engineers. Since this PUD was submitted for review before the Critical Area Program was in place in Anne Arundel County, this office feels it is appropriate to allow the pond to remain in the original location.

We recommend the County require the developer to reforest that portion of Mayo Road that will no longer be utilized as mitigation for the pond. Reforestation as mitigation should also be considered on the parcel the applicant owns just south of parcel B off of Route 214.

Under no circumstances should any new proposals allow stormwater management devices, or uses associated with development activities, to be located in the RCA when they are serving development outside of the RCA and/or the Critical Area. New development can accommodate such uses outside the RCA.

Thank you for bringing this matter to our attention. If you have any questions, please call me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: Ren Serey
Regina Esslinger

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

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

March 13, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0062-V, the property of James Robinson. The applicant proposes to construct a dwelling that will require setbacks, intrude into the nontidal wetland 25-foot buffer and the 100-foot Buffer to a stream. In addition the proposal is to allow residential development in an open space zone. In regard to the 25-foot nontidal wetlands buffer, the applicant should be seeking permits, including comments and recommendations, from the Maryland Department of the Environment Nontidal Wetlands Division.

Provide the lot is properly grandfathered, this office has no objection to siting a single family dwelling on lot twenty. It appears the proposed dwelling is sited to minimize intrusion into the 100-foot stream Buffer. Mitigation of native species at a 3:1 ratio is recommended.

Given the natural features on lot 19 (wetlands and stream), the County should consider recommending to the property owner that the lots be combined for environmental reasons. Also, the use variance may not be the proper vehicle for the applicant to use. Instead, a rezoning may be more appropriate.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 120-98

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

udge 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

March 13, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0061-V, the property of Ray Schummer. The applicant proposes to construct a dwelling that will require setbacks, intrude into the nontidal wetland 25-foot buffer and the 100-foot Buffer to a stream. In addition the proposal is to allow residential development in an open space zone. In regard to the 25-foot nontidal wetlands buffer, the applicant should be seeking permits, including comments and recommendations, from the Maryland Department of the Environment Nontidal Wetlands Division.

Provide the lot is properly grandfathered, this office has no objection to siting a single family dwelling on lot five. It appears the driveway can be sited closer to the dwelling to minimize intrusion into the 100-foot stream Buffer. Mitigation of native species at a 3:1 ratio is recommended.

Given the natural features on lot 6 (wetlands and stream), the County should consider recommending to the property owner that the lots be combined for environmental reasons. Also, the use variance may not be the proper vehicle for the applicant to use. Instead, a rezoning may be more appropriate.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 119-98

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 13, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variances 1998-0056 and 1998-0057, the properties of Sanford and Mary Robbins and Larry and Ruth Hayes respectively. The applicants propose to construct a joint use walkway to an existing joint use pier. This office has no objection to the joint use proposal for access to a pier, and it is unclear from the application why a variance to the Buffer requirement is necessary. It is also unclear what surface will be used to construct the walkway. We recommend a pervious material or decking if necessary. Mitigation at a 1:1 ratio of native species is appropriate for access in the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 116-98
AA 117-98

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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March 10, 1998

Ms. Lori Allen
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Dear Ms. Allen:

I have received the resubmittal for the Waterwood subdivision request (95-042) for final approval. It appears the applicant has added more detailed notes describing the total clearing and impervious surface for each lot. However, there are still some outstanding issues that I will address below.

- 1) The expanded Buffer is still shown incorrectly on sheet four of six. The 100-foot shoreline Buffer is required to be expanded for slopes 15% or greater. It appears slopes 15% or greater extend from and beyond the Buffer and therefore require an expansion of the 100-foot Buffer. In this case the applicant is required to calculate the percent of slope between the terminus of the 100-foot Buffer and the top of the slope, multiply the percent times four, and add 100 feet. Previous administrative plats have no bearing on this new subdivision request and the Buffer shall be properly expanded.
- 2) Why is the septic area identified for lot 5 and not for any other lots or parcels with either proposed or existing dwellings? We recommend the applicant identify these areas to ensure there will be no Buffer intrusion. In addition, a plat note should be added as a reminder to the property owners with existing dwellings that all lots and parcels created as a part of this subdivision are considered new lots under the County's Critical Area Program and are no longer afforded grandfathered status.
- 3) In the response letter dated February 18 to your office there is no acknowledgment that the applicant has consulted with the Department of Natural Resources Heritage and Biodiversity Division regarding the possible presence of the Pied-billed Grebe. The marsh area adjacent to lots 3 and 4 may support this species and the plans indicated individual piers. We recommend that further investigation occur before final approval.
- 4) On sheet five of six a fire apparatus tee turnaround was added to the plan. Has the applicant included the clearing and impervious surfaces associated with this turnaround in his clearing and impervious surface notations?

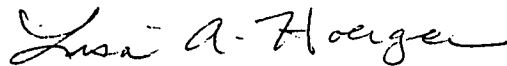
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Ms. Allen
Page Two
March 10, 1998

- 5) The plats refer to 25% slopes. This should be changed to reflect that 15% or greater slopes are protected in the Critical Area whether they are part of the Buffer or are isolated slopes.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: AA 550-97

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
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March 5, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0046-V, the property of Phillip J. Samper. The applicant proposes to construct a dwelling addition that will require less setbacks and impact steep slopes and the Buffer. This office has no objection to the requested variance provided mitigation of native species is performed for new disturbance to the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 97-98

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

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
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March 5, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0040-V, the application of E & M Construction Services. The applicant proposes to construct a single family dwelling that will require less setbacks, be constructed on steep slopes and be completely within the required minimum 100-foot Buffer to a stream.

This office has no objection to siting a single family dwelling on lots 29 and 30 provided they are properly grandfathered. We recommend that the parking pad size be reduced and that the dwelling be sited as close to Ogleton Road as possible. Mitigation should occur at a 3:1 ratio with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 95-98

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



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

March 5, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0035-V, the property of Louis Dallas. The applicant proposes to construct a deck that will require less setbacks and intrude into the 100-foot Buffer. This office recommends mitigation of native species at a ratio as prescribed by County staff.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 91-98

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

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

March 5, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

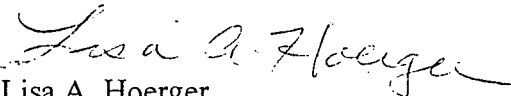
Dear Mr. Dooley:

I would like to comment on Variance 1998-0039-V, the property of Michael Fox. The applicant proposes to construct a single family dwelling that will require less setbacks and intrude into the expanded Buffer for steep slopes.

This office has no objection to a single family dwelling provided the lot is properly grandfathered. We assume the house is located as close to Carrollton Road as possible considering a septic system must be accommodated. The information submitted mentions disturbance will exceed 5,000 square feet and therefore stormwater management is required. However, stormwater management is not identified on the plan.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,


Lisa A. Hoerger
Environmental Specialist

cc: AA 94-98

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



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

March 5, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0050-V, the property of Peter and Celeste Kutz. The applicants propose to construct a roof extension over existing stairs that will require less setbacks and Buffer. This office has no objection to the requested variance. Mitigation of native species is appropriate for any disturbance that may occur.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 98-98

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





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

March 5, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0043-V, the property of Raymond J. Herman. The applicant proposes to modify the existing driveway which will disturb steep slopes and the Buffer. From the site plan provided it is not clear where the limits of the Buffer are located. It is also not clear why the driveway needs to be reconfigured. Will the applicant suffer an unwarranted hardship by not being permitted to access his garage with the reconfigured driveway? How is the garage currently accessed? Upon clarification of these questions, this office can provide a more concise review of this variance request.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 96-98

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

March 4, 1998

TO: Commissioner Wilde
FROM: Lisa Hoerger
SUBJ: Sample Conservation Easement and Covenant Language

After the last Commission meeting you requested to see some sample language of any conservation easements or covenants the staff was aware of in prior projects. In talking with other planners in the office I was able to find two examples for your review.

The first example was a project in Cecil County that involved an easement on the remainder of the parcel not proposed for development. The second example was a parcel with an easement used by a developer to satisfy his reforestation requirement. It was associated with a new subdivision in Anne Arundel County.

The language of an agreement will vary depending on what is being conserved by the easement (i.e. FID habitat, 20 acre set aside for growth allocation, etc.). Marianne Mason, the Commission's counsel, would review and approve any easements and covenants the Commission enters into as party.

Attachments

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT
March 4, 1998

APPLICANT: Anne Arundel County

PROPOSAL: Growth Allocation - Homeport Farm

COMMISSION ACTION: Vote

PANEL: Larry Duket (Chair)/Diane Evans/Louise Lawrence/James Foor/Bob Goodman

PANEL RECOMMENDATION: Pending Public Hearing

STAFF: Lisa Hoerger

APPLICABLE LAW/REGULATIONS: Natural Resources Article 8-1808.1 and COMAR 27.01.02.06

DISCUSSION:

Anne Arundel County requests a growth allocation on the Homeport Farm parcel that changes 18.75 acres of RCA land to LDA. The growth allocation area, or development envelope, will include 19 residential lots (15.11 acres), road right-of-way and community space (3.64 acres).

The entire parcel consists of 81.30 acres with 16.72 acres outside of the Critical Area and 64.58 acres inside the Critical Area. The interior is agricultural fields with forested areas lining the periphery of the site along the shoreline.

Two areas will retain their RCA designation. The 31.64 acre portion of the RCA land on the northern side of the property will be divided into two parcels. One parcel will consist of 25.15 acres to be deeded to Anne Arundel County for a park. The proposed use of this park is undetermined. The County has informed us that a citizens group will be formed to develop a master plan for the area once it is deeded to the County. The remaining 6.49 acres will remain in open space and will be reforested.

The remaining RCA lands on the southern portion of the property will be used as community open space and one RCA lot. This area is 12.27 acres. Under the Critical Area Commission's growth allocation policy, a minimum of twenty acres is required in order to sufficiently protect the character of the Resource Conservation Area. An additional 7.73 acres will be protected under easement on the adjoining property. The twenty acre parcel can be developed with one dwelling unit consistent with the Critical Area Commission policy.

The County addressed the guidelines found in both Natural Resources Article 8-1808.1 and COMAR 27.01.02.06 in regard to adjacency to other Intensely Developed Areas or Limited Development Areas, identifying habitat protection areas, minimizing impacts to the Resource Conservation Area, and the provision of a 300-foot Buffer. The County stated that the adjacency requirement is met since the community to the north is designated LDA. All Buffers were identified and found to be sufficient without requiring 300-feet because of the required expansion related to the steep slopes present at the site. Finally, the County has 57.66 acres remaining growth allocation set aside to use for RCA to LDA.

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

March 3, 1998

Ms. Lori Allen
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Dear Ms. Allen:

I have received the subdivision request of the McLaughlin property. This office has no objection to this request provided the following issues have been addressed.

- 1) The site plan shows the limits of 25% slopes. The Critical Area Criteria in COMAR 27.01.02.04(C)(6) states, "Development on slopes greater than 15 Percent, as measured before development, shall be prohibited..." While a 25-foot buffer is appropriate, it should be measured from the top of 15% slopes. The applicant may request a variance if development will impact 15% slopes, however this office would not support such a variance on a new lot.
- 2) The proposed impervious surface figures suggest that no more than 15% impervious coverage overall will result from this subdivision. A plat note should state that additional impervious surfaces (sidewalks, driveways, sheds, additions, pools, etc.) will be prohibited since the 15% limit has been reached.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please call me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 72-98

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

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

February 25, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Special Exception 1998-0031-S, the property of Paul Eschinger. The applicant requests an expansion of a commercial marina in a residential district. This office sees no relevant Critical Area conflicts as the marina is in a Limited Development Area and the proposed alterations (lift, pier and bulkhead repair) are all water-dependent uses allowed in the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 80-98

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

February 24, 1998

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

Lori Allen
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Dear Ms. Allen:

Thank you for forwarding the resubmittal of the Town Creek subdivision request (P# 97-240). I have provided my comments below.

- 1) The limits of the expanded Buffer for steep slopes appears to be adjusted.
- 2) It appears some driveways and stormwater management devices were reconfigured. The impervious surface figures will need to reflect these changes. A plat note should be added to alert future homeowners to the impervious surface and clearing restrictions.
- 3) The table under note IV on plat sheet 1 of 2 reports an incorrect total for the Intensely Developed Area. It should read 44,885 square feet according to the figures given.
- 4) Plat note IV mentions a survey will be required in the future for any proposed shoreline alterations to determine the location of leatherleaf. This office must assume the leatherleaf mentioned is *Chamaedaphne calyculata*, a State listed plant species whose status is threatened. The Department of Natural Resources Heritage and Biodiversity Division should be contacted regarding the possible presence of this species on the site. A field survey to determine its location may be necessary since this species may be affected by stormwater runoff associated with development activities.
- 5) A note should be added to the plat to alert future homeowners to the location of the Buffer and the Forest Conservation Easement to ensure no clearing or disturbance.
- 6) Finally, there appears to be steep slopes in portions of the roadway and on lots 5 and 6. No new disturbance is permitted on steep slopes without a variance. This office would not support variances on new lots.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please call me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA588-97

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

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

February 24, 1998

Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

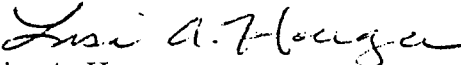
Dear Ms. Chalkley:

Thank you for forwarding the Cedarhurst on the Bay subdivision request. Before I can offer any substantive comments I will need the following information which is currently absent on the site plan.

- 1) The limits of tidal wetlands, tidal waters and mean high water;
- 2) The limits of the Limited Development Area (LDA) and the Resource Conservation Area (RCA);
- 3) The site acreage in LDA and the site acreage in RCA;
- 4) The location of the well and septic reserve areas if the lots will not be served by public utilities.

This information will prove helpful in determining whether the proposed lots will require any variances or if any future development activities may be in conflict with the RCA designation. Thank you for your cooperation.

Sincerely,


Lisa A. Hoerger
Environmental Specialist

cc: AA 71-98

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

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

February 24, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0026-V, the property of Joyce Mayer. The applicant proposes to construct an addition and deck that will require less setbacks and be constructed on steep slopes. It is not clear from the information provided whether the proposed additions are in the expanded Buffer for steep slopes. In any case, this office does not oppose the request provided mitigation is required for any disturbance that may occur to the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 78-98

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

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

February 24, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0021-V, the property of William Herbert. The applicant proposes to construct additions that will intrude into the 100-foot Buffer. From the soil map information, it appears this property may contain hydric soils. If so, the County needs to determine if an expanded Buffer will be required. As to the immediate request, it appears the proposed additions can be accommodated outside the Buffer and avoid the need for a variance.

The issue of whether an expanded Buffer is required needs to be resolved for this applicant since future plans include accessory structures that are not allowed in the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 79-98

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

February 17, 1998

TO: Anne Arundel County Panel
Larry Duket (Chair)/ Diane Evans/Louise Lawrence/Dr. Foor/Bob Goodman

FROM: Lisa Hoerger

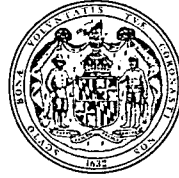
SUBJ: Panel Meeting/ Public Hearing for the Homeport Farms Growth Allocation Request

The public hearing for the Homeport Farm Growth Allocation is scheduled for Wednesday, February 25, at 7:00 p.m. and will be located at 44 Calvert Street (the Arundel Center), County Council Chambers, in Annapolis. The panel will meet at 6:00 p.m. at the Commission office at 45 Calvert Street, 2nd Floor, Annapolis.

As you may recall from my presentation at the last Commission meeting the County has requested that 18.75 acres of RCA be redesignated to LDA. I have attached my preliminary staff report for the March 4 meeting to this memorandum. If you have any questions prior to the meeting with staff on the 25 at 6:00 p.m. please call me at (410) 974-2426.

Attachment

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

February 10, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

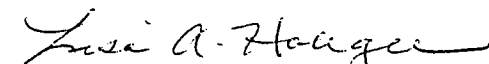
Dear Mr. Dooley:

I would like to comment on Variance 1998-0016-V, the property of Edward Geglski. The applicant proposes to site a shed in the 100-foot Buffer. According to our maps, this property is designated as a Buffer Exemption Area (BEA). As proposed this office cannot support the requested variance. Accessory structures are not permitted in the Buffer, nor are they permitted waterward of existing dwellings on lots with a BEA designation. While a variance may be sought, it should only be sought when there is an unwarranted hardship. There appears to be no hardship in this case. The report accompanying the application mentions none. The applicant could avoid the variance by siting the shed no further waterward than the existing dwelling.

We strongly encourage the County to suggest to the applicant to site the structure no further waterward. The variance can be avoided and the impacts to the Buffer can be minimized.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,


Lisa A. Hoerger
Environmental Specialist

cc: AA 54-98

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

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

February 10, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

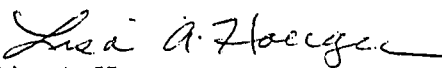
Dear Mr. Dooley:

I would like to comment on Variance 1998-0013-V, the property of Anne Arundel County. The proposed variance is to grade within the 100-foot Buffer to close the Glen Burnie landfill. From the information provided, it appears that no alternative exists in order that grading in the Buffer can be avoided. This office supports the variance request since it appears necessary in order to for proper closure to take place. We also support the termination of this type of land use in the Critical Area.

We suggest that the County consider this parcel as a possible site for reforestation using the County's reforestation monies. From the site plan provided, it appears that the Buffer can be reestablished with Buffer plantings at a minimum width of 100 feet. Additional width may be appropriate depending of the resulting slope. Permanent clearing and grading associated with the new outfalls should be mitigated for at a 1:1 ratio.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,


Lisa A. Hoerger
Environmental Specialist

cc: AA 51-98

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

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

February 9, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I have received the revised site plan for Variance 1998-0004-V, the property of Elizabeth Buffum. It appears the size of the dwelling was reduced from 50' x 30' to 40' x 23'. However the LOD is the same, presumably to allow for installation of the well. If possible, the applicant should consider siting the well closer to the dwelling to minimize disturbance to the slopes. As stated in my January 27 letter, mitigation should occur at a 3:1 ratio for all new disturbance in the expanded Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 36-98

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

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

February 10, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0018-V, the application of Jay Jones. The applicant proposes to construct a dwelling on steep slopes. It is not clear from the information provided whether the proposed construction is in the expanded Buffer for steep slopes. In any case, this office does not oppose the construction of a single family dwelling, provided the lot is properly grandfathered.

It appears the dwelling has been located to respect setbacks to the well and septic system. Mitigation should be performed at a minimum 1:1 ratio for clearing. If any disturbance is in the expanded Buffer mitigation should be performed at a 3:1 ratio for disturbance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 52-98

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

DATE: February 5, 1998
TO: Commissioner Evans
FROM: Lisa Hoerger, CBCAE *LH*
SUBJ: Homeport Farms Issues

At your request I am attaching a copy of the Commission's policy regarding growth allocation. Also, you requested that I check the Anne Arundel County Zoning and Subdivision ordinances for a definition of recreation, including active versus passive recreation. Neither ordinance offers a definition for active or passive recreation. Recreation was also not defined.

This morning I spoke with county staff regarding recreational uses and how the staff, absent any definitions, distinguish between active versus passive recreation. The rule of thumb appears to be that if the application will necessitate a grading or building permit, the activity is deemed active.

An important note is that if a parcel is identified as simply "recreation area", then it can be assumed to be potentially used as an active recreational area. In other words, the plat needs to be specific and label a parcel "passive recreation" in order for it to be used in that manner or the parcel has the potential to be used "actively".

Also, the Department of Recreation and Parks typically do not put conservation easements on active recreational areas.

If you have any questions, I'll be in the office today or anytime next week.

Attachment

CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

DATE: February 5, 1998
TO: Kevin Reigert
FROM: Lisa Hoerger, CBCAC *LAK*
SUBJ: Forest Glen Assisted Living Facility

Attached is a copy of our Critical Area map showing the Forest Glen community and the Critical Area designations. You may want to contact the Office of Planning and Code Enforcement (PACE) to obtain a copy of their Critical Area map of the area since those maps are on a larger scale.

I spoke to Michael Murray of PACE this morning concerning the application. He said the applicants have not resubmitted. Until that occurs, I will not see the proposal. Michael appears to be assigned to this project and can be reached at (410) 222-7458 .

If you have any concerns or questions, feel free to call me at (410) 974-2426.

Attachment

RCA

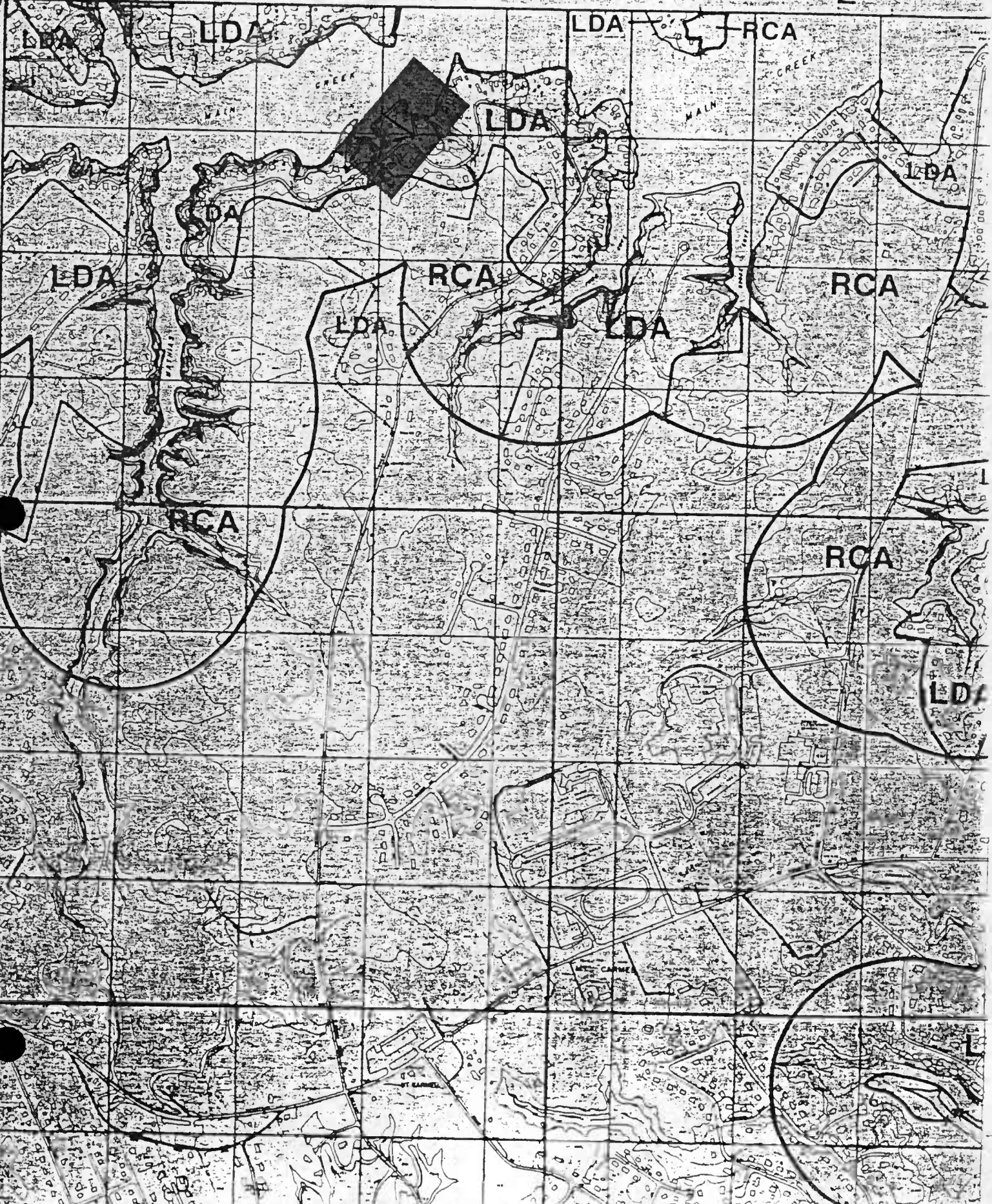
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Judge John C. North, II
Chairman

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

February 5, 1998

Mr. Tom Brower
Shore Erosion Control Program
Tawes State Office Building, E-1
580 Taylor Avenue
Annapolis, Maryland 21401

Dear Mr. Brower:

On February 4, 1998 the Chesapeake Bay Critical Area Commission unanimously approved the Sandy Point State Park Shore Erosion Control Project as presented. If any changes occur with this project, please contact this office to determine whether further Commission approval will be necessary.

Thank you for your cooperation and assistance with the review and presentation of this project to the Commission.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: File

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

February 4, 1998

APPLICANT: Anne Arundel County

PROPOSAL: Growth Allocation - Homeport Farm

COMMISSION ACTION: Information

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article 8-1808.1 and
COMAR 27.01.02.06

DISCUSSION:

Anne Arundel County has requested that the Commission review Anne Arundel County Council Bill 100-97, the Homeport Farm Critical Area Growth Allocation Bill, as an amendment to the County's Critical Program. The proposed growth allocation would change 18.75 acres of RCA land to LDA. The growth allocation area will include 19 residential lots (15.11 acres), right-of-way and community space (3.64 acres).

The entire parcel consists of 81.30 acres with 16.72 acres outside of the Critical Area and 64.58 acres inside the Critical Area. The interior is agricultural fields with forested areas lining the periphery of the site along the shoreline.

There will be two areas retaining the RCA designation. The 31.64 acre portion of the RCA land on the northern side of the property will be divided into two parcels. One parcel will consist of 25.15 acres to be deeded to Anne Arundel County for a park. The remaining 6.49 acres will remain in open space and will be used to satisfy the reforestation requirements at subdivision. The remaining RCA lands on the southern portion of the property will be used as community open space and one RCA lot. This area is 12.27 acres. The remaining 7.73 acres needed to satisfy the one per twenty density requirement will be obtained through a recorded easement from the adjacent property owner.

The County has addressed the guidelines found in both Natural Resources Article 8-1808.1 and COMAR 27.01.02.06 in regard to adjacency, identifying habitat protection areas, and the suggested 300-foot Buffer. The adjacency requirement appears to be met since the community to the north is designated LDA. All Buffer has been identified and found to be sufficient without requiring 300-feet. Finally, the County has 57.66 acres remaining growth allocation set aside to use for RCA to LDA. This request is less than half of that allocated expansion.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

February 4, 1998

APPLICANT: Department of Natural Resources, Shore Erosion Control

PROPOSAL: Replacement/Repair of Existing Stone Revetments and Groins at Sandy Point State Park

JURISDICTION: Anne Arundel County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Lisa Hoerger

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

DISCUSSION:

The Shore Erosion Control Program of the Department of Natural Resources Forestry Service proposes to repair five existing shore erosion control structures at Sandy Point State Park in Anne Arundel County. The existing revetments and groins were constructed in the late 1970s and early 1980s. Various factors including improper installation resulted in the failing of these structures. In addition, significant erosion is occurring at all sites and nonstructural methods are not practical or effective. This project will utilize existing stone materials.

Area VI (see attached map) is the largest revetment being repaired. The repair will occur roughly within the same footprint of the existing revetment. Only the extreme ends of this existing revetment will involve new revetment. Access to this site will not require any clearing since this site is grassy with some existing buildings and parking areas nearby.

Area VII also involves a repair on roughly the same footprint of the original revetment. However, there is approximately 200 feet of adjacent shoreline that is suffering significant erosion and will require a revetment. This new section of revetment will tie into the existing revetment. While there is access to this site via a park maintenance road, access to the eroding shoreline area is problematic and will involve clearing.

Area VIII is located at Mezick Pond where the Sandy Point Marina is located. A new revetment will be constructed at this site and tie into an existing timber bulkhead. Access will occur via an existing road. Three trees will be removed for this construction.

Area IXA and IXB contain two existing groins protecting a public beach area. Both groins (Area IXA 245 feet, Area IXB 275 feet) will be raised to the +3 elevation. No clearing should be involved with this construction area. Area IV is adjacent to area IXA. This stone revetment is approximately 345 feet long and will also be repaired. Some clearing may be necessary at Area IV.

With the exception of site VII, it will not be necessary to construct access roads because there is adequate access available to all sites by utilizing existing park maintenance roads. Site VII may require some clearing to allow the contractor access. Mitigation at a 1:1 ratio for access will be provided.

Some overhanging trees that are located on unstable portions of the bank at areas VII and VIII will be removed. Some of these trees are dead or dying. Mitigation at a 1:1 ratio of native species will occur on-site for those trees necessary for removal.

There are no known threatened or endangered plant or animal species that will be affected by the proposed construction. Permits from the Army Corps of Engineers and the Maryland Department of the Environment (MDE) have been secured for this project. Comments from Anne Arundel County are still pending at the time of this report.

Bids on the project were solicited at the end of January, and the contract will be awarded in February. The project should be completed within 360 days from the start of construction.

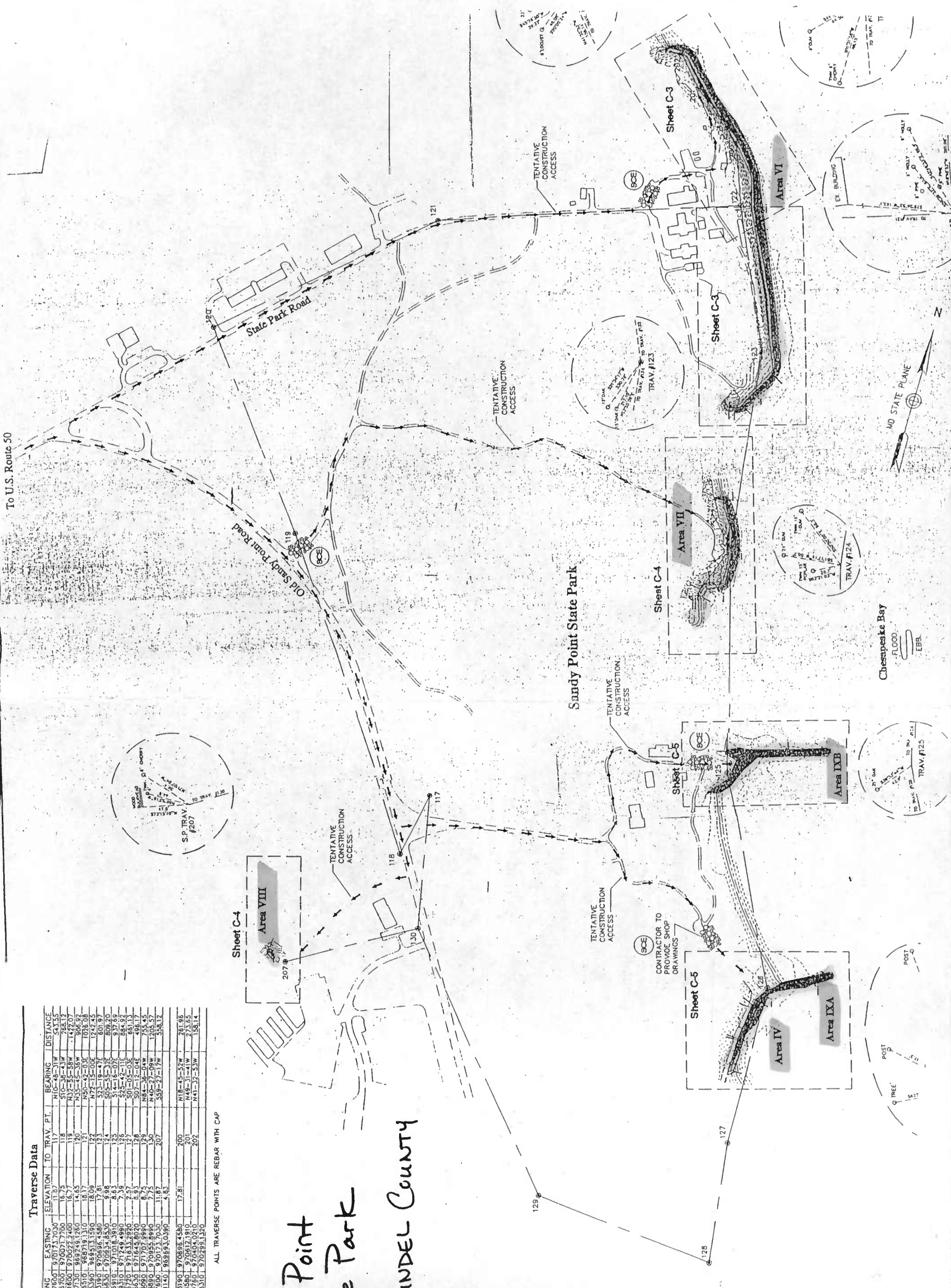
This project is consistent with COMAR 27.02.05, the Commission's regulations for State projects on State lands.

Traverse Data

HING	EASTING	ELEVATION	TO TRAV. PT.	BEARING	DISTANCE
57800	970173.7030	11.87	117	N10-48-31W	54.155
57801	970073.7180	16.75	118	S10-29-43W	76.612
57802	970073.7180	16.75	119	N32-22-58W	1422.07
57803	969973.7490	14.65	120	N30-42-03E	1098.64
57804	969873.7310	18.17	121	N30-42-03E	1098.64
57805	969773.7130	18.09	122	N72-15-00E	1242.45
57806	970696.4580	17.81	123	S23-19-47E	601.97
57807	970696.4580	17.81	124	S05-35-37E	809.20
57808	971018.3910	8.63	125	S1-16-07E	937.69
57809	971249.4990	7.39	126	S2-42-11E	884.92
57810	971613.2930	7.57	127	S01-05-03E	661.13
57811	971645.6020	8.93	128	S07-12-04E	498.17
57812	971702.9990	6.75	129	N84-36-04W	755.45
57813	970959.5990	7.75	130	N40-27-09W	1205.57
57814	970173.7030	11.87	131	S59-27-17W	558.12
57815	970173.7030	11.87	207		
57816	970696.4580	17.81	200	N18-45-52W	261.95
57817	970612.1910	201	201	N49-31-41W	273.65
57818	970404.0210	202	202	N41-32-53W	158.14
57819	970299.1320				

ALL TRAVERSE POINTS ARE REBAR WITH CAP

Sandy Point
State Park
ANNE ARUNDEL COUNTY



CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

DATE: February 2, 1998
TO: William Moulden, Severn River Association
FROM: Lisa Hoerger, CBCAC
SUBJ: Obrecht Property on Holly Farms Road, Tax Map 31, Block 2, Parcel 6

Since my last correspondence to you on December 19, our office received a variance application for the above-referenced property on January 8. I have attached my comments for your information. As you are probably aware, our office does not oppose dwellings on properly grandfathered lots, recognizing that many grandfathered lots are poor locations for any type of development. In these cases, we look for minimization of disturbance to the extent possible.

If there are any issues you feel I may not be aware of, or if you have any questions, please call me at (410) 974-2426.

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

February 2, 1998

Mr. Steve Callahan
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Dear Mr. Callahan:

I have received the resubmittal for the Waterwood subdivision request (MS 95-042). The plans provided appear to be the same as those sent to this office in October of 1997. In his resubmittal request dated January 25, 1998, Mr. Helfrich responds to comments made by Regina Esslinger dated May 1, 1995. Recently, I sent comments to Ms. Lori Allen of your office dated November 10, 1997. That letter reflects our most recent comments regarding this six lot subdivision. I have enclosed both letters for your information.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

Enclosures

cc: AA 550-97

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



JUDGE JOHN C. NORTH, II
CHAIRMAN
822-9047 OR 410-974-2418
410-820-5093 FAX

SARAH J. TAYLOR, Ph.D.
EXECUTIVE DIRECTOR
410-974-2418/26
410-974-5338 FAX

WESTERN SHORE OFFICE
45 CALVERT ST., 2ND FLOOR
ANNAPOLIS, MARYLAND 21401

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

May 1, 1995

Ms. Penny Chalkley
Office of Planning and Code Enforcement
MS 6303
2664 Riva Road
Annapolis, Maryland 21404

Re: Waterwood/Heckendorf Property, MS1995-042.

Dear Ms. *Penny* Chalkley:

I have reviewed the site plan and project report for Waterwood and have the following comments:

- 1) Steve Callahan's May 5, 1994 letter to Michael Helfrich states that one community marina pier will be allowed, and additional piers will require variances. The site plan shows individual piers with the new lots. This office opposes individual piers because of the disturbance to habitat protection areas. We support the creation of one community pier to reduce impacts to the steep slopes and Buffer as well as to minimize clearing of forest interior dwelling bird habitat. The applicant must meet all HPA requirements or get variances. We would oppose any such variance when an opportunity to minimize disturbance exists.
- 2) Waterwood Trail is shown on the site plan as a twenty foot paved road with a fifty foot right-of-way. Again, as stated in Steve's letter; this office strongly recommends minimizing road widths to retain canopy coverage. Were any road waivers granted to reduce the right-of-way widths? I have no information as to whether the applicant has complied with items 2-4 in Steve's letter.
- 3) The existing driveway should be used to access Reserve Parcel 'C'; a new driveway will create additional disturbance and clearing to FIDB habitat.
- 4) A note on the site plan states that all driveways will be ten feet wide with twenty feet of clearing. Clearing for driveways must be minimized to prevent impacts to FIDs. We recommend that that all driveways have closed canopy coverage.

Ms. Chalkley
May 1, 1995
Page Two

Please call me if you have any questions. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger". The signature is written in dark ink and has a long horizontal flourish extending to the right.

Regina A. Esslinger
Natural Resources Planner

cc: ~~EA 48:94/259:95~~

JUDGE JOHN C. NORTH, II
CHAIRMAN
410-822-9047 OR 410-974-2418
410-820-5093 FAX

REN SEREY
EXECUTIVE DIRECTOR
410-974-2418 /26
410-974-5338 FAX



WESTERN SHORE OFFICE
45 CALVERT ST., 2ND FLOOR
ANNAPOLIS, MARYLAND 21401

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

November 10, 1997

Ms. Lori Allen
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Dear Ms. Allen:

I would like to offer comments on the resubmittal of the Waterwood subdivision (95-042). It appears the density proposed is appropriate given the number of acres in the Resource Conservation Area (RCA). A plat note should make the clear that the remaining parcels have no future development rights.

The expanded Buffer may not be drawn correctly. According to a note on sheet four of six, the Buffer appears to be expanded due to 25% slopes rather than 15% slopes. Also, the expansion is twenty-five feet rather than fifty feet from the top of 15% slopes or one foot for every one percent, whichever is greater. In any case, the Buffer should be corrected.

In previous submittals, the Heritage and Biodiversity Division of the Department of Natural Resources indicated this site may be a breeding and habitat area for Forest Interior Dwelling Birds (FIDs). Conservation measures as suggested by this agency should be adhered to in order to reduce disturbance to these species. Also, the Pied-billed Grebe, a highly state rare species, was listed as possibly utilizing the marsh areas of this site. Conservation of this species is also necessary and advice should be sought from the Department of Natural Resources.

Thank you for the opportunity to comment. Please include this letter in your file and call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

CC: AA 550-97

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
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January 29, 1998

Lori Allen
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Dear Ms. Allen:

I have received the Broomfield Manor subdivision request that involves an intrafamily transfer. I understand the parcel is twenty acres with fifteen acres inside the Critical Area. I have outlined my comments below.

- 1) The applicant is correct in that three lots are permitted on a parcel that is between 12 and 60 acres via the intrafamily transfer provision. This office acknowledges that lots 1, 4 and 5 are the three lots allowed under Natural Resources Article, Title 8-1802.2. Our concern is that the remaining, proposed lots (2, 3, 6) boundaries cross into the RCA of the Critical Area. If the County accepts this lot configuration, the County must also insure that a plat note clearly states that no new development activity or activities associated with development (i.e. sheds, pools, garages, septic areas, wells) are permitted in the Critical Area portion of those lots.
- 2) General note #5 mentions that slopes will not be disturbed unless variances or waivers are obtained. Waivers are not the proper process for obtaining permission to disturb steep slopes and Buffers. Any future variance situations should be avoided at the subdivision stage. This office would not support a variance to the Critical Area requirements for new lots.
- 3) Lot 1 shows a proposed dwelling location. Under no circumstances should the dwelling location or its limits of disturbance impact the Buffer or any necessary expanded Buffer. Again, this office will not support a variance on a new lot.
- 4) The environmental report mentions the presence of Pearly Everlasting (*Anaphalis margaritacea*). Its locations should be field determined and put in a conservation easement. A plat note should indicate its presence for future homeowner notification. The fact that the Heritage Division of the Department of Natural Resources did not have a record of the of the species on this site does not preclude its protection.

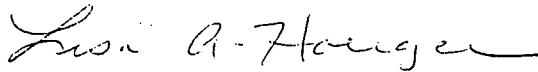
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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

Ms. Allen
Page Two
January 29, 1998

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger". The signature is written in dark ink and is positioned above the typed name.

Lisa A. Hoerger
Environmental Specialist

cc: AA 40-98

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

January 28, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1997-0064-V, the property of Arundel Homes. Subsequent to our site visit last Friday, I am in receipt of a revised plan for this variance request. In light of the proposed revisions discussed with the applicant's attorney and environmental consultant today, I am taking this opportunity to offer my comments and recommendations to your office. As with most grandfathered lots in Anne Arundel County, this site offers numerous constraints that often leave us with no clear choice. However, this office routinely stresses to other Critical Area jurisdictions that cautious environmental planning and minimization to delicate Habitat Protection Areas (HPAs) can offer options and sometimes even innovative solutions.

There is no question that this site is constrained by numerous HPAs. In addition to the required 25-foot buffer to nontidal wetlands, this lot is completely within the expanded Buffer for steep slopes and possibly hydric soils. Extreme care should be taken when siting the proposed dwelling and the limits of disturbance anywhere on this lot.

The location of the proposed dwelling appears to have more options than the present plan suggests. I understand the applicant is choosing to pursue the original site location fronting Ogleton Road. Your office suggested, and this office concurs, that the portion of the site near Queen Anne's Circle minimizes impacts to the HPAs on site and can be supported in a variance situation. The net effect is that this location maximizes distance from mean high water.

The County's Zoning Ordinance provides some guidance and support for this location. This is a vacant, grandfathered lot in a Buffer Exemption Area (BEA). The zoning ordinance in Article 28 §1A-109(c)(3) states, "... a lot within the buffer exemption area shall: (i) shall maximize the distance between the shoreline and the structure, taking into account the natural features of the site..." This location keeps the footprint and LOD outside of the immediate 100-foot Buffer.

We recognize that impacts to steep slopes, the expanded Buffer and some clearing will be involved with the alternative location on Queen Anne's Circle. However, the Buffer on this lot is our priority. Slope disturbance will occur at the original location. The LOD is essentially the same for

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

Mr. Dooley
Page Two
January 28, 1998

either location. The fact that three trees will be removed instead of one is a secondary consideration for this office in regard to the optimum location for this dwelling. Clearing is permitted in the Critical Area for development purposes and it is not appropriate to be used as a bargaining chip to be closer to tidal waters.

I understand your office will be requiring lots 8 and 9 to be combined according to the County's antiquated lot law, and that the east property line on lot 9 was subject to an inverse possession case. The County should insure that a revised square footage is calculated for the new lot area of lots 8 and 9 so that impervious coverage, clearing and other locally determined setback issues can be determined with certainty. Also, if the dwelling is relocated, this office would request another review of this project. The Maryland Department of the Environment, Nontidal Wetlands Division also may require another review in regard to the nontidal wetlands issues.

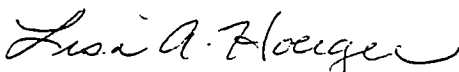
When on site last Friday, we observed a small stand of bamboo which may actually be Giant cane or *Arundinaria gigantea*, a State-listed plant species. I understand that regardless of the location of the dwelling on this lot, the remaining area will be subject to a conservation easement. If this stand is the State-listed species, an additional plat note may be warranted to notify future homeowners of its presence.

The fact remains that there exists no optimum location for a dwelling on this lot. However, given its grandfathered status, this office offers no objection to the siting of a single family dwelling but suggests that the alternative location is a more reasonable request for a variance to the Buffer requirements.

Finally, I would like to take this opportunity to respectfully request that the County carefully consider each new submittal for processing. This plan had numerous items that were not clear to this reviewer, and after corrections were made, had serious implications for our final recommendation to your office.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: Mr. Bill Love
AA 110-97

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
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January 27, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1997-0011-V, the property of David Ruttenberg. The applicant proposes to construct a garage that will require less setbacks. This office offers no comment regarding the setback issue. Since the lot is in a Buffer Exemption Area (BEA), and the site plan provided shows the garage to be no further waterward than the existing structure, mitigation at a 2:1 ratio is acceptable. Additional plantings may be necessary to satisfy the 10% pollutant reduction calculation since this lot is in an Intensely Developed Area (IDA).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 32-98

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

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
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January 27, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0003-V, the property of Richard and Catherine Jones. The applicants propose to construct a single family addition that will require less setbacks and Buffer. This office offers no comment regarding the setback issue.

The site plan provided show two additions and two decks. The maps indicate that this property is in a Buffer Exemption Area (BEA), therefore a variance is only necessary for the waterward addition and deck. This office does not oppose the addition or deck, although we question the need for the deck since a deck is proposed to the north of the existing dwelling and can be accommodated without a variance.

Mitigation is required for both decks and both additions if approved. The addition and deck waterward will be required to provide mitigation at a 3:1 ratio with native species. The improvements no further waterward require mitigation at a 2:1 ratio with native species. Also, plantings may be required to satisfy the 10% pollutant reduction calculation since this lot is in an Intensely Developed Area (IDA).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

CC: AA 35-98

Branch Office: 31 Creamery Lane, Easton, MD 21601
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udge 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
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January 27, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0009-V, the property of Fred Kelly. The applicant proposes to replace an existing dwelling that will require less setbacks, Buffer and construction on steep slopes. This office does not oppose the requested variance given the development constraints of this lot. Mitigation should occur for new disturbance including the proposed decks since the site plan indicates that the decks will be covered.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 34-98

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

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
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January 27, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0010-V, the property of Michael and Helena Dixon. The applicants propose to construct a garage addition that will require less setbacks. This office has no comment regarding the setback issue.

From the information provided, it appears the proposed addition will be constructed over an area of existing concrete. No additional impervious area is allowed on this lot since it is permitted to have 5,445 square feet. Currently, the lot has 5,850 square feet of impervious area. Any additional impervious area will require a variance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 33-98

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

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
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January 27, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1998-0004-V, the property of Elizabeth Buffum. The applicant proposes to construct a single family dwelling in the expanded Buffer for steep slopes and with less setbacks than required. This office has no comment regarding the setback issue.

This office does not object to the requested variance to the expanded Buffer for steep slopes. It appears the dwelling is sited as close to Augusta Avenue as possible. Mitigation should occur at a 3:1 ratio for disturbance in the expanded Buffer. Mitigation for all clearing outside the expanded Buffer should occur at a 1:1 ratio with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 36-98

Branch Office: 31 Creamery Lane, Easton, MD 21601
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TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

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January 23, 1998

Elinor Gawel, Environmental Planner
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

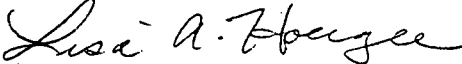
Dear Ms. Gawel:

The Critical Area Commission has received the Homeport Farm growth allocation request, namely Anne Arundel County Bill 100-97, and has accepted the proposal for processing. The Commission's 90-day review period begins from the date of this letter.

In the meantime, I will need you to forward documentation regarding the conservation easement and documentation that a review of the property was performed by the Heritage and Biodiversity Division of the Department of Natural Resources.

Commission Chairman John C. North, II, will appoint a panel to conduct a public hearing on the growth allocation request and to make a recommendation to the full Commission. The hearing will be held in Anne Arundel County. I will contact you to make arrangements.

Sincerely,


Lisa A. Hoerger
Environmental Specialist

CC: Amendment File

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

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

January 15, 1998

Mr. Robert Cuthbertson
MDE, Water Management Administration
Tidal Wetlands Division
2500 Broening Highway
Baltimore, Maryland 21224

RE: 98-PR-0760
Herrington Harbour North

Dear Mr. Cuthbertson:

I would like to comment on the project application referenced above. Since I am unable to offer you detailed comments because I do not have a site plan of the project I will provide you with general comments at this time. This office recommends that the following criteria outlined in COMAR 27.01.03.04 regarding local plan requirements for water-dependent facilities be followed. COMAR 27.01.03.04 states:

- (1) That the activities will not significantly alter existing water circulation patterns or salinity regimes;
- (2) That the water body upon which these activities are proposed has adequate flushing characteristics in the area;
- (3) That disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized;
- (4) That adverse impacts to water quality that may occur as a result of these activities, such as nonpoint source runoff, sewage discharge from land activities or vessels, or from boat cleaning and maintenance operations, is minimized;
- (5) That shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting;
- (6) That dredging shall be conducted in a manner, and using a method, which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Critical Area, generally;

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(410) 822-9047 Fax: (410) 820-5093

Mr. Cuthbertson
Page Two
January 15, 1997

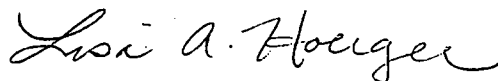
- (7) That dredged spoil will not be placed within the Buffer or elsewhere in that portion of the Critical Area which has been designated as a habitat protection area except as necessary for:
 - (a) Backfill for permitted shore erosion protection measures,
 - (b) Use in approved vegetative shore erosion projects,
 - (c) Placement on previously approved channel maintenance spoil disposal areas, and
 - (d) Beach nourishment; and
- (8) That interference with the natural transport of sand will be minimized.

In addition to the State criteria, the County's Zoning Code states in Article 28, Section 1A-104(c)(13) that, "Expansion of existing marinas is permitted provided the expansion will result in an overall net improvement in water quality in the area surrounding the site of the marina."

We recognize there is an existing marina at the site, however we do not know the existing configuration marina and therefore are unable to comment in detail regarding new impacts that may be created by the reconfiguration. Therefore we ask that your office consider the above criteria when evaluating this request for permits, particularly if there is SAV present at the site.

Thank you for the opportunity to comment. Please include this letter in your file and as part of the record. If you have any questions, please call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: Tidal Wetlands File

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

January 12, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1997-0428-V, the property of Donald Marcus. The applicant proposes to replace an existing shed that will require less setbacks. This office offers no comment regarding the setback issue. Provided no Habitat Protection Areas will be impacted, this office reminds the County that the subject lot is in an Intensely Developed Area (IDA) and is required to comply with the 10% pollutant reduction rule. Given the size of the lot, plantings may be used to comply with the 10% rule.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 12-98

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

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

January 13, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

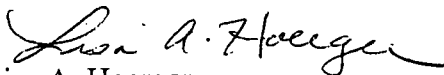
Dear Mr. Dooley:

I would like to comment on Variance 1997-0427-V, the property of Richard and Theresa Polm. The applicants propose to construct a dwelling that will require less setbacks and be in the Buffer. Unfortunately, the site plan provided does not show the location of the proposed dwelling in relation to the Buffer or the topography of the lot. In fact, the plan provided is dated March 1992 and was apparently used for an application for an administrative plat. This calls attention to the grandfathered status of this lot. The County should ensure the lot is properly grandfathered before any variances to a Habitat Protection Area are considered.

This office would request that a site plan with the necessary information be forwarded for a more thorough review of this variance request. Generally, the dwelling configuration and location should be sited to minimize disturbance to the Buffer and direct impacts to steep slopes. As always, we will recommend that mitigation be performed at a 3:1 ratio for all new disturbance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

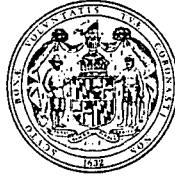
Sincerely,


Lisa A. Hoerger
Environmental Specialist

cc: AA 13-98

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



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

January 13, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1997-0428-V, the property of Tom Obradovic. The applicant proposes to construct a dwelling on steep slopes. Provided the lot is properly grandfathered, this office does not oppose a single family dwelling on this lot. However, every effort should be made to minimize the impacts to the steep slopes and to insure their stability during and well after construction is complete. Mitigation of native species is recommended for all new disturbance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 11-98

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

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

January 12, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of
Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1997-0434-V, the property of Terence Golden. The applicant proposes to construct an addition that will require less setbacks and Buffer. This office has no objection to the requested variance provided mitigation of native species at a 3:1 ratio is provided for all new disturbance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

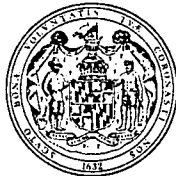
Lisa A. Hoerger
Environmental Specialist

cc: AA 14-98

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

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

January 13, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1997-0442-V, the property of Michael J. Ellison. The applicant proposes to construct a garage addition that will require less setbacks and be in the expanded Buffer for steep slopes. The location of the expanded Buffer is not shown on the site plan provided. In any case, the applicant should minimize the intrusion in the Buffer and on steep slopes. Mitigation of native species should be at a 3:1 ratio for all new disturbance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 16-98

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

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

January 13, 1998

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Mr. Dooley:

I would like to comment on Variance 1997-04224-V, the property of George F. Obrecht, III. The applicant proposes to construct a single family dwelling directly on steep slopes and in the expanded Buffer. Provided this lot is properly grandfathered, this office does not object to the granting of a variance for a single family dwelling. If Severnside Avenue is existing, we recommend that the applicant consider accessing the property from that road to minimize impacts to the Buffer and the steep slopes. Mitigation of native species at a 3:1 ratio should be provided for all new disturbance. New disturbance includes grading, footprint and clearing.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 10-98

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



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

January 7, 1998

Ms. Elinor Gawel
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6402
Annapolis, Maryland

Dear Ms. Gawel:

As a result of your request, and in light of questions posed by the County Council last Monday, I have provided some examples of projects that may be funded with fees collected as a result of the impervious surface law. In addition, I have listed the other fees and offsets the County collects and requires in order to distinguish their purpose and use from the fees that will be collected from the impervious surface requirements.

Fees Collected as a Result of the Changes to the Impervious Surface Law

The intent of the legislation was to provide local jurisdictions some flexibility in using these fees. The purpose of these fees is to provide some water quality benefits. Some examples of appropriate spending of these fees can range from native plantings to installing a stormwater management device to retrofitting a failing stormwater device. As always, Commission staff is available to County staff for assistance with identifying appropriate projects.

Reforestation Fees

These fees are collected by the County when a property owner cannot provide on-site or off-site mitigation as a result of development or from clearing violations. The purpose of these fees is to provide both water quality and habitat benefits. The County has adopted a policy which includes an outline of appropriate ways to spend the reforestation monies. These fees should be collected separately from the impervious surface fees as they serve a different purpose.

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

Ms. Gawel
Page Two
January 7, 1998

Offsets as a Result of 10% Compliance

Lastly, the County must require a property owner to provide offsets in Intensely Developed Areas (IDA) when on-site best management practices (BMPs) are not feasible. The Critical Area criteria define offsets as "structures or actions that compensate for undesirable impacts" created by the uncontrolled stormwater pollutants generated from a development site. Offsets can include but are not limited to retrofitting a BMP, an existing structure or storm drain, or reducing the imperviousness of an existing property.

In all cases, fees and/or offsets should be used as a last resort for compliance with the County's Critical Area Program. Also, all projects funded by the fees and/or offsets listed above should be in the Critical Area and in the same watershed where the development takes place. Projects required by other laws, statutes, or permits can not be used as offsets for Critical Area requirements.

If you have any questions, or require additional guidance please do not hesitate to call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist



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

January 5, 1998

Mr. David Moriconi
URS Greiner, Inc.
2219 York Road, Suite 200
Timonium, Maryland 21093-3111

Re: Maryland Transportation Authority -
Police/Automotive Facility at the William Preston Lane, Jr. Memorial Bridge

Dear Mr. Moriconi:

I have received the updated 10% computations for the above-referenced project. The Best Management Practices identified will accommodate in excess of 3.31 pounds of phosphorous necessary for removal from this site.

Thank you for your cooperation. If there will be changes in the plans approved by the Chesapeake Bay Critical Area Commission on January 8, 1997, please forward that information to this office as it may require further Commission approval.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: Mr. M. Faysal Thameen, MdTA
Mr. Mikhail Lozovatsky, URS Greiner

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

Staff Correspondence File I - 1998 Reader File - Lee Anne

51832-138-4

udge 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

May 8, 1998

Ms. Olivia Vidotto
Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: MSD-97-40 Holly Haven

Dear Ms. Vidotto:

Thank you for providing information on the above referenced project. After review of the information provided, Commission staff has the following comments:

- This minor subdivision does not appear to be consistent with the Calvert County Critical Area Program and Zoning Ordinance. Under the Zoning Ordinance, Section 4-9.07 "Criteria for Development" part A(5) states that "Development within the Resource Conservation District shall be consistent with the criteria for Limited Development Districts (4-8.07)." Section 4-8.07 states that "Development on slopes greater than 15 percent, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies in Chapter III(E) of the Critical Area Plan." Access to Lot 2 would require disturbance to slopes of 15 percent or greater. Development of this lot would require a variance and the Commission would oppose such a variance request. By creating this lot, the applicant would be creating the need for the variance, which in itself is a reason for denial under Section 7-3.01 B(4) of the Calvert County Zoning Ordinance.
- The Critical Area Form enclosed with the application indicates, under item #25, that disturbance to the buffer is proposed. The site plan does not clearly indicate where this disturbance to the buffer will occur.
- The site plan should clearly indicate the acreage of forest within the Critical Area, the acreage to be cleared, and information regarding required reforestation or fees-in-lieu.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA218-98

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



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

MEMORANDUM

TO: Judith Modlin, Resource Planning

FROM: LeeAnne Chandler *LAC*

DATE: May 7, 1998

RE: Pocomoke River State Forest & Park road and trail improvements (98-DNR-28)

Based on the site visit conducted May 5, 1998, the above referenced project will not be required to come before the Critical Area Commission for their review and vote. This is due to the minimal impact to the Critical Area and the minor nature of the project. It appears that all work (i.e., filling of small sections of various trails) will occur outside of the Critical Area Buffer and will not create extensive impervious surfaces, if any.

Thank you for the opportunity to review the project and for coordinating the site visit. If there are significant changes to the proposed project, or if you have any questions, please contact me at (410) 974-2426.

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



udge 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

April 30, 1998

Mr. Kevin Dooley
Anne Arundel County Dept. of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance 1998-0127-V, Linda Burnett

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to construct a single family dwelling that will require less setbacks and a variance to disturb steep slopes within the Critical Area.

Provided the lot is properly grandfathered, this office has no objection to the siting of a single family dwelling on this lot. Impacts to steep slopes should be minimized. In addition, please note that the impervious surface calculations provided on the site plan do not include the existing shed to remain on the lot. The actual total impervious area will be 2,036 square feet or 24.2% of the lot area.

The application states that the lot is 100% forested with pine and oak trees yet also states that only 3 oak trees will be removed. It is appropriate to require mitigation for clearing of any pine trees or understory species (i.e., shrubs) in addition to replacement of the oak trees.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA206-98

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

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

April 30, 1998

Ms. Roxana Homer
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2445, Spyridon Livanis

Dear Ms. Homer:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the slope and impervious surface regulations contained in the Calvert County Zoning Ordinance in Sections 4-8.07 (A)(6) and 4-8.07(A)(7) respectively. The property is currently developed with a dwelling, a detached garage, several patios, and an extensive asphalt driveway.

The Commission opposes the granting of the variance to the slope regulation because Section 4-8.07(A)(6) prohibits development on slopes greater than 15 percent, unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies in Chapter III(E) of the Critical Area Plan. The slope in question appears to be in a stable condition and any grading or disturbance may increase future erosion and runoff. Disturbance of the slope is not consistent with the Calvert County Critical Area Plan nor the Zoning Ordinance.

The Commission also opposes the granting of the variance to the impervious surface regulations because Section 4-8.07(A)(7) limits man-caused impervious surfaces to 15 percent for parcels over one acre in size. The property already has 22 percent impervious surface area, which is well over the limit. Any net increase to the site's impervious surface area should be prohibited.

State law and the County's Critical Area Program and Zoning Ordinance set forth specific provisions for the granting of variances from the Critical Area regulations. The proposed project does not meet the standards set forth in Section 27.01.11.01 of COMAR nor does it meet the criteria in Section 7-3.01(B) of the County's Zoning Ordinance. While we are sympathetic to the applicant's desire for a pool, this office can find no legal basis to support the variance requested.

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



Ms. Roxana Homer
Page 2
Variance 98-2445

Please include this letter as part of the official record of this variance application. Please notify the Critical Area Commission in writing of the Board's decision on this application.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in black ink and is positioned above the typed name.

LeeAnne Chandler
Natural Resources Planner

cc: CA190-98

George 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

April 30, 1998

Ms. Roxana Homer
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2447, Mark Dale

Dear Ms. Homer:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Buffer, slope and cliff setback regulations contained in the Calvert County Zoning Ordinance in order to construct a single family dwelling and driveway.

Provided the lot is properly grandfathered, this office has no objection to siting a single family dwelling and driveway on this lot. However, Commission staff has some concerns with regard to minimization of impacts from the development of this lot which are outlined below:

- 1) Based on site conditions observed during a site visit on April 28, 1998, it appears that the topography shown on the site plan does not accurately portray site conditions. The stakes showing the proposed corners of the driveway and house are located in a steep ravine, which is not reflected on the site plan.
- 2) In order to minimize the disturbance to steep slopes, it is recommended that the house and driveway be located on the most level portion of the property as close as possible to the septic system (the northernmost corner of the property).
- 3) The proposed limits of disturbance, particularly the grading limits, do not appear to be minimizing disturbance to the Buffer or slopes. It is recommended that only the minimum grading necessary to construct the house be permitted.
- 4) Mitigation for the forest clearing should be required in accordance with Section 4-8.07(3) of the Calvert County Zoning Ordinance.

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

Ms. Roxana Homer
Page 2
Variance 98-2447

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Please notify the Critical Area Commission in writing of the Board's decision on this application.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA189-98



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

MEMORANDUM

April 22, 1998

TO: Andy Hanas, Engineering & Construction
FROM: LeeAnne Chandler
SUBJECT: Potential Shore Erosion Control Project at Greenwell State Park
cc: Ken Shanks, Resource Planning

Thank you for the opportunity to comment on this potential project. Based on the site visit conducted on April 21, 1998, Commission staff has the following comments on the potential shore erosion control project at Greenwell State Park:

- The shoreline, with the exception of a section approximately 100 to 150 feet long, shows no visible signs of erosion. The unique sandstone formation at the water's edge appears to serve as a natural revetment, providing protection from erosion. Therefore, most of this area could be characterized as having no significant erosion.
- The shoreline and Critical Area Buffer are very well vegetated with groundcover, shrubs and mature trees. Construction of a revetment would most likely require significant disturbance to the Buffer and to the unique sandstone along the shoreline. Mitigation for this disturbance would be necessary at a 3:1 ratio.
- The small area where some erosion is evident represents only about 10 to 15% of the entire length proposed for protection. (This is occurring in a small area where there is little natural sandstone as described above.) There are no structures or significant uses threatened by this erosion, rather there is a leased farm field landward of where the erosion is occurring. Additional BMPs on the farm fields may help reduce the erosion of these small areas.
- The Critical Area regulations for shore erosion protection works on state lands (COMAR 27.02.05.05) state "When shore erosion control is undertaken, the measures used shall be appropriate to accomplish the following objectives...(d) provide that structural erosion control measures not be permitted in areas where no significant erosion occurs;..."

Therefore, based on the above, Commission staff would recommend against using structural shore erosion protection works on the shoreline at Greenwell State Park. If conditions change significantly or if you have any questions or concerns regarding these comments, please contact me at (410) 974-2426.

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(410) 822-9047 Fax: (410) 820-5093



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

April 22, 1998

Mr. Edgar A. Baker, Jr.
Wicomico County Attorney
P O Box 870
Salisbury, Maryland 21803-0870

Re: Ordinance 125-37

Dear Mr. Baker:

Thank you for your letter of March 30, 1998. It was unfortunate that you were not able to meet with us at the Critical Area Commission Meeting on April 1, 1998.

Wicomico County staff gave my staff the most current Wicomico County Critical Area Program document, including Chapter 125 of the Wicomico County Charter and Code. This document, which is the one used by the County staff, does **not** include an "or" between paragraphs C and D in Section 125.37. However, the original implementation ordinance document, of the same date as the staff-provided document, did include an "or" between paragraphs 3 and 4 of Chapter 125, Section 10.3. Please see the enclosed photocopies and note the discrepancy.

Notwithstanding the language of Section 125.37 discussed above, this situation has brought into focus a deficiency in the Wicomico County Critical Area Program. Specifically, the provisions of the County program allowing site-specific buffer variances under the standards of Section 125.37 appear to be inconsistent with the Critical Area law and criteria. These provisions appear to permit variances to the development prohibition within the Critical Area Buffer under standards more lenient than those contained in the State criteria.

Please be advised that the Commission will take up the issue of the site specific buffer variance provisions of the County program at its next meeting on May 6, 1998. The Commission has the authority, under the Annotated Code of Maryland, Natural Resources Article §8-1809 (l), to take steps to correct clear mistakes, omissions, or conflicts with the criteria or law in local Critical Area Programs. It would be helpful if you and County Critical Area staff would attend the meeting to participate in the discussion of these provisions. The meeting begins at 1:00 pm and directions to the meeting are enclosed.

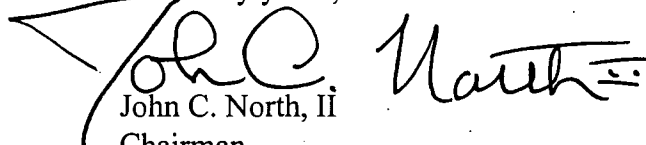
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Mr. Baker
April 22, 1998
Page Two

If we hear nothing further from you or if you cannot attend the meeting, please be advised that the Commission may formally vote to notify the County of the specific deficiency and request that the County submit a proposed program amendment or refinement to correct the deficiency. Local project approvals granted under the part of the program that the Commission has determined to be deficient, specifically site specific buffer variances, will be null and void after notice of the deficiency.

Commission staff is available to meet with the County prior to the scheduled Commission meeting if the County would like informally to discuss a solution to this problem. Please feel free to contact Ren Serey at (410) 974-2426 if you have any questions or would like to set up a meeting.

Very truly yours,


John C. North, II
Chairman

Enclosures

cc: Marianne D. Mason, Esquire
Mr. Rick Dwyer, Wicomico County Planner
Mr. Ren Serey, Executive Director
Ms. LeeAnne Chandler, Natural Resources Planner

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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April 15, 1998

Mr. Richard Sobott, P.E.
Daniel Consultants, Inc.
8950 Route 108 E, Suite 229
Columbia, MD 21045

RE: Kings Landing Multi-Purpose Building

Dear Mr. Sobott:

Thank you for providing the demolition and site plans for the above referenced project. I have reviewed the maps you provided as well as the previously approved Master Plan for Kings Landing NRMA and the Critical Area maps for Calvert County. The multi-purpose building is within the Critical Area and therefore requires Critical Area Commission review and approval. The Critical Area includes all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides (Natural Resources Article §8-1807 (2)). There are extensive areas of tidal wetlands along Cocktown Creek, directly to the north of Kings Landing NRMA.

The enclosed checklist details the information required for Critical Area Commission review of this project. Upon review of the information provided to date, I have the following comments:

- In the approved Master Plan, the new parking area was proposed to be gravel, rather than asphalt. While both surfaces are considered to be impervious, this may be an item for you to confirm with the Maryland Department of General Services and Department of Natural Resources.
- As we discussed on the telephone, this project is considered to be not in an area of intense development. Regulations for these areas are included under COMAR 27.02.05.03. The 10% rule does not apply. However, stormwater management for quality of the first ½" of runoff must be addressed. The Maryland Department of the Environment may issue a quantity waiver, but quality waivers within the Critical Area are not permitted.
- The planting schedule proposes the use of introduced species. The Critical Area Commission has consistently recommended the use of native species, particularly on state land. A listing of native trees and shrubs is enclosed for your information.

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Mr. Richard Sobbott
Page 2

Please provide the additional required information when it becomes available. If you have any questions, please contact me at (410) 974-2426.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Andrew Hanas, DNR Engineering & Construction
Ken Shanks, DNR Resource Planning
24-98

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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MEMORANDUM

TO: Judith Modlin, Resource Planning

FROM: LeeAnne Chandler

DATE: April 9, 1998

RE: Pocomoke River State Forest & Park road and trail improvements (98-DNR-28)

Thank you for the opportunity to review the above referenced project. Many aspects of the proposed improvements appear to be within the Chesapeake Bay Critical Area. In order to assess the impacts to the Critical Area, additional detail is required. Some aspects of the project may require formal approval by the Critical Area Commission, as required under COMAR 27.02.05 - State Agency Actions Resulting in Development on State-Owned Lands. I have attached a checklist of information which will be required prior to final Critical Area comments.

Upon preliminary review of the information provided to date, I have the following comments:

- The proposal states that the roads and trails are already existing. How will they change (i.e., will they be widened; what is the current surface material and what will be the new surface material; are stream crossings involved, etc.)?
- The site plans and drawing need additional detail (as described in the enclosed checklist), including the Critical Area line, the 100-foot Critical Area Buffer line, and delineation of any habitat protection areas. Also, impacts should be quantified including the amount of vegetation disturbed and the amount of new impervious surfaces.
- After review of the Critical Area maps for Worcester County, it appears that the "Chandler Trail" and the motorized fire trails near Nazareth are outside of the Critical Area.

I am the Critical Area Planner for Worcester County. I would be happy to meet with you to further discuss this project and I am also available to go out on site to help assess the project's impacts. Please contact me at (410) 974-2426 if you have any questions or would like to schedule a site visit.

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Executive Director

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April 8, 1998

Mr. David Banworth
Prince George's County
Engineering Plan Review Section
9400 Peppercorn Place, Suite 600
Largo, MD 20774

RE: Ketts Property - unpermitted bulkhead

Dear Mr. Banworth:

Philip Mohler of the Maryland Department of the Environment asked me to send you the enclosed information. It includes photocopies of documents contained in the Department of Natural Resources Non-structural Shore Erosion Control Program's files regarding the Ketts' property located at 18100 At Last Farm Road, Aquasco, MD. There was some other information in the file that could not be photocopied, including some profile engineered drawings done by the Prince George's County Soil Conservation District. If you have any questions regarding the information on the field inspection report or in the photos, the contact person for DNR's Non-structural Shore Erosion Control Program is Leonard Casanova, phone number (410) 260-8522.

I hope you find this information useful. If you have any questions or comments or if I may be of further assistance, please contact me at (410) 974-2426.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

enc.

cc: Ketts

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 25, 1998

Ms. Margaret Stewart
Charles County Planning and Growth Management
P.O. Box B
La Plata, Maryland 20646

RE: Walkway within Buffer - Joseph Blocker Property

Dear Ms. Stewart:

In response to your question regarding walkways or other structures within the Critical Area Buffer, I would like to submit the following information. The Critical Area Criteria (COMAR 27.01.09.01) establishes a minimum 100-foot Buffer and states that "new development activities, including structures, roads, parking areas and other impervious surfaces...may not be permitted in the Buffer." The unauthorized walkways and graveled area on this property are not permitted within the Critical Area Buffer.

Further, the Critical Area provisions of the Charles County Zoning Ordinance specifically state (in Section 131) that new development activities, including clearing of existing natural vegetation, erection of structures, construction of new roads, parking areas, or other impervious surfaces, ... are not permitted in the Buffer. The definition of development activities in the ordinance is "any construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof...". These walkways are considered development and are not permitted within the Buffer.

Commission staff recommends that the property owner be required to remove the unauthorized structures and other impervious surfaces within the Buffer or obtain a variance. In order to obtain a variance, the strict variance standards listed in COMAR 27.01.11 must be met. This includes the standard of unwarranted hardship. Unwarranted hardship results only when the denial of the variance request would result in denial of all reasonable use of the property. These walkways are an accessory use and thus, denial of the variance would not result in unwarranted hardship.

Please feel free to contact me at (410) 974-2426 if you have any question or concerns.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

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John C. North, II
Chairman



Ren Serey
Executive Director

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March 16, 1998

Mr. Eric See, President
See Environmental Services, Inc.
2444 Solomons Island Road, Suite 217
Annapolis, MD 21401

RE: Robinson Terminal Property, Town of Indian Head

Dear Mr. See:

Thank you for your letter of March 11, 1998, responding to the concerns I expressed to Vivian Marsh regarding the General Development Plan (GDP) for the Robinson Terminal Property. I have talked with Mr. Marsh and it is my understanding that this revised GDP was returned to the applicant and that the Town of Indian Head Planning Commission did not take any action on the proposed revised GDP. Mr. Marsh further indicated that the next step in the development process for this property will be the full submittal of a site plan with all supplemental information. My letter of March 5, 1998 was written for the purpose of bringing attention to potential issues which will be under scrutiny during the site plan review process.

The approval of growth allocation by the Critical Area Commission in 1993 changed 9 acres of the property from a "Limited Development Area" (LDA) designation to "Intense Development Area" (IDA) designation. The specific design of the development on the property was not approved by the Commission, rather these are details to be resolved as the development goes through the site planning process. During site plan review, as for all proposed development projects, Commission staff will work with the Town to ensure that impacts to water quality and habitats are minimized. In particular, habitat protection areas as described in COMAR 27.01.09 and Chapter 7 of the Indian Head Critical Area Program should be addressed and protected as the law requires.

While the approval of the growth allocation in 1993 changed a portion of the site to IDA, it did not give the site nor any part of it Buffer Exemption status. A Buffer Exemption Area (as described in COMAR 27.01.09.01), may be requested by a local jurisdiction for certain portions of the Critical Area from the Buffer requirements where it can be sufficiently demonstrated that the existing pattern of residential, industrial, commercial, or recreational development in the Critical Area prevents the Buffer from fulfilling its functions. Indian Head currently does not

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Mr. Eric See
Page 2

have any designated Buffer Exemption Areas. However, certain water dependent uses may occur within the Buffer without a Buffer Exemption designation, provided that the requirements of Section 23-303 of the Indian Head Critical Area Overlay Zoning ordinance are met. Impacts to the Buffer for water dependent uses are to be minimized.

I look forward to reviewing the site plan and supplemental information at the time of their formal submittal. Please feel free to contact me at (410) 974-2426 if you have any questions or concerns.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Mr. Vivian Marsh, Town of Indian Head
IH-60-98

JUDGE JOHN C. NORTH, II
CHAIRMAN

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STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

March 5, 1998

Mr. Vivian C. Marsh
Planning & Zoning Administrator
Town of Indian Head
4195 Indian Head Hwy.
Indian Head, MD 20640

RE: Revised GDP for Robinson Terminal Property

Dear Mr. Marsh:

Thank you for the opportunity to review the revised general development plan for the Robinson Terminal Property. It is our understanding that these plans will be further developed with specific details and a site plan will be submitted for Commission staff review in the future. Commission staff has reviewed the general development plan and has the following comments:

- The Critical Area Buffer is not shown correctly on all of the sheets of the plan. The Critical Area Buffer should always be shown fully expanded, similar to the line labeled "steep slope/expanded Buffer" on the "site environmental plan" (sheet 3 of 6). To eliminate potential confusion, only the expanded Buffer should be shown on the plans as this is the correct Critical Area Buffer.
- Given the above, the developable area as indicated on sheet 2, and the proposed development as shown on sheets 4,5, and 6 may be mis-representing the true developable area. Despite the IDA designation of a portion of the site, new development activities may not be permitted in the Buffer, except for those necessarily associated with water-dependent facilities (Indian Head Critical Areas Overlay Zoning Ordinance at Section 23-401(A)(3)(b)). This includes the proposed stormwater management facility and all of the warehouse facilities.
- The area marked "proposed future commercial area as a result of wetland redelineation and reduction as approved by the COE" on sheet 2 and marked "new redelineated developable land" on sheet 6 is still designated LDA. It is subject to forest clearing and impervious surface limitations.
- The Zoning Boundary Map (sheet 5 of 6) should indicate the critical area overlay zoning designations as well as the underlying zoning.

Mr. Vivian C. Marsh

Page 2

- With regard to the second access point to the River, the Indian Head Critical Area Overlay zoning ordinance allows new or expanded development activities in the Buffer in IDAs or LDAs provided that: the activity is water dependent; the project meets a recognized private right or public need; that adverse effects on water quality, and fish, plant and wildlife habitat are minimized; and that in so far as possible, non water-dependent structures or operations associated with water dependent projects or activities are located outside the Buffer. It is questionable whether creating two access points to the River minimizes the impacts to the Buffer, water quality and habitat. The proposed second access point traverses the expanded Buffer (including an area of wetlands) where it is 200-foot wide. The location of this second access point does not appear to be minimizing impacts to the Buffer. It is recommended that the single access point be adapted to meet the needs of the potential water transportation use.
- Other adverse effects on water quality, and fish, plant and wildlife habitat must be addressed and minimized also. The extensive areas of submerged aquatic vegetation and the waterfowl staging and concentration area may be impacted by the proposed development. In addition, the forested areas on site may be forest interior dwelling bird habitat. Information on these habitat areas may be obtained from the Habitat & Biodiversity Conservation Programs of the Maryland Department of Natural Resources. They may be contacted at (410) 260-8540. Prior to approval of a revised general development plan and the addition of another use, it is recommended that further information be provided as to the effect on these habitats and how the applicant plans to minimize any adverse impacts.
- The Indian Head Critical Areas Overlay zoning ordinance at 23-303(c) sets out specific locational and developmental standards for water-dependent facilities. With regard to industrial and port-related facilities, it states that these facilities may be permitted only in those portions of Intensely Development Districts exempted from Buffer designation. The property's shoreline is not in a Buffer Exemption Area.

These comments are based on the information provided to us to date. They are meant to alert you to any issues which may be of concern at the time of site plan development. Please contact me at (410) 974-2426 if you have any questions or concerns.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

enc.

cc: JH60-98

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

March 5, 1998

Mr. Steve Magoon
Planning Director
Charles County Planning and Growth Management
P.O. Box B
La Plata, MD 20646

RE: Zoning Text Amendment #46-21

Dear Mr. Magoon:

At its meeting on March 4, 1998, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the County's Zoning Text amendment #46-21 is a refinement to the local Critical Area Program. The refinement has been approved by the Chairman.

Please incorporate this refinement into the Charles County Program within 120 days from the date of this letter.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Pat Haddon, Charles County Planning
Paul Kallan, Charles County Planning
CSA-2

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STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

March 5, 1998

Ms. Katherine Munson
Worcester County Planning, Permits & Inspections
One West Market Street
Court House Room 116
Snow Hill, MD 21863-2080

RE: "Golf Course Development in Worcester County"

Dear Katherine:

Thank you for the opportunity to review the document referenced above. I apologize that it has taken me so long to respond with comments. As you know, I think it is a great idea to create some kind of golf course development / performance guidelines for Worcester County. In general, the document reads very well and provides some good ideas for facilitating golf course development while maintaining environmental protection. Because the County is only partially covered by the Critical Area law, explaining the varied regulatory requirements becomes quite complicated. It may be more useful to have two separate set of guidelines - one for outside of the Critical Area and one written specifically for within the Critical Area. However, I have reviewed the document as if it were to be all-inclusive and would like to offer the following comments:

- On page 3, under section 3.1.1, the document states, "Developers should be aware that certain sensitive areas--such as Critical Bay areas --..." Are the authors referring to the Chesapeake Bay Critical Area? If so, it may be more clear if they simply state "Critical Area."
- On page 4, under section 3.2, the document states, "Choose sites that...are located in Estate Zone where regulations are less restrictive." Are there any areas of the County designated as Estate zone that are along the coastline of either the coastal bays, the Chesapeake, or major rivers? If so, this statement may be misleading, in that there are many regulations which restrict development in these areas.
- On page 5; at the top of the page, the document states, "In addition, sensitive habitats should be avoided such as nontidal floodplains, streams and critical species habitat." What do the authors mean when they say, "critical species habitat"? Are they actually referring to "Areas of Critical State Concern"?

- Also on page 5, in the section which states, "Do not consider sites that ... are located within the C-1 (Conservation) zone of Worcester County, including the Chesapeake Bay Critical Area," it may be appropriate to provide a more complete description of what the Critical Area is and what it means. For example, where it says "...all mandate that wide buffer zones be maintained around the primary tributaries of the Chesapeake Bay..." are they referring to the 1,000-foot Critical Area or the 100-foot Critical Area Buffer? The Chesapeake Bay Critical Area consists of (1) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 9 of this article; and (2) All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides (Annotated Code of Maryland, Natural Resources Article §8-1807). The Critical Area Buffer is established a minimum of 100-feet from the mean high water line of tidal waters, tributary streams, and tidal wetlands. All perennial and intermittent streams within the Critical Area which appear on the USGS quads are supposed to have a minimum 100-foot Buffer.
- Retaining forest cover in the Critical Area is also a priority in the Critical Area Law. Within Limited Development Areas (LDAs) and Resource Conservation Areas (RCAs), the total acreage of forest within each local jurisdiction in the Critical must be maintained or, preferably, increased. Also, all forests that are allowed to be cleared or developed must be replaced in the Critical Area on not less than an equal basis. The mitigation requirements under the Critical Area Criteria increase as the percentage of clearing increases (i.e., up to 20% clearing; 1:1 mitigation is required; between 20 and 30% clearing 1.5:1 mitigation is required; and over 30%, 3:1 mitigation is required). These regulations may be found in COMAR at 27.01.02.04.
- In Section 4.0, the various regulations described vary from outside the Critical Area to within the Critical Area. Perhaps, for simplicity's sake, it would be best to make it clear that the general summary of regulatory requirements are applicable only to sites outside of the Critical Area. Within the Critical Area, the regulations are stricter for forests, wetlands (tidal wetlands require a minimum Buffer of 100-feet), habitats of threatened and endangered species, forest interior dwelling birds, Buffers, as well as limits to impervious surfaces. If you would like, I would be happy to write up a section on the regulatory requirements within the Critical Area.
- The section labeled, Wetlands - Location on pages 6 and 7 is very confusing. The report states, "Avoid activities within 1000 feet of a primary tributary to the Chesapeake Bay...Avoid activities within a 100-foot Buffer ... in Limited Development and Resource Conservation Areas." This is the first time in the report that they allude to the various designations within the Critical Area. If they avoid activities within 1000 feet (Critical Area), they will not need to avoid activities in LDAs and RCAs. Also, the 100-foot Buffer is applicable within Intensely Developed Areas as well.

Ms. Katherine Munson
Page 3

- The next section, "Endangered Species," neglects to state that habitats of listed threatened species should be avoided as well.
- Figure 1 does not include a process for Critical Area approval. Any proposed golf course development within the Critical Area is required to be submitted to the Critical Area Commission staff for review and comment.
- Appendix III does not provide any description of the requirements of the Critical Area Law. The information as to the regulatory requirements may therefore be inaccurate for a golf course within the Critical Area. Please note the reforestation requirements listed in the second table on page 20 and in the flowchart labeled Figure 3 are incorrect for the Critical Area. See the comment above describing the mitigation requirements for sites within the Critical Area.
- Whatever form the final "product" takes, it would be helpful if it contained: (1) a map of the County, showing the Critical Area, the Scenic Rivers, and other special management areas; and (2) a list of the zoning designations and whether golf courses are permitted under what conditions.

Thank you again for the opportunity to review this document and provide comments. I would be happy to work with you to clarify any Critical Area issues or to assist in any other way as the guidelines are further developed. Please contact me at (410) 974-2426 if you have any questions or concerns.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Worcester County file

JUDGE JOHN C. NORTH, II
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**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

February 24, 1998

Mr. Peter Johnston
Redmond/Johnston Associates
416 Goldsborough St.
Easton, MD 21601

RE: Public Access to the Coastal Bays

Dear Mr. Johnston:

Enclosed, please find copies of the Coastal Bays Characterization Report and the draft Action Plans as of 12/23/97. The Action Plans are in draft form and are constantly being revised. The chair of the Water Based Activities Subcommittee is Carl Zimmerman of Assateague Island National Seashore. You may wish to speak to him to find out the latest information regarding public access issues. His number is (410) 641-1443. Also, for your information, the number for the Maryland Coastal Bays Program Office is (410) 213-BAYS.

Please contact me if I may be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

enc.

JUDGE JOHN C. NORTH, II
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**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

February 23, 1998

Mr. Steve Magoon
Planning Director
Charles County Planning and Growth Management
P.O. Box B
La Plata, MD 20646

RE: Zoning Text Amendment #46-21

Dear Mr. Magoon:

The Critical Area Commission accepts the County's submittal of the zoning ordinance text amendments as a refinement to the Critical Area Program. As you know, any changes to the County's Critical Area Program require Commission review as either amendments or refinements. The Commission will consider the proposed zoning ordinance change at its March 4, 1998 meeting. I will send you an agenda as soon as it is developed in the event that you or another planning staff member are interested in assisting in the presentation of this refinement.

The staff report submitted to the Commission mentioned that the Planning Commission heard and approved a request to exempt emergency service organizations from Critical Area requirements. It is our understanding that this is not, in any form, part of the amendment to be considered by the Commission at this time. Commission staff recommends that County staff consult with us prior to pursuing such an exemption for emergency service organizations. Neither the Critical Area law nor regulations currently allow for such an exemption.

Please contact me at (410) 974-2426 if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Paul Kallan, Charles County Planning

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STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

MEMORANDUM

TO: Marianne D. Mason, Assistant Attorney General

FROM: LeeAnne Chandler *LAC*

DATE: February 17, 1998

RE: Soldiers and Sailors Relief Act Affidavit - Kelley Variance Case

I am responding to your request to gather information in support of military service affidavits for the Wicomico County Board of Appeals in compliance with the Soldiers and Sailors Relief Act. This affidavit is being executed in support of a motion for summary judgement on the Commission's appeal of the Board of Appeals' decision to grant a Critical Area Buffer variance on the Kelley property (Civil Action No. 98CV0333). On February 12, 1998 and February 17, 1998 respectively, I discussed the military service status of each Board of Appeals member with Mr. Rick Dwyer of the Wicomico County Planning Department and Ms. Ola Meadowcroft of the Wicomico County Planning Department and secretary to the Board of Appeals. The individual members of the Board of Appeals, to be collectively referred to as "defendants," include Mr. J. Phillips Wright, Jr. (Chair), Mr. Frank Davis, Mr. William Handy, Ms. Nancy Middleton, and Ms. Yvonne Penn. Both Mr. Dwyer and Ms. Meadowcroft indicated to the best of his and her information, knowledge and belief:

- (1) None of the said defendants are in the military service of the United States;
- (2) None of the said defendants are in the military service of any nation allied with the United States;
- (3) None of the said defendants have been ordered to report for induction under the Selective Training Act of 1940 as amended; and
- (4) None of the said defendants are members of the enlisted Reserve Corps who has been ordered to report for military service.

Additionally, Mr. Dwyer and Ms. Meadowcroft indicated to the best of his and her information, knowledge and belief, the original applicants in the case, Paul and Carole Kelley (primary residence at 1449 Pemberton Drive, Salisbury, Maryland): are not in the military service of the United States; are not in the military service of any nation allied with the United States; have not been ordered to report for induction under the Selective Training Act of 1940 as amended; and are not members of the enlisted Reserve Corps who have been ordered to report for military service.

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

February 12, 1998

Ms. Margaret Stewart
Charles County Planning and Growth Management
P.O. Box B
La Plata, Maryland 20646

RE: PEPCO Oil Pipeline-Spill Containment Devices

Dear Ms. Stewart:

Commission staff has reviewed the report and plans provided by Ben Dyer Associates, Inc. for the above referenced project. The applicant is requesting a variance for constructing spill containment devices around three existing valve pits located in the Critical Area Buffer.

The Charles County Zoning Ordinance, under Section 132(h)(iii) *Development standards in Limited Development Zone (LDZ) and Resource Conservation Zone (RCZ)*, states that "Roads, bridges and utilities serving development shall be so located as to avoid disturbances to Habitat Protection Areas. When no alternative exists and such infrastructure must cross or be located in Habitat Protection Areas, the applicant shall show that impacts to habitats have been minimized and that no feasible alternative location for such infrastructure exists."

The existing valve pits and the proposed spill containment devices are directly associated with a major utility. The valve pits are already existing within the 100-foot Buffer, a Habitat Protection Area. The proposed spill containment devices will provide water quality benefits by protecting Swanson Creek and the Wicomico River from an accidental oil spill. It is not feasible to move the valve pits outside of the Buffer.

However, the proposed soil borrow areas for Valve Pits #3 and #4 do not minimize the impacts to Habitat Protection Areas. These borrow areas are in hydric soils contiguous to the Buffer. According to the Charles County Zoning Ordinance, under Section 131(a)(iii)(B), "when development or other land disturbing activities are on a property with hydric soils...the Buffer shall be expanded to include adjacent hydric soils within the Critical Area. The Buffer will be expanded to include those soils lying the drainage area between the proposed land disturbance and the Buffer." The lack of wetlands does not eliminate expansion of the Buffer, as the Critical Area report implies. Commission staff recommends that the applicant work with County staff to

Ms. Margaret Stewart
Page 2

move the soil borrow areas an appropriate distance from the minimal 100-foot Buffer. For Valve Pit #3, where there are Othello soils, Commission staff suggests that the soil borrow area be moved completely out of the minimal 100-foot Buffer to the areas of the Rumford soils. For Valve Pit #4, where there are extensive Elkton soils, the Buffer could be significantly expanded. Commission staff suggests that the soil borrow area be contained to the area directly behind (landward) of the valve pit and proposed containment device.

If changes as described above are made as to the location of the soil borrow areas, impacts to Habitat Protection Areas would appear to be minimized through the following factors: impact to the Buffer will be minimized; no woodlands will be disturbed by this project; no additional impervious surfaces will be created; and, no known habitats of threatened or endangered species will be impacted.

For the reasons listed above, Commission staff has no objection to the requested variance. If you have any questions or if there are any changes to the project as it was reviewed, please contact me at (410) 974-2426. Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for the variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: CS43-98

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

February 12, 1998

Mr. Christopher D. Krupinski, P.E.
Rummel, Klepper & Kahl, LLP
81 Mosher Street
Baltimore, MD 21217-4250

RE: Bladensburg Waterfront Park
10% Pollutant Reduction Calculations

Dear Mr. Krupinski:

Thank you for providing the plans and 10% calculations for the above referenced project. Commission staff has reviewed the plans and calculations. Necessary 10% pollutant reduction will occur through the reduction in total imperviousness, as indicated on the calculation worksheets.

If there are any changes to the project as it was reviewed, please contact me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: 4/98 - MNCPPC

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

February 9, 1998

Mr. Vivian C. Marsh
Planning & Zoning Administrator
Town of Indian Head
4195 Indian Head Hwy.
Indian Head, MD 20640

RE: R.H. Knott Subdivision

Dear Mr. Marsh:

Thank you for the opportunity to review the new plans (dated January 26, 1998) for the modification of the R.H. Knott subdivision. In a letter dated November 19, 1997, I listed the information necessary for Critical Area review. The new plans include only the Critical Area line and the 100-foot Buffer. The following information still needs to be added to the plans.

- Critical Area designation (IDA, LDA or RCA)
- topography
- vegetative cover

Also, with my letter of November 18, 1997, I had enclosed example plat notes, indicating impervious surface and forest clearing limits. Such plat notes should be included on the final subdivision plans to ensure full disclosure to future property owners. Please be aware that forest clearing and impervious surface limits are applied to the entire portion of the property that is in the Critical Area. The clearing and imperviousness associated with the road must be factored in, prior to calculating the allowance for each lot.

With regard to the "building setback calculation" and building setback line listed on the plan, please be aware that the Critical Area 100-foot Buffer needs to be expanded for steep slopes. The Indian Head Critical Areas Overlay Zoning Ordinance at Section 23-401(A)(3)(e) states that, "In the case of contiguous slopes of 15 percent or greater, the Buffer shall be expanded 4 feet for every 1 percent of slope, or to the top of the slope, whichever is greater in extent."

Topographical lines are necessary to determine the appropriate Buffer. Commission staff can assist in determining the Buffer when topographical information is available.

Mr. Vivian C. Marsh
Page 2

Please send us a copy of the final plat with the above information included when it is submitted.
Please contact me at (410) 974-2426 if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: IH591-97

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

February 5, 1998

Mr. Ken Shanks
Dept. Of Natural Resources - Resource Planning
Tawes State Office Building - E-4
Annapolis, MD 21401

RE: Smallwood State Park - Camping Loop Mini-Cabins

Dear Mr. Shanks:

The Chesapeake Bay Critical Area Commission approved the proposed camping loop mini-cabins at Smallwood State Park at its meeting on February 4, 1998. Commission staff recommends that the additional impervious surface (approximately 663 square feet) created by the cabins be mitigated through the planting of trees and/or shrubs. The attached document contains information regarding planting procedures and requirements, as well as the "credit" given for each type of planting stock. If you have any questions or if there are any changes to the project as it was proposed by DNR and approved by the Critical Area Commission please contact me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

enc.

cc: Neal Herrick
Robin Melton
07-98DNR

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

MEMORANDUM

TO: Ken Shanks, Resource Planning

FROM: LeeAnne Chandler

DATE: January 29, 1998

RE: Mattawoman Creek Art Center Parking Lot - Alternate Site **97-DNR-034A**

Thank you for providing information on the above referenced project. I have reviewed the project request, visited the site, and talked with the Arts Center president, Mr. George Jenkins. I have the following comments:

- This project is presented as a change to an earlier proposal. This office has not formally reviewed this project in its earlier form. We would be interested in obtaining information pertaining to the need for the project.
- It is my understanding that the applicant, Mr. Jenkins, is hiring a private consultant to do the engineering and design work. As you will note in the attached letter, I have provided Mr. Jenkins with the Project Application Checklist. The information detailed in this checklist is required prior to Commission review. The Department of Natural Resources is considered the official applicant, because the project is occurring on DNR lands. Therefore, DNR should continue to coordinate between Mr. Jenkins and the Critical Area Commission.
- With regard to the site plans, the large engineering drawing included in the project review package (prepared by DNR) is different from the small 8½ x 11 drawing. The smaller drawing includes plans for handicap parking and proposed walkways. The walkway which goes in front of the building is in the expanded 100-foot Buffer. New development activities are not permitted in the Buffer. (The 100-foot Buffer is expanded in this area due to the existence of steep slopes. In the case of contiguous slopes of 15 percent or greater, the Buffer shall be expanded 4 feet for every 1 percent of slope, or to the top of the slope, whichever is greater in extent - COMAR 27.02.05.09(B)(7).) Additional information, as indicated on the Project Application Checklist, will be required of any final plans submitted to the Commission for review.

- In June 1994, the Department of Natural Resources applied to the Commission for approval of a number of development activities at the Mattawoman Creek Art Center. Mr. Robert Dannecker was the contact person for the Department of Natural Resources. One part of the project involved the construction of a stone walkway from the Smallwood State Park Marina parking lot to the Art Center to provide parking for the Art Center. The project was approved and the stone walkway has been installed. With 200 additional parking spaces proposed for the Marina (which will also require Commission approval), the Project Evaluation subcommittee will likely question the need for this additional parking. Additionally, what is the status of the other activities that were approved in 1994? With this memo for your information, I have included copies of correspondence and site plans from the project approved in 1994.

Please contact me at (410) 974-2426 if you would like to discuss the project further. Otherwise, I look forward to reviewing the final plans when they are submitted for approval.

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

January 29, 1998

Mr. George S. Jenkins
P.O. Box 1670
La Plata, MD 20646

Dear Mr. Jenkins:

The proposed Mattawoman Creek Art Center parking lot is a project, because it is occurring on State land, which requires Chesapeake Bay Critical Area Commission approval. The Maryland Department of Natural Resources will be the official applicant though it is my understanding that you will be providing the information. The enclosed "Project Application Checklist" details the information required for project review.

As you initiate the design process for the parking lot, Commission staff, in conjunction with County Soil Conservation District personnel, would be happy to meet with you to discuss potential erosion and sediment control, stormwater management, or other Critical Area issues.

Please contact me at (410) 974-2426 if you have any questions or would like to set up a meeting.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

enc.

cc: Alan Cruikshank, Charles County SCD
Ken Shanks, Maryland DNR

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

January 20, 1998

Ms. Margaret Stewart
Charles County Department of Planning
and Growth Management
P.O. Box B
La Plata, MD 20646

RE: Revised final plat for J. Woodrow Milstead

Dear Ms. Stewart:

Thank you for providing information on the referenced project. After review of the additional information provided, I have the following comments:

- As you indicated in your letter dated January 5, 1998, there are hydric soils contiguous to the Buffer. These hydric soils (Bo - Bibb silt loam) and the expanded Buffer need to be shown on the plat. The Charles County Critical Area Overlay Zoning Ordinance provisions require the Buffer to be expanded to include adjacent hydric soils.
- Both the U.S.G.S. quadrangle of the area and the soil survey map indicate the presence of a stream ("Reeder Run") directly east of the property. This is a blue line tributary stream and would require at least a 100-foot Buffer. This stream and its Buffer should be shown on the plan.
- With regard to the topography of the site, please note that in addition to the areas already cross hatched (indicating 15% or greater), there are two additional areas that have steep slopes and they should be so indicated.

This intrafamily transfer subdivision does not appear to be consistent with the Charles County Critical Area Program and Zoning Ordinance. Under Section 132(h) "Development standards in Limited Development Zone and Resource Conservation Zone" of the Charles County Zoning Ordinance, part viii states that "Development on slopes greater than 15 percent shall be prohibited." Access to all three of these lots would require disturbance to slopes of 15 percent or greater. Development of these lots would require a variance and the Commission would oppose such a variance request. By creating these lots, the applicant would be creating the need for the variance, which in itself is a reason for denial under Article XIX, Section 416, part ii of the Charles County Zoning Ordinance.

Ms. Margaret Stewart
Page 2

Please forward additional information if the applicant moves forward with this subdivision request. If you have any questions or concerns, please contact me at (410) 974-2426.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: cs219-97

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

MEMORANDUM

TO: Greg Golden, Environmental Review Unit

FROM: LeeAnne Chandler

DATE: January 12, 1998

RE: US 301 DEIS, Northern Corridor Tier I

Thank you for the opportunity to review the Draft Environmental Impact Statement (DEIS) for the US 301 Transportation Study for the Northern Corridor Tier I. Upon review of maps of the study area, it appears that any future work on 301 in the Northern Corridor will be located outside of the Critical Area. Therefore, we do not have any specific comments on this DEIS.

With regard to the entire study area, staff would like to offer the following comments:

- Information regarding a possible future upgrade to the Governor Harry W. Nice Memorial Bridge over the Potomac River would be useful in determining if the 301 project will have any direct Critical Area impacts.
- Planning for a bypass around the Town of La Plata should consider impacts to tributaries of the Port Tobacco River and the Zekiah Swamp.
- The habitat of forest interior dwelling birds (FIDs) is an important resource protected through the Critical Area regulations. As planning continues on other sections of US 301, we recommend that large, unfragmented forest blocks (the habitat of forest interior dwelling birds) be protected to the greatest extent possible.
- The landscape of Charles County contains many areas with slopes greater than 15%. Critical Area regulations generally prohibit development on slopes 15% or greater to help protect streams and tidal areas from the effects of erosion and sedimentation. We recommend that steep slopes are also protected.

If you have any questions or concerns on the comments above, please contact me at (410) 974-2426.

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

MEMORANDUM

TO: H. Grant Dehart, Program Open Space

FROM: LeeAnne Chandler *LAC*

DATE: January 15, 1998

RE: Local POS Project #3377-8-40, Mattingly Park Addition

Thank you for providing information on the above referenced project. This office has reviewed the proposed acquisition and has no objection to it. However, this property is within the incorporated Town of Indian Head, completely within the Critical Area. Any activity planned for this property must be reviewed by Critical Area Commission staff prior to any land disturbance or development. This should be made part of any agreement with the Town and/or County in the acquisition of this property.

If you have any questions or concerns, please contact me at (410) 974-2426.