

Staff Correspondence File II - 1998 Reader File - Ren

S1832-139-1

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

September 18, 1998

The Honorable Wheeler R. Baker
P.O. Box 143
Chester, Maryland 21619

Re: Transfer Development Rights for Shoreline Protection

Dear Delegate Baker:

Last week on the Governor's boat, we spoke briefly about shoreline protection. I mentioned that Talbot County provided an incentive to landowners willing to undertake stabilization measures. For your information, I've outlined the Talbot County process below.

The County's Transfer Development Rights (TDR) program for the Critical Area operates within the Resource Conservation Area (RCA). Development rights can be transferred only from locally-designated sensitive environmental areas such as, but not limited to, important wildlife preservation areas, Bald Eagle sites, lands adjacent to anadromous fish spawning waters and colonial waterbird nesting areas. One development right is generated for every 20 acres within a sending area. The County requires a "Reservation of Development Rights Agreement" to be placed on the parcel, which allows no further development activity except for agricultural purposes. The use of TDRs must be approved under a Joint Subdivision, which means that the development status of both sending and receiving areas is established through one process.

Receiving areas must be adjacent to shorelines experiencing high rates of erosion, usually a minimum of two feet per year. The developer or landowner must provide the County with verifiable erosion data over time. The maximum density possible on the site to be developed is one dwelling unit per five acres, including the existing pre-development potential of the receiving area. All of the new dwellings must be located within 500 feet of the eroding shoreline, and the erosion must be addressed in a method approved by the County Office of Planning and Zoning.

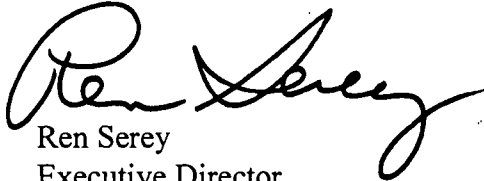
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The Honorable Wheeler R. Baker
September 18, 1998
Page 2

If you have questions or would like more specific information, please contact me. If you would like to speak to Dan Cowee, the Talbot County Planning Officer, he can be reached at 410-770-8030.

Sincerely,



Ren Serey
Executive Director

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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September 11, 1998

Mr. Tom Parham
Department of Natural Resources
Resource Assessment Service
Tawes Office Building,
Annapolis, Maryland 21401

Tom
Dear Mr. Parham:

Thank you for the excellent presentation to the Critical Area Commission on Bay grasses. As you know, it is important for decision-makers to understand as much as possible about other aspects of the Bay-protection effort. You provided the Commission members with a thorough and informative overview of the monitoring program for this valuable resource, but just as important from their point of view, you explained how it is often difficult to resolve conflicts among competing interests. That is an aspect of the program with which they certainly can identify.

The Commission and staff greatly appreciate your time, effort and enthusiasm.

Sincerely,

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

Ren Serey
Executive Director

CC: Dave Goshorn

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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September 11, 1998

Mr. Keith Lackie
Department of Planning and Zoning
P O Box 3000
Leonardtown, Maryland 20650

RE: Myrtle Point Park Master Plan

Dear Mr. Lackie:

Thank you for providing information on Myrtle Point Park. I have reviewed the draft Master Plan, and I have the following comments:

1. In the "Overview of Existing Conditions", the Master Plan describes the steep eroding cliffs along the Patuxent River. One of the original conditions of the rezoning stated that "...eroding embankments on the property shall be stabilized and currently unvegetated steep slopes and shoreline areas shall be planted with a vegetative cover, prior to construction in those areas. Any site plan must address erosion control and the approved erosion control procedures must be in place prior to the issuance of the 101st dwelling unit permit or prior to the construction of the Conference Center, regardless of whether a site plan has been approved." How will the County address shore erosion control on the property ?
2. The Master Plan states that the park contains two trees on the State of Maryland's Rare, Threatened, and Endangered Species list; however, the Plan does not include any protection measures. How will the County address protection of these trees?
3. Invasive species have been identified as a problem on the site in both the Master Plan and in discussions with County staff. How will the County address eradication and control of invasive species?
4. In the section of the Master Plan, "Critical Areas Considerations", it should be stated that the Critical Area Commission will review the project as "major development" as defined in COMAR 27.02.04. Therefore, the Commission must review and give approval to the

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project. Major development means development of a scale that may cause State-wide, regional, or inter-jurisdictional, environmental or economic effects in the Critical Area, or which may cause substantial impacts on the Critical Area program of a local jurisdiction. This development includes, but is not limited to, airports, power plants, wastewater treatment plants, highways, regional utility transmission facilities, prisons, hospitals, public housing projects, **public beaches, and intensely developed park and recreation facilities.**

5. In the summary of the criteria for development in Resource Conservation Areas, it should be noted that development on slopes greater than 15% is prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies stated for Resource Conservation Areas, including protection of water quality and habitat protection. The statement included in the Master Plan is not accurate.
6. In the summary of the criteria for development, it is incorrectly stated that impervious surface coverage is limited to 15-25%. For the development of parcels greater than one half acre, impervious surface area is limited to 15% of the property.
7. The Master Plan correctly states that the Critical Area Criteria include a 100 foot Buffer from the edge of tidal water. The Buffer must also be established 100 feet from the edge of tidal wetlands and from tributary streams, and it must be expanded beyond 100 feet to include contiguous, sensitive areas, such as steep slopes, hydric soils or highly erodible soils whose development or disturbance may impact streams, wetlands, or other aquatic environments. The Buffer shown on the "Undevelopable Areas Diagram" may not accurately represent the Buffer which should be delineated based on actual conditions in the field. The Master Plan does not include information about soil types or topography, and it appears that expansion of the Buffer has not been addressed. The accurate delineation of the Buffer may be accomplished during the development of detailed site plans.
8. The Critical Area regulations require coordination with the Heritage Program of the Department of Natural Resources to establish protection measures for Waterfowl Staging and Concentration Areas which are present in the waters of the Patuxent River and Mill Cove. Recommendations from the Heritage Program will be forwarded to the County as soon as they are received.

9. The Critical Area regulations require coordination with the Heritage Program of the Department of Natural Resources to establish protection measures for Forest Interior Dwelling Bird habitat. Preliminary recommendations from Heritage involve a possible modification to the southwest FIDS Area boundary line in order to encompass an adjacent riparian buffer, potential limitations on any clearing associating with hiking and camping activities, and possible controls on the use of the area during the nesting and breeding season. Recommendations from the Heritage Program will be forwarded to the County as soon as they are received.
10. The "Park Program" does not include parking requirements. How many spaces are proposed?
11. Information on the area of forest that is proposed to be cleared has not been provided. How many acres of clearing are proposed? What areas are proposed for mitigation planting? It is my understanding, that some areas of the park have already been cleared for paths and to facilitate park maintenance. Calculations and mitigation for this clearing should be included in the Master Plan
12. Information on the area of existing and proposed impervious surface has not been provided.
13. Stormwater quality management will be required for this site. Additional information on stormwater management is needed.
14. This project is one of only a few which were grandfathered for density because the zoning of the property was changed to Planned Unit Development to accommodate a proposed residential, golf course and conference center. The St. Mary's County Zoning Ordinance states:

Any Planned Unit Development which received final zoning approval from the County Commissioners prior to December 1, 1985, and which have met the requirements of this ORDINANCE, with the exception of requirements for density. In addition, all conditions imposed at the time of rezoning must be satisfied. Such developments which fail to meet those requirements and conditions shall be counted against the county's growth allocation.

A similar project, the Shannon Farms PUD, which had also been grandfathered under the above ordinance, was significantly changed pursuant to a County approved amendment to this grandfathering language. The amendment to the County Zoning Ordinance was

Mr. Lackie
September 11, 1998
Page Four

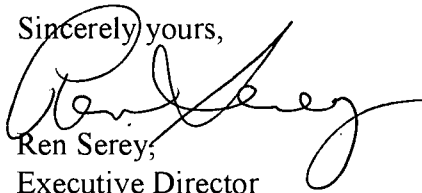
submitted to, and approved by the Critical Area Commission, in order to change some of the original conditions of the rezoning and to address significant changes to the design of the project.

The Myrtle Point Park Master Plan appears to require similar submittal to, and approval by, the Commission because the proposed development differs significantly from the original proposal, and the proposed park development may not satisfy all of the original conditions of rezoning.

The Critical Area Commission meets on the first Wednesday of each month. I invite you to attend one of the meetings, at your convenience, to discuss procedural issues and the scope of the proposal with the Critical Area Commission's Program Subcommittee.

If you have any questions about these comments, or if you would like to arrange to attend a Commission meeting, please feel free to contact me at (410) 260-7212.

Sincerely yours,



Ren Serey,
Executive Director

RS/MRO/jjd

cc: Ms. Marita Roos, Rhodeside and Harwell
Mr. Jack Whitten, Potomac River Association
Ms. Christine Holmber, St. Mary's County
Mr. Phillip D. Rollins, St. Mary's County
Mr. Mike Whitson, Critical Area Commission
Marianne D. Mason, Esquire, AAG
Mr. Larry Hindman, DNR
Ms. Kathy McCarthy, DNR
Ms. Regina Esslinger, CAC

John C. North, II
Chairman



Ren Serey
Executive Director

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September 10, 1998

Mr. Kenneth M. Usab, P.E.
Andrews, Miller & Assoc., Inc.
508 Maryland Avenue
Cambridge, MD 21613

RE: Cambridge Hyatt Chesapeake Bay Resort August 1998 Conceptual Plan: Critical Area Commission Approval with Conditions of Growth Allocation

Dear Mr. Griffith:

At its meeting on September 2, 1998, the Chesapeake Bay Critical Area Commission granted concept approval with conditions for proposed growth allocation associated with development of the Cambridge Hyatt. The concept approval will require the project to comply with various conditions which were developed by the Commission's Special Subcommittee (see enclosed report and attachments). The full Commission adopted the Special Subcommittee's conditions in its vote to grant concept approval to the August 1998 Conceptual Plan.

Thank you for your assistance during this review process. If you have any questions, please feel free to contact me at (410) 260-7212, or Greg Schaner at (410) 260-7073.

Sincerely,

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

Ren Serey
Executive Director

Enclosure

cc: Stephen Cassard, Department of General Services
David Pritchett, Director, Department of Public Works

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Report of the Special Subcommittee of the Chesapeake Bay Critical Area Commission

September 2, 1998

Chesapeake Bay Resort - Cambridge Hyatt

A. Heron Rookery and Waterfowl Staging and Concentration Area

- # 1 Adopt DNR recommendations as per Attachment 1.
- # 2 Adopt 6-foot wide trail in the Heron Point area.
- # 3 Developer shall work with Critical Area and DNR staff to select appropriate material.

B. Urban Nutrient Management Plan and Integrated Pest Management Plan for Golf Course

- # 1 Developer shall develop an Urban Nutrient Management Plan and Integrated Pest Management Plan for the golf course. The plans developed by Queenstown Golf Links and alternative innovative management practices developed for use by golf courses shall be used as a model.

C. Cart and Pedestrian Path Location, Width, Material

- # 1 The pedestrian path system in the Buffer shall be accessible to the general public.
- # 2 As a general standard throughout the project, cart and pedestrian pathways shall be 8-feet wide. Pathway width may vary throughout the project from 6-feet to 10-feet. Special consideration shall be given for minimizing Buffer impacts. Design of the pathway system shall be coordinated with and approved by Critical Area staff.

D. Buffer Management Plan

- # 1 A comprehensive Buffer Management Plan shall be developed with Critical Area Commission staff and approved by the Critical Area Commission according to standard practice. The Plan shall include: location of managed areas, planting plans, specimen trees to be saved, bonding, and maintenance plan and specifications.

E. Stormwater Management Plan

- # 1 Adopt MDE recommendations as per Attachment 2.
- # 2 Developer shall not use existing natural wetlands to obtain credit for stormwater quality treatment.
- # 3 Developer shall comply with the 10% Rule on IDA land.

F Tidal Wetlands Map Change

- # 1 The Critical Area Commission's concept approval is based on the location of the Critical Area line on the document entitled "Conceptual Plan - August 1998" and identified as "Chesapeake Bay Critical Area Boundary as Field Verified." It is expressly understood that should the Critical Area line as finally verified by MDE differ from the "Chesapeake Bay Critical Area Boundary as Field Verified" identified on the August 1998 Conceptual Plan in such a manner that Critical Area resources will be affected then the project shall be resubmitted to the Critical Area Commission.

G. Final Site Plan Approval

- # 1 Critical Area staff shall review and report on the final site plan to ensure compliance with all conditions attached to the conceptual approval.

H. Buffer Exemption Areas

- # 1 Three areas are to be designated: Single Family Residential Section One, Hole # 17 (both sides of Shoal Creek), Hole # 18 and Hotel Site in accordance with Attachment 3.
- # 2 The Critical Area Commission will consider the mapped BEA areas as identified in # 1 for approval if presented by the City of Cambridge.
- # 3 Developer shall provide mitigation for all Buffer impacts in accordance with the Critical Area Commission's BEA Policy.

I. Growth Allocation

- # 1 Developer shall work with the Critical Area Commission staff, City of Cambridge, and Dorchester County to determine appropriate Critical Area designations for the site for the purposes of awarding growth allocation.

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Attachment 1

September 2, 1998

Grand Hyatt Resort in Cambridge

The following conditions are proposed by the Department of Natural Resources for incorporation into concept approval by the Critical Area Commission for the Grand Hyatt Resort in Cambridge:

Golf Course Design

1. The realigned Hole #17 will be placed in the location shown to DNR staff (Schwaab and Smith) at the June 4, 1998 site meeting, e.g. on what is currently mowed lawn adjacent to the existing water tower and the easternmost group of trees along the unnamed tributary to Shoal Creek east of the existing heron colony.
2. A permanent hedge will be planted along the cart path between Hole #17 and the "T" for Hole #18 and left to grow to a ~~maximum~~ ^{minimum} height of 8 feet using woody evergreen species.
3. A walking trail will be allowed through Heron Point Woods provided it is not used during the Great Blue Heron nesting season (February 15 - July 31). Additionally, the trail shall be constructed of a rough porous material and shall follow the existing trail around the northern, western and southern edges of Heron Point Woods to the existing meadow area, where it will run north through the meadow area and connect back with the existing trail on the north side of the woods. The meadow area shall be planted in native forest species to further visually screen the trail from the heron nesting area and discourage off-path movement.

Construction

4. All clearing, earth moving and other landscaping or development activities for Hole #17, the "T" for Hole #18, the cart path between Hole #17 and #18, and adjacent areas shall occur outside of the Great Blue Heron nesting season (February 15 - July 31).
5. Construction of the bridge ^{and utility line replacement} across Shoal Creek shall be conducted during the period August 1 through November 30 to minimize disturbance to Canada Geese in the waterfowl staging and concentration area and to heron during their nesting season.

Post Construction

6. Golf course/conference center operators will exclude all people from Heron Point Woods during the heron nesting period (February 15 - July 31).
7. Golf course rules will state that no one is allowed to retrieve golf balls or equipment in the woods adjacent to the green at Hole #17 and #18, or in the Heron Point Woods. This will be indicated with placement of appropriate signage and enforced by course marshals.

8. The Department of Natural Resources will be given access to Heron Point annually to monitor the heron rookery during their breeding season and to count heron nests.

9. Heron Point Woods shall be designated as a conservation ^{area} ~~zone~~ where no logging or above grade construction is permitted. The developer shall coordinate with the local government to develop appropriate regulations in this regard.

Attachment 2

Maryland Department of the Environment
Water Management Administration
Wetlands and Waterways Program
2500 Broening Highway
Baltimore, Maryland 21224

September 1, 1998

MEMORANDUM

TO: Ren Serey
FROM: Gary Setzer
SUBJ: Hyatt Regency Chesapeake Bay Resort

As we discussed over the telephone, the Maryland Department of the Environment recommends that the following condition be included in the Subcommittee's report:

The proposed development, to the extent possible, shall pre-treat stormwater runoff prior to discharging into the waters of the State. The Commission and the Maryland Department of the Environment shall work with the Development Team to ensure that proper pre-treatment, in the form of stormwater best management practices, is incorporated into the construction plans. Possible management measures may include open channel swales, bio-retention structures, pocket wetland marshes, sand filters, etc. These and other techniques may be incorporated into a water quality management plan to ensure that stormwater discharges meet State water quality standards.

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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September 3, 1998

Mr. Jeff Torney
Department of Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

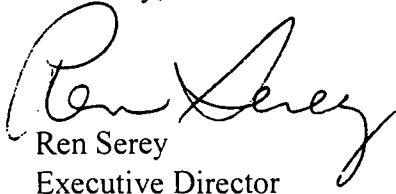
RE: Sweetser Decks

Dear Mr. Torney:

I am writing in regard to Mr. William Sweetser's proposal to construct two decks within the Chesapeake Bay Critical Area Buffer. The Critical Area Commission believes that issuance of a building permit for the proposed work is not appropriate. The proposal involves new construction within the Buffer for structures which are not water-dependent, and therefore, requires a variance. The applicant should be advised that variances to Critical Area requirements are difficult to obtain. In order to approve a variance, the City would have to find, among other factors, that unusual hardship would result from the denial of a variance. Please be advised that the Critical Area Commission likely would oppose a variance for new construction in the Buffer.

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

Sincerely,


Ren Serey
Executive Director

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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
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August 25, 1998

MEMORANDUM

TO: Heidi VanLuven
FROM: Ren Serey
SUBJECT: Critical Area Commission

I enjoyed meeting you yesterday. I hope you'll be glad that you accepted a position on the Commission. I think you will.

There are a couple of things I forgot to tell you. We talked briefly last week about the proposed Hyatt Resort in Cambridge. On September 2nd, there will be a Commission agenda item for concept approval to develop the project through the use of growth allocation. The Commission hasn't granted conceptual approval for growth allocation before, but maybe that's because no one asked.

Growth allocation represents the ability of a local jurisdiction, here, the City of Cambridge, to effectively upzone a parcel and change the Critical Area designation to a more intense level. A jurisdiction does this by awarding a number of acres of its growth allocation to a project. The best analogy is to a bank account; each jurisdiction has a number of acres in its growth allocation account and can award them, generally, at its discretion. The Hyatt group has a contract to purchase the Eastern Shore Hospital Center and wants some sort of assurance from the Commission before the property transfers that its project can be approved. Actual approval by the Commission will occur after the transfer, when the property is in private hands and the City awards growth allocation. Because the use of growth allocation changes the Critical Area designation, and thus amends a jurisdiction's Critical Area program, this local action isn't effective until the Commission approves it.

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Ms. Heidi VanLuven
August 25, 1998
Page 2

The Commission likely will place some conditions on the conceptual approval relating to future review and coordination, and possibly relating to site design. These conditions will be discussed at a subcommittee meeting at 9:30 am on September 2nd (Judge North appointed a special subcommittee for this project).

We meet at the Department of Housing and Community Development in Crownsville. Look for the conference room on the first floor, past the elevators. Usually, subcommittee meetings are held in small break-out rooms adjacent to the main conference room, but the Hyatt project may draw a crowd, so I think we'll be in the main room. If you can make it, great; if not, don't worry. We'll fill you in later.

The other item I should have mentioned is our annual boat trip for the Commission members. It will be on September 10th. This year, we'll leave from the Annapolis dock (I think about 9:00 am) on the Governor's yacht and go across the Bay to Queen Anne's County, to look at shoreline development and see how the County is applying various management techniques. We'll have lunch at a restaurant at Kent Narrows, then make our way around Kent Island. We should arrive back in Annapolis about 3:30. In addition, we'll discuss dredge spoil disposal at Site 104, which has been somewhat controversial. The Commission doesn't have approval authority for open-water disposal, but we did approve the disposal project at Poplar Island, which essentially is being created over open water. We'll talk about some of these fine distinctions.

I look forward to seeing you on the 2nd. Give me a call if you have any questions. (I think my number changes this weekend to 410-260-7212, but we'll have a recording on the old number for six months.)

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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August 20, 1998

Ms. Patricia Pudelkewicz
Chief, Environmental Planning
Department of Planning and Zoning
220 South Main street
Bel Air, Maryland 21014

RE: Buffer Exemption Area Guidance

Dear Ms. Pudelkewicz:

I am writing in response to your request for guidance concerning the designation of Buffer Exemption Areas (BEAs) under the Critical Area Criteria and the Harford County Critical Area Program.

The best way to begin a discussion of Buffer Exemption Areas is to first discuss the Critical Area Buffer and its importance to the overall success of the State's Critical Area Program. The Buffer is defined in the Criteria as follows:

"Buffer" means an existing, naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances. Code of Maryland Regulations (COMAR) 27.01.09.01 A.

The Buffer is the cornerstone of the Critical Area Program. As a "no-build" area, it protects the Bay's tidal shorelines, the areas at the transitional water-upland interface. These vital habitats are some of the most biologically productive areas in the Bay's 64,000 square mile watershed and their disturbance for other than water-dependent activities is understandably restricted.

Nevertheless, the Criteria recognize that certain shoreline stretches were developed prior to implementation of the program and that further development there will not have the same adverse impacts as it would elsewhere. Therefore, the Criteria specify that certain portions of the Buffer may qualify as Buffer Exemption Areas. The Harford County Critical Area Program contains similar provisions.

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There are two primary considerations for local jurisdictions and the Commission regarding BEA designations. Buffer Exemptions can be proposed:

- 1) "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 the functions" stated in the policies of the Criteria.
- 2) If a local jurisdiction proposes a Buffer Exemption Area, it "shall propose other measures for achieving the water quality and habitat protection objectives of the policies. These measures may include, but are not limited to, public education and urban forestry programs." COMAR 27.01.09.02 B (8).

Designation of Buffer Exemption Areas

The Commission has emphasized that the ability to designate BEAs is a Critical Area management tool which local jurisdictions may use; the Criteria do not require designation. In accordance with established Commission policy and practice, BEA designations exist in the majority of the 61 Critical Area jurisdictions. The Commission has worked closely with each local government to establish appropriate parameters for these areas. While the designations share some characteristics, the Commission has permitted certain differences in and among jurisdictions regarding the scale of qualifying areas and the degree of pre-program development required for BEA status. Generally, the Commission has encouraged local jurisdictions to focus their evaluations on the amount of existing impervious surface and the size and location of grandfathered structures. These are the best indicators of the degree to which a Buffer is functioning. However, all BEAs must be mapped and approved by the Commission.

The Criteria provide that in "developing their Critical Area programs, local jurisdictions shall use the following policies with regard to the buffer:

- 1) Provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;
- 2) Minimize the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources;
- 3) Maintain an area of transitional habitat between aquatic and upland communities;
- 4) Maintain the natural environment of streams; and
- 5) Protect riparian wildlife habitat." COMAR 27.01.09 C (2).

Ms. Patricia Pudelkewicz
August 20, 1998
Page 3

The functions of the Buffer set out in these policies serve as a guide for local decisions when designating BEAs. The listed Buffer functions are necessarily interrelated and in many instances it is not possible to distinguish between them in regard to a particular site. They are intended, as a whole, to describe how a Buffer works; they do not serve as a checklist to be applied mechanically to either include or exclude a certain site as Buffer Exempt. Therefore, their relevance and weight are determined on a case-by-case basis, taking into account, where possible, similar decisions on other Buffer Exemption Areas in a jurisdiction.

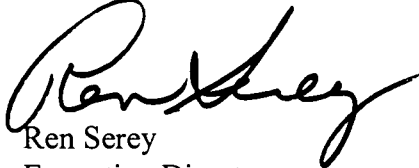
Alternative Measures

The Criteria do not provide specificity regarding how a local jurisdiction can ensure that water quality and habitat concerns are addressed when development occurs in a BEA. Local requirements vary and include such measures as minimum setbacks, impervious surface limits, on-site planting ratios and fees-in-lieu. All such measures must be approved by the Commission as part of a local BEA process, but in general, the Commission is concerned that local regulations for development in BEAs are applied consistently and ensure that:

- * development proposed for a BEA represents the least disturbance possible on a site as a whole, and
- * the shoreward extent of new structures, impervious surfaces and other development activity is minimized.

Please contact me if you have questions of if you need additional information.

Sincerely,



Ren Serey
Executive Director

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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August 14, 1998

The Honorable Richard F. Colborn
P.O. Box 1237
Cambridge, Maryland 21613

RE: Critical Area Regulations for Threatened and Endangered Species

Dear Senator Colborn:

Nita Settina at the Department of Natural Resources asked me to send you a copy of the Chesapeake Bay Critical Area Criteria. She said you were particularly interested in the section pertaining to Threatened and Endangered Species. I have marked this section in the enclosure; it appears on pages 50 - 52. After you have had a chance to look it over, please call me if you have questions.

Sincerely,

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

Ren Serey
Executive Director

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August 13, 1998

MEMORANDUM

TO: Critical Area Commission Members

FROM: Ren Serey

SUBJECT: Special Subcommittee Meeting Regarding the Hyatt Regency Chesapeake Bay Resort - Cambridge

Date: August 19, 1998

Time: 10:00 a.m. - Noon

Place: Critical Area Commission
45 Calvert Street
Annapolis, Maryland
Room 125, first floor

Prior to last week's Commission meeting, Chairman North and several Commission members met with representatives of the Hyatt Regency Chesapeake Bay Resort, proposed on the site of the Eastern Shore Hospital Center in Cambridge. The development site contains approximately 330 acres, with 273 acres in the Critical Area. The project will require 150 - 200 acres of growth allocation and will be submitted formally to the Commission for approval later in the year.

The developers have requested preliminary Commission review and concept approval in order to help them more accurately assess the development potential of the site. In that regard, there may be an agenda item for concept approval at the Commission's next regularly-scheduled meeting on September 2, 1998. To facilitate the process, Chairman North has called a special meeting on August 19, 1998 for Commission members who are interested in participating in this preliminary review. The developer's representatives will be present to discuss the project and provide information. The meeting will be held in Room 125 of the Commission's building at 45 Calvert Street in Annapolis. Parking is available in two public garages on Calvert Street.

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We will be focusing primarily on the following:

Exploring opportunities for stormwater management for water quality between certain portions of the golf course and various streams and wetlands which run through the property.

Exploring alternative or additional opportunities for stormwater management (e.g., bioretention, grassed swales) to handle runoff from the residential and commercial areas.

Modification of residential lot lines which extend into portions of the 100 foot Buffer and the nontidal wetlands 25 foot buffer. As an alternative, review deed restrictions to ensure that Buffer disturbance will not result from homeowner activities.

Modification of golf cart and pedestrian paths which extend into portions of the 100 foot Buffer.

Designation of certain areas as Buffer Exempt due to existing development.

The need for a project-wide Buffer Management Plan which will include:

the location and size of Buffer areas proposed for the golf course (tees, greens, fairways) and other uses

the types of vegetation proposed for these areas (grass, low-lying shrubs, etc.)

Buffer management techniques (clearing, pruning, planting where possible)

mitigation amounts and locations

If you did not attend the initial meeting last week and you want to know more about the project, please call me or any of the following Commission staff:

Mary Owens
Regina Esslinger
Claudia Jones
Greg Schaner

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

August 13, 1998

Mr. Joseph Elbrich
Assistant Director
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Dear Mr. Elbrich:

At your request, I am writing to explain how the provisions in the Code of Maryland Regulations 27.01.09.01.C.7 are administered. I understand there is a question as to whether an applicant/developer may submit a study to the County to demonstrate that proposed development activities on slopes 15 % or greater will not impact streams and wetlands, and therefore the expansion of the Buffer for this sensitive area will not be required. Both the County's Zoning Ordinance and the Critical Area Criteria clearly state that expansion of the Buffer for steep slopes is required.

The County's Zoning Ordinance at §1A-104 states:

...there shall be a minimum 100-foot buffer landward from the mean high water line of tidal waters, tributary streams, and tidal wetlands. The buffer **shall** be expanded beyond 100 feet to include contiguous, sensitive areas such as steep slopes and hydric soils or highly erodible soils whose development or disturbance may impact streams, wetlands, or other aquatic environments. If there are contiguous slopes of 15% or greater, the buffer **shall** be expanded four feet for every 1% of slope or to the top of the slope, whichever is greater, and shall include all land within 50 feet of the top of the bank of steep slopes. There shall be a minimum, 25-foot buffer surrounding all nontidal wetlands.

Similarly the Critical Area Criteria in COMAR 27.01.09.01.C.7 state:

Local jurisdictions **shall** expand the Buffer beyond 100 feet to include contiguous, sensitive areas, such as steep slopes, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments. 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.

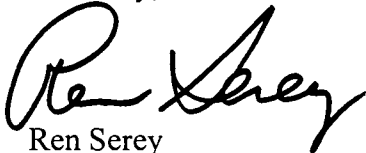
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Mr. Elbrich
Page Two
August 13, 1998

It is clear from both provisions that expansion of the Buffer in the case of contiguous steep slopes is mandatory. While interpretive studies are appropriate for hydric soils and highly erodible soils, they are not permitted for steep slopes.

As always, the Commission staff and I are available to assist you with these matters. Please call me if you have questions or would like to discuss this matter.

Sincerely,



Ren Serey
Executive Director

cc: Ms. Lori Allen, PACE
Ms. Regina Esslinger, CBCAC
Ms. Lisa Hoerger, 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
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MEMORANDUM

August 12, 1998

TO: Ken Usab
FROM: Ren Serey
SUBJECT: Preliminary list of items for discussion on August 19th
Hyatt Regency Chesapeake Bay Resort

I have outlined on the attached sheets several issues for discussion with the Critical Area Commission subcommittee at its upcoming meeting next Wednesday. These issues include many we have talked about previously and others which Commission members specifically asked staff to address following last week's meeting. The issue numbers correspond to areas indicated on the enclosed site plan.

You mentioned yesterday in our telephone conversation that you were preparing a matrix indicating dimensions of all Buffer impacts as well as other relevant data. I look forward to receiving this information and hope to include it in a memo early next week to the subcommittee.

Please contact me if you have any questions.

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<i>Issue #</i>	<i>Description of Issue</i>	<i>For Commission discussion on August 19, 1998</i>
1	Need for stormwater management at Hole 12.	Propose stormwater management for this area. Discuss with development team the possibility of a swale between the fairway and berm.
2	Intrusion of stormwater management pond into the 100-foot Buffer.	Explore alternative stormwater management scenarios. Suggested alternatives include bioretention in median areas and/or grassed swales adjacent to the subdivision road.
3	Need for stormwater management at Hole 13 to treat runoff before entering stream.	Propose stormwater management for this area. Discuss with development team the possibility of a swale between the fairway and berm.
4	Intrusion of several lot boundaries in Single Family Sections One, Two, and Three into the 100-foot Buffer and 25-foot Nontidal Wetlands Buffer.	Slightly modify the configuration of lots that extend into the 100-foot and 25-foot Buffer(s) to eliminate impacts.
5, 6	Need for stormwater management at Holes 11 and 14. Possibly slope fairway to the north (away from stream).	Discuss stormwater management alternatives with development team. Would a grassed swale be possible in these areas?
7	Golf play for Hole 14 passes through the 100-foot Buffer and requires the removal of existing vegetation.	Discuss specific impacts with development team. A Buffer Management Plan will be needed for impacts to Buffer vegetation. How large of a Buffer area will be managed? How tall can the vegetation in the pass-through area be without disrupting play?

8	Tee and green for Hole 17 are located within the 100-foot Buffer.	This area has potential to be mapped as a Buffer Exemption Area (BEA) due to existing disturbance to the Buffer. Mitigation will be required for any Buffer impacts consistent with Commission BEA Policy.
9	Path through the Open Space and impacts on the Heron Rookery.	Commission will be concerned that DNR recommendations are followed.
10	Intrusion of recreational path into the 100-foot Buffer and minimization of impacts associated with path.	Minimize Buffer impacts. Explore modifications to design to combine use of cart paths in order to minimize Buffer impacts. Explore use of pervious materials within Buffer and limiting width of path to 6 feet or less.
11	Need stormwater management for runoff from fairway which appears to drain directly into Choptank River with no treatment.	Explore grading fairway to the south and including additional stormwater management (i.e., grassed swale). This area has potential to be mapped as a BEA. Mitigation in accordance with Commission Policy.
12	Invasive species (kudzu, honeysuckle) are adversely affecting water quality/habitat function of the Buffer.	Buffer Management Plan needs to be developed to manage invasive species.
13	Is water quality provided for Holes 2 and 3?	How will treatment be provided?
14	Golf play for Hole 1 passes through the Buffer and requires the removal of existing vegetation. Part of fairway impacts forested Buffer.	This will require a Buffer Management Plan . Explore ideas for modified rough to reduce Buffer impacts.
15	Green and a portion of the fairway for Hole 4 are in the Buffer.	Explore relocating green and fairway slightly south to avoid Buffer impacts.

16	Golf play for Holes 9 and 10 passes through the Buffer and requires the removal of existing vegetation.	Buffer Management Plan will be required for this area.
17	Tee and green for Hole 9 are located within the Buffer.	Explore changes to tee and green design to remove Buffer impacts.
18	Shallow marsh detention pond appears to be located in nontidal wetland.	Commission will be concerned that MDE recommendations are followed.
19	If a tidal wetlands map amendment is approved by MDE, it still is not clear whether impacts to the Buffer have been eliminated in Multi-Family Section 4 and 5.	Provide clarification. Shift Multi-Family Sections 4 and 5 out of Buffer if appropriate.
Misc.	Adoption of golf course water quality management and habitat conservation measures (i.e., similar to Queenstown Harbor Links; Audubon Society guidelines)	Commission is interested in pursuing environmentally sensitive management measures.
	Golf cart intrusion into the Buffer.	Minimize intrusion wherever possible.
	Need to quantify Buffer and non-Buffer forest impacts.	Quantify Buffer impacts through Buffer Management Plan(s). Quantify non-Buffer forest impacts through environmental assessment. The Commission will determine appropriate mitigation ratios.



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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August 3, 1998

Ms. Nita Settina
Maryland Department of Natural Resources
Intergovernmental and Community Relations
Tawes State Office Building, C-4
Annapolis, Maryland 21401

Dear Ms. Settina:

Thank you for your excellent presentation on "Achieving Your Mission By Building a Respectful and Trusting Relationship with Your Public" at the July meeting of the local government Critical Area planners. Your presentation was interesting and informative and highlighted how important good communications are to the success of environmental projects and programs.

As you know, education and community-based understanding and support are important components of effective land use planning and implementation and are critical to the success of the Critical Area Program. Several of the local planners commented to me and the staff that they found your presentation very helpful, and that they learned techniques that will help them work more effectively with the public. The local government planners, Critical Area Commission staff, and I greatly appreciate your time and effort in making this presentation.

Sincerely yours,

Ren Serey
Executive Director

cc: The Honorable John R. Griffin

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



John C. North, II
Chairman



Ren Serey
Executive Director

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July 29, 1998

Mr. Richard Spencer
U S Army Corps of Engineers, Baltimore District
Regulatory Branch, Potomac Basin Section
P O Box 1715
Baltimore, Maryland 21203-1715

RE: (CENAB-OP-RP MULLER PROPERTY) 1996-66569-3

Dear Mr. Spencer:

I am writing to follow up on our telephone conversation on Monday, July 27, 1998 regarding the referenced project. I have discussed the revised mitigation plan with Mr. John Nichols of National Marine Fisheries, Mr. Dolden Moore and Mr. Gary Setzer from the Maryland Department of the Environment and the Critical Area Commissioners who participated on the Chesapeake Beach Panel. Based on my conversations, the Critical Area Commission has no objection to the revisions to the mitigation plan for the project which involve the creation of 10,000 square feet of tidal marsh. It is my understanding that this mitigation will not be accomplished in an open water area on the project site, but will be accomplished by excavating a disturbed upland area off site that is periodically tidally influenced. The excavation will convert an upland area to tidal marsh.

The Commission has coordinated evaluation of this change to the proposed mitigation plan with MDE. Based on information provided by MDE and National Marine Fisheries, the Commission believes the revised mitigation proposal will minimize habitat impacts and result in a more effective mitigation scheme. Because the revised wetland mitigation plan does not substantively change the development on the site as presented in the final conceptual site plan dated April 16, 1998 and reviewed by the Commission on May 6, 1998, further review by the full Critical Area Commission will not be required.

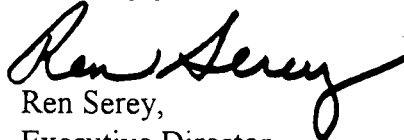
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Mr. Spencer
July 29, 1998
Page Two

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

Sincerely yours,


Ren Serey,
Executive Director

RS/MRO/jjd

cc: The Honorable Gerald Donovan
Mr. Kenneth Muller, Tidewater Homes
Mr. George Harrison, U.S. Army Corps of Engineers
Mr. Gary Setzer, MDE
McCarthy & Associates
Mr. John Nichols, National Marine Fisheries
Eric Blitz, Esq.
Tom Deming, Esq.
Marianne Mason, Esq.



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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July 24, 1998

MEMORANDUM

TO: Critical Area Commission Members
FROM: Ren Serey
SUBJECT: Eastern Shore Hospital Center - Cambridge

The site of the Eastern Shore Hospital Center in Cambridge is under a contract of sale to the Hyatt Corporation, in partnership with Quadrangle Development Corporation. If the developers purchase the property from the State, they plan to construct a resort complex featuring a hotel, conference center, marina, golf course and residential uses. The site is located on the Choptank River in Cambridge. It contains approximately 330 acres, with 273 acres in the Critical Area and has 5,500 feet of tidal shoreline. Approximately 150 - 200 acres of growth allocation will be needed, primarily for the hotel and conference center.

Commission staff have met with the developers to discuss the Critical Area regulations in relation to the concept plan. Due to the size of the project and certain time-sensitive decisions the developers need to make, we would at this time like to brief the Commission members and allow you and the developers to discuss various aspects of the project. We propose beginning the discussions during the subcommittee meeting period on the morning of our next Commission meeting, August 5th. I anticipate a follow-up meeting on the morning of September 2nd, our next Commission date, to be followed by a discussion with the full Commission at the afternoon session. Our hope is that the Commission, at the September meeting, will be able to indicate whether it can support conceptually a future request for growth allocation from the City of Cambridge.

The subcommittee meeting schedule will be adjusted so that as many Commission members can participate as are interested. We will begin at 9:30, as indicated on the agenda. During the morning meeting on August 5th, we will talk about some of the specific design features in relation to, among others, Buffers, wetlands and golf-cart crossings.

Please contact me if you have questions or need additional information before the meeting.

cc: Chairman John C. North, II

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(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

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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July 23, 1998

Mr. Thomas C. Andrews
Chief, Administrative Officer
Arundel Center
P.O. Box 2700
Annapolis, Maryland 21404

Dear Mr. Andrews:

At our meeting on July 9 concerning uses in the Resource Conservation Area (RCA), the staff of the Critical Area Commission agreed to supply the County with examples of how other Critical Area Programs determine appropriate uses in the RCA and how they are organized within the County programs.

You will find the programs accompanying this letter address allowable uses in the RCA in different ways. For example, some jurisdictions use a table of uses, some use lists, while others use plain language in their ordinances. Below is a list of the programs being provided to the county. They are categorized by the way in which allowable RCA uses are explained and organized.

<u>Table of Uses</u>	<u>List</u>	<u>Ordinance Language</u>
Baltimore	Dorchester	Calvert
Cecil	Kent	Caroline
Prince George's	Queen Anne's	Charles
St. Mary's	Wicomico	Harford
Talbot	Worcester	Somerset

Several of the jurisdictions above are currently undergoing their 4-year comprehensive review. They include St. Mary's, Talbot, Wicomico, and Worcester. Baltimore County's language has not been officially adopted by its County Council. For those programs such as Calvert, Caroline, and Charles whose language is not explicit, both County and Commission staff currently work together when questions and/or conflicts arise. This cooperative approach provides an opportunity to discuss the scale and intensity of certain uses. This is important because some uses may be permitted as similar to a residential use when the scale is limited, but more like a commercial use when the intensity is increased.

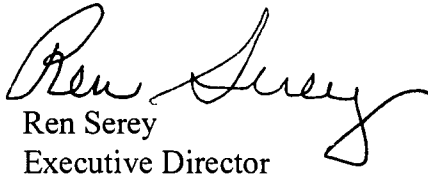
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(410) 822-9047 Fax: (410) 820-5093

Mr. Andrews
Page Two
July 23, 1998

Of course, the County may wish to determine and organize appropriate RCA uses in a way other than those currently being utilized by the other jurisdictions. The Commission is receptive to any ideas or preferences of Anne Arundel County. Our hope is to distinguish appropriate uses in the RCA in a cooperative manner. The Commission staff will work with County staff in order to tailor the existing uses in the County's Zoning Ordinance to meet the goals of the RCA.

Thank you and County staff for your cooperation with this important issue. As always, we look forward to working with you.

Sincerely,


Ren Serey
Executive Director

cc: 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
Lynn A. Robeson, Esquire
John C. North, II, Chairman CBCAC
Marianne D. Mason, Deputy Counsel, OAG
Ren Serey, Executive Director, CBCAC
Mary R. Owens, Chief, Program Implementation, CBCAC
Regina A. Esslinger, Chief, Project Evaluation, CBCAC

MEMORANDUM

July 20, 1998

TO: Dr. Sarah J. Taylor-Rogers
Assistant Secretary

FROM: Ren Serey

SUBJECT: Chesapeake Bay Critical Area Commission:
Indicators/Performance Measures
FY 99 and FY 2000

I have attached the following for your review:

- 1) Mission Statement
- 2) Key Goals of the Critical Area Commission
- 3) Three new objectives for the Commission which fit under DNR Goals 1, 2 and 4
- 4) Indicators/Performance Measures for each of the three new objectives
- 5) Discussion of each new Performance Measure
- 6) Targets for FY 99 and FY 2000 for each Performance Measure for each new objective
- 7) Review of actual data for FY 98
- 8) Program Description
- 9) Discussion of FY 98 Units of Measurement
- 10) Discussion of FY 98 Program Performance

Please let me know if you have questions or if you need additional information.

Chesapeake Bay Critical Area Commission

Mission statement: To foster more sensitive development along the Chesapeake Bay and its tidal tributaries on a cooperative basis with local governments.

Key goals of the Chesapeake Bay Critical Area Program related to the Department's goals:

1. To minimize the impacts on water quality resulting from non-point source pollution.
2. To conserve fish, plant and wildlife habitats.
3. To establish policies which accommodate development but recognize the impacts associated with the number, movement and activities of people along the shoreline of the Chesapeake Bay and its tidal tributaries.

DNR Goal #1: Assure a vital and life-sustaining Chesapeake Bay and its tributaries

Issue Area: Non-point source pollution

Objective (new Objective): Technical Assistance to Reduce Development Impacts: Unit 10

Indicators/Performance Measures:

Input: Number of development projects and local program changes reviewed

Discussion: The Critical Area Commission receives more than 2,000 development projects and amendments to local Critical Area programs each year. All of these are reviewed for consistency with State law and regulations and local Critical Area programs. Although the Commission in the past has tracked only the number of new projects and amendments received, significant time is spent reviewing revised proposals from previous years, second and third phases of ongoing projects and tentative proposals which never reach the formal submittal stage. The Commission believes that the total number of projects and program changes reviewed is a better indicator of its mission than is reporting only new projects.

Output: Instances of technical assistance provided to local and State agencies

Discussion: The Commission reviews all development proposals and amendments to local Critical Area programs and for the most significant, or for those specifically requested, provides the local governments and State agencies with in-depth technical assistance. The Commission has not

tracked these instances of technical assistance in previous years. Instead, we have tallied only the number of new projects and amendments and the number to which we have responded in writing. Technical assistance, however, includes many other interactions which the local and state agencies rely on to assure that their projects and programs are consistent with applicable laws and regulations. These measures of assistance include site visits, negotiation sessions, seminars, analytical reports, testimony before local boards and proposals to the full Critical Area Commission.

Efficiency: Hours dedicated to in-depth technical assistance

Discussion: In FY 99 the Commission will initiate tracking staff time dedicated to providing local governments and State agencies with technical assistance.

Outcome: Number of acres of development receiving protection above the minimum standards for non-point source pollution.

Discussion: The development proposals and program changes to which the Commission is able to devote in-depth technical assistance represent a number of acres in the Critical Area developed with measures which exceed the minimum standards for non-point source pollution control through techniques such as improved site design, increased use of permeable surfaces, and better and more efficient use of Best Management Practices for stormwater control.

Quality: Percent of agencies responding that technical assistance met their needs

Discussion: The Commission will initiate a yearly survey of clients including the 61 local Critical Area jurisdictions and the State agencies which have proposed development within the Critical Area. These clients will be asked to rate the quality of the Commission's technical assistance and to suggest how that assistance can be improved.

The performance measures for the above objective are new for FY 1999 and FY 2000. Therefore the following are targets:

FY 99:

- Input: 2,000 projects and program changes reviewed
- Output: 500 instances of in-depth technical assistance provided to local governments and state agencies
- Efficiency: 2,500 hours of staff time of the Natural Resources Planners
- Outcome: 200 acres of development receiving protections above the minimum Critical Area requirements for non-point source pollution control
- Quality: 70% of local governments and state agencies responding that Commission's technical assistance met their needs

FY 2000:

- Input: Approximately 2,000 projects and program changes reviewed
- Output: 550 hours of in-depth technical assistance provided to local governments and state agencies
- Efficiency: 2,600 hours of staff time of the Natural Resources Planners
- Outcome: 220 acres of development receiving protections above the minimum Critical Area requirements for non-point source pollution control
- Quality: 70% of local governments and state agencies responding that the Commission's technical assistance met their needs.

DNR Goal # 2: Assure sustainable populations of living resources and healthy ecosystems

Issue Area: Terrestrial Habitat Degradation and Fragmentation

Objective: (New Objective) Technical Assistance to Reduce Development Impacts: Unit 10

Indicators/Performance Measures

- Input: Number of development projects and local program changes reviewed
- Output: Instances of technical assistance provided to local and state agencies
- Efficiency: Hours dedicated to in-depth technical assistance
- Outcome: Number of acres of development receiving protection above the minimum standards for habitat protection

Discussion: The development proposals and program changes to which the Commission is able to devote in-depth technical assistance represent a number of acres in the Critical Area developed with protection measures which exceed the minimum protection requirements for habitat conservation through techniques such as cluster development, site plans which incorporate protection of Forest Interior Dwelling Birds, wildlife corridors and buffers from tidal waters and tidal wetlands.

- Quality: Percent of agencies responding that technical assistance met their needs

The performance measures for the above objective are new for FY 1999 and FY 2000. Therefore, the following are targets:

FY 1999:

- Input: 2,000 development projects reviewed
- Output: 500 instances of in-depth technical assistance provided to local governments and state agencies
- Efficiency: 2,500 hours of staff time of the Natural Resource Planners
- Outcome: 200 acres of development receiving protection above the minimum Critical Area requirements for habitat conservation
- Quality: 70% of local governments and state agencies responding that Commission's technical assistance met their needs.

FY 2000:

- Input: Approximately 2,000 development projects reviewed

- Output: 550 instances of in-depth technical assistance provided to local governments and state agencies
- Efficiency: 2,600 hours of staff time of the Natural Resource Planners
- Outcome: 220 acres of development receiving protection above the minimum Critical Area requirements for habitat conservation
- Quality: 70% of local governments and state agencies responding that the Commission's technical assistance met their needs

DNR Goal #4: Create and sustain vibrant local communities in balance with natural systems

Issue Area: Improve Land and Resource Conservation Efforts at Local Levels

Objective: (New Objective) Growth Management: Unit 10

Indicators/Performance Measures

Input: Number of requests to use growth allocation

Discussion: Each of the 17 major jurisdictions in the Critical Area (16 counties and Baltimore City) is allowed to increase development densities beyond initial limits through the use of its growth allocation. Growth Allocation equals 5% of each jurisdiction's acreage of Resource Conservation Area lands. The use of a portion of growth allocation must be approved by the Critical Area Commission.

Output: Number of growth allocation requests approved

Discussion: Growth allocation requests are approved if they meet the goals of the Critical Area Act and the Commission's development Criteria.

Efficiency: Hours spent reviewing and coordinating growth allocation proposals

Discussion: The review of growth allocation requests is a significant staff undertaking, requiring extensive state/local cooperation, analysis of development impacts on natural features and habitats, public hearings and report preparation.

Outcome: Acres changing to higher development designation

Discussion: When the Commission approves a growth allocation request, acreage within the Critical Area changes from one development category to a higher-intensity category.

Quality: Acres developed using growth management principles

Discussion: The Act and Criteria direct the use of growth allocation to existing developed areas or lands adjacent to them. However, local jurisdictions retain certain discretionary rights regarding location. The Commission has not tracked the location of growth allocation approvals according to consistency with the State's growth management principles. In FY 99 the Commission will initiate analysis of its growth allocation approvals in relation to growth management principles set out in the Economic Development, Resource Protection and Planning Act and Governor Glendening's Smart Growth Initiatives.

The performance measures for the above objective are new for FY 1999 and FY 2000. Therefore, the following are targets.

FY 1999:

Input: 10 requests for growth allocation
Output: 10 requests approved for growth allocation
Efficiency: 150 hours spent coordinating growth allocation requests
Outcome: 100 acres changed to a higher intensity development designation
Quality: 60 acres changed to a higher intensity development designation consistent with principles of growth management

FY 2000:

Input: 10 requests for growth allocation
Output: 10 requests approved for growth allocation
Efficiency: 175 hours spent coordinating growth allocation requests
Outcome: 100 acres changed to a higher intensity development designation

Quality: 70 acres changed to a higher intensity development designation consistent with principles of growth management

FY 1998 performance measures (will not be used in FY 99 or FY 2000):

	FY 97 Actual	FY 98 Appropriated	FY 98 Actual	FY 99 Request
Review of new local development projects	646	670	608	700
Comments/recommendations to local governments	412	420	393	440
Local Critical Area program amendments approved	49	55	42	60
Comprehensive review of local programs	6	6	4	8
State development projects reviewed and approved	39	40	51	45

Program Description:

The Chesapeake Bay Critical Area Commission is established by Title 8, Subtitle 18 of the Natural Resources Article. The purpose of the Commission is to foster more sensitive development activities on the Chesapeake Bay shoreline and to minimize damage to water quality and the natural habitat. The Critical Area Act further provides for the implementation of a resource protection program on a cooperative basis between the State and affected local governments, with local governments establishing and administering their programs in a consistent and uniform manner subject to State criteria and oversight. The primary activities of the Commission are: 1) review of local development proposals; 2) provision of technical planning assistance to local governments; 3) promoting water quality and habitat protection; 4) approval of amendments to local programs; and 5) provision of planning grants to 54 local governments for implementation of their local Critical Area programs.

Following is the discussion of the FY 98 units of measurement from last year's budget submittal. These measurements will not be used for FY 99; therefore the discussion may be changed for next year.

The units of measurement represent the primary functions of the Critical Area Commission and the major work responsibilities of the professional planning staff. The Commission is required under Natural Resources Article 8-1801 (b) to: 1) establish a resource protection program which fosters more sensitive development activity along the shoreline, and 2) ensure that the program is implemented on a cooperative basis between the State and local governments in a consistent and uniform manner subject to State oversight and criteria. The primary ways in which the Commission ensures that these two purposes are fulfilled are through:

- 1) The review of proposed local development activities as required by NR Article 8-1811, and the provisions to local governments of technical assistance relating to specific development projects and overall implementation of their local Critical Area programs. Projects are reviewed to ensure:
 - * no net loss of forest resources
 - * infiltration of stormwater runoff to reduce impacts to the water quality of streams and the Bay
 - * protection of significant habitats
 - * imposition of appropriate long-term protection measures
 - * that new development using a jurisdiction's growth allocation is concentrated as much as possible in or near existing developed areas, which reduces the impacts on resource lands.
- 2) The approval of amendments to local Critical Area programs as required by NR Article 8-1809 (j).
- 3) The coordination of comprehensive reviews of local programs on a four-year cycle as required by NR Article 8-1809 (h).
- 4) The approval of State development activities as required by NR Article 8-1814 (a) and consistent with COMAR 27.02.05.

Following is the Description of Program Performance from last year's budget submittal. Due to the changes in Objectives and Indicators/Performance Measures proposed for FY 99, there may be changes next year to this section.

Under NR Article 8-1811, the Commission is required to review local development projects prior to approval at the local level. In the context of these reviews, the Commission provides local governments with guidance and technical assistance regarding the protection of water quality and fish, plant and wildlife habitats. In this way, the Commission ensures 1) that local governments are able to implement their programs to achieve the greatest protection possible on a site-by-site basis, and 2) that the impacts of development are analyzed and adjusted consistently throughout all 61 jurisdictions in the Critical Area. This is necessary in order to properly protect water quality and habitats which cross jurisdictional lines.

The goals of the Critical Area program are set out in NR Article 8-1808 (b): 1) to reduce pollutants to water quality resulting from stormwater runoff; 2) to conserve fish, plant and wildlife habitat; and 3) to accommodate development while recognizing that the number, movement, and activities of people can cause adverse environmental impacts. The Commission reviews proposed amendments to local programs for consistency with these goals. The most significant and frequent amendments are proposed when a local jurisdiction wishes to change a Critical Area land use designation to allow more intense development. The Commission's review centers on consistency with the Critical Area Act and criteria and on the potential impacts to surrounding sensitive areas.

State development projects within the Critical Area must receive Commission approval under NR Article 8-1814 (a). The Commission reviews these projects for consistency with regulations contained in COMAR 27.02.05. This process of requiring State projects to adhere to environmental regulations strengthens the General Assembly's commitment to the Critical Area partnership which exists between the State and the affected jurisdictions.

Maryland's population is expected to increase by more than one million people by the year 2020. Although the Critical Area encompasses 10% of the State's land area, a significantly higher proportion of new development will take place at or near the shoreline of the Bay and its tidal tributaries. The General Assembly determined in NR Article 8-1801 (9) that there was a critical and substantial State interest to reduce the adverse environmental impacts associated with continued growth.

The Critical Area program has changed the way that demands for growth are accommodated on the land. Through implementation of the development requirements and technical guidance to the local governments, when land is developed in the Critical Area, fewer forests are cleared, less pollutant-bearing runoff is created and the most sensitive environmental areas remain undisturbed.

The Commission meets quarterly with local Critical Area planners. These meetings provide a means of exchanging information and techniques concerning application of the Critical Area requirements. The Commission publishes a series of guidance papers to assist local officials in the review of development projects and in long-range planning and protection of Critical Area habitats. The Commission also conducts workshops for local planners, and private engineers and consultants, to educate and update them on the provisions of the program.

If funding were eliminated, local governments would be unable to carry out their required programs effectively. The Commission's oversight and technical assistance roles are essential because the health of the shoreline habitats depends in large part on the consistent application of Critical Area requirements by local governments.

ge 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

July 14, 1998

The Honorable George W. Owings, III
Lowe House Office Building
Room 217
Annapolis, Maryland 21401-3231

Dear Delegate Owings:

I am writing as a follow-up to our telephone conversation earlier today about the Tidewater Homes project in Chesapeake Beach. As I mentioned to you, it was at my direction that alternative plans which the Critical Area Commission considered were sent to the National Marine Fisheries Administration. We routinely supply other federal, state and local agencies with information in order to help them in their permit reviews. I believe it is important to do this and expect cooperation in return from those agencies. I think it speeds up the process in the long run.

I know that Mr. Muller has questioned the involvement in the project of Mary Owens of our staff. The copy I received of Mr. Muller's letter to you mentioned Mr. Bill Barnard as someone who may be looking into Ms. Owens's role regarding the project. I can assure you that Ms. Owens at all times conducted herself professionally and coordinated all activities concerning the project with me. I have the highest regard for her integrity and honesty and I firmly believe that Mr. Muller's concerns with Ms. Owens result from the fact that she has been the lead staffer on this project. Because of her visibility in managing the project through a difficult review process, she has received criticism not only from Mr. Muller, but from residents in Chesapeake Beach who oppose the project and maintain that the Commission's approval was irresponsible because of the significant wetlands and Buffer impacts involved. Nevertheless, the Commission stands by its approval.

Although I do not know Mr. Barnard or his role in this matter, I would appreciate it if you would ask him to contact me. I would like the opportunity to assure him or anyone else interested in the project that the Commission acted properly and in a timely manner.

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

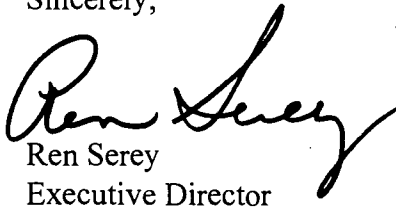
The Honorable George W. Owings, III
July 14, 1998
Page 2

I understand that the other agencies' review processes are nearly complete. Apparently, the development plans were modified at a meeting this morning with the Department of the Environment. I am not sure if the Commission will want to see the changes, but I hope to settle that question this week. As soon as I receive the plans, I'll call the panel members who dealt in depth with the project, to see what they want to do. As I mentioned to you, they are:

David Bourdon, Calvert County
David Cooksey, Charles County
Michael Whitson, St. Mary's County
Dr. James Foor, Queen Anne's County
Larry Duket, Maryland Office of Planning.

If the panel decides that further Commission review or an update is needed, I think that we can take care of it at the next Commission meeting on August 5th. Please contact me at (410) 974-2426 in the meantime if you have questions or if you would like additional information.

Sincerely,


Ren Serey
Executive Director

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

July 6, 1998

Office of Graduate Admissions
University of Baltimore
1420 N. Charles Street
Baltimore, Maryland 21201-5779

To Whom It May Concern:

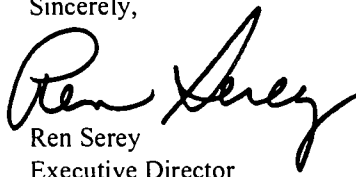
I am writing to recommend Ms. Lisa Hoerger as a candidate for admission to the Master of Public Administration program at the University of Baltimore. I have worked with Ms. Hoerger since 1991 and have found her at all times to be extremely competent, highly motivated and a joy to be associated with.

Ms. Hoerger joined the staff of the Chesapeake Bay Critical Area Commission as an undergraduate intern. Her tenure was intended to be only one month, but we were so impressed with her organizational and analytical abilities that we refused to let her leave. In her current position as an Environmental Specialist, she oversees for the Commission the implementation of the Anne Arundel County Critical Area program. In this capacity, Ms. Hoerger is responsible for the review of hundreds of land development projects each year and the coordination of County legislative amendments to the program. She analyzes the potential environmental impacts of, among others, subdivisions, commercial developments and stream restoration projects. She then coordinates these reviews through a complex administrative process involving daily contact with elected officials, federal, State and local agency representatives, property owners and the general public.

It is in this role as administrative coordinator that Ms. Hoerger excels. She is particularly adept at explaining to land owners why the General Assembly established regulations for development along the Chesapeake Bay's shoreline and how their individual properties play an important role in the overall Bay-protection effort. In carrying out her many duties, Ms. Hoerger is always thorough, prompt and courteous. I know she looks forward to the learning opportunities which the M.P.A. program presents, and I am certain that the University community will benefit from her leadership and enthusiasm.

Please contact me if you have questions or need additional information.

Sincerely,


Ren Serey
Executive Director

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

July 2, 1998

I would like to register the following people for the Ecosystem Symposium in Baltimore on July 29 - 31:

Dawnn McCleary
Greg Schaner
Mark Laughlin
Tracy Batchelder
Susan McConville
LeeAnne Chandler
Regina Esslinger
Mary Owens
Michelle Hobart
Shirley Bishop
Jennifer Delve
Peggy Mickler
John C. North, II

All of the above are with the Chesapeake Bay Critical Area Commission, a state agency, in Annapolis, Maryland. The address is:

45 Calvert Street, 2nd floor
Annapolis, MD 21401

The phone number is: 410-974-2426

The fax number is: 410-974-5338

If there is any question regarding this registration, please contact Mr. Ren Serey or Ms. Dawnn McCleary at the above number. Thank you.

Ren Serey

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

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(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

July 1, 1998

Mr. John Hofmann
Town of Chesapeake Beach
P O Box 400
Chesapeake Beach, Maryland 20732

RE: TIDEWATER HOMES

Dear Mr. Hofmann:

I am writing in response to your recent letter to Ms. Mary Owens regarding the Tidewater Homes project and the transmittal of sketches of alternative building lay-outs to Mr. John Nichols of National Marine Fisheries.

As you may recall, the Critical Area Commission approved the Buffer Exemption Area designation of the project site with several conditions. The second condition states, "The developer shall work with Commission staff during the design phase of the building and site to further minimize the extent of intrusion into the BEA (Buffer Exemption Area). Buffer mitigation shall be based on impervious surface area within the Buffer and expanded Buffer as shown on the final design plans." This condition clearly states the Commission's interest in continuing to refine the design of the project in order to further minimize impacts to the Buffer and expanded Buffer. In Ms. Owens' letter to you dated May 15, 1998, she states that compliance with this condition may be accomplished through one or more meetings with the project architects and engineers.

Mr. Nichols contacted Ms. Owens to discuss the project and the sketches of the alternative building layouts. He had seen one of the sketches at a meeting held in March, 1997, and he had discussed the other sketch with Ms. Owens this spring. He requested copies of the sketches, and I directed Ms. Owens to provide them. It is the Critical Area Commission's policy to work cooperatively with all government agencies and to share information that will aid other government agencies in their review and analysis of projects. Although Ms. Owens and Mr. Nichols did not discuss the project status, Ms. Owens believed that Mr. Nichols was aware that the Commission had approved the Buffer Exemption Area designation for the project site. In her conversation with Mr. Nichols, she outlined her understanding of the developer's problems with the two alternatives and why the two alternatives had been rejected.

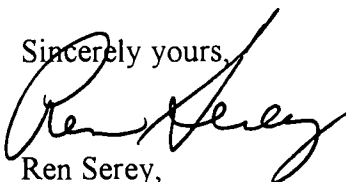
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(410) 822-9047 Fax: (410) 820-5093

Mr. Hofmann
July 1, 1998
Page Two

In summary, the design alternatives were provided to Mr. Nichols at his request and in an effort to cooperatively work towards a final building and site design that minimizes environmental impacts in accordance with the Commission's express conditions of approval of the BEA designation. As you know, this project is quite complex with numerous environmental issues, and it is only through the coordinated efforts of all reviewing agencies that the design may be most effectively refined to address the concerns of all the agencies and to satisfy the Town's and the developer's objectives. Ms. Owens has forwarded a copy of the Commission's approval letter to Mr. Nichols and discussed the Commission's final action on the project as you and Mayor Donovan requested.

I look forward to working with you on this project throughout the final design and if you have any questions, please feel free to contact me at (410) 974-2426.

Sincerely yours,



Ren Serey,
Executive Director

RS/jjd

cc: The Honorable Gerald Donovan
Mr. Ken Muller, Tidewater Homes
Mr. George Harrison, U.S. Army Corps of Engineers
Mr. Gary Setzer, MDE
McCarthy & Associates
Eric Blitz, Esq.

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

June 26, 1998

TO: Program Subcommittee
FROM: Ren Serey *Ren*
SUBJECT: Anne Arundel County: Assisted Living Facility

At the last subcommittee meeting on June 3rd in Cecil County, we talked about the proposed Forest Glen Assisted Living Facility in Anne Arundel County. The discussion concerned whether the County would need to deduct growth allocation if it approved the proposed development in the Resource Conservation Area.

I met with Tom Andrews, the Anne Arundel County Administrator, to discuss the situation. Mr. Andrews coordinated the County's 1993 comprehensive review with the Commission. I explained to him the Subcommittee's concerns about this project and the longer-range issue of determining which uses permitted in underlying zones would require growth allocation if developed in the RCA. He was not aware of the current proposal and suggested a meeting of County and Commission staff to discuss the issues set out in the staff report you received previously. That meeting will take place on July 9th, so I will not have any new information for you at the Commission meeting on July 1st. There will be no Subcommittee meeting that day.

If you have any questions, please contact me. If I don't hear from you, I look forward to seeing you on July 1st.

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

June 25, 1998

Mr. J. Phillips Wright, Jr., Chairman
Wicomico County Board of Zoning Appeals
c/o Wicomico County Planning and Zoning Office
P.O. Box 870
Salisbury, Maryland 21803

Re: Paul and Carol Kelley Case # WA-9766

Dear Mr. Wright:

This letter serves to advise you of action taken by the Chesapeake Bay Critical Area Commission which may affect the proceedings before this Board in the above-captioned matter. On May 6, 1998, the Commission voted to declare the Wicomico County Critical Area Program's provisions for Site Specific Buffer Variances (Section 125-37) to be in conflict with the State Critical Area criteria. This action was taken pursuant to the Commission's express statutory authority in Annotated Code of Maryland, Natural Resources Article, §8-1809(l).

A letter from Commission Chairman John C. North, II to Mr. Matthew E. Creamer dated June 17, 1998, (copy attached) notified Wicomico County of this action. The effect of the Commission's action is that, from the date of Chairman North's letter, "local project approvals granted under a part of a [local] program that the Commission has determined to be deficient shall be null and void." Code, Natural Resources Article, §8-1809(l).

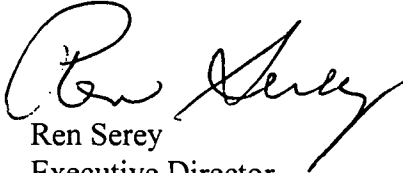
Accordingly, any variance approval granted under Section 125-37 of the Wicomico County Critical Area program after June 17, 1998, would be considered a "project approval" that would be void under the plain words of the State law. Of course, the Commission's notice to the County did not affect the variance standards in Section 125-36 of the County program, as these provisions are consistent with the standards in COMAR 27.01.11.

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

Mr. J. Phillips Wright, Jr.
June 25, 1998
Page 2

Thank you for the opportunity to comment. Please include this letter in the record of proceedings in this matter, and please notify the Commission in writing of the Board's decision.

Sincerely,



Ren Serey
Executive Director

SEND REPORT

JUN-25-98 THU 03:47 PM

#	DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
* 1	JUN-24	08:31 AM	914108228697	**' **"	0	SEND	BUSY	528	*
* 02		09:00 AM	914108228697	**' **"	0	SEND	BUSY	529	*
* 03		11:02 AM	914108228697	**' **"	0	SEND	BUSY	530	*
* 04		01:34 PM	914108228697	**' **"	0	SEND	BUSY	531	*
* 05		01:45 PM	914107708013	56"	2	SEND	OK	532	*
* 06		03:47 PM	94102631129	46"	7	SEND	OK	533	*
* 07	JUN-25	09:40 AM	94102631129	2' 59"	7	SEND	OK	534	*
* 08		10:54 AM	914104143092	1' 21"	3	SEND	OK	535	*
* 09		11:06 AM	913014754635	1' 23"	2	SEND	OK	536	*
* 10		12:23 PM	94102608364	4' 09"	14	SEND	OK	537	*
* 11		12:58 PM	94102608364	1' 51"	5	SEND	OK	538	*
* 12		01:08 PM	94102631129	33"	1	SEND	OK	539	*
* 13		01:47 PM	914107582905	1' 00"	2	SEND	OK	540	*
* 14		01:49 PM	914105484955	54"	2	SEND	OK	541	*
* 15		02:06 PM	94102608364	1' 10"	3	SEND	OK	542	*
* 16		02:35 PM	914105484803	1' 15"	2	SEND	OK	543	*
* 17		02:44 PM	913014754635	1' 04"	2	SEND	OK	544	*
* 18		03:03 PM	94102095031	1' 36"	2	SEND	OK	545	*
* 19		03:43 PM	914105484955	1' 59"	5	SEND	OK	546	*

TOTAL: 22' 56" 59

GRAND TOTAL TIME: 13H 24M 22S PAGES: 1601

Also faxed to

Post-it® Fax Note 7671		Date	6/25	# of pages	4
To	MR. ED BAKER	From	Ren Sercy		
Co./Dept	County Attorney	Co.	CBCAC		
Phone #	F.Y.I.	Phone #	(410)974-2426		
Fax #	(410)548-4803	Fax #	(410)974-5338		

SEND REPORT

JUN-25-98 THU 03:47 PM

#	DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
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TOTAL: 22' 56" 59

GRAND TOTAL TIME: 13H 24M 22S PAGES: 1601

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

June 1, 1998

Ms. 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 that included the List of Innovative Projects For The County's Critical Area Reforestation Funds In Excess of the Required One To One Replacement. At your request, I am providing you a slightly revised list that involves some minor rearranging including some combining of items and deletion of other items. The prioritized list below would be acceptable to this office for use of reforestation funds above the one to one replacement. Because use of these funds to finance these types of projects is a new approach, Commission staff would like to review the projects and allocations with County staff prior to implementation.

Forested wetlands and scrub shrub wetland creation or enhancement within the Critical Area.

Reforestation of riparian areas adjacent to the Critical Area.

Forested wetlands and scrub shrub wetlands creation or enhancement adjacent to the Critical Area.

Stream restoration that includes reforestation in the Critical Area

As you may notice, we have combined the wetland creation options. We deleted stream restoration and non riparian areas adjacent to the Critical Area. Retrofitting of stormwater management facilities and forest management and enhancement was also deleted. We are amenable to reviewing specific projects not part of the above list on a case by case basis. These projects may include those that we deleted from your original list.

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

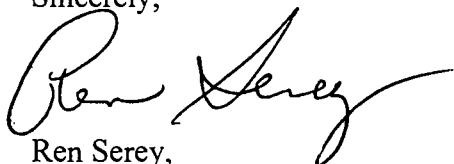
Ms. Gawel
Page Two
June 1, 1998

You also ask whether the County can allow developers to use offsite retention as mitigation for the removal of forest on a development site. As we have informed the County in past discussions concerning mitigation, this alternative is not acceptable unless the County guarantees that the required mitigation is properly provided for under the easement. This alternative is acceptable only under certain conditions. Within the LDA and RCA, 70% of the forest protected by an easement is already protected by the County's Critical Area Program. Therefore, only 30% is truly being retained and can qualify as mitigation.

We can point to the Woods Landing II reforestation as an example. In that case, the developer cleared 8.43 acres which was more than 20%, but less than 30% of his parcel, so he was required to replace at one and one-half times or 12.645 acres. The easement consisted of 25.29 acres, of which 17.70 acres (70%) is already protected. That leaves a balance of 7.587 acres that were unprotected now under easement. Since the developer's responsibility was 12.645 acres, he is short 5.058 acres. Therefore, an easement of at least 30.348 acres would be necessary to properly satisfy the reforestation obligation of the Woods Landing II development.

Thank you for your patience and diligence in your search for alternative options for utilizing the County's reforestation funds. If you have any questions or concerns, my staff is available to you and can be reached at (410) 974-2426.

Sincerely,



Ren Serey,
Executive Director

cc: Mary Owens, Chief, Program Implementation
Lisa Hoerger, Environmental Specialist

Staff Correspondence File II - 1998 Reader File - Dawn

S1832-139-2

Ready 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

September 14, 1998

Mr. Roby Hurley
Critical Area Circuit Rider
30186 Cods Point
Trappe, MD 21673

**RE: MarshyHope Creek Trail
Foot Bridge Relocation**

Dear Mr. Roby Hurley:

Thank you for informing the Critical Area Commission of the plans to relocate the pedestrian bridge to the west side of the existing railroad bridge. After reviewing the resubmittal of the above consistency project, it appears that the relocation of the pedestrian bridge is consistent with the Town's Critical Area Program.

Please feel free to contact me if there are any questions.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Dr. Conway Gregory
Ms. Regina Esslinger
DE 368-98

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

Needs file

CLEARINGHOUSE REVIEW

September 4, 1998

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)
 Meredith Lathbury, Education, Bay Policy & 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 #3467-12-159
 Tydings Acquisition - Harford County

This project proposes the acquisition of 352 acres of land on the Oakington Peninsula. Area one consists of 150± acres and area two consists of 202± acres.

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 September 21, 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.

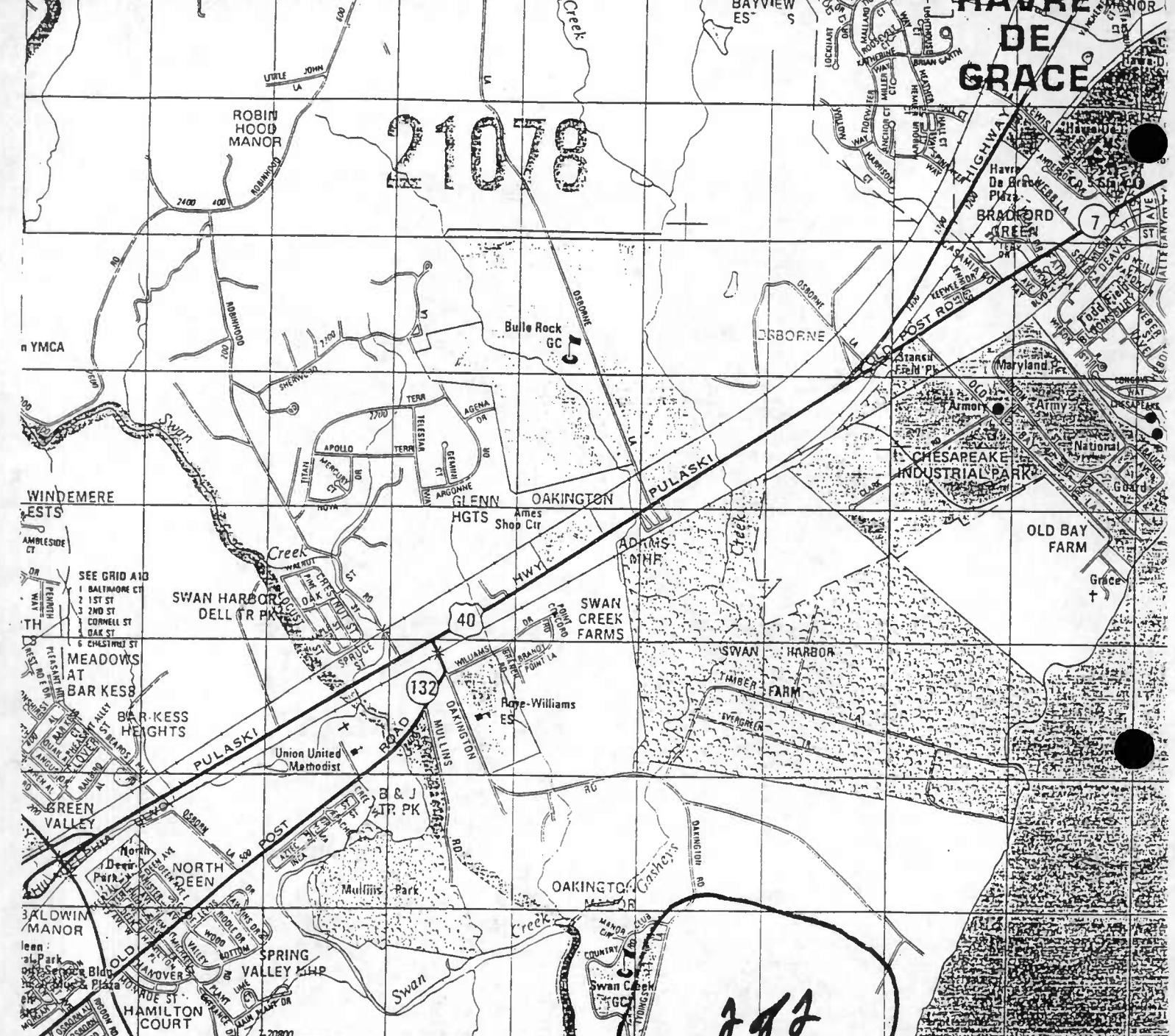
CHECK ONE AND INITIAL

	<u>CHECK</u>	<u>INITIAL</u>
1. The project does not conflict with the plans, programs or objectives of this Agency.	✓	9/17/98 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, Tawes State Office Building (E-4) Annapolis, upon completion of review.

HAVRE DE GRACE

21078



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

September 3, 1998

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

**RE: Duckett Property Subdivision
And Buffer Variance Application**

Dear Mr. Torney:

I am writing to offer comments on behalf of the Chesapeake Bay Critical Area Commission on the above referenced application for subdivision of a parcel into six new lots and open space. The preliminary plat shows two new houses within the 100-foot Critical Area Buffer on lots 4 and 5. This office would like to offer comments on the subdivision and on the variance application for houses in the Buffer.

In considering the subdivision, I believe that the City must include the right of way shown on the site plans as part of the impervious surface calculations. All jurisdictions with approved Critical Area programs consider roads in subdivisions within the Critical Area as development activity and count roads in impervious surface calculations. Under State law, roads are considered impervious surface (*COMAR 27.01.09.01(C)(2)*). The impervious surfaces in the subdivision, including the road, are limited to 15% (*Natural Resources Article §8-1808.3(d)(4)*). In reference to the pier access path, if the surface is impervious, it too must be included in the impervious surface calculations for the subdivision. This office recommends a wood chip path.

According to the site plan, the existing house located on proposed new lots 4 and 5 will be torn down and two new dwellings are proposed to be constructed within the 100-foot Buffer. New structures in the Buffer are prohibited without a variance. This office will not support a variance to build houses on new lots within the 100-foot Buffer. This office recommends that the applicant reduce the size of the driveway and move the proposed dwellings on lots 4 and 5 out of the 100-foot Buffer.

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
Duckett Property Subdivision
and Buffer Application
September 3, 1998

When an applicant submits a request for a variance to the City of Annapolis's Critical Area Program, the variance must meet all of the City's Critical Area variance standards under the Chesapeake Bay Critical Area Overlay District (*Section 21.67.150*). The Planning Commission must find:

1. **Section 21.67.150A: particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.** This 6.28 acre parcel appears similar to other shoreline parcels in the vicinity. To our understanding, there is nothing unique about the shape, topography or other features of the property itself. In addition, there are alternative locations for houses on this property that would not result in impacts in the Buffer or a need for a variance. The applicant could maintain reasonable use of this property without placing new houses in the Buffer.

The denial of a variance for a new house on a new lot would not result in a particular hardship. In two cases decided under the Critical Area standards, the Court of Special Appeals has held that denial of a variance for construction of a new structure in the 100 foot Buffer would not result in unwarranted hardship to the applicant. See North v. St. Mary's County, 99 Md. App. 502 (1994) (gazebo in Buffer); and White v. North, 121 Md.App. 196 (1998) (swimming pool in Buffer). We would urge the Planning Commission to consider these appellate cases in deciding this variance.

2. **Section 21.67.150B: conditions unique to the property and are not applicable, to other similar property within the City's Critical Area.** All property owners within the Critical Area are similarly limited by the Critical Area Act and the City's program regarding development within the Buffer for newly created lots. Therefore, denial of this variance will not deprive the property owner of rights shared by other owners of property in the Buffer.

3. **Section 21.67.150C: special privileges that may be conferred upon an applicant with the granting of a variance when such privileges would be denied other owners of like properties within the Critical Area.** The granting of this variance clearly would confer upon this property owner a special privilege because all similar owners are restricted from locating new structures, such as new houses, on newly created lots within the Buffer.

**Continued, Page Three
Duckett Property Subdivision
and Buffer Application
September 3, 1998**

4. Section 21.67.150D: **conditions or circumstances that are self-imposed and conditions or circumstances related to adjacent properties.** The request for the new houses in the Buffer is based on conditions which are self-imposed because the site can be reasonably developed without placing new dwelling units in the Buffer. The site can be designed to avoid all Buffer impacts.

5. Section 21.67.150 E: **the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.** The granting of the variance would be contrary to the public policy stated by the General Assembly in the Critical Area Act, Natural Resources Article §8-1801:

The restoration of the Chesapeake Bay and its tributaries is dependent, in part on minimizing further adverse impacts to the water quality and natural habitats of the shoreline and adjacent lands;

The cumulative impact of current development is inimical to these purposes; and

There is a critical and substantial State interest for the benefit of current and future generations in fostering more sensitive development activity in a consistent and uniform manner along shoreline areas of the Chesapeake Bay and its tributaries so as to minimize damage to water quality and natural habitats.

6. Section 21.67.150F: **conditions relating to public safety.** This standard has been met.

7. Section 21.67.150:G **addresses adverse impacts to water quality and fish, wildlife, or plant habitat that may result from the granting of the variance and the consistency of the variance approval with the spirit and intent of the County's Critical Area Program.** The two houses proposed within the Buffer will contribute to the cumulative adverse impacts to water quality and wildlife habitat and therefore are not consistent with the general spirit and intent of the Critical Area Program.

Continued, Page Four
Duckett Property Subdivision
and Buffer Application
September 3, 1998

This office has consistently opposed the placement of new dwellings on new lots in the 100-foot Buffer. The Buffer is a designated Habitat Protection Area designed to act as both a natural filter for runoff and to provide habitat to both terrestrial and aquatic species. The Buffer's ability to achieve these functions is greatly reduced by structures that are at the water's edge. Perhaps more important, a dwelling may seem inconsequential to the health and welfare of the Bay and the ecosystems it supports, but allowing one would be to allow thousands that would have a cumulative detrimental effect on the Bay. Based on the above reasons, Critical Area staff recommends denial of the variance request. This office believes that the applicant has not satisfied all the variance standards.

Thank you for the opportunity to comment. Please submit this letter as part of the record in this case. Please notify the Commission in writing of the decision in this matter.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Jon Arason, Director of Annapolis P & Z
Marianne D. Mason, Esq. Assistant Attorney General
Ren Serey, Executive Director of CBCAC
Regina Esslinger, Chief, Project Evaluation Division
An 386-98

PROJECT:

Name: Point Breeze Parking lot
Expansion (2400-2500 Breeding Hwy)
CAC #: BA 431-98 Local #: 000.337
Date: August 31, 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.

Rauna McClary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

TRANSACTION REPORT

P. 01

AUG-31-98 MON 03:35 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-31	03:33 PM	94102447358	1' 16"	2	SEND	OK	872	

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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 Annapolis~~ Balto. City Planning Dept.
FROM: D. Bruce McCarty NUMBER OF PAGES SENT: 2
DATE: Aug. 31, 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:

Roll Show
lot 117, Glendon Avenue

CAC #:

AA 361-48

Local #:

28-98

Date:

August 28, 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 McLeary

Reviewer's Signature

Project Evaluation Division

Telephone: (410) 974-2426

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Jeff Torney FAX #: (410) ~~974~~ 263-1129
COMPANY: Annapolis Pt 7
FROM: Dawn McLeary NUMBER OF PAGES SENT: 2
DATE: Aug. 31, 1998 TIME: _____
REMARKS: Referred *

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

TRANSACTION REPORT

P. 01

AUG-31-98 MON 01:31 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-31	01:28 PM	94102631129	50"	2	SEND	OK	866	

PROJECT:

Name: Salt Storage Building
101 West Dickman Street
CAC #: BA 403-98 Local #: 000963
Date: August 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.

Drewn McClary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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: Baldw. City P+2

FROM: Dawn McCleary NUMBER OF PAGES SENT: 2

DATE: Aug. 25, 1990 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

AUG-25-98 TUE 04:50 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-25	04:48	PM 94102447358	1' 15"	2	SEND	OK	813	

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

August 13, 1998

Mr. Donald J. Bautz
Code Administrator
City of Havre de Grace Dept. Of Planning
711 Pennington Ave.
Havre de Grace, MD 21078

RE: Revised Conquest Point Restaurant Project

Dear Mr. Bautz:

Thank you for submitting the revised information on the proposed Conquest Point Restaurant in the City of Havre de Grace. After reviewing the site plan, Critical Area staff has the following comments:

1. On an earlier submittal in 1990, ownership of the parking lot was in dispute. Please provide this office confirmation from the Department of Natural Resources that the issue of the restaurant's parking lot ownership has been resolved; and
2. Because the proposed development is located in the City's Buffer Exemption Area, please provide a Buffer mitigation planting plan. This plan can use of mixture of native trees and shrubs. Also, the plantings should occur at a 2:1 ratio for all disturbance within the 100-foot Buffer. Commission staff would be happy to assist in developing the plan.

Please submit revised site plans showing the changes. If there are any 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: Stan Ruchlewicz
Regina Esslinger
HG 371-98

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, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Mr. Donald J. Ballew FAX #: (410) 939-3692
COMPANY: City of Annapolis Grace Pt 2
FROM: Donna McCleary NUMBER OF PAGES SENT: 2
DATE: Aug. 14, 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 *
 * AUG-14-98 FRI 04:23 PM *
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 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *

 * AUG-14 04:21 PM 914109393692 1'22" 2 SEND OK 770 *
 *

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

August 12, 1998

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

RE: Duckett Property
@American Drive

Dear Mr. Torney:

Thank you for submitting information in reference to the applicant's request to subdivide two existing lots into four (4) additional lots totaling six (6) lots. The City must include the right of way shown on the site plans as part of the impervious surface calculations. All jurisdictions consider roads in subdivisions as development and count them in impervious surface calculations. There are no provisions in the law or criteria that exempt roads from the impervious surface requirements. (*COMAR 27.01.09.01 C(4)*). The impervious surfaces in the subdivision, including the road, are limited to 15% (*Natural Resources Article §8-1808.3(d)(4)*). In reference to the pier access path, what type of surface is proposed for the pier access path? If it is impervious, it must be included in the impervious surface calculations. This office recommends a wood chip path.


According to the site plan, the existing house located on proposed lots 4 & 5 will be torn down and replaced with two new proposed dwellings within the 100-foot Buffer. Any new structures in the Buffer must obtain a variance. This office will not support a variance to build houses within the 100-foot Buffer. The new lots are not grandfathered, and therefore cannot meet the variance standards. This office recommends that the applicant reduce the size of the driveway and move the proposed dwellings on lots 4 & 5 out of the 100-foot Buffer.

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

Continued, Page Two
Duckett Property
August 12, 1998

Before staff can complete the review of the above project, please resubmit a revised site plan showing the corrected impervious surface calculations for the road. If there are any questions, please feel free to call me at (410) 974-2426.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Tom Smith
Jon Arason
Regina Esslinger
AN 386-98

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: JEFF TORNEY FAX #: (410) 263-1129
COMPANY: CITY OF ANNAPOLIS P+Z
FROM: DARWIN McCLARY NUMBER OF PAGES SENT: 3
DATE: Aug 17 1998 TIME: _____
REMARKS: _____

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

August 12, 1998

Ms. Jennifer Shull
Director
Town of Denton Housing
and Community Development
13 North 3rd Street
Denton, MD 21629

**RE: Town of Denton Market Street
Parking Project**

Dear Ms. Shull:

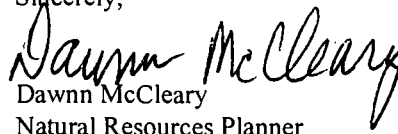
Thank you for providing "Notification of Certification" that the above is consistent with the Town of Denton's Critical Area Program. The project is located on Market Street within the Town of Denton and is designated as an Intensely Developed Area.

According to your letter, this project involves the creation of five(5) parking spaces and approximately 1000 square feet of impervious surface. Critical Area staff understands that the proposed parking spaces will occur in the 100-foot Buffer and that there are no other Habitat Protection Area Issues. Because the 10% calculations will not work on the small project, the Town of Denton will use bio-retention as a Best Management Practice. The proposed bio-retention will involve curb cuts in the parking area that will divert storm water to an approximate 1000 square foot vegetated area adjacent to the parking spaces.

Based on the information submitted by the City, the Commission staff has determined the 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. (See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs). Therefore, approval of the project by the Commission is not necessary.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Roby Hurley
Regina Esslinger
DE 347-98

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, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Ms. Jennifer Skull FAX #: (410) 479-3534
COMPANY: Town of Denton
FROM: DAnna McClary NUMBER OF PAGES SENT: 2
DATE: Aug. 14, 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

AUG-14-98 FRI 04:21 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-14	04:19 PM	914104793534	1'03"	2	SEND	OK	769	



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

August 11, 1998

Mr. Jeff Torney
Planner
160 Duke of Gloucester Street
Annapolis, MD 21401

**RE: Parkwood at Glendon Ave.
Tax Map 12, Parcel 187**


Dear Mr. Torney:

Thank you for submitting information in reference to the applicant's variance request to build a house within the 100-foot Buffer. After reviewing the project, this office staff has the following comments:

1. Because there is clearing of over 30% of forest, mitigation of trees that will be removed must occur at a 3:1 ratio with native plantings, on site if possible;
2. Since the proposed house will encroach in the 100-foot Buffer, this office recommends that the applicant reduce the size of the eco-stone driveway or eliminate it so that the house can be moved as far out of the Buffer as possible;
3. The applicant should show the square footage of the driveway on the site plan; and,
4. Since the eco-stone driveway will be considered 60% impervious, the square footage of the impervious area associated with the driveway can be calculated by multiplying the area of the driveway by a factor of ".6". Please show the calculated eco-stone driveway on the site plan.

Before staff can complete the review of the above project, please submit a revised site plan. If there are any questions, please feel free to call me at (410) 974-2426.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Regina Esslinger
AN 361-98

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

TRANSACTION REPORT

P. 01

AUG-14-98 FRI 04:19 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-14	04:18 PM	94102631129	59"	2	SEND	OK	768	

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

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Jeff Torney FAX #: (410) 263-1129
COMPANY: City of Annapolis Pt 2
FROM: Dawn McClary NUMBER OF PAGES SENT: 2
DATE: Aug 14, 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: Amoco/Deli
2920 Waterview Ave
CAC #: BA 381-98 Local #: 000964
Date: Aug. 10, 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

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: Bald. City Dept. of Planning
FROM: Dawn McCleary NUMBER OF PAGES SENT: 2
DATE: Aug. 11, 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 *
 * AUG-11-98 TUE 01:16 PM *
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 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *

 * AUG-11 01:14 PM 94102447358 1' 15" 2 SEND OK 734 *
 *

RECEIVED

AUG 10 1998

CLEARINGHOUSE REVIEW

August 4, 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)
 Meredith Lathbury, Education, Bay Policy & 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 #3441-12-158
 Creswell Park Development - Harford County

This project proposes to construct 4 baseball/softball diamonds, 3 soccer fields, an entrance road, 250-car parking lot, and a restroom/storage/concession 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 August 18, 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

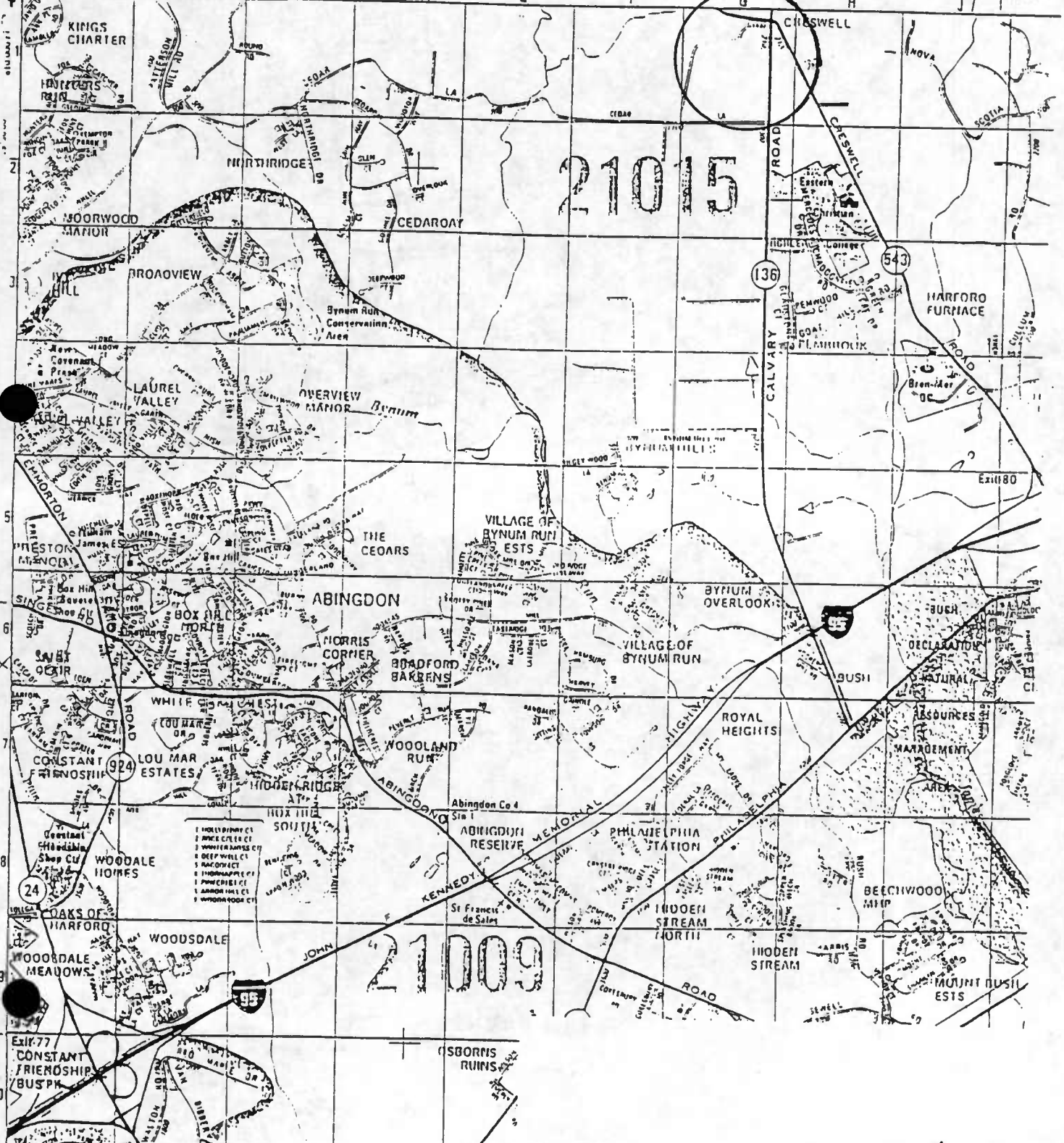
1. The project does not conflict with the plans, programs or objectives of this Agency.
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.
3. The project conflicts with this Agency's plans, programs or objectives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

CHECK

INITIAL

DM 8/10/98

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



POSED
IRE

LANDS OF
HOPE DALLAM
817/253

FINAL PLAT TWO
LANDS OF
DOHN H. DALSEMER
PLAT 43/78

ATTACHMENT NO.

100 YEAR FLOOD
PLAIN

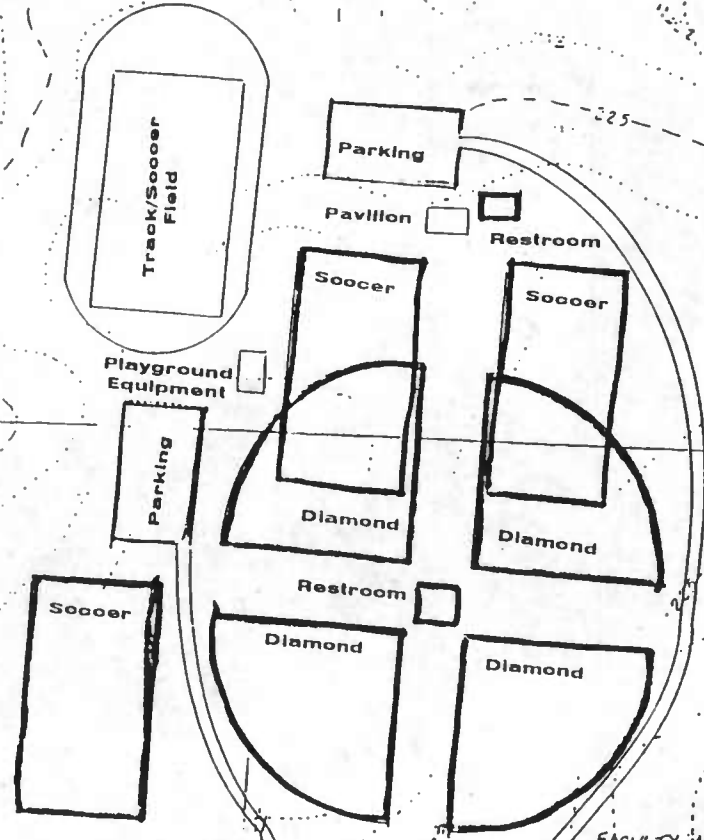
STORM WATER BASIN

CEDAR LANE

FUTURE
SCHOOL SITE

BUS LOOP &
PARKING

FACULTY AND
VISITOR PARKING



N 71° 32' 31" E
140.00'

N 66° 32' 31" E
211.00'

N 61° 02' 31" E
102.00'

227

N 07° 22' 00" E
142.33'

E 92° 51' 30" E
290.00'

N 55° 08' E
120.00'

N 88° 00' 00" E
26.71'

C2

219.43

103.241

180.00'

180.00'

144.60'

144.60'

RECEIVED

AUG 10 1998

CLEARINGHOUSE REVIEW

August 4, 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)
 Meredith Lathbury, Education, Bay Policy & 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 ^{HC}Dehart, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project #3440-12-157
 Reckord Road Park Development - Harford County

This project proposes to install playground equipment, a 40' x 60' pavilion with a concrete floor, lights and electrical outlets, and a restroom/storage/concession 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 August 18, 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.

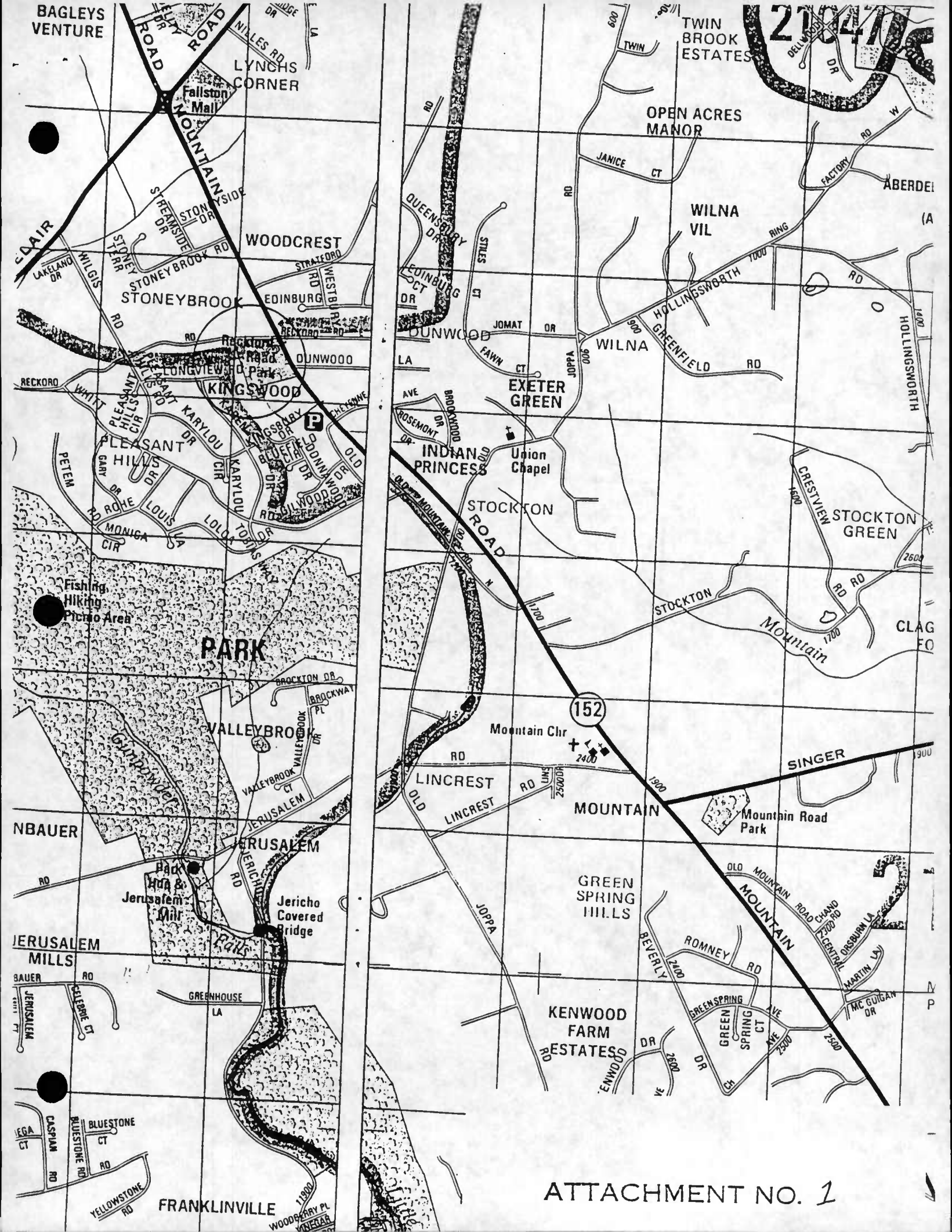
CHECK ONE AND INITIAL

CHECK

INITIAL

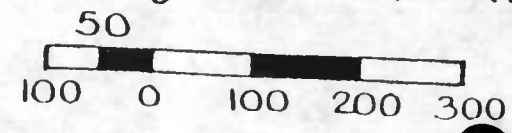
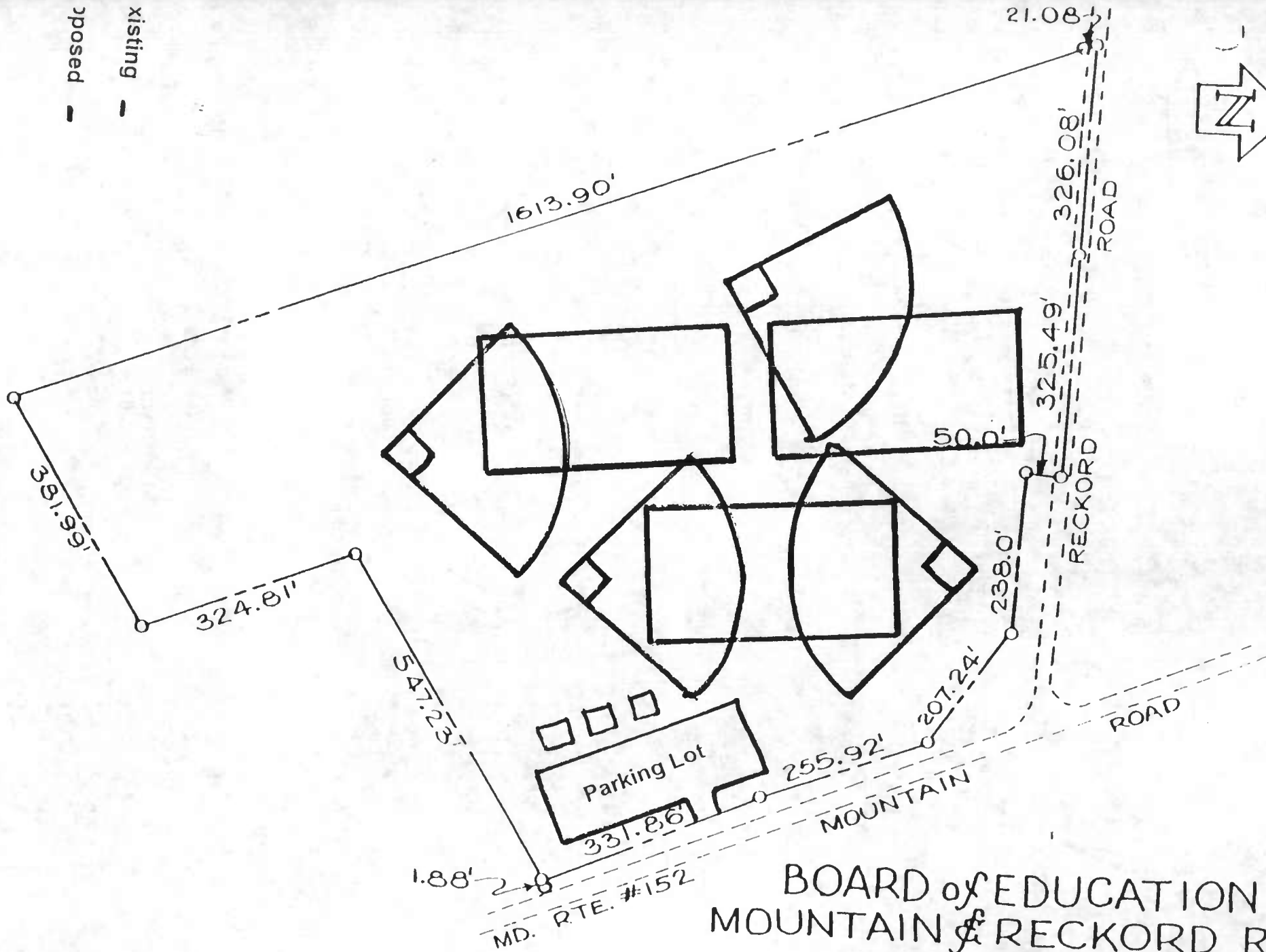
1. The project does not conflict with the plans, programs or objectives of this Agency. ✓ Dm 8/10/98
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration. _____
3. The project conflicts with this Agency's plans, programs 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.



ATTACHMENT NO. 2

Proposed
Existing



23.944 Ac. ±

Reader



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

August 6, 1998

Mr. Frank Jaklitsch
Director
Calvert County P & Z
150 Main Street
Prince Frederick, MD20678

**RE: Suder Property Mapping Mistake
of Lot 3, Parcel 83**

Dear Mr. Jaklitsch:

On August 5, 1998, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination to approve Calvert County's request for a refinement to amend the County's Critical Area maps. The County requested to change the Critical Area overlay designation of the Suder property, located in Broomes Island from Resource Conservation Area (RCA) to Limited Development Area (LDA).

Please incorporate this refinement into the County's Critical Area Program within 120 days from the date of this letter and submit a revised map to the Commission. The Critical Area Commission staff would like to thank Dr. David Brownlee, Principal Environmental Planner of Calvert County Planning and Zoning for working diligently with the Commission staff.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: David Brownlee, Ph.D., Calvert Co. P & Z
Lee Anne Chandler, Critical Area Commission
Mary Owens, Critical Area Commission

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

 * P. 01 *
 * TRANSACTION REPORT *
 * AUG-08-98 SAT 02:24 PM *
 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
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CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Dave Brownlee FAX #: (410) 414-3092
COMPANY: Calvert Co. P + Z
FROM: Dawn McCleary NUMBER OF PAGES SENT: 2
DATE: Aug. 8, 1998 TIME: _____
REMARKS: _____

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

August 5, 1998

APPLICANT: Calvert County P & Z

PROPOSAL: Mapping mistake to change the Critical Area Overlay for the Suder Property of Lot 3, Parcel 83 from Resource Conservation Area (RCA) to Limited Development Area (LDA)

JURISDICTION: Calvert County

COMMISSION ACTION: Review for Concurrence

STAFF RECOMMENDATION: Concurrence with Chairman's determination

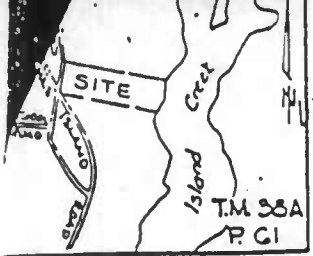
STAFF: Dawnn McCleary

APPLICABLE LAW REGULATION: Natural Resources Article 8-1802 and 8-1807

DISCUSSION:

The Calvert County Board of County Commissioners and Planning Commission approved a request to change the Critical Area overlay designation of the Suder property (approx. 5.77 acres) from Resource Conservation Area (RCA) to Limited Development Area (LDA). (See attached maps.) The Suder property is part of a two lot subdivision.

In 1997, one of the two lots identified as the Kopicki property (approx. 5.6 acres) received a change in designation from RCA to LDA during Calvert County's Critical Area Comprehensive Review. During the original establishment of the overlays, there was some difference of opinion between the County and the State as to whether the R-1 areas of Brooms Island should be designated as LDA or RCA. The map used to do the overlay was out of date and did not show Lots 3 and 4 of Tax map 41 which had previously been recorded. The RCA\LDA boundary was thus mistakenly set to the southwest of Parcel 83, Lot 4. It should have been set to the north of Parcel 83, Lot 3 (Suder Property). Both Lots 3 and 4 of Parcel 83 should have been mapped LDA.



VICINITY MAP
SCALE: 1" = 2000

- Indicates assigned house number
- Indicates 50' buffer
- Indicates 100 year flood plain

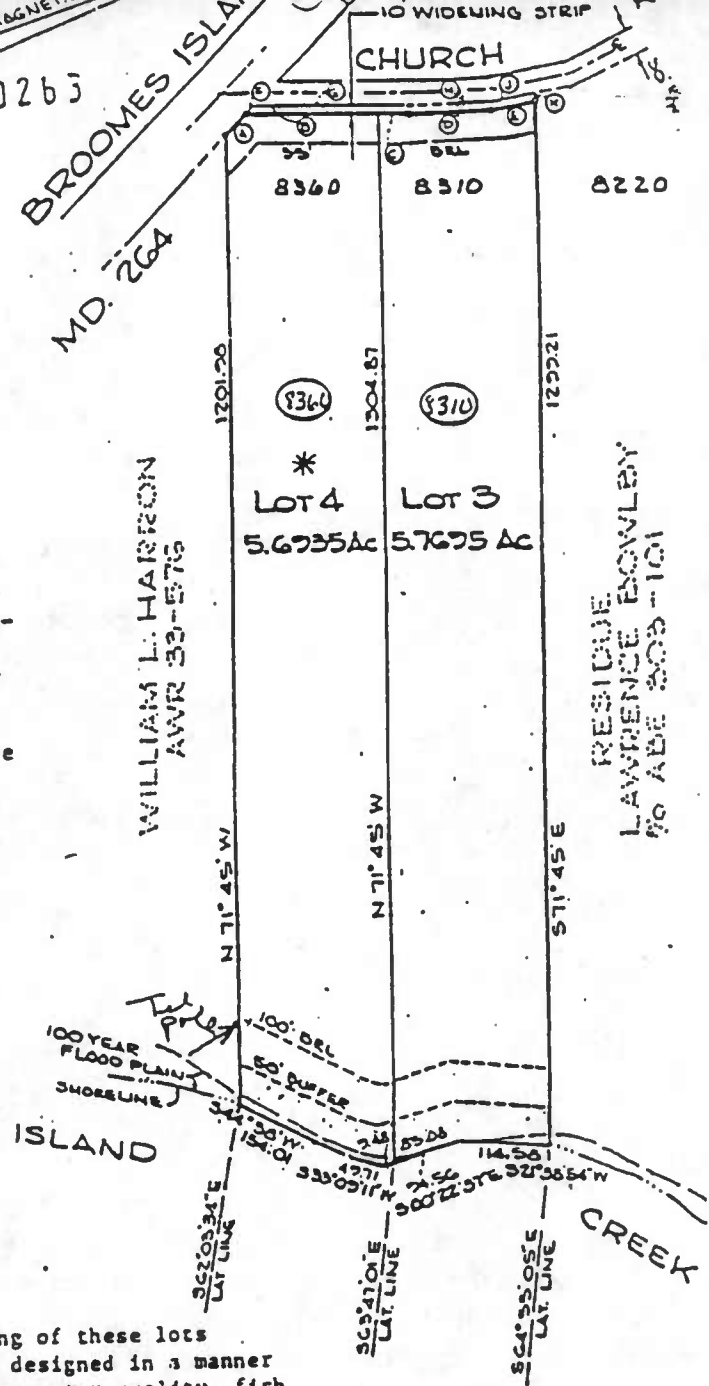
NOTES

1. The lots shown hereon are greater than 2 acres each and are, therefore, exempt from stormwater management per Section 3.3(e) of the Calvert County Stormwater Management Ordinance.
2. A minimum 50 feet of undisturbed natural vegetative buffer shall be maintained along the waterfront.
3. No residential construction shall be permitted within the 100 year Flood Plain Area.

11/29/85

APPROVED FOR RECORDING
FOR THE PLANNING COMMISSION

FRANK A. JAKLITSCH, SECRETARY
PLANNING COMMISSION



CRITICAL AREA CERTIFICATION

To the best of my knowledge, platting of these lots and subsequent development has been designed in a manner that will minimize adverse impacts on water quality, fish, wildlife and plant habitat.

Owner: Lawrence Bowlby Date: 11/29/85

I have reviewed this subdivision for adverse environmental impacts as specified by State Law and which, to the best of my knowledge, has been designed in a manner that will minimize any adverse environmental impact.

Vivian C. Marsh Date: 11/29/85
Vivian C. Marsh
Environmental Planner

CAMA 98-1

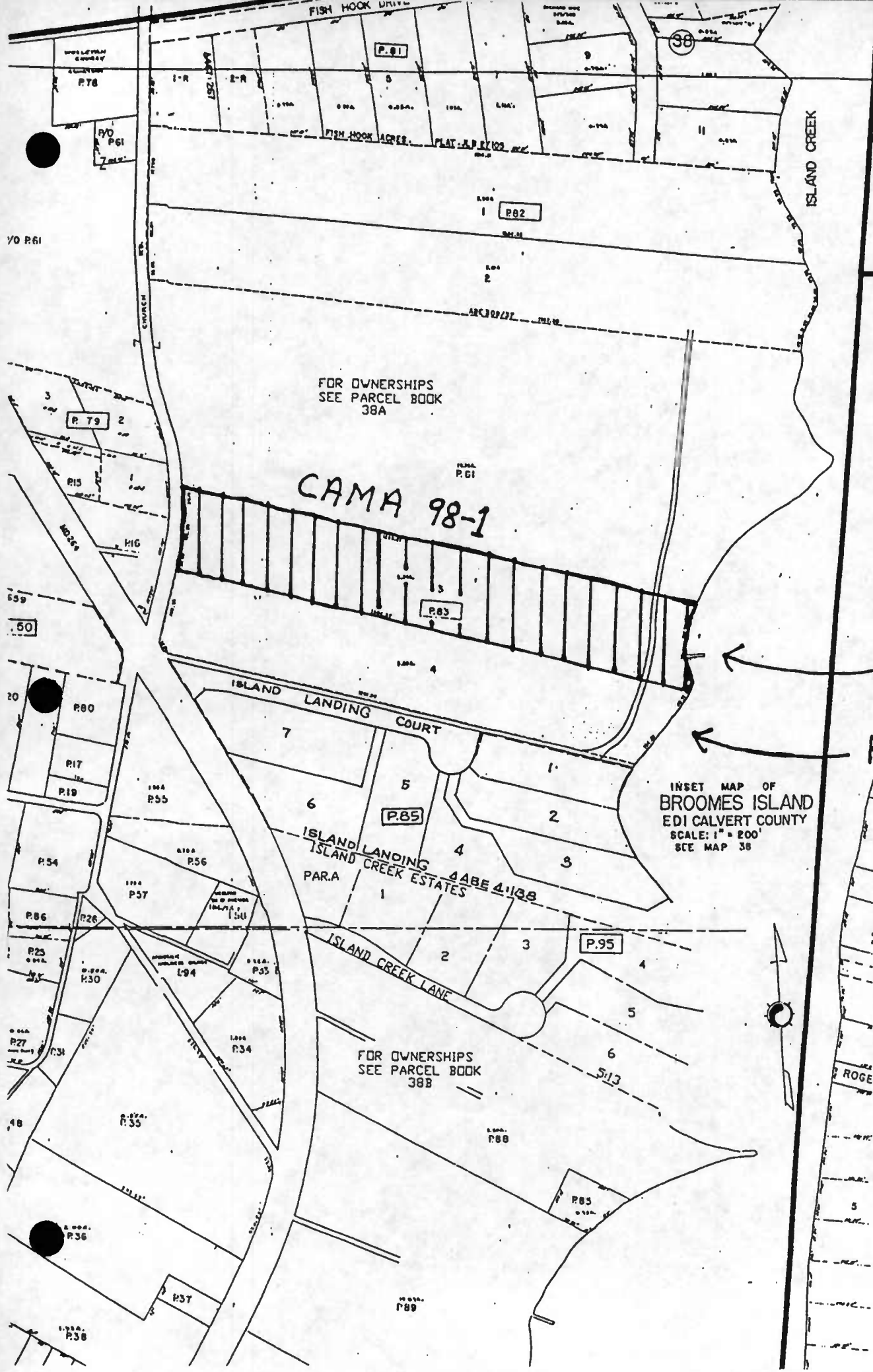
BEARING	DISTANCE
A N 26° 54' 30" W	36.09
B N 18° 55' E	169.55
C N 18° 35' E	38.69
D N 15° 59' E	102.78
E N 06° 58' E	55.19
F N 26° 54' 30" W	14.03
G N 18° 33' E	198.18
H N 15° 59' E	101.26
J N 06° 53' E	56.41
K S 71° 45' E	10.20

FINAL PLAT
LOTS 3 AND 4, BOWLBY PROPERTY
NEAR BROOMES ISLAND
FIRST DISTRICT, CALVERT COUNTY, MARYLAND
FOR: LAWRENCE BOWLBY

MC CRONE
Engineers • Planners
Surveyors
Annapolis, Maryland
Centreville • Chestertown • Denton • Eastern
Elkton • Leonardtown • Prince Frederick

DRAWN BY: CC
SCALE: 1" = 200'
DATE: 11-27-85
JOB NO: 200A1028
FOLDER: LAWRENCE BOWLBY

FORM NO. 1



FOR OWNERSHIPS
SEE PARCEL BOOK
38A

CAMA 98-1

INSET MAP OF
BROOMES ISLAND
EDGECREEK CALVERT COUNTY
SCALE: 1" = 200'
SEE MAP 38

Suder

Kopicki



1/0 P.61

559

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48

FOR OWNERSHIPS
SEE PARCEL BOOK
38B

P.89

ROGE

5

38

P.81

P.82

P.79

P.83

P.80

P.17

P.19

P.55

P.54

P.56

P.57

P.85

P.95

P.25

P.30

P.33

P.27

P.35

P.34

P.88

P.85

P.37

P.38

P.78
P.61

P.81

P.82

P.83

P.84

P.85

P.86

P.87

P.88

P.89

P.90

P.91

P.92

P.93

P.94

P.95

P.96

P.97

P.98

P.99

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read 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

August 4, 1998

Mr. Michael Giller
Project Manager
United States Dept. of Interior
National Park Service
12795 West Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

**RE: Fort McHenry National Monument and Historic
Shrine, Pkg. 276B: Rehabilitation of Fort McHenry's
Stormwater Drainage System**

Dear Mr. Giller:

Thank you for submitting copies of the proposed development activity that the above project will take place within Baltimore City's Critical Area. Critical Area staff conducted a site visit and it appears there may be possible minor 100 foot Buffer impacts. If so, sediment and erosion control measures should be in place in the Buffer during construction.

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

Sincerely,

Dawn McCleary

Dawn McCleary
Natural Resources Planner

Enclosure

cc: Elder Ghigiarelli, MDE
Duncan Stuart, Balto. City
Regina Esslinger, CAC
C:Park.Ser

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, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Elder Ghigiarelli FAX #: (410) 631-8084

COMPANY: MD F Coastal Zone Consistency

FROM: Dawn McCleary NUMBER OF PAGES SENT: 2

DATE: August TIME: _____

REMARKS:

Any questions, please feel free to call me.

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

August 3, 1998

Mr. Jeff Torney
Planner
City of Annapolis
160 Duke of Gloucester St.
Annapolis, MD 21401

**RE: Revised Comments for
City of Annapolis Ordinance**

Dear Mr. Torney:

Attached are the final comments to incorporate into the ordinance to amend the City's Code. When you have incorporated these comments, please provide us with a final draft ordinance.

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

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

Enclosure

cc: Jon Arason
Mary Owens
C:jeff.jon

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

**City of Annapolis Critical Area
Ordinance Final Staff Review**

Section 21.67.050 Definitions

1. In paragraph A.(30.)(a), delete "Accessory buildings" and replace with "works."

Comments : We agreed at our meeting that "accessory buildings" could remain as long as the City's policy is to ensure that these buildings are truly water dependent. Please provide documentation of the City's policy regarding accessory buildings.

2. In paragraphs A.(31.); delete "Accessory buildings" and replace with "works." Delete "seafood industrial" and replace with "fisheries." Delete "boat repair and maintenance and marine fabrication."

Comments : We agreed at our meeting that "accessory buildings" and "seafood industrial" could remain; however "boat repair and maintenance and marine fabrication" must be deleted.

Section 21.67.060 Development requirements generally

1. Delete the word "generally" out of the section title.

Comments: We agreed at our meeting that this word would be taken out.

2. In paragraph E.(1.) delete "and commercial uses" as defined in the proposed maritime districts. :

Comments: We agreed at our meeting that this language might create some confusion with regard to water-dependent facilities and therefore should be removed. Commercial uses that are water dependent (e.g. fisheries) may be permitted in the Buffer because they meet the definition of a water-dependent facility.

3. Delete paragraph F.(1.). Roads in a subdivision are considered part of a development and must count toward impervious surface calculations.

Comments: Commission staff have discussed this comment and determined that roads are considered development and must be counted toward impervious surface calculations. All jurisdictions consider roads in subdivisions as development and count them in impervious surface calculations.

Continued, Page Two
City of Annapolis Ordinance
Final Revised Staff Review
August 3, 1998

4. Paragraph F(3) is not clear with regard to development being allowed on soils having development constraints. What kinds of soils?

Comments: This comment was discussed at our meeting and further clarification is not required.

5. In paragraph G, this office needs to see Chapter 17.09 of the City Code, Trees in Development Areas.

Comments: Chapter 17.09 (Trees in Development Area), Section 17.09.08(C1-9, (D1-4), and (E6) was reviewed by staff and changes need to be made to reference the "City Zoning Code" in paragraph C9 and D4 in place of "approved critical area plan." Also, in paragraph C6, replace "Maryland Forest, Parks and Wildlife Service, with " MD Department of Natural Resources."

6. In paragraph H, replace "not include" with exclude and delete "or the water surface of a swimming pool."

Comments: We agreed at our meeting that the City will delete and replace the words in this section.

7. The City's ordinance does not address expansion of the Buffer. Add "The Buffer shall be expanded beyond 100 feet to include contiguous sensitive areas such as steep slopes, hydric soils, or highly erodible soils whose development or disturbance may impact streams, wetlands, or other aquatic environments. In the case of contiguous slopes of 15% 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."

Comments: We agreed at our meeting that the City will add this to the Buffer section in the Code as, "E.3."

**Continued, Page Three
City of Annapolis Ordinance
Final Revised Staff Review
August 3, 1998**

Section 21.67.065 Buffer Exemption Areas

1. In paragraph B, fourth line, change the word "or" to "of." In the last sentence after planning commission, add the words " and the Critical Area Commission."

Comment: At our meeting, we agreed that these changes would be made.

2. In paragraph H, delete "." after mitigation.

Comments: We agreed at our meeting that it would be deleted.

3. In Paragraph I, this section is unclear. Planting and off-set requirements for BEAs are specified in this section. Why is Chapter 17.09 referenced? It appears BEA planting requirements are covered in section 21.67.065, why are references to Chapter 17.09 included?

Comments: We agreed at our meeting to delete references to Chapter 17.09.

Section 21.67.080 Development Requirement - Limit Development Areas

1. Please provide this office with a copy of Chapter 17.09 of the City Code for review.

Comments: See comment #5 under Section 21.67.060.

2. Please incorporate section 27.01.02.04(C)(3 -10) from the Criteria (see pages 16 through 19).

Comments: See comment #5 under Section 21.67.060.

**Continued, Page Four
City of Annapolis Ordinance
Final Revised Staff Review
August 3, 1998**

3. Paragraph H.(1.) should read "Except as otherwise provided in this subsection for stormwater runoff man made impervious surfaces shall be limited to fifteen percent of the parcel of lot."

Comments: At our meeting, the City agreed to add this language: "except as otherwise provided in this subsection for stormwater runoff man made an impervious surface shall be limited to fifteen percent of the parcel of lot." Also, references to a 2,000 square foot limit in paragraph H2, H3 and H4 must be deleted.

4. In Paragraph H.(4.), add after "... to exceed the impervious surface limits provided in subsection H2 and 3 of this section if the following condition exists": " a. New impervious surfaces have been minimized."

Comments: At our meeting, City staff agreed to add this language.

5. In Paragraph 4. (e.), delete (F)(3) in the first line and modify this phrase to read "All fees in lieu collected by a local jurisdiction under this subsection must be used to fund projects that improves water quality within the Critical Area consistent with the jurisdiction's local Critical Area protection program."

Comments: At our meeting, the City staff agreed to modify this section.

Section 21.67.100 Water-Dependent Facilities

1. In Paragraph B(5), delete "or (c) as detailed below" and combine paragraphs a and b.

Comments: At our meeting, City staff agreed to make this change.

2. In Paragraph B(5)(c) change the codification.

Comments: At our meeting, City staff agreed to make this change.

Continued, Page Five
City of Annapolis Ordinance
Final Revised Staff Review
August 3, 1998

3. City staff requested that Commission staff explore the possibility of flexibility relating to the number of slips and piers associated with Community Piers (Section 21.67.100B). The City Code reflects the language set forth in the Criteria and can not be changed; however, on a case by case basis, Commission staff can work with City staff to address situations that cause conflicts.

21.67.110 Habitat Protection

1. Paragraph A (2)(d) should read "protect and conserve those riparian forests of approximately three hundred feet or more in width required to support forest interior dwelling birds, as determined by methods described in the Critical Area Commission Guidance entitled Conservation of Forest Interior Dwelling Birds in the Critical Area."

Comments: We agreed at our meeting that this language would be added.

21.67.140 - Grandfathering Provisions

1. This section (Page 12 & 13) is unclear and does not accurately reflect what is outlined in the Criteria. The City needs to review their grandfathering language. Please use the grandfathering language in 27.01.02.07 (A-D) of the Criteria.

Comments: Critical Area staff reviewed the grandfathering language in the City Code and has found that it is not consistent with the current grandfathering language in the Criteria and needs to be amended. Commission staff can provide sample grandfathering language used in other programs. *(See attached examples.)*

Others Issues That Need to be Addressed

1. The City needs to include density provisions and use provisions for RCA. See Section 27.01.02.05(c)(5).

Comments: At our meeting, we found that the density provisions were included in the City Code; however language must be added to paragraph 21.67.090 B to prohibit new industrial and institutional development in the RCA (in addition to new commercial development).

Calvert County - Example

2. Certain new development activities or facilities, or the expansion of certain existing facilities, because of their intrinsic nature, or because of their potential for adversely affecting habitat and water quality, may not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem. These include:
 - a. Solid or hazardous waste collection or disposal facilities; or
 - b. Sanitary landfills.
3. Existing, permitted facilities of the type noted in 2(a) and (b), above shall be subject to the standards and requirements of the Maryland Department of Health and Mental Hygiene.

4-6.04

Special Exception Uses

Uses allowed as special exceptions may also be allowed as long as they meet the conditions in Section 4-6.05.

* 4-6.05

Grandfathering

- A. After program approval, the continuation, but not necessarily the intensification or expansion, of any use in existence on the date of program approval, unless the use has been abandoned for more than one year or is otherwise restricted by existing County ordinances is permitted. If any existing use does not conform with the provisions of the County program, its intensification or expansion may be permitted only in accordance with the variance procedures outlined in this Ordinance.
- B. Except as otherwise provided, the types of land described in the following subsections may be developed in accordance with density requirements in effect prior to the adoption of the Calvert County Critical Area Program:
 1. A single lot or parcel of land that was legally of record on the date of program approval may be developed with a single family dwelling, if a dwelling is not already placed there, notwithstanding that such development may be inconsistent with the density provisions of Calvert County's approved program;
 2. Any land on which development activity has progressed to the point of the pouring of foundation footings or the installation of structural members;
 3. Any legal parcel of land, not being part of a recorded or approved subdivision, that was recorded as of December 1, 1985, and land that was subdivided into recorded, legally buildable lots, where the subdivision received the County's final approval prior to June 1, 1984, provided that:
 - a. Lots in subdivisions which received the County's approval prior to June 1, 1984 may be consolidated or reconfigured in order to bring them into conformance with the Critical Area Program insofar as possible without the consolidation or reconfiguration being considered a resubdivision.

- b. If any such land has received a building permit subsequent to December 1, 1985 but prior to the approval of Calvert County's Critical Area Program, and is located in a Resource Conservation District, provided that steps have been taken to conform the development to the Critical Area criteria insofar as possible;
- 4. Land that was subdivided into recorded, legally buildable lots, where the subdivision received the final approval between June 1, 1984 and December 1, 1985; and
- 5. Land that was subdivided into recorded, legally buildable lots, where the subdivision received final approval after December 1, 1985, provided that development of any such land conforms to the Critical Area criteria.
- C. For purposes of implementing this regulation, the County has determined, based on land uses and development in existence on December 1, 1985, which land areas fall within the three types of development areas described in Sections 4-7, 4-8, and 4-9.
- D. Nothing in this regulation may be interpreted as altering any requirements for development activities set out in Water Dependent Facilities and Habitat Protection Districts of this Ordinance.

4-6.06

Amendments to the Critical Area District and the Critical Area Map

- A. The Critical Area District provisions of the Zoning Ordinance and the Critical Area maps shall be reviewed at least every four years.
- B. Amendments shall be submitted to and acted on by the Critical Areas Commission, before they can be deemed effective.
- C. An amendment to a Zoning Map may be granted only upon proof of a mistake in the existing zoning (Critical Area Law, Section 8-1809(h)).

4-6.07

Location and Extent of Future Intensely Developed and Limited Development Districts.

- A. Intensely Developed and Limited Development Districts may be increased subject to these guidelines:
 - 1. The area of expansion of Intensely Developed or Limited Development Districts, or both, may not exceed an area equal to 5 percent of the County's portion of the Resource Conservation District lands that are not tidal wetlands or Federally owned;
 - 2. When planning future expansion of Intensely-Developed and Limited Development Districts, the County will cooperate with the municipalities of North Beach and Chesapeake Beach to establish a process to accommodate the growth needs of the municipalities.

38.2. THE SAINT MARY'S COUNTY, MARYLAND ORDINANCE FOR THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

1. PURPOSE OF THE PROGRAM

The goal of the Critical Area program is substantially improved quality of the water and habitats of the Chesapeake Bay and its tributaries concurrent with the continued growth and development of the county's economy. Although this goal would be more likely achieved with a program for the Bay's entire watershed, a limited initial effort is well worth pursuing. This ORDINANCE has therefore been developed to:

- a. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances that have run off from surrounding lands;
- b. Conserve fish, wildlife, and plant habitat; and
- c. 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.

2. APPLICABILITY

The terms, provisions and regulations of this Critical Area program apply only to that portion of the county lying and being 1) under the Chesapeake Bay and its tributaries to the head of tides as indicated on the state wetlands maps, and all state and private wetlands; and 2) within 1,000 feet beyond the landward boundaries of state or private wetlands and heads of tides. Private wetlands are all lands not considered state wetlands bordering on or lying beneath tidal waters which are subject to regular or periodic tidal action, which support aquatic growth. State wetlands are all lands under the navigable waters of the state below the mean high tide which are affected by the regular rise and fall of the tide and which are indicated on the state Title 9 wetlands maps.

3. GRANDFATHERING

Any use in existence within the Critical Area on March 27, 1990 which is not otherwise restricted by existing local ordinances, and which does not conform with the provisions of this ORDINANCE may continue in operation.

New uses within the Critical Area after March 27, 1990 shall conform with the provisions of this ORDINANCE. However, density requirements may be relaxed for the development of single family dwelling on a lot or parcel of land that was legally of record on March 27, 1990 if a dwelling is not already placed there, notwithstanding that such development may be inconsistent with the program's density provisions. Specifically, the following may be grandfathered hereunder:

- a. Existing legal uses as of March 27, 1990 shall be permitted to continue, unless the use has been abandoned for more than one year or is otherwise restricted by existing local ordinances. If any existing use does not conform with the provisions of this ORDINANCE, its intensification or expansion may be permitted only in accordance with the St. Mary's County Zoning Ordinance (90-11) as amended.
- b. Any land on which development activity has progressed to the point of the pouring of foundation footings or the installation of structural members;
- c. Any legal parcel of land, not being part of a recorded or approved subdivision, that was recorded as of December 1, 1985, and land that was subdivided into recorded, legally buildable lots, where the subdivision received the county's final approval prior to June 1, 1984, provided that these lands are brought into compliance with the program insofar as possible including the of consolidation or reconfiguration of lots not individually owned, notwithstanding the density provisions of this ORDINANCE. Applicants shall show that reconfiguration or consolidation is impractical when impacts to steep slopes or Habitat Protection Areas result from the development proposal;
- d. Land that was subdivided into recorded, legally buildable lots where the subdivision received the county's final approval after December 1, 1985, provided that either development of any such land conforms to the criteria or else the area of land is counted against said growth increment.
- e. Land that was subdivided into recorded, legally buildable lots, where the subdivision received the county's final approval between June 1, 1984 and December 1, 1985.
- f. Any planned unit development which received final Zoning approval from the County Commissioners prior to December 1, 1985, and which have met the requirements of this ORDINANCE, with the exception of requirements for density. In addition, all conditions imposed at the time of rezoning must be satisfied. Such developments which fail to meet those requirements and conditions shall be counted against the county's growth allocation.
- g. Nothing in this regulation may be interpreted as altering any of the requirements for development activities set out in Section 38.2.13 Habitat Protection Areas and Section 38.2.14 Water Dependent Facilities of this ORDINANCE.

4. INITIAL MAPPING RULES

Based on land uses and development in existence on December 1, 1985, land areas within the defined Critical Area were classified into three (3) development categories: Intensely Developed Area (IDA), Limited Development Area (LDA) and Resource Conservation Area (RCA). The official Critical Area boundary and designation of the development

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Jeff Torney FAX #: (410) 263-1129

COMPANY: Annapolis Pt 2

FROM: Dawn Mc Cleary NUMBER OF PAGES SENT: 11

DATE: Aug 4 1998 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

AUG-05-98 WED 08:48 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
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**CHESAPEAKE BAY CRITICAL
AREA COMMISSION
45 Calvert Street, Second Floor
Annapolis, Maryland 21401
(410) 974-2426**

MEMORANDUM

TO: Jeff Torney, Planner for City of Annapolis P & Z

FROM: ^{DM} Dawnn McCleary, Natural Resources Planner

DATE: July 23, 1998

RE: *Dixon Property @ 411 Ridgely Avenue*

The October 7, 1997 letter from Mary Owens that you received yesterday outlines Critical Area Commission staff position on the perviousness of eco-stone and how much credit it should get. The attached letter is applicable to the Dixon property.

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

JUDGE JOHN C. NORTH, II
CHAIRMAN
22-9047 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

October 7, 1997

Mr. Eddie Dichter
Department of Planning and Zoning
175 Main Street
Prince Frederick, Maryland 20678

RE: Perviousness of BALCON Paving Materials

Dear Mr. Dichter:

Thank you for providing information on the paving materials that Mr. Akin is proposing to use on his property at Harbor Point Subdivision. I have reviewed the manufacturer's literature and talked to a technical representative at BALCON. With regard to the "Turfstone" which the applicant proposes to use for his driveway, I would consider this material 60 percent impervious based on the design which consists of 40 percent open apertures (pervious). A square footage of impervious area associated with the driveway would be calculated by multiplying the area of the driveway by a factor of ".6".

The "Uni Eco-Stone" that the applicant is proposing to use for his patio is a somewhat different material than the "Turfstone"; however, if it is installed in accordance with the manufacturer's recommendations, it can also be considered 60 percent impervious. From the applicant's letter, it does not appear that he intends to install the "Uni Eco-Stone" with the 9 inch base of two types of crushed stone as recommended by the manufacturer. I understand that for a patio, it might not be appropriate to install the pavers with just the crushed stone. The technical representative I spoke with at BALCON stated that they did not have figures on perviousness for the material installed on a 2-3 inch bed of sand because its intended use is for driveways as opposed to patios. If the pavers are installed on a sand bed, they could be considered 85 percent impervious, based on the percentage (12.18) of void area per square foot. A square footage of impervious area associated with the patio would be calculated by multiplying the area of the patio by a factor of ".85".

I hope you find this guidance helpful in working with the applicant to meet the impervious surface limits in the County's Critical Area Program. If you have any questions, please feel free to call me at (410) 974-2426.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

MRO/jjd

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Jeff Torney FAX #: (410) 263-1129
COMPANY: Annapolis P+Z
FROM: Dann McCreary NUMBER OF PAGES SENT: 3
DATE: July 24, 1993 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

JUL-24-98 FRI 08:58 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-24	08:54 AM	94102631129	1'17"	3	SEND	OK	665	

made 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

July 21, 1998

Mr. Michael Giller
Project Manager
United States Dept. of Interior
National Park Service
12795 West Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

**RE: Fort McHenry National Monument and Historic
Shrine, Pkg. 276B: Rehabilitation of Fort McHenry's
Stormwater Drainage System**

Dear Mr. Giller:

Thank you for submitting copies of the proposed development activity that the above project will take place within Baltimore City's Critical Area. After reviewing the project, this office has no comments concerning the proposed development activity. If there are any questions, please feel free to call me at (410) 974-2426.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Elder Ghigiarelli, MDE
Regina Esslinger, CAC

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

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

July 20, 1998

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

**RE: Town of Denton Crouse Park Boat Ramp
Notification of Certification**

Dear Mr. Hurley:

Thank you for providing "Notification of Certification" that the above project is consistent with the Town of Denton's Critical Area Program. The project is located near the Choptank River at Route 404 bridge near Denton in Caroline County within the town's Intensely Developed Area.

According to your letter, this project involves expansion of an existing boat ramp. This expansion includes the addition of a proposed 6' concrete boat ramp slab. This office also understands that there are Habitat Protection Area issues that include limiting construction until after June 21, 1998 due to anadromous fish spawning and Buffer impacts associated with ramp construction.

Based on the information submitted by the City, the Commission staff has determined the proposed development: 1) has environmental or economic consequence 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. (See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs). Therefore, approval of the project by the Commission is not necessary.

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

Sincerely;

Dawn McCleary
Dawn McCleary
Natural Resources Planner

cc: Jennifer Shull
Regina Esslinger

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, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Jennifer Skull FAX #: (410) 974-3534
COMPANY: Town of Denton
FROM: D. Anna McCleary NUMBER OF PAGES SENT: 2
DATE: July 24, 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

JUL-24-98 FRI 08:38 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-24	08:05 AM	914104793534	1' 02"	2	SEND	OK	664	

PROJECT:

Name: Westin Hotel Inver Harbor
201 East Lombard St.

CAC #: BA 342-98 Local #: 000903

Date: July 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.

Daunte McClary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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: Baltimore City Dept. of Planning
FROM: Dawn McClary NUMBER OF PAGES SENT: 2
DATE: July 20, 1998 TIME: _____
REMARKS: _____

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

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

July 14, 1998

Ms. Anne Elrays
Project Planner
Project Planning Division
State Highway Administration
707 Calvert Street
Baltimore, MD 21202

**RE: Maryland Route 331 - Dover Bridge
Between Caroline Co. & Talbot Co.**

Dear Ms. Elrays:

Thank you for requesting comments from the Chesapeake Bay Critical Area Commission concerning the draft Environmental Impact Statement (EIS) Report on Route 331- Dover Bridge. Please address how the proposed alternatives will impact the Critical Area.. Some of the Habitat Protection Area requirements are discussed, but not in a Critical Area context. Once an alternative is selected, this office can start our formal review process.

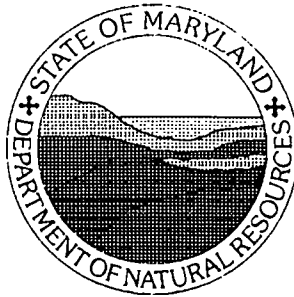
If there are any questions, please feel free to call me at (410) 974-2426.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Louis H. Ege, Jr.
Lisa Hoerger
Regina Esslinger

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



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

June 23, 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
Bruce Gilmore, LRS

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

Subject: Request for Information on Water Resources Problems - U.S. Army Corps of Engineers - Havre de Grace, Maryland, and Vicinity Reconnaissance Study.

Please review the attached information and send any comments you may have relative to the Department's concern to me by July 17, 1998.

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

Check one:

Comments are attached.

No comments.

Daum McCleary
Signature
Critical Area Commission
Agency
7/17/98

If no comments are received by July 17, 1998, it will be assumed that you have none.

RCD:rcd
Attachment

RECEIVED

JUN 25 1998

**CHESAPEAKE BAY
CRITICAL AREA COMMISSION**

Telephone: (410) 260-8330
DNR TTY for the Deaf: (410) 260-8835



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

REPLY TO
ATTENTION OF

June 15, 1998

Planning Division

Mr. Paul Massicot
Director, Resource Assessment Service
Maryland Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401-2397

Dear Mr. Massicot:

The purpose of this letter is to inform you that the Baltimore District, U.S. Army Corps of Engineers, initiated the Havre de Grace, Maryland, and Vicinity Reconnaissance Study in April 1998, and to request your assistance in the study. The study was authorized by a resolution of the U.S. Senate Committee on Environment and Public Works, dated June 5, 1997. The U.S. House of Representatives added funds for this reconnaissance study.

The study will be conducted in two phases: reconnaissance study and feasibility study.

Reconnaissance Study Phase. The reconnaissance phase is 100 percent Federally funded and its purposes are to: (1) determine whether the water resource problems fall within the authorities of the U. S. Army Corps of Engineers; (2) determine if there is a Federal interest based on a preliminary appraisal of the alternatives; (3) prepare a project study plan which defines the scope, cost, and schedule for a feasibility study; and (4) assess the level of interest and support from the potential non-Federal sponsor(s) in the potential solutions and cost-sharing of the feasibility study phase and construction.

Beginning in Fiscal Year 1997, the Corps of Engineers implemented an expedited reconnaissance study process. Under this process, the reconnaissance phase cannot exceed \$100,000. Items (1) and (2) above will be based on the professional judgment of an experienced study team. A 905(b) analysis report will be prepared, concentrating primarily on the identification of specific issues and problems, without the detailed technical analyses characteristic of previous reconnaissance efforts.

Feasibility Study Phase. The feasibility phase is a detailed investigation to: (1) collect data on the water resources problems; (2) develop alternatives to solve the problems; (3) evaluate the effectiveness of the alternatives; (4) compare alternatives; and (5) select the alternative or set of alternatives that is in the best overall public interest. If a project(s) is determined to be engineeringly, economically, and environmentally feasible, the Corps of Engineers will submit its recommendation to Congress for project construction authorization. The cost of the feasibility study is shared equally by the Corps of Engineers and a non-Federal sponsor(s). The sponsor(s) can contribute up to one-half of their share (25 percent of the total cost) in the form of in-kind services. In-kind services include work the non-Federal sponsor accomplishes on their own or through contracts. The total cost of the feasibility study is determined by the number, size, and complexity of projects being considered.

Ray - I don't know
if there's a DNR
lead on this. Suggest
you put it through
your Envir Review.
network.
pm

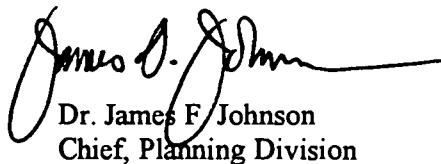
ST

Our reconnaissance study will focus on water resource problems in the Havre de Grace area. Please assist us by identifying specific flooding problems, shoaling of navigation channels, shoreline erosion, loss of fish or wildlife habitat, degraded water quality, or other water resource concerns in this study area and by identifying agencies, groups, and citizens who can help guide the study. Please be as specific as possible in identifying the specific water resource problems, or other concerns, including such information as location, description of the specific problems/damages, and potential solutions, if known.

If you plan to participate in this study, we request that you provide this information and a point of contact for your agency by July 6, 1998. Using your input, we will establish a coordination meeting to have key agencies, groups, and citizens actively involved in the study. Attached is a copy of the current mailing list for this study. If there are other agencies you think should be part of this study, please include them and their addresses with your response to us.

I believe we have an excellent opportunity to address the water resources and environmental problems surrounding Havre de Grace, Maryland, through a strong local, state and Federal partnership. I look forward to working with you on the reconnaissance study. If you have any questions or need further information, please have your staff contact Mr. Harold Clingerman, the study team leader, at (410) 962-2650.

Sincerely,



Dr. James F. Johnson
Chief, Planning Division

Enclosure

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Ray Dintaman FAX #: (410) 260-8670

COMPANY: Environmental Review (DNR)

FROM: Dawn McCleary NUMBER OF PAGES SENT: 4

DATE: July 17, 1998 TIME: _____

REMARKS:

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

July 16, 1998

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

**RE: Development of Spa Creek
Hiker\Biker Trail**

Dear Mr. Torney:

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Annapolis' Critical Area Program. The proposed hiker\biker trail is located along the headwaters of Spa Creek in Annapolis, Maryland. The trail includes property that is designated Limited Developed Area (LDA) and Resource Conservation Area (RCA). The trail will encompass lands that include recreational fields, city streets, woodlands, tidal and non-tidal wetlands, and Bates Middle School. The existing impervious surfaces include the access road through Truxton Park, paved paths around Bates Middle School, and along Acton Road.

According to your Critical Area Report, the purpose of the trail is to connect the busy West Street corridor with the City's recreation facility at Truxton Park. The trail currently exists as an unpaved trail with two existing wooden bridges that meanders and eventually crosses the headwaters of Spa Creek. This office understands that the proposed redevelopment will help prevent further deterioration to an environmental sensitive area by eliminating existing erosion along the current trail.

The Project Evaluation staff also understands:

1. That the tidal wetlands, the Critical Area Buffer, tributary streams, non-tidal wetlands, and steep slopes occur along the proposed trail redevelopment. The project will have very little impact because the trail already exists and no additional clearing will be required;
2. That the only impacts will be to change from a gravel and dirt trail surface into an asphalt trail surface and to add ninety feet of new boardwalk;

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
Spa Creek Biker\Hiker Trail
Consistency Report
July 16, 1998

3. That water quality in the adjacent wetlands, tributary stream, and tidal shoreline will be protected by sediment and erosion controls and stormwater management for the additional impervious surfaces;
4. That this project will create very little disturbance with a minimal addition to the impervious surfaces which are negligible in relation to the large area of undeveloped woodlands with the City parks; and
5. That there will be no new impact on Habitat Protection Areas.

Based on the information submitted by the City, 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 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. (*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: Jon Arason
Regina Esslinger
AN 319-98

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

July 15, 1998

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


RE: 225 Wardour 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 does not oppose the proposed expansion of the house. However, this office has the following comments:

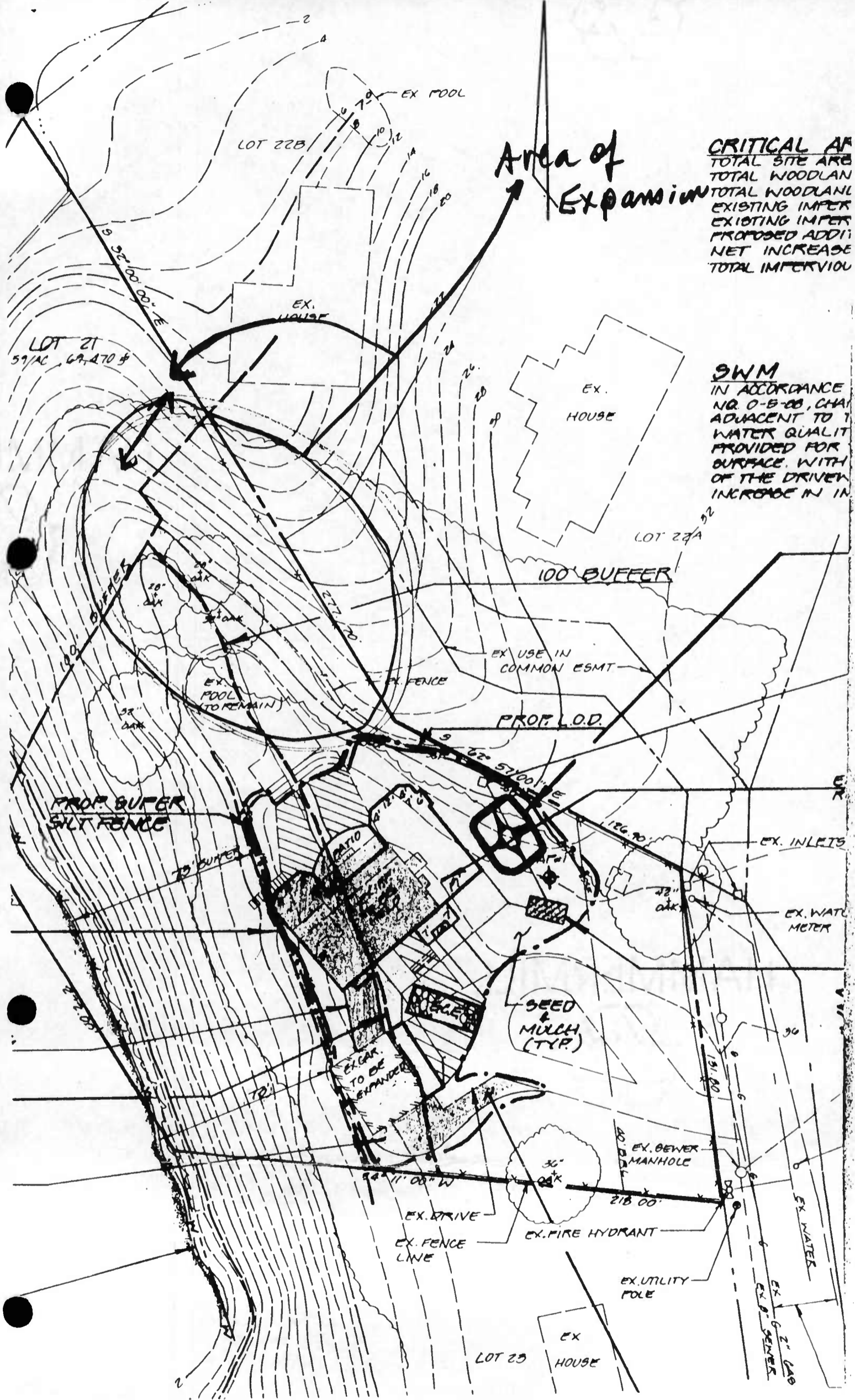
1. It appears the Buffer should be expanded in the northeastern portion of the lot. See site plan for the Buffer expansion.
2. Because there will be disturbance in the expanded Buffer, we recommend 3:1 mitigation with native species in the Buffer if possible.

Please submit the revised site plan with the changes to this office. If there are any questions pertaining to the above, please call me at (410) 974-2426.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Tom Smith
Regina Esslinger
AN 166-98

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



Area of Expansion

CRITICAL AP
 TOTAL SITE AREA
 TOTAL WOODLAND
 TOTAL WOODLAND
 EXISTING IMPER
 EXISTING IMPER
 PROPOSED ADDI
 NET INCREASE
 TOTAL IMPERVIOU

SWM
 IN ACCORDANCE
 NR. 0-5-00, CHA
 ADJACENT TO T
 WATER QUALIT
 PROVIDED FOR
 SURFACE WITH
 OF THE DRIVE
 INCREASE IN IN

**PROP. BUFFER
 SILT FENCE**

100' BUFFER

PROP. L.O.D.

SEED & MULCH (TYP.)

EX. GAR. TO BE EXPANDED

**EX. BEWER
 MANHOLE**

**EX. DRIVE
 EX. FENCE
 LINE**

EX. FIRE HYDRANT

**EX. UTILITY
 POLE**

**EX
 HOUSE**

**LOT 21
 59/AC, 69,470 sq**

LOT 22B

**EX.
 HOUSE**

LOT 22A

EX. INLETS

**EX. WATER
 METER**

EX. WATER

**EX. 6" SEWER
 2" GAS**

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Jeff Torvey/Tom Smith FAX #: (410) 263-1129
COMPANY: Annapolis Pt 2
FROM: Dawn McCleary NUMBER OF PAGES SENT: 3
DATE: July 15, 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

JUL-15-98 WED 04:35 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-15	04:21 PM	94102631129	1' 42"	3	SEND	OK	630	

PROJECT:

Name: Covington Street Housing
240 West Highway
CAC #: BA 328-98 Local #: 000886
Date: July 15, 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 McCasby
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

TRANSACTION REPORT

P. 01

JUL-17-98 FRI 04:24 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-17	04:22 PM	94102447358	1' 15"	2	SEND	OK	643	

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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 Dept of Planning
FROM: Dawn McCleary NUMBER OF PAGES SENT: 2
DATE: July 17, 1998 TIME: _____
REMARKS:

Any questions, please call me.

Thanks

Dawn

Needs file

Jud. 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

July 14, 1998

Ms. Anne Elrays
Project Planner
Project Planning Division
State Highway Administration
707 Calvert Street
Baltimore, MD 21202

**RE: Maryland Route 331 - Dover Bridge
Between Caroline Co. & Talbot Co.**

Dear Ms. Elrays:

Thank you for requesting comments from the Chesapeake Bay Critical Area Commission concerning the draft Environmental Impact Statement (EIS) Report on Route 331- Dover Bridge. Please address how the proposed alternatives will impact the Critical Area.. Some of the Habitat Protection Area requirements are discussed, but not in a Critical Area context. Once an alternative is selected, this office can start our formal review process.

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

Sincerely,
Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Louis H. Ege, Jr.
Lisa Hoerger
Regina Esslinger

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

** Revised Site/Report Review*

PROJECT:
Name: National Gypsum ~~Co.~~
Phase III
CAC #: BA 247-98 Local #: 000492
Date: July 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 McClary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

TRANSACTION REPORT

P. 01

JUL-02-98 THU 04:10 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-02	04:07 PM	94102447358	1' 15"	2	SEND	OK	579	

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

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Dunbar Stuart FAX #: (410) 244-7358
COMPANY: Balto. City Planning
FROM: Dawn McClean NUMBER OF PAGES SENT: 2
DATE: July 2, 1998 TIME: _____
REMARKS:

Any questions, please call me!!

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

June 29, 1998

Ms. Lori Schmick
Environmental Planner
P.O. Box 207
Denton, MD 21629

**RE: Troy Scuderi & Joyce Scuderi Subdivision
Off of Smith Landing Road**


Dear Ms. Schmick:

This office received the applicant's request to subdivide a parcel (totaling 48.59 acres) into two lots creating Lots 1 & 2 within the Resource Conservation Area. An adjacent existing grandfathered parcel of approximately less than 1/2 acres is proposed to be expanded and is labeled Lot 3.

After reviewing the above subdivision, this office has determined that there is no net increase in RCA density above and beyond what is allowed. This office has no objection with the proposed subdivision request.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
CR 267-98

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, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Konischmuck FAX #: (410) 479-4187
COMPANY: Caroline Co. P + Z
FROM: Diana McClary-Evans NUMBER OF PAGES SENT: 2
DATE: June 30, 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

JUN-30-98 TUE 06:26 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUN-30	06:25 PM	914104794187	1'22"	2	SEND	OK	571	

TRANSACTION REPORT

P. 01

JUN-30-98 TUE 06:15 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUN-30	06:14 PM	94104794187	**' **"	0	SEND	BUSY	570	

TOTAL : OS PAGES: 0

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Lori Schmuck FAX #: (410) 479-4187
 COMPANY: Caroline Co. P.O. 2
 FROM: Dawn McClary-Evans NUMBER OF PAGES SENT: 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

June 26, 1998

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

**RE: Final Comments for City of Annapolis
Critical Area Ordinance**

Dear Mr. Torney:

Attached, you will find a copy of the City of Annapolis Critical Area Ordinance comments for your review. Please incorporate these comments in the City's draft Critical Area Ordinance No. 0-6-98.

We would also, like to meet with you to look at your proposed Buffer Exemption Areas. During the meeting, Critical Area Commission staff would like to review your aerial photographs as well as visit the proposed sites.

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

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Mary Owens
Ord.jef

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

**City of Annapolis Critical Area
Ordinance Staff Review
Date Submitted: June 26, 1998**

Section 21.67.050 Definitions

1. In paragraph A.(30.)(a), delete "Accessory buildings" and replace with "works."
2. In paragraphs A.(31.); delete "Accessory buildings" and replace with "works." Delete "seafood industrial" and replace with "fisheries." Delete "boat repair and maintenance and marine fabrication."

Section 21.67.060 Development requirements generally

1. Delete the word "generally" out of the section title.
2. In paragraph E.(1.) delete "and commercial uses" as defined in the proposed maritime districts.
3. Delete paragraph F.(1.). Roads in a subdivision are considered part of a development and must count toward impervious surface calculations.
4. Paragraph F(3) is not clear with regard to development being allowed on soils having development constraints. What kinds of soils?
5. In paragraph G, this office needs to see Chapter 17.09 of the City Code, Trees in Development Areas.
6. In paragraph H, replace "not include" with exclude and delete "or the water surface of a swimming pool."
7. The City's ordinance does not address expansion of the Buffer. Add "The Buffer shall be expanded beyond 100 feet to include contiguous sensitive areas such as steep slopes, hydric soils, or highly erodible soils whose development or disturbance may impact streams, wetlands, or other aquatic environments. In the case of contiguous slopes of 15 % 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."

Section 21.67.065 Buffer Exemption Areas

1. In paragraph B, fourth line, change the word "or" to "of" In the last sentence after planning commission, add the words " and the Critical Area Commission."
2. In paragraph H, delete "." after mitigation.
3. In Paragraph I, this section is unclear. Planting and off-set requirements for BEAs are specified in this section. Why is Chapter 17.09 referenced? It appears BEA planting requirements are covered in section 21.67.065, why are references to Chapter 17.09 included?

Section 21.67.080 Development Requirement - Limit Development Areas

1. Please provide this office with a copy of Chapter 17.09 of the City Code for review.
2. Please incorporate section 27.01.02.04(C)(3 -10) from the Criteria (see pages 16 through 19).
3. Paragraph H.(1.) should read "Except as otherwise provided in this subsection for stormwater runoff man made impervious surface shall be limited to fifteen percent of the parcel of lot."
4. In Paragraph H.(4.), add after "... to exceed the impervious surface limits provided in subsection H2 and 3 of this section if the following conditions exists:" " a. New impervious surfaces have been minimized."
5. In Paragraph 4. (e.), delete (F)(3) in the first line and modify this phrase to read "All fees in lieu collected by a local jurisdiction under this subsection must be used to fund projects that improve water quality within the Critical Area consistent with the jurisdiction's local Critical Area protection program."

Section 21.67.100 Water-Dependent Facilities

1. In Paragraph B(5), delete "or (c) as detailed below" and combine paragraphs a and b.
2. In Paragraph B(5)(c) change the codification.

Continued, Page Three
City of Annapolis Ordinance
Staff Review
June 26, 1998

21.67.110 Habitat Protection

1. Paragraph A (2)(d) should read "protect and conserve those riparian forests of approximately three hundred feet or more in width required to support forest interior dwelling birds, as determined by methods described in the Critical Area Commission Guidance entitled Conservation of Forest Interior Dwelling Birds in the Critical Area."

21.67.140 - Grandfathering Provisions

1. This section (Page 12 & 13) is unclear and does not accurately reflect what is outlined in the Criteria. The City needs to review their grandfathering language. Please use the grandfathering language in 27.01.02.07 (A-D) of the Criteria.

Others Issues That Need to be Addressed

1. The City needs to include density provisions and use provisions for RCA. See Section 27.01.02.05(c)(5).

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Jeff Torney FAX #: (410) 263-1129
COMPANY: Annapolis Pt 7
FROM: Dawn McCleary NUMBER OF PAGES SENT: 5
DATE: June 29, 1998 TIME: _____
REMARKS: _____

*If any questions, please
call me. Thanks*

TRANSACTION REPORT

Refused

P.01

JUN-29-98 MON 11:03 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUN-29	11:01 AM	94102631129	1'50"	5	SEND	OK	562	

TRANSACTION REPORT

P. 01

JUN-29-98 MON 10:53 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUN-29	10:50 AM	94102631129	1'51"	5	SEND	OK	561	

PROJECT:

Name: Fells Point Visitor Center

307 South Anne Street

CAC #: BA163-98 Local #: 000883

Date: June 25, 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

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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: Ba/M. City Planning Dept
FROM: Drew Mc Cleary NUMBER OF PAGES SENT: 2
DATE: June 26, 1988 TIME: _____
REMARKS: _____

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

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

June 24, 1998

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

RE: 721 Chester Ave; Brian Sears

Dear Mr. Torney:

After reviewing the above project, this office needs the following information: 1) the 10% calculations since it is in an Intensely Developed Area and 2) a site plan showing the 100 foot Buffer. Please forward all additional information to this office for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 974-2426.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Regina Esslinger

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, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: JEFF TORNEY FAX #: (410) 263-1129
COMPANY: City of Annapolis
FROM: DAWN McCLARY NUMBER OF PAGES SENT: 7
DATE: June 24, 1998 ^{has resent} TIME: _____

REMARKS:

Any questions, please feel free to
call me.

Thanks
Dawn

TRANSACTION REPORT

P. 01

JUN-24-98 WED 03:48 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUN-24	03:47 PM	94102631129	46"	7	SEND	OK	533	

* P.01 *
* TRANSACTION REPORT *
* JUN-25-98 THU 09:44 AM *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
* JUN-25 09:40 AM 94102631129 2'59" 7 SEND OK 534 *

6/24/98

Jeff,

Attached, you will find
examples of Fringe benefit breakdown
to be used for your FY 1999 grant.

Please see the circled areas
for examples.

Thanks

Dawn

Read 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

June 22, 1998

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

**RE: Bert Jabin's Yacht
Yard Expansion**

Dear Mr. Torney:

Critical Area Commission staff received the site plan for the above project and has determined that the applicant must expand the buffer in some areas to include steep slopes. The revised site plan shows an area of manmade steep slopes which are to be removed and graded. The Critical Area regulations do not make a distinction between manmade and natural steep slopes. Therefore, the Buffer must be expanded. *(See attached sketch site plan attached)*. No disturbance is to take place in the expanded Buffer without a variance.

To complete the review of the above project, please submit a revised site plan showing the expanded Buffer. If there are any questions, please feel free to call me at (410) 974-2426.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Tom Smith
Regina Esslinger

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

TO: David Brownlee, Calvert Co. P & Z

FROM: Dawnn McCleary, ^{DM}Critical Area Commission

DATE: June 18, 1998

RE: *Dowell School Reminder\Suder Mtg.*

Has the engineer revised the site plan to show the removal of the stormwater management (SWM) basin No. 2 tying it into the SWM basin No. 3? Also, as mentioned earlier, I will need the revised amount of forest clearing once the SWM basin No. 2 is removed from its current location on the site plan.

How did the Planning Commission meeting turn out with the parcel that Mr. Suder owns? Let me know when the next County approval will be. I have started a file for this proposed refinement request.

* P. 01 *
* TRANSACTION REPORT *
* JUN-18-98 THU 04:10 PM *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
* JUN-18 04:08 PM 914104143092 1'05" 2 SEND OK 515 *

P. 01

TRANSACTION REPORT

JUN-18-98 THU 04:10 PM

DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP

JUN-18 04:08 PM 914104143092 1'05" 2 SEND OK 515

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: David Browne FAX #: (410) 414-3092
COMPANY: Calvert Co. P+Z
FROM: Diana McClaugh NUMBER OF PAGES SENT: 2
DATE: June 18, 1998 TIME: _____
REMARKS: _____

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



Read 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

June 11, 1998

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

**RE: Town of Denton New Broad of
Education Building Notification of Certification**

Dear Mr. Hurley:

Thank you for providing "Notification of Certification" that the above project is consistent with the Town of Denton's Critical Area Program. The project is located in the Town of Denton near the town's center on Franklin Street. The proposed project is located in the Town's Intensely Developed Area.

According to your letter, this site has already been developed and involved the construction of a new Board of Education building. Staff understands that there are no habitat protection areas on site. Also, the Town has met the 10% requirement by reducing the impervious surface from 100% to 88%, causing the reduction of pollutant loadings by 11%. The site plan shows additional plantings around the developed site.

Based on the information submitted by the City, the Commission staff has determined the 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. (See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs). Therefore, approval of the project by the Commission is not necessary.

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

Sincerely,

Dawn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Jennifer Shull
Regina Esslinger

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

*
* TRANSACTION REPORT *
*
*
*
*
*

P. 01

JUN-17-98 WED 08:39 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUN-17	08:36 AM	914104793534	1' 02"	2	SEND	OK	508	

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Jennifer Shull FAX #: (410) 479-3534
COMPANY: Town of Denton
FROM: D Ann McCleary NUMBER OF PAGES SENT: 2
DATE: June 17, 1998 TIME: _____
REMARKS: _____

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

June 9, 1998

Mr. Michael Hild
Chief of Engineering
Maryland Port Administration
Maritime Center II
2310 Broening Highway
Baltimore, MD 21224

**RE: South Locust Point Marine
Terminal Cargo Shed Extension**

Dear Mr. Hild:

On June 3, 1998, the Critical Area Commission voted to approve the proposed Cargo Shed Extension at South Locust Point Marine Terminal. The proposed project consists of the construction of an extension of an existing cargo shed. The extension will be approximately 100,000 square feet.

This office would like to thank the staff of STV, Inc. and the Maryland Port Administration for their assistance. If there are any questions pertaining to the above project, please feel free to call me.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Mr. Vasanth
David Steward
William Phillips
Regina Esslinger

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, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Mr. Varnath FAX #: 410/631-1140
COMPANY: MPA
FROM: DAnn McCleary NUMBER OF PAGES SENT: 2
DATE: June 10, 1998 TIME: _____

REMARKS:

I already faxed Mike Hill
his copy of the letter yesterday.
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.

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

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Mike Hild FAX #: (410) 631-1140
COMPANY: MPA
FROM: DAnn McCleary NUMBER OF PAGES SENT: 2
DATE: June 10, 1998 TIME: _____
REMARKS: _____

No receipt
for Mike
Hild
6/10/98

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

TRANSACTION REPORT

P. 01

JUN-11-98 THU 08:49 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUN-11	08:47 AM	94106311140	1'13"	2	SEND	OK	494	



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

June 8, 1998

Mr. Frank Jaklitsch
Director
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

**RE:Lore\Dowell Property Refinement
and Conditional Approval**

Dear Mr. Jaklitsch:

On June 3, 1998, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination to approve Calvert County's request for refinement to amend the County's Critical Area maps. The County contends that there was an error in the mapping of tidal wetlands on the Lore Property. The correction will remove an area of approximately 11.91 acres from the Chesapeake Bay Critical Area. Critical Area Commission staff understands that the Maryland Department of the Environment has officially changed the Tidal Wetlands Maps on the Lore Property. Please incorporate this refinement into the County's Critical Area Program within 120 days from the date of this letter and submit a revised map to the Commission.

The Commission also voted to approve the proposed Dowell Elementary School, at the afternoon meeting with the condition that the stormwater management basin No. 2 be removed and tied into the stormwater management basin No. 3.

The Critical Area Commission staff would like to thank Dr. David Brownlee, Principal Environmental Planner for Calvert County Planning and Zoning for working diligently with the Commission staff.

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. Jaklickih
Lore\Dowell Property
June 8, 1998

If there are any questions, please do not hesitate to call me at (410) 974-2426.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: David Brownlee, Ph.D., Calvert Co. P & Z
Bobbie Hutchison, Calvert Co. P & Z
Lloyd Robertson, Calvert Co. Board of Education
Ren Serey, Critical Area Commission
Lee Anne Chandler, Critical Area Commission
Regina Esslinger, Critical Area Commission

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Mr. Frank Jaklitsch FAX #: (410) 414-3090

COMPANY: Calvert Co. Pt 2

FROM: Dana McCleary NUMBER OF PAGES SENT: 3

DATE: June 9, 1998 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

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Dave Brownlee FAX #: (410) 414-3092
COMPANY: Calvert Co. P + Z
FROM: Dawn McCleary NUMBER OF PAGES SENT: 3
DATE: June 9, 1998 TIME: _____

REMARKS:

let me know the location of the Lot beside the Kopicki property. I would like to do a site visit before it goes for a refinement in front of the Commission.

Also, if you have any questions pertaining to the letter, please feel free to call me.

Thanks
Dawn

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

TRANSACTION REPORT

P. 01

JUN-09-98 TUE 04:08 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUN-09	04:05 PM	914104143092	57"	3	SEND	OK	487	

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

June 5, 1998

Mr. Stan Ruchlewicz
Director
Department of Planning
711 Pennington Ave
Havre de Grace, MD 21078

RE: North Park Rail to Trail
Critical Area Consistency Report

Dear Mr. Ruchlewicz;

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Havre de Grace's Critical Area Program. The project is located in the City of Havre de Grace along the abandoned railroad in North Park. The proposed project will take place in the Resource Conservation Area (RCA).

According to the your memo addressed to Mr. Dave Ellenberg, Executive Director of the Lower Susquehanna Heritage Greenway Corridor, this project involves a modification of the abandoned railroad with crusher run to create a safe foot trail. The work will be conducted on the abandoned railroad bed from the CSX railroad bridge south to the Route 40 bridge. The existing impervious surface includes the main access road, and a parking area. The proposed activities are: trimming of vegetation to provide access for construction vehicles, installation of three foot bridges to cross tidal streams, and placement of gravel/crusher run along the trail road area.

The improved foot trail will provide access to the Susequehanna River Shoreline and other Natural Resources. The trail will also be used for education to bring the public to the resources.

The Project Evaluation staff understands:

1. The project must occur within the boundaries of the Critical Area Buffer, a habitat protection area. The proposed disturbances within the Critical Area Buffer, have been minimized;

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
North Park Rail to Trail Project
Mr. Ruchlewicz
June 5, 1998

2. There will be no construction or grading during the anadromous fish breeding season from March 1 to June 15, or during the forest interior bird species breeding season from May 1 to August 31;
3. There are no known habitats of rare, threatened or endangered species, riparian forest, colonial waterbird nesting sites, tidal wetlands, or waterfowl concentration area which will be impacted by the proposed development activity;
4. Those trees that are removed by the project will be replaced with native species at a tree planting elsewhere on the park. Also, trimmed vegetation will be allowed to regrow within four feet of the center of the trail; and,
5. The proposed footbridge and the reconstruction of the rail area for a trail have been designated to minimize disturbance to surface waters and wetlands.

Based on the information submitted by the City, the Commission staff has determined the above proposed development: 1) has environmental or economic consequence 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. (*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, feel free to contact me at (410) 974-2426.

Sincerely;



Dawnn McCleary
Natural Resources Planner

cc: Janet Gleisner
Mary Anne Skilling
Regina Esslinger

TRANSACTION REPORT

P. 01

JUN-05-98 FRI 01:08 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUN-05	01:05	PM 914109393692	1' 32"	3	SEND	OK	470	

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Stan Ruschelovny FAX #: (410) 939-3692
COMPANY: Dept of Planning of Anne de Grace
FROM: Dawn McCleary NUMBER OF PAGES SENT: 3
DATE: June 5, 1998 TIME: _____
REMARKS:

*Any questions, please call me
Thanks*

PROJECT:

Name: Fanner Harbor East Hotel
Parcel A (Block No. 17978 +
CAC #: BA 37-99 Local #: 000873 1799)
Date: June 4, 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

JUN-04-98 THU 12:58 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUN-04	12:50 PM	94102447358	1' 17"	2	SEND	OK	465	

CHESAPEAKE BAY CRITICAL AREA COMMISSION
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. Dept. of Planning
FROM: Dawn McCleary NUMBER OF PAGES SENT: 2
DATE: June 4, 1998 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

STAFF REPORT

June 3, 1998

APPLICANT: The Department of Transportation: Maryland Port Administration

PROPOSAL: Cargo Shed Extension at South Locust Point Marine Terminal

JURISDICTION: Baltimore City

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

APPLICABLE LAW/REGULATIONS: Chapter 5: State Agency Actions Resulting in Development on State-Owned Land COMAR 27.02.05.02

DISCUSSION:

The proposed cargo shed extension is located in the southeast sector of Baltimore City at the Maryland Port Administration South Locust Point Marine Terminal. The proposed project consists of the construction of an extension of an existing cargo shed. The extension will be approximately 100,000 square feet. The project lies entirely within the Critical Area with a small portion lying within the 100-foot Buffer. The site has been classified as a redevelopment in an Intensely Developed Area (IDA).

The site of the proposed cargo shed extension currently exists as a bituminous surface used as a storage area for container vehicles and is crossed by a variety of utilities. The Maryland Port Administration proposes to relocate the utilities around the proposed extension and to construct the pile supported building over a structural fill on top of the bituminous paving. The 10% calculations were done and, as a Best Management Practice, a dry extended detention pond was recommended. The scheduled start of the construction is April 1998, with completion planned for April 1999.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Bill Phillips FAX #: (410) 298-2794

COMPANY: STV Incorporated

FROM: DAnn McCleary NUMBER OF PAGES SENT: 6

DATE: May 28, 1998 TIME: _____

REMARKS:

Attached, you will find: (1) an agenda, and (2) directions to get to the Commission meeting. The Commission meeting will be in Cecil Co. at The North East River Yacht Club

Please be at the meeting by 9:45 AM (see agenda). If there are any questions, please feel free to call me.

Thanks
DAnn

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

June 5, 1998

Mr. Stan Ruchlewicz
Director
Department of Planning
711 Pennington Ave
Havre de Grace, MD 21078

**RE: North Park Rail to Trail
Critical Area Consistency Report**

Dear Mr. Ruchlewicz;

Thank you for providing "Notification of Certification" that the above project is consistent with the City of Havre de Grace's Critical Area Program. The project is located in the City of Havre de Grace along the abandoned railroad in North Park. The proposed project will take place in the Resource Conservation Area (RCA).

According to the your memo addressed to Mr. Dave Ellenberg, Executive Director of the Lower Susquehanna Heritage Greenway Corridor, this project involves a modification of the abandoned railroad with crusher run to create a safe foot trail. The work will be conducted on the abandoned railroad bed from the CSX railroad bridge south to the Route 40 bridge. The existing impervious surface includes the main access road, and a parking area. The proposed activities are: trimming of vegetation to provide access for construction vehicles, installation of three foot bridges to cross tidal streams, and placement of gravel/crusher run along the trail road area.

The improved foot trail will provide access to the Susequehanna River Shoreline and other Natural Resources. The trail will also be used for education to bring the public to the resources.

The Project Evaluation staff understands:

1. The project must occur within the boundaries of the Critical Area Buffer, a habitat protection area. The proposed disturbances within the Critical Area Buffer, have been minimized;

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 28, 1998

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

**RE: Fells Point Visitor Center
Baltimore City**

Dear Mr. Stuart:

This office is unable to review the above project without a site plan showing the 100 foot Buffer, property boundaries, existing and proposed features, etc. Once the site plan has been submitted, this office will provide comments.

If there are any questions pertaining to the above, 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: Regina Esslinger
Becky Swanston
BA 163-98

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, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Betsy Swanston FAX #: (410) 732-0601
COMPANY: Swanston Associates, Inc
FROM: D. McCleary NUMBER OF PAGES SENT: 2
DATE: June 1, 1998 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

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: Ba Wb. City Planning Dept.
FROM: Diana Mc Cleary NUMBER OF PAGES SENT: 2
DATE: May 29, 1998 TIME: _____
REMARKS: _____

*Faxed to Duncan
twice. The fax
machine busy
did not get receipt
of transmission.*

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
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 ~~203-1129~~

COMPANY: Baltimore City Dept. of Planning

FROM: Dawn McCleary NUMBER OF PAGES SENT: 2

DATE: May 27, 1998 5:00 PM
resent May 28, 1998

REMARKS:

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

PROJECT: Litteran World Center
Name: (70) South Charles St.
CAC #: BA 109-98 Local #: 000002
Date: May 22, 1998 (Resubmital)

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.

J. J. McClary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

TRANSACTION REPORT

P. 01

MAY-27-98 WED 08:08 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAY-27	08:07 AM	941094102447358	**' **"	0	SEND	BUSY	419	

TOTAL : OS PAGES: 0

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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: Calvert City Dept of Planning

FROM: Dawn McCleary NUMBER OF PAGES SENT: 2

DATE: MAY 27 1998

* P. 01 *
* TRANSACTION REPORT *
* MAY-28-98 THU 11:48 AM *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
* MAY-28 11:32 AM 94102447358 1'18" 2 SEND OK 435 *

Resent
5/28/98

TRANSACTION REPORT

P. 01

MAY-27-98 WED 08:09 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAY-27	08:07 AM	941094102447358	**' **"	0	SEND	BUSY	419	

PROJECT:

Name: Edward Freitag + Martha
Halley (272 Eastern Ave
CAC #: AN 235-98 Local #: -
Date: May 19, 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

45 Calvert Street, 2nd floor
Annapolis, MD 21401

PH: (410) 974-2426

FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Jeff Torney FAX #: (410) 263-1129

COMPANY: Annapolis Pt 2

FROM: Dawn McCleary NUMBER OF PAGES SENT: 2

DATE: May 19, 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 *
* MAY-19-98 TUE 04:02 PM *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
* MAY-19 04:00 PM 94102631129 54" 2 SEND OK 390 *

PROJECT:

Name:

Innert Harbor Parcel "C" only
Innert Harbor East

CAC #:

BA 37-98 Local #: 000873

Date:

May 15, 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.

Dauna McClary
Reviewer's Signature

Project Evaluation Division
Telephone: (410) 974-2426

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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 McCleary NUMBER OF PAGES SENT: 2

DATE: May 15, 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

MAY-15-98 FRI 03:12 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAY-15	03:09	PM 94102447358	1'17"	2	SEND	OK	373	

Staff Correspondence File II - 1998 Reader File - Lisa

51832-139-3

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

September 22, 1998

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

Re: James H. Fraley
1998-0296-V
1998-0297-V

Dear Mr. Dooley:

I have received the above-referenced variance requests to permit dwelling additions that will require less setbacks and Buffer, and to permit a pier that will require less setbacks. The proposed addition that is waterward of the existing structure is a deck. It appears it will encroach three feet less than the existing deck. This office has no objection. In regard to the pier setbacks, this office does not comment on zoning setback issues that are not tied to the local Critical Area Program. Mitigation is recommended for any new disturbances that may result to the 100-foot 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,

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

Lisa A. Hoerger
Environmental Specialist

cc: AA 463-98

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

September 22, 1998

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

Re: Phillip V. Warman
1998-0306-V

Dear Mr. Dooley:

I have received the above-referenced variance request to install two pilings to an existing pier that will require less setbacks. Outside of the setback issue to which this office does not comment, the project appears consistent with the local Critical Area Program.

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 473-98

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

September 22, 1998

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

Re: Marsha Stallings
998-0285-V

Dear Mr. Dooley:

I have received the above-referenced variance request to construct a dwelling addition that will require less setbacks and Buffer. From the site plan provided, it appears the proposal may be within the expanded Buffer for steep slopes. If the slopes are 15% or greater, then the Buffer is expanded by measuring 50 feet from the top of the steep slope. In this case, the expanded Buffer would cross through the existing house. County staff should verify this since it will change the degree of the variance.

If the County staff determines the slopes are less than 15% and there is no need to expand the Buffer, then this office requests that the applicant consider shifting the garage to eliminate the need for a Buffer variance. If the County staff determine the expanded Buffer is applicable on this lot, then we recommend the applicant reduce the proposed footprint of the addition to minimize disturbance to the Buffer. Mitigation of native species is recommended for disturbance to the Buffer 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 459-98

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

September 22, 1998

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

Re: Arthur Thornton
1998-0300-V

Dear Mr. Dooley:

I have received the variance request for the above-referenced case. The applicant proposes to construct a shed that will require less setbacks from the property. This office does not comment on zoning setbacks. We note however, that the subject property is in an Intensely Developed Area. Therefore, the applicant should address the 10% Pollutant Reduction Rule. We recommend that on small residential lots an appropriate plantings plan, consisting of native trees and shrubs be utilized to offset additional impervious areas.

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 470-98

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

September 22, 1998

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

Re: Paul Hetzel
1998-0287-V

Dear Mr. Dooley:

I have received the above-referenced variance request to remove an existing house and replace it with a new dwelling that will be in the 100-foot Buffer. The lot is 3.09 acres. The site plan depicts both the existing house and proposed dwelling, however it is to determine the exact footprint of the proposed dwelling.

In any case, we maintain that the applicant should accommodate the dwelling outside the 100-foot Buffer, recognizing there will still be impacts to the expanded Buffer for steep slopes. Mitigation at a 3:1 ratio of native species for all new disturbance is recommended.

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 460-98

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

September 22, 1998

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

Re: Charles & Carol Currey
1998-0263-V

Dear Mr. Burkins:

I have received the above-referenced variance request to permit an accessory structure with less setbacks. While this case was advertised as also requiring less Buffer, I verified with County staff that the proposed structure was not in the Buffer or expanded Buffer to Long Cove. Therefore, the request appears consistent with the local Critical Area Program. In regard to the setback issues we do not offer comments on zoning setbacks.

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 412-98

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

September 22, 1998

Ms. Suzanne Schappert
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Steven Clements
1998-0268-V

Dear Ms. Schappert:

I have received the above-referenced variance request to permit an addition that will require less setbacks. This office offers no comment regarding zoning setbacks. However, allowable impervious surface may be exceeded. We recommend the applicant reduce the footprint to meet the impervious surface requirement.

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 423-98

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

ge 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

September 18, 1998

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

Re: Donald & Cheryl Kelley
1065

Dear Ms. Renshaw:

I have received the special exception request for the above-referenced case. The proposed "cottage industry" as described in the information sent to this office appears to be consistent with the Talbot County Zoning Ordinance as referenced in the General Table of Land Use Regulations Table of Uses in Section 19.4 on page 4-16. Therefore, we have no objection to the proposed special exception request. All other relevant Critical Area requirements apply where applicable.

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 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: TC 456-98

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

September 14, 1998

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

Re: John O. Brooks, Jr., S 881

Dear Ms. Renshaw:

I have received the above-referenced subdivision request and offer the following comments. In general the proposal appears consistent with the County's Critical Area Program. If the current use of the parcel is agricultural then the 100-foot Buffer should be re-established with native species. The site plan provided shows an area planned for the required afforestation. We suggest that plantings occur first to re-establish the Buffer.

The County and the applicant should ensure that any proposed future dwelling can be accommodated outside the 100-foot Buffer. Also, the report mentions there are some pockets of nontidal wetlands. If there are any nontidal wetlands contiguous to the 100-foot Buffer then the Buffer is expanded to edge of those nontidal wetlands. The site plan provided did not show these wetland areas.

As always, adequate stormwater management and sediment and erosion control measures must be taken during and after construction in the case of stormwater management.

Thank you for the opportunity to comment. Please do not hesitate to call me if you have any additional questions or concerns.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: TC 446-98

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

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

September 11, 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 998-0262-V, the property of George & Zaida Gilmour. The applicant proposes to construct a screened porch that will be in the expanded Buffer. This office offers no objection to the request. The porch appears to be no closer to the water than the existing deck. While the structure is sited over steep slopes, the footers are proposed to be hand dug. We recommend mitigation of native species at a 3:1 ratio to be planted in the Buffer for all new disturbance including any proposed 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 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 411-98

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



ge 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

September 11, 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 1998-0279-V, the property of Elizabeth and Carville Downes. The applicant proposes to construct a deck in the 100-foot Buffer. From the information provided, the proposed deck will be constructed over an existing patio. This office has no objection to the requested variance. However, we recommend that the stairs not extend an additional ten feet into the Buffer. Mitigation should be at a 3:1 ratio of native species for 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 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 448-98

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

September 9, 1998

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

Re: Old Bloomfield
S878

Dear Ms. Renshaw:

I have received the proposed above-referenced subdivision request and offer the following comments.

- 1) According to the site plan submitted, it appears the total acreage in the Critical Area is just below 40 acres (see impervious surface calculations). If this is accurate, subdivision of this parcel may not be permitted under the one dwelling unit per twenty acre density provision in the County's ordinance.
- 2) Assuming the subdivision is permitted, the proposed area of reforestation should occur in the Buffer adjoining Dixon Creek. When an agricultural use converts to a residential use, the Buffer should be reestablished.

Thank you for the opportunity to comment. If you have any questions, please call me at *our new telephone number*, (410) 260-7516. Or you may reach me directly at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: TC 439-98

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

September 4, 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 1998-0266-V, the property of David McCollough. The applicant proposes to construct a detached garage and storage shed that will require less setbacks. The subject lot is mapped as a Buffer Exemption Area (BEA). Therefore, while a Buffer variance is not required, mitigation for Buffer disturbance is required as prescribed by the County's BEA policy. It is not entirely clear from the information provided whether the new structure will be entirely located on existing impervious area.

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 414-98

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

September 4, 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 1998-0274-V, the property of Daniel Ruegg. The applicant proposes to construct a dwelling on steep slopes that will require less setbacks and Buffer. Provided this lot is properly grandfathered, this office has no objection to siting a dwelling on this lot.

However, we recommend that the applicant consider scaling down the footprint in order to minimize disturbance to the slopes. The soil survey describes this area as having Monmouth fine sandy loam with 15% to 40% slopes. These soils are highly susceptible to erosion. In addition, mitigation should be performed at a 3:1 ratio for all new disturbance 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 427-98

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

September 4, 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 1998-0270-V, the property of Kenneth Bossung. The applicant proposes to construct an enclosed porch and attached garage addition that will be in the expanded Buffer for steep slopes and highly erodible soils. We recommend that the applicant consider scaling down the porch and garage addition in order to minimize disturbance to the Buffer. Mitigation should be at a 3:1 ratio of native Buffer plantings.

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 425-98

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

September 4, 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 1998-0269-V, the property of John Banbury. The applicant proposes to replace an existing shed that will require less setbacks. According to the County maps, this property is mapped as a Buffer Exemption Area (BEA). If the new shed will be located in the Buffer or expanded Buffer, it does not need a Buffer variance. However, mitigation should be performed at a 2:1 ratio for 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 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 424-98

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

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CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

DATE: September 3, 1998

TO: Gerry Thompson, Park Manager
Ross Kimmel, Historic and Cultural Resources

FROM: Lisa Hoerger

SUBJ: Proposed Barn/Carriage House at Sandy Point State Park

I spoke with Tom Johnson, curator of the historic property at Sandy Point State Park today regarding the above-referenced proposal. I explained to Mr. Johnson that his proposal would need review by Commission staff and formal approval by the Chesapeake Bay Critical Area Commission because it will be located on State-owned land. We will be scheduling a site visit in the near future.

In the meantime, I am forwarding a copy of our checklist for State projects in the Critical Area. In addition to accommodating the checklist, you should contact Dr. Sarah Taylor-Rogers, Assistant Secretary and member of the Critical Area Commission to make her aware of this project.

If you have any questions, please contact me at my *new telephone number* (410) 260-7032.

Attachment

cc: Tom Johnson, Curator
Regina Esslinger, Chief Project Evaluation, CBCAC



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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September 1, 1998

Ms. Wanda Cole
Land and Water Conservation Service
Tawes State Office Building, E-4
580 Taylor Avenue
Annapolis, Maryland 21401

Re: 98-DNR-101 Jonas Green State Park, Anne Arundel County
FY 2000 Design Program for Phase I Development:
Comfort Station and Ranger Station

Dear Ms. Cole:

Our office has received the above-referenced project and would like to offer the following comments in relation to the Chesapeake Bay Critical Area Law and Criteria. Generally, we have no objection to the proposed Memorandum of Understanding between DNR, MDOT and Anne Arundel County. However, we do have some concerns regarding the proposed development activities. I have outlined our comments and concerns below.

- 1) We understand from the application that conceptual plans will be generated by Anne Arundel County. Please do not assume that our office has reviewed and commented on any plans, conceptual or otherwise, that have been drawn by the County. This is important because certain uses that may be contemplated for this site may not be consistent with the Critical Area Criteria in relation to development on State-owned land.
- 2) Those activities mentioned in your memorandum dated August 19, 1998 appear to be consistent with this site in that this area is considered a Resource Conservation Area (RCA). However, other uses not currently proposed may not be consistent.
- 3) The location of the proposed facilities (picnic pavilion(s), comfort station/ranger office, memorial) shall not be in any designated Habitat Protection Areas (HPAs). Based on the site plan submitted, it is not clear whether the 100-foot Buffer will be impacted. Critical Area HPAs include the 100-foot Buffer, threatened and endangered species, plant and

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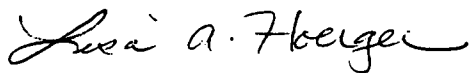
Ms. Cole
Page Two
September 1, 1998

wildlife habitat (colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forests, forest interior dwelling bird habitat, natural heritage areas) and anadromous fish propagation waters.

- 4) Appropriate stormwater management techniques and/or facilities should be provided for that address both quality and quantity management for all improvements.
- 5) Impervious surfaces shall be limited to 15% of the entire parcel or area of the park.
- 6) Any proposed clearing should not exceed 20% of the entire parcel. For those areas cleared, mitigation shall occur at a 1:1 ratio utilizing native species.
- 7) No new clearing or disturbances are permitted within the 100-foot Buffer to the Severn River. Only water-dependent uses (piers, boat ramps, shore erosion protection) are permitted in the Buffer. Mitigation for water-dependent uses is 1:1.
- 8) The application mentions a proposed boardwalk. The Commission has developed guidance concerning public walkways on public property. I have enclosed a copy of that document for your review. Commission staff is available to assist in its design.
- 9) Finally, the proposed improvements will require formal approval by the Critical Area Commission. I have also enclosed a checklist that describes the time frame and information you will need to supply Commission staff with in order to get Commission approval.

Thank you for the opportunity to comment. If you have any questions, please call me at our *new telephone number* at (410) 260-7516.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

Enclosures

cc: AA 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
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September 1, 1998

Mr. Stanley Causey
Maryland Department of the Environment
Water Management Administration
P.O. Box 800
Cambridge, Maryland 21613

Re: Calman J. Zamoiski, Jr.
99-WP-0008

Dear Mr. Causey:

This office has received the above-referenced application and offers the following comments. From the information provided, it appears the applicant proposes to dredge a tidal pond in order to restore the original depth and provide waterfowl habitat. It is our understanding that the dredged material will be placed on an adjacent farm field. This area should not be in any designated Habitat Protection Area, especially the 100-foot Buffer.

Thank you for the opportunity to comment. If you have any questions, please call me at our *new telephone number*, (410) 260-7516.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: TC Tidal Wetlands File

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Chairman



Ren Serey
Executive Director

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September 1, 1998

Ms. Lori Allen
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Phelps Property
P # 98-165

Dear Ms. Allen:

Our office has received the above-reference subdivision request. I understand this project is in the sketch plan phase at this time. My comments are outlined below.

- 1) From the site plan provided, it appears the site has several pockets of nontidal wetlands. The applicant should provide the County with a more detailed site plan that shows the limits of these nontidal wetlands and their required 25-foot buffer.
- 2) The plan also needs to show the 100-foot Buffer from the edge of tidal wetlands, mean high water and intermittent and perennial streams. The soil survey shows two streams running through both parcels.
- 3) It is not clear whether the location and size of the proposed stormwater management will be sufficient to handle both quality and quantity.
- 4) The impervious surface calculations and the forest clearing calculations computed for Section I are not correct.
- 5) The site has 7.67 acres of Resource Conservation Area in Section I. The present plans show no disturbance to this area. The County should remind the applicant that if this area is planned to be shown as Recreation Area it must be labeled passive.

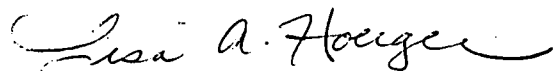
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Ms. Allen
Page Two
September 1, 1998

- 6) This tract is completely forested, and is adjacent to other forested areas. The Department of Natural Resources, Heritage and Biodiversity Division should be contacted to determine if this area is considered Forest Interior Dwelling Bird Habitat. In addition, it should be determined whether either parcel supports any threatened or endangered plant or animal species.

Thank you for the opportunity to comment. I will be happy to provide further comments at the final submittal stage. Please call me if you have any questions. Our *new telephone number* is (410) 260-7516.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: AA 394-98

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

August 31, 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 1998-0231-V, the property of Mark Mavris. The applicant proposes to construct a new dwelling that will require less setbacks and Buffer. From the site plan provided, it appears the dwelling is reasonably-sized, and is sited as close to Orchard Point Road as possible. We recommend mitigation at a 3:1 ratio in the form of native Buffer plantings 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 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 364-98

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

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

August 28, 1998

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

Re: Chesapeake Bay Foundation
98-145

Dear Mr. Soldano:

This office has received the above-referenced subdivision request. The configuration of the proposed lots does not appear to conflict with the County's Critical Area Program. However, the site plan provided locates a the portion of the proposed pool and pool deck on lot 2 in the Buffer. These facilities should be accommodated outside the Buffer, and the Buffer should be reestablished in this area. From the information provided, the beach area along the Chesapeake Bay shoreline support nesting horseshoe crabs.

While the total allowable impervious areas were calculated, the proposed impervious surface areas were not stated. Also, proposed clearing was not reported. We are aware of the bird study, and suggest that clearing, particularly on lot 1, be minimized.

Thank you for the opportunity to comment. If you need additional information, please call me at (410) 974-2426. After Monday, August 31 our new telephone number will be (410) 260-7516.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 351-98

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

Judge John C. North, II
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Executive Director

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August 28, 1998

Ms. Suzanne Schappert
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Cypress Cove Estates, Assisted Living Facility
Special Exception 1998-0132-S, Variance 1998-0133-V

Dear Ms. Schappert:

This letter serves to supplement my original comments, dated May 1, 1998 to Mr. Kevin Dooley of your office. The applicant, Cypress Cove LLC, proposes to construct a 70-bed assisted living facility with associated parking and stormwater management that requires a special exception in an R2 district and will impact the expanded Buffer for steep slopes. My comments are outlined below.

1. This is the third site plan submitted to this office for review in regard to this variance request. While the Buffer has been more clearly delineated, there are still portions of the parking lot and the loop driveway that impact the Buffer. Although the site is encumbered with the expanded Buffer from all directions, the buildable area is sufficient to support development without impacting the Buffer. We believe a redesign is necessary, and possible in order to remove all Buffer disturbance.
2. The latest plan shows the location of a proposed outfall, but there is no description of how stormwater will be treated and managed. This is important at this stage of review because any proposed stormwater management facility cannot be located in the Buffer, although the outfall is permitted in the Buffer.

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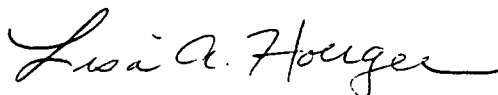
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Ms. Schappert
Page Two
August 28, 1998

3. This site has a split Critical Area designation that includes the Limited Development Area (LDA) and the Resource Conservation Area (RCA). While the proposed use is permitted in an LDA, it is not appropriate in an RCA as it does not exhibit qualities that are consistent with the intent of the character of the RCA. This line should be determined to ensure the facility, and its associated development activities (i.e. parking lot, stormwater management facilities), are not in the RCA.
4. The Department of Natural Resources, Heritage and Biodiversity Division has forwarded a letter dated August 6, 1998 that stresses the importance of an adjacent Natural Heritage Area, and the importance of no disturbance in the Buffer. Also, they recommend infiltration as a means for controlling stormwater leaving the site. We concur with those recommendations.
5. The proposed total impervious surface for this project are at 14.55%. The County should remind the applicant that while they meet the 15% limitation, future impervious areas will be limited. To date, we are unsure of what type of stormwater management facility will be required, and whether that will increase impervious area.
6. The plan indicates that the existing pier will remain. Will there be a proposed path to the pier, or is there already an access point? Also, if there will be a path, will it be paved? How wide would it be? This may affect the impervious surface limitation.

Thank you for the opportunity to comment. If I can be of further assistance, or your office requires comments in addition to those outlined above, please call me at our *new telephone number* at (410) 260-7516.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: AA394-98

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

August 26, 1998

Ms. Elinor Gawel
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Buffer Exemption Application - 3325 Harness Creek Road

Dear Ms. Gawel:

Our office has reviewed the above-referenced request and offers the following recommendation based on our field visit this morning with yourself and Mary Owens, Program Implementation Chief for this office. After reviewing the submittal and performing the site visit, we agree that the subject property qualifies for Buffer Exemption Area (BEA) status. It appears the County overlooked this lot when originally mapping the BEAs since the lot and dwelling existing prior to December 1, 1985, and the dwelling is within 50-feet of the shoreline.

After reviewing BEA map #56 and examining the shoreline in the field, we believe there may be another inconsistency on this map. The map submitted with this request indicates a small portion of shoreline between lots 2 and 3 is not mapped as a BEA. It is not clear why this entire portion of the shoreline was not mapped BEA. The County may wish to inquire into this inconsistency and also amend this portion of map #56.

Thank you for the opportunity to comment. If I can be of further assistance, please do not hesitate to call me at our *new telephone number*, (410) 260-7516.

Sincerely,

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

Lisa A. Hoerger
Environmental Specialist

cc: Mary Owens, Chief, Program Implementation

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

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

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Fax: (410) 974-5338

August 25, 1998

Ms. Barbara Jackson-Nash
P.O. Box 503
Annapolis, Maryland 21404

Dear Ms. Jackson-Nash:

Thank you for your letter concerning the Critical Area Law vis-a-vis removing vegetation in the 100-foot Buffer. I recall our telephone conversation in June which included a discussion of a neighboring property that was overgrown and affecting your property. I hope this letter will provide you with some information regarding allowable cutting in the Buffer and some information on the particular species growing next door. Also, I will provide you with some contacts in order to help you deal with, and hopefully resolve this situation.

As you are aware, the Anne Arundel County Critical Area Program is administered and enforced by the local Planning and Zoning office. The 100-foot Buffer is a designated Habitat Protection Area that, in most instances, is considered an area of no new disturbance. However, removing certain types of vegetation, like invasive or noxious weeds, is allowed pursuant to a Buffer Management Plan.

The photographs you sent show that the neighboring property is covered with kudzu. Kudzu is a nonnative vine that can choke out native plants. The State Chesapeake Bay Critical Area Commission considers it to be an invasive plant, and it is therefore allowed to be removed from the 100-foot Buffer subject to a Buffer Management Plan approved by the County.

When we spoke last June, you indicated that you were preparing a Buffer Management Plan for County approval in order to deal with a similar situation on your property. The adjoining property owner would also have to have a plan approved by the County. However, the removal of the kudzu would not be prohibited by the Critical Area Law. The Critical Area Commission recognizes that nonnative species can result in lessened habitat value and sometimes lessened water quality and therefore encourage property owners to remove such plants and reestablish the Buffer with native species.

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Ms. Jackson-Nash
August 25, 1998
Page Two

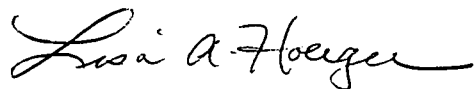
Kudzu is a problem not only in Anne Arundel County but in many areas along the East Coast. The reason for this is because it is difficult and time-consuming to eradicate. Our staff has had recent conversations with County staff and individuals in the scientific community concerning kudzu eradication. Claudia Jones, Science Advisor to the Critical Area Commission, can speak to you regarding kudzu and perhaps who to contact. She can be reached at (410) 974-2426. She has provided me with a copy of an information sheet printed by the Virginia Natural Heritage Program that explains kudzu. I have attached two copies for your information and use.

I would suggest that you contact Claudia and speak with her about kudzu. If you have an address of the property owner next door, you may wish to give him or her a copy of the information on kudzu and Claudia's telephone number. As you know, Rodney Banks, the County forester, and our office will be happy to assist yourself and your neighbor in preparing a plan to deal with the kudzu problem. We are also available to you and your neighbor to visit the site.

I understand and agree that some property owners may use the law as an excuse not to maintain their properties, but perhaps it is because they are uninformed. A mass mailing, as you suggested in your letter, is an issue for the County to ponder. Perhaps, they could add a paragraph or two to the brochure they send out to waterfront property owners that explains the problem of invasive and noxious plants and that their removal is allowed with an approved plan. I can certainly pass along this suggestion to Elinor Gawel, the county Critical Area Coordinator.

Again, I thank you for your letter concerning allowable clearing in the 100-foot Critical Area Buffer. I hope this letter clarifies that cutting of certain species is permitted with a Buffer Management Plan and that our staff and the County staff are available to provide assistance.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

Enclosure

cc: Ms. Elinor Gawel
Mr. Rodney Banks
Ms. Claudia Jones

Kudzu (*Pueraria lobata* (Willd.) Ohwi)

Description

Kudzu is a perennial, trailing or climbing vine of the legume family. Dark green leaves, starchy fibrous roots, and elongated purple flowers with a fragrance reminiscent of grapes readily identify this aggressive vine. A dense stand of identically colored plants growing on and around everything in its path is also a familiar field mark. Rarely flowering, kudzu stems and roots spread out in all directions from root crowns, with new plants beginning at stem nodes every one to two feet. This dense packing of kudzu can result in tens of thousands of plants occupying a single acre of land. Kudzu leaves are hairy beneath, often tri-lobed, and in groups of three on the vine. The 1/2 to 3/4 inch purple flowers are pea-like in shape and are produced on plants exposed to direct sunlight. Kudzu fruits, present in October and November, are hairy, bean-like pods which produce only a few viable seeds in each pod cluster. It is thought that some seeds can remain dormant for several years before they germinate. During peak growing season in early summer, this prolific vine can grow at a rate of a foot a day, easily covering and choking trees and understory vegetation.

Habitat

A hardy opportunist, kudzu grows in a variety of habitats and environmental conditions but does best on deep, well-drained, loamy soils. Almost any disturbed area is suitable habitat for this vine. Roadsides, old fields, vacant lots and abandoned yards are all prime spots for new kudzu growth.

Distribution

A native of Japan, kudzu was brought to the southeastern United States at the turn of the century for use as a soil stabilizer, animal food, and ornamental vine. Due to its prolific nature and lack of natural insect or disease controls, kudzu quickly became a pest. In 1970 it was listed as a common weed in the south by the Soil Conservation Service. Today, kudzu is spread along the Atlantic coast, north to Illinois and Massachusetts, west to Texas and Oklahoma, and south to Alabama, Georgia and Mississippi where the heaviest infestations occur. It has also recently been found in Florida where it has begun to invade the Everglades. Throughout Virginia, kudzu stands are a common sight along roadways and bordering agricultural fields.

Threats

Where it grows, kudzu has the ability to out-compete and eliminate native plant species and upset the natural diversity of plant and animal communities. Its extremely rapid growth rate and habit of growing over objects threatens natural areas by killing native vegetation through crowding and shading. It can also stifle agricultural and timber production. In addition, though edible to many grazing animals, its viney nature makes it difficult to cut and bale, making it undesirable as a hay crop. Repeated defoliation by grazing livestock will eliminate kudzu fields in just a few years, which further reduces its value as fodder.

Control

Control of well established kudzu stands can take up to 10 years. Persistent eradication of all root material is the key to the control of this pest, keeping in mind that a single kudzu patch may extend past landowner boundaries. The most effective method of control will depend on several factors: size of infested area, proximity to sensitive species or other desirable vegetation, and accessibility of the patch. Small patches of kudzu that are not well established (usually ones less than ten years old) can be eliminated by persistent weeding, mowing, or grazing during the growing season over a period of three to four years. Unfortunately, with root systems that can be up to 12 feet deep, eradication by direct root removal is not practical.

Long-term treatment of heavily infested sites usually requires the application of herbicides over a period of up to five years to inhibit the growth of new shoots. Biodegradable glyphosate herbicides are recommended for control of kudzu in natural areas. Because glyphosate is a systemic, nonselective herbicide that affects all green vegetation, treatments should be carefully timed and applied by trained applicators. The best time for application of these herbicides is at the end of the growing season when the plants are actively transporting nutrients from the leaves and stems to root systems. When applied at the proper time, herbicides are transported to the roots where they kill the entire plant.

In some areas, prescribed burning may be used as a follow-up treatment after herbicide application. Although it should be carefully and professionally handled, this two step process is effective in clearing out leaf litter and speeding re colonization of an area by desirable native plant species.

Consult with an agricultural extension agent or a natural resource specialist for assistance in designing and implementing a kudzu control program.

For more information contact:

Virginia Native Plant Society
P.O. Box 844
Annandale, VA 22003

Virginia Department of Conservation and Recreation
Division of Natural Heritage
1500 East Main Street, Suite 312
Richmond, VA 23219

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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

August 17, 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 plans for Phase II of the Tanyard Cove planned unit development (97-0211). My comments are outlined below.

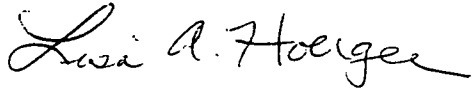
- 1) A previous submittal of this phase included a draft Environmental Assessment. Is a final copy available?
- 2) As with Phase I of Tanyard Cove, one of our foremost concerns is that Forest Interior Dwelling Bird (FID) habitat may be present on this site. We understand a study has been completed. Comments regarding the results of this study will follow in a separate letter. As you know, the results may affect the configuration of the proposed development.
- 3) There are several parcels labelled as green space or recreation areas. Any green space or planned recreation areas that are within a Habitat Protection Area or the Resource Conservation Area (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. For example, parcel "N14" is labeled "Active Recreation". This should be changed to "passive" to ensure no intense activities will result on the site.
- 4) Parcel "N20" is labelled as an "Active Recreation" area and appears to have a split Critical Area designation of a Limited Development Area (LDA) and an RCA. The area of RCA on this parcel should not include any active recreational activities.
- 5) The Recreation 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 shows a destination point on page two. The applicant shall ensure that this point is not in the Buffer.

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

Ms. Allen
Page Two
August 17, 1998

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 360-98

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

August 13, 1998

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

Re: Philip Hazen
BA 58-79V

Dear Mr. Dooley:

I have received notice of the above-referenced appeal. The applicant is appealing a modified variance granted to him by the administrative hearing officer for a dwelling and parking pad with less setbacks and buffer. This letter serves to distinguish for your office and the Board of Appeals, our position between cases where the required buffer is a 25-foot buffer and is necessary to protect nontidal wetlands, as opposed to tidal wetlands and the required 100-foot Buffer.

As you know, the County's Subdivision Ordinance at Section 3-110(g)(1) requires a 25-foot buffer from the edge of nontidal wetlands. We acknowledge and support the County's decision to retain the 25-foot buffer to nontidal wetlands in its Critical Area Program. However, in 1993 the Maryland General Assembly transferred review and permitting authority from the Critical Area Criteria in the Code of Maryland Regulations 27.01.09.02 to the Maryland Department of the Environment, Nontidal Wetlands Division. That agency is now responsible for reviewing impacts to nontidal wetlands, their associated buffers, and issuing permits. However, the Critical Area Criteria at COMAR 27.01.09.02 still reference nontidal wetlands and this office still provides comments to local jurisdictions requesting recommendations.

In regard to this case, we understand that the original request before the hearing officer was for a proposed dwelling and garage. While the variance to the proposed dwelling was granted, the garage was denied. We concur with the administrative hearing officer and County staff that by eliminating the garage, disturbance to the wetland buffer will be minimized. Mitigation to offset impacts to the nontidal wetland buffer should be as prescribed by MDE, but at a minimum 1:1 basis.

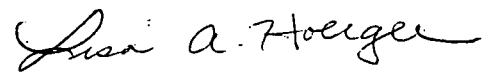
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Mr. Dooley
Page Two
August 13, 1998

Thank you for the opportunity to comment. I hope this letter helps to clarify our position regarding nontidal wetlands as opposed to 100-foot tidal wetland Buffer for both your office and the Anne Arundel County Board of Appeals. If you have any questions, please call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: AA 326-97

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

August 13, 1998

Mr. Joseph Elbrich
Assistant Director
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Dear Mr. Elbrich:

At your request, I am writing to explain how the provisions in the Code of Maryland Regulations 27.01.09.01.C.7 are administered. I understand there is a question as to whether an applicant/developer may submit a study to the County to demonstrate that proposed development activities on slopes 15 % or greater will not impact streams and wetlands, and therefore the expansion of the Buffer for this sensitive area will not be required. Both the County's Zoning Ordinance and the Critical Area Criteria clearly state that expansion of the Buffer for steep slopes is required.

The County's Zoning Ordinance at §1A-104 states:

...there shall be a minimum 100-foot buffer landward from the mean high water line of tidal waters, tributary streams, and tidal wetlands. The buffer **shall** be expanded beyond 100 feet to include contiguous, sensitive areas such as steep slopes and hydric soils or highly erodible soils whose development or disturbance may impact streams, wetlands, or other aquatic environments. If there are contiguous slopes of 15% or greater, the buffer **shall** be expanded four feet for every 1% of slope or to the top of the slope, whichever is greater, and shall include all land within 50 feet of the top of the bank of steep slopes. There shall be a minimum, 25-foot buffer surrounding all nontidal wetlands.

Similarly the Critical Area Criteria in COMAR 27.01.09.01.C.7 state:

Local jurisdictions **shall** expand the Buffer beyond 100 feet to include contiguous, sensitive areas, such as steep slopes, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments. 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.

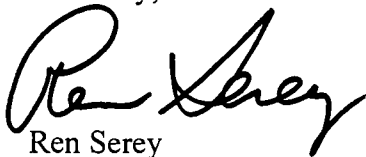
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Mr. Elbrich
Page Two
August 13, 1998

It is clear from both provisions that expansion of the Buffer in the case of contiguous steep slopes is mandatory. While interpretive studies are appropriate for hydric soils and highly erodible soils, they are not permitted for steep slopes.

As always, the Commission staff and I are available to assist you with these matters. Please call me if you have questions or would like to discuss this matter.

Sincerely,



Ren Serey
Executive Director

cc: Ms. Lori Allen, PACE
Ms. Regina Esslinger, CBCAC
Ms. Lisa Hoerger, CBCAC



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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August 13, 1998

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

Re: Ross Koch, 1998-0220-V

Dear Mr. Dooley:

This letter serves as an addendum to my letter to you dated August 7, 1998 concerning the above-referenced variance request. Subsequent to our field visit yesterday with yourself and Bill Love, it appears the applicant should consider siting the dwelling in the cleared area of the lot which fronts on Dutchship Road. This will minimize clearing on the lot and may also minimize disturbance to both the nontidal wetland buffer and the 100-foot Buffer to the stream.

In regard to the proposed septic system, we must defer to the County Health Department for guidance. However, we ask that the applicant explore the option of siting the system on the Edgewater Road portion of the site if possible. This would also minimize clearing and disturbance to the buffers on this sensitive site. Absent any information on perc's, it is difficult to determine whether this option is possible. We ask that it be considered. In addition, there is some concern about the system's proximity to neighboring wells which are not shown on the site 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 of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 339-98

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

August 13, 1998

Mr. Andrew Hollis
Town Manager
P.O. Box 206
St. Michaels, Maryland 21663-0206

Dear Mr. Hollis:

After communication with the Town's Circuit Rider, Roby Hurley, and the Zoning Administrator, Stephen Del Sordo, I understand that the Chesapeake Bay Maritime Museum is interested in reclassifying a portion of its property via growth allocation to an Intensely Developed Area (IDA). At Mr. Del Sordo's request, I am providing you with some information regarding processing such a request.

In order for the request to be considered, the applicant needs to provide the Town with a brief description of the request including the information I have provided below.

- 1) A site plan of the parcel or lot outlining the area proposed for growth allocation.
- 2) The current Critical Area designation of the property and the proposed designation.
- 3) The total number of acres proposed for growth allocation.
- 4) Identification of any sensitive features, including Habitat Protection Areas.

In addition, the applicant should demonstrate that the area proposed as an IDA will meet the adjacency guidelines found in the Code of Maryland Regulations at 27.01.02.06. These guidelines, including other pertinent growth allocation criteria can be found in the Commission's guidance paper titled, "Guidelines for the Counting of Growth Allocation". I have enclosed a copy of that policy for your convenience.

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

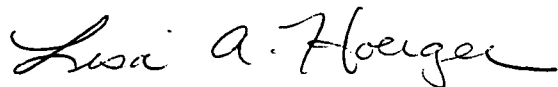
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Mr. Hollis
Page Two
August 13, 1998

If you have questions about our process or enclosed policy, or need assistance in any way please do not hesitate to contact me at (410) 974-2426. I look forward to working with yourself and the Town on this project.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

Enclosure

cc: Mr. Stephen Del Sordo, Town of St. Michael's, Zoning Administrator
Mr. Roby Hurley, Circuit Rider
Ms. Mary Owens, CBCAC, Chief Program Implementation

Policy Adopted by Critical Area Commission
February 3, 1993 (Amended October 4, 1995)

GUIDELINES FOR THE COUNTING OF GROWTH ALLOCATION

CRITICAL AREA COMMISSION

INTRODUCTION

The Critical Area criteria require that lands are to be classified into one of three management categories based on certain characteristics of land use that existed as of December 1, 1985. For each of those categories, [Intensely Developed (IDA), Limited Development (LDA), and Resource Conservation (RCA) Areas], policies and criteria are specified to guide the nature and location of future development. Under the conditions of COMAR 27.01.02.06, some subsequent expansion and intensification of new development beyond that provided in the original land management classification are allowed, but subject to overall acreage limitation for each jurisdiction and to guidelines for the location of such development. The area of expansion permitted is called Growth Allocation and is defined as an area equal to 5% of a county's Resource Conservation lands that are not tidal wetlands or federally owned. The question has arisen as to what portion of a given development site should be considered development in this context and, therefore, subtracted from a jurisdiction's Growth Allocation. The purpose of this paper is to explain the Commission's position on this issue.

CRITERIA REQUIREMENTS

As provided for in the criteria, the potential grandfathering of land uses is based on legal parcels of land that were recorded as of December 1, 1985. In determining whether development on such lands counts against a jurisdiction's Growth Allocation during the interim period (that is, between December 1, 1985 and the date of local Program approval), the criteria refer to the "land that was subdivided" and state that the "area of land" (e.g., the parcel that existed as of December 1, 1985) is to be charged against the Growth Allocation [see COMAR 27.01.02.07B(2), (3), and (4)]. Similarly, for any parcel of land described above which is to be subdivided after December 1, 1985, and, after local Program approval, designated for new IDAs or LDAs, the total acreage of the parcel should logically be counted against the Allocation, even though the entire parcel may not actually be developed or fully designated as a new IDA or LDA. This would treat the counting of growth allocation uniformly both before and after local Program approval.

DISCUSSION

The land classification system required by the criteria was adopted by the Commission to address the goals of the Critical Area Law: the minimization of adverse impacts on water quality; the conservation of fish, wildlife, and plant habitat; and the accommodation of development while avoiding the adverse environmental effects associated with that development. Conservation of the protective land uses of agriculture and forests was also an objective of the Commission, as well as the concentration of new development in or near areas of existing

development. Thus, the density criterion for the Resource Conservation Area and the development standards for the Development Area were based on water quality considerations, the protection of extensive habitat areas of regional significance and the retention of farm and forest land. The subdivision and development of RCA lands beyond the density permitted by the criteria, and the intensification of development on lightly or moderately occupied LDA lands, were considered by the Commission to result in a significant reduction in these values. Thus, the Commission provided that the total acreage of land so developed should be counted against the Growth Allocation.

In order to "mitigate" the significant reduction in these values, criteria were developed to guide the location and extent of future growth allocation areas. These criteria are found in COMAR 21.01.02.06. These guidelines indicate that new IDAs should be located adjacent to existing LDAs or IDAs. The guidelines provide that no more than half of the allocated expansion may be located in RCAs; however, rural jurisdictions in Southern Maryland and the Eastern Shore may be able to utilize a greater percentage of their growth allocation in RCA areas if they can demonstrate that they are unable to locate growth allocation adjacent to LDAs and IDAs. In addition, new IDAs and LDAs should be located in order to minimize impacts to Habitat Protection Areas, and for use of growth allocation in RCAs, new IDAs and LDAs should be located at least 300 feet beyond the landward edge of tidal wetlands and tidal waters. The 300-foot Buffer is proposed in order to "mitigate" the significant reduction in the value of RCA lands resulting from the use of growth allocation, and serves to preserve some of the wildlife habitat benefits of the RCA. Though these guidelines are not mandated, they are required to at least be considered and addressed by local jurisdictions in all growth allocation decisions.

It has been suggested that only the development "pad" or area of direct disturbance in a new development or subdivision should be counted against Growth Allocation. For example, if a 100-acre parcel in an RCA was to be subdivided into 20 two-acre parcels, and 60 acres were to remain in open space, it is argued that only a 20,000 square foot development pad associated with each two-acre lot should be counted and therefore, only 10 acres of Growth Allocation would be used. There are several objections to this approach. First, it runs counter to the third goal of the Critical Area Law which recognizes that the number, movement, and activities of persons can cause adverse environmental impacts even if direct pollution from development is controlled. This goal suggests that the area of disturbance from new development clearly extends well beyond the immediate development pad. Second, the Commission sought to address the habitat protection goal of the Law, and the conservation for forest and farm land, by establishing the '1 unit per 20 acres density' criterion for RCA lands. When this density is exceeded by conversion to IDA or LDA development, then a parcel no longer exhibits RCA characteristics and the total acreage should be counted against Growth Allocation. Finally, the approach given in the example above would permit nearly a tenfold increase in development in RCA lands over that originally contemplated by the Commission when it proposed Growth Allocation as a means to provide some flexibility in accommodating new development in the Critical Area. Thus, a jurisdiction with 5,000 acres of Growth Allocation could, in theory, convert nearly 50,000 acres of RCA lands to LDA uses, a situation clearly not intended in the original formulation of Growth Allocation.

The Commission recognizes, however, that there may be circumstances where the overall goals of the Critical Area Program would be enhanced if an area less than the full parcel being developed was to be deducted from a jurisdiction's Growth Allocation. For example, clustering of development, while encouraged by the criteria, may be limited by the full application of this rule. In order to provide for these special cases, the Commission will consider less than full parcel deduction only in the case of the use of the development envelope concept, explained more fully on the following pages.

CRITICAL AREA COMMISSION POLICY

- Subdivision of any parcel of land that was recorded as of December 1, 1985, and classified as RCA or LDA, where all or part of the parcel is identified by the local jurisdiction as a Growth Allocation area, shall result in the acreage of the entire parcel not in tidal wetlands, counting against the jurisdiction's Allocation, unless the development envelope concept is used.

Development Envelopes

- The development envelope shall include individually owned lots, required buffers, impervious surfaces, roads, utilities, stormwater management measures, on-site sewage disposal measures, any areas subject to human use such as active recreation areas, and any additional acreage needed to meet the development requirements of the criteria. The "required buffers", in this instance, refers to the minimum 100' Buffer and the 25' nontidal wetlands buffer. Only one development envelope shall be established per parcel of land.
- If a development envelope is proposed in the RCA and less than 20 acres remain outside of the envelope, then the entire parcel must be deducted. If the original parcel in the RCA is less than 20 acres, then the entire parcel must be deducted. This requirement is based on the principle that at least 20 acres are needed to maintain the RCA character.
- If there is a permanently protected Resource Conservation Area (for example, protected by easement) adjacent and contiguous to the less-than-20-acre residue, resulting in a minimum 20-acre residue, then the entire parcel does not have to be deducted.
- The remaining minimum 20- acre residue outside of the development envelope may be developed at an RCA density unless permanent protection is in place.

Parcel History

- The date of December 1, 1985 was the original mapping date for the Critical Area, and should be used for growth allocation as a beginning point of analysis; therefore, the subdivision history of a parcel in the RCA must be provided as part of a growth allocation application.
- For all growth allocations involving a parcel of land in the RCA which was subdivided subsequent to December 1, 1985, the acreage of the parcel as it existed on 12/1/85 will affect the amount of growth allocation deducted. The Critical Area Commission will ensure that the area of the original parcel (as of 12/1/85) not proposed for growth allocation meets the 'one dwelling unit/20 acre' RCA criterion.
- The primary reason to go back to December 1, 1985, is to protect the existing RCA features as of the date that the Critical Area designations were made, and ensure that the remaining RCA land has RCA density.

New IDAs

- New IDAs must be at least 20 acres in size unless:
 - 1) they are contiguous to an existing IDA or LDA; or
 - 2) grandfathered commercial, industrial or institutional uses existed as of the date of local Program approval. The amount of growth allocation deducted shall be the equivalent to the area of the entire parcel or parcels subject to the growth allocation request.

Acreage Deducted vs. Area Mapped

- The amount of growth allocation deducted must equal the area mapped.
- If a jurisdiction has a clause in its Program which sets a time limit within which the growth allocation must be used, then it must be specified what is to happen should this time lapse. If the jurisdiction "decertifies" this area with the Commission, then the acreage goes back into the growth allocation reserve for the jurisdiction, and this may be handled as a Program refinement.

Site Features

- Identification of site features should be done in order to alert the CAC and local government that HPA issues could restrain future development.
- All Critical Area criteria must be met at the time of project development. The approval of growth allocation by the CAC for a parcel with sensitive site features in no way indicates the Commission's concurrence that this site is suitable for maximum development. All sensitive areas must be protected.

Buffer

- For growth allocation areas proposed in the RCA, a 300' naturally vegetated Buffer is strongly encouraged, and in the case where it is provided, it shall not be deducted, even if that Buffer does not meet the 20-acre requirement.
- For waterfront projects, a minimum 100' naturally vegetated Buffer must be established and be included in any acreage deduction.

Adjacency

- Jurisdictions must address the adjacency guidelines contained in COMAR 27.01.02.06;

New IDAs should be located in LDAs or adjacent to existing IDAs.

New LDAs should be located adjacent to existing LDAs or IDAs.

- As part of a growth allocation amendment request to the CAC, local jurisdictions shall be required to provide a written assessment as to how the adjacency guidelines in COMAR 27.01.02.06 were considered.

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

August 10, 1998

Mr. H. Grant Dehart, Director
Program Open Space, E-4
580 Taylor Avenue
Annapolis, Maryland 21401

Re: DNR Clearinghouse Review of Local POS Project #3442-2-164
Round Bay Natural Area (Koenig Property) - A.A. County

Dear Mr. Dehart:

I have received notice that the Department and the County wish to consider purchasing the above-referenced property. Our office has seen previous development requests for this particular parcel and, as a consequence, have visited this site. We support the Department's and the County's commitment to preserve this parcel since it supports valuable habitats.

Thank you for the opportunity to comment.

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

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CLEARINGHOUSE REVIEW

AUG 10 1998

July 28, 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)
 Meredith Lathbury, Education, Bay Policy & 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 #3442-2-164
 Round Bay Natural Area (Koenig Property) - A.A. County

The Department and the County are committed to preserving the "Green Cathedral" as one of the last remaining large contiguous undeveloped tracts on the Severn. The preservation of these properties is consistent with Department objectives for wildlife habitat protection, preservation of forest buffer for water quality, and to provide opportunities for environmental education.

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 August 17, 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. Lath 8/10/98
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

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

August 7, 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 1998-0236-V, the property of West River Holding, Company. The applicant proposes to construct a dwelling that will be in the 100-foot Buffer. From the information provided it appears the entire lot is in the Buffer. Provided this lot is properly grandfathered, this office does not oppose a single family dwelling. However, disturbance to the Buffer should be the minimum necessary to afford relief to the applicant.

The plan depicts the proposed dwelling to be 40 feet long. We recommend reducing the length of the dwelling in order to minimize encroachment. Mitigation at a 3:1 ratio of native species is recommended for all new disturbance. We also recommend that a plat note alert future homeowners that this lot is within the 100-foot Buffer and that any future improvements must be approved by your department.

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 365-98

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

August 7, 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 1998-0253-V, the property of Michael Wald. The applicant proposes to construct a single family dwelling and related utilities that will intrude into the 25-foot wetland buffer. The applicant should be seeking permits from the Maryland Department of the Environment (MDE), Nontidal Wetlands Division for disturbance to the 25-foot buffer. Our office defers to MDE for recommendations concerning mitigation and minimization.

Provided this lot is properly grandfathered, this office does not object to a proposed single family dwelling. However, It is difficult to make a recommendation since the limits of the nontidal wetland and its buffer are not shown on the site plan provided. In any case, we recommend the dwelling be located in such a manner so that it minimizes intrusion into the nontidal wetland. Also, we recommend that mitigation for all disturbance be as prescribed by MDE. Finally, a plat note should be added to alert the homeowner that no disturbance is permitted in the nontidal wetland or its buffer.

The County should give careful consideration to how stormwater management will be handled for this lot since the soils are unable to infiltrate.

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 385-98

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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August 7, 1998

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

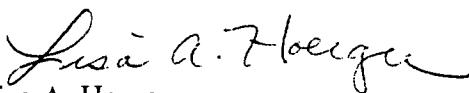
Dear Mr. Dooley:

I would like to comment on Variance 1998-0220-V, the property of Ross Koch. The applicant proposes to construct a single family dwelling and related utilities that will intrude into the 25-foot wetland buffer and the 100-foot Buffer to an existing stream. The applicant should be seeking permits from the Maryland Department of the Environment (MDE), Nontidal Wetlands Division for disturbance to the 25-foot buffer. Our office defers to MDE for recommendations concerning mitigation and minimization.

In regard to disturbance to the 100-foot Buffer to the stream, it appears the entire lot is encumbered. Provided this lot is properly grandfathered, this office does not object to a proposed single family dwelling. However the lot is severely constrained by Habitat Protection Areas (HPAs) including the nontidal wetland and the stream. It appears the dwelling and septic have been located as far away from the HPAs as possible. We recommend that the dwelling be scaled down in order to minimize intrusion, and that a note be added to the plat to alert future homeowners of the HPAs on site. Also, we recommend that mitigation for all disturbance to the 100-foot Buffer 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 of the decision made in this case.

Sincerely,


Lisa A. Hoerger
Environmental Specialist

cc: AA 399-98

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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August 7, 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 1998-0250-V, the property of Audrey N. Austin. The applicant proposes to construct a deck that will require less setbacks and intrude into the 100-foot Buffer. This office recommends the applicant consider scaling down the overall size of the proposed deck in order to minimize disturbance to the Buffer. Mitigation should be as prescribed by the County's Buffer Exemption Area Program.

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 384-98

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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

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

August 6, 1998

Mr. Jim Johnson
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Dear Mr. Johnson:

At the County's request, this letter serves as our recommendation for use of the County's reforestation monies with respect to two forested lots on Claibourne Road in the Annapolis Roads community. On Wednesday, July 22, 1998 Mary Owens and myself accompanied you and Elinor Gawel to the subject property. After that field review and subsequent discussions we recommend that the use of the County's reforestation monies is appropriate to enhance this site. In regard to site acquisition, we recommend the County not use its reforestation monies.

While the lots display some benefits to wildlife and water quality, those benefits are somewhat limited by the small size of the lots. Additionally, the land prices in the County are considerably high and we therefore caution the County in using its reforestation monies on relatively small, lots or parcels. This is because the funds could quickly become depleted without meeting the intent of the criteria to mitigate forest loss through replanting.

Thank you for the opportunity to participate in considering sites for reforestation. If the County and/or community are able to acquire the lots, we will be happy to assist in planning an enhancement project for the lots. As always, we look forward to working with you in the future.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: Elinor Gawel
Mary Owens

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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August 4, 1998

Ms. Pam Miley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Ms. Miley:

This letter serves to amend my comments dated July 7, 1998 to Kevin Dooley of your office regarding Variance 1998-0211-V, the property of Michael and Catherine Jones. The applicants propose to replace an existing deck with a new deck that will intrude further into the 100-foot Buffer to the South River. After reviewing the site plan you forwarded, it appears the request may not be the minimum variance necessary. The plan shows an existing deck, however the report does not address how an unwarranted hardship will result if the applicants are denied their request. Without this information, this office does not see a hardship and cannot support the variance for a deck that will disturb the Buffer when the applicant already enjoys a waterside deck.

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 333-98

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
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August 4, 1998

Ms. 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 1998-0154-V, the property of James W. Green. The applicant proposes to construct a single family dwelling on lot 91B that will require less lot width and impact steep slopes. This office offers no comment regarding the lot width variance request. We recommend that the dwelling be sited closer to Nomini Drive or be reconfigured in order to minimize impacts to the steep slopes. Mitigation of native species should be required for slope 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 of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 248-98

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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(410) 974-2426

Fax: (410) 974-5338

July 24, 1998

Stanley Causey
Maryland Department of the Environment
Water Management Administration
P.O. Box 800
Cambridge, Maryland 21613

Re: Walt Thompson
98-WL-1570

Dear Mr Causey:

Our office has received notice of the above-referenced project. We defer to your expertise as to whether this area of shoreline necessitates stone revetment. However, we would like to comment on the potential disturbance to the 100-foot Buffer.

From the site plan provided, it appears the Buffer on this property is wooded. If access from the landward side of the proposed structure will occur, we recommend that it be a single point of access if possible. Also, we recommend that all disturbance be replaced at a minimum 1:1 ratio with native Buffer 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,

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

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Executive Director

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July 24, 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 final subdivision request for the Broomfield Manor subdivision. It appears the applicant has addressed my comments from my letter dated to you on January 29, 1998. I have confirmed with the Natural Heritage Division of the Department of Natural Resources that Pearly Everlasting is on watch list. If this plant is present on site, the applicant is encouraged to take necessary steps to avoid disturbance.

I have only two remain issues. The table that shows the Critical Area calculations on the final plat is confusing. Some of the figures appear to be incorrect. Also, the final plan details those areas that will be set aside for forest conservation. Will these acres be used for satisfy County reforestation requirements? If so, how many acres will be counted?

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: AA40-98

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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July 17, 1998

Ms. Pam Miley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Dear Ms. Miley:

This letter serves as an addendum to my letter dated June 24, 1998 to Kevin Dooley of your office concerning Variance 1998-0182-V, the property of Ralph and Brenda DeLalla. As stated before, this office has no objection to the construction of a single family dwelling on this lot provided it is properly grandfathered.

Since the time of my first letter, I was informed that the Health Department has reviewed this application and stated that the well can be shifted closer to Carroll Road thereby allowing the dwelling to be shifted closer to the road and out of the Buffer. If the applicant can accommodate the dwelling outside the Buffer, including the area of expansion for steep slopes, then it should be sited outside the Buffer. Mitigation should be 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 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 297-98

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**

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

July 16, 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 offer comments for Variance 1998-0185-V, the property of Noble and Victoria Bowie. The applicants propose to construct a deck that will be entirely within the 100-foot Buffer. From the information provided it appears the opportunity exists to remove some existing impervious areas within the Buffer in order to provide for the recommended 3:1 mitigation of native species on site for the area of the proposed deck.

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 298-98

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: July 14, 1998
TO: Commissioner Evans
FROM: Lisa Hoerger *LH*
SUBJ: Woods at Dividing Creek

In response to your request, I am attaching a copy of the site plan for this project and my letter to the County dated May 28, 1998. According to a telephone conversation I had yesterday with County staff, the County is awaiting additional information from the developer. Many of the issues raised in my letter are therefore still being addressed. However, comment #1 of my letter was answered in that the location of the Buffer on lot six has been determined and the dwelling will be shifted to avoid Buffer disturbance.

Critical Area Acreage	16.65 acres.
LDA	12.79 acres
RCA	3.86 acres
Proposed Impervious	.56 acres (3.36%)
Proposed Clearing	11.68 acres (11.68%)

Proposed Lots 11 (one with an existing dwelling)

The applicant is meeting the density requirements. If you have any questions, please call me or Regina at (410) 974-2426 or you can now E-Mail us at LHOERGER or RESSLINGER@cac.dnr.state.md.us.



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

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May 28, 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 Woods on Dividing Creek (98-101). While the proposed clearing, impervious areas and density are all within the limits established by the County's Critical Area Program, there are some Habitat Protection Area (HPA) issues which affect the subdivision proposal. I have outlined those issues and routine issues below.

- 1) Generally, the limits of the Buffer and the expanded Buffer are delineated correctly, however it appears to be incorrectly drawn on lot 6. Proposed lot 6 may not be able to support a dwelling and its limits of disturbance without a variance. This office will not support a variance for a newly created lot.
- 2) The location of the Buffer in relation to the stormwater management (SWM) pond and the surrounding steep slope areas is confusing and difficult to read. It seems that because of the 15% and greater slopes, the Buffer may include the area where the SWM pond is located.
- 3) Lots 10 and 11 and the stormwater management pond will be accessed by a road that will directly impact 15% slopes and possibly the expanded Buffer for steep slopes. Even if the Buffer does not fall on either lot, a variance to allow the road would be necessary and this office will not support that variance request.
- 4) The configuration of lot 2 raises some future water access questions. Are there any plans to accommodate either a community pier or private pier for lot 2?

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

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

Mr. Wedemeyer
Page Two
May 28, 1998

- 5) The proposed Open Space #2 is currently labeled "Passive Recreation Area". In order to ensure the integrity of the Resource Conservation Area portion of this parcel, that label should remain so that future plans for this area by the community will not include active recreation.

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 242-98

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
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July 9, 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 1998-0217-V, the property of Carol & Joseph Friend. The applicants propose to construct a deck that will be in the expanded Buffer for steep slopes. The information provided does not indicate the extent of the Buffer. If we assume the slopes are a minimum 15%, then a 160 foot Buffer would be appropriate. This would locate the entire deck within the Buffer. The information is also confusing. The application indicates the deck will be 120 feet from the water. One site plan indicates 100 feet and another indicates 114 feet.

In any case, this office does not oppose a deck attached to a single family dwelling in the Buffer. However, it does not appear this proposal is the minimum necessary. The applicant should consider extending the deck laterally rather than further waterward. Mitigation should be of native Buffer plantings 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 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 336-98

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

July 9, 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 1998-0219-V, the property of John F. Palmer. The applicant proposes to construct an addition that will intrude into the 100-foot Buffer. This office has no objection to the requested variance. Mitigation of native species should occur 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 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 338-98

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

July 9, 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 1998-0218-V, the property of Robert Watson. The applicant proposes to construct an addition and deck that will be in the Buffer. From the information provided we understand that this lot is not grandfathered in that it was resubdivided in 1986. However, if the dwelling existed prior to December 1, 1985, this office has no objection to an addition and deck provided the variance is the minimum necessary. Mitigation should be performed at a 3:1 ratio of native Buffer 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 337-98

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
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July 7, 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 1998-0216-V, the property of Matthew Herath. The applicant proposes to a single family dwelling that will require less setbacks and intrude into the Buffer. Provided this lot is properly grandfathered, this office has no objection to siting a single family dwelling on this lot. However, it appears the dwelling can be sited further away from the West River without impacting the Silver Maple tree to the rear of the lot. Therefore, we recommend the dwelling be moved closer to Shore Drive and that mitigation of native species occur waterward of the dwelling.

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: A 331-98

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

July 7, 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 1998-0211-V, the property of Michael and Catherine Jones. The applicants propose to construct an addition that will require less setbacks and Buffer. This office offers no comment regarding the setback issue. In regard to the Buffer variance, it is unclear why the applicant needs a variance if this lot is mapped as a Buffer Exemption Area (BEA). From the site plan provided, it appears the proposed addition will be no further waterward than the existing structure. In any case, mitigation as prescribed by County staff is 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 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 333-98

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

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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July 7, 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 1998-0215-V, the property of Cheryl Canter. The applicant proposes to construct an addition that will require less setbacks and intrude into the Buffer. If this lot is in a mapped Buffer Exemption Area, it is unclear why a Buffer variance is necessary since the proposed addition is no further waterward than the existing dwelling. In any case, this office recommends mitigation as prescribed by the 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 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 329-98

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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July 7, 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 1998-0214-V, the property of Hurley Development. The applicant proposes to construct a single family dwelling that will intrude into the 25-foot Buffer to nontidal wetlands. The applicant has obtained the required permit from the Maryland Department of the Environment (MDE) Nontidal Wetlands Division to permanently impact 1,610 square feet of nontidal wetland buffer. We recommend that the County require the applicant to combine lots 61 and 62 so that no additional disturbance will result to this wetland area in the future by potential construction activities.

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 330-98

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



Judge John C. North, II
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Executive Director

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July 7, 1998

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

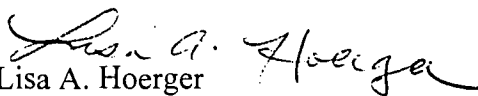
Dear Mr. Dooley:

I would like to comment on Variance 1998-0206-V, the property of Gail Nicholas. The applicant proposes to construct a single family dwelling that will intrude into the expanded Buffer for steep slopes. This office has no objection to siting a new dwelling on this lot provided it is properly grandfathered. However, based on the site plan submitted, it appears the dwelling can be sited completely outside the expanded Buffer except for the driveway access.

The proposed garage should be accommodated outside the Buffer. This will eliminate the additional driveway intrusion into the Buffer and minimize unnecessary clearing. The property already enjoys a garage outside the Buffer. Mitigation should occur at a 1:1 ratio for any clearing outside the Buffer and at a 3:1 ratio for any new disturbance that may result inside the Buffer. The proposed walkway and slab and planter area identified on the plan should also be accommodated outside 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

cc: AA 327-98.

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

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

July 2, 1998

Ron Gardner
Environmental Planner
Chesapeake and Coastal Watershed Service
Tawes State Office Building, E-2
Annapolis, Maryland 21401

Dear Mr. Gardner:

At its meeting on July 1, 1998, the Chesapeake Bay Critical Area Commission unanimously approved the College Creek Demonstration project as presented. As such, the construction of the bioretention areas may begin when approval of the sediment and erosion control plans are permitted by the Maryland Department of the Environment.

I would like to thank yourself and Ms. Karen Coffman for your cooperation and with this project. When plans and necessary permits are secured for the stabilization of the outfall, please call me as soon as possible so I can schedule that project on the Commission's agenda. 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: Karen Coffman, SHA

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

July 2, 1998

David L. Goode
County Council Administrator
County Administration Building
Upper Marlboro, Maryland 20772

Dear Mr. Goode:

At its meeting on July 1, 1998, the Chesapeake Bay Critical Area Commission concurred with the determination of Chairman North that CB-11-1998 qualified as a program refinement. Please make the necessary changes to incorporate this refinement into the County's Zoning Ordinance within 120 days of receipt of this letter.

Thank you for your cooperation. 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: Samuel Wynkoop
Sherry Conway Appel
Jim Stasz

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

STAFF REPORT

July 1, 1998

APPLICANT: Prince George's County

PROPOSAL: Refinement - CB-11-1998

COMMISSION ACTION: Concurrence

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809 (p) (3) (i)

DISCUSSION:

Prince George's County has requested the Commission to consider a refinement to the County's Zoning Ordinance. The proposed refinement has been reviewed by Commission staff and is consistent with the applicable law and criteria. It will allow the Planning Commission to hear and issue approvals for variances and subdivisions both inside and outside the Critical Area.

The current process can take up to 40-45 days before a building permit can be issued. The applicant must appear before the Planning Commission who makes findings, but does not issue final approvals. The application can only be approved by the Board of Appeals. The new legislation will enable an applicant to obtain all necessary approvals through the Planning Board.

Both the variance standards and the notification procedures will remain intact. Also, the applicant will still retain the right to appeal the decision of the Planning Board to the Board of Appeals. The purpose of this change is to streamline the application process for the citizens of Prince George's County.

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**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL**

1998 Legislative Session

Bill No. CB-11-1998

Chapter No. 4

Proposed and Presented by The Chairman (by request - Board of Appeals)

Introduced by Council Member Del Giudice

Co-Sponsors _____

Date of Introduction February 17, 1998

ZONING BILL

AN ORDINANCE concerning

Variances

For the purpose of authorizing the Planning Board to grant variances in conjunction with certain applications.

BY repealing and reenacting with amendments:

Sections 27-239.03 and 27-239.04,

The Zoning Ordinance of Prince George's County, Maryland,

being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(1995 Edition, 1996 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Sections 27-239.03 and 27-239.04 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 5. APPEALS AND VARIANCES.

CB-11-1998 (DR-2)

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Subdivision 5. Variances in Conjunction with Other Approvals.

Sec. 27-239.03. District Council and Planning Board authority.

When the District Council or Planning Board makes a final decision in a zoning case, site plan, or other request, the District Council or Planning Board shall have the authority to grant variances from the strict application of this Subtitle in conjunction with its approval. The Council and Planning Board shall be governed by the provisions of Section 27-230 when it grants the variance.

Sec. 27-239.04. Procedures.

(a) Applicants for a zoning case, site plan, or other request who want the Council or Planning Board to consider a variance shall submit a written request for the variance to the body or official with whom the application was filed at least twenty-one (21) days prior to the evidentiary hearing date for the zoning case, site plan, or other request. The applicable fee set forth in Section 2-122 of this Code shall be charged for the expenses of the request.

(b) An evidentiary hearing shall be held on each request for a variance at the same time as the hearing for the zoning case, site plan, or other request.

(c) Notice of the hearing shall be in accordance with Section 27-231.

(d) If the need for a variance does not arise until the evidentiary hearing on the case, the case shall be continued, and notice of the hearing on the variance shall be provided in accordance with Section 27-231.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of its adoption.

Adopted this 17th day of March, 1998.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART
OF THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE
GEORGE'S COUNTY, MARYLAND

BY: Ronald V. Russell
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
Joyce T. Sweeney
Clerk of the Council

KEY:

- Underscoring indicates language added to existing law.
- [Brackets] indicate language deleted from existing law.
- Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Chesapeake Bay Critical Area Commission

STAFF REPORT

July 1, 1998

APPLICANTS: Department of Natural Resources, Maryland Department of the Environment, Department of General Services, State Highway Administration

PROPOSAL: College Creek Demonstration Project

JURISDICTION: City of Annapolis

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 Departments of Natural Resources, Environment, General Services and the State Highway Administration have joined to create two BayScapes sites, two bioretention areas and stabilize an existing outfall to College Creek at the Tawes Building in Annapolis.

The purpose of this project will be to treat the first half inch of runoff leaving the employee parking lot via the bioretention areas. After construction is complete, the Department of Natural Resources envisions utilizing the site as a demonstration project to the public. The site will also be monitored in order to collect data on the bioretention sites.

Two BayScapes sites will be created near the entrance to the Tawes building. They will treat stormwater that flows off the nearby brick sidewalks. The bioretention sites will be located in the parking lot. Their dimensions will be 20' x 140' and 20' x 30'. With the assistance of the U.S. Fish and Wildlife Service and the Friends of College Creek, the sites are proposed to be planted in the fall by school children.

The existing outfall will be stabilized by using plunge pools. Currently, there are two outfalls that empty into College Creek. One outfall is owned by the City of Annapolis. The other, which is proposed to be stabilized, is owned by the State. Disturbance to this area will be the minimum necessary. Mitigation for all clearing will be required.

The sediment and erosion control permit is still pending with MDE. There are no known threatened or endangered species at any of the project sites. Except for the Buffer near the outfall, no other Habitat Protection Areas will be impacted. Mitigation will be required.

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

July 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 1998-0194-V, the Glebe Bay General Partnership project. The applicant proposes to construct a single family dwelling and associated stormwater management device in the Buffer. Provided this lot is properly grandfathered, this office has no objection to siting a single family dwelling on this lot. However, mitigation should be required at a 3:1 ratio 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 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 302-98

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

June 26, 1998

David L. Goode
County Council Administrator
County Administration Building
Upper Marlboro, Maryland 20772

Dear Mr. Goode:

The Critical Area Commission received CB-11-1998 approved by the District Council which gives the Prince George's County Planning Board the authority to grant variances in certain cases. We are accepting the application as a complete submittal, and Chariman North will make a refinement determination within thirty days of the date of this letter. I will notify you subsequent to his decision.

Sincerely,

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

Lisa A. Hoerger
Environmental Specialist

cc: Samuel Wynkoop
Sherry Conway Appel
Jim Stasz

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

June 25, 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 1998-0203-V, the application of KCI Technologies, Inc. The applicant proposes to construct a stone stairway on steep slopes. This office has no objection to a private property owner's right to access the shoreline. However, we recommend the applicant consider wooden stairs as an alternative to the stone steps. A wooden stairwell would not increase the impervious surface limitations on this lot which presently exceeds the impervious surface limitations. This would eliminate the need for the second variance request to exceed the impervious surface limitations. Also, little or no grading would result from the installation of wooden steps.

If the variance is granted as proposed, we recommend that existing areas of impervious surfaces be removed elsewhere on the lot so there will be no increase in impervious areas. Also, any clearing associated with access should be replaced with native species at a 1:1 ratio 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

cc: AA 306-98

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

June 25, 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 1998-0195-V, the property of Glebe Bay General Partnership. The applicant proposes to construct a single family dwelling that will impact the expanded Buffer. Provided this lot is properly grandfathered, this office has no objection to the requested variance. However, we recommend that the dwelling be sited as close to Kenny Court as possible in order to minimize disturbance to the Buffer. Mitigation for all new disturbance should occur at a 3:1 ratio with native Buffer plantings.

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 303-98

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

June 25, 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 1998-0189-V, the property of Mark Melago. The applicant proposes to construct an addition that will require less setbacks. This office offers no comment regarding the setback issue. However, if this lot is grandfathered then impervious surface limitations are limited to 31.25% of the lot. Any clearing should be replaced with native species 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 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 301-98

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

June 25, 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 1998-0197-V, the property of Ron Shapiro and Nancy Zellmer. The applicants propose to construct an addition that will be in the 100-foot Buffer. From the site plan provided, it appears the entire lot is within the Buffer. Also, our maps indicate that this lot is mapped as a Buffer Exemption Area (BEA). Given the lot is mapped as a BEA, and the that the addition is no further waterward than the existing dwelling, the applicant is not required to seek a Buffer variance.

However, mitigation for all new disturbance should occur as prescribed by the County's BEA program. Since this lot is in an Intensely Developed Area, the applicant will also need to address the 10% pollutant reduction requirement.

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 304-98

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

June 24, 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 1998-0182-V, the property of Ralph & Brenda DeLalla. The applicants propose to construct a single family dwelling that will partially intrude into the 100-foot Buffer. Provided the lot is properly grandfathered (i.e. a legally, recorded, buildable lot as of December 1985) this office has no objection unless there exists the opportunity to site the dwelling completely outside the Buffer. From the information provided, it is not entirely clear why the dwelling cannot be sited completely outside of the Buffer. In any case, mitigation should occur at a 3:1 ratio for all new disturbance to the Buffer, and at a 1:1 ratio for clearing outside 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,

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

Lisa A. Hoerger
Environmental Specialist

cc: AA 297-98

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

June 23, 1998

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

Re: Robert Gladstone, S-870
Colin Ferenbach, S-872

Dear Ms. Renshaw:

I have received the above-referenced subdivision requests. The proposals appear to be consistent with the current Critical Area Program in place at the county level. However, it is my understanding that when the 4-year comprehensive review process is complete, the Zoning Ordinance will be revised so that guest houses, tenant houses, or other dwelling units will count towards the RC density.

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: TC 290-98
TC 291-98

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

June 23, 1998

Jim Stasz
Natural Resources Division
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Ms. Vernell Howell
CP-98001

Dear Mr Stasz:

I would like to comment on the variance request for the above-referenced project. The applicant proposes to construct a single family dwelling in the 100-foot Buffer. Provided this lot is properly grandfathered (i.e. a legally, buildable, recorded lot as of December 1, 1985), this office has no objection to a variance to site the dwelling in the Buffer. However, disturbance to the Buffer should be the minimum necessary.

The applicant should consider reconfiguring the dwelling and associated driveway in order to minimize impervious areas and disturbance to the Buffer. Mitigation for all new disturbance to the Buffer should occur with native species at a 3:1 ratio. New disturbance includes grading, footprint and clearing. Mitigation for disturbance outside the Buffer should occur at a 1:1 ratio.

The application mentions a proposal to remove bamboo from the shoreline. While Commission staff do not oppose removing invasive vegetation, the area that is removed should be replanted with native species so that the water quality and habitat functions of the Buffer will continue.

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: PG 240-98

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

June 18, 1998

Ms. Deborah A. Renshaw
Talbot County Office of Planning
& Zoning
Courthouse
Easton, Maryland 211601-3178

Dear Ms. Renshaw:

I have received the subdivision request of Robert Higgins (S-871). The applicant proposes to subdivide a 16-acre parcel into two lots. It appears the proposed uses of the resulting lots are consistent with the Critical Area designation of a Limited Development Area. Nevertheless, both uses shall comply with all applicable Critical Area regulations found in the Talbot County Critical Area Program. They include the following:

- 1) Impervious surfaces on each lot shall not exceed 15%;
- 2) Clearing should remain under 20% for each lot. Replacement on a 1:1 basis of native species or a fee-in-lieu is required;
- 3) Appropriate stormwater management and sediment and erosion control shall be observed on each lot prior to, during and after construction.

The subdivision plat accompanying this project application is in error. It states that this parcel is not in the Chesapeake Bay Critical Area. This should be corrected. Also, the application states that a response from the Department of Natural Resources (DNR) is pending. The County should not issue any permits until DNR has responded in writing to the County regarding the presence of any rare, threatened or endangered species on this parcel.

Finally, the application mentions that the parcel has hydric soils. The County should verify that there are no nontidal wetlands on this site where development is proposed. The creation of these lots should in no way necessitate the need for any variances to the Talbot County Critical Area Program.

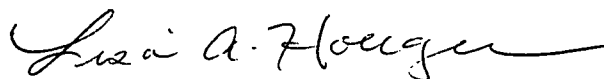
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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

Ms. Renshaw
June 18, 1998
Page Two

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

LAH/jjd

cc: TC 292-98

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

June 18, 1998

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

Dear Ms. Renshaw:

I have received the special exception request of Archie Gartrell (1059). The applicant proposes to construct an 18,000 square foot mini-warehouse building on this site. While this use does not conflict with the Critical Area designation, appropriate stormwater management and sediment and erosion control measures shall be taken before, during and after construction.

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 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: TC 293-98

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

June 17, 1998

Ms. 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 Gallagher property (MS 98-051). The applicant proposes to subdivide an existing parcel into two lots. This office has no objection to this subdivision request provided the resulting subdivision will not create any nonconforming uses. A plat note should be added that clearly states the permitted impervious surface limitations for each lot and the subdivision as a whole.

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: AA288-98

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

June 12, 1998

Stanley Causey
Maryland Department of the Environment
Water Management Administration
P.O. Box 800
Cambridge, Maryland 21613

Re: John Huselman
98-WL-1689

Dear Mr. Causey:

Our office has received notice of the above-referenced project. From the information provided, it is not clear whether the shoreline will be accessed through the 100-foot Buffer or from the water-side. If access will occur through the Buffer and will result in clearing or disturbance, that area of the Buffer shall be restored.

The Permit Application Screening Form supplied by your office indicates that there may be a sensitive or endangered species on the site. This office defers to the Heritage and Biodiversity Division of the Department of Natural Resources regarding protection measures should any species be found on site.

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: 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

June 12, 1998

Stanley Causey
Maryland Department of the Environment
Water Management Administration
P.O. Box 800
Cambridge, Maryland 21613

Re: Christopher J. Kennedy
98-WL-1742

Dear Mr. Causey:

This office received the above referenced request to fill 365 square feet of tidal wetlands. According to the notice, this project is necessary in order to accommodate a septic reserve area outside of a required 50-foot setback. In other words, by filling in the wetlands, the setback line would shift closer to Duck Pond Cove and the location of the proposed septic reserve area would then be outside of the 50-foot setback.

This office is unaware of such a requirement. However, there is a 100-foot setback from the edge of tidal waters and tidal wetlands. If a third system is necessary, and owner receives written confirmation from the Health Department that the 100-foot Buffer is the only location for a septic reserve area, then a variance to this setback is **not** required.

Additionally, in a recent conversation with the county planning office, I was made aware that only **one** functioning septic reserve area is required by the Health Department. This proposal would create a third septic reserve area on this lot. We understand that an existing one is currently functioning.

After carefully consideration this office is unable to reconcile filling a tidal wetland unnecessarily. If the conditions of the current septic reserve areas warrant a replacement system, then approval from the Health Department for its location is possible and no variance is necessary.

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

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

June 12, 1998

Ms. Debbie Renshaw
Talbot County Office of Planning and Zoning
Courthouse
Easton, Maryland 21601-3178

Dear Ms. Renshaw:

I have received the subdivision request of Clint Wadsworth (M-964). Provided the proposed lot configuration will not require any variances to the County's Critical Area Program, this office has no comment. We respectfully request, however that no permits be issued until a letter has been received from the Department of Natural Resources, Heritage and Biodiversity Division stating that there are no known rare, threatened or endangered species on the parcel.

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: TC 282-98

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

June 12, 1998

Ms. Debbie Renshaw
Talbot County Planning and Zoning Office
Courthouse
Easton, Maryland 21601-3178

Dear Ms. Renshaw:

I have received the subdivision request of Judith's Garden (S-868). This office respectfully asks the County that no permits be issued until a letter from the Department of Natural Resources, Heritage and Biodiversity Division is received stating that there are no known rare, threatened or endangered species on this site. We understand that afforestation is required and therefore recommend that those plantings occur in or adjacent to the Buffer if it has not already been reestablished.

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 281-98

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

Chesapeake Bay Critical Area Commission

STAFF REPORT

JUNE 3, 1998

PROPOSAL: Large-scale assisted living facility in the RCA

JURISDICTION: Anne Arundel County

COMMISSION ACTION: Pending Subcommittee Recommendation

STAFF RECOMMENDATION: Notify Anne Arundel County that Growth Allocation must be deducted for the Forest Glen Assisted Living Facility

STAFF: Ren Serey
Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.01.02.05 C (4) and (5)
COMAR 27.01.02.06
NR Article 8-1809

DISCUSSION:

Introduction:

The Commission completed its comprehensive review of the Anne Arundel County Critical Area Program in 1993. For two years prior to that action, the Commission worked closely with County officials and the locally-appointed citizens' Critical Area Task Force to resolve numerous issues of interpretation and to ensure consistency with the Critical Area Act and Criteria. The current round of comprehensive review discussions with the County is underway and recommendations soon will be presented to the panel for discussion. However, the issue of permitted uses in the Resource Conservation Area (RCA), left unresolved from the 1993 comprehensive review, requires Commission attention.

As the Commission has examined each county's Critical Area program, staff and Commission members have worked cooperatively with the jurisdictions to determine which uses allowed in underlying zones are compatible with the resource protection and habitat conservation provisions of the RCA. In other county programs, this review process has resulted in a table or list which specifies uses that are consistent with the Criteria provisions for the RCA, and those which would require growth allocation for new development activities. During the 1993 comprehensive review of the Anne Arundel County program, the Commission and the County were unable to resolve disagreements over the Commission's authority to determine appropriate uses and therefore the County did not prepare, and the Commission did not approve, a table of permitted RCA uses.

This situation has presented no problems in the interim. Only one project has been proposed in the RCA (a driving range and associated office and store) which the Commission staff believed was not consistent with the Criteria. The County staff agreed and both agencies opposed the use, which was denied a Special Exception by the County Administrative Hearing Officer on, among other grounds, inconsistency with RCA characteristics. Recently, however, another project was proposed, which the Commission staff believes requires growth allocation. The County staff disagrees. Our letters to the County and the County's response are attached.

The Current Proposal

The current proposal is to allow an assisted living facility in the RCA. The underlying zoning is R-2, a Residential District. In the County Zoning Ordinance, Section 10-122(a)(3) defines an assisted living facility as a residential facility with at least four and not more than 15 individuals. The proposed Forest Glen Assisted Living Facility will house 15. An examination of the grading plans reveals a building with a footprint of 8,000 square feet, a 13-car parking lot which includes a loop, a 1500 gallon septic system, and associated stormwater management facilities, on a 3.49 acre site. Total disturbance resulting from the development will be 1.52 acres.

Commission staff believes that for the following reasons Anne Arundel County should use growth allocation to permit development of this assisted living facility:

- * The facility will have a significant impact on this RCA site, as evidenced by the 8,000 square foot building, septic system and parking lot.
- * Although the County classifies an assisted living facility as a residential use, it also is commercial in nature.

The Criteria prohibit new commercial development activities in the RCA, but the Commission's policy, outlined below, has been to allow certain commercial uses without growth allocation if they cause minimal impact to Critical Area resources. Often, the size of a structure, or the amount of physical disturbance to the landscape, is the deciding factor in this regard. As an example, staff believes that another type of group home regulated by Anne Arundel County is consistent with the Critical Area Criteria for the RCA and would not require growth allocation. This use is classified as a family care facility for aged or disabled persons or those in need of supervision. The facility provides resident services in a private residence to no more than six people and, although a commercial use, does not appear to present any adverse impacts to the RCA because of its limited size and location in a private dwelling.

The Commission's Policy on Uses in the RCA

In 1993, prior to the comprehensive review of Anne Arundel County's program, the Commission approved a policy concerning uses in the RCA (attached). The Commission specified that this policy was to be used during the required comprehensive review of local programs to help determine when growth allocation would be required for new development in the RCA.

In formulating the policy, the Commission recognized that local governments often use the same terms to describe permitted land uses while the actual impact of these uses varies from one jurisdiction to another depending on local zoning restrictions. The Commission believed that it could better accommodate these local differences by working individually with each jurisdiction rather than by developing a universal table of permitted RCA uses, which might unnecessarily restrict landowners and local governments.

An example of this policy is found in the local regulation of home occupations, such as tax preparation services, hair styling businesses or certain health care services. The Criteria prohibit new commercial uses in the RCA. However, home occupations, although commercial in nature, are incidental to the primary residential use and generally have little or no impact on the RCA. The Commission's policy allows it to review each jurisdiction's regulations for home occupations and decide whether growth allocation is needed. In all local ordinances examined under this process during the comprehensive reviews, the local regulations have been found sufficient to ensure that the characteristics of the RCA remain unaffected by home occupations and growth allocation has not been necessary.

The County's Position

Anne Arundel County never accepted the Commission's position that certain new development, when permitted by existing underlying zoning, could be considered inconsistent with the RCA Criteria and therefore would require the use of growth allocation. The County maintains that:

- 1) any use permitted by an underlying zoning designation in the RCA can be developed without growth allocation; e.g., if a commercial zone underlies the Critical Area RCA designation, a vacant property in the zone can be developed with a commercial use without the need to deduct growth allocation; and,
- 2) as long as new development satisfies underlying zoning requirements, it automatically satisfies the Critical Area Criteria.

The Commission has consistently held that the County's position is incorrect, and that while existing uses are grandfathered in the RCA, existing zoning is not.

Anne Arundel County implements its Critical Area program through an overlay mechanism. The Critical Area regulations for the IDA, LDA and RCA are applied in addition to (that is, they overlay) development regulations for the underlying residential, commercial, industrial or other zones. All jurisdictions employ an overlay system for the Critical Area except Kent and Talbot Counties.

During the 1993 comprehensive review, the Commission and the County were unable to work out a mutually acceptable means of dealing with issues of potential incompatibility between uses allowed in underlying zones and requirements of the Critical Area overlay designations. As stated above, the inability to resolve this situation in 1993 has not been an issue of concern until the assisted living facility was proposed. Negotiations with other jurisdictions concerning RCA uses have focused on the appropriateness of specific uses in the RCA, not on the fundamental principle of grandfathered uses vs. grandfathered zoning. No other jurisdiction interprets the Criteria regarding uses in the RCA like Anne Arundel County.

Provisions for development in the Resource Conservation Area are set out in the Criteria at COMAR 27.01.02.05 (4) and (5):

(4) 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 provision, and/or additional means to maintain the land area necessary to support the protective uses.

(5) Existing industrial and commercial facilities, including those that directly support agriculture, forestry, aquaculture, or residential development not exceeding the density specified in section C(4) above, shall be allowed in resource conservation areas. Additional land may not be zoned for industrial or commercial development, except as provided in Regulation .06, below. (Section .06 covers growth allocation.)

Staff Recommendations

1. Regarding the Forest Glen Assisted Living Facility:

Staff recommends that the Commission notify Anne Arundel County that it must deduct 3.49 acres of growth allocation (the size of the existing parcel) if the County approves development of the Forest Glen Assisted Living Facility in the RCA.

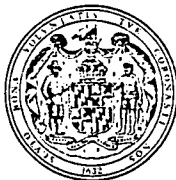
2. Regarding future review of uses in the RCA:

Staff recommends that the Commission direct the County during the comprehensive review of its Critical Area program, to develop a table, list or other means by which the Commission can determine which uses permitted by underlying zoning, and located within the RCA, will require growth allocation.

Attachments:

Letter from Commission staff to Anne Arundel County
Letter from Anne Arundel County to Commission staff
Forest Glen Assisted Living Facility site plan
Anne Arundel County Critical Area map
Commission policy on uses in the RCA
Section from Queen Anne's County Critical Area Program

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 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.

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

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



ANNE
ARUNDEL
COUNTY,
MARYLAND

N/F

2664 RIVA ROAD, P.O. BOX 6675
ANNAPOLIS, MARYLAND 21401

DEPARTMENT OF PLANNING AND CODE ENFORCEMENT

May 7, 1998

State of Maryland
Chesapeake Bay Critical Area Commission
45 Calvert Street, 2nd Floor
Annapolis, MD 21401

Attention: Ms. Lisa Hoerger
Environmental Specialist

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

Dear Ms. Hoerger:

This letter is in response to correspondence from your office dated April 15, 1998 regarding the above referenced grading permit. Your letter indicated that the Commission has determined, from their viewpoint, that the subject project is not an appropriate use in the Resource Conservation Area (RCA). You further stated that this determination was based on the size and scale of the proposal and the County Zoning Code definition of assisted living facilities.

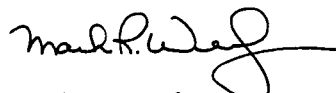
The subject property is zoned as a R2-Residential District with a RCA overlay. The use proposed for this project is allowed as per the Anne Arundel County Code, Article 28, section 2-402. While the County does recognize the Commission as a review agency, we do not view the role of the Commission as one to dictate what uses are permitted within the County Zoning Code. Our Code does not grant us the flexibility to choose, from project to project, what uses may or may not be allowed within a given zoning district. Furthermore, your comment to apply for growth allocation for the project, as currently proposed, is not applicable to this project. The facility is defined as a residence within a residentially zoned district and, therefore, does not meet the requirements for a growth allocation request.

Based upon the above information, the subject permit and associated use will be allowed to proceed through the review and approval process. All critical area clearing and impervious area provisions will be reviewed for compliance prior to approval.



If I may be of any further assistance, please do not hesitate to call me at (410) 222-7458 at your earliest convenience.

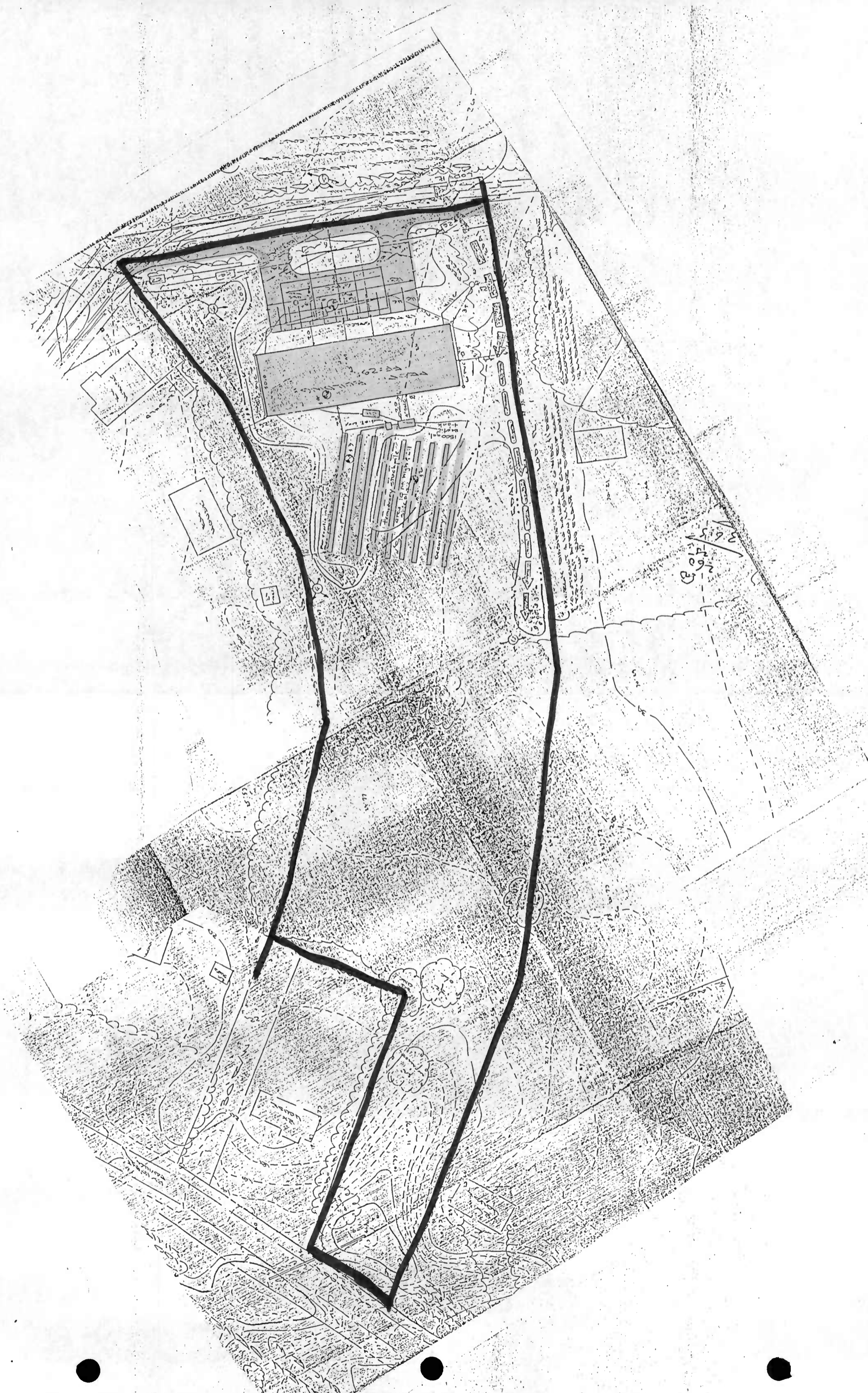
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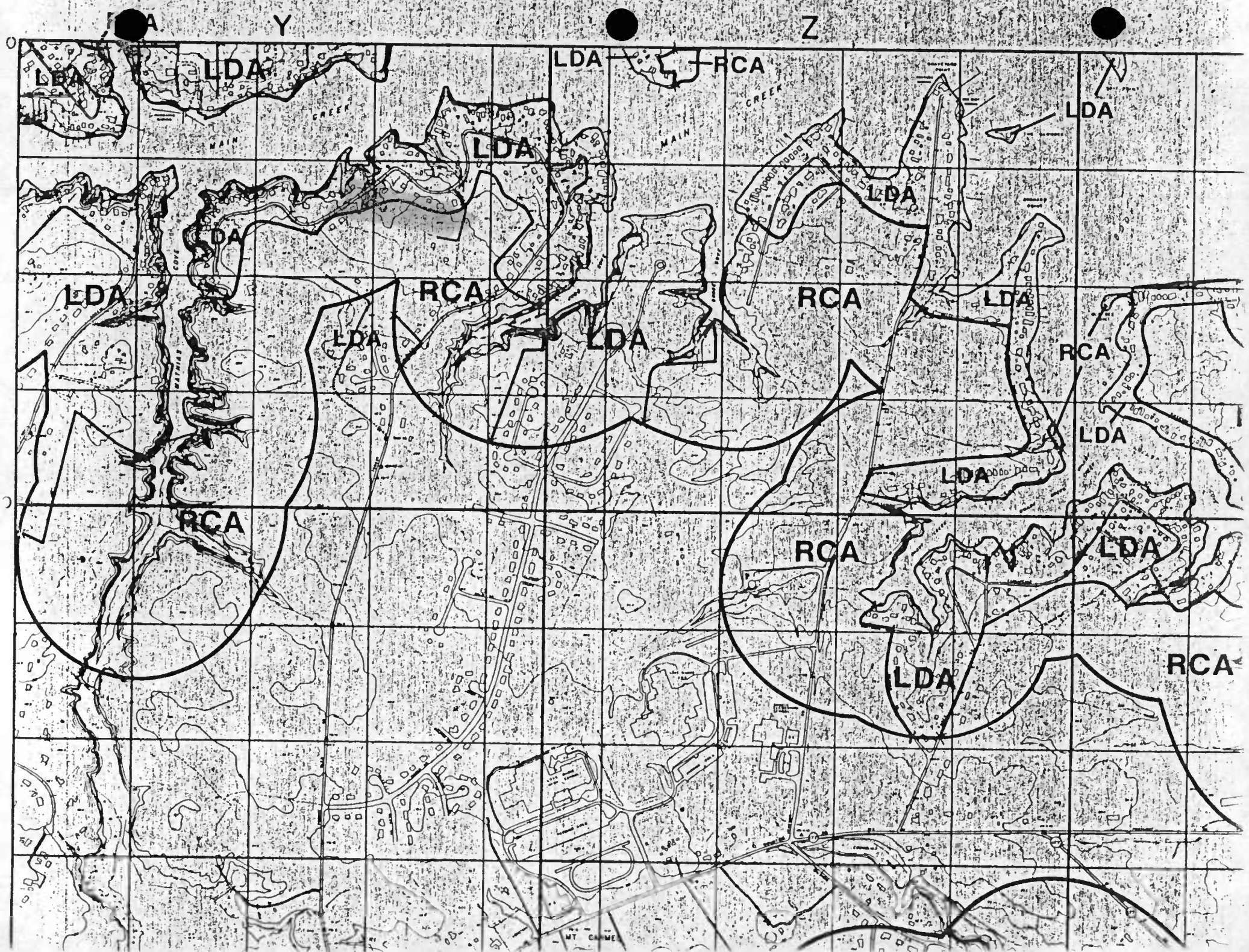


Mark R. Wedemeyer
Development Administrator, PACE

MRW/kml

cc: Ronald Nelson, Land Use Officer
Steven R. Cover, Director, PACE
Joseph J. Elbrich, Jr., Assistant Director, PACE
Frank W. Ward, Assistant Director, PAC
Michael K. Murray, PACE





CRITICAL AREA COMMISSION GUIDELINES FOR EVALUATION OF
LOCAL PROGRAMS DURING COMPREHENSIVE REVIEWS
REGARDING USES IN THE RESOURCE CONSERVATION AREA

1. Land use and development in the Critical Area are subject to the regulations and policies of the Criteria, as implemented through local Critical Area Programs. Where conflicts exist between the Criteria and either pre-existing underlying zones or locally-designated Critical Area zones, the Criteria control. Conflicts will be resolved through the comprehensive review process.
2. Institutional uses should be regarded as identical to industrial and commercial uses in terms of environmental performance and consistency with permitted uses in the RCA.
3. Intensification or expansion of existing industrial, commercial, and institutional facilities and uses may, but not necessarily shall, be permitted in the RCA. A variance in accordance with COMAR 27.01.11, is required if such intensification or expansion involves a use which does not conform with provisions of a local Program.
4. Any additional facility, structure, or use not directly related to and a part of an existing industrial, commercial or institutional use in location, nature, and legal incorporation shall be considered a new use and may require growth allocation.
5. Any additional structures, facilities, and uses that are found to be unacceptable uses of the RCA, according to the guidelines listed above, must be located outside of the RCA or will require growth allocation.
6. If a use can be located outside of the RCA, it should be located outside of the RCA.

Approved by CAC - 7/7/93

Queen Anne's County Critical Area Ordinance

ENVIRONMENTAL PROTECTION

(v) Certain nonresidential uses may be permitted in Resource Conservation Areas if it is first determined by the Department that the proposed use is one of the following:

1. The proposed use is a home occupation as provided for in the Queen Anne's County Zoning Ordinance.

2. The proposed use is a resource utilization use and/or activity including agriculture, forestry, and aquaculture provided such use or uses comply with the applicable provisions of the Queen Anne's County Critical Area Program, this subtitle, and other applicable regulations.

3. The proposed use is a golf course, but not including main buildings and/or structures, e.g., club house, pro-shop, etc.

4. The proposed use is a cemetery that is an accessory use to an existing church.

5. The proposed use is a bed and breakfast facility located in an existing residential structure, but not a hotel or motel.

6. The proposed use is a gun club and skeet-shooting range or similar use but not including main buildings and/or structures, e.g., club house, pro-shop, etc.

7. The proposed use is an accessory or supportive use clearly incidental to an existing industrial and commercial facility, including those that directly support agriculture, forestry, aquaculture, or residential development and is located wholly within an existing structure or structures. Any expansion of existing structures may only be approved with growth allocation.

8. The proposed use will be completely housed in an existing building or buildings expressly designed for the proposed use and use of the building or buildings has not been abandoned for more than one year.

9. The proposed use is a water-dependent research facility or activity operated by State, federal or local agencies, educational institutions, or non-profit organizations provided non-water dependent facilities or structures are, to the extent possible, located outside of the Buffer.

10. The proposed use is a commercial water-dependent fisheries facility including but not limited to, structures for crab shedding, fish off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations and fisheries activities. These uses may be permitted in the Buffer.

11. The proposed use is a public beach or other public water-oriented recreation or education use or activity including, but not limited to publicly owned boat launching and docking facilities and fishing piers. These uses may be permitted in the Buffer.

QUEEN ANNE'S COUNTY CODE

12. The proposed use is a community marina or other non-commercial boat docking and storage facility.

13. The proposed use is an essential service as defined in § 14-111 of this subtitle.

14. The proposed use is a public utility structure or service other than essential services as defined in § 14-111 of this subtitle.

15. The proposed use is storage of fertilizers, chemicals, pesticides, or polluting materials or substances used in conjunction with agriculture which shall be contained to the extent that any erosion of or runoff from such materials or substances is prevented provided such use is clearly incidental to a farm operation.

16. The proposed use is a sand and gravel pit, borrow pit, clay pit or other mineral extraction use, including the processing or compounding of materials composed largely of such products at the site, but excluding concrete mixing and asphalt plants.

17. The proposed use is a private airstrip for the land owners personal use which is clearly incidental and accessory to an existing residential use.

18. The proposed use is non-commercial boat building and repair, including motor repair.

19. The proposed use is an emergency service as defined in § 14-111 of this subtitle.

20. The proposed use must be allowed, by-right, under State law in a zoning district that permits detached single family dwellings, i.e., homes emphasizing special services, treatment and care such as group homes of less than nine people and family day care.

(vi) Local government projects may be permitted in Resource Conservation Areas without obtaining growth allocation if certified by the County Commissioners as being a project of "local significance". A project of local significance is defined as a public project of minor scale which causes environmental or economic consequences that are largely confined to the immediate area of the parcel of land on which the development is located, does not substantially affect the Queen Anne's County Critical Area Program, and is not considered a major development by the Critical Area Commission.

(vii) Except as may be provided in subparagraphs (v) and (vi) of this paragraph, any additional structures, facilities, or uses not directly related to and a part of an existing industrial, commercial, or institutional use in terms of location, nature, and legal incorporation shall be considered a new use and must be located outside of the RCA.

(c) *Density.*

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

June 1, 1998

Mr. Gary L. Klinedinst
U.S. Department of Transportation
Federal Highway Administration
21400 Ridgetop Circle
Sterling, VA 20166-6511

Re: Eastern Federal Lands Highway Division
Project No. NPS-FOWA 100(1) - Fort Washington Park, Prince George's County, MD

Dear Mr. Klinedinst:

Thank you for your letter regarding the above-referenced project. We appreciate the opportunity to provide comments to your office regarding the potential impacts to the Chesapeake Bay Critical Area (CBCAC). As you are aware, the Critical Area is measured 1,000 feet from mean high tide, the edge of tidal wetlands and tributary streams. Development activities proposed within that planning area are subject to review by the local planning authority. In the case of state-owned lands, projects are reviewed by Commission staff.

We do give Federal agencies guidance regarding development activities in the Critical Area. I will briefly outline our scope of review of development projects in the Critical Area and also will outline our comments regarding the repair of the eroded outfall adjacent to Warburton Drive and the rehabilitation of Washington Drive and parking areas.

Our foremost concern and perhaps the cornerstone of the Critical Area Law and Criteria is the 100-foot Buffer measured from mean high water, the edge of tidal wetlands and tributary streams. This designated Habitat Protection Area (HPA) is to be left undisturbed in order to provide water quality and habitat functions. Only water-dependent facilities such as piers or boat ramps for example, are permitted in the Buffer. The Buffer can be expanded in the case of steep slopes, hydric soils or highly erodible soils. It appears your projects will not be impacting the Buffer.

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

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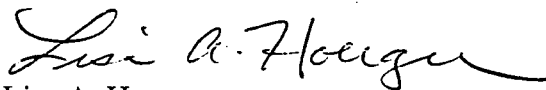
Mr. Klinedinst
Page Two
June 1, 1998

The Commission is also concerned with other HPAs like rare, threatened and endangered species, species in need of conservation, plant and wildlife habitat and anadromous fish propagation waters. Your agency should contact Mr. Jonathan McKnight at (410) 260-8564 of the Maryland Department of Natural Resources Heritage and Biodiversity Division to confirm that none of the habitats mentioned above will be adversely impacted by the proposed development activities.

Outside of these HPA issues, Commission staff review projects for consistency with the other elements of the Critical Area Law and Criteria which include limiting impervious areas to 15% and limiting clearing of forested areas to 20% of the total parcel. Based on the information provided, it appears your agency does not plan to install any additional impervious areas. If clearing will occur, the area cleared should be replaced on an equal area basis to ensure no net loss of forest cover in the Critical Area. Finally, it appears that any stormwater management issues are being reviewed by the Maryland Department of the Environment.

If you have any questions, or if I can be of further assistance please call me at (410) 974-2426.

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: Federal Files US/DOT

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

June 1, 1998

Mr. Louis H. Ege, Jr.
Maryland Department of Transportation
State Highway Administration
707 N. Calvert Street
Baltimore, Maryland 21202

Re: Project No. PG221A11
MD 210 Corridor Study From I-95/I-495 to MD 228
Prince George's County, Maryland

Dear Mr. Ege:

This letter serves as preliminary comments from our agency to yours regarding the above-referenced project. I understand that one field review meeting was conducted, however I was unable to attend. In any case, I have spoken with Ms. Patricia Greene of your staff and she confirmed that a portion of the study area is within the Chesapeake Bay Critical Area. From the information provided thus far, and absent the opportunity to attend the field review, I offer the following comments.

Depending on the scope and type of development proposed in the Critical Area portion of the study area, this project may be covered under the General Approval. Otherwise, this office will review the project for consistency with the Critical Area Law and Criteria which govern Habitat Protection Areas (100-foot Buffer, Plant and Wildlife Habitats, Anadromous Fish, Rare, Threatened and Endangered Species, Species in Need of Conservation). Also, we will be reviewing any proposed clearing and the replacement obligations for that clearing. Since the site is in an area not intensely developed, we will be ensuring that all necessary State permits are secured in addition to any Federal and State permits that may be necessary for wetland impacts, if any.

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

Sincerely,

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

Lisa A. Hoerger
Environmental Specialist

cc: Ms. Patricia Greene, DOT/SHA
Ms. Regina Esslinger, Chief, Project Evaluation Division, CBCAC

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

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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

June 1, 1998

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

RE: 98-WL-1228, Anne and Bob Pinkard

Dear Mr. Cuthbertson:

I have received the above referenced project and would like to offer the following comments. This office generally has no objection to the request, provided the area proposed for disturbance will not impact any designated Habitat Protection Areas (HPAs) provided for in COMAR 27.01.09. According to the 1995 Submerged Aquatic Vegetation Survey, there are two areas of *Zannichellia palustris* to the southwest of St. Helena Island. We defer to your expertise for conservation and protection of this important resource and HPA protected by the Critical Area Criteria.

All new disturbance to the 100-foot Buffer resulting from construction should be restored at a 1:1 ratio. New disturbance should include grading and clearing. Any proposed access road(s) necessary for construction of the shore erosion control measures proposed for this site should be temporary and the total area disturbed for its creation should be replaced at a 1:1 basis.

Thank you for the opportunity to comment. Please include this letter in the file as part of the record. 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: 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

June 1, 1998

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

RE: 98-WL-1668, Peter Golueke

Dear Mr. Cuthbertson:

I have received the above referenced project and would like to offer the following comments. This office generally has no objection to the request, provided the area proposed for disturbance will not impact any designated Habitat Protection Areas (HPAs) provided for in COMAR 27.01.09. All new disturbance to the 100-foot Buffer resulting from construction should be restored at a 1:1 ratio. New disturbance should include grading and clearing. Any proposed access road(s) necessary for construction of the shore erosion control measures proposed for this site should be temporary and the total area disturbed for its creation should be replaced at a 1:1 basis.

Thank you for the opportunity to comment. Please include this letter in the 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: 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

June 1, 1998

Ms. 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 that included the List of Innovative Projects For The County's Critical Area Reforestation Funds In Excess of the Required One To One Replacement. At your request, I am providing you a slightly revised list that involves some minor rearranging including some combining of items and deletion of other items. The prioritized list below would be acceptable to this office for use of reforestation funds above the one to one replacement. Because use of these funds to finance these types of projects is a new approach, Commission staff would like to review the projects and allocations with County staff prior to implementation.

Forested wetlands and scrub shrub wetland creation or enhancement within the Critical Area.

Reforestation of riparian areas adjacent to the Critical Area.

Forested wetlands and scrub shrub wetlands creation or enhancement adjacent to the Critical Area.

Stream restoration that includes reforestation in the Critical Area

As you may notice, we have combined the wetland creation options. We deleted stream restoration and non riparian areas adjacent to the Critical Area. Retrofitting of stormwater management facilities and forest management and enhancement was also deleted. We are amenable to reviewing specific projects not part of the above list on a case by case basis. These projects may include those that we deleted from your original list.

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

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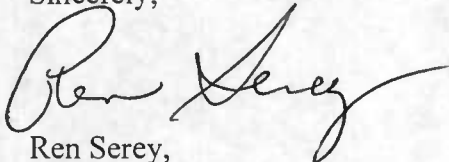
Ms. Gawel
Page Two
June 1, 1998

You also ask whether the County can allow developers to use offsite retention as mitigation for the removal of forest on a development site. As we have informed the County in past discussions concerning mitigation, this alternative is not acceptable unless the County guarantees that the required mitigation is properly provided for under the easement. This alternative is acceptable only under certain conditions. Within the LDA and RCA, 70% of the forest protected by an easement is already protected by the County's Critical Area Program. Therefore, only 30% is truly being retained and can qualify as mitigation.

We can point to the Woods Landing II reforestation as an example. In that case, the developer cleared 8.43 acres which was more than 20%, but less than 30% of his parcel, so he was required to replace at one and one-half times or 12.645 acres. The easement consisted of 25.29 acres, of which 17.70 acres (70%) is already protected. That leaves a balance of 7.587 acres that were unprotected now under easement. Since the developer's responsibility was 12.645 acres, he is short 5.058 acres. Therefore, an easement of at least 30.348 acres would be necessary to properly satisfy the reforestation obligation of the Woods Landing II development.

Thank you for your patience and diligence in your search for alternative options for utilizing the County's reforestation funds. If you have any questions or concerns, my staff is available to you and can be reached at (410) 974-2426.

Sincerely,



Ren Serey,
Executive Director

cc: Mary Owens, Chief, Program Implementation
Lisa Hoerger, Environmental Specialist

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

May 28, 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 Woods on Dividing Creek (98-101). While the proposed clearing, impervious areas and density are all within the limits established by the County's Critical Area Program, there are some Habitat Protection Area (HPA) issues which affect the subdivision proposal. I have outlined those issues and routine issues below.

- 1) Generally, the limits of the Buffer and the expanded Buffer are delineated correctly, however it appears to be incorrectly drawn on lot 6. Proposed lot 6 may not be able to support a dwelling and its limits of disturbance without a variance. This office will not support a variance for a newly created lot.
- 2) The location of the Buffer in relation to the stormwater management (SWM) pond and the surrounding steep slope areas is confusing and difficult to read. It seems that because of the 15% and greater slopes, the Buffer may include the area where the SWM pond is located.
- 3) Lots 10 and 11 and the stormwater management pond will be accessed by a road that will directly impact 15% slopes and possibly the expanded Buffer for steep slopes. Even if the Buffer does not fall on either lot, a variance to allow the road would be necessary and this office will not support that variance request.
- 4) The configuration of lot 2 raises some future water access questions. Are there any plans to accommodate either a community pier or private pier for lot 2?

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

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



Mr. Wedemeyer
Page Two
May 28, 1998

- 5) The proposed Open Space #2 is currently labeled "Passive Recreation Area". In order to ensure the integrity of the Resource Conservation Area portion of this parcel, that label should remain so that future plans for this area by the community will not include active recreation.

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 242-98

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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May 28, 1998

Ms. 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 final development plans for Parcel B of the South River Colony Planned Unit Development (PUD). It appears the applicant will be well under the allowable imperious area, woodland clearing, and is developing the site at the proper density given the Resource Conservation Area (RCA) overlay. I have outlined additional comments below.

- 1) A Forest Interior Dwelling Bird (FID) study is still outstanding. The County should reserve final approval until the FID study is obtained and reviewed. The presence of certain species may affect the final design/configuration of the lots in the Critical Area portion of Parcel B.
- 2) A letter from the Department of Natural Resources (DNR) Natural Heritage Division mentions the presence of Tick-trefoil (*Desmodium pauciflorum*). Since this species is listed as State-Endangered the County should ensure that development will not impact this habitat. If the proposed lots coincide with the habitat of this species, the County should suggest reconfiguration, or at a minimum conservation easements. Guidance and advice from DNR should be obtained.
- 3) We note that the proposed stormwater management pond is located in the RCA and serving development outside the Critical Area. However, this office recognizes that this PUD was submitted before the County's Critical Area program was in place and therefore will not object to its location. I have provided an explanation of our position in a letter dated March 13, 1998 to yourself and have enclosed it for your convenience.

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

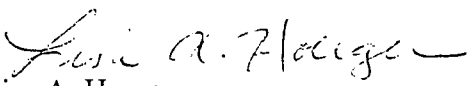
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Ms. Chalkley
Page Two
May 28, 1998

- 4) Finally, we note the applicant is planning to plant seedlings along the eroding shoreline. These efforts may count towards any reforestation obligation provided the survival of these trees are ensured.

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: AA 243-98

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 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 black ink 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

ge 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 28, 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 1998-0154-V, the property of James W. Green. The applicant proposes to construct a single family dwelling on lot 91B that will require less lot width. This office offers no comment regarding the lot width variance request. However, the application indicated that this subdivision was never recorded, which means the lots are not afforded grandfathered status. Therefore, if the construction of the proposed dwelling will necessitate any Critical Area variances, this office will not support them.

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 248-98

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

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May 28, 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 1998-0153-V, the property of Richard Weaver. The applicant proposes to construct a single family dwelling and associated septic and stormwater management devices that will require less setbacks and be in the expanded Buffer for steep slopes. This office has no comment regarding the setback issue. We also do not object to the construction of a dwelling on this lot, provided the lot is properly grandfathered.

From the site plan provided, it appears that the dwelling can be moved closer to Peggy Stewart Court without compromising setbacks to the road or the well. This will avoid direct impacts the 15% slopes and minimize intrusion into the expanded Buffer.

In regard to the stormwater management device and the septic system, it appears there are no alternative locations. It would be preferable if the septic system could be located on the street side of the proposed dwelling, but it does not appear any percs were obtained in that area. If the proposed dwelling is moved closer to the street, then the drywell should be moved closer also. Mitigation on a 3:1 ratio should occur for all disturbance to the Buffer and 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 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 247-98

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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May 21, 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 reviewed the resubmittal for the Town Creek subdivision request (97-240). It appears that only minor changes have resulted since the last submittal, and that my comments of February 24, 1998 were addressed by the applicant. Provided the Buffer and Resource Conservation Area portions of the subdivision are left undisturbed, this office foresees no other concerns.

For your information, I received a copy of an investigation for the presence of Leatherleaf on this site by See Environmental Services. The consultant was unable to locate the species. In any case, the Heritage and Biodiversity Division of the Department of Natural Resources should be contacted by the County to ensure their determination of the presence of Leatherleaf is the same for this site.

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 588-97

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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May 19, 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 1998-0145-V, the property of J. William Sykes and Karen M. Prehoda. The applicants propose to construct a single family dwelling that will require less setbacks and Buffer. This office has no objection to the requested variance provided the lot is properly grandfathered. Mitigation should occur 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 of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 224-98

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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May 19, 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 1998-00136-V, the property of Raymond Hynson, Sr. The applicant proposes to replace an existing dwelling that will intrude into the 100-foot Buffer. This office appreciated the applicant's desire to build as close to the shoreline as neighboring properties. However, from the site plan it appears the subject lot is of sufficient depth to accommodate all or most of the new dwelling outside of the 100-foot Buffer. This office recommends further minimization than is proposed.

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 222-98

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
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Ren Serey
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May 19, 1998

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

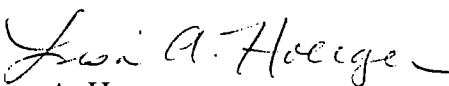
Dear Mr. Dooley:

I would like to comment on Variance 1998-0146-V, the property of Otis B. Layton. The applicant proposes to construct a second story addition and a second floor addition. It is not clear why a Buffer variance is required since this lot is in a Buffer Exemption Area (BEA), unless the proposed second story deck is further waterward of the existing principal structure. In any case, this office does not oppose the variances as the proposed additions appear to be no further waterward than the existing structure and the lot is in a BEA. Mitigation should be as prescribed in the County's BEA Policy.

The proposed impervious areas and the resulting impervious area figures are different on the Project Notification Form as those found on the applicant's submittal. Also, the site plan does not indicate where the removal of existing impervious areas will take place. The County should ensure that there is no increase in impervious areas on this lot since it already exceeds the allowable limit. In fact, the applicant should be encouraged to remove any unnecessary impervious areas.

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 225-98

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

May 19, 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 1998-0140-V, the application of Hurley Development. The applicant proposes to construct a single family dwelling that requires less setbacks, lot area and will be in a nontidal wetland. This office offers no comment regarding the setback and lot area issues.

In regard to the nontidal wetland issue, the applicant should be seeking permits from the Maryland Department of the Environment (MDE) Nontidal Wetlands Division. This office defers to MDE for expertise and guidance in this area. If permitted, mitigation as prescribed by MDE is appropriate. In any case, the applicant should minimize intrusion to the wetland area, including its 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 221-98

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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May 18, 1998

Mr. Daniel Cowee
Talbot County Office of Planning
& Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Raymond C. Nichols
#962

Dear Mr. Cowee:

I have received the subdivision request of Raymond C. Nichols and offer the following comments.

- 1) The Environmental Assessment under letter "B" of the introduction indicates that the 17.25 acre lot in the Critical Area is lot 6. However, the plat indicates the 17.25 acre lot to be lot 1. Also, the plat labels two lots as lot 5. This should be corrected. The comments in this letter follow the plat submitted to this office.
- 2) It appears the 1 in 20 density provision for development in the Resource Conservation Area (RCA) has been met. The County should ensure that the area of lots 2, 5, and 6 (presumably) that are in the RCA are not used for development purposes or uses associated with development (i.e. septic, accessory uses). Those areas should remain undisturbed.
- 3) The site plan submitted does not label the area of afforestation. From the information provided, it seems as though it may be located on lot 1 adjacent to the existing woodland edge. This location is appropriate.
- 4) The County should confirm with the Natural Heritage Division of the Department of Natural Resources that no rare, threatened or endangered habitats exist on this property before any final approvals are issued.

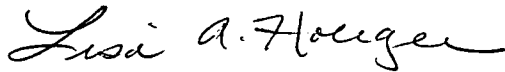
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(410) 822-9047 Fax: (410) 820-5093

Mr. Cowee
Page Two
May 18, 1998

- 5) While no tidal wetland or stream buffers exist on this site, it appears there is a pocket of nontidal wetlands on the proposed 17.25 acre lot in the Critical Area. A minimum 25-foot Buffer should be reestablished if one does not presently exist.

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

Sincerely,



Lisa A. Hoerger
Environmental Specialist

cc: AA 231-98

Chesapeake Bay Critical Area Commission

STAFF REPORT

May 6, 1998

APPLICANT: Maryland Port Administration, Office of Harbor Development

PROPOSAL: New Storm Drain Project at the Proposed CSX/Cox Creek Dredged Material Containment Facility - proposed stormwater pond in the expanded Buffer absent alternative locations

JURISDICTION: Anne Arundel County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Conditional Approval

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02, Development in the Critical Area Resulting From State and Local Agency Programs; Chapter 06, Conditional Approval of State or Local Agency Programs in the Critical Area ; .01 Criteria

DISCUSSION:

The Maryland Port Administration (MPA) requests approval of a storm drain project at their CSX/Cox Creek Dredged Material Containment Facility in northern Anne Arundel County. The site is approximately one mile south of the Francis Scott Key Bridge off of the Patapsco River.

The CSX site was purchased by the MPA in 1993 and the Cox Creek site was purchased in 1996. The MPA intends to reconstruct and stabilize the containment cells on each property to receive dredge material from the Baltimore Harbor channels. Before reconstruction of the cells begins, the existing stormwater system, which serves an 111-acre drainage area, needs to be re-routed. Currently, the storm drain system outfalls into the Cox Creek cell.

In order to correct this problem, the MPA plans to install a storm drain interceptor pipe and related manholes and outfall structure for diversion of the stormwater. The outfall will terminate at the northern end of the property just above the Cox Creek cell. The limits of disturbance (LOD) will be 3.92 acres. Approximately .37 acres will be cleared within the LOD and 500 cubic yards of fill material will be placed near the headwall for grading. The outfall will consist of approximately 140 cubic yards of riprap and bedding stone.

Stormwater quality will be addressed by the MPA through the use of a stormwater management pond that will provide storage and quality improvement for the first half inch of runoff. The proposed location of the pond will be located in the expanded Buffer for hydric soils. Therefore, the MPA seeks conditional approval from the Commission for this project.

Mitigation will be provided for impacts to the nontidal wetlands by payment to the Maryland Department of the Environment (MDE). The Letter of Authorization for the project will be issued when payment is received. The MPA received waivers from MDE regarding stormwater management and sediment and erosion control. Permits for the proposed pond are pending.

The Heritage and Biodiversity Division of the Department of Natural Resources has reviewed the site and found no threatened or endangered species to be present. The Maryland Historical Trust has also reviewed the site and found no historical sites at the project area. Anne Arundel County's Department of Planning and Code Enforcement reviewed the project and had no comment.

Commission staff bring this project for the Commission's review and consideration under COMAR 27.02.06. Under the criteria of this chapter, if development is proposed to be undertaken or caused in the Critical Area by State or local agency actions and this development is prohibited from occurring by the criteria in this subtitle, the agency proposing the development may seek conditional approval for the project or program from the Commission.

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

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

There exists both special features and special circumstances on this site that preclude MPA from providing water quality without impacting the expanded Buffer. The impacts in the expanded Buffer are proposed in order to provide for a stormwater management pond. Six alternative locations were explored as potential sites to for a water quality structure that could accommodate the first half inch of runoff from the 111 acre drainage area. All six of these alternative locations were determined to be not suitable.

Special features of this site precluded the MPA from providing adequate water quality improvement outside of the Buffer. The existing drainage pipes are an average of 20 feet below the surface and would necessitate major reconstruction in order to divert flow to the upland areas. Directing the outfall into the Patapsco River or the Swan Creek wetland would not provide adequate water quality control or storage. Construction of a retention pond inside the existing containment cell would result in a loss of containment capacity.

There are special circumstances that exist in that this project is part of the Governor's Strategic Plan for Dredged Material Management. This site is one of the few sites available and capable of receiving dredged material from the Baltimore harbor channels. Therefore, dewatering of the containment cell must occur before placement can begin.

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

No new areas of impervious surfaces are proposed with the rerouting of the existing storm drain project. The storm drain rehabilitation is proposed so that the existing containment cell can be de-watered in order to prepare it to accept dredge material. The new proposal to include a water quality Best Management Practice (BMP) will result in providing water quality for the stormwater from the 111 acre drainage area. In addition, channel maintenance will support the economic well-being of the Port of Baltimore.

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

Except for the proposed disturbance to the expanded Buffer, the project is otherwise in conformance with the state criteria and the County's Critical Area Program.

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

(1) That a literal enforcement of the provision of this subtitle would prevent the conduct of an authorized State or local agency program or project;

A direct outfall from the storm drain system into the Patapsco river will not be permitted by the State and federal agencies reviewing this project. The MPA is required to include a BMP to address water quality. The proposed pond, although requiring impacts in the expanded Buffer, does provide for the storage of the first half inch of runoff, serve water quality functions, and will provide for additional plantings, trees, and grasses that may not be associated with other types of BMPs.

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

The project was determined to be consistent with the Critical Area program under COMAR 27.02.02. The newly proposed impacts in the Buffer are not consistent with the Criteria; however, all disturbance will be minimized and will result in improved water quality leaving the site.

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

The additional plantings proposed within the expanded Buffer, around the proposed pond and along the beachhead will result in increased water quality benefits and improved habitat protection. Additional mitigation plantings will be accommodated on-site if possible to provide additional water quality and habitat benefits. If necessary, an off-site location may be selected depending on the future use of the upland site.

Along with the conditions listed below, the conditional approval request is consistent with COMAR 27.02.06, the Commission's regulations for Conditional Approval of State or Local Agency Programs in the Critical Area.

Conditions:

- 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.



PATAPSCO RIVER

RECEIVED

STABILIZE TOP OF BERM TO ELEV. 4.00 APR 22 1998

CHESAPEAKE BAY CRITICAL AREA COMMISSION

OPTIONAL OUTFALL WEIR STRUCTURE

100-FT CRITICAL AREAS BUFFER LINE

TOP OF NEW DIKE

NOTES:

CONTOUR ELEVATIONS IN FT (MLLW)

VOLUME OF STORAGE TO 4.0 CONTOUR = 4.65 AC-FT

▽ - WETLAND GRASSES



EXISTING NON-TIDAL WETLAND

EXISTING POND WSE = 2.1 FT

NEW EXCAVATION PERMANENT POND BOTTOM ELEV. -2.00

CHECK DAM

FOREBAY

OUTFALL

20

4.5

4.0

3.5

3.5

3.0

2.5

2.5

2.5

20

10

20

10

20

10

5

\\3789.03\STORAL\SKETCHES\WETLAND.DWG APRIL 22, 1998

MOFFATT & NICHOL ENGINEERS BALTIMORE, MARYLAND

CSX/COX CREEK DMCF STORM DRAIN MODIFICATIONS

STONE CHECK DAM WITH PERMANENT POND

Chesapeake Bay Critical Area Commission

STAFF REPORT

March 4, 1998

APPLICANT: Maryland Port Administration, Office of Harbor Development

PROPOSAL: New Storm Drain Project at the Proposed CSX/Cox Creek Dredged Material Containment Facility

JURISDICTION: Anne Arundel County

COMMISSION ACTION: Vote (Tentative)

STAFF RECOMMENDATION: Approval with the condition that mitigation be performed on-site with native species immediately following the completion of the new storm drain.

STAFF: Lisa Hoerger

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

DISCUSSION:

The Maryland Port Authority (MPA) requests approval of a storm drain project at their CSX/Cox Creek Dredged Material Containment Facility in northern Anne Arundel County. The site is approximately one mile south of the Francis Scott Key Bridge off of the Patapsco River.

The CSX site was purchased by the MPA in 1993 and the Cox Creek site was purchased in 1996. The MPA intends to reconstruct and stabilize the containment cells on each property to receive dredge material from the Baltimore Harbor channels. Before reconstruction of the cells begins, the existing stormwater system, which serves an 111-acre drainage area, needs to be re-routed. Currently, the storm drain system outfalls into the Cox Creek cell.

In order to correct this problem the MPA plans to install a storm drain interceptor pipe and related manholes and outfall structure for diversion of stormwater. The outfall will terminate at the northern end of the property just above the Cox Creek cell. The limits of disturbance (LOD) will be 3.92 acres. Approximately .37 acres will be cleared within the limits of disturbance (LOD) and 500 cubic yards of fill material will be placed near the headwall for grading. The outfall will consist of approximately 140 cubic yards of riprap and bedding stone.

All work will be in an area of intense development. The 10% pollutant reduction calculation resulted in a negative pollutant removal. Therefore, no Best Management Practices (BMPs) are required at this time. Future development of this property may require BMPs.

Mitigation will be provided for impacts to the nontidal wetlands by payment to the Maryland Department of the Environment (MDE). The nontidal permit is still pending at the time of this staff report. Also pending are the stormwater and sediment and erosion control permits.

The Heritage and Biodiversity Division of the Department of Natural Resources has reviewed the site and found no threatened or endangered species to be present. The Maryland Historical Trust has also reviewed the site and found no sites at the project area. Comments from Anne Arundel County Department of Planning and Code Enforcement are pending.

N 49

NON-TIDAL WETLANDS CONTINUES TO THE NORTH

LIMIT OF 100 YR. FLOOD PLAIN ZONE

100 ft. BUFFER MHW

COX CREEK CELL

STORM DRAIN
PUMPING STATION

COX CREEK REFINING CO.
TANK HOUSE - BLDG 401K

BM-2
MON. 276-AZ
497632.51470
331264.54620
LEV. 37.34'

BM-1
NC. MON. 276
497103.68340
331354.93280
LEV. 37.23'

OUTFALL 15" VCP (ABANDONED)

OUTFALL 8" VCP (ABANDONED)

EXISTING SPILLWAY
CONVERT TO
PIPES

BLDG. 611K

CSX CELL

LEGEND

- STORM DRAIN TO BE CONSTRUCTED SPRING 1998
- EXISTING LIGHT POLE
- EXISTING FIRE HYDRANT
- EXISTING PAVEMENT
- EXISTING CONTOUR
- EXISTING FENCE
- EXISTING PROPERTY LINE
- EXISTING ELECTRIC LINE
- EXISTING TREE LINE
- POND
- MEAN LOW WATER LINE
- MEAN HIGH WATER LINE
- LOD - LIMIT OF DISTURBANCE
- 100 FT BUFFER MHW
- 100 YR FLOOD PLAIN

NON-TIDAL WETLAND

OPEN WATER

TIDAL WETLAND

NON-TIDAL WETLAND IMPACT WITH IN L.O.D.
TEMPORARY IMPACT - 2,470 SQ FT-0.06 ACRES
PERMANENT IMPACT - 1,014 SQ FT-0.02 ACRES

CRITICAL AREAS

INTENSELY DEVELOPED AREA (IDA)

SOURCE CONSERVATION AREA (RCA)

100 FT. BUFFER MHW

LIMIT OF 100 YR.

Staff Correspondence File II - 1998 Reader File - Lee Anne

S1832-139-4

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

September 23, 1998

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

RE: Variance 1998-0301-V, McKittrick

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to raze and rebuild an existing dwelling that will require a variance to the R-2 setback requirements. The site is designated LDA and is not waterfront.

This office has no comment with regard to the setback issue. However, from the site plan, it appears that redevelopment of this lot as proposed will require disturbance to steep slopes and clearing of over 50% of the woodland currently on-site. The site plan does not show the location of the existing septic area but the proposed location will necessitate clearing and potential disturbance to steep slopes. While this office does not oppose re-development of existing dwellings, especially when it will reduce impervious surfaces on site, impact to steep slopes and clearing of woodlands should be avoided in accordance with the County's Critical Area program. If this variance is granted as proposed, we recommend mitigation at a 3:1 ratio of native species in accordance with §1A-104(c)(5) of the County's Zoning Ordinance.

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: AA471-98

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 974-2426

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September 21, 1998

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

RE: Variance 1998-0302-V, Terhorst

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to raze and rebuild an existing dwelling that will require a variance to the Critical Area Buffer requirements. The site is designated LDA and is not Buffer Exempt.

This office does not object to this variance as the expansion to the existing footprint is of reasonable size and expansion will occur away from the water. Stormwater management will also be addressed through renovation of the dwelling. Removal of vegetation should be minimized to the extent possible. If moving the loop driveway will require removing trees, the applicant could consider a direct driveway access. This office recommends mitigation for the new impervious surface within the expanded Buffer at a 3:1 ratio of native species. Removal of vegetation outside of the Buffer should be mitigated at a 1:1 ratio of 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 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: AA472-98

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

September 21, 1998

Ms. Roxana Whitt
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2485, Lyle Lincoln

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Buffer regulations contained in the Calvert County Zoning Ordinance in order to build a 12' x 12' shed approximately 7 feet from the water. The property is currently undeveloped, though you have indicated that an unpermitted road has been built down to the water.

The Commission opposes the granting of this variance because Section 4-4.07(D) prohibits new development activities within the Buffer. You have indicated that this lot does not meet health department septic system requirements and is therefore not a buildable lot. Use of the lot apparently is limited to access to the water and existing pier. The road built to the water without permits provides access to the pier. The proposed shed would be an accessory use and while it would be a convenience, its placement within the 100-foot buffer is not required (i.e., it is not water dependent). The Buffer is a designated Habitat Protection Area designed to provide habitat for both terrestrial and aquatic species and to provide water quality functions through infiltration. The ability of the Buffer to achieve these functions is greatly reduced when new development, grading and clearing occurs.

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 shed adjacent to the water, this office must oppose the variance requested.

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, 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: CA477-98

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

September 21, 1998

Ms. Roxana Whitt
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2479, Paul & Patricia Clark

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to the Buffer regulations contained in the Calvert County Zoning Ordinance in order to build a new dwelling within the 100-foot Buffer. The property is currently developed with two dwellings, several sheds, a deck, and an above-ground pool.

The Commission opposes the granting of this variance because Section 4-4.07(D) prohibits new non-water dependent development activities within the Buffer. While the existing dwellings are located partially within the Buffer, the new dwelling will further impact the Buffer and, according to the plan, will actually be closer to tidal wetlands and St. John Creek. Because the lot is constrained by the Buffer, it is recommended that the dwelling be replaced on the existing footprint of the two dwellings, rather than creating unnecessary new disturbance within the Buffer. The Buffer is a designated Habitat Protection Area designed to provide habitat for both terrestrial and aquatic species and to provide water quality functions through infiltration. The ability of the Buffer to achieve these functions is greatly reduced when new development, grading and clearing occurs. Therefore, it is important that the applicant demonstrate that disturbance to the Buffer has been minimized.

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.

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, 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: CA417-98

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

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

September 21, 1998

Ms. Roxana Whitt
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2486, Stephen Perkins

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Buffer regulations contained in the Calvert County Zoning Ordinance in order to build a deck adjacent to the bulkhead on his property. The property is currently developed with a dwelling, driveway, an attached deck, a bulkhead, pier and boathouse.

The Commission opposes the granting of this variance because Section 4-4.07(D) prohibits new non-water dependent development activities within the Buffer. Water-dependent facilities are those structures that require location at or near the shoreline. A deck is not water dependent. The applicant can not meet the standard of unwarranted hardship as he currently enjoys reasonable use of his property, including a deck. Unwarranted hardship results only when denial of an applicant's variance request would result in denial of all reasonable use of the property.

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 deck adjacent to the water, this office must oppose the variance requested.

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, 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: CA475-98

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

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

September 21, 1998

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

RE: 1998-0272-V, Barbara & Bruce Matuska

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Buffer and impervious surface regulations contained in the County's zoning ordinance in order to construct a new single family dwelling.

Provided it is properly grandfathered, this office has no objection to siting a single family dwelling on this lot. However, disturbance to the Buffer should be the minimum necessary to afford relief to the applicant. The plan depicts the proposed dwelling to be 80 feet long, located only 36 feet from the water. A stormwater management facility and well are located 30 and 7 feet respectively from the water. As currently proposed, it is clear that impacts to Buffer have not been minimized. This lot is not in a Buffer Exemption Area (BEA).

This office recommends reducing the size of the footprint of the dwelling in order to minimize encroachment. If the dwelling is reduced in size, stormwater management may not be necessary, thus further minimizing impacts to the Buffer. The proposed grading within the Buffer appears excessive. The turnaround area of the driveway could also be eliminated. In addition, the applicant should explore ways to reconfigure the septic system such that the house could be moved further back from the water. Is it necessary for the two septic areas to be 18 feet apart? An earlier plan shows the septic systems only 9 feet apart.

Mitigation at a 3:1 ratio of native woody vegetation is recommended for all new disturbance within the 100 foot Buffer, to be planted in the area shoreward of the dwelling. Disturbance to existing woodland outside the Buffer should be replanted at a 1:1 ratio. This office recommends that a plat note alert the future property owner that this lot is partially within the 100-foot Buffer and that any future improvements must be approved by your department.

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

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA426-98

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

George John C. North, II
Chairman



Ren Serey
Executive Director

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

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September 21, 1998

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

RE: Variance 1998-0307-V, George Candela

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to construct an addition to an existing dwelling that will require a variance to the Critical Area Buffer requirements. The site is designated LDA and is Buffer Exempt.

This office does not object to this variance as the addition is of reasonable size and Buffer impacts will be limited to having the four footings placed. This office recommends mitigation for the new impervious surface within the Buffer at a 2:1 ratio of native species in accordance with the County's BEA policy.

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: AA474-98

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

September 21, 1998

Mr. Eddie Dichter
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Richard Burbank, Grading Permit

Dear Mr. Dichter:

Thank you for providing information on the above referenced grading permit. The applicant is proposing to clear 16,269 square feet of forest in order to build a garage and driveway.

Commission staff has reviewed the plans and does not oppose the approval of a grading permit. It appears that the level of forest clearing, 13% of the total forest on site, is below the maximum of 30% in accordance with Section 4-8.07 of the Calvert County Zoning Ordinance. Mitigation should be provided for this clearing on a 1:1 basis. A priority location for this mitigation should be the existing driveway. It appears that the amount of clearing could be minimized if the applicant would consider reconfiguring the garage and eliminating the large turn around area.

Thank you for the opportunity to review this application. If you have any questions or comments, or if the proposed project changes significantly, please contact me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "Lee Arne Chandler".

Lee Arne Chandler
Natural Resources Planner

cc: CA469-98

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

September 21, 1998

Mr. Eddie Dichter
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: James Ridgely, Grading Permit

Dear Mr. Dichter:

Thank you for providing information on the above referenced grading permit. The applicant is proposing to clear 18,678 square feet of forest in order to build a single family dwelling, driveway and an area for a pool.

Commission staff has reviewed the plans and does not oppose the approval of a grading permit. It appears that the level of forest clearing, 9.6% of the total forest on site, is below the maximum of 30% in accordance with Section 4-8.07 of the Calvert County Zoning Ordinance. Mitigation should be provided for this clearing on a 1:1 basis. It does appear however, that the amount of clearing could be further minimized if the applicant would consider placing the house closer to the road and thus decreasing the amount of clearing necessary for the driveway.

If you have any questions or comments, or if the proposed project changes significantly, please contact me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA468-98

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

September 18, 1998

Ms. Pam Miley
Anne Arundel County Dept. of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance 1998-0259-V, Patrick McAndrew

Dear Ms. Miley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the steep slope regulations of the County's Zoning Ordinance in order to replace an existing dwelling and driveway with a new dwelling and driveway. The proposed dwelling is located on steep slopes.

This office opposes the granting of this variance as currently proposed. It appears that the planned re-development of this site does not minimize impacts to steep slopes. The Anne Arundel County Zoning Ordinance at Section 1A-105 states, "Development on slopes of 15% or greater as measured before development is not permitted in limited and resource conservation areas unless the project is the only effective way to maintain or improve the stability of the slope...". The slope currently in question is in a stable, well-vegetated condition. Impacts to the slope could be avoided through a reconfiguration of the proposed house and driveway. The applicant should consider using the existing driveway to help minimize impacts. This office would not oppose a variance to the steep slope buffer in order to replace the existing dwelling but direct impact to the steep slopes should be avoided.

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: AA402-98

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

September 14, 1998

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

RE: Variance 1998-0271-V, Fitzpatrick

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to construct an addition to an existing dwelling that will require a variance to the Critical Area Buffer requirements. The site is designated IDA and is Buffer Exempt.

The information provided is inconsistent with regard to the amount of new impervious surfaces. The "notification of project application" states that 430 square feet of new impervious surfaces will be created while the Critical Area report states that 620 square feet will be created. Neither of these match what is depicted on the drawing. This should be clarified prior to the granting of a variance.

This office does not object to a variance for an addition of reasonable size provided impacts to the Buffer are minimized. Because this property is designated IDA, the 10% Rule must be addressed through a planting plan. This office recommends mitigation at a 2:1 ratio of native species in accordance with the County's BEA policy.

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: AA452-98

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

September 14, 1998

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

RE: Variance 1998-0298-V, Joeckel

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to construct an addition to an existing dwelling that will require a variance to the impervious surface regulations contained in the Anne Arundel County Zoning Ordinance. The site is designated LDA and is Buffer Exempt.

The calculation of impervious surfaces on the enclosed plan does not include the shed. The variance needed may be greater than is currently requested. While this office does not oppose an addition of reasonable size, impervious surfaces should be limited to 5,445 square feet in accordance with the Critical Area Law. There appears to be opportunity to reduce overall imperviousness on site through removal of existing impervious structures (e.g., the shed) or through replacing impervious asphalt with porous pavers. The new driveway, given that there will be an interior handicap ramp in the new garage, could be surfaced with porous pavers without impacting the desired use of the addition. In accordance with the County's BEA policy (at §1A-109(c)(5)(ii)), this office recommends that a vegetated buffer be planted on-site at a ratio of one square foot for every square foot of new impervious surface.

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: AA462-98

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

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

September 14, 1998

Ms. Barbara Hutchison
Department of Planning & Zoning
County Services Plaza
150 Main Street
Prince Frederick, MD 20678

RE: Comfort Suites, SPR 98-36

Dear Ms. Hutchison:

Mr. Rich McGill of McCrone, Inc. recently submitted revised plans for the above referenced project. The applicant is proposing an expansion to an existing hotel on a property which is within the Chesapeake Bay Critical Area. My previous letter, dated July 13, 1998, outlined the Commission's concerns on the project including minimizing intrusion into the Buffer and providing details on the landscaping plan.

Commission staff met with Mr. McGill and Roxana Whitt on July 31st to review the project and discuss specific requirements. At that time, I learned of the special Solomons Town Center Ordinance which sets a 30 foot waterfront buffer rather than the standard 100 feet. The project will reduce the impervious surface area within the 30 foot buffer by 28% and further reduction of imperviousness will be provided with the removal of several parking spaces. Walkways will be minimized wherever possible. In addition, the landscaping plan submitted appears to be consistent with our recommendations. Per a telephone conversation with Mr. McGill on September 14th, the 10% Rule worksheets originally submitted are still applicable and correct for this site. Also, he confirmed that the landscaped filter strip will be labeled on the final plans.

Thank you for the opportunity to review these plans. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Rich McGill
Roxana Whitt
CA322-98

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

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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September 14, 1998

Ms. Olivia Vidotto
Calvert County Dept. Of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: SD-98-21, Shores of Calvert, Lot 19

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision application. The applicant proposes to subdivide a 2.68 acre lot into two lots, one of which is already developed.

Commission staff has reviewed the information provided and has concluded that this subdivision as proposed is consistent with the County's Critical Area program. However, with regard to the notes, one inconsistency was noted. Specifically, #9 which states "Total Impervious Area on Lot 19RB \leq 0.27 Ac. (11,761 sf)," is not consistent with the County ordinance. Section 4-8.07(A)(7) limits impervious areas to 15 % of a parcel to be developed. This section does allow impervious areas to go up to 25% for a lot of 1 acre or less in size, as part of a subdivision approved after December 1, 1985, as long as the total impervious surface of the entire subdivision does not exceed 15%. Because Lot 19RB will be greater than 1 acre, this condition does not apply to this proposed lot and the allowable impervious surface should be 8,690 square feet (0.2 Ac.).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this subdivision. If you have any questions or comments, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA465-98

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

September 14, 1998

Ms. Olivia Vidotto
Calvert County Dept. Of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: MSD-98-21, Holiday Beach

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision application. The applicant proposes to subdivide a 2.08 acre lot into two lots, one of which is already developed.

The property owner has a grandfathered right to one dwelling within the Critical Area portion of the property. However, it appears that a variance will be necessary to disturb steep slopes within the Critical Area. Disturbance to steep slopes should be minimized to the extent possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this subdivision. If you have any questions or comments, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA466-98

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

September 11, 1998

Ms. Patricia Greene
MDOT - State Highway Administration
P.O. Box 717
Baltimore, Maryland 21203-0717

RE: MD 765, Project #CA449A21

Dear Ms. Greene:

Pursuant to our discussion on Friday, September 11th, below please find a list of comments on the preliminary report for MD 765 in Calvert County. As you will note, we have discussed most of these issues during our site visit and follow-up correspondence.

- Despite being within an area of intense development, the project is still subject to the habitat protection measures described in COMAR 27.02.05.09-.13. This includes the requirement to establish and maintain a 100-foot Buffer to all tributary streams, tidal wetlands, and tidal waters. Streams and wetlands and their appropriate Buffers should be shown on all site plans. Buffers must also be a consideration in placement of stormwater management devices. In general, the direct discharge of untreated stormwater into wetlands or streams should be avoided.
- The preliminary stormwater management report outlines two options for meeting the 10% rule. After reviewing the worksheets and associated site plans, Commission staff recommends use of Option "B," which is based on the more immediate drainage area containing the site improvements. Again, placement and design of stormwater management devices should consider locations of wetlands and streams and their Buffers.
- Please provide information regarding MDE's determination on the streams, drainage ditches and associated necessary permits. This will affect the mitigation requirements for this project as well as the timing of presentation to the Commission for review and approval.
- In preparing the final report, it would be very useful to clearly quantify impacts to wetlands, streams and Buffers. Mitigation will be required at a 3:1 ratio for all disturbance within the Buffer.

Thank you for the opportunity to review the preliminary report. Please contact me at (410) 260-7035 if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: SHA40-98

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

September 9, 1998

Ms. Christine Holmberg
Department of Planning & Zoning
P.O. Box 3000
Leonardtown, Maryland 20650

RE: VAR #98-1808, Michael Barbour

Dear Ms. Holmberg:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Buffer regulations in order to construct a covered deck. The deck will be located partially within the Buffer.

This office does not object to the granting of this variance as the proposed deck seems to be of reasonable size and the impacts within the Buffer will be limited to 90 square feet. It is recommended that the applicant provide mitigation in the form of native plantings, preferably within 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 the variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: SM441-98

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

September 9, 1998

Ms. Christine Holmberg
Department of Planning & Zoning
P.O. Box 3000
Leonardtown, Maryland 20650

RE: VAR #98-1898, Lloyd Dixon

Dear Ms. Holmberg:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Buffer regulations in order to construct two additions to an existing single family dwelling. The additions will be located wholly within the Buffer.

This office does not object to the granting of this variance as the proposed additions seem to be of reasonable size and will be located no further shoreward of the existing dwelling. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the proposed additional impervious surface (572 square feet) within the Buffer and any additional square footage of cleared vegetation not noted on the application. Mitigation plantings should occur within the Buffer and native species should be used.

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. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

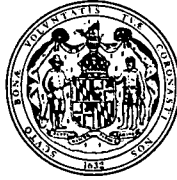
LeeAnne Chandler
Natural Resources Planner

cc: SM442-98

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

September 9, 1998

Ms. Christine Holmberg
Department of Planning & Zoning
P.O. Box 3000
Leonardtown, Maryland 20650

RE: VAR #97-1902, Andrea White - RESUBMITTAL

Dear Ms. Holmberg:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to clear over 30% of a lot within the Critical Area in order to construct a mound septic system to service a new single family dwelling.

This office does not oppose the granting of this variance as the septic system is necessary in order to occupy the dwelling. However, as a condition of the variance, this office strongly recommends mitigation in the form of native plantings at a 3:1 ratio for the areal extent of clearing in accordance with Section 38.2.10(e)(2)(g)(ii) of the St. Mary's County Zoning Ordinance. Please be advised that the note on the site plan is incorrect in tabulating the total mitigation required. The total mitigation should be 276,375 square feet. The area originally cleared for the septic system should be a priority for mitigation.

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. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: SM443-98

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

September 9, 1998

Ms. Christine Holmberg
Department of Planning & Zoning
P.O. Box 3000
Leonardtown, Maryland 20650

RE: VAR #97-0044, Raymond and Cecilia Hogan

Dear Ms. Holmberg:

Thank you for providing information on the above referenced variance application. The applicant is requesting an after the fact variance to exceed a previously approved variance for disturbance within the 100 foot Buffer.

Because this lot is severely constrained by the 100-foot Buffer, this office does not oppose the granting of this after the fact variance to complete construction of the single family dwelling. However, as previously submitted, the dwelling was supposed to be 60 feet from mean high water (MHW). The dwelling is being built only 36 feet from MHW. The deck will further intrude into the Buffer. This office recommends that the deck be eliminated or reconfigured to minimize additional Buffer impacts. At a minimum, mitigation should be provided in accordance with the previously approved planting agreement.

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. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

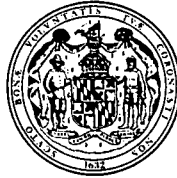
A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: SM444-98

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

August 31, 1998

Ms. Roxana Whitt
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2478, Barry Hoffman

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Critical Area steep slope regulations contained in the Calvert County Zoning Ordinance in order to create a building lot in the Critical Area. The parcel is currently undeveloped and has a resource conservation district overlay zoning designation.

This office does not oppose this variance to the steep slope regulations. The property owner has a grandfathered right to one dwelling within the Critical Area portion of the parcel. As disturbance to steep slopes is necessary in order to access the property, this variance is warranted. A plat note should be included that the remainder of the parcel within the Critical Area can not be further subdivided without growth allocation and should be placed under conservation easement in perpetuity. If this variance is granted, the applicant should minimize disturbance to steep slopes to the extent possible and provide mitigation in accordance with Section 4-9 of the Calvert County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, 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: CA419-98

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

August 31, 1998

Ms. Roxana Whitt
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2477, Thompson & Buckler

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Critical Area Buffer regulations contained in the Calvert County Zoning Ordinance in order to construct a garage.

This office does not oppose a garage of reasonable size, provided the impacts to the Buffer are minimized. Mitigation for any disturbance within the Buffer is required in accordance with Section 4-8.07(3) of the Calvert County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, 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: CA415-98

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

August 31, 1998

Ms. Roxana Whitt
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2481, Western Shores Civic Association

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Critical Area Buffer regulations contained in the Calvert County Zoning Ordinance in order to construct an asphalt basketball court.

The location of the proposed basketball court is the corner of a sand and gravel parking lot. Because this area is already disturbed and semi-pervious at best, this office does not oppose the placement of an asphalt surface in a limited area. However, this office recommends that the applicant be required, as a condition of the variance, to divert or contain the stormwater from the asphalt surface. We suggest regrading the 30 foot by 30 foot area to gently slope away from the stream and Bay (in a westerly direction). Another option may be to place an asphalt "berm" around the edge of the court. Mitigation for any disturbance within the Buffer should be required in accordance with Section 4-8.07(3) of the Calvert County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, please notify the Critical Area Commission in writing of the Board's decision on this application.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA418-98

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

August 28, 1998

Ms. Roxana Whitt
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2476, Southern Maryland Homes

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the slope regulations contained in Section 4-8.07 (A)(6) of the Calvert County Zoning Ordinance in order to build a new single family dwelling and associated septic system.

Provided the lot is properly grandfathered, this office has no objection to siting a single family dwelling, associated septic system and driveway on this lot. Development of this lot should minimize impacts to steep slopes and minimize clearing wherever possible. Mitigation should be provided at a 3:1 ratio in accordance with Section 4-8.07(A)(3)(d).

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, 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: CA416-98

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

August 26, 1998

Mr. Rick Dwyer
Salisbury-Wicomico County
Department of Planning, Zoning and Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: Variance Case # WA-9862

Dear Mr. Dwyer:

Thank you for providing information on the above referenced variance application. The applicants are requesting a 4,342 square foot variance to the impervious surface regulations and a variance to grade 5,692 square feet and place 1,098 of impervious surface within the 100-foot Critical Area Buffer. Commission staff has reviewed the information provided and has the following comments and recommendations:

- The outstanding issue of the previous violation and after-the -fact variance conditions on this property must be resolved prior to any additional variances being granted. Your staff report states that the Browns have completed all of the required plantings within the Buffer on another property. First, if this is correct, this is not consistent with the conditions of the after-the-fact variance granted to the Browns, including the following statement, "In the event that the required mitigation plantings exceeds the on-site Buffer area and can not be fully accomplished on-site, the applicant shall mitigate ...off-site...". It was understood that the Buffer on this property would be fully planted prior to providing plantings off-site. Restoration from the original violation has not occurred. Second, per our discussion on Monday, August 24th, the Buffer Management Plan submitted to the Watershed Forester has not been approved because they have planted all non-native species. This also needs to be resolved prior to the granting of additional variances.
- This office opposes the impervious surface variance as requested. The site plan shows ample opportunity to significantly reduce the impervious surfaces on this lot. The following impervious surfaces could be eliminated without severely impacting the plans for the use of the property: the turn-around area of the driveway, the pathway which goes around the garage, and the multiple pathways to the water. Also, the garage could be

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

Mr. Rick Dwyer

Page 2

reduced to accommodate only 2 cars, allowing the surface area of the driveway to be reduced as well. Additionally, in Attachment 3 of the Staff Report, the letter from the Baranowskis' consultant indicates that the use of pervious pavers can be considered. Because this lot is currently undeveloped, there is opportunity to plan according to the constraints of the site along with the needs of the future owners. We recommend that the plans be revised such that an impervious surface variance would not be necessary.

- With regard to the variance request for disturbance within the 100-foot Buffer, this office does not oppose the granting of a variance to allow reasonable access to the water. This would include grading as well as placement of a wheelchair accessible surface. However, impacts from such access should be minimized to the greatest extent possible. Only one access path is appropriate. The path and steps going straight to the water are not necessary if the other path is provided. Also, the path from the side of the house could come around the back and meet up with the other adjacent to the patio, further minimizing the amount of impervious surface placed in the Buffer.

Thank you for the opportunity to comment on this variance application. Variances granted should be the minimum necessary to afford relief. As explained above, the need for the impervious surface variance could be eliminated and the extent of the variance for disturbance within the Buffer could be significantly reduced. If the variance request is approved, Commission staff strongly support the mitigation, including significant planting within the Buffer, proposed by County staff.

If you have any questions, please contact me at (410) 974-2426. Please include this letter in your file and submit it as part of the official record for this variance case. Also, please notify the Commission of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: WI421-98

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

August 20, 1998

Mr. Rick Dwyer
Salisbury-Wicomico County
Department of Planning, Zoning and Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: Stock Creek Culvert Replacement

Dear Mr. ^{Rick}Dwyer:

Thank you for the information you have provided on the above referenced project. The project appears to be a local agency action resulting in development of local significance on local jurisdictional land in accordance with Title 27 Subtitle 2 Chapter 2 of COMAR. Two issues should be clarified, prior to final approval of the project. First, do anadromous fish spawn in Stock Creek? If they do, I recommend that the standard time of year restriction be placed upon this project. If you would like me to find out if any fish surveys have been done in the area, please let me know. Second, new disturbance within the Buffer (within 100-feet of Stock Creek) should be mitigated on a square footage basis at a 3:1 ratio. This should be a condition of approval. Also, this project was reviewed under the assumption that MDE Tidal Wetlands permits will be acquired, prior to commencement of work.

Thank you for the opportunity to review these plans. If the proposed project changes significantly or if you have any questions, please contact me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnn Chandler".

LeeAnn Chandler
Natural Resources Planner

cc: WI400-98

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

August 17, 1998

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

RE: Rezoning 1998-0234-R, Herald Harbor Marina

Dear Mr. Dooley:

Thank you for providing information on the above referenced rezoning application. The applicant is proposing rezoning from MA-2 (Commercial Marina) to R-5 Residential, to allow subdivision of the site. The application states that commercial use of the site has been abandoned.

This office has no objection to the proposed rezoning. However, Commission staff would like to take this opportunity to emphasize that if this property is subdivided, it is no longer grandfathered and therefore no longer Buffer Exempt. Future development activities on newly-created lots will be required to follow the Buffer regulations of the County's ordinance. The site is limited by steep slopes and expanded Buffer. This office will oppose future Critical Area variance requests on newly-created lots.

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,

LeeAnne Chandler
Natural Resources Planner

cc: AA382-98

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

August 14, 1998

Ms. Pamela McNicholas
McCormick, Taylor & Associates, Inc.
3600 Clipper Mill Road
Baltimore, Maryland 21211

RE: Critical Area Regulations - MD 765

Dear Ms. McNicholas:

I have enclosed copies of the Critical Area Law and Criteria from Natural Resources Article, Title 8, Subtitle 18 and Code of Maryland Regulations (COMAR) Title 27. The flags mark the regulations which specify the boundary of the Critical Area and the definition of the Critical Area Buffer. The regulations are in two parts. Title 27, Subtitle 01 are the regulations which apply to private projects on privately owned lands. Title 27, Subtitle 02 are the regulations which apply to state or local projects on state or locally owned lands. The MD 765 project falls under the latter category. Specifically, COMAR 27.02.05.03 outlines the regulations for development of State lands. COMAR 27.02.05.09 establishes and regulates activities within the Buffer on State lands.

Also enclosed is a document called, "Critical Area & You" which provides a general background on the Critical Area regulations and also lists some selected native trees and shrubs for planting within the Critical Area. Lastly, I have enclosed a Project Application Checklist which describes the information necessary for Commission Review.

I hope this information is useful. If you have any further questions, 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: Patricia Green, SHA
40-98SHA

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

August 13, 1998

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: SD-98-23, Lawrence Bowlby, Lots 4R, 7, 8, 9

Dear Ms. Vidotto:

Thank you for providing information on the above referenced proposed subdivision. The applicant wishes to subdivide a parcel of 5.69 acres, 4.72 of which are within the Critical Area, into 4 lots. Commission staff has reviewed the preliminary plan and Critical Area form provided and has the following comments:

- The Critical Area form states that 3 lots will be created in the Critical Area while 4 dwelling units will be created in the Critical Area. This appears to be inconsistent with the preliminary plan provided.
- As it is currently proposed, the majority of the afforestation would occur outside of the Critical Area. The Critical Area portion of the site should be planted to provide a forest or developed woodland cover of at least 15 percent. In addition, the Calvert County Zoning Ordinance at 4-8.07(A)(5)(a)(i), states that afforestation as required shall be accomplished according to the following priority schedule: (a) Buffers adjacent to tidal and nontidal wetlands and waterways; (b) Eroding or destabilized areas; c) slopes 15% or greater. Therefore, the Buffer area on this site should be the priority for afforestation. Any remainder must occur within the Critical Area.

Thank you for the opportunity to comment. If additional or revised information is provided, please forward it to this office for further review.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA395-98

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

August 12, 1998

Mr. Dana Knight
McCormick, Taylor & Associates, Inc.
3600 Clipper Mill Road
Suite 402
Baltimore, MD 21211

RE: MD 765- List of Native Species

Dear Mr. Knight:

Thank you for taking the time on Friday to conduct the site visit for the MD 765 extension. As we discussed at the meeting, the use of native species for Buffer mitigation is strongly recommended. A mixture of trees, shrubs, and herbaceous plants, such as those described in the enclosed list, provides both water quality and wildlife habitat benefits.

Mitigation will be required at a 3:1 ratio for the square footage of disturbance within the 100-foot Buffer. The Buffer is measured from the bank of any intermittent or perennial stream within the Critical Area. Clearing, grading, filling and paving are all considered "disturbance." Mitigation should occur within the 100-foot Buffer to the greatest extent possible. Mitigation plantings are assigned certain square footage credits. For example, container grown 2" caliper trees are credited 100 square feet each, while seedlings or shrubs are credited 25 square feet each. In areas where multiple layers could be planted (i.e., large trees with understory shrubs), extra credit may be given. The details of a mitigation plan can be determined once the Buffer impacts are quantified.

For your information, I have also enclosed a "Project Application Checklist" which details the information necessary for Critical Area Commission review. Not all the items will be applicable to this project, but it may provide you advance notice of the type of information which is usually requested.

I hope you find this information useful. 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

enc.

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

August 12, 1998

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

RE: Variance 1998-0244-V, Patricia Beall

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to construct a dwelling that will require less setbacks, a variance to the Critical Area Buffer requirements, and a variance to disturb steep slopes in the Critical Area. The site is designated IDA.

Provided these lots are properly grandfathered, this office has no objection to the siting of a single family dwelling on these lots if clearing and impacts to the expanded Buffer and steep slopes are minimized. However, the following information is missing and/or incorrect on the application and the extent of variance needed is not clear.

- First, the issue of stormwater management must be clarified. The "10% Rule" worksheets must be provided, along with proposed design specifications and location for the stormwater management device.
- Second, the report mentions that the site contains a tidal wetland. However, the site plan does not show the boundaries of the tidal wetland. The Critical Area Buffer must be shown from the landward edge of tidal wetlands.
- Third, the top of the slope is not the correct Buffer. The 100-foot Buffer should be expanded 1 foot for every 1 percent of slope.

It appears that the house could be placed further west on the lot if the existing driveway were used. Access to the property should be limited to one driveway to minimize impacts to steep slopes and the Buffer.

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Mr. Kevin Dooley
Variance 1998-0244-V
Page 2

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. If additional information is provided, please forward it to this office. Also, please notify the Commission of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA383-98



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

August 10, 1998

Mr. Dana Knight
McCormick, Taylor & Associates, Inc.
3600 Clipper Mill Road
Suite 402
Baltimore, MD 21211

RE: MD 765- List of Native Species

Dear Mr. Knight:


Thank you for taking the time on Friday to conduct the site visit for the MD 765 extension. As we discussed at the meeting, the use of native species for Buffer mitigation is strongly recommended. A mixture of trees, shrubs, and herbaceous plants, such as those described in the enclosed list, provides both water quality and wildlife habitat benefits.

Mitigation will be required at a 3:1 ratio for the square footage of disturbance within the 100-foot Buffer. The Buffer is measured from the bank of any intermittent or perennial stream within the Critical Area. Clearing, grading, filling and paving are all considered "disturbance." Mitigation should occur within the 100-foot Buffer to the greatest extent possible. Mitigation plantings are assigned certain square footage credits (e.g., 1 large tree = 400 sq. feet) in accordance with the attached list.

For your information, I have also enclosed a "Project Application Checklist" which details the information necessary for Critical Area Commission review. Not all the items will be applicable to this project, but it may provide you advance notice of the type of information which is usually requested.

I hope you find this information useful. If you have any questions or concerns, please contact me at (410) 974-2426.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

enc.

cc: MD 765

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

August 10, 1998

Mr. Richard M. Evans
McCormick, Taylor & Associates, Inc.
3600 Clipper Mill Road
Suite 402
Baltimore, MD 21211

RE: MD 765 Extension

Dear Mr. Evans:

Thank you for taking the time to meet with us on site of the MD 765 extension project. As you requested, below please find a list of issues discussed.

- The project is considered to be within an area of intense development and therefore subject to COMAR 27.02.05.03(B)(1) and (2). Stormwater management for the portion of the site within the Critical Area must meet the "10% Rule."
- Despite being within an area of intense development, this project is still subject to the habitat protection measures described in COMAR 27.02.05.09-.13. This includes the requirement of a 100-foot Buffer to all tributary streams, tidal wetlands, and tidal waters. Streams and wetlands and their appropriate Buffers should be shown on all site plans.
- Unavoidable disturbance (clearing, grading, filling, paving) to the Critical Area Buffer should be quantified in square footage. Mitigation will be required at a 3:1 ratio for all disturbance within the Buffer. Native species of trees and shrubs should be used for mitigation. Mitigation should take place within the 100-foot Buffer wherever possible. For example, for the stream which must be relocated (on the south side of Newtown Road), the streambanks and riparian area should be planted with woody vegetation. A list of native species has been sent to Dana Knight.
- Mr. David Boellner of the Maryland Department of the Environment indicated that a full permit review may be required for the impacts to the waters of the United States. This may involve a longer review period. The project could potentially come before the Commission for review and approval in October. All necessary permits should be secured or in their final stages prior to scheduling the project for review by the Commission.

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Mr. Richard M. Evans

Page 2

- The island area at the southern end of the project site (i.e., where the sand filters will be located), is another potential site for mitigation. A landscaped hedge of shrubs would screen the stormwater facility and also reduce the need for guardrails.

Finally, though it was not discussed, this project should be submitted to the Calvert County Planning Office for their review. The County's approval, per se, is not necessary but they must be given the opportunity to review the final plans. The plans should be sent to: Mr. Edward Dichter, Calvert County Planning and Zoning, 150 Main Street, Prince Frederick, MD 20678.

Thank you for the opportunity to highlight these issues. If you have any questions or concerns, please contact me at (410) 974-2426.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: MD 765



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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August 10, 1998

Mr. Eddie Dichter
Calvert Co. Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Richard Rosen, 7472 Sedwick Court

Dear Mr. Dichter:

Thank you for providing information on the above referenced permit application. The applicant is proposing to remove 19,995 square feet of forest in order to construct a single family dwelling, driveway and septic system.

Commission staff has reviewed the plans and does not oppose the approval of building and grading permits. It appears that the level of forest clearing, 12% of the total forest on site, is below the maximum of 20% in accordance with Section 4-8.07 of the Calvert County Zoning Ordinance. Mitigation should be provided for this clearing on a 1:1 basis.

If you have any questions or comments, or if the proposed project changes significantly, please contact me at (410) 974-2426.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA387-98

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

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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August 4, 1998

Ms. Margaret Stewart
Charles County Planning and Growth Management
P.O. Box B
La Plata, MD 20646

RE: Neale Sound Jetty

Dear Ms. Stewart:

Commission staff has reviewed the plans provided by the Corps of Engineers for the Neale Sound Jetty. It is our understanding that this is a County-sponsored project (because it is occurring on County-owned land) and you will be providing a letter of consistency to this office after all issues are resolved. Below, please find a list of comments and requests for additional information.

1. The plans should include a clear mean high water line and landward boundary of tidal wetlands. A minimum 100-foot Buffer should be drawn from these boundaries and it should be evident on all plans. In addition, non-tidal wetlands should also be delineated and given a 25-foot buffer.
2. The Criteria states that dredged spoil will not be placed with the Buffer except as necessary for placement on previously approved channel maintenance spoil disposal areas (COMAR 27.01.03.06). It is our understanding that the proposed dredge spoil disposal site was previously approved. Additional information regarding the history of the site (when it was approved, when it was last used, etc.) would be useful in evaluating this project.
3. A recent Virginia Institute of Marine Sciences submerged aquatic vegetation survey shows that there are SAV beds in the immediate vicinity of the project. Impacts to this sensitive resource should be minimized in accordance with COMAR 27.01.03.04. Details regarding minimization should be provided

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Ms. Margaret Stewart
Page 2

4. Commission staff recommends the use of turbidity curtains or other device when excavating beneath the jetty site. The Criteria requires "that dredging 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;" (COMAR 27.01.03.04(B)(6)).
5. It is not clear from the plans provided if the road impacts the 100-foot Buffer and whether this will be a permanent road or a temporary one (i.e., to be restored to a vegetated condition). Also, a road width of 25-feet appears to be excessive in this sensitive area. A 12-foot road, as part of it is currently proposed, would reduce unnecessary impacts.
6. The Criteria states "the Buffer shall be maintained in natural vegetation, but may include planted vegetation where necessary to protect, stabilize, or enhance the shoreline." Any vegetation within the Buffer removed for this project should be replaced at a 1:1 ratio.

Please provide additional information as it becomes available. Please contact me at (410) 974-2426 if you have any questions or concerns.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Elder Ghigiarelli, MDE
Joseph Schwing, ACOE
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

August 3, 1998

Ms. Roxana Whitt
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2471, Wilkens & Stinson

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the slope and Buffer regulations contained in the Calvert County Zoning Ordinance in order to build a new single family dwelling and garage. The property is already developed with a garage and mobile home.

This office opposes this variance request as currently presented. The proposed house and deck severely impact the Buffer and steep slopes on this property. The Buffer is a Habitat Protection Area and as such, is protected under Section 4-4("Conservation Districts") of the Calvert County Zoning Ordinance. Section 4-4.07(D)(1) prohibits new development activities, including structures, roads, parking areas and other impervious surfaces or septic systems in the Buffer.

Given that the majority of this lot is within the Buffer, any redevelopment of this lot will require minimization of impacts. The setback of the mobile home (measured off the plans as 50') should be used as a guide in planning a replacement structure. A new structure should be placed no further waterward of the mobile home. All impacts to the steep slopes within the Buffer (i.e., the area cross-hatched and labeled "Conservation Area") should be eliminated. This office would not oppose a variance for a replacement dwelling of reasonable size if impacts are minimized. However, again as stated above, this office recommends denial of this variance for this project as currently proposed.

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, please notify the Critical Area Commission in writing of the Board's decision on this application.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: ~~EA Wilken~~
CA392-98

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

August 3, 1998

Ms. Roxana Whitt
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2470, Quality Built Homes

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the slope and Buffer regulations contained in the Calvert County Zoning Ordinance in order to build a new single family dwelling, garage, driveway and associated septic system.

Additional information is necessary before final comments can be made on this variance application. The note which reads, "3262 sq. ft. of additional disturbance is required to grade slopes steeper than 25% prior to installation of the replacement septic system," must be further clarified. All necessary disturbance must be shown on the site plan.

Thank you for the opportunity to review this plan. Please provide the necessary additional information as it becomes available. 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: CA356-98

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

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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August 3, 1998

Ms. Roxana Whitt
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2469, James Ketcher

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the slope regulations contained in Section 4-8.07 (A)(6) of the Calvert County Zoning Ordinance in order to build a new single family dwelling and associated septic system.

Provided the lot is properly grandfathered, this office has no objection to siting a single family dwelling, associated septic system and driveway on this lot. However, as currently proposed, the proposed development on this lot does not appear to minimize the impacts to steep slopes. The lot is of an adequate size such that the house and driveway could be moved to the south and the house could be placed further back on the lot. This would eliminate the impervious surfaces on steep slopes.

You have indicated that the steep slope area and the northeastern corner of the lot were the only areas which passed a perc test. Commission staff suggests that the applicant utilize the currently labeled 3rd system as the initial system. Impacts to the slope would then be limited to the installation of the force main. This could be done with some type of directional drilling method to eliminate the need for removal of trees. Mitigation for development of this lot should be provided in accordance with Section 4-8.07(A)(3).

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, 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: CA357-98

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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July 23, 1998

Mr. Edward J. Dichter
Calvert County Dept. of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Fencing within the Buffer

Dear Mr. Dichter:

The Critical Area Law and Criteria represent a resource protection program for the Chesapeake Bay and its tributaries. It is implemented on a cooperative basis between the State and local governments, with local governments establishing and implementing their programs in a consistent and uniform manner subject to State criteria and oversight. The Law was written specifically to provide flexibility to local governments in the implementation of local Critical Area Programs.

With regard to the fencing currently in question, State regulations define "water dependent" as those things which, by their nature, require location at or near the shoreline within the Critical Area Buffer. For example, piers, docks, and boat ramps are commonly recognized water-dependent structures. Under its Critical Area Program, Calvert County has the authority and flexibility to determine that a specific fence, because it is being used to contain waterfowl, is water dependent and is therefore permitted within the Buffer. It is also within Calvert County's authority to determine that fences do not need a building permit, unless they require a variance. While the Critical Area Commission has oversight authority, the Commission does not have authority over the locally administered building permit process. Nonetheless, the Commission does not object to the decision reached by the County in this case.

If you have any questions or concerns, please contact me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "LeeArne Chandler".

LeeArne Chandler
Natural Resources Planner

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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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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July 14, 1998

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

RE: Variance 1998-0188-V, Carey Residence

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application and for arranging the visit to the site. The applicant proposes to disturb steep slopes within the Critical Area and to exceed the impervious coverage permitted.

As we observed during the site visit today, the property is already developed with a large house (currently undergoing renovation and addition), a partially built pool, steps to the water and a private pier. The slopes which would be disturbed by the proposed work are currently in a stable, well vegetated condition. Section 1A-105(c) of the Anne Arundel County Zoning Ordinance states that "Development on slopes of 15% or greater as measured before development is not permitted in limited and resource conservation areas unless the project is the only effective way to maintain or improve the stability of the slope...". The proposed project will involve extensive grading, cut and fill; removal of existing vegetation; construction of two sets of new impervious stone steps within the 100-foot Buffer; construction of two new retaining walls (one within the 100-foot Buffer); and placement of other new impervious surfaces.

This office opposes the requested variances. The slope is in a stable condition and it is likely that the proposed work will actually diminish the stability of the slope. The property already has an access path to the private pier. The proposed grading on the lower portion of the property and subsequent construction of another retaining wall (which would expand the existing flat grassy area) would be unnecessary disturbances within the 100-foot Buffer. The Buffer is a no-disturbance Habitat Protection Area designed to provide habitat for both terrestrial and aquatic species and to provide water quality functions through infiltration. The ability of the Buffer to achieve these functions is greatly reduced when new development, grading and clearing occurs. Further, Commission staff recommends that the size and extent of the proposed driveway and walkways be decreased such that a variance to the impervious surface limit would not be necessary. Impervious surfaces should be minimized to reduce the volume of runoff directly entering the Severn River.

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Mr. Kevin Dooley
Page 2
1998-0188-V

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: AA300-98

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
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July 13, 1998

Ms. Barbara Hutchison
Department of Planning & Zoning
County Services Plaza
150 Main Street
Prince Frederick, MD 20678

RE: Comfort Suites, SPR 98-36

Dear Ms. Hutchison:

Thank you for providing information on the above referenced project. The applicant is proposing an expansion to an existing hotel on a property which is within the Chesapeake Bay Critical Area.

The property is designated IDA and is within a Buffer Exemption Area. As such, it is subject to the regulations contained in Sections 4-4.07E and 4-7 of the Calvert County Zoning Ordinance. With regard to the Buffer Exemption provisions, the zoning ordinance requires that new development or redevelopment in a Buffer Exemption Area minimize the shoreward extent of impervious surfaces. While we recognize that much of the site is already impervious, redevelopment should provide some improvement of current conditions. Commission staff recommends the placement of landscaping and vegetated areas along the water and moving the parking closer to the proposed building expansion. Alternative locations for other structures in the Buffer (e.g., transformer, dumpsters) should also be explored.

In addition, the proposed wooden walkways along the water are much more extensive than those that currently exist. It is recommended that the walkways be limited to their current extent and that they be replaced in their current locations. A site visit revealed that there is a grassed filter strip between the walkways and the water in some areas. It is important to maintain this vegetative filter strip between the impervious surfaces and the water wherever possible. If approved by the Planning Commission, any new walkways that extend over the water will require a permit issued by the Tidal Wetlands Division of the Maryland Department of the Environment.

With regard to the IDA requirements, the 10% pollutant reduction worksheets provided with the site plan state that a 120' landscaped filter strip will provide the required pollutant removal. However, the location of this stormwater management device does not appear on the enclosed site plan, nor are

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

Ms. Barbara Hutchison

Page 2

design specifications provided. This information is necessary prior to final review and approval of these plans.

In addition, the site plan must include the location of the 100-foot Buffer. Intrusion into the Buffer should be minimized wherever possible. The applicant is proposing 27 parking spaces more than required (if the transient boat slips are included). Eliminating some of the extra parking would help minimize impervious surfaces within the Buffer.

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: CA322-98



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
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July 8, 1998

Ms. Tanya Krista-Maenhardt
Department of Planning & Zoning
Queen Anne's County
107 N. Liberty St.
Centreville, MD 21617

RE: Victor & Debra Velton - Administrative Subdivision (#03-98-030)

Dear Ms. Krista-Maenhardt:

Thank you for the opportunity to provide comments on the revised plans for the above referenced administrative subdivision. Pursuant to your discussion with Regina Esslinger, it is Commission staff's understanding that the placement of the house and other impervious surfaces, as mentioned in Greg Schaner's June 19, 1998 letter to you, will be determined at the building permit stage of development. This office has no further comment on the subdivision request but requests that the County provide our office with the required BEA findings for our records after a building permit is issued.

If you have any questions, please contact me at (410) 974-2426.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: QC278-98

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

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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July 8, 1998

Ms. Tanya Krista-Maenhardt
Department of Planning & Zoning
Queen Anne's County
107 N. Liberty St.
Centreville, MD 21617

RE: Roseannette Cooper - Administrative Subdivision (#02-98-048c)

Dear Ms. Krista-Maenhardt:

Thank you for the opportunity to provide comments on the plans for the above referenced administrative subdivision. The Commission encourages consolidation of lots within the Critical Area to allow more flexibility in placement of a dwelling to avoid sensitive areas. Therefore, this office supports the proposed subdivision.

If you have any questions, please contact me at (410) 974-2426.

Sincerely,

LeeAnne Chandler
LeeAnne Chandler
Natural Resources Planner

cc: QC341-98

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(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**

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July 7, 1998

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

RE: Variance 1998-0204-V, Rodney Daff

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to construct an addition that will require less setbacks than required.

This office has no comment regarding the setback issue. If the lot is properly grandfathered, impervious surfaces are limited to 31.25% of the lot. With the addition, impervious surface coverage will be 30.5% of the lot and it is likely that any future construction will require a variance to the impervious surface limitations. If the currently proposed addition is permitted, any clearing should be replaced with native species 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 this variance. Also, please notify the Commission of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA326-98

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

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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July 7, 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 most recent plans and information on the above referenced project. Commission staff has reviewed the information and has found the submittal to be consistent with the regulations governing projects on state lands and also consistent with the Master Plan for Kings Landing NRMA. My letter of April 15, 1998 was incorrect in stating that this project will require formal Critical Area Commission review and approval. This building was included in a list of projects at Kings Landing approved by the Commission in September 1997. Commission staff, however, appreciates the opportunity to review the final design.

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. Please send future correspondence regarding this project directly to me, rather than Regina Esslinger.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Andrew Hanas, DNR Engineering & Construction
Ken Shanks, DNR Resource Planning
24-98

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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July 7, 1998

Ms. Barbara Hutchison
Department of Planning & Zoning
County Services Plaza
150 Main Street
Prince Frederick, MD 20678

RE: MDL Fabricating, Inc., 200 Schooner Lane

Dear Ms. Hutchison:

Thank you for providing information on the above referenced project. The applicant wishes to build a metal fabricating facility on a property which is partially within the Chesapeake Bay Critical Area.

The Critical Area portion of the site is designated "Intensely Developed." As such, it is subject to the regulations contained in Section 4-7 of the Calvert County Zoning Ordinance. The Critical Area form enclosed with the application states that a 10% reduction in pollutant loadings over existing conditions have been achieved. However, no details or 10% worksheets were provided. This information is necessary prior to final review and approval of these plans.

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: CA321-98

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



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July 7, 1998

Ms. Margaret Stewart
Charles County Planning and Growth Management
P.O. Box B
La Plata, Maryland 20646

RE: Willet Variance Request

Dear Ms. Stewart:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Critical Area Buffer requirements of the Charles County Zoning Ordinance in order to construct an addition to an existing dwelling. A variance to the impervious surface limits is also required.

After review of the site plan and the statement of justification, Commission staff has no objection to the requested variance. The addition appears to be of reasonable size and the size and shape of the lot restrict placement of the addition. Commission staff recommends mitigation in accordance with Section 131 (b)(iv) of the zoning ordinance (as presented on the proposed site plan).

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: CS323-98

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Ren Serey
Executive Director

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July 6, 1998

Ms. Kathy McCarthy
Heritage & Biodiversity Conservation Programs
Maryland Department of Natural Resources
Tawes State Office Building - E-1
Annapolis, MD 21401

RE: Charles County Critical Area Comprehensive Review

Kathy
Dear Ms. McCarthy:

Each county with an approved Critical Area Program is required to review its entire program and propose any necessary changes every four years. Critical Area Commission staff is initiating the required 4-year Comprehensive Review of the Charles County Critical Area Program, which was last updated in 1994. The comprehensive review process is quite lengthy in most instances. However, we would like to send them a listing of issues to be addressed by the end of July.

I have enclosed the Habitat Protection chapter of the Charles County Program. At your earliest convenience, please review the information and policies it includes with regard to the current resource inventory as well as the protective measures it prescribes. Your comments and/or recommendations would be greatly appreciated.

If you have any questions, please contact me at (410) 974-2426. Thank you in advance for your time and assistance.

Sincerely,

Lee Anne Chandler
LeeAnne Chandler
Natural Resources Planner

cc: Charles Co. Comp Review file

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

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John C. North, II
Chairman



Ren Serey
Executive Director

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July 6, 1998

Mr. Vivian C. Marsh
Planning & Zoning Administrator
Town of Indian Head
4195 Indian Head Hwy.
Indian Head, MD 20640

RE: Mitigation and Fees-in-Lieu

Dear Mr. Marsh:

Pursuant to our discussion regarding forest mitigation and fees-in-lieu, below I have provided information from the Charles and St. Mary's County Critical Area programs related to reforestation requirements. In general, each county has specific policies or regulations specifying the spacing credit for trees, the type of plantings required, the details of the planting agreement, and information on any offset programs or fees-in-lieu available. Both Charles and St. Mary's Counties have incorporated (or are in the process of incorporating) these requirements into their Zoning Ordinances.

Charles County

When calculating how many plants are necessary when offsetting or other landscaping is required in the Critical Area, Charles County uses the following square footages per plant:

Type of Vegetation	Spacing Credit (s.f.)
Large species of trees (oak, maple, other large hardwoods) that tend to develop large canopies	400
Small species of trees (dogwood, small ornamentals) that are typically understory species or develop small canopies	100
Large species of shrubs (mountain laurel, rhododendron)	36
Small species of shrubs (juniper, inkberry)	16
Groundcover species (vinca, pachysandra)	1

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Mr. Vivian Marsh
Page 2

A minimum of 80% of the plantings must be native and a native species list is provided. A schematic drawing is required for the planting plan, with list of species shown. A planting agreement is required for a period of 2 years. The minimum survival rate is 350 trees per acre. Maintenance specifications, including 3 compliance inspections, are required in the agreement. Bonding is required for 100% of the cost of labor, maintenance, and plant material. If the required planting cannot be accommodated on site, the owner may pay a fee-in-lieu of \$1.20 per square foot for any portion of the required planting that cannot be met on site.

St. Mary's County

St. Mary's requires replacement based on the lesser of acreage removed or trees removed. If dense forest is impacted, they require replacement on the square footage disturbed.

Type of Vegetation	Spacing Credit (s.f.)
Trees if 6 ft. tall (1.5" caliper, balled & burlap)	400
Tree seedlings	70
Shrubs (3 gallon) - (shrubs can only account for 40% of planting)	200

Native species are recommended though not required. Planting agreements cover a period of 2 growing seasons and have a required survival rate of 60%. Bonding required for planting agreements of 10 trees or more. The bond rate equals \$200 per tree or 400 square feet. Two monitoring inspections are required. St. Mary's County permits the use of fees-in-lieu under limited conditions. Fees-in-lieu are generally used as a last resort and a property owner is encouraged to find off-site planting locations rather than pay fees-in-lieu to the County. Fees-in-lieu are charged as follows: \$0.20 per square foot for up to 20% clearing; \$0.40 per square foot for between 20 and 30% clearing; and \$0.60 per square foot for over 30% clearing.

I hope you find this information useful. If you would like further assistance, please call me at (410) 974-2426.

Sincerely,



LeeAnne Chandler
Natural Resources Planner



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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July 2, 1998

Mr. Kenneth Shanks
Dept. of Natural Resources - Resource Planning
Tawes State Office Building - E-4
Annapolis, MD 21401

RE: Smallwood State Park Land Unit Plan

Dear Mr. Shanks:

At its meeting on July 1, 1998, the Chesapeake Bay Critical Area Commission approved the proposed Land Unit Plan for Smallwood State Park as presented. Thank you for your cooperation and assistance with acquiring approval from the Commission. As always, as projects are being planned, please contact me as soon as possible so that I can schedule the projects on the Commission's agenda. If you have any questions, please call me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: 13-98DNR

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George John C. North, II
Chairman



Ren Serey
Executive Director

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July 2, 1998

Mr. Andy Hanas
Dept. of Natural Resources - Engineering & Construction
Tawes State Office Building - D-3
Annapolis, MD 21401

RE: Mattawoman Creek Art Center Parking Lot

Dear Mr. Hanas:

At its meeting on July 1, 1998, the Chesapeake Bay Critical Area Commission approved the proposed parking lot and associated walkways for the Mattawoman Creek Art Center at Smallwood State Park as presented.

I would like to thank you, Mr. George Jenkins, and the engineers at Loiderman, Cooksey & Jenkins for cooperation and assistance with acquiring approval from the Commission. If you have any questions or if there are any changes to the project as it was presented, please contact me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Mr. George Jenkins
Mr. David Cooksey
Mr. Ken Shanks
06-98DNR

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Ren Serey
Executive Director

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June 26, 1998

Ms. Roxana Homer
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2465, David Couch

Dear Ms. Homer:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the slope and Buffer 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. Based on the site plan, it is recommended that the house, garage, driveway and septic system be reconfigured to minimize the forest clearing on this lot. The currently unforested area on the northeastern side of the lot should be utilized as much as possible to minimize clearing. This office would encourage a variance to the front building restriction line to allow the house to be moved back from the steep slopes and Buffer. In addition, a smaller front entrance driveway would help minimize impacts. This office also has concern that stormwater from Windcliff Road (up the hill) will cause considerable erosion if the lot is significantly cleared. Mitigation for the forest clearing should be required in accordance with Section 4-8.07(3) of the Calvert County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, please notify the Commission in writing of the Board's decision on this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA295-98

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Judge John C. North, II
Chairman



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Executive Director

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June 25, 1998

Ms. Roxana Homer
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2464, John Burgan

Dear Ms. Homer:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Critical Area Buffer regulations contained in the Calvert County Zoning Ordinance in order to construct a detached garage. The property is currently developed with a dwelling, a driveway, and a shed (which does not appear on the site plan).

The garage is proposed for what appears to be the most level portion of the property and is no closer to the water than the dwelling. It does appear however that some large trees will have to be removed in order to construct the garage in its proposed location. The Buffer is a designated Habitat Protection Area designed to provide habitat for both terrestrial and aquatic species and to provide water quality functions through infiltration. The ability of the Buffer to achieve these functions is greatly reduced when new development, grading and clearing occurs. Therefore, it is important that the applicant demonstrate that disturbance to the Buffer has been minimized.

This office does not oppose a garage of reasonable size, provided the impacts to the Buffer are minimized. Mitigation for any disturbance within the Buffer is required in accordance with Section 4-8.07(3) of the Calvert County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, 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: CA296-98

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Judge John C. North, II
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Ren Serey
Executive Director

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June 24, 1998

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

RE: Variance 1998-0186-V, Bobby Cannon

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to construct a deck that will require a variance to the Critical Area Buffer requirements.

This office has no objection to the requested variance as the proposed deck appears to be of reasonable size and the lot is in a BEA. We recommend mitigation in the form of native plantings at a 2:1 ratio, consistent with the County's BEA policy.

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: AA299-98

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

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Ren Serey
Executive Director

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June 18, 1998

Mr. Abdul Wakil
Highway Hydraulics Division - Room 201
State Highways Administration
707 North Calvert St.
Baltimore, MD 21202

RE: 10% Rule Guidance Documents and Project Application Checklist

Dear Mr. Wakil:

I have enclosed the most recent version of three guides for 10% rule compliance. Some of the information is duplicative but each guide does have some additional information which you may find helpful. I have also enclosed a "Project Application Checklist" which describes the information required for formal Critical Area Commission review and approval.

With regard to your question about the monitoring agreement shown on pages 30-33 of the *Plan Reviewer's Guide*, such an agreement is generally not required for State Highways Administration projects. It is meant to provide a model to local governments in dealing with development on privately-owned lands.

I hope the information I have provided is useful to you. If you have additional questions, please contact me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

enc.

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Executive Director

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June 16, 1998

Mr. Robert L. Fox
Arden on the Severn
1025 Plum Creek Drive
Crownsville, MD 21032

RE: Steve Washington Variance Requests

Dear Mr. Fox:

I am in receipt of your letter dated June 15, 1998 regarding the concerns of you and your neighbors. The role of the Commission staff with regard to variances to local Critical Area regulations is to provide comments and recommendations to the local jurisdiction. The decision, however, is a local one and local (i.e., County) staff may be your best source of assistance and information. Below I have responded to your questions based on the requirements of the Anne Arundel County Code, Article 28 *Zoning*. I have also attached a copy of pertinent sections of the Code for your reference.

- With regard to requiring the builder to provide mitigation plans for meeting the 3:1 reforestation requirement, the code requires, for a site that has more than 30% of its forest area cleared, mitigation in the following order of preference: 1. On-site reforestation at three times the area cleared; 2. Off-site reforestation at three times the area cleared; or 3. payment to the county of \$1.80 for each square foot of area cleared (Article 28 §1A-105(h)(3)(iii)). In addition, the code requires the developer to enter into an agreement with the County which includes the planting requirements and the security (i.e., bond) to be posted for replacement plantings. The developer is also required to provide a detailed planting plan including species, number, size, spacing and location of plantings (Article 28 §1A-110). Commission staff recommends that you express your concerns to the County Planning and Code Enforcement Office and to the Administrative Hearing Officer. Also, it may be useful to make contact with the Building Permit Review section because they will be the final step of review for both the building and planting plans. Their number is (410) 222-7710.
- With regard to your concern that the plans submitted do not accurately represent site conditions and your concern regarding the stormwater pipe, Commission staff again recommends that you express your concerns to the County and to the Administrative

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Mr. Robert L. Fox
Page 2

Hearing officer. It may also be helpful to provide testimony at the hearing and to provide photographs of the site in general and particularly the outfall area of the stormwater pipe. The Critical Area report provided with this variance application should be in accordance with the County's Habitat Assessment Manual (Article 28§1A-104(a)). I have attached several pages from the manual which give a general overview of the information which is required in the Critical Area report.

- As we discussed and as is stated in the letter I wrote to Kevin Dooley, the Commission does not oppose the siting of single family dwellings on these lots because they were created prior to December 1, 1985 and have grandfathered status under the Critical Area law. However, it is important that impacts to steep slopes and forest clearing are minimized.

I hope the information I have provided is helpful to you and your neighbors. If you have additional questions or concerns, please contact me at (410) 974-2426.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

enc.

cc: AA227-98
AA228-98
AA229-98

MEMORANDUM

To: Elizabeth Fuller Valentine
From: LeeAnne Chandler *LAC*
Subject: Clean Marina Guidebook
Date: June 12, 1998

Thank you for the opportunity to review the draft Clean Marina Guidebook. I have reviewed the sections you flagged and have the following comments/recommendations:

- On page 5, under "Legal Setting", it should state "Maryland enacted the Chesapeake Bay Critical Area Protection Program...". You may also want to give the COMAR reference for the criteria as well (COMAR, Title 27).
- Rather than the excerpt from O'Brien (third sentence), it may be more useful to include the broad goals of the Critical Area Program listed under §8-1808(b). They 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.
- After, "Only "water dependent" facilities, such as marinas, are permitted in the Buffer," it may be useful to add "Non-water dependent structures associated with marinas, such as tackle shops or dry storage areas, are not permitted in the Buffer."
- The last sentence of the first paragraph should read, "The siting of marinas is further restricted to Intensely Developed Areas and Limited Development Areas within the Critical Area."
- Also with regard to "Legal Setting," it may be useful to emphasize that though it is a State law, the Critical Area law is implemented at the local level. The local programs vary a bit from County to County so the local program and ordinances should be consulted. The staff from the local planning office is the first point of review for most development projects. State Critical Area staff provide comments on the projects but the locals are the main decision-makers.
- "Existing Riparian Forests" should be added to the list of resources which should be avoided in siting a new marina.
- On page 23, under "Critical Area Program," the first sentence should read, "The Critical Area criteria require that the impacts of any development or redevelopment within the Critical Area be reduced..."

Elizabeth Fuller Valentine

Page 2

June 12, 1998

- In LDAs, in addition to limits on impervious surfaces, stormwater management for water quality is required. After the third sentence you may want to insert, "Stormwater facilities must be designed to eliminate all runoff caused by the development in excess of that which would have come from the site if it were its pre-development state." (COMAR 27.01.02.04(D)(2))
- The comments listed above for page 5 are also applicable to page 94.
- On page 95, second paragraph, it should state, "In a given area, the Critical Area is designated..."
- Also on page 95, the first sentence of the last paragraph before the bullets should read, "The Critical Area law required municipalities and counties along the Chesapeake Bay and its tidal tributaries to develop local Critical Area programs." [Note - FYI - the state regs are usually referred to as the "law" and "criteria" while the local regs are referred to as "programs."]
- In the fourth bullet on page 96 "Habitat" should be capitalized also.
- In Table 4 on page 100, for construction within the Critical Area, it should be stated that local approval is necessary and that the authority comes from local ordinances. The state staff of the Commission usually provides comments on development proposals but does not approve or disapprove. Also, instead of the list under "Purpose", the goals taken directly from the law may be more appropriate. With regard to contacts, local planning/critical area staff should be contacted first since each county program is a little bit different.
- In Appendix I, please note the following changes: Calvert County fax # is (410) 414-3092; Charles County phone # is (301) 645-0540 and fax # is (301) 645-0638; and Worcester County fax # is (410) 632-3008.
- In Appendix II, a list of native plant nurseries in Maryland is provided. Just FYI, the "Stream Re-leaf" program just sent a survey out to over 700 nurseries throughout Maryland to find out if they sell native species. The surveys are beginning to come back (the deadline for returning them was listed as June 30th) and they hope to have a full listing of native plant nurseries before the fall planting season. If you want this info, the person to contact is Claudia Jones of the Critical Area Commission staff at (410) 974-2426.
- With regard to the use of information/figures from the 10% rule guidebooks, as long as you give credit to the source, that should be adequate. To double check (especially with regard to the figures), you may want to ask Tom Scheuler from the Center for Watershed Protection (phone # -(301)589-1890).

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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

June 12, 1998

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

RE: Variance 1998-0170-V, Evan and Christine Evans

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to construct a dwelling that will require less setbacks, a variance to the Critical Area Buffer requirements, and a variance to disturb steep slopes in the Critical Area.

Commission staff has reviewed the information provided and has the following comments:

- Both the site plan drawing and the Critical Area report claim that a variance to the expanded 100-foot Buffer from the intermittent stream is not necessary. Slopes of nearly 40% are contiguous to the Buffer. It appears that this Buffer should be expanded to include the contiguous steep slopes and that a variance to the Buffer requirements is necessary.
- The note on the site plan to the east (right) of the proposed dwelling raises a concern. It states "Area to be excavated for access and re-established immediately upon grading, curlex and permanently seed and mulch." It is not clear what "area" is being referred to and why additional off-site excavation is necessary. Additional information is needed in order to determine the impacts of this work.
- The site plan states that 4896.3 square feet of woodlands will be removed out of a total of 9184.5 (53%) while the Critical Area report states that "The proposed improvements would require that an estimated thirty percent of the overall forested area be removed." This should be clarified. Further, the Critical Area report describes the trees on site and indicates the presence of several specimen trees but does not clearly show which trees will be removed or which trees will remain. Additional information is necessary. Also, the Critical Area report states that the property is 8800 square feet while the site plan states that it is 9184.5 square feet. This should also be clarified.

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

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Mr. Kevin Dooley
Page 2
Variance 1998-0170-V

- The location of the well is in one of the steepest areas of the property and will require excessive excavation and grading. Alternative locations for the well should be explored.
- The necessity for the proposed riprap slope stabilization adjacent to the driveway is questionable. That area of the site has very little slope and excavating the driveway 6 feet below grade appears excessive.
- Commission staff has concern that the permitted impervious area of the lot will be exceeded. The site plan enclosed with the application indicates that the total impervious area proposed is 2195.6 square feet. Commission staff's calculation (based on the drawing at a scale of 1" = 20') is approximately 2500 square feet (assuming the driveway to be impervious). It appears that a variance to the impervious surface regulations may also be required for this dwelling as currently proposed.
- The *Soil Survey of Anne Arundel County* indicates that the soils on this site, Collington - CoE, are highly erodible with severe development restrictions and that "most areas of this soils are wooded and should remain so," (page 21 of the *Soil Survey*). Every effort should be made to minimize the extent of clearing of this lot.

Provided these lots are properly grandfathered, this office has no objection to the siting of a single family dwelling on these lots if clearing and impacts to the expanded Buffer and steep slopes are minimized. However, as currently proposed, it does not appear that the proposed development will minimize the impacts to this sensitive site. If the hearing officer determines that the configuration of the dwelling is the minimum necessary to afford relief, mitigation at a 3:1 ratio of native species should be provided for all disturbance to this site.

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,



LeeAnne Chandler
Natural Resources Planner

cc: AA273-98



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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June 11, 1998

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

RE: Variance 1998-0163-V, George Sterling

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to construct a deck that will require a variance to the Critical Area Buffer requirements.

This office has no objection to the requested variance as the proposed deck appears to be of reasonable size and the lot is in a BEA. We recommend mitigation in the form of native plantings at a 2:1 ratio, consistent with the County's BEA policy.

However, Commission staff has concern that the permitted impervious area of the lot has been exceeded. The site plan enclosed with the application indicates that the total impervious area shown is 3,961 square feet. Commission staff's calculation (based on the drawing at a scale of 1" = 30') is approximately 4,700 square feet. This exceeds the permitted imperviousness of 31.25% of the lot area. It appears that a variance to the impervious surface regulations may also be required for the new porch and new entry pavilion.

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,

LeeAnne Chandler
Natural Resources Planner

cc: AA271-98

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

June 10, 1998

Mr. Eddie Dichter
Calvert Co. Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Lot 76, St. Leonard Shores Subdivision, James Talbot

Dear Mr. Dichter:

Thank you for providing information on the above referenced permit application. The applicant is proposing to remove 19,600 square feet of forest in order to construct a single family dwelling, driveway and septic system and also to provide a garden plot area.

Commission staff has reviewed the plans and does not oppose the approval of building and grading permits. It appears that the level of forest clearing, 10.2% of the total forest on site, is below the maximum of 30% in accordance with Section 4-8.07 of the Calvert County Zoning Ordinance. Mitigation should be provided for this clearing on a 1:1 basis.

If you have any questions or comments, or if the proposed project changes significantly, please contact me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA268-98

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

May 29, 1998

Mr. Richard Baines, P.E.
Loiederman, Cooksey & Jenkins
6E Industrial Park Drive
Waldorf, Maryland 20602

RE: Mattawoman Creek Art Center, Parking Lot, LCJ No. 0918-02-00

Dear Mr. Baines:

Thank you for providing information on the above referenced project. The plans have been reviewed by Commission staff and we have the following comments:

- The proposed layout of the parking lot, handicapped spaces and sidewalk impacts the required 25-foot non-tidal wetlands buffer in several locations. Alternatives should be explored prior to disturbance to this buffer. If the buffer is impacted, coordination and possible permitting by the Non-tidal Wetlands Division of the Maryland Department of the Environment (MDE) will be required.
- Efforts should be made to minimize the size and impact of the parking lot. As currently proposed, the spaces are of maximum size. We suggest that some of the parking lot be designed for smaller cars (i.e., spaces 9' x 18'). Also, it seems feasible that some of the capacity of this lot could be constructed as a stabilized but vegetated overflow area.
- Commission staff recommends that the parking lot design be consistent with the Charles County Zoning Ordinance, Article XVI, Parking. Specifically, we recommend that landscaping be provided in accordance with Article XVI, Part II, Sections 355 to 358. The lot is located within a state park and should be designed and constructed in a manner which protects the natural environment.
- Commission staff has concerns that the proposed stormwater management will not achieve the water quality goals as prescribed in COMAR 27.02.05.03 (B)(4)(b). We have consulted with MDE's Plan Review Division and they have indicated that the proposed trench will not provide water quality benefits. Little, if any, infiltration and treatment will occur due to the presence of clay soils. We recommend that other alternatives be examined. MDE suggested a reconfiguration of the parking lot to provide space for a bio-retention facility. The use of bio-retention may also satisfy the landscaping requirements suggested above.

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

Mr. Richard Baines

Page 2

- In the meeting on March 10, 1998 with Mr. George Jenkins, Mr. David Cooksey, Charles County Soil Conservation and the Maryland Department of Natural Resources, there was a discussion regarding upgrade of the existing access road. The road does not appear to be part of the parking lot proposal but it should be considered in planning the stormwater management for this site.

Thank you for the opportunity to review these plans. Please forward any revised plans to this office. If you have any questions or comments, please contact me at (410) 974-2426.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: David Cooksey, LCJ
Jim Tracy, MDE
Andy Hanas, DNR
Ken Shanks, DNR
Margaret Stewart, Charles County Planning
06-98DNR



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

May 29, 1998

Ms. Roxana Homer
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2453, Joe Gribble

Dear Ms. Homer:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the slope regulations contained in Section 4-8.07 (A)(6) of the Calvert County Zoning Ordinance in order to build a new road. The property is currently undeveloped and a subdivision proposal decision (SD-98-06) is apparently pending.

The Commission opposes the granting of this variance to the slope regulations 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 Program. The slopes in question are currently in a stable and forested condition and construction of a road would likely increase future erosion and runoff. Disturbance of these slopes is not consistent with the Calvert County Critical Area Program nor the Zoning Ordinance.

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. Specifically, Section 7-3.01(B)(4) states, "That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant...". This variance request is based upon the chosen layout of the proposed subdivision, clearly the result of an action by the applicant. Further, as noted in the Commission's comments on SD-98-06, the site plan shows an existing road going through several of the proposed lots. It appears that use of the existing road would not require a variance because it does not impact steep slopes. New subdivisions should fully comply with Critical Area requirements and should not need variances in order to be approved. For these reasons, the Commission recommends denial of this variance request.

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 98-2453

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, please notify the Commission in writing of the Board's decision in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA256-98

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 29, 1998

Ms. Roxana Homer
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2455, Edward Menefee

Dear Ms. Homer:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the slope and Critical Area Buffer regulations contained in the Calvert County Zoning Ordinance. The property is currently developed with a dwelling, a paved driveway, attached decks and concrete walkways.

The proposed three-car garage/addition does not appear to minimize intrusion into the Buffer or minimize impacts to steep slopes. An additional 1,214 square feet of development will permanently impact the Buffer. The Buffer is a designated Habitat Protection Area designed to provide habitat for both terrestrial and aquatic species and to provide water quality functions through infiltration. The ability of the Buffer to achieve these functions is greatly reduced when new development, grading and clearing occurs. Therefore, it is important that the applicant demonstrate that disturbance to the Buffer has been minimized.

It appears that the size of the proposed garage/addition and the limits of disturbance for the installation of a second septic system could be further minimized. It is not clear why the earth dike on the western side of the addition is so widely angled. The Commission does not oppose a garage/addition of reasonable size, provided impacts to the Buffer and steep slopes are minimized. Mitigation for any disturbance within the Buffer is required in accordance with Section 4-8.07(3) of the Calvert County Zoning Ordinance. Commission staff also suggests that the applicant remove and revegetate the existing paved driveway to further offset the impacts of any new disturbance.

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, please notify the Critical Area Commission in writing of the Board's decision on this application.

Sincerely,

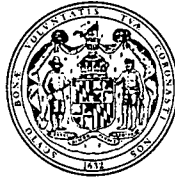
A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA259-98

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

May 29, 1998

Ms. Roxana Homer
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2452, Julie Sanders

Dear Ms. Homer:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Critical Area Buffer regulations contained in the Calvert County Zoning Ordinance. The property is currently developed with a dwelling, a garage, an attached concrete patio, and an extensive driveway.

The Commission cannot support a variance for a deck of this size. Impacts to the Buffer have not been minimized. As proposed, there is 30 feet of additional intrusion into the Buffer. The edge of the proposed deck would be only 12 feet from mean high water. The Buffer is a designated Habitat Protection Area designed to provide habitat for both terrestrial and aquatic species and to provide water quality functions through infiltration. The ability of the Buffer to achieve these functions is greatly reduced when new development, grading and clearing occurs. Therefore, it is important that the applicant demonstrate that disturbance to the Buffer has been minimized. The Commission would not oppose a deck of reasonable size, provided impacts to the Buffer are minimized.

The site plan provided does not include information on the topography of the site or existing vegetation. Disturbance to steep slopes and existing vegetation should also be minimized. Mitigation for any disturbance within the Buffer should be required in accordance with Section 4-8.07(3) of the Calvert County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, please notify the Commission in writing of the decision made on this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA257-98

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

May 29, 1998

Ms. Roxana Homer
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2454, Larry Lamson

Dear Ms. Homer:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Critical Area Buffer regulations contained in the Calvert County Zoning Ordinance. The property is currently developed with a dwelling, a carport and a concrete driveway.

After review of the site plan and our discussion regarding on-site conditions, the Commission does not oppose the granting of this variance. The addition appears to be a reasonable expansion of living space and the cliff is apparently in stable condition. Mitigation for any disturbance within the Buffer should be required in accordance with Section 4-8.07(3) of the Calvert County Zoning Ordinance.

Please note that the existing impervious surface area is actually approximately 2,152 square feet. If built as currently proposed, the addition may require a variance to the impervious surface regulations in addition to the Buffer regulations.

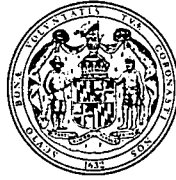
Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA258-98

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



Judge John C. North, II
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Ren Serey
Executive Director

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

May 29, 1998

Ms. Roxana Homer
Calvert Co. Dept. of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Variance application: 98-2456, Vic Peruzzi

Dear Ms. Homer:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the slope 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. Based on the site plan, it is recommended that the house, garage, driveway and septic system be reconfigured to avoid the steep slopes on the northern corner of this lot. A smaller driveway would also help minimize impacts. Mitigation for the forest clearing should be required in accordance with Section 4-8.07(3) of the Calvert County Zoning Ordinance.

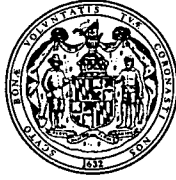
Thank you for the opportunity to comment. Please include this letter as part of the official record of this variance application. Also, please notify the Commission in writing of the Board's decision on this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA260-98

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

May 28, 1998

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

RE: Variance 1998-0158-V, E & M Construction

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to construct a dwelling and driveway that will require less setbacks, be constructed on steep slopes and be completely within the required minimum 100-foot Buffer to a tributary stream. This office reviewed a similar proposal for these lots in March of this year. Our comments are essentially the same.

Provided the lots are properly grandfathered, this office has no objection to siting a single family dwelling on lots 29 and 30. We recommend mitigation in the form of native plantings at a 3:1 ratio for this disturbance 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 this variance. Also, please notify the Commission of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA95-98

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

May 28, 1998

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

RE: Variance 1998-0160-V, Susan Zevin

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to construct a deck that will require a variance to the Critical Area Buffer requirements.

This office has no objection to the requested variance as the proposed deck appears to be of reasonable size and the lot is in a BEA. We recommend mitigation in the form of native plantings at a 2:1 ratio, consistent with the County's BEA policy.

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: AA252-98

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

May 26, 1998

Mr. Bill Clark, District Manager
Calvert Soil Conservation District
P.O. Box 657
Prince Frederick, MD 20678

RE: Shore Erosion Control Project, Navy Recreation Center, Solomons
Shoreline Revetment Renovation and Habitat Enhancement, Second Cove, Navy Recreation
Center, Solomons

Dear Mr. Clark:

Thank you for providing information on the above referenced projects and for coordinating the site visit on May 14, 1998. Based on the information provided to date as outlined below, it appears that both of these projects are consistent with the Critical Area Law (Annotated Code of Maryland, Natural Resources Article, Title 8, Subtitle 18) and Criteria (Code of Maryland Regulations, Title 27).

With regard to the shore erosion control project, the Critical Area Criteria encourages the protection of rapidly eroding shorelines. The shoreline in question is eroding at a rate of 4 feet per year, due to the nearly 5 mile fetch across the Patuxent River. Several existing structures and a significant archaeological site are threatened by this erosion. The proposed project will include structural (breakwaters) and non-structural (marsh creation) control measures. The mitigation plan proposed will provide replacement of trees removed at a 2:1 ratio, with a concentration of plantings in the 100-foot Buffer.

With regard to the shoreline revetment renovation, again, the Critical Area Criteria encourages shore erosion protection. This project will replace existing structures which have fallen into disrepair. The single Critical Area issue is the removal of trees in the Buffer to provide an access point for the construction equipment. This area will be reforested after construction is complete. No other habitat protection areas will be affected.

Provided all permits are acquired and reforestation completed, both of these projects as currently proposed appear to be consistent with the Critical Area Law and Criteria. Thank you for the opportunity to review these projects. If you have any questions or if the projects change significantly, please contact me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Elder Ghigiarelli, MDE
Fed28-98

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

May 26, 1998

Mr. Eddie Dichter
Calvert Co. Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

RE: Lot 7, Trueman Pointe Subdivision, Matt Neal

Dear Mr. Dichter:

Thank you for providing information on the above referenced permit application. The applicant is proposing to remove 21,325 square feet of forest in order to construct a single family dwelling, driveway and septic system.

Commission staff has reviewed the plans and does not oppose the approval of building and grading permits. It appears that the level of forest clearing, 8.3% of the total forest on site, is below the maximum of 30% in accordance with Section 4-8.07 of the Calvert County Zoning Ordinance. Mitigation should be provided for this clearing on a 1:1 basis. Please note that on the site plan provided, a portion of the septic reserve area is within the expanded Buffer. It appears that the septic area can be moved completely outside of the expanded Buffer. A variance will be necessary if disturbance is proposed within the Buffer.

If you have any questions or comments, or if the proposed project changes significantly, please contact me at (410) 974-2426.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA239-98

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

May 21, 1998

Mr. James K. Tracy, P.E., Chief
Plan Review Division
MDE - Water Management Administration
2500 Broening Highway
Baltimore, MD 21224

RE: Stormwater management at Mattawoman Creek Art Center, Smallwood State Park

Dear Mr. Tracy:

Pursuant to our discussion on May 20, 1998, I have enclosed a set of plans for the new parking lot at the Mattawoman Creek Art Center at Smallwood State Park. Because this is a project undertaken by a private entity on state land, sediment and erosion control permitting is being done by the Charles County Soil Conservation District. Stormwater management review has fallen to the Critical Area Commission.

Commission staff has concern that the proposed stormwater management for this site will not function properly given the conditions on site. As you will see on the site plan, the applicants are proposing an infiltration trench. However, the soil borings indicated the presence of "very firm clay" from 2 to 6 feet below grade.

We would greatly appreciate an informal review of the proposed stormwater management design for this site and any comments or recommendations you may offer. If you have any questions, please contact me at (410) 974-2426. Thank you for your time and consideration.

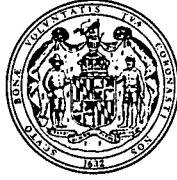
Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: DNR 06-98

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

May 19, 1998

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

RE: Variances 1998-0147-V, 1998-0148-V, 1998-0149-V, Steve Washington

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance applications. The applicant proposes to construct two new single family homes and replace an existing home that will require less setbacks, variances to the Critical Area Buffer requirements, and variances to disturb steep slopes in the Critical Area.

Although the applicant is requesting three separate variances for the three separate lots, the enclosed site, grading, sediment and erosion control plan and Critical Area Report cover all three lots together. Commission staff has reviewed this information and has the following comments:

- The Critical Area report states that granting of the variance will not reduce forest cover. However, according to the individual "Notification of Project Applications," these proposed developments (on all three lots) will remove 1.01 acres of forest out of a total area of 1.67 acres. This level of forest clearing requires mitigation in the form of native plantings at a 3:1 ratio. This mitigation should take place on site if possible.
- Also with regard to forest clearing, the Critical Area report further states that trees (pine and oak) occupy 100% of the lot area on Lots 1105, 1106, and 1108. It also states that a minimal amount of trees will be removed. However, again, the "Notification of Project Applications" state that the amount of forest/woodland/trees removed is 1.01 acres. In addition, the site plan shows only the larger (greater than 12" diameter) hardwood (i.e., oak and poplar) trees that will be removed. The site plan should also show pines and other vegetation that will be removed.
- The Critical Area report states that "Rain water drains from north to south." However, as the site plan shows, the topography of the site ranges from an elevation of approximately

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

Mr. Kevin Dooley

Page 2

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55 feet on the southern side of the site to 0 feet on the northern side of the site where the lots meet Plum Creek. Drainage on this site is from south to north.

- Commission staff recommends that the County require stormwater management on these lots. As currently proposed, development of the three lots will result in over 8,500 square feet of permanent impervious surface in addition to clearing and grading necessary for installation of the septic systems and wells. It appears that since the lots are being considered together for sediment and erosion control (i.e., a continuous silt fence across all three lots) and grading purposes, it is also appropriate to consider them together for stormwater management purposes.

With regard to variance requests 1998-0147-V and 1998-0149-V (lots 1105/1106 and 1108), provided these lots are properly grandfathered, this office has no objection to the siting of single family dwellings on these lots if appropriate forest mitigation is provided and impacts to steep slopes are minimized. With regard to variance request 1998-0148-V (lot 1107), this office has no objection to the replacement of the existing house with an additional deck provided that appropriate forest mitigation is provided. However, it does appear that the house could be moved back so that a variance would not be necessary.

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

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA227-98
AA228-98
AA229-98

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SERIALIZED
INDEXED
FILED
APR 1998
FBI - DENVER



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 18, 1998

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

RE: Variance 1998-0139-V, Garcia and Brownlee

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to replace an existing deck with a new, two-story deck that will require less setbacks and a variance to the Critical Area Buffer requirements.

The enclosed site plan does not properly show the Critical Area Buffer. It appears that the applicants are replacing an existing structure with no additional intrusion into the Buffer. If this is correct, this office has no objection to this variance. However, if any vegetation is removed in the course of construction, we recommend mitigation in the form of native plantings at a 2:1 ratio if the property is within a Buffer Exemption Area or at a 3:1 ratio if it is not within a Buffer Exemption Area.

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,

LeeAnne Chandler
Natural Resources Planner

cc: AA223-98

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