

Staff Correspondence: Tracy Batchelder 1999

S1832-141-1



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

December 21, 1999

Ms. Sue Veith  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: St. Mary's County Draft Unified Land Development Code**

Dear Ms. Veith:

Thank you for providing Commission staff with the opportunity to comment on the draft of the Unified Land Development Code for St. Mary's County. Staff reviewed the sections pertaining to the Critical Area to ensure that the new ordinance is consistent with the Critical Area Law and Regulations and contains all of the necessary components and language to effectively implement the County's Critical Area Program.

While it appears that the County has made significant progress towards the development of a new ordinance, staff found that there are some large gaps in the County's Critical Area Program as it is written in the draft ordinance. These include the following:

- There is no language in the draft ordinance on Structures on Piers (Nat.Res.Art §8-1808.4), Community Piers in the Buffer (Nat.Res.Art. §8-1808.5), or Water Dependent Facilities (COMAR 27.01.03). The language from these sections must be in the new ordinance.
- There is no language on Buffer Exemption Areas (BEAs) in the draft ordinance (COMAR 27.01.09.01.C.(8)). This must be in the new ordinance if the County plans to map BEAs. The Commission is currently revising their policy on BEAs and it is anticipated that the revised policy will be available in the coming months.
- There is no language in the draft ordinance on State and local agency projects (COMAR 27.02.02). There should be a definition of "local significance" and the County needs to have provision that address State and local agency actions resulting in the development of private or county-owned land.

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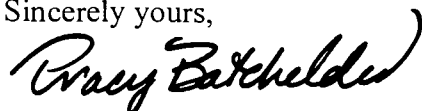
Ms. Sue Veith  
December 21, 1999  
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- Commission staff have discussed the idea of developing a list of acceptable land uses in the RCA and the County has agreed to compile a list with assistance from Commission staff. A list of RCA uses should be included in the new ordinance.
- There is no language in the draft ordinance on amendments and refinements (Nat.Res.Art. §8-1809 (h)-(s)). This language must be incorporated into the new ordinance.
- The County still has not resolved the issues surrounding grandfathered PUDs which were not reviewed by the Commission. There is confusion over whether some developments are considered subdivisions or PUDs and the development rights they have been afforded (see attached letter dated January 26, 1999). Commission staff would like to resolve this issue and have a list of those approved PUDs in the relevant section of the new ordinance.

In addition to these comments, I have attached specific comments in a table format from me and Mary Owens as well as attachments that have been referenced in our comments. Model language has been developed by the Commission for local Critical Area programs which could be used in St. Mary's new ordinance or as a guide for developing components of the ordinance as it relates to the Critical Area. We are available after the first of the year to meet with you to discuss these comments and try to resolve some of the larger issues outlined in this letter. Please contact me if you would like to set up a meeting.

Again, thank you for the opportunity to comment. We're glad to see that progress is being made on the ordinance. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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December 16, 1999

Mr. John Hofmann  
Town of North Beach  
P.O. Box 99  
North Beach, MD 20714

Dear Mr. Hofmann:

I received a copy of the letter sent to you by Dan Kelsh regarding stormwater management compliance for the proposed North Beach Town Center Apartments. It appears that the developer, Ron Russo, would like to pursue the fees-in-lieu option to comply with the 10% pollution reduction rule.

Dan sent me cost estimates for the area of new impervious surface created by the proposed project based on the stormwater management fees used by Calvert County. He calculates the fee to be \$3,920 based on the .40 acres of new impervious surface. I spoke with Mary Beth Cook, an engineer with Calvert County who is in charge of stormwater review. She said that the County has never applied the fee schedule to a redevelopment project, only to new developments. In addition, the Critical Area regulations specify that "In the case of redevelopment, if [stormwater management] technologies do not reduce pollutant loadings by 10 percent below the level of pollution on the site prior to redevelopment, then offsets shall be provided" (COMAR 27.01.02.03). The acreage used to calculate the fee (.49 acres) does not include 10 percent reduction in pollution levels of the site prior to redevelopment. The following calculations should be used for this project to determine the appropriate fees:

$.31 \text{ acres (area of impervious surfaces pre-development)} \times 10\% = .031 \text{ acres}$

$.49 \text{ acres (ares of new impervious surface post-development)} \times 100\% = .49 \text{ acres}$

$.031 \text{ acres} + .49 \text{ acres} = .52 \text{ acres}$

$.52 \text{ acres} \times \$8,000 = \$4,168 \text{ (fee-in-lieu)}$

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Mr. John Hofmann  
December 16, 1999  
Page Two

Staff have determined that the fee-in-lieu should be \$4,168 as opposed to \$3,920 since the former figure takes into account the need to reduce the pre-development loads on the site by 10 percent. The fee should be paid to the Town of North Beach and must be used on Town projects in the Critical Area that improve water quality. The Town must report how it spends the monies in its quarterly grant reports to the Critical Area Commission. Commission staff are available to assist the Town in identifying ways to spend the monies.

If you have any questions, I can be reached at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner

cc: Mr. Dan Kelsh, Collinson, Oliff & Associates, Inc.



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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December 8, 1999

Ms. Ruth Grover  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: SUB 99-2561, Yearick**  
**CBCAC # 624-99**

Dear Ms. Grover:

Thank you for providing information on the referenced project. The applicant has provided Critical Area Commission staff with a site plan for a one-lot subdivision in the RCA using the intra-family transfer provision in St. Mary's County Critical Area Program (St. Mary's County Zoning Ordinance, Article III). The proposed lot will be 4.4 acres. The remaining 27.648 acres are restricted to two more dwellings for family members. Staff have the following comments on the proposed subdivision:

1. A letter should be obtained from the Department of Natural Resources (DNR), Heritage and Biodiversity Conservation Program to determine the presence of any rare, threatened and endangered species of plants and animals on the property. Lori Byrne at the DNR can be contacted at (410) 260-8573.
2. Topography should be provided for the entire site.
3. It appears that there are steep slopes located on the proposed lot. In accordance with St. Mary's County Critical Area Program, where there are contiguous slopes of 15% or greater the Buffer must be expanded four feet for every one percent slope or to the top of the slope, whichever is greater in extent (St. Mary's County Zoning Ordinance, Article III).

Thank you for the opportunity to comment. Please submit any revised site plans to the Commission. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

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December 8, 1999

Ms. Ruth Grover  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: SUB 92-0694, St. Clement's Woods**  
**CBCAC # 623-99**

Dear Ms. Grover:

Thank you for providing information on the referenced project. The applicant has provided Critical Area Commission staff with a site plan for a two-lot subdivision on 18.10 acres in the RCA. According to St. Mary's County Critical Area Program, the RCA has a density requirement of one dwelling per twenty acres (St. Mary's County Zoning Ordinance, Article III). The proposed subdivision does not meet these density requirements. Growth allocation would need to be pursued in order to accommodate the subdivision. If the applicant decides to proceed with seeking growth allocation, staff have the following comments on the proposed subdivision:

1. A letter should be obtained from the Department of Natural Resources (DNR), Heritage and Biodiversity Conservation Program to determine the presence of FIDS habitat and any rare, threatened and endangered species of plants and animals on the property. Lori Byrne at the DNR can be contacted at (410) 260-8573.
2. There appear to be hydric soils and tributary streams on the site. In accordance with St. Mary's Critical Area Program, a 100-foot Buffer must be established around tributary streams and the Buffer shall be expanded to include areas with hydric soils (St. Mary's County Zoning Ordinance, Article III).

Thank you for the opportunity to comment. Please submit any revised site plans to the Commission. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

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December 7, 1999

Mr. W.S. Ingersoll  
Town Manager  
118 N. Cross Street  
Chestertown, MD 21620

**RE: Waterfront Promenade and Boardwalk  
Critical Area Consistency Report**

Dear Mr. Ingersoll:

Thank you for providing notification of certification that the referenced project is consistent with Chestertown's Critical Area Program. The purpose of the project was to construct a 20-foot wide brick walkway along 140 feet of the Chester River and a 8-foot wooden boardwalk crossing the cove between High Street and Cannon Street. The area is designated Buffer Exempt (BEA) and the walkway and boardwalk are providing public access to the waterfront. Were there any plantings associated with the walkway and boardwalk? The Commission strongly recommends mitigation in BEAs. The mitigation ratio would be 2:1 and the plantings could be a combination of trees and shrubs. The plantings would not have to be located adjacent to the walkway, but could be provided for in another part of the Town in the Critical Area and in the same watershed. The Town's Critical Area Program mentions that the Town will continue to participate in the Tree City USA program with particular emphasis on the BEA. Does this program still exist and does the Town use it? While staff agree with your determination that the project is consistent with the Town's Critical Area Program, we strongly recommend that mitigation be provided for the area of impervious surface created by the walkway. For future reference, the Critical Area Commission has a published guidance paper on public walkways which provides recommendations on location, design and mitigation (see attachment).

The approval of this consistency report will be filed with the Commission. Please inform us of any changes to the project. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in black ink that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

enclosure

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November 24, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #99-1392, Bobby Garner  
CBCAC # 605-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of an after-the-fact variance for constructing a dwelling located partially within the Buffer.

As outlined in St. Mary's Critical Area Program, the Buffer is a no disturbance area and "New development activities, including structures, roads, parking areas and other impervious surfaces, septic systems, or mining and related facilities will not be permitted in the BUFFER unless during the permit review process the applicant can demonstrate these facilities are necessarily associated with water-dependent facilities and are the only feasible alternative available to satisfy the requirements of the proposed development" (St. Mary's County Zoning Ordinance, Article III). The applicant violated St. Mary's Critical Area Program by not obtaining a variance to develop in the Buffer prior to construction. Staff recommend that the applicant be required to provide mitigation at a 3:1 ratio for the 1,888 square feet of new impervious surface 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 the variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

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November 22, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #99-2180, Dillow Group  
CBCAC # 603-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance for construction of a single family dwelling on slopes greater than 15% in the Critical Area. It is our understanding that the lot is grandfathered.

It appears that there is a more level area in the middle of the lot where the proposed septic system is located. If possible, the dwelling and septic system should try to be accommodated on the flattest portion of the property. In addition, moving the dwelling closer to Mirfield Lane would also reduce the length of driveway crossing steep slopes to reach the dwelling. If the variance is granted, staff recommend 2:1 mitigation for the proposed clearing (27%) in accordance with St. Mary's Critical Area Program (St. Mary's County Zoning Ordinance, Article III).

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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

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November 22, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: IBEZ #98-0323, Ernest Livingston  
CBCAC # 606-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a replacement mound system within the Buffer. It appears that the mound system could be moved out of the Buffer. Are there any constraints on the property that would prohibit the applicant from moving it out of the Buffer? If the variance is granted, staff recommend 3:1 mitigation for the area of disturbance resulting from constructing the replacement mound system 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 the variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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November 22, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #99-1557, Arthur Goeller  
CBCAC # 604-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance for after-the-fact clearing in excess of 30% in the Critical Area.

Article III of St. Mary's County Zoning Ordinance states that in the Critical Area "Forests which have been cleared prior to an approved Environmental Permit or of forest cleared in excess of the maximum area permitted [30%] above must be replanted at three times the aerial extent of the cleared forest." In accordance with St. Mary's County Critical Area Program, staff recommend that the applicant be required to mitigate for the forest cleared at a 3:1 ratio (1.47 acres).

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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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**MEMORANDUM**

TO: Joan Kean  
Director, Somerset County DTCS

FROM: Tracy Batchelder  
Natural Resources Planner

RE: Forest Mitigation Guidance Paper

DATE: November 19, 1999

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Thank you very much for reviewing and providing comments on the draft Forest Mitigation Guidance Paper. I appreciate your suggestions and have incorporated many of them into the paper.

In regard to the section on monitoring and enforcement and the case study on Baltimore County and their compliance system, I appreciate the fact that not all (or many) of the jurisdictions have the resources to enforce the forest mitigation requirements. I have now included a suggestion that in those cases jurisdictions should seek opportunities to team up with existing programs that could take on some of the monitoring and enforcement effort. For example, we are working with the Conservation Reserve Enhancement Program (CREP) to allow jurisdictions who have collected fees-in-lieu for forest mitigation purposes to spend those monies on buffer plantings adjacent to CREP sites. Critical Area monies could only be used on plantings that will be put into easements. The area planted with Critical Area monies would be included in the CREP easement and the local land trust or Soil Conservation District (depending on the jurisdiction) would be charged with enforcing and monitoring the easement. I do not know if this scenario would be appropriate in Somerset, but maybe it could be adapted to your particular situation. Let me or Meredith Lathbury know if you would like additional information on the CREP program or if you want to discuss other options.

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Ms. Joan Kean  
November 19, 1999  
Page Two

In regard to the afforestation provisions, the Commission's position is that additions to homes (grandfathered or not) constitute a development activity and have, therefore, maintained that the afforestation requirement applies in these situations. We understand that jurisdictions have interpreted this part of the Criteria differently and will apply it based on their interpretation. However, as a part of our guidance\* we feel that the intent of the Criteria was to ensure that all development would be subject to this requirement.

We hope that the guidance will be helpful to local jurisdictions, developers and landowners in applying the forest mitigation requirements and will result in greater consistency amongst the different jurisdictions. Again, thank you very much for taking the time to provide comments.

\*This paper is meant to provide guidance to local jurisdictions and is not policy.

Judge John C. North, II  
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November 19, 1999

Mr. Adam Brueggemann  
Kent County Planning Commission  
400 High Street  
Chestertown, MD 21620

**RE: SUB #579-99, Suzanne Hogans  
CBCAC #99-85**

Dear Mr. Brueggemann:

Thank you for providing information on the referenced project. The applicant is proposing to subdivide a 32.9 acre lot into three lots. The lots are in the Critical Area and are designated RCA. Staff have the following comments:

- There is no topography on the site plan. It should be noted that development is prohibited on slopes 15% or greater in the Critical Area (Kent County Zoning Ordinance, Section 4.6).
- This property was the result of a subdivision in 1994. The original parcel was 100 acres and, therefore, five lots could be created due to its RCA designation. A note should be included on the plat stating that the proposed subdivision will use all of the development rights on the original parcel and the five lots cannot be further subdivided.
- If any forest is cleared during the development of these lots, mitigation must be provided in accordance with Kent County's Critical Area program (Kent County Zoning Ordinance, Section 4.6).
- Existing and proposed impervious surfaces should be noted on the site plan as well as the impervious surface limits for each lot in accordance with Kent County's Critical Area Program (Kent County Zoning Ordinance, Section 4.6).

Staff have no objection to the proposed subdivision. Thank you for providing the opportunity to comment. If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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November 17, 1999

Mr. Adam Brueggemann  
Kent County Planning Commission  
400 High Street  
Chestertown, MD 21620

**RE: SUB #580-99, James Woodall**  
**CBCAC #99-86**

Dear Mr. Brueggemann:

Thank you for providing information on the referenced project. The applicant is proposing to subdivide 5.25 acres (4.58 acres in the Critical Area) into two lots. The lots are in the Critical Area and are designated LDA. Staff have the following comments:

- There is no topography on the site plan. It should be noted that development is prohibited on slopes 15% or greater in the Critical Area (Kent County Zoning Ordinance, Section 4.6).
- How will the property owner access Lot 2? Will access be provided off of Georgetown Cemetery Road?
- If any forest is cleared during the development of these lots, mitigation must be provided in accordance with Kent County's Critical Area program (Kent County Zoning Ordinance, Section 4.6).
- Existing and proposed impervious surfaces should be noted on the site plan as well as the impervious surface limits for each lot in accordance with Kent County's Critical Area Program (Kent County Zoning Ordinance, Section 4.6).

Staff have no objection to the proposed subdivision. Thank you for providing the opportunity to comment. If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

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MEMORANDUM

November 15, 1999

TO: Lauren Wenzel

FROM: Regina Esslinger 

SUBJECT: Critical Area Commission's Revised Guidance Paper: "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area"

After our telephone conversation this morning, I thought it might be helpful if I put down for you some background and specific information on our revised guidance paper. The Critical Area Commission is revising its 1986 Guidance Paper on Forest Interior Dwelling Birds, which was the Commission's first guidance paper. It was produced by a group which included Glenn Therres, Chandler Robbins and others. The 1986 Guidance Paper deals with conservation of forest interior habitat when permanent development activities are proposed; however, it does not begin to address the types of development proposals and situations the Commission has seen since the implementation of the local Critical Area Programs. A revised paper is much needed to help us do a better job of protecting and conserving forest interior dwelling bird habitat. The draft revision is almost complete; Commission staff are developing it with the assistance of DNR staff from the Wildlife and Heritage Division and local Critical Area planners.

The Commission received copies of the draft paper and a briefing at our October 6<sup>th</sup> meeting. A workgroup of Commission members will begin looking at the paper in detail over the next few months and will review comments from various groups, organizations, specialists and local governments. Among those to be contacted are scientific and technical reviewers involved in the original guidance paper, and organizations including the Chesapeake Bay Foundation, Partners In Flight, the Sierra Club and the Audubon Society. We briefed the local planners at our quarterly Maryland Association of Counties/Critical Area meeting two weeks ago, and have a workshop for them today, November 15<sup>th</sup>. At the November 4<sup>th</sup> meeting of the Central Regional Team, I gave a very brief explanation of the paper and had copies of the draft for anyone interested.

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Ms. Wenzel  
November 15, 1999  
Page two

The original paper focused chiefly on how to avoid and minimize impacts to forest interior birds. We see a need now to:

- reflect new knowledge about these birds: we are proposing to add six species to the original list of 19 found in the Critical Area;
- refine what it means to "protect and conserve" forest interior habitat in the Critical Area and provide a worksheet to help determine when that directive has been successfully carried out;
- respond to requests from Critical Area jurisdictions for guidance on mitigation of unavoidable losses of habitat;
- provide clear direction to property owners and local governments to determine when forest interior habitat is present on a site; and
- update methods relating to when and how to conduct an on-site survey for Forest Interior Dwelling Birds.

Another recent paper on Forest Interior Dwelling Birds is titled "Timber Harvest Plan Guidelines." This is a DNR document, in contrast to the Commission's Guidance Paper outlined above. It was produced by a DNR-led Task Force and pertains only to commercial timber harvests; it has no affect on forest clearing for development purposes. These DNR guidelines will assist the Forest Service in its review and approval of timber harvest plans submitted by the local District Forestry Boards. The Service just completed training sessions on the guidelines for private and DNR foresters.

The Commission approved the DNR guidelines in June as a supplement to the General Approval for Timber Harvests which it granted the Department several years ago. The Commission asked the Forest Service to report next year on the success of the guidelines.

Commission staff believe the revised paper will do a better job of protecting and conserving forest interior dwelling bird habitat than the 1986 Guidance Paper. If you want to discuss the specifics of the paper in more detail, Claudia Jones is the primary author and the Commission's science advisor. I am also available if you want to talk about it.

cc: John Surrick, PCO



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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November 9, 1999

Mr. Daniel J. Kelsh  
Collinson, Oliff & Associates, Inc.  
P.O. Box 2209  
Prince Frederick, MD 20678

Dear Dan:

I have reviewed your letter (11/8/99) concerning stormwater management options for the North Beach Town Center Apartments. You state that the Baywalk (Phase I) development constructed in 1991 resulted in a net excess pollutant removal of 2.9 pounds. You propose to offset the 2.9 pounds required (after the stormceptor is installed) for the apartment building using the extra 2.9 pounds removed from Baywalk. The Commission is unable to accept this proposal as we do not allow for developers or landowners to claim credit for pollutant removal from another project unless some type of "pollutant removal banking" arrangement has been arranged during project development. However, the Critical Area Criteria do allow for offsets if the 10% Rule cannot be met onsite. Offsets must be located in the same watershed. At our meeting in North Beach on 10/22/99, we discussed several possibilities for offsets. These include:

- Providing stormwater management on Town properties, such as the Town Hall property or for some of the existing sidewalks and roads in the Town.
- Increasing the size of the drainage area and associated best management practices on the proposed shopping center/medical building site or the Baywalk-Phase II project to meet the pollutant removal requirements for the apartment development.
- Using any of the other acceptable offset options outlined in the Technical Guide for 10% Rule Compliance manual.

These options will require a guarantee by the Town and developer that the removal requirements for the apartment complex will be met through these other projects.

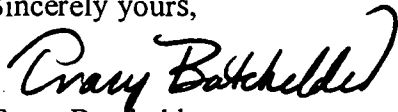
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Mr. Daniel Kelsh  
November 9, 1999  
Page Two

In addition to these options, the Town has a fee-in-lieu program for the 10% Rule. "Fees are based on the costs that a developer would incur for installing a best management practice on the approved site, as well as the amortization of maintenance costs" (Section II, North Beach Critical Area Program).

If you have any questions or would like to discuss any of the options outlined above, please feel free to contact me at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner

cc: Mr. John Hofmann, Engineer





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) 260-7516 Fax: (410) 974-5338

November 8, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 653  
Leonardtown, MD 20650

**RE: Concept Plan #99-2375, Assisted Living Village  
CBCAC # 569-99**

Dear Ms. Holmberg:

Thank you for providing me with the opportunity to comment on the referenced project. The applicant is proposing to construct an Assisted Living Village in the Resource Conservation Area (RCA) of the Critical Area. Two lots in the Critical Area would have 6,240 square foot assisted living homes each accommodating 20 people. Staff have reviewed the project and have determined that the proposed facilities are not consistent with the RCA designation and, therefore, will need growth allocation. If the applicant decides to proceed with seeking growth allocation, staff have the following comments on the proposed project:

1. The plan does not include information on the acreage of each lot. The acreage will be necessary in order to determine impervious surface and forest clearing limitations on each lot in the Critical Area.
2. The sewage reserve area on Lot 5 should be moved back as far as possible from Bankhead Cove in order to minimize potential water quality impacts.
3. In accordance with St. Mary's Critical Area program, where slopes are 15% or greater the Buffer must be expanded four feet for every one percent of slope, or to the top of the slope, whichever is greater in extent (Article III). It appears that the Buffer should be expanded along Bankhead Cove.

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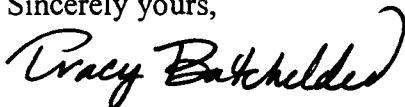
Ms. Christine Holmberg  
November 8, 1999  
Page Two

4. A letter from the Heritage Division of the MD Department of Natural Resources should be provided listing any threatened or endangered species, species in need of conservation, or Forest Interior Dwelling Birds (FIDS) present on the property. Contact Lori Byrne at the Heritage Division (410) 260-8573 for more information.
5. In accordance with St. Mary's County Critical Area Program, if the area in the Buffer that is part of the proposed subdivision is currently in agriculture, a Buffer must be established once the agricultural use ceases (Article III).

If growth allocation is pursued, information on the Assisted Living Village should be provided in an environmental report and on the site plan where appropriate.

If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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November 8, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: SUB 99-1188, Patuxent View  
CBCAC # 316-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant has provided Critical Area Commission staff with a site plan for a seven-lot subdivision. Staff have the following comments:

1. A density of one dwelling unit per 20 acres is allowed in the RCA. Note 11 on the plat should clarify that a maximum of 10 dwelling units are permitted in the Critical Area on this property and that the remainder of the land in the Critical Area is to remain as open space.
2. In accordance with St. Mary's County Critical Area Program, if the area in the Buffer that is part of the proposed subdivision is currently in agriculture, a Buffer must be established once the agricultural use ceases (Article III).
3. The plan currently depicts a 50-foot buffer around tributary streams. According to St. Mary's Critical Area program, tributary streams require a 100-foot Buffer.

Thank you for the opportunity to comment on the subdivision. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

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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November 5, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 653  
Leonardtown, MD 20650

**RE: Concept Plan #95-0570, Greens Rest Farm  
CBCAC # 570-99**

Dear Ms. Holmberg:

Thank you for providing me with the opportunity to comment on the referenced project. Staff reviewed a project proposal on this site to resubdivide the land and relocate lots 500-1 and 500-2. Staff provided comments (see letters dated December 3, 1996 and January 15, 1997) on the project and Kathy McCarthy from the Heritage and Biodiversity Conservation Program provided comments relating to the minimization of impacts on FIDS habitat on the site. In the January letter Mary Owens stated that "every effort must be made to minimize impacts to FID habitat." She goes on to say that "clearing on each of the lots should be limited to 10,000 square feet and notes or building restriction lines should be placed on the plat to ensure that the restriction is understood by potential lot purchasers." How has the County addressed questions raised in Mary Owen's letter? The current site plan should include notes on the FIDS restrictions and building restriction lines (if available) for the lots located in the Critical Area as outlined in her letter.

It is our understanding that the lots to be created by the proposed subdivision are all located outside of the Critical Area.

If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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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November 5, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 653  
Leonardtown, MD 20650

**RE: SUB #99-2250, Christmas Hill  
CBCAC # 571-99**

Dear Ms. Holmberg:

Thank you for providing me with the opportunity to comment on the referenced project. The applicant is proposing to subdivide Farmstead 500-1A into two lots. The newly created lot will be located outside of the Critical Area, thus staff have no comments on this subdivision. However, Farmstead 500-1A was created through a resubdivision of Farmstead 1 in 1995. Mary Owens stated in her comments on that resubdivision (see letter dated December 13, 1995) that "appropriate notes should be added to Farmstead 2 in order to ensure that the one unit per 20 acre density will not be exceeded with future development." It is unclear as to whether notes have been added to the plat for Farmstead 2 and staff would like to reiterate this comment at this time in order to ensure that the RCA density requirements are met in the future.

If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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

October 29, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #99-2021, Andrew Tippett  
CBCAC # 547-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a single family dwelling and appurtenances located partially within the 100-foot Buffer and exceed the County's impervious surface limitations.

Staff have no objection to the granting of this variance as the lot is small in size and the house is as far out of the Buffer as possible while still allowing for the septic reserve area to be located landward of the dwelling. The General Assembly changed the impervious surface limitations to allow more flexibility on grandfathered lots of this size. According to the new legislation, the property owner of a 14,810 sf. lot is allowed 31.25% impervious surfaces. Therefore, staff have no objection to the proposed amount (30.5%) of impervious surface on this lot. However, if a variance request is approved, we recommend that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the area of new impervious surface and clearing in the Buffer and 1:1 mitigation for new impervious surface and clearing outside of the Buffer but within the Critical Area. Mitigation plantings should occur onsite, if possible, 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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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October 29, 1999

Mr. Phil Mohler  
Tidal Wetlands Division  
Maryland Department of the Environment  
200 Duke Street, Suite 2700  
Prince Frederick, MD 20678

**RE: Paul and Carol Choporis**

Dear Mr. Mohler:

Thank you for providing the opportunity to comment on the referenced project. The applicant proposes to construct a 510 foot long stone revetment, a 240-foot long by 14-foot wide stone sill to protect existing marsh, and a 45-foot long by 12-foot wide concrete boat ramp.

The Critical Area regulations encourage the use of nonstructural shore protection measures where practical and effective. If there is existing marsh around the property in question and a stone sill can effectively protect that marsh, could marsh creation and the installment of a stone sill protect the portion of shoreline where the revetment is proposed? Marsh creation should be encouraged if it is practical along the shoreline in question as it will contribute to water quality as well as provide additional habitat for Bay wildlife.

If you have any questions I can be contacted at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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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October 29, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #99-2121, William Wellington**  
**CBCAC # 548-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a single family dwelling and appurtenances located partially within the 100-foot Buffer and clear more than 30% of the forest resource on the property.

Staff have no objection to the granting of this variance as the lot is small in size and the house is as far out of the Buffer as possible while still allowing for the septic reserve area to be located as far landward as possible. If a variance request is approved to allow the applicant to clear more than 30% of the existing forest on the property, we recommend that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the area of clearing in the Critical Area and the area of new impervious surface in the Buffer. Mitigation plantings should occur onsite, if possible, 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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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Fax: (410) 974-5338

October 15, 1999

Mr. Phil Mohler  
Tidal Wetlands Division  
Maryland Department of the Environment  
200 Duke Street, Suite 2700  
Prince Frederick, MD 20678

**RE: Reclamation of Lost Fast Land at the Rod 'N' Reel, Chesapeake Beach**

Dear Mr. Mohler:

I have spoken with John Hofman regarding Mayor Donovan's plans to reclaim fast land at the Rod 'N' Reel at Chesapeake Beach. Mr. Hofman also provided me with a sketch of the reclamation plans in relation to the construction of a hotel on the site. It is my understanding that the Mayor plans to reclaim land to the mean high water line that existed in 1995 pending approval by MDE. The proposed hotel will be built at least seven feet behind the new, 1995-based mean high water line as established by the fill.

If you have any questions I can be contacted at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

cc: Mr. John Hofman

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) 260-7516 Fax: (410) 974-5338

October 8, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: St. Mary's County Department of Recreation and Parks --Retrofit of Boat Ramps  
Critical Area Consistency Report**

Dear Ms. Holmberg:

Thank you for providing notification of certification that the referenced project is consistent with St. Mary's County's Critical Area Program. The purpose of the project is to retrofit existing public boat ramps located in Piney Point. Currently, the ramps have too small of an angle and are too short in length to safely allow boat access to the water. It is our understanding that no disturbance to the Buffer or vegetation will occur as a result of the project and, therefore, no mitigation is necessary. Staff agree with your determination that the project is consistent with the County's Critical Area Program.

The approval of this consistency report will be filed with the Commission. Please inform us of any changes to the project. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

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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(410) 260-7516 Fax: (410) 974-5338

October 8, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: St. Mary's County Department of Recreation and Parks --Expansion of Pier  
Critical Area Consistency Report**

Dear Ms. Holmberg:

Thank you for providing notification of certification that the referenced project is consistent with St. Mary's County's Critical Area Program. The purpose of the project is to expand an existing pier located at the Piney Point Lighthouse Museum. The proposed expansion will provide improved public access and will better accommodate boat traffic. It is our understanding that no disturbance to the Buffer will occur as a result of the project and there will be no new impervious surfaces in the Buffer. Therefore, no mitigation is necessary. Staff agree with your determination that the project is consistent with the County's Critical Area Program.

The approval of this consistency report will be filed with the Commission. Please inform us of any changes to the project. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

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) 260-7516 Fax: (410) 974-5338

October 8, 1999

Mr. William Ingersoll  
Town of Chestertown  
P.O. Box 38  
Chestertown, MD 21620

Dear Mr. Ingersoll:

Thanks for providing me with more detail on the Town's plans to acquire property to create a park. I realize that you do not plan to develop the park for several years. However, once plans have been elaborated and if development will occur in the Critical Area, the Town must write a letter or report describing how "the actions are consistent with the [Town's] Critical Area program. A description of the proposed development and the request for local certification shall be submitted to the Commission" (COMAR 27.02.02.02).

If you have any questions regarding the consistency report or the Critical Area requirements, I can be reached at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

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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October 7, 1999

Mr. Charles Jackson  
Office of Facilities  
St. Mary's College  
St. Mary's City, MD 20686

Dear Mr. Jackson:

This letter is to notify you of action taken at the October 6, 1999 Chesapeake Bay Critical Area Commission meeting. The athletic fields (baseball field and portions of the soccer fields) and parking lot project at St. Mary's College has been approved by the Commission. I have enclosed the staff report prepared for the presentation of the project.

Please notify me of any additional changes in plans for the project as it will need approval by the Critical Area Commission.

Thank you for your presence at the meeting and your participation in the presentation. I look forward to working with you on future projects.

Sincerely,

Tracy Batchelder  
Natural Resources Planner

Enclosure

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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October 7, 1999

Mr. Andy Hanas  
Land and Water Conservation Service, D-3  
Maryland Department of Natural Resources  
Tawes State Office Building  
580 Taylor Avenue  
Annapolis, MD 21401

Dear Mr. Hanas:

This letter is to notify you of action taken at the October 6, 1999 Chesapeake Bay Critical Area Commission meeting. The shore erosion control project (construction of an offshore breakwater and beach nourishment) at St. Clement's Island has been approved by the Commission. I have enclosed the staff report prepared for the presentation of the project.

Please notify me of any additional changes in plans for the project as it will need approval by the Critical Area Commission.

Thank you for your presence at the meeting and your participation in the presentation. I look forward to working with you on future projects.

Sincerely,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

Enclosure

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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October 4, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: St. Mary's Department of Public Works --Shore Erosion Control  
Critical Area Consistency Report**

Dear Ms. Holmberg:

Thank you for providing notification of certification that the referenced project is consistent with St. Mary's County's Critical Area Program. The purpose of the project is to install a revetment along a portion of Cuckold Creek to stabilize a steep bank and protect a County road (Half Pone Point Road) located at the top of the bank. Staff agree with your determination that the project is consistent with the County's Critical Area Program and support your recommendations for mitigation.

The approval of this consistency report will be filed with the Commission. Please inform us of any changes to the project. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

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) 260-7516 Fax: (410) 974-5338

October 4, 1999

Mr. Stan Hearne  
Town Administrator  
Town of Millington  
P.O. Box 330  
Millington, MD 21651

**RE: Town of Millington --Shore Erosion Control  
Critical Area Consistency Report**

Dear Mr. Hearne:

Thank you for providing notification of certification that the referenced project is consistent with the Town of Millington's Critical Area Program. The purpose of the project is to stabilize a portion of streambank along the Chester River using biologs to control erosion and provide public fishing access to the Chester River by removing concrete rubble and placing it at two access points along the river. Staff agree with your determination that the project is consistent with the Town's Critical Area Program and support Mary Ann Skilling's mitigation recommendations for impacts to the Buffer.

The approval of this consistency report will be filed with the Commission. Please inform us of any changes to the project. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

cc: Mary Ann Skilling, Maryland Office of Planning

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) 260-7516 Fax: (410) 974-5338

September 24, 1999

Mr. John Hofman  
Town of North Beach  
P.O. Box 99  
North Beach, MD 20714

*Jhn*  
Dear Mr. Hofman:

Thank you for providing me with information on the proposed North Beach Town Center Apartments. I have reviewed the consultant's 10% pollution reduction calculations and have also come up with a removal requirement of 4.2 lbs/year. In order to comply with the 10% Rule and address stormwater management on the site, the consultants have proposed to use a Stormceptor device which will be located in the parking lot. However, this device alone is not acceptable as a Best Management Practice for the following reasons:

1. The manufacturer may have given the Stormceptor a 65% removal efficiency rating, but Maryland Department of the Environment (MDE) has only given it a 19% removal efficiency rating. The Critical Area Commission relies on the guidance of MDE for acceptable Best Management Practices and their ratings.
2. MDE has not approved the Stormceptor for primary treatment, only as a pretreatment device. While the Stormceptor could be used for this project, another BMP would need to be used for primary treatment.

Commission staff are available to assist you and/or the consultant in looking at other options for stormwater management on the site. If you have any questions, I can be reached at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

cc: Mr. Dan Kelsh, Collinson, Oliff & Associates, Inc.

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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September 23, 1999

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

**RE: VAR #97-1084, Luke Mattingly**  
**CBCAC # 501-99**

Dear Mr. Grimm:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a single family dwelling located in the expanded 100-foot Buffer on steep slopes. It is our understanding that the property went through an Agricultural Division in 1997, but that no new development rights were created as a result of the Division. The other portion of the divided lot (parcel B) is located entirely within the Buffer and has no development rights. The Division was simply a transfer of land. The proposed dwelling will be served by a sewage reserve area to be located across the road (Three Coves Road). The sewage reserve area is proposed to be created through a boundary lot line adjustment, taking a portion of Lot 1 and Lot 3. The subdivision across the road was recorded on June 26, 1991 and is, therefore, not a grandfathered subdivision according to St. Mary's Critical Area Program.

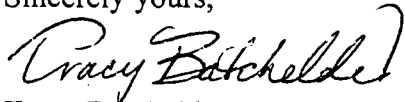
It appears that the proposed dwelling could be located further outside of the expanded Buffer. Staff recommend that all attempts be made to locate it as far out of the Buffer as possible. In addition, staff agree with the County's recommendation that the proposed driveway be located entirely outside of the expanded Buffer. If a variance request is approved, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the area of new impervious surface and clearing in the expanded Buffer and 1:1 mitigation for clearing outside of the expanded Buffer but within the Critical Area. Mitigation plantings should occur within the Buffer and native species should be used.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Mr. Grimm  
September 23, 1999  
Page Two

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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder". The signature is written in dark ink and is positioned above the typed name.

Tracy Batchelder  
Natural Resources Planner

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

September 22, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

**RE: IBEZ #9-1807, Kathleen Jones  
CBCAC # 502-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to replace a deck with a larger porch and deck within the 100-foot Buffer.

Staff have no objection to the granting of this variance as it appears that the proposed deck is a reasonable size. However, if the variance is granted staff recommend that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the area of new impervious surface in the Buffer. 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

TTB/jjd

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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September 22, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

**RE: VAR #99-1784, William Wellington  
CBCAC # 500-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a single family dwelling located in the 100-foot Buffer, exceed the impervious surface limitations, and clear more than 30% of the forest resource on the property.

Staff have no objection to the granting of this variance as the lot is small in size and the house is as far out of the Buffer as possible while still allowing for the septic reserve area to be located as far landward as possible. The General Assembly changed the impervious surface limitations to allow more flexibility on grandfathered lots of this size. According to the new legislation, the property owner of a 11,500 sf. lot is allowed 31.25% impervious surfaces. Therefore, staff have no objection to the proposed amount (25.4%) of impervious surface on this lot. If a variance request is approved to allow the applicant to clear more than 30% of the existing forest on the property, we recommend that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the area of clearing in the Critical Area. Mitigation plantings should occur onsite, if possible, 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Barchelder".

Tracy Barchelder

Natural Resources Planner

TTB/jjd

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) 260-7516 Fax: (410) 974-5338

September 16, 1999

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

**RE: VAR #99-1493, Everett J. Beavers  
CBCAC #454-99**

Dear Mr. Grimm:

Thank you for providing information on the referenced project. The applicant originally sought a variance to the impervious surface limits in order to construct additions to an existing single family dwelling. The Commission stated that it would not support the granting of a variance to exceed the impervious surface limitations.

The applicant now proposes to take out the existing driveway (1,625 sf) and build a new driveway out of the Buffer using tire strips (400 sf). The applicant proposes additions to the house totaling 1,438 sf. While this will result in 47 sf. of new impervious surface in the Buffer, there will be a net decrease of 187 sf. of impervious surface on the property. Staff do not oppose the granting of the variance. However, if the variance is granted, we recommend mitigation for the area of new impervious surface in the Buffer in accordance with St. Mary's Critical Area Program (Article III).

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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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) 260-7516 Fax: (410) 974-5338

September 15, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: SUB 98-2844, Rex Eagan**  
**CBCAC # 483-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant has provided Critical Area Commission staff with a site plan for a two-lot subdivision. Lot 1 would be 4.8 acres and Lot 2 would be 1.5 acres. The proposed subdivision is located in the RCA which has a development restriction of one dwelling per 20 acres. In order to subdivide the property in question and build a dwelling on each lot, the applicant will have to apply for and obtain growth allocation from St. Mary's County.

Staff do not object to the subdivision and proposed development if it receives growth allocation. The growth allocation request will need to be formally submitted to the Commission by St. Mary's County. However, we have the following comments regarding the proposed development on these lots:

1. The Buffer is a no disturbance area. Proposed development on Lot 1 should be moved back from the Buffer so that the limits of disturbance are completely out of the Buffer.
2. Impervious surfaces on the proposed lots are limited to 15% of each lot.
3. Mitigation for clearing of forest and vegetation during the development of these lots shall be carried out in accordance with St. Mary's Critical Area Program (Article III).

Thank you for the opportunity to comment. Please submit any revised site plans to the Commission. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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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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September 14, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: SUB 99-0818, Mill Creek  
CBCAC # 335-99**

Dear Ms. Holmberg:

Critical Area Commission staff have received and reviewed the revised subdivision plan for Mill Creek. While some of our questions in the July 16, 1999 letter have been answered, there are still some outstanding issues on the property. Staff have the following comments on the revised subdivision plan:

1. It is still unclear as to whether the three parcels have four development rights. The configuration of the parcels on the plan does not match the configuration on the 1988 tax maps. Staff request that the County provide documentation that these parcels meet the grandfathering provisions in the County's ordinance.
2. According to St. Mary's Critical Area Program, property is grandfathered if it was recorded prior to the adoption of the County's Critical Area Program "provided that these lands are brought into compliance with the program insofar as possible including the 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" (Article III). The reconfiguration of the lots has created a situation where a variance from steep slopes must be obtained in order to access the sewage reserve area. According to St. Mary's Critical Area Program, "development activities on slopes greater than 15 percent, as measured before development, 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 Limited Development Areas, including the protection of water quality and habitat protection." Commission staff would not support a variance for crossing steep slopes for the sewage reserve area as it appears that the applicant could still create four lots without having to seek a variance to impact steep slopes.

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Ms. Holmberg

September 14, 1999

Page Two

3. Two of the soil types on the parcels are highly erodible (EwD2 and WeC2). According to St. Mary's Critical Area Program (Article III), the Buffer will be expanded beyond 100 feet to include highly erodible soils. It appears that the Buffer may need to be expanded on the subdivision plan to include the areas with highly erodible soils.
4. Is the applicant proposing a pier on Lot 3. It appears that the extended property lines on Lot 1 and the existing pier may preclude a pier from being built on Lot 3.
5. Commission staff have not received any information regarding the presence or absence of Forest Interior Dwelling Birds (FIDS) or any other habitat protection areas on the site.

Thank you for the opportunity to comment. Please submit any further revisions to the Commission. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

September 7, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #97-2801, Carl Dubac**  
**CBCAC # 467-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a sewage reserve area partially located in the 100-foot Buffer. The sewage reserve area is required by the local Health Department and they have identified a location partially within the Buffer as the only feasible location due to the substandard soils and limited viable percs on the property. The applicant is proposing to locate 700 sf. of the sewage reserve area in the Buffer, 90 feet from mean high water.

Staff have no objection to the granting of this variance as it appears that all efforts have been made to locate the sewage reserve area as far out of the Buffer as possible. If a variance request is approved and the applicant excavates and uses the sewage reserve area, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the sewage reserve area in the Buffer. 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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) 260-7516 Fax: (410) 974-5338

September 7, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: SUB 99-1865, St. Jerome's Thicket  
CBCAC # 461-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a one-lot subdivision located entirely within the Critical Area. The property is designated RCA and the new lot will be 20.16 acres. Staff have no objection to the subdivision. However, any new development on the lot must be located outside the 100-foot Buffer and impervious surfaces are limited to 15% of the site. In addition, any forest that is cleared should be mitigated for according to St. Mary's Critical Area Program (Article III).

Thank you for the opportunity to comment. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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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August 27, 1999

Mr. Adam Brueggemann  
Kent County Planning Commission  
400 High Street  
Chestertown, MD 21620

**RE: VAR #99-62, Ellen Schottland  
CBCAC # 422-99**

Dear Mr. Brueggemann:

Thank you for providing information on the referenced project. The applicant is proposing to construct a new garage located partially within the 100-foot Buffer.

Staff object to the granting of this variance as it appears that the garage could be located entirely outside of the Buffer. While it is evident that the lot is grandfathered and there is existing development within the Buffer, disturbance to the Buffer should be minimized and new development is not permitted in the Buffer unless it is water dependent.

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. If you have any questions, I can be contacted at (410) 974-2426.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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) 260-7516 Fax: (410) 974-5338

August 26, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #99-0796, Thomas Thomas  
CBCAC # 455-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a single family dwelling partially located in the 100-foot Buffer.

Staff have no objection to the granting of this variance as it appears that all efforts have been made to locate the house as far out of the Buffer as possible and the proposed dwelling is a reasonable size. If a variance request is approved, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the area of new development activity in the Buffer. 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

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) 260-7516 Fax: (410) 974-5338

August 26, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #99-1493, Everett J. Beavers  
CBCAC #454-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking a variance to the impervious surface limits in order to construct additions to an existing single family dwelling. The lot is 12,500 sf. with 3,847 sf. of existing impervious surface which is 30.7% of the property. The applicant proposes to construct a 252 sf. addition, 140 sf. storage area, a 520 sf. porch, and a 336 sf. carport. The additions would bring the total amount of impervious surface on the property to 5,095 sf. or 40.7%, exceeding the impervious surface limits for a grandfathered lot of this size (the lot is allowed 31.25% impervious surface). We cannot support this variance request for the following reasons:

**The Variance Standards**

Any person that applies for a variance to the Critical Area Criteria must meet five variance standards that are specifically listed in COMAR 27.01.1 and in St. Mary's Critical Area Program. All five standards must be met in order for a variance to be granted. It is the opinion of this office that all of the five variance standards have not been met in this case. Nothing in the application for the variance presents any indication of hardship and the applicant already has a reasonable use of their property. Below is a brief outline of the required variance standards applied in this case.

1) The first standard addresses site features that are unique to the property or structure and the unwarranted hardship that would result from denial of a variance. There appears to be nothing unique about the shape, size, topography or any other features of the property. The lot is typical of other lots in the neighborhood and the applicant already has reasonable use of the property without exceeding the impervious surface limitations.

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Ms. Holmberg  
August 26, 1999  
Page Two

The denial of a variance for additions to a residential structure that exceeds the impervious surface limitations where a residential structure already exists would not result in an "unwarranted hardship" as that term has been defined by the Maryland Court of Special Appeals. In North v. St. Mary's County, 99 Md. App. 502 (1994), the Court of Special Appeals held that only denial of reasonable use creates an unwarranted hardship.

2) The second standard addresses depriving the applicant of rights commonly enjoyed by other property owners in similar areas in St. Mary's County Critical Area. Denial of this variance will not deprive the applicant of rights shared by other property owners in the LDA as all property owners are similarly restricted under the Critical Area Law and the County's Critical Area Program.

3) The third standard addresses special privileges that would be conferred upon the applicant if the variance is granted when such privileges would be denied to other owners of similar properties and structures in the Critical Area. The granting of this variance would confer upon this property owner a special privilege because all similar properties are restricted under the impervious surface limitations of the Critical Area Law.

4) The fourth standard addresses conditions or circumstances which are the result of actions by the applicant and conditions or circumstances related to adjacent properties. This standard has been met.

5) The fifth standard addresses adverse impacts to water quality, fish, wildlife, or plant habitat in the Critical Area that may result from the granting of the variance and consistency of the variance approval with the spirit and intent of the Critical Area Program. The proposed additions to the dwelling will adversely impact water quality by creating additional impervious surface. Creation of impervious surface reduces the area of land available for infiltration, alters natural hydrologic patterns and increases the velocity of stormwater and its erosion potential. Approval of the proposed variance will contribute to the cumulative impacts of such structures and therefore is not consistent with the general spirit and intent of the Critical Area program.

The Maryland General Assembly debated the impervious surfaces issue on grandfathered lots in 1996 and increased the impervious surface limits in order to provide some flexibility to property owners. However, limits are imposed to help manage stormwater runoff and protect water quality. If the property owner still wants to construct the proposed additions, they may want to pursue growth allocation as there are no impervious surface limitations in designated Intensely Developed Areas (IDA). The other option is to construct a driveway out of tire strips (gravel or asphalt) with grass in between to decrease the amount of existing impervious surfaces on the property. This will not allow the applicant to build all of the proposed additions, but may allow him to construct a part of the proposed addition.

Ms. Holmberg  
August 26, 1999  
Page Three

It is unclear as to whether the dwelling and proposed additions are located in the 100-foot Buffer. Please clarify this for our records. In addition, it is unclear why the applicant is proposing to construct a carport on the opposite side of the house from the existing driveway. How would the applicant access the proposed carport?

The St. Mary's County Critical Area Program has been approved as consistent with the provisions of the Critical Area Act and Criteria (COMAR 27.01 et seq.). These comments and recommendations are offered in order to provide assistance to the Board of Appeals regarding consistency of the proposed development with St. Mary's Critical Area Program and the Critical Area Act (NRA §8-1801 et seq.).

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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

August 25, 1999

Mr. Adam Brueggemann  
Kent County Planning Commission  
400 High Street  
Chestertown, MD 21620

**RE: VAR #99-66, Richard Miller**  
**CBCAC # 435-99**

Dear Mr. Brueggemann:

Thank you for providing information on the referenced project. The applicant proposes to construct a single family dwelling located entirely within the 100-foot Buffer.

Staff do not object the granting of this variance as the proposed dwelling is a reasonable size and there appear to be no alternative locations for the dwelling given the size and configuration of the lot. However, the existing or proposed driveway should be depicted on the plan and included in the impervious surfaces calculations for the property to ensure that impervious surfaces do not exceed 5,445 sf. which is the limit for a grandfathered lot of this size. If a variance for the project is granted, staff recommend that the applicant provide for mitigation at a ratio of 3:1 for the area of impact to the Buffer. The mitigation plantings should occur within the Buffer and native plant 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. If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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 20, 1999

Ms. Joanne Hunt  
Administrative Assistant  
Town of North Beach  
P.O. Box 99  
North Beach, MD 20714

**RE: Welcome Center, North Beach  
Critical Area Consistency Report**

Dear Ms. Hunt:

Thank you for providing notification of certification that the referenced project is consistent with the Town of North Beach's Critical Area Program. The purpose of the project is to remove two platforms with portable restrooms that are connected to the existing pier and construct a welcome center for visitors to the Town's public beach.

The new welcome center will be located in an Buffer Exemption Area near the intersection of 5<sup>th</sup> Street and Bay Avenue where there is extensive development activity, including a pier and boardwalk. Staff have met with the Mayor of North Beach on-site to discuss the project. The Mayor has expressed concern for the safety of visitors to the beach, pier and boardwalk. The welcome center will serve as a post for the Town's beach patrol in order to ensure a safe environment for visitors to the area. The center will also be flood proof and will have modern sanitary facilities that are connected to the Town's sewer. The existing portable restrooms are closer to the water and could be a public health hazard if they overflow or are flooded during storm events. Staff agree with your determination that the project is consistent with the Town's Critical Area Program.

The approval of this consistency report will be filed with the Commission. Please inform us of any changes to the project. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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

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

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August 20, 1999

Ms. Joanne Hunt  
Administrative Assistant  
Town of North Beach  
P.O. Box 99  
North Beach, MD 20714

**RE: Beach Replenishment and Breakwater Construction, North Beach  
Critical Area Consistency Report**

Dear Ms. Hunt:

Thank you for providing notification of certification that the referenced project is consistent with the Town of North Beach's Critical Area Program. The purpose of the project is to replenish the beach near the intersection of 5<sup>th</sup> Street and Bay Avenue and construct jetties and offshore breakwaters to reduce erosion of the Town's public beach.

The portion of the Bay along the Town of North Beach is an area of high wave energy due to the large fetch. In addition, existing erosion control structures adjacent to the public beach are accelerating the rate of erosion of the beach. The beach is an economic, recreational and aesthetic asset for the Town. The beach replenishment and segmented offshore breakwaters will help to reduce erosion of the beach. Beach replenishment and offshore breakwaters are preferred methods of shoreline stabilization as they allow for continued public use of the beach and have a limited impact on the beach and nearshore environment. It appears that there are no habitat protection areas in the vicinity. Staff agree with your determination that the project is consistent with the Town's Critical Area Program.

The approval of this consistency report will be filed with the Commission. Please inform us of any changes to the project. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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) 260-7516 Fax: (410) 974-5338

August 19, 1999

Kate Meade  
Environmental Review Unit, B-3  
Maryland Department of Natural Resources  
580 Taylor Avenue  
Annapolis, MD 21401

RE: Review of Federal Loan Application  
Development of a 70 room hotel at Rod N Reel, Chesapeake Beach

Dear Ms. <sup>Kate</sup>Meade:

Thank you for providing me with an opportunity to comment on the referenced project. Staff from the Town of Chesapeake Beach and the developer (Mayor Donovan) have been cooperative in working with Critical Area Commission staff on Critical Area issues associated with the proposed hotel.

We have received only preliminary plans for the project and it appears that the scale of the proposed hotel has changed. In addition, the developer is currently applying to Maryland Department of the Environment to reclaim lost land and fill in part of the Bay in order to accommodate the hotel. We will need an updated plan with more information on the location and size of the hotel in order to review the project for stormwater requirements and project feasibility. The Town Engineer has provided us with preliminary stormwater calculations to meet the 10% pollution reduction rule, but these were calculated incorrectly and will need to be redone based on recent plans for the hotel. We will continue to work directly with Town staff and the developer on these and any other issues that may arise.

If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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

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August 15, 1999

Mr. Phil Mohler  
Tidal Wetlands Division  
Maryland Department of the Environment  
2500 Broening Highway  
Baltimore, MD 21224

**RE: Reclamation of Lost Fast Land at the Rod 'N' Reel, Chesapeake Beach**

Dear Mr. <sup>Phil</sup>Mohler:

Thank you for providing the opportunity to comment on the referenced project. Commission staff have been working with the Town of Chesapeake Beach and the applicant (Mayor Gerald Donovan) on Critical Area issues associated with the proposed hotel at this site. The hotel is to be located adjacent to the proposed reclamation and fill site.

It is unclear from the sketch provided what area is to be reclaimed. It was our understanding that the applicant is trying to reclaim land to the mean high water mark in 1995. However, it appears from studying the plan that the applicant is actually proposing to reclaim fast land to the limit of encroachment. It is our understanding that a person applying to reclaim fast land must provide survey documentation that fast land has been lost. Has the applicant provided solid evidence of loss of land? If the 1995 mean high water line has been well documented, the applicant will be able to construct the hotel up to that line as new construction in areas designated as Buffer Exempt in the Critical Area cannot be located closer to the water than existing structures on the property (Rod 'N' Reel restaurant). The proposed hotel could not be located at the limit of encroachment.

Thank you for providing me with the opportunity to comment on this project. If you have any questions I can be contacted at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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August 12, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #99-1634, Robert & Nancie Lumpkins  
CBCAC # 414-99**

Dear Ms. Holmberg: *Christine*

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a single family dwelling partially located in the 100-foot Buffer.

Staff have no objection to the granting of this variance as it appears that all efforts have been made to locate the house as far out of the Buffer as possible. However, the 67' X 60' (4,020 sf.) potential footprint for the proposed dwelling depicted on the site plan seems to be an unreasonable size. The alternative 2,900 sf. footprint seems more reasonable and would minimize disturbance to the Buffer. If a variance request is approved, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the area of new impervious surface and clearing in the Buffer and 1:1 mitigation for new impervious surface and clearing outside of the Buffer but within the Critical Area. 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

*Tracy Batchelder*

Tracy Batchelder  
Natural Resources Planner

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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August 12, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: Shore Erosion Control at Wicomico Shores  
Critical Area Consistency Report**

Dear Ms. *Christine* Holmberg:

Thank you for providing notification of certification that the referenced project is consistent with St. Mary's County's Critical Area Program. The purpose of the project is to construct a 100-foot stone revetment to reduce further erosion of the shoreline and protect a picnic area. The stone will be placed within a maximum of eight feet channelward of the mean high water line of the Wicomico River at Wicomico Shores Waterfront Park. The access path and the work area will be restored and the fill area behind the revetment will be planted with stabilizing vegetation. Commission staff agree with your determination that the project is consistent with the County's Critical Area Program.

The approval of this consistency report will be filed with the Commission. Please inform us of any changes to the project. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

*Tracy Batchelder*  
Tracy Batchelder  
Natural Resources Planner

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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(410) 260-7516 Fax: (410) 974-5338

August 12, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #99-0279, Mark Wilson  
CBCAC # 413-99**

Dear Ms. Holmberg: *Christine*

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a single family dwelling partially located in the expanded 100-foot Buffer.

Staff have no objection to the granting of this variance as the proposed dwelling seems to be a reasonable size and it appears that all efforts have been made to locate the house as far out of the Buffer as possible. However, we concur with #3 of County staff comments that the disturbance for the replacement sewage disposal systems could be reduced to 4,000 sf. If a variance request is approved, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the area of new impervious surface and clearing in the Buffer and 1:1 mitigation for new impervious surface and clearing outside of the Buffer but within the Critical Area. 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

*Tracy Batchelder*

Tracy Batchelder  
Natural Resources Planner

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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July 22, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #99-0872, Walter Dorsey  
CBCAC # 388-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a single family dwelling on steep slopes.

The variance request is for a lot located in the Mulberry South subdivision. I have asked the County to clarify the status of this subdivision and others in regard to its approval and grandfathered status (see my letter of January 26, 1999). Staff would like to work with the County to find answers to the questions posed in that letter.

Staff have no objection to the granting of this variance based on the available information. The proposed limits of disturbance for this lot do not exceed the square footage calculation of the proposed clearing within the Planting Schedule Table. However, if the variance request is approved, staff recommend the implementation of a Critical Area Planting agreement to mitigate for adverse impacts to water quality and habitat from clearing and developing on steep slopes. Mitigation plantings should occur onsite 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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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July 20, 1999

Ms. Gail Owings  
Kent County Planning Commission  
400 High Street  
Chestertown, MD 21620

**RE: Conditional Use #9-60, Hubbard & Kendell  
CBCAC # 369-99**

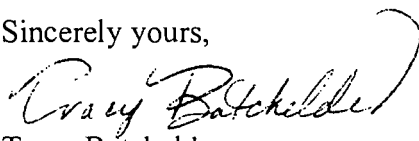
Dear Ms. Owings:

Thank you for providing information on the referenced project. The applicant is proposing to construct an assisted living facility on a lot located in the Critical Area. A one story dwelling and gravel drive exist on the property.

Staff have no objection to granting a conditional use permit for the proposed project. However, in accordance with Rock Hall's Critical Area Program, the applicant is required to comply with the 10% Rule.

Thank you for the opportunity to comment. If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

  
Tracy Batchelder  
Natural Resources Planner

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



Judge John C. North, II  
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July 19, 1999

Mr. John Leehan  
Town of North Beach  
P.O. Box 99  
8916 Chesapeake Avenue  
North Beach, MD 20714

Dear Mr. Leehan:

I am writing to you regarding the Town of North Beach's plans to utilize the lot adjacent to the Bayview Condominiums as a parking lot. It is my understanding that gravel will be laid on the area (currently in grass and dirt) and it will serve as a temporary public parking lot. This project is similar to the beach nourishment and visitors center in that it will require a Critical Area consistency report per the Critical Area regulations (COMAR 27.02.02.02). All three of the consistency reports should be sent to the Commission after the project plans are finalized, but before construction takes place.

The Critical Area Commission considers gravel surfaces used as parking areas to be impervious. Therefore, the proposed parking lot should address stormwater. We understand that the parking lot is temporary. Therefore, it would make sense to explore stormwater management options that could be easily disassembled or could be adapted to other uses of that land (i.e. a condominium development).

Please contact me if you have any questions or need assistance with the consistency reports or stormwater management options. I can be contacted at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

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 16, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: SUB 99-0818, Mill Creek  
CBCAC # 335-99**

Dear Ms. *Christine* Holmberg:

Thank you for providing information on the referenced project. The applicant has provided Critical Area Commission staff with a site plan for a three-lot subdivision. Staff have the following questions regarding the proposed subdivision:

1. Slopes greater than 25% are shown on the site plan. Slopes greater than 15% should also be shown to determine the expanded Buffer. In accordance with St. Mary's Critical Area Program (Article III), where contiguous slopes are 15% or greater, the Buffer shall be expanded four feet for every 1% slope or to the top of the slope, whichever is greater in extent.
2. It is unclear as to what's happening on this property. When were the tracts created and are they grandfathered?
3. The sewage reserve areas appear to be located on slopes greater than 15%. Development on steep slopes is prohibited in the Critical Area.
4. It appears that potential Forest Interior Dwelling Birds (FIDS) habitat exists on the property. A letter should be obtained from the Department of Natural Resources, Heritage and Biodiversity Conservation Program to determine the presence FIDS habitat and any rare, threatened and endangered species of plants and animals on the property.

Thank you for the opportunity to comment. Please submit any revised site plans to the Commission. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

*Tracy Batchelder*  
Tracy Batchelder  
Natural Resources Planner

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George John C. North, II  
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Executive Director

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July 16, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: SUB 98-2249, John Knott  
CBCAC # 337-99**

Dear Ms. <sup>Christine</sup> Holmberg:

Thank you for providing information on the referenced project. The applicant has provided Critical Area Commission staff with a site plan for a one-lot subdivision. Staff have the following questions and comments regarding the proposed subdivision:

1. What is the acreage of Lot 1?
2. This property is a designated Resource Conservation Area (RCA), thus Lot 2 can have one dwelling unit and Outparcel "A" can be further subdivided into no more than two lots with no more than one dwelling unit on each lot. In addition, no structures can be located in the Critical Area on Lot 1, including any part of the sewage reserve area. These development restrictions should be noted on the plat.
3. The site plan should show topography, forested and habitat protection areas. It appears that the property may include Forest Interior Dwelling Birds (FIDS) habitat. A letter should be obtained from the Forest, Wildlife and Heritage Division at the Department of Natural Resources to determine if FIDS habitat exists on site as well as any rare, threatened or endangered species of plants and animals on the property. Contact Lori Byrne at the Heritage and Biodiversity Conservation Program at (410) 260-8573.
4. Are the adjacent lots owned by Charles and Donna Knott and Leonard and Margaret Knott grandfathered? What are the parcel numbers of these lots?

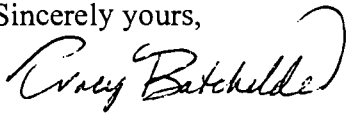
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Ms. Holmberg  
July 16, 1999  
Page Two

5. The expanded Buffer for the stream on Lot 2 reads "4' per 1% slope >15%." It should instead read "4' per 1% slope."
6. The entire site should be shown on the plan in order to accurately review the subdivision.

Thank you for the opportunity to comment. Please submit any revised site plans to the Commission. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner

George John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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July 16, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: SUB 99-0041, Thompson's Retreat**  
**CBCAC # 336-99**

Dear Ms. *Christine* Holmberg:

Thank you for providing information on the referenced project. The applicant has provided Critical Area Commission staff with a site plan for a two-lot subdivision. Staff have the following questions regarding the proposed subdivision:

1. There are several streams located on the two proposed lots and the outparcel. Are these tidal or tributary streams? If so, they will require a 100-foot Buffer around them.
2. No topography is shown except for around the septic areas. Topography must be shown for the entire site in order to determine if there are any steep slopes on the property and if expansion of the Buffer is necessary.
3. Forested areas and habitat protection areas should be depicted on the site plan. It appears that the property may include Forest Interior Dwelling Birds (FIDS) habitat. A letter should be obtained from the Forest, Wildlife and Heritage Division at the Department of Natural Resources to determine if FIDS habitat exists on site as well as any rare, threatened or endangered species of plants and animals on the property. Contact Lori Byrne at the Heritage and Biodiversity Conservation Program at (410) 260-8573.
4. The plat should include Critical Area notes.
5. Given the density requirements of the Resource Conservation Area (RCA), one dwelling unit can be developed on Lot 1 and one dwelling unit on the outparcel. However, the outparcel cannot be further subdivided. In addition, there can be no structures in the Critical Area on Lot 2. The notes on the plat should include these restrictions.

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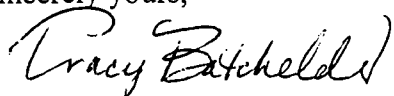
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Ms. Holmberg  
July 16, 1999  
Page Two

Thank you for the opportunity to comment. Please submit any revised site plans to the Commission. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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July 8, 1999

Ms. Mary Alves  
Historic St. Mary's City Commission  
P O Box 39  
St. Mary's City, Maryland 20686

Dear Ms. <sup>Mary</sup>Alves:


This letter is to notify you of action taken at the July 8, 1999 Chesapeake Bay Critical Area Commission meeting. The parking lot expansion and development of paths and roads proposed by the Historic St. Mary's City Commission have been approved by the Commission with the following conditions:

1. Staff from HSMC will monitor the bank along Aldermanbury Street for erosion problems and Commission staff will meet with HSMC staff onsite in one year to determine the effectiveness of the pipes and any necessary changes.
2. Commission approval of the project is contingent on approval of the project by MDE. HSMC will not commence the project until all MDE permits have been obtained.

I have enclosed the staff reports prepared for the presentation of these projects. Please notify me of any changes in plans as they will need approval by the Critical Area Commission.

Thank you for taking the time to drive to Pocomoke City for the meeting. It was a long drive, but I think it's always worthwhile to be as prepared as possible for any questions that might arise at the meeting. Please thank Pat and Henry for their participation as well. I look forward to working with you on future projects.

Sincerely yours,

  
Tracy Batchelder  
Natural Resources Planner  
TTB/jjd

Enclosure

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Chairman



Ren Serey  
Executive Director

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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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July 8, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
107 N Liberty Street  
Centreville, Mary 21617

Dear Mr. Cohoon:

We have received your letter of 6/21/99 regarding the mapping mistake for the Thompson Creek Shopping Center. We expect that the mapping mistake will be handled as a refinement to the County's Critical Area Program and we will plan to bring the proposed refinement to the next scheduled Commission meeting. We will contact you as to the location and date of the next meeting.

If you have any questions, I can be contacted at (410) 260-7073. Susan McConville will return to the office by July 14<sup>th</sup> at which time you can contact her regarding the mapping change.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

TTB/jjd

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June 29, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N Liberty Street  
Centreville, MD 21617

**RE: Amended Site Plan for Bayside Condominiums**

Dear Mr. Cohoon:

Thank you for the opportunity to review the amended site plan for Bayside Condominiums. The applicant plans to build 288 units on 33.519 acres. The property is located entirely within the Critical Area and is designated Buffer Exempt and a Resource Conservation Area (RCA). The applicant is submitting information and plans to address comments by various local and state agencies on the proposed project. Commission staff have the following questions and comments on the revised plans:

1. The consultants for the applicant state that the majority of the site drains to an existing regional stormwater management pond. A small pond will be constructed to provide water quality for the area that does not drain to the existing pond. It is our understanding that the water quality calculations have been completed to include the increase in impervious cover (as granted through a variance by the Queen Ann's County Board of Appeals) and that the existing stormwater pond will be sufficient in removing the increased pollutant loadings. However, Commission staff have not received a copy of those calculations.
2. As required by Queen Anne's Critical Area Program, any increase in impervious cover within the 100-foot Buffer will require mitigation.

Thank you for the opportunity to comment. Please include these comments in the file. If you have any questions concerning these comments, please do not hesitate to call me at (410) 260-7073. Susan McConville will be back in the office by July 13<sup>th</sup>.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner  
TTB/jjd

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June 23, 1999

Ms. Gail Owings  
Kent County Planning Commission  
400 High Street  
Chestertown, Maryland 21620

**RE: VAR 99-49, Lankford Bay Marina  
CBCAC # 324-99**

Dear Ms. Owings:

Thank you for providing information on the referenced project. The applicant is proposing to construct a pool located within the 100-foot Buffer and a 160 square foot pump house located in the Critical Area. The pool will replace a portion of an existing concrete deck located entirely within the 100-foot Buffer. An existing gravel parking lot (approximately 200 square feet) in the Buffer will be removed to compensate for the 160 square feet of new impervious surface for the pump house.

The property is grandfathered and a large portion of the site is located within the Buffer. In July of 1997, the Kent County Board of Appeals granted a variance on this property for a new pavilion and accessory structure located in the Buffer. At the same time, the applicant demolished several existing structures in the Buffer which resulted in a net decrease of 255 square feet of impervious surface. The Board of Appeals granted the variance with the following conditions:

1. That a stormwater management plan be developed and implemented for the new buildings.
2. That the landscaping follow a plan approved by the Kent County Office of Planning and Zoning.
3. That there be mitigation of 3:1 for any trees that are removed from the site.
4. That the variance granted will lapse after the expiration of one year if no substantial construction in accordance with the plans submitted occurs.

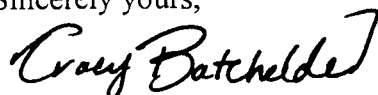
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Ms. Owings  
June 23, 1999  
Page Two

Commission staff do not object to the granting of this variance. However, we recommend that the applicant still be required to meet the conditions listed above.

Thank you for the opportunity to comment. If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner

TTB/jjd

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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(410) 260-7516

Fax: (410) 974-5338

June 23, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

**RE: 283-98, Myrtle Point Park**  
**Growth Allocation**

Dear Ms. Holmberg:

Thank you for providing the revisions to the master plan for Myrtle Point Park. The new plan presents a less intensive use of the land and more passive recreation in the Park. The plan includes a nature/heritage center, roads and trails (including ADA accessible trails), multipurpose area, 75 car parking lot, non-motorized boat launch ramp and rental area, picnic play area, amphitheatre, primitive camping area, bathroom facilities, gate house, overlooks and shelters.

As Ren Serey pointed out in his letter dated September 11, 1998, this property is one of only a few which were grandfathered for density because the zoning of the property was changed to a Planned Unit Development to accommodate a proposed residential area, golf course and conference center (St. Mary's County Zoning Ordinance, Article III). The Shannon Farms PUD is similar in that it was also grandfathered under the ordinance and was also significantly changed pursuant to a County approved amendment to the grandfathering language. This amendment to the County's Zoning Ordinance was 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.

While it appears that the park will not require growth allocation based on the proposed uses, the Master Plan for the Park must be submitted to, and approved by, the Critical Area Commission because the proposed park differs significantly from the original proposal for the property and the proposed park may not meet all of the original conditions of the rezoning. A condition of approval by the Commission will be that Commission staff will work with County staff on plans for the park and will determine if any changes to the plans need to be approved by the Commission.

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Ms. Holmberg  
June 23, 1999  
Page Two

If you have any questions about these comments or the procedure for bringing the plans to the Commission, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in black ink that reads "Tracy Batchelder". The signature is written in a cursive, flowing style.

Tracy Batchelder  
Natural Resources Planner

TTB/jjd

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) 260-7516 Fax: (410) 974-5338

June 23, 1999

Mr. Adam Brueggemann  
Kent County Planning Commission  
400 High Street  
Chestertown, Maryland 21620

**RE: Concept Plan #99-43, Fairgale Golf Course**  
**CBCAC # 323-99**

Dear Mr.  Brueggemann:

Thank you for providing information on the referenced project. The applicant is proposing to construct a golf course on 604.6 acres, 356.2 of which are located within the Critical Area in the Resource Conservation Area (RCA). While the greens of the golf course are a consistent use with the RCA designation, the club house, pro shop, parking lot and other structures associated with the golf course will require the use of growth allocation. Staff have the following comments on the concept plan:

1. There are several features that are missing on the concept plan which should be shown on any subsequent plans. These include:
  - Topography
  - Soils
  - The Critical Area line and 100-foot Buffer
  - Existing forest and forest to be cleared
2. It is my understanding that the afforestation requirement has been met on this property. Is this true?
3. This property contains potential forest interior dwelling bird (FIDS) habitat. The Department of Natural Resources Heritage, Biodiversity & Habitat Conservation Program should be contacted to review this site for the presence of FIDS and any other habitat protection areas (HPAs).

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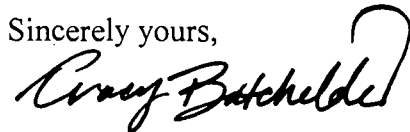
Mr. Brueggemann  
June 23, 1999  
Page Two

4. Any existing and proposed structures should be shown on the plan, including the parking lot. In addition, the plan should show how stormwater for the parking lot will be treated.

Once the growth allocation has been approved by the County, the County should write a letter to the Commission formally requesting growth allocation through a change to their Critical Area Program. At this time, a more complete site plan should be submitted.

Thank you for the opportunity to comment on the concept plan. If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner

TTB/jjd



John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
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June 23, 1999

Ms. Mary Ann Skilling  
Maryland Office of Planning  
120 Broadway  
Centreville, Maryland 21617

**RE: Town of North East Road Improvements  
Critical Area Consistency Report**

Dear Ms. *Mary Ann* Skilling:

Thank you for providing notification of certification that the referenced project is consistent with the Town of North East's Critical Area Program. The purpose of the project is to improve the existing storm drain systems while resurfacing existing roads located inside and outside of the Critical Area. In addition, a small portion of new sidewalk will be installed in the Critical Area. Staff agree with your determination that the project is consistent with the County's Critical Area Program.

The approval of this consistency report will be filed with the Commission. Please inform us of any changes to the project. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

*Tracy Batchelder*

Tracy Batchelder  
Natural Resources Planner

TTB/jjd

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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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June 18, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: SUB 98-1208, Barton Hall**  
**CBCAC # 315-99**

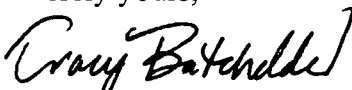
Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant has provided Critical Area Commission staff with a site plan for a one-lot subdivision.

After speaking with you on the phone, it is my understanding that this parcel is a platted residue from the Barton Hall subdivision allowing for a development right on the property. According to St. Mary's county regulations, when the public road bisected Parcel 66 it created two separate parcels with separate development rights. However, it is unclear as to whether or not the Barton Hall subdivision is grandfathered according to the Critical Area regulations. In order to provide comments on the subdivision and development in the Critical Area, it will be necessary to first determine the status of the subdivision. Additional information that would be useful in reviewing the subdivision is the total acreage of Parcel 66 in the Critical Area (on both sides of the road) and the amount and location of development on the parcel across the road from Lot 9.

I look forward to hearing from you. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

  
Tracy Batchelder  
Natural Resources Planner

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

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George John C. North, II  
Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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June 16, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

**RE: SUB 99-0739, St. Jerome's Branch  
CBCAC # 314-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant has provided Critical Area Commission staff with a concept development site plan for a twelve-lot subdivision. Staff have the following comments and questions:

1. The parcel of land shown on the plan is designated a Resource Conservation Area (RCA). According to St. Mary's County Critical Area Program (Article III), "residential uses may not be developed at an overall density exceeding one dwelling unit per 20 acres." In order to accommodate 12 lots on this property, growth allocation must be obtained from the County.
2. There are no Critical Area notes on the concept plan. Please provide the following Critical Area information on any subsequent plans and reports:
  - a. The 100-foot Critical Area Buffer should be shown in addition to the 300' buffer.
  - b. Any existing structures on the property
  - c. Amount of existing forest in the Critical Area
  - d. Forest clearing in Critical Area
  - e. Topography
  - f. Soils
3. In accordance with St. Mary's County Critical Area Program, if no forest is established on the development sites, the lots must be planted to provide a forest or developed woodland cover of at least 15 percent of the property (Article III).

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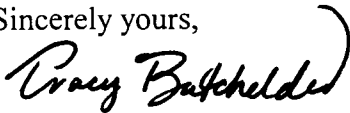
Ms. Holmberg  
June 16, 1999  
Page Two

4. The plan does not depict stormwater management for the subdivision. Please address this issue on any subsequent plans.
5. Please provide a letter from the Heritage Division of the MD Department of Natural Resources listing any threatened or endangered species, species in need of conservation, or Forest Interior Dwelling Birds (FIDS) present on the property. Contact Lori Byrne at the Heritage Division (410) 260-8573 for more information.
6. Will the proposed pier service the entire subdivision? How will the pier be accessed? Will there be any boat slips and how many?

Information should be provided in an environmental report and on the site plan where appropriate.

Thank you for the opportunity to comment on the Concept Development Plan. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner

TTB/jjd

cc: Mr. Francis Bailey, Mudd Engineering, Inc.

George John C. North, II  
Chairman



Ren Serey  
Executive Director

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June 16, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

**RE: SUB 99-1188, Patuxent View**  
**CBCAC # 316-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant has provided Critical Area Commission staff with a concept development site plan for an eight-lot subdivision. Staff have the following comments and questions:

1. How much forest is within the Critical Area? Any clearing associated with development on or around the newly created lots must be mitigated for in accordance with St. Mary's County Zoning Ordinance (Article III).
2. In accordance with St. Mary's County Critical Area Program, if no forest is established on the development sites, the lots must be planted to provide a forest or developed woodland cover of at least 15 percent of the property (Article III).
3. In order to maintain the one dwelling per 20 acre density requirement of the RCA, an easement must be placed on 114.62 acres of the open space in the Critical Area, precluding this area from future development.
4. There is no information provided on existing structures on the property. Please show any existing buildings or appurtenances.
5. The plan depicts stormwater management to be installed near the existing road where it crosses a stream. Please elaborate on the type of stormwater management proposed for this area.

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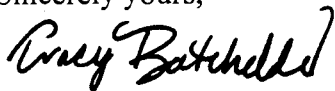
Ms. Holmberg  
June 16, 1999  
Page Two

6. Please provide a letter from the Heritage Division of the MD Department of Natural Resources listing any threatened or endangered species, species in need of conservation, or Forest Interior Dwelling Birds (FIDS) present on the property. Contact Lori Byrne at the Heritage Division (410) 260-8573 for more information.

Information should be provided in an environmental report and on the site plan where appropriate.

Thank you for the opportunity to comment on the Concept Development Plan. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner

TTB/jjd

cc: Mr. James M. Gotsch, P.E., DH Steffens Co

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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June 4, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #99-0526, Ethel Garner  
CBCAC # 297-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a deck in the 100-foot Buffer. This property appears to be an existing grandfathered lot.

Staff have no objection to the granting of this variance as the proposed deck seems to be a reasonable size. However, if a variance request is approved, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the area of new impervious surface in the Buffer. 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

TTB/jjd

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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June 4, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

**RE: VAR #99-0964, Joseph Dunn**  
**CBCAC # 298-99**

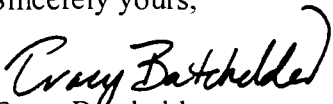
Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a sunroom addition in the 100-foot Buffer. This property appears to be an existing grandfathered lot.

Staff have no objection to the granting of this variance as the proposed sunroom seems to be a reasonable size. However, if a variance request is approved, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the area of new impervious surface in the Buffer. 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

  
Tracy Batchelder  
Natural Resources Planner

TTB/jjd

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Chairman



Ren Serey  
Executive Director

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June 3, 1999

Mr. Tom Brower  
Forest Service, E-1  
Department of Natural Resources  
580 Taylor Avenue  
Annapolis, MD 21401

Dear *Tom* Mr. Brower:

This letter is to notify you of action taken at the June 2, 1999 Chesapeake Bay Critical Area Commission meeting. The proposed shoreline erosion control project at Pt. Lookout State Park in St. Mary's County has been approved by the Commission. I have enclosed the staff report prepared for the presentation of this project. Please notify me of any changes in plans for the project as it will need approval by the Critical Area Commission.

Thank you for your cooperation and for attending the meeting and providing interesting details about the proposed project. I look forward to working with you on future projects.

Sincerely,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

Enclosure

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

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Chairman

Ren Serey  
Executive Director

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May 20, 1999

Mr. Adam Brueggemann  
Kent County Planning Commission  
400 High Street  
Chestertown, Maryland 21620

**RE: VAR #99-37, Penders/Coldiron  
CBCAC # 259-99**

Dear Mr. Brueggemann:

Thank you for providing information on the referenced project. Commission staff usually do not have any concerns about efforts to repair failing septic systems. However, because the septic system is located in the Buffer, care should be taken to minimize disturbance while working on the system. If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

TTB/jjd

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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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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May 20, 1999

Mr. Adam Brueggemann  
Kent County Planning Commission  
400 High Street  
Chestertown, Maryland 21620

**RE: VAR #99-36, Richard Miller  
CBCAC # 248-99**

Dear Mr. Brueggemann:

Thank you for providing information on the referenced project. It is unclear what is meant by improving the septic system. Commission staff usually do not have any concerns about efforts to repair failing septic systems. However, because the septic system is located in the Buffer, care should be taken to minimize disturbance while working on the system. If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

TTB/jjd

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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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May 11, 1999

Mr. Adam Brueggemann  
Kent County Planning Commission  
400 High Street  
Chestertown, MD 21620

**RE: Critical Area Consistency Report for Toal Park**

Dear Mr. Brueggemann:

Thank you for providing notification of certification that the referenced project is consistent with Kent County's Critical Area Program. The Kent County Department of Parks and Recreation proposes to construct a ball field facility, snack bar, a tot lot, and picnic pavilion at Toal Park. Approximately three quarters of the park is in the Critical Area and no development is proposed in the Buffer. Staff agree with your determination that the project is consistent with the County's Critical Area Program.

The approval of this consistency report will be filed with the Commission. Please inform us of any changes to the project, including plans for a trail system. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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**  
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May 7, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

**RE: Site Plan #98-1008, Woods at Myrtle Point**  
**CBCAC # 231-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The concept development plan submitted is for a recreational facility that will serve current and prospective residents in the Woods at Myrtle Point development. The recreation area will consist of an athletic field, club house, volleyball court, pool and parking lot.

After reviewing the concept plan, staff have the following questions and comments:

1. As I stated in my letter of May 8, 1998, the proposed recreation area will require intensive development and is not consistent with its current designation as a Resource Conservation Area. Growth allocation will be necessary to accommodate the recreation area. The developer has not made it clear that he is going to seek growth allocation for the project.
2. A letter from the Heritage Division of the MD Department of Natural Resources listing any threatened or endangered species on site must be provided before approval of the concept development plan.
3. A proposed stormwater management area is located adjacent to the proposed pool. How will runoff from the parking lot be treated?
4. It appears that the area proposed for development is currently vegetated. The forest line should be changed to include this vegetated area.

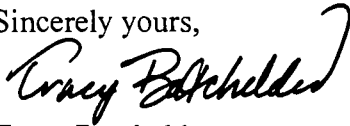
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Ms. Holmberg  
May 6, 1999  
Page Two

5. The plan should include notes specifically addressing the requirements of the Critical Area Law and Regulations.

Thank you for the opportunity to comment. We would like to see any revised site plans in order to provide additional comments on this project. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner

TTB/jjd

cc: Mr. Pat Mudd, Mudd Engineering, Inc.

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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(410) 260-7516 Fax: (410) 974-5338

May 5, 1999

Mr. Jim Herman, Chairman  
Betterton Planning and Zoning Commission  
P.O. Box 94  
Betterton, MD 21610

**RE: Concept Plan for Pool at Crew's Landing**  
**CBCAC #239-99**

Dear Mr. Herman:

Critical Area Commission staff have reviewed the site plan for the proposed pool at Crew's Landing with Mary Ann Skilling. The site is in an area designated as LDA and Buffer Exempt Area. Staff have a few questions and comments in regard to the proposed development:

1. The proposed pool is located adjacent to steep slopes. How does the developer propose to address stormwater management for the pool in order to minimize erosion of the steep slopes?
2. A retaining wall is proposed for around a portion of the pool. Where will the limits of disturbance be for building the pool and how will the slope of the area be affected?
3. A concrete and brick pad is located at the base of the development near the river. Has this been included in the impervious surface calculations?

Thank you for providing me with the opportunity to comment on this project. We would like to see any changes on the site plan in order to provide additional comments. If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

cc: Mr. Pat McClary, REASAP Inc.  
Ms. Mary Ann Skilling, Circuit Rider, Maryland Office of Planning

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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May 4, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

**RE: SUB #98-0635, Hunter's Hill Farm  
CBCAC # 233-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a one-lot subdivision.

Staff have the following questions and comments in regard to the proposed subdivision:

1. How many acres of the property are located in the Critical Area?
2. Where is the lot line of the original parcel located in the Critical Area?
3. It appears that the septic system on Lot 1 would be located on steep slopes. It will be necessary to show the rest of the topography and the 100-foot Buffer for the property in the Critical Area. The Buffer may need to be expanded depending on the extent of the steep slopes.

Thank you for the opportunity to comment. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

TTB/jjd

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 4, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

**RE: SUB #98-2728, Grampton Farm  
CBCAC # 234-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a one-lot subdivision. Staff have no objection to the subdivision as it appears to comply with the Critical Area regulations. However, any future development on Lot 1 should be located outside of the Buffer.

Thank you for the opportunity to comment. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

TTB/jjd

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

May 4, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

**RE: SUB #98-0548, St. Inigoes Landing  
CBCAC # 232-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a two-lot subdivision. Staff have no objection to the subdivision as it appears to comply with the Critical Area regulations.

Thank you for the opportunity to comment. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

TTB/jjd

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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May 4, 1999

Ms. Mary Alves  
Historic St. Mary's City Commission  
P.O. Box 39  
St. Mary's City, MD 20686

Dear Ms. Alves:

I am writing in regard to the Critical Area designation for Historic St. Mary's City. We have no records of the designation, but have treated the area as "not an area of intense development" (COMAR 27.02.05.03). The Critical Area Commission feels that this is an appropriate designation given the size of Historic St. Mary's City and the level of development and extent of activities planned for the area.

If you have any questions regarding the designation of Historic St. Mary's City, I can be contacted at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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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**MEMORANDUM**

**TO:** Mr. Roger Williams  
**FROM:** Tracy Batchelder, Natural Resources Planner  
**RE:** Rigbie II Condominiums, Betterton  
**DATE:** April 20, 1999

I am writing to follow-up on our telephone conversation last week regarding Rigbie II and landscaping the bank below the condominiums. I want to make sure that what I said is clear in the event that you speak with the condominium owners regarding the bank.

As I mentioned to you, it appears on old site plans that the property line of Rigbie II ends at the top of the bank and the property line of the Bonasses extends along the bottom of the Rigbie II property and includes the part of the bank in question. The county owns the parking lot. If there is any question regarding the property lines, I would recommend that the condominium owners at Rigbie II check the plats and deeds for the properties. I would not recommend that the condominium owners proceed with preparing plans for the bank until this is settled. If the property does belong to the Bonasses, it is up to them whether they want to pursue a Buffer Management Plan for that area in order to trim up and possibly take out a few trees (locust trees). A Buffer Management Plan would have to be approved by the Town Planning Commission. Mary Ann Skilling and Jeff Troester are working with the Bonasses on a mitigation plan and will ask the Bonasses if they would be interested in doing a Buffer Management Plan for the bank.

According to the Critical Area maps for Betterton, the area in question is expanded Buffer. No grading is allowed in the expanded Buffer, even if the property is designated IDA. If there is a question about whether that area is expanded Buffer, the town can decide to measure it in the field to determine its status. If it turns out that it is no longer expanded Buffer, I would still be wary of disturbing the slope of that bank as grading could destabilize the entire slope up to the condominiums. If there is an erosion problem near the bank, then it may mean finding other ways of channeling runoff to avoid further erosion. Mary Ann Skilling and Jeff Troester have discussed the need to address erosion along that bank. Severe erosion could ensue if trees and vegetation are eliminated from the bank while waiting for newly planted shrubs and trees to take root.

Thanks for taking the time to speak with the condominium owners at Rigbie II and for working with me to resolve this issue. If you have any additional questions, please feel free to call me at (410) 260-7073.

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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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April 15, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: CDSP #99-0587, WETA Transmission Tower**  
**CBCAC # 157-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is proposing to construct a 499-foot high transmission tower for nonprofit public television and radio. This property appears to be an existing grandfathered lot.

Staff have no objection to this concept plan. Although the property is potential habitat for Forest Interior Dwelling Birds (FIDS), we are glad to see that the tower is being located near the edge of the forest and along the existing road so that the least amount of impact to the habitat is incurred.

In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 1:1 mitigation for the proposed 19,950 square feet of clearing. Note 13 on the concept plan should be changed to reflect this requirement. Because the clearing is taking place in potential FIDS habitat, we recommend that the mitigation plantings occur in an area adjacent to an existing forest of at least 100 acres in order to enhance habitat for FIDS and other wildlife.

Thank you for the opportunity to comment. Please resubmit the plan to the Commission if any significant changes are made to it. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 14, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: IBEZ #98-0117, Ernest Hall  
CBCAC # 184-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a single family dwelling located partially within the 100-foot Buffer. This property appears to be an existing grandfathered lot.

Staff have no objection to the granting of this variance as the proposed dwelling appears to be a reasonable size. However, if a variance request is approved, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the proposed 1,340 square feet of impervious surface in the Buffer and 1:1 mitigation for the 1,244 square feet of impervious surface outside the Buffer. 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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April 8, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #99-0280, Gary Sacks**  
**CBCAC # 167-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct an addition to an existing single family dwelling located within the 100 foot Buffer. This property appears to be an existing grandfathered lot.

Staff have no objection to the granting of this variance as the proposed addition seems to be a reasonable size. However, if a variance request is approved, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the additional 1,120 square feet of impervious surface in the Buffer. 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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April 8, 1999

Ms. Gail Owings  
Kent County Planning Commission  
400 High Street  
Chestertown, MD 21620

Dear Ms. Owings:

This letter is to notify you of action taken at the April 7, 1999 Chesapeake Bay Critical Area Commission meeting. Kent County's revised Growth Allocation Policy was determined to be a refinement and has been approved by the Commission.

Thank you for your cooperation and please thank Adam for attending the meeting and addressing the questions of Commission members.

Sincerely,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

enclosure

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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

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April 1, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #99-0303, Jean Quinette  
CBCAC # 166-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct additions to an existing single family dwelling located within the 100 foot Buffer. This property appears to be an existing grandfathered lot.

Staff have no objection to the granting of this variance as the proposed additions seem to be a reasonable size. However, if a variance request is approved, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the additional 566 square feet of impervious surface in the Buffer. 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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



Judge John C. North, II  
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Executive Director

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April 1, 1999

Mr. Charlie DeRose  
Maryland Department of the Environment  
Water Management Administration  
2500 Broening Highway  
Baltimore, MD 21224

Dear Mr. DeRose:

I am writing in reference to the permit application for Bess and Art Engle of Kent County to install a revetment along the shoreline on their property (199962027).

I have spoken to the Engles regarding the revetment. It appears that the revetment is necessary to reduce erosion of their shoreline. In order to install the revetment, they are proposing to grade the 22-30 foot bank back sixty feet to hit the top of the stone revetment (8 feet high). They say that they will need to take out a few trees to do the grading and install the revetment. It is unclear as to whether this grading is required in order to install the revetment and minimize the erosion problem.

While the Critical Area regulations allow for shore erosion protection measures, grading should be minimized to reduce disturbance to the 100-foot Buffer. In addition, mitigation will be required for any clearing that takes place in the Buffer. It is our understanding that Kent County requires an approved buffer management plan for removal of natural vegetation to install shore erosion control devices (Kent County Zoning Ordinance, Article V, Section 4.6(C)).

Thank you for providing me with the opportunity to comment on this project. If you have any questions or if you obtain any additional information on this project, please contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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Executive Director

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March 26, 1999

Ms. Colleen Bonnell  
206 Tudor Place - Tudor Hall  
P.O. Box 1  
Leonardtown, Maryland 20650

**Re: Tudor Hall Village**

Dear Ms Bonnell:

The Critical Area Commission recently received a request for growth allocation from St. Mary's County for the Tudor Hall Village project. Although the issues pertaining to the growth allocation request have been resolved, there are still several items that need to be addressed before the Town approves final site development plans. These issues were outlined in a letter to you dated April 10, 1998. Staff from the Critical Area Commission have met with the project consultants to discuss most of the issues outlined. However, not all of them have been resolved. The following is a list of issues that have been resolved or still need further discussion:

1. As discussed in my previous letter, mitigation will be required for development that is located closer than 600 feet from the existing edge of Forest Interior Dwelling Bird (FID) habitat. Commission staff have been working with Kevin Kelly and others from ESA to determine the acreage of existing FID habitat and proposed clearing in order to calculate the mitigation necessary to offset impacts to the FID habitat. The mitigation acreage has not been finalized and mitigation sites have not been identified. This effort must be completed before the Town issues a grading permit for the FIDS habitat area. It is recommended that a separate grading permit be issued for work in the FIDS habitat area, or if a single grading permit is issued, it should contain conditions to restrict work in the FIDS habitat area until the mitigation issue is resolved.
2. It is our understanding that representatives from ESA have confirmed that there is no stream located between the proposed restaurant and hotel/conference center.
3. The reforestation requirements for the property have changed since parts of the development are now located in a designated Intensely Developed Area (IDA) due to the approval of a growth allocation request for the project. The reforestation requirements must be recalculated. Once the requirements have been determined, the location of forest replacement should be shown on the site plan. Forest replacement should be located on-site and within the 100-foot Buffer if possible.

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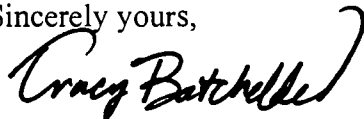
Ms. Bonnell  
March 26, 1999  
Page Two

4. It is our understanding that the marina is not part of the project as currently proposed.
5. As I mentioned in my previous letter, it appears that there will be "play" over non-tidal wetlands on hole 18. "Play" over non-tidal wetlands and associated vegetation on hole 18, and the minimization of impacts to vegetation should be discussed in more detail. It may be more appropriate to resolve this issue when more detailed plans for the golf course are developed.
6. Commission staff have agreed that golf cart paths can cross through the Buffer. However, impacts should be minimized by constructing bridges which are pervious (spaces between the boards to allow rainwater to fall in-between) and using pervious or semi-pervious materials for other portions of the path (e.g. gravel, porous pavers). Disturbance to vegetation should be minimized during and after construction by locating bridge supports outside any wetlands or stream channels, limiting the clearing of Buffer vegetation to pruning of existing trees and vegetation, maintaining canopy closure where possible, and incorporating restrictions on searching for lost balls in the Buffer.
7. Mary Owens met with Kevin, Kelly, Matt Eddy and Keith Allston to discuss expansion of the Buffer near the hotel site. The Buffer near the hotel and conference center has been expanded for steep slopes and the development has been reconfigured so that it is located outside of the Buffer.

Commission staff would like to meet with Town staff, the project engineer and consultants as soon as possible to discuss any outstanding issues, primarily the mitigation required to offset impacts to FIDS habitat, in order to avoid any delays in the approval process. We look forward to working with you, the consultants and the applicant to address these remaining issues.

If you have any questions, please feel free to contact me at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner

cc: Mr. Kevin Kelly, ESA, Inc.  
Ms. Kathy McCarthy, HBCP  
Mr. Christopher K. Eng, ESA, Inc.  
Mr. Matt Eddy, Day & Associates, Inc.  
Dr. Sarah Taylor-Rogers, DNR  
Mr. Andrew Colevas, KAAV, LLC

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 26, 1999

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

**RE: Growth Allocation for the Tudor Hall Village Project**

Dear Mr. Grimm:

We have received a letter of March 9, 1999 from the St. Mary's Board of County Commissioners requesting the Critical Area Commission's approval of the growth allocation for the Tudor Hall Village Project.

Commission staff need additional information before we can process the referenced refinement request. More specifically, we need clarification of condition number three in the ordinance and also request documentation that the conditions in the ordinance (specifically number three) are acceptable to the Town of Leonardtown and are consistent with the Town's Critical Area Program.

Thank you for your assistance in this matter. If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

cc: Robin Guyther, Town Administrator, Town of Leonardtown  
Julie B. Randall, President, St. Mary's Board of County Commissioners

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

George John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 24, 1999

Mr. Doug Cregar  
11 Hunters Lane  
Chadds Ford, PA 19317

Dear Mr. Cregar,

I am writing in response to your letter of March 19, 1999 and our subsequent phone conversations regarding mitigation required for violations to the Town of Betterton's Critical Area ordinance resulting from trimming and clearing trees at Crew's Landing. Commission staff met (including Mary Ann Skilling) this morning to discuss the history of this case and review the mitigation calculations. I have also spoken to Teri Batchelor to determine how the mitigation was calculated. Commission staff fully support the Town's actions in this matter and agree with Mary Ann Skilling that the mitigation required by the Town for the violations is appropriate and consistent with the Commission's regulations and policies and what is required of other property owners located in the Critical Area.

In your letter to me, you ask the question "Is the planting of 50 shrubs and 20 trees as covered in my letter sent yesterday consistent with your planned implementation of the regulations?" The cutting, trimming and topping of trees in the Wildlife Conservation Area at Crew's Landing is not allowed as it is a no cut zone. The cutting, trimming and topping of trees in the 100-foot Buffer is also not allowed without a Buffer Management Plan. The Town of Betterton requires that the trees affected be replaced on a 3:1 basis because they are within the Buffer and were cut without a Buffer Management Plan or are within the Wildlife Conservation Area.

Teri Batchelor and Mary Ann Skilling calculated the mitigation according to the area disturbed in the Buffer which was approximately 1,800 square feet. They then multiplied this by three for a total mitigation requirement of 5,400 square feet. The plantings pertain to the violation as required for forest cutting violations, and are not the original developer's responsibility. I have attached the recommended conversion of square feet to number of trees which is used by the Town of Betterton and the Critical Area Commission. The Town's process includes these options and, therefore, you can choose any of the options and this may result in less than 50 shrubs and 20 trees. For your information, Kent County's requirements are similar, but stricter as they require that trees must be replaced by trees and not shrubs.

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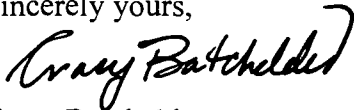


Mr. Cregar  
March 24, 1999  
Page Two

You stated that a local landscape contractor recommended that you trim the trees blocking your view of the Bay. This advice was incorrect as all jurisdictions in the Critical Area have ordinances which require the maintenance of a forested buffer and the preparation of a Buffer Management Plan for disturbance within the Buffer.

I hope that this answers your questions. If you have any additional questions, I recommend that you contact Town staff in Betterton.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner

TTB/jjd

Enclosure

cc: The Honorable Carolyn Sorge, Mayor, Town of Betterton  
Mr. Tom Bass, Town Administrator, Town of Betterton  
Mr. Jim Herman, Chairman, Town of Betterton Planning Commission  
Ms. Mary Ann Skilling, Critical Area Circuit Rider, Maryland Office of Planning  
Ms. Teri Batchelor, Forester, Maryland Department of Natural Resources  
Mr. Ren Serey, Executive Director, Chesapeake Bay Critical Area Commission



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 19, 1999

Ms. Gail Owings  
Kent County Planning Commission  
Courthouse  
Chestertown, MD 21620

**RE: Kent County Growth Allocation Policy**

Dear Ms. Owings:

We have received your letter of 3/10/99 regarding the proposed Growth Allocation Policy which was adopted by the County Commissioners of Kent County. We expect that the policy will be handled as refinement to the County's Program and plan to bring the proposed refinement to the Critical Area Commission for their approval at the April 7, 1999 meeting.

If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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March 10, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: Site Plan #99-0318, Ryken Fine Arts Center  
CBCAC # 101-99**

Dear Ms. Holmberg:

Thank you for providing information on the reference project. The applicant is proposing to construct a 25,000 square foot Fine Arts Center and 39 additional parking spaces. The site for the center is in the Critical Area and is designated a Resource Conservation Area. Staff have reviewed the site plan and have the following comments and questions regarding the projects:

1. It appears that there is a tributary stream located to the northwest of the proposed center. If this is true, the stream requires a 100-foot Buffer.
2. It also appears that there are steep slopes and highly erodible soils adjacent to the tributary stream. According to the Critical Area Criteria, in cases 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."
3. The site plan shows extensive grading behind the proposed center in order to replace an existing paved fire road. Because the area is steeply sloped, grading should be minimized to the extent possible.
4. Note 16 on the site plan states that the site is exempt from forest conservation. However, the Forest Conservation Act does not apply in the Critical Area and instead the applicant must meet the requirements of the Critical Area Act and Regulations. Note 16 should be deleted to avoid any confusion.

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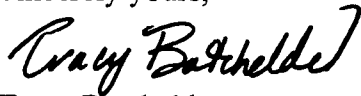
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Ms. Holmberg  
March 10, 1999  
Page Two

5. The plan states that all threatened and endangered species are shown on the plan. However, none are noted on the plan. The applicant must obtain a letter from the Forest, Wildlife and Heritage Division at the Department of Natural Resources to determine the presence of rare, threatened and endangered species of plants and animals. Lori Byrne from the Heritage and Biodiversity Conservation Program can be contacted at (410) 260-8570. A copy of the letter should be submitted to the Critical Area Commission.
6. The plan does not depict any storm drains. Please clarify where the proposed storm drains will be located and how the project proposes to address water quality as required by the County's Critical Area regulations.
7. The plan states the reforestation requirements. Does this figure include the clearing for grading the slope behind the proposed building to replace the fire road?

Commission staff request that a revised site plan be submitted addressing the issues outlined in this letter. Staff will provide additional comments once a revised site plan is received. If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner

cc: Dan Ichniowski, NG&O Engineering, Inc.

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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(410) 260-7516 Fax: (410) 974-5338

March 8, 1999

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

**RE: Grandfathered Projects**

Dear Mr. Grimm:

I recently spoke with Christine Holmberg regarding a letter sent to Judge John C. North II at the Critical Area Commission from the St. Mary's Board of County Commissioners on September 19, 1989. This letter lists eight projects which, according to this letter, were grandfathered projects.

It would be helpful to Commission staff if your office could provide us with additional information on these projects (not including Shannon Farms and Patuxent River Farms). Staff would like to know the acreage of each of these projects, the number of lots created, and the date the plat was recorded. The projects include:

Esperanza Farms (Sections 10, 11 and 12)  
Piney Point Landing  
Rosebank Village  
Breton Bay Gardens  
Cedar Cove  
Mulberry South

Thank you for your assistance in this matter. If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner  
TTB/jjd

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) 260-7516

Fax: (410) 974-5338

February 19, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #98-2926, Robert Ballard  
CBCAC # 62-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a single family dwelling and appurtenances on slopes greater than 15%. The applicant is proposing to disturb 3,959 square feet of steep slopes.

Commission staff are opposed to the variance as it appears that the dwelling is being accommodated on steep slopes due to the location of the pool. According to St. Mary's Critical Area Program, lands that are considered grandfathered by the County "must be brought into compliance with the program insofar as possible.... Applicants shall show that reconfiguration or consolidation is impractical when impacts to steep slopes or Habitat Protection Areas result from the development proposal" (Article III, 38.2.3.c). Staff recommend that the applicant work with the County to reconfigure the location of the proposed dwelling to minimize disturbance to steep slopes.

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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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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February 17, 1999

Mr. Bob Harvey, Chairman  
Kent County Board of Appeals  
Courthouse, 103 N Cross Street  
Chestertown, Maryland 21620

**RE: VAR #99-2, Andrew Campbell  
CBCAC # 38-99**

Dear Mr. Harvey:

The above referenced applicant is seeking approval of a variance to construct a single family dwelling within the 100-foot Buffer. This property appears to be an existing grandfathered lot.

Staff have been informed that the house is being reconstructed due to grading to install a bulkhead. It appears that the proposed location of the house could be moved further back from the water in order to minimize impacts to water quality. More specifically, it seems that the proposed dwelling could be located behind the existing dwelling along the 100-foot Buffer.

If a variance for the project is granted, staff recommend that the applicant provide for mitigation at a ratio of 3:1 for the area of impact to the Buffer. The mitigation plantings should occur within the Buffer and native plant species should be used.

Thank you for the opportunity to comment. If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

TTB/jjd

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John C. North, II  
Chairman



Ren Serey  
Executive Director

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February 11, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

**RE: VAR #98-3075, David Messersmith  
CBCAC # 61-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct additions to an existing dwelling within the expanded 100 foot Buffer, resulting in over 15% impervious surface on the lot. The property appears to be an existing grandfathered lot.

Staff have no objection to the granting of this variance as the proposed additions appear to be a reasonable size. However, if a variance request is approved, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the proposed 611 additional square feet of impervious surface. 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

TTB/jjd

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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February 8, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #98-3019, Robert and Terri Wheelock**  
**CBCAC # 54-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a single family dwelling and appurtenances within the 100-foot Buffer and clear over 30% of the forest resource. This property appears to be an existing grandfathered lot.

Staff have no objection to the granting of this variance as the proposed dwelling appears to be a reasonable size and locations for the house are limited due to the size of the property. However, if a variance request is approved, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the impervious surfaces created in the Buffer and forest clearing. 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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Ren Serey  
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(410) 260-7516 Fax: (410) 974-5338

February 1, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: St. Mary's County Office of Capital Projects --Piney Point Shore Erosion Control  
Critical Area Consistency Report**

Dear Ms. Holmberg:

Thank you for providing notification of certification that the referenced project is consistent with St. Mary's County's Critical Area Program. The purpose of the project is to replace the existing timber bulkhead with a stone revetment to reduce further erosion of the shoreline as well as protect Maryland Route 249. Commission staff understand that the public notice period for comments to the Maryland Department of Environment closes today (2/1/99) and the County must still obtain the necessary permits to proceed with the project. However, staff agree with your determination that the project is consistent with the County's Critical Area Program.

The approval of this consistency report will be filed with the Commission. Please inform us of any changes to the project. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

cc: Phil Mohler, MDE

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John C. North, II  
Chairman



Ren Serey  
Executive Director

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January 29, 1999

Mr. John Hofmann  
P O Box 2542  
Prince Frederick, Maryland 20678

Dear Mr. Hofmann:

Thank you for meeting with us earlier this week to discuss Mayor Donovan's plans to build a hotel in a Buffer Exempt, Intensely Developed Area (IDA) of the Town. Based on our conversations and plans provided to us, Commission staff have the following comments on the project:

1. In accordance with the Town's Critical Area program, no development can occur closer to the water than existing structures on the property. On the plan submitted to us, dated 12/20/95, the deck around the bar is located approximately 8-feet from mean high water. Any new structures, such as the proposed hotel, located closer to the water than existing structures on the property will require a variance. During our meeting, Randy Barrett mentioned that he would field check the existing structures with respect to mean high water to determine their exact location. Commission staff would like to see an updated site plan once it is completed.
2. In developing this site, the Town's Critical Area Program requires the developer to reduce pollutant loadings by at least 10 percent below the level of pollution on the site prior to development. Staff would like to see your preliminary calculations that determine the pollutant removal requirement necessary to meet the 10% rule. You provided information on Mayor Donovan's plans to install a stormwater filter at the edge of the parking lot. The creation of this Best Management Practice (BMP) and the associated pollutant removal will be treated as a credit towards the total pollutant removal requirement for the site. Staff will need the calculations on how much pollution removal this BMP will achieve before we can give credit for the filter. Staff can assist you in determining additional BMPs (i.e. bioretention in the parking lot) to help meet the 10% rule.

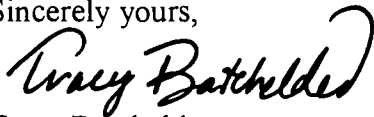
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Mr. Hofmann  
January 29, 1999  
Page Two

3. In accordance with the Town's Zoning Ordinance, mitigation for this project will be required (Article IV, Section 409(D)). Commission staff will need to approve any mitigation and landscape sites. We are aware that potential mitigation sites are limited and can assist you in locating sites.
4. Staff have reviewed and commented to Maryland Department of the Environment (MDE) on a proposed fill and erosion control project on the property. Mitigation required by the Commission for that fill project will be looked at in conjunction with this project.

Commission staff can turn around this project quickly once all the necessary information is provided. If you have any further questions, you can contact me at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner

cc: The Honorable Gerald Donovan  
Randy Barrett, R.A. Barrett and Associates, Inc.

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

January 29, 1999      45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
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Mr. Phil Mohler  
Tidal Wetlands Division  
Maryland Department of the Environment  
2500 Broening Highway  
Baltimore, Maryland 21224

**RE: Rod N Reel (99-WP-0987)**

Dear Mr. Mohler:

Thank you for the opportunity to comment on the referenced project. The owner of the Rod N Reel is proposing to fill a boat basin, construct a timber bulkhead and pier, and construct and backfill another timber bulkhead. The purpose of this project is to expand a parking lot and provide shore erosion control.

The project is located in a Buffer Exemption Area (BEA), as designated by the local Critical Area Program. The Critical Area Commission usually does not support filling of tidal waters or wetlands to accommodate development. However, we will not oppose this project as the area is already intensely developed, is not characterized by a function Buffer, and is being filled by siltation which is stirred up by boats located in the basin. The Commission recommends mitigation since the project will create an impervious surface in the Buffer. In addition, Commission staff support any mitigation required by the Maryland Department of the Environment.

Commission staff are in the process of reviewing a new project for the site. The project involves construction of a hotel and accompanying parking. We will look at the filling and hotel project comprehensively in terms of mitigation.

Thank you for the opportunity to comment. If you have any questions I can be contacted at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

cc: Mr. John Hofmann

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Chairman

Ren Serey  
Executive Director

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January 26, 1999

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

**RE: Mulberry South Subdivision**

Dear Mr. Grimm:

I am writing in regard to the Mulberry South subdivision. I recently received an application from Walter Dorsey and Larry Reusche (SM 98-1903) requesting a variance for steep slopes and clearing over 30% in order to construct a single family dwelling. In the process of responding to this application, it came to our attention that the Critical Area Commission has no record of having reviewed the Mulberry South subdivision. In order to clarify this matter, I have the following questions:

1. Is Mulberry South considered a Planned Unit Development (PUD) or a regular subdivision? How was it treated by your office? Commission staff recall that Piney Point Landing, Patuxent River Farms (Myrtle Point Park), and Cedar Cove (Shannon Farms) were treated as PUDs during the development of your Critical Area program and were permitted through special grandfather provisions. Are there any other PUDs that went through the process during the time that the County was adopting their Critical Area program? Does the County also have special grandfather provisions for non-PUD subdivisions?
2. Christine sent me part of your 1987 zoning ordinance which specifies that plans which have preliminary or final approval and all minor subdivision applications received prior to October 1, 1986 are exempt from RCA District Regulations. However, this language is not in the current zoning ordinance which we have in our possession. Can you please clarify this?

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

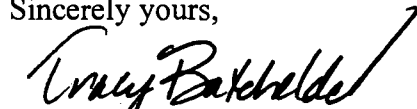
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Mr. Grimm  
January 26, 1999  
Page Two

3. Christine also sent me a draft chronology (see attached sheet) of the Mulberry South Subdivision. Can you please clarify when the project received approval with regard to the dates outlined in your current zoning ordinance? Did the preliminary approval for the project in 1986 include the already approved 1984 eight-lot minor subdivision?
4. The notes on the plat for the subdivision require 1.5:1 mitigation for development on steep slopes. However, this is not consistent with St. Mary's Critical Area Program. Can you please clarify this?

Christine indicated that there is another variance application for Lot 1 which will be coming in soon, so we would like to resolve this matter as quickly as possible. Staff would be happy to meet with you to discuss these and other issues associated with the Mulberry South subdivision in order to facilitate the review of future variance requests. If you have any questions or would like to set up a meeting, you can contact me at (410) 260-7073.

Sincerely yours,



Tracy Batchelder  
Natural Resources Planner

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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January 25, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #98-1903, Dorsey/Reusche  
CBCAC # 655-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance construction of a single family dwelling and appurtenances on steep slopes and clearing over 30%.

Staff have no objection to the granting of this variance. The proposed limits of disturbance for this lot do not exceed the square footage calculation of the proposed clearing within the Planting Schedule Table. However, if the variance request is approved, staff recommend the implementation of a Critical Area Planting agreement (see plat) to mitigate for adverse impacts to water quality and habitat from clearing and developing on steep slopes. Mitigation plantings should occur onsite 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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January 19, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

**RE: SUB #98-0022, Maydel Manor  
CBCAC # 435-98**

Dear Ms. Holmberg:

Thank you for providing information on the referenced subdivision. The applicant is seeking approval of a one lot subdivision. Critical Area staff have provided previous comments on the subdivision and, after reviewing the latest site plan, would like to reiterate the following comments:

1. It does not appear that stormwater management for water quality has been addressed for the site. In accordance with Section 38.2.9.b(3)(n) and (o) of the St. Mary's County Zoning Ordinance, stormwater management for water quality must be addressed within the Critical Area.
2. It is still unclear from the site plan whether the drainage swale is actually a stream. If it is a stream, the Buffer must be redrawn.
3. The term "Expanded 100' Non-Tidal Wetland Buffer" still has not been clarified. As Mary Owens noted in her letter of 9/14/98, the 100-foot Buffer must be expanded to include contiguous sensitive areas such as steep slopes, hydric soils or highly erodible soils. It is not clear from the site plan how the Buffer has been expanded.
4. Staff still have not received a copy of a letter from the Heritage and Biodiversity Conservation Program (HBCP) of the Department of Natural Resources determining whether or not any threatened or endangered species, species in need of conservation, or Forest Interior Dwelling Birds (FIDS) are present on the property.

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Ms. Holmberg  
January 19, 1999  
Page Two

5. Note 27 is not complete. It should also state that no additional residential development is permitted on the site.

Critical Area Commission staff are meeting with the project engineer on Friday (1/22/99) to discuss and resolve any outstanding issues mentioned in this letter.

Thank you for the opportunity to comment. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

  
Tracy Batchelder  
Natural Resources Planner

TTB/jjd

cc: Mr. Donald E. Estevez, Jr.



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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January 19, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650


**RE: SUB 98-3025, Samuel Bailey  
CBCAC # 656-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a two-lot subdivision located entirely within the Critical Area. The new lots have dwellings located within the Buffer that have existed on the property since 1972. Staff have no objection to the subdivision. However, any further development in the Buffer will require a variance.

Thank you for the opportunity to comment. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

  
Tracy Batchelder  
Natural Resources Planner

TCB/jjd

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January 19, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

**RE: VAR #98-2830, David Duvall  
CBCAC # 654-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is proposing to replace a single-family dwelling and appurtenances in the Buffer. The property appears to be a grandfathered lot and is located in the Intensely Developed Area (IDA).

Staff have no objection to the granting of the variance. However, the applicant must comply with the 10% rule, reducing pollutant loads generated from the site to at least 10% below the load generated at this site prior to the proposed development. The applicant can provide mitigation for the amount of added impervious surface by either planting trees at a 3:1 ratio or completing the 10% calculations worksheet for the property and choosing a Best Management Practice that will accomplish a 10% reduction on-site.

Thank you for providing us with the opportunity to comment. If you have any questions, please feel free to contact me at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

TCB/jjd

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lge John C. North, II  
Chairman



Ren Serey  
Executive Director

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January 11, 1999

Ms. Gail Owings  
Kent County Planning Commission  
Courthouse  
Chestertown, MD 21620

Dear Ms. Owings:

This letter is to notify you of action taken at the January 6, 1999 Chesapeake Bay Critical Area Commission meeting. The amendments to Kent County's Critical Area Program were determined to be a refinement and have been approved by the Commission.

Thank you for your cooperation and for attending the meeting. I enjoyed seeing you again and look forward to working with you on future projects.

Sincerely,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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

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Chairman



Ren Serey  
Executive Director

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January 7, 1999

Mr. Phillip Shire  
Department of Planning and Zoning  
P O Box 653  
Leonardtwn, Maryland 20650

**RE: P & Z File #98-2656, Alzheimer Care Facility  
CBCAC #630-98**

Dear Mr. Shire:

Thank you for providing me with the opportunity to comment on the referenced project. The applicant is proposing to construct an Alzheimer Care Facility in the Resource Conservation Area (RCA) of the Critical Area.

Staff have reviewed the project and have determined that the proposed facility is a large development of a commercial nature and, therefore, is not consistent with the RCA designation. The applicant will need to obtain growth allocation in order to site the facility within the RCA.

If you have any questions, I can be contacted at (410) 260-7073.

Sincerely yours,

*Tracy Batchelder*  
Tracy Batchelder  
Natural Resources Planner

TTB/jjd

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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Fax: (410) 974-5338

January 5, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #98-2809, Rosemary Darnall  
CBCAC # 652-98**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct additions to an existing single family dwelling located almost entirely within the 100 foot Buffer. This property appears to be an existing grandfathered lot.

Staff have no objection to the granting of this variance as the proposed additions seem to be a reasonable size. However, if a variance request is approved, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the additional impervious surface in the Buffer. 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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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January 5, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

**RE: SUB #98-3049, Heart's Desire Farmsteads  
CBCAC # 650-98**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is proposing a 4-lot subdivision on a 62.08 acre parcel. The portion of the parcel within the Critical Area is designated a Resource Conservation Area (RCA). No development activity is proposed within the RCA. Staff have no objection to the proposed subdivision as it appears to comply with the Critical Area regulations.

Thank you for providing us with the opportunity to comment. If you have any questions, please feel free to contact me at (410) 260-7073.

Sincerely yours,

Tracy Batchelder  
Natural Resources Planner

TTB/jjd

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) 260-7516 Fax: (410) 974-5338

January 5, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #97-2744, Fred Holk  
CBCAC # 604-98**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a single family dwelling and appurtenances and to exceed the impervious surface limitations. This property appears to be an existing grandfathered lot, and the proposed dwelling and appurtenances would be located almost entirely within the Buffer.

Staff do not support the granting of this variance as the proposed dwelling and appurtenances exceed the impervious surface limitations for a lot of this size. Staff recommend that the applicant seek ways to reduce the size of the dwelling in order to meet the impervious surface limitations of 31.25% for this property. In addition, the applicant should note that St. Mary's County considers decks to be impervious surfaces and should, therefore, consider the deck as part of the variance proposal if the deck is to be built in the future.

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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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) 260-7516 Fax: (410) 974-5338

January 5, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, MD 20650

**RE: VAR #98-2018, Robert Kost**  
**CBCAC # 651-98**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct a shed and additions to an existing single family dwelling. This property appears to be an existing grandfathered lot and the additions would be located partially within the 100 foot Buffer.

Staff have no objection to the granting of this variance as the proposed additions seem to be a reasonable size. However, if a variance request is approved, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the additional impervious surface in the Buffer. 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. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder  
Natural Resources Planner

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

Staff Correspondence : Regina Esslinger 1999

S1832-141-2

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) 260-7516 Fax: (410) 974-5338

November 19, 1999

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

Re: CZERWINSKI VARIANCE

Dear Mr. Torney:

I would like to comment on the variance application for the Czerwinski property. The variance is for disturbance to the 100-foot Buffer and expanded Buffer for steep slopes. The proposed dwelling is 80 feet from Back Creek at its closest point to the water. The plan does not accurately represent the Buffer or expanded Buffer. Slopes 15% or greater, not 25%, are considered steep slopes in the Critical Area. The application states that 9000 square feet of forest will be cleared, but does not propose any replanting and the plan does not show where clearing will occur.

This office does not oppose the variance, provided the lot is properly grandfathered. However, we recommend mitigation for the area of Buffer clearing at a 3:1 ratio of native Buffer plantings, on site if possible.

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 variance.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

cc: 213-99

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) 260-7516 Fax: (410) 974-5338

November 19, 1999

Ms. Pat Pudelkewicz  
Department of Planning & Zoning  
220 S Main Street  
Bel Air, Maryland 21014-3865

RE: Swan Harbor Farm Preliminary Trail Plan

Dear Ms. Pudelkewicz: <sup>Pat:</sup>

We have reviewed the preliminary trail plan for Swan Harbor Farm. This office supports the overall plan to use the property for bay access and environmental education. However, we have some questions and specific comments.

1. Can the overlook and restored pier/boardwalk be combined? This would minimize the disturbance to the 100-foot Buffer and possibly reduce the tree clearing.
2. In a few places the proposed trail runs parallel within the 100-foot Buffer. The County should consider moving some of these trails so that they minimize Buffer impacts. I have sent you copies of our guidance paper entitled "Public Walkways," and would be happy to look at specific impacts with County staff.
3. There are four threatened and endangered species listed for this site, all along the shoreline. The Department of Natural Resources Heritage and Biodiversity Conservation Program should review the proposal to ensure that the species will not be adversely affected.
4. The Bridge C area needs to be evaluated to determine if a stream exists and a buffer is needed. As we discussed on the phone, our staff is available to assist you in this matter.

We appreciate the opportunity to review this plan at this early stage. Please call me or Dawnn McCleary if you have any questions. We look forward to working with the County to make this project a success.

Sincerely,

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

cc: Ms. Dawnn McCleary  
HC561-99

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

October 26, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

RE: Luke and Gloria Johnson Variance Application  
IBEZ #99-2080

Dear Ms. *Christine* Holmberg:

Thank you for providing information on the above referenced project. The applicant is proposing to construct a porch in the 100-foot Buffer.

Staff have no objection to the granting of this variance, but we recommend that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the area of new impervious surface in the Buffer. Mitigation 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. Please notify the Commission in writing of the decision made in this case.

Sincerely,

*Regina A. Esslinger*

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd


cc: Ms. Tracy Batchelder

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

**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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

**TO:** Project Subcommittee:  
Dave Bourdon, Debbie Cain, David Cooksey, Bill Corkran, Bob Goodman,  
Charles Graves, J.L. Hearn, Joe Jackson, Jim McClean, John Olszewski, Heidi  
VanLuven, Jinhee Wilde, Jack Witten

**FROM:** Regina Esslinger, Chief, Project Evaluation 

**DATE:** October 25, 1999

**SUBJ:** Proposed Crab Creek Subdivision  
RCA Uses

In addition to our usual review of projects the morning of November 3<sup>rd</sup>, we will discuss whether activities related to a proposed LDA development can be put in the RCA. The proposed subdivision is in the City of Annapolis, and consists of LDA, RCA, and land out of the Critical Area. The current proposal shows 172 lots, including two lots, two stormwater management ponds, a community pool, a parking lot, a ball field, two gazeboes, and a tot lot in the RCA. Commission staff initially advised the City reviewer that the community recreation and stormwater facilities were not appropriate in the RCA because they were associated with development outside of the RCA. Alternatively, growth allocation could be used if the specific locations of the facilities were crucial. The applicants disagreed with staff's interpretation, and we proposed that they discuss the matter with the subcommittee. The question for the subcommittee is whether staff has correctly advised the applicants on the allowable uses in the RCA.

cc: Dr. Foor  
Barbara Samorajczyk  
Ren Serey  
Dawnn McCleary  
Marianne Mason



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

October 15, 1999

Mr. Duncan Stuart  
Baltimore City Planning Department  
417 E. Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202-3418

RE: Hale Intermodal

Dear Mr. <sup>Duncan:</sup> Stuart:

Thank you for your September 29, 1999 letter proposing a solution to the impervious surface issue on the Hale property. We concur with your proposal.

Sincerely,

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

cc: The Honorable John C. North, II  
Ms. Dawnn McCleary  
BA27-98

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) 260-7516 Fax: (410) 974-5338

September 28, 1999

Ms. Debbie Renshaw  
Office of Planning and Zoning  
Courthouse  
11 North Washington Street  
Easton, Maryland 21601-3178

Dear Ms. Renshaw:

The Critical Area Commission and the Talbot County Office of Planning and Zoning developed a policy regarding special exceptions for piers that stated if the special exception application met all other environmental, local, and state standards, the County would not have to send the application to the Commission. Both agencies have been proceeding under the joint policy in effect for the last several years. Please call me if you have any other questions.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

cc: Mr. Ren Serey  
Ms. Mary Owens  
Ms. Lisa Hoerger

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) 260-7516 Fax: (410) 974-5338

August 30, 1999

Mr. John Swartz  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, MD 20678

RE: Violation at 6755 Parkers Wharf Road

Dear John:

I received a call from Maryland Department of the Environment regarding possible Critical Area tree clearing violations at the above address. Because the Critical Area regulations are administered and enforced through the Department of Planning and Zoning, I am referring this matter to your office. Please keep the Critical Area Commission apprised of what enforcement measures are taken.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief  
Project Evaluation Division

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**

**TO:** Judge North

**FROM:** Regina Esslinger *RE*

**SUBJ:** Ed Hale's Parking Lot  
Clinton Street, Baltimore

**DATE:** August 26, 1999

I received a call from the Critical Area planner with Baltimore City about a parking lot on Mr. Hale's property. Apparently when the new parking lot for his trucking facility was designed, there were islands between the parking spaces. Those islands were not built, and as a result the parking lot has more impervious surface than initially indicated and therefore Mr. Hale can't meet his 10% pollutant reduction requirement for the IDA. The 10% Rule best management practice installed on site does not accomodate the additional impervious surface. The City planner has met with Mr. Hale about this problem, but has had little success in attempting to resolve it. The planner then called me asking how to resolve this because the City did not want to move forward if the Commission did not support them. I would like to advise the City to handle this situation as they would any violation. Do you think that is the best way to proceed?

cc: Ren Serey



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

August 26, 1999

Mr. Daniel J. Mellin, Esq.  
Hillman, Brown & Darrow, P.A.  
221 Duke of Gloucester Street  
P O Box 668  
Annapolis, Maryland 21404-0668

RE: 721 Chester Avenue

Dear Mr. Mellin:

Attached is a copy of a letter from the City of Annapolis Department of Planning regarding the property at 721 Chester Avenue. A Buffer variance is not currently required under the City's Critical Area regulations. The Critical Area Commission's comprehensive review of the City's Critical Area Program is on-going, and the Commission is addressing the issue of development on grandfathered lots through this process.

Sincerely,

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

cc: Marianne Mason, Esq.  
AN285-98

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



City of



Annapolis

DEPARTMENT OF PLANNING AND ZONING  
MUNICIPAL BUILDING  
160 DUKE OF GLOUCESTER STREET  
ANNAPOLIS, MARYLAND 21401

JON ARASON, AICP  
Director

Annap. (410) 263-7961  
Balto. (410) 269-0064  
Wash. (301) 261-1388  
Fax (410) 263-1129  
TDD (410) 263-7943

Mrs. Dawn McCleary  
Natural Resources Planner  
Chesapeake Bay Critical Area Commission  
45 Calvert Street, 2 nd Floor  
Annapolis, MD 21401

RE: AN 285-98 Brian Sears Property  
at 721 Chester Avenue

Dear Mrs. McCleary:

This letter is a response to the Critical Area letter dated October 1, 1998 about the City review of above stated property. The project was reviewed under City Code Section 21.67.060 E2 which allows new construction on recorded lots and did not require any variances. This project is consistent with previous determination made by this office that were reviewed and approved by Critical Area staff. If you have any question pertaining to the above project, please call me at (410)263-7961.

Sincerely,

Jeff Torney  
Associate Planner



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) 260-7516 Fax: (410) 974-5338

August 19, 1999

Ms. Lori Schmick  
Caroline County Planning Department  
P O Box 207  
Denton, Maryland 21629

RE: Mary Huddleston Property  
Shoreline Stabilization Proposal

Dear Ms. Schmick:

I spoke to Mr. Dale Foxwell regarding the shoreline stabilization proposal for the Huddleston property, and he brought me copies of the plan, license, and the permit application. The applicant is proposing to install a stone sill, add sandy fill for marsh creation, and cut back into the slope of the Buffer by approximately six feet to reduce shading on the marsh plantings. As the plan indicates, there is an existing access road that will be used, although four or five trees are proposed to be removed. Mr. Foxwell tells me that the "minor brush" shown along the shoreline where the cut is proposed is grass and shrubs.

This office does not oppose the shoreline stabilization project for this property. All Buffer vegetation removed should be replaced in the Buffer using native species at a 1:1 ratio. Thank you for the opportunity to review this project. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

cc: Mr. J. Dale Foxwell  
Ms. Dawnn McCleary

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) 260-7516 Fax: (410) 974-5338

May 19, 1999

Mr. Jon Arason  
Department of Planning and Zoning  
Municipal Building  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

RE: Gray Properties, 1 Steffen Point

Dear Mr. Arason:

At your request, this office has reviewed the driveway proposal for the reconfigured Lot A. You wanted to know if the proposal would need a Critical Area variance. As shown on the plan, there are three grandfathered lots which are proposed to be reconfigured. The purpose of the resubdivision is to give the new Lot A access to Steffen Point Road. The dwelling on Lot A currently has access through the driveway on Lot B. All three lots are under common ownership. Although not shown on the site plan, much of the site is Buffer, expanded Buffer, and steep slopes, including the area of the proposed driveway.

I have discussed this proposal with Ren Serey as well as our counsel Marianne Mason, and it is the position of this office that a variance should be required. All new disturbance in a Habitat Protection Area must have a variance. Because the lots are under common ownership and an access easement could be created to allow continued access to Lot A using the existing driveway, this office will oppose a variance to put a second driveway in the expanded Buffer.

Please call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief  
Project Evaluation Division

cc: Marianne Mason  
Ren Serey  
Dawnn McCleary  
AN83-99

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) 260-7516 Fax: (410) 974-5338

May 26, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P O Box 3000  
Leonardtown, Maryland 20650

RE: Ryken Fine Arts Center, #99-0318

Dear Ms. Holmberg: *Christine*

I would like to comment on the variance application for the Ryken Fine Arts Center. The variance is for disturbance to steep slopes behind the proposed building, and for disturbance to the expanded Buffer next to the proposed parking lot. There are two existing buildings that will be removed where the Fine Arts Center is proposed. Grading behind the proposed building on steep slopes has been reduced from the original design. This office does not oppose the granting of a variance for this application. We recommend on-site mitigation for all disturbance, comprised of native plantings, at a 3:1 ratio.

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

Sincerely,

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

cc: Ms. Tracy Batchelder  
SM101-99

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) 260-7516 Fax: (410) 974-5338

May 7, 1999

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

RE: Czerwinski Property  
391 Georgetown Road

Dear Mr. *Jeff* Torney:

Earlier this year you requested Commission staff's verbal input on the proposal for 391 Georgetown Road. You indicated to me that the property owner received a building permit in 1988, and although a dwelling was never built, the owner kept the permit active. The lot is grandfathered, the majority of the lot is in the expanded Buffer, and the dwelling is proposed within 80 feet of the creek. The site plan you sent to this office last week does not properly delineate the Buffer or expanded Buffer. Slopes 15% or greater are considered steep slopes in the Critical Area. You have now requested we put our input to you in writing.

If I remember correctly, your question was can the dwelling be built under the active permit or does the property owner need to get a Critical Area variance? My advice to you was that if the permit had been active continually since 1988, a variance would not be necessary. If, however, the permit has not been active the entire time, then a variance is necessary.

If you need any additional information, please call me at (410) 260-7076.

Sincerely,

*Regina A. Esslinger*

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

cc: Dawnn McCleary  
AN213-99

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) 260-7516 Fax: (410) 974-5338

April 27, 1999

Commander USAG APG  
DHSE STEAP-SH-ER  
(Attention: Jim Bailey)  
Aberdeen Proving Ground, Maryland 21005-5001

Re: 10% Rule Calculations for APG Agent Neutralization Facility

Dear Dr. <sup>Jim</sup> Bailey:

I have reviewed the 10% Rule calculations you sent to me for the mustard agent neutralization facility. The calculations are correct and your best management practice choice of wet extended detention ponds will meet your removal requirement. Our review of this project is now complete, and we have no objections to the proposal.

Thank you for your continuing assistance in completing the Critical Area review of the project. If you have any additional questions, please give me a call.

Sincerely,

Regina A. Esslinger, Chief  
Project Evaluation Division

cc: Ms. Wanda Martinez  
Ms. Dawnn McCleary  
3-99 USArmy - APG

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) 260-7516 Fax: (410) 974-5338

March 24, 1999

Dr. David Moreau  
CB #3140, New East Building  
The University of North Carolina at Chapel Hill  
Chapel Hill, North Carolina 27599-3140

Dear Dr. Moreau:

I enjoyed speaking with you a couple weeks ago after Rich Hall's presentation to the PLAN 240 class and Planners Forum. It was fun to come back and sit in on a class! I've finally gotten together the information you requested on Maryland's Chesapeake Bay Critical Area. Enclosed are the Critical Area Law and Criteria, some historical information, a summary of the Critical Area regulations entitled Critical Area & You, and several guidebooks for implementing phosphorus removal. I hope you find this information helpful.

Maryland Department of the Environment is in the process of revising the State stormwater management regulations and have put together a draft stormwater design manual. The manual includes performance criteria for water quality best management practices such as bioretention. If you're interested in obtaining a copy of the draft manual let me know and I will put you in contact with the right people.

Please feel free to call me at (410) 260-7076 or by email at [resslinger@dnr.state.md.us](mailto:resslinger@dnr.state.md.us) if you have any questions.

Best wishes,

Regina Esslinger  
DCRP '92

RAE/jjd

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) 260-7516 Fax: (410) 974-5338

March 15, 1999

Mr. Rob Pearce  
State Highway Administration  
Office of the District Engineer  
660 West Road  
P O Box 2679  
Salisbury, MD 21802-2679

RE: Harriet Tubman Memorial Park, Cambridge, MD  
MD 343 and US Route 50

Dear Mr. <sup>Rob</sup>Pearce:

Thank you for sending me the planting plan for the Harriet Tubman Memorial Park. I have reviewed the proposed plantings and they are sufficient to fulfill the 10% Rule requirements. All Critical Area requirements can now be considered complete.

Please call me at (410) 260-7076 if you have any questions.

Sincerely,

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

cc: Ms. Sharon Alderton, SHA

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) 260-7516 Fax: (410) 974-5338

February 24, 1999

Mr. Duncan Stuart  
Baltimore City Planning Department  
417 E. Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202-3418

RE: Guilford Pharmaceuticals Pedestrian Bridge Planting Plan

*Duncan:*  
Dear Mr. Stuart:

Thank you for providing the Buffer planting plan for the Guilford site. This office concurs with the number of trees and shrubs proposed, the species selected, and the locations proposed for the plantings. As we discussed last week, and as I noted in the enclosed August 11, 1998 letter to Terry Dean, our understanding was that the old concrete footbridge was to be removed if a new bridge was approved. The removal of the old bridge will minimize disturbance and human activity in the Buffer. The site plan makes no reference to removal of the old footbridge. When will the bridge be removed and how will it be done? Please forward any information you receive on the bridge removal.

Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief  
Project Evaluation Division

Enclosure

RAE/jjd

cc: Ms. Dawnn McCleary  
BC27-98

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) 260-7516 Fax: (410) 974-5338

February 22, 1999

Mr. Ken Lord  
2204 Jenkins Creek Road  
Cambridge, Maryland 21613

Dear Mr. Lord:

Thank you for providing us with your planting plan. By copy of this letter, I notify the Commission counsel that we now have all the information we need to dismiss the court proceedings. We appreciate your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

cc: Mr. William W. McAllister, Esq.  
Ms. Marianne D. Mason, Esq.  
DC96-97

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

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

**TO:** Greg Golden  
Environmental Review Unit

**FROM:** Regina Esslinger



**SUBJ:** Proposed National Harbor Project  
Draft Environmental Impact Statement

**DATE:** January 22, 1999

I have reviewed the draft EIS. Many elements of this project are grandfathered from Critical Area requirements and several permits from the PortAmerica proposal are still active. Much of the site is designated IDO, which has no clearing or impervious surface limits. The project meets the 10% Rule pollutant reduction requirements for the IDO. There is a Critical Area Conservation Plan and Agreement which must be updated to include the additional Critical Area acreage not part of the PortAmerica proposal. Variances to allow intrusion into the 100-foot Buffer were granted in 1989 and remain in effect for the property. The National Harbor project does not require any additional Buffer variances. Because bald eagles have nested on site, we defer to DNR Heritage & Biodiversity Conservation division to recommend specific protection measures. This office supports the time of year restrictions for in-water construction activity to less biologically active periods from October 15 to March 15.

Thank you for the opportunity to comment. Please call me if you have any questions.

cc: Ren Serey  
Lisa Hoerger  
PG100-98

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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January 19, 1999

Mr. Gary G. Gill  
Project Manager  
Maryland Department of General Services  
Project Management and Design Division  
301 W. Preston Street, Room 1405  
Baltimore, Maryland 21201

RE: Demolition Contract  
Project No. BA-000-861-001

Dear Mr. Gill:

Thank you for your January 11, 1999 letter requesting our concurrence that the above referenced project is not within the Critical Area. I have checked our Critical Area maps and the Armory Building on Bladen Street in Annapolis is not within the Critical Area. Therefore, any activity on site does not require Commission approval.

If you need any additional information, please call me at (410) 260-7076.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief  
Project Evaluation Division

RAE/jjd

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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

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

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(410) 260-7516 Fax: (410) 974-5338

January 4, 1999

Mr. Tony McClune  
Chief, Current Planning  
Dept. Of Planning and Zoning  
220 S. Main Street  
Bel Air, MD 21014

RE: Buddy Nicosia Variance Application #4860

Dear Mr. *Tony* McClune:

I have reviewed the revised site plan for Buddy Nicosia's variance application. The revised plan reduces the amount of impervious surface within the 75 foot nontidal wetlands buffer as well as the amount of clearing proposed. This office does not oppose the variance request. Please note that because the project is located in an IDA, the 10% Rule must be met and calculations provided if the variance is granted.

Please call me at (410) 260-7076 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief  
Project Evaluation Division

cc: Dawnn McCleary  
HC480-98

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Staff Correspondence : Claudia Jones

1979

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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November, 22, 1999

Mr. Dave Brownlee  
Calvert County Department of  
Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Dear Dave,

I am glad that I was able to provide you with some usable slides for your presentation before the Planning Commission and Environmental Commission. Thank you for sending the slide of the Barred Owl, we will definitely use it.

It is encouraging that Calvert County is making such an effort to try and protect forest and interior habitat. I enjoyed looking at your poster for the Forest Fragmentation Conference. Would be willing to give a presentation to the Critical Area Commission at a regular Commission meeting to demonstrate what steps the County has made toward assessing and protecting forest habitat? I think that it would be worthwhile for them to hear about.

As for referencing the Cornell Lab of Ornithology when showing the slides, I am not sure that is necessary when showing slides. They do however, stress that the slides should not be reproduced unless permission is granted. I have attached a copy of their catalog (an old copy, I'm afraid) that includes their statement of use.

I will contact you about giving a presentation before the Commission.

Sincerely,

Claudia Jones

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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September 22, 1999

Mr. Phil Mohler  
Maryland Department of the Environment  
Goldstein State Office Building  
Water Management Administration  
200 Duke Street, Suite 2700  
Prince Frederick, Maryland 20678

RE: Tidal Wetland Permit Application 97-WL-1431 (Circle C. Oyster Rancher's assoc. Inc.)  
St. Mary's County

Dear Mr. Mohler:

I would like to comment on the above-referenced Tidal Wetlands application for an aquaculture permit. The locations of the proposed floats for the oysters are in a mapped State-designated Waterfowl Concentration and Staging Area within St. Jerome Creek. I spoke with Larry Hindman, the Waterfowl Project Manager with the Maryland Department of Natural Resources (DNR), who confirmed that this designation is correct. This is a habitat protection area under the St. Mary's County Critical Area Program. After speaking with Larry Hindman, I have the following comments:

- allow the current proposal to proceed, but as a condition of the permit require a monitoring plan to determine what impacts, if any, such an operation will have on the waterfowl that utilize the area. It will be somewhat difficult to determine exactly what kind of impact this type of operation will have on waterfowl, since there is no baseline data, however, some attempt should be made to assess the impacts.
- require that the monitoring plan be put in place for a set period of time, during which time no new floats or piers associated with the aquaculture operation would be allowed to be constructed. The monitoring plan should be worked out with the Wildlife Division of DNR. I recommend that the impacts be assessed for a minimum of two waterfowl

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Mr. Phil Mohler  
September 21, 1999  
Page Two

seasons.

Please call if you have any questions about these comments.

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

cc: Larry Hindman (DNR)  
Regina Esslinger (CAC)  
Tracy Batchelder (CAC)  
Sue Veith (St. Mary's Co.)

George John C. North, II  
Chairman



Ren Serey  
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

August 25, 1999

Mr. John C. Houser  
P.O. Box 200  
Chaptico, Maryland 20621

Dear Mr. Houser:

The purpose of this letter is to inform you of the status of the Chesapeake Bay Critical Area Guidelines (Guidelines) and to respond to the specific concerns in your comments. The Guidelines were approved with minor changes by the Commission at their monthly meeting on June 2, 1999. The Department of Natural Resources (DNR) plans to hold workshops on the Guidelines in the fall of this year for consulting foresters, land owners and other interested parties. As a condition of approval, the original DNR task force will reconvene one year from the date of the workshops to receive feedback on how the Guidelines are working. Representatives of the agricultural community will be asked to join the task force at that time. The task force will then report to the Critical Area Commission.

The concerns raised by you follow:

Loblolly and Virginia pine

*Which trees comprise basal area?* Basal area in the Critical Area has been based only on those trees whose crowns extend into the canopy (i.e., intermediate, co-dominant and dominant crown classes). These trees are often referred to as "merchantable" although some may have little or no commercial value.

*Loblolly conversion* - The FIDS taskforce came to consensus that conversion to loblolly was only permissible within its historical range. The historical range was based on Maryland Geological Survey documents describing forest composition in each county during the period around 1900-1930. It was felt that before that period little if any conversion to loblolly occurred on a commercial level. These accounts were usually written by state foresters. State and regional

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

Mr. John C. Houser  
August 25, 1999  
Page Two

floras were also consulted.

#### Mixed-hardwood pine

Referring to Paragraph #2 of Conservation Measures, for conversion to loblolly pine and the statement "Elsewhere, natural regeneration is required and hardwood control is prohibited." - it was not the intent of DNR or the Commission to prohibit a property owner from planting hardwood seedlings of locally native species. It was worded this way since natural regeneration is generally the preferred method used for hardwood reforestation. I'm sure it would be acceptable for a property owner to plant hardwood seedlings if that is what they desired to do.

#### Upland hardwood

Opportunities to provide for those species that thrive in edge habitats are not excluded from these guidelines. These Guidelines direct management for such species to be located where it will have the least impact on forest interior. For example, clearings for quail can be located close to edge of forest tracts as opposed to the middle.

#### Riparian forests

A 150-foot no cut buffer was put into the Guidelines to insure conservation and protection of those sites that are the most valuable for forest interior bird species, (as required by the Critical Area Criteria), without having to conduct a site visit. In this way a quick review which streamlines the process can be provided. Any property owner can request an on-site review by DNR staff. Staff will work with the land owner to reach an agreement on the amount and location of timber to be harvested outside of these guidelines. Additional language was included in the Guidelines to better reflect DNR's willingness to work with property owners on timber harvest plans.

#### Regionally rare

A species would be considered as comprising a plurality if it represented the largest percentage of trees present, as defined in the Society of American Forester's Forest Cover Types of the United States and Canada. Conservation measures for regionally rare or uncommon stands will be prescribed on a case by case basis by appropriate Wildlife and Heritage staff. A species would be an associate if it was one of the three most common tree species present. Both plurality and associate could be determined using basal area. Importance values (sum of relative density, relative frequency and relative dominance {Curtis and McIntosh 1951}) could also be used. Conservation measures for regionally rare or uncommon forest types could include no harvesting in such a stand and possibly no harvesting adjacent to the stand (e.g. to minimize windthrow damage, exotic plant invasion, etc.). The conservation measures are directed towards appropriate conservation of the stand and associated FIDS habitat and do not apply to the entire property unless, of course, the stand occurred throughout the property.

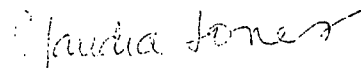
Mr. John C. Houser  
August 25, 1999  
Page Three

Identification of old growth forest includes age, physical structure of the forest, presence of dead wood and presence of specialized organisms that thrive within these forests, both plant and animal. They are generally considered to be older than the 60-100 years rotations in managed forests and are typically in the range of 150-250 years old. Conflicts between typical long-term rotations and old growth forests should not arise.

We believe that much flexibility is built into these guidelines by having the option of an on-site visit to develop a timber harvest plan as opposed to only using the Guidelines. The Guidelines were developed to insure protection of those sites that are the most valuable for forest interior dwelling bird species without having to conduct a site visit. This is to enable DNR to provide a quick review. Any property owner can request an on-site review by DNR staff. Staff will work with the land owner to reach an agreement on the amount and location of timber to be harvest outside of these guidelines.

Thank you for taking the time and effort to comment. Please call or write if you have any further questions.

Sincerely,



Claudia Jones  
Science Advisor



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) 260-7516 Fax: (410) 974-5338

August 25, 1999

The Honorable Julie B. Randall  
St. Mary's County Commissioners  
P.O. Box 653  
Governmental Center  
Leonardtown, Maryland 20650

Dear Commissioner Randall:

The purpose of this letter is to inform you of the status of the Chesapeake Bay Critical Area Guidelines (Guidelines) and to respond to the specific concerns in your comments. The Guidelines were approved with minor changes by the Commission at their monthly meeting on June 2, 1999. The Department of Natural Resources (DNR) plans to hold workshops on the Guidelines in the fall of this year for consulting foresters, land owners and other interested parties. As a condition of approval, the original DNR task force will reconvene one year from the date of the workshops to receive feedback on how the Guidelines are working. Representatives of the agricultural community will be asked to join the task force at that time. The task force will then report to the Critical Area Commission.

The concerns raised by Mr. John Houser which you referred to us follow:

Loblolly and Virginia pine

*Which trees comprise basal area?* Basal area in the Critical Area has been based only on those trees whose crowns extend into the canopy (i.e., intermediate, co-dominant and dominant crown classes). These trees are often referred to as "merchantable" although some may have little or no commercial value.

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The Honorable Julie B. Randall  
August 25, 1999  
Page Two

floras were also consulted.

#### Mixed-hardwood pine

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The Honorable Julie B. Randall

August 25, 1999

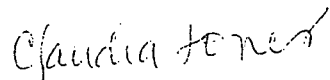
Page Three

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We believe that much flexibility is built into these guidelines by having the option of an on-site visit to develop a timber harvest plan as opposed to only using the Guidelines. The Guidelines were developed to insure protection of those sites that are the most valuable for forest interior dwelling bird species without having to conduct a site visit. This is to enable DNR to provide a quick review. Any property owner can request an on-site review by DNR staff. Staff will work with the land owner to reach an agreement on the amount and location of timber to be harvest outside of these guidelines.

Thank you for taking the time and effort to comment. Please call or write if you have any further questions.

Sincerely,



Claudia Jones  
Science Advisor

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 27, 1999

The Honorable Michael H. Weir  
418 Eastern Avenue  
Baltimore, Maryland 21221

Dear Delegate Weir:

I am writing as a follow up to your phone call to the Critical Area Commission on the fees charged by the County for development on a site within the Critical Area in Baltimore County. The project involves a store (Geresbek's) in a location mapped as an "intensely developed area" (IDA) on Eastern Avenue near the Middle River.

As you are aware, under the Critical Area Criteria, properties that are mapped as IDA are required in the case of new development or redevelopment to reduce pollutant loadings by at least 10 percent below the level of pollution coming from the site prior to development or redevelopment levels. If this can not be done by stormwater management measures onsite, then the developer is required to either construct or finance an offset or retrofit project. The Criteria provide further direction to local government that offsets should provide equivalent benefits to water quality as onsite stormwater management options. (COMAR 27.01.02.03) As a way to provide offsets on a parcel where there is little or no opportunity to provide onsite stormwater management, a property owner essentially pays the County to provide the offset for them.

Prior to 1996, the County did not have a fee-in-lieu provision for projects that were required to accomplish the 10% reduction. At that time, if stormwater requirements could not be met onsite, the applicant was required to find another site where equivalent stormwater measures could be constructed and to construct measures there. The County also required, prior to 1996, that the entire site be used to determine 10% reduction requirements on commercial sites where multiple businesses were located as opposed to only the specific business that is proposing an addition or other development measure. In an attempt to make the process less costly and easier for the property owner/applicant to meet, 10% reduction requirements are now limited to the actual portion of the commercial parcel that is related to the project and the fee-in-lieu alternative

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Delegate Weir  
July 27, 1999  
Page Two

was put in place.

In the case of Geresbek's on Eastern Avenue, only the area covered by that specific store was used to calculate the 10 % pollutant removal requirement. This included the area of the store, including the expansion, and the sidewalk in front of the store, but did not include parking associated with the store. It did not include any other portions of the shopping center. In this situation, there is nowhere for stormwater management to be carried out on the site. The County charged the owner a fee, based on the 10% pollutant removal requirement and the costs associated with the design and construction and maintenance of stormwater management options to remove the calculated amount of pollution. The pollution loadings are based on the amount of phosphorus that would be generated from a site due to the amount of impervious surface on the site and the average rainfall in the area. Fees are set by each local jurisdiction, and there is no minimum fee established in the Criteria. Baltimore County has used these offset fees to supplement water quality management, stormwater retrofit, and stream restoration projects.

The Baltimore County Critical Area Program is consistent with the requirements and provisions in the Critical Area Criteria for development in an IDA. In providing a 10% pollution reduction requirement in the Criteria, the Commission recognized that stormwater management could not be carried out on each redevelopment site. The Commission was concerned, however, that all property owners in the Critical Area should play some part in the restoration efforts, but allowed each jurisdiction to decide to what degree.

Please call if you have any more questions.

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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July 21, 1999

Mr. Stephen Weber  
Maryland Farm Bureau  
8930 Liberty Road  
Randallstown, Maryland 21133

Dear Mr. Weber:

The purpose of this letter is to inform you of the status of the Chesapeake Bay Critical Area Timber Harvest Guidelines (Guidelines) and to respond to the specific concerns in your comments. The Guidelines were approved with minor changes by the Commission at their monthly meeting on June 2, 1999. The Department of Natural Resources (DNR) will hold workshops on the Guidelines in the fall of this year for consulting foresters, land owners and other interested parties. As a condition of approval, the original DNR task force will reconvene one year from the date of the workshops to receive feedback on how the Guidelines are working. Representatives of the agricultural community will be asked to join the task force at that time. The task force will then report to the Critical Area Commission.

The Commission is well aware of the need to keep timber harvest as a viable activity within Maryland. The Commission realizes that timber harvest is generally a temporary impact whereas development results in habitat that is lost for good. In fact, the guidelines for commercial and residential development are considerably more stringent than those for timber harvest to reflect that difference. The guidelines for development are in the process of being revised at this time.

In the comments of the Farm Bureau, concern was expressed over the need for flexibility. We believe that much flexibility is built into these guidelines by having the option of an on-site visit to develop a timber harvest plan as opposed to only using the Guidelines. The Guidelines were developed to insure protection of those sites that are the most valuable for forest interior dwelling

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Mr. Stephen Weber

July 21, 1999

Page Two

bird species without having to conduct a site visit so that a quick review can be provided. Any property owner can request an on-site review by DNR staff. Staff will work with the land owner to reach an agreement on the amount and location of timber to be harvested outside of these guidelines. The Commission has no desire to turn the Guidelines into regulations. Instead the Guidelines are the result of needing concrete ways of carrying out the mandate in the Critical Area Criteria to protect and conserve forest interior dwelling bird habitat. Thank you for taking the time to comment and please call if you have any further questions. A copy of the approved Guidelines is attached.

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

Attachment

George John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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July 21, 1999

Mr. Calvin D. Lubben  
Maryland Forests Association  
P.O. Box 599  
Grantsville, Maryland 21536-0599

Dear Mr. Lubben:

The purpose of this letter is to inform you of the status of the Chesapeake Bay Critical Area Timber Harvest Guidelines (Guidelines) and to respond to the specific concerns in your comments. The Guidelines were approved with minor changes by the Commission at their monthly meeting on June 2, 1999. The Department of Natural Resources (DNR) will hold workshops on the Guidelines in the fall of this year for consulting foresters, land owners and other interested parties. As a condition of approval, the original DNR task force will reconvene one year from the date of the workshops to receive feedback on how the Guidelines are working. Representatives of the agricultural community will be asked to join the task force at that time. The task force will then report to the Critical Area Commission.

Thank you for taking the time to comment on the Guidelines and to express the support of the Maryland Forests Association. Please call if you have any questions. A copy of the approved Guidelines is attached.

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

Attachment

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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July 21, 1999

Mr. William A. Clark  
Southern Maryland Regional Partnership Team  
65 Duke Street  
Kaine Building, Room 105  
P.O. Box 657  
Prince Frederick, Maryland 20678

Dear Mr. Clark:

The purpose of this letter is to inform you of the status of the Chesapeake Bay Critical Area Timber Harvest Guidelines (Guidelines) and to respond to the specific concerns in your comments. The Guidelines were approved with minor changes by the Commission at their monthly meeting of June 2, 1999. The Department of Natural Resources (DNR) will hold workshops on the Guidelines in the fall of this year for consulting foresters, land owners and other interested parties. As a condition of approval, the original DNR task force will reconvene, one year from the date of the workshops, to receive feedback on how the Guidelines are working. A member of the agricultural community will be asked to join the task force at that time. This group will then report to the Critical Area Commission.

I will respond to your major concerns:

*No farmer representation* - We apologize for not having a representative of the farm community on the DNR Task Force. While we do not believe that the results of the group would be drastically different, it was not our intent to exclude anyone. There were both small and large forest owners on the Task Force who had similar concerns as those expressed by the farm community in comment letters. As stated in the above paragraph, when the Task Force reconvenes a representatives of the farm community will be asked to join the group.

*150-foot, no-cut buffer* - A 150-foot no-cut buffer was put into the Guidelines to insure protection of those sites that are the most valuable for forest interior bird species without

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Mr. William A. Clark

July 21, 1999

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having to conduct a site visit to provide a quick review in order to streamline the process. Any property owner can request an on-site review by DNR staff. Staff will work with the land owner to reach an agreement on the amount and location of timber to be harvested outside of these guidelines.

*FID habitat loss due to commercial and residential development.* - The Commission is well aware of the need to keep timber harvest as a viable activity within Maryland. They realize that timber harvest is generally a temporary impact whereas development results in habitat that is lost for good. In fact, the guidelines for commercial and residential development are considerably more stringent to reflect that difference. The guidelines for development are in the process of being revised at this time.

Thank you for taking the time to comment and please call if have any further questions.

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

Attachment

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) 260-7516 Fax: (410) 974-5338

July 21, 1999

Ms. Mildred H. Darcey  
Prince George's County Farm Bureau, Inc.  
P. O. Box 2240  
Upper Marlboro, MD 20773

Dear Ms. Darcey:

The purpose of this letter is to inform you of the status of the Chesapeake Bay Critical Area Timber Harvest Guidelines (Guidelines) and to respond to the specific concerns in your comments. The Guidelines were approved with minor changes by the Commission at their monthly meeting on June 2, 1999. The Department of Natural Resources (DNR) will hold workshops on the Guidelines in the fall of this year for consulting foresters, land owners and other interested parties. As a condition of approval, the original DNR task force will reconvene one year from the date of the workshops to receive feedback on how the Guidelines are working. Representatives of the agricultural community will be asked to join the task force at that time. The task force will then report to the Critical Area Commission.

I will try and address the major concerns of the Prince George's County Farm Bureau:

*Lack of farmer representation on the task force* - We apologize for not having a representative of the farm community on the DNR Task Force. While we do not believe that the results of the group would be drastically different, it was not our intent to exclude anyone. There were both large and small private forest owners on the Task Force who had similar concerns as those expressed by the farm community in comment letters. As stated in the above paragraph, when the Task Force reconvenes representatives of the farm community will be asked to join the group.

*Opposition to 150-foot, no-cut buffer* - A 150-foot no-cut buffer was put into the Guidelines to insure conservation and protection of those sites that are the most valuable for forest interior bird species, without having to conduct a site visit in order to provide a

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Ms. Mildred H. Darcey  
July 21, 1999  
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quick review. Any property owner can request an on-site review by DNR staff. Staff will work with the land owner to reach an agreement on the amount and location of timber to be harvested outside these guidelines. Additional language was included in the Guidelines to better reflect DNR's willingness to work with property owners on timber harvest plans.

The Commission is well aware of the need to keep timber harvest as a viable activity for a property owner within Maryland. The Commission realizes that timber harvest is generally a temporary impact whereas development results in habitat that is permanently lost. In fact, the policy documents for commercial and residential development are considerably more stringent than those for timber harvest to reflect the differences. The guidelines for development are being revised at this time.

Thank you for taking the time to comment and please call if you have any questions.

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

Attachment

John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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July 21, 1999

Mr. James B. Beavan  
St. Mary's Soil Conservation District  
P.O. Box 810  
22660 Washington Street  
Leonardtown, Maryland 20650

Dear Mr. Beavan:

The purpose of this letter is to inform you of the status of the Chesapeake Bay Critical Area Timber Harvest Guidelines (Guidelines) and to respond to the specific concerns in your comments. The Guidelines were approved with minor changes by the Commission at their monthly meeting on June 2, 1999. The Department of Natural Resources (DNR) will hold workshops on the Guidelines in the fall of this year for consulting foresters, land owners and other interested parties. As a condition of approval, the original DNR task force will reconvene one year from the date of the workshops to receive feedback on how the Guidelines are working. Representatives of the agricultural community will be asked to join the task force at that time. The task force will then report to the Critical Area Commission.

Concerns of the St. Mary's County Farm Bureau include the 150-foot, no-cut zone and time of year restrictions for forest operations. A 150-foot, no-cut buffer was put into the Guidelines to insure conservation and protection of those sites that are the most valuable for forest interior bird species, as required by the Critical Area Criteria, and in order to provide a quick review to streamline the process. Any property owner can request an on-site review by DNR staff. Staff will work with the land owner to reach an agreement on the amount and location of timber to be harvested outside of these guidelines. Additional language was included in the Guidelines to better reflect DNR's willingness to work with property owners on timber harvest plans.

The time of year restrictions in the Guidelines are included as a recommendation where it is possible to follow them. It is not a requirement since it could possibly result in impacts to

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Mr. James B. Beavan  
July 21, 1999  
Page Two

wetlands such as those that you mention in your letter.

Thank you for taking the time to comment and please call if you have any questions. A copy of the approved Guidelines is attached.

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

Attachment

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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July 21, 1999

Mr. Bill Brumbley  
Prince George's County Forestry Board  
P.O. Box 116  
West Bowie, Maryland 20719

The purpose of this letter is to inform you of the status of the Chesapeake Bay Critical Area Timber Harvest Guidelines (Guidelines) and to respond to the specific concerns in your comments. The Guidelines were approved with minor changes by the Commission at their monthly meeting on June 2, 1999. The Department of Natural Resources (DNR) will hold workshops on the Guidelines in the fall of this year for consulting foresters, land owners and other interested parties. As a condition of approval, the original DNR task force will reconvene one year from the date of the workshops to receive feedback on how the Guidelines are working. Representatives of the agricultural community will be asked to join the task force at that time. The task force will then report to the Critical Area Commission.

I will try to address your concerns:

*Critical Area buffer* - A 150-foot, no-cut buffer was put into the Guidelines to insure conservation and protection of those sites that are the most valuable for forest interior bird species, as required by the Critical Area Criteria. While the usual minimum buffer is 100-foot in width, the buffer is supposed to be expanded to protect sensitive species or habitats. This does not require a legislative change. Any property owner can request an on-site review by DNR staff if they wish to explore options other than those provided in the Guidelines. Staff will work with the land owner to reach an agreement on the amount and location of timber to be harvested outside of these guidelines. Additional language was included in the Guidelines to better reflect DNR's willingness to work with property owners on timber harvest plans.

*Edge effect* - While you are correct that the edges between two communities generally

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Mr. Bill Brumbly  
July 21, 1999  
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support a greater number of species of plants and animals, the species supported are usually not the ones that are declining in abundance, Critical Area or State wide. The riparian areas that you described as being less than 300 feet in width, would generally not be considered FID habitat unless they were connected to a significant forest tract, and therefore would not have any restrictions placed on them for FID conservation. In these cases either clearcutting of yellow poplar and loblolly pine stands would be allowed as well as selective harvesting of hardwoods.

*Pine forests* - According to the Guidelines, those stands that are greater than 60% basal area of pine are not subject to any FID conservation measures.

Thank you for taking the time to comment on these Guidelines. Please call if you have any questions. A copy of the approved Guidelines is attached.

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

Attachment

John C. North, II  
Chairman



Ren Serey  
Executive Director

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July 21, 1999

Mr. James B. Norris, Jr.  
St. Mary's County Farm Bureau  
40315 Drury Lane  
Leoardtown, Maryland 20650

Dear Mr. Norris:

The purpose of this letter is to inform you of the status of the Chesapeake Bay Critical Area Timber Harvest Guidelines (Guidelines) and to respond to the specific concerns in your comments. The Guidelines were approved with minor changes by the Commission at their monthly meeting on June 2, 1999. The Department of Natural Resources (DNR) will hold workshops on the Guidelines in the fall of this year for consulting foresters, land owners and other interested parties. As a condition of approval, the original DNR task force will reconvene one year from the date of the workshops to receive feedback on how the Guidelines are working. Representatives of the agricultural community will be asked to join the task force at that time. The task force will then report to the Critical Area Commission.

Concerns of the St. Mary's County Farm Bureau include the 150-foot, no-cut zone and time of year restrictions for forest operations. A 150-foot, no-cut buffer was put into the Guidelines to insure conservation and protection of those sites that are the most valuable for forest interior bird species, as required by the Critical Area Criteria, and in order to provide a quick review to streamline the process. Any property owner can request an on-site review by DNR staff. Staff will work with the land owner to reach an agreement on the amount and location of timber to be harvested outside of these guidelines. Additional language was included in the Guidelines to better reflect DNR's willingness to work with property owners on timber harvest plans.

The time of year restrictions in the Guidelines are included as a recommendation where it is possible to follow them. It is not a requirement since it could possibly result in impacts to wetlands such as those that you mention in your letter.

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Mr. James B. Norris, Jr.

July 21, 1999

Page Two

Thank you for taking the time to comment and please call if you have any questions. A copy of the approved Guidelines is attached.

Sincerely,

*Claudia Jones*

Claudia Jones  
Science Advisor

Attachment

John C. North, II  
Chairman



Ren Serey  
Executive Director

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(410) 260-7516

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July 21, 1999

Mr. H. Edward Yates  
Association of Forest Industries  
P.O. Box 501  
Huntington, Maryland 20639

Dear Mr. Yates:

The purpose of this letter is to inform you of the status of the Chesapeake Bay Critical Area Timber Harvest Guidelines (Guidelines). The Guidelines were approved with minor changes by the Commission at their monthly meeting on June 2, 1999. The Department of Natural Resources (DNR) will hold workshops on the Guidelines in the fall of this year for consulting foresters, land owners and other interested parties.

In response to your and other's concerns, the original DNR task force will reconvene one year from the date of the workshops to receive feedback on how the Guidelines are working and make changes if necessary. Representatives of the agricultural community will be asked to join the task force at that time. The task force will then report to the Critical Area Commission.

As you know, these guidelines apply only within the Critical Area. I understand your concern regarding the possible applicability of the guidelines elsewhere, however, the Critical Area Commission did not address this point specifically because its authority extends only to the 1000 foot Critical Area line.

The Critical Area Commission appreciated your suggestions for language regarding time of year restrictions and new permanent forest openings. They agreed with your assessment regarding each of these terms, but believed they were adequately addressed by the existing language. With regard to the definition of FID habitat, you can be assured that any change in the definition of FID habitat as documented in the scientific literature will be evaluated with regard to Commission policies and changes made if necessary.

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Mr. H. Edward Yates

July 21, 1999

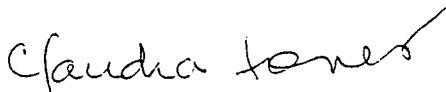
Page Two

A 150-foot no-cut buffer was put into the Guidelines to insure conservation and protection of those sites that are the most valuable for forest interior bird species, as required by the Critical Area Criteria, without having to conduct a site visit in order to provide a quick review and to streamline the process. Any property owner can voluntarily accept this provision or request an on-site review by DNR staff. Staff will work with the land owner to reach an agreement on the amount and location of timber to be harvested outside of these guidelines. Additional language was included in the Introduction to the Guidelines to better reflect DNR's willingness to provide flexibility and work with property owners on timber harvest plans.

The Commission is well aware of the need to keep timber harvest as a viable activity within Maryland. The Commission realizes that timber harvest is generally a temporary impact whereas development results in habitat that is lost for good. In fact, the guidelines for commercial and residential development are considerably more stringent than those for timber harvest to reflect that difference. The guidelines for development are being revised at this time.

Thank you for taking the time to comment and please call if you have any questions.

Sincerely,



Claudia Jones  
Science Advisor

Attachment

John C. North, II  
Chairman



Ren Servey  
Executive Director

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July 2, 1999

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

Re: Wayne and Linda Huyard, AN299-99, VAR

Dear Mr. Torney:

I am writing this letter in response to the above referenced variance application for a retaining wall within the 100-foot buffer for the purpose of erosion control. This office does not oppose the variance. Regina Esslinger and myself from the Critical Area Commission office visited the site in May of this year. The steep bank along the shoreline is essentially covered with vegetative debris that does not provide a good substrate for vegetation to grow and provide a stable shoreline. In our opinion, the proposed project will allow us to get back the vegetated shoreline that once existed on the property while protecting the property from erosion. As you know it is a goal of the Critical Area Program to protect and enhance native vegetation in the buffer for the purpose of providing water quality and habitat benefits. While structural solutions to erosion control are not the first choice under the Critical Area Program, in this case we believe it is warranted due to the steepness of the slope and the desire of the property owner to retain vegetation waterward of the slope. There is also a public sewer easement along the shoreline that needs to remain open and accessible.

The applicant has agreed to vegetate the slope once the structural work is complete with native trees, shrubs, and herbaceous vegetation. This office has the following recommendations:

- 1) That the completion of the mitigation plan for planting the shoreline with native vegetation be made a condition of the variance, if granted;
- 2) That the completion of a satisfactory mitigation plan, reviewed by the Critical Area

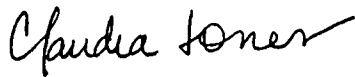
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Mr. Torney  
July 2, 1999  
Page Two

Commision and approved by the City be a condition of the building permit needed before beginning the work.

We will work with the City and the applicant in developing a satisfactory plan. Thank you for the opportunity to comment. Please do not hesitate to call if you have any questions.

Sincerely,



Claudia Jones  
Science Advisor

MCJ/jjd

cc: Annapolis Board of Appeals  
Ms. Regina Esslinger  
Ms. Dawnn McCleary

John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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June 29, 1999

Ms. Gail Webb Owings  
Department of Planning and Zoning  
Kent County Government Center  
400 High Street  
Chestertown, Maryland 21620

Dear Ms. Webb Owings:

Attached is a sample Critical Area Buffer Management Plan. It is intended to encourage a more consistent approach to the management of buffer activities throughout the Critical Area and to give local governments ideas about what the Critical Area Commission believes is appropriate information needed to establish a Buffer Management Plan. We are not asking you to change your process, if you already have an established way to keep track of Buffer activities in the Critical Area. It is for you to use and alter as you see fit. While some Critical Area jurisdictions have developed their own Buffer Management Plans, others have requested some ideas on how to do this. It will eventually be a part of a larger paper on the Critical Area Buffer, but we felt that some jurisdictions may be able to use it now.

Please contact me if you have any questions or would like a copy of the form on disk.

Sincerely,

*M. Claudia Jones*

M. Claudia Jones  
Science Advisor

M CJ/jjd

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## CRITICAL AREA BUFFER MANAGEMENT PLAN

The following form should be completed by the property owner, or responsible party, for any disturbance of natural vegetation or construction within the Critical Area Buffer. Once completed, and approved, this form will constitute your Buffer Management Plan and will provide our office with an official record of your proposed Buffer impacts and the way in which you plan to meet any required offsets (mitigation).

### Property Background Information

Property Owner (or Contact) : \_\_\_\_\_  
 Property Owner's address: \_\_\_\_\_  
 Property Owner's (or Contact's) Phone: \_\_\_\_\_  
 Project Address (if different): \_\_\_\_\_

Tax Map # \_\_\_ Block # \_\_\_ Parcel # \_\_\_ Section # \_\_\_ Lot # \_\_\_

### Proposed Buffer Disturbance

\_\_\_ New development/redevelopment (e.g., new building, addition to home, replacement of structures).  
 \_\_\_ Shore erosion control  
 \_\_\_ Shore access  
 \_\_\_ Other (please explain) \_\_\_\_\_

Is the property in a designated Buffer Exemption Area (BEA)? Yes \_\_\_ No \_\_\_

Are there any special plat notes or restrictions concerning your Buffer (ex. wetlands, habitat protection areas, conservation easements) ? Yes \_\_\_ No \_\_\_

If yes, please explain: \_\_\_\_\_  
 \_\_\_\_\_

Please provide a brief explanation of your proposed project in the space below. Include area and/or no. of trees cleared as well as the type of equipment that will be used.

Three examples follow:

1) 600 square feet partially cleared for shore access with hand tools; canopy will be maintained; disturbance will be limited to three saplings and several shrubs; and path will consist of wood chips.

2) Removal of poison ivy from 2000 sq. feet area along shore access path; method of removal includes hand pulling and chemical spraying of individual plants with an approved herbicide; any resulting bare areas will be mulched to prevent soil erosion and to prevent reestablishment of invasives. There will be no removal of trees or shrubs.

3) A variance was granted to build a new house on a grandfathered lot in the Buffer. The area permanently impacted in the Buffer will be 4,000 square feet, including the

area of the house and a fifteen foot clearing around the house. The lot is entirely forested. A bulldozer will be used for site preparation.

Proposed Project \_\_\_\_\_

\_\_\_\_\_

Justification - \_\_\_\_\_

\_\_\_\_\_

What are the long-term management plans for this area? - \_\_\_\_\_

\_\_\_\_\_

**Calculation of Mitigation**

The following three step process is used to compute the amount of mitigation needed for impacts to the Buffer. For the purposes of this Buffer Management Plan, mitigation is defined as plantings or similar offsets which will help to negate the effect of the Buffer disturbance. To determine the amount of mitigation for your Buffer disturbance you need to determine the following:

1. Amount of buffer disturbed for clearing, grading, and placement of new structures, etc.;
2. Mitigation ratio for the type of Buffer impact;
3. Mitigation amount calculated by multiplying the area disturbed by the mitigation ratio.

**Step 1 Amount of buffer disturbance**

There are two ways to calculate the amount of disturbance in the Buffer. Buffer disturbance is based on either the area disturbed or the number of individual trees that will be cut. It is recommended that when an area to be disturbed more closely resembles a natural forest (i.e. canopy cover with multi-layer understory) or when structures or other impervious surfaces are placed within the Buffer or a BEA, even if no trees are cleared, you should quantify the disturbance amount in *area cleared*. On the other hand, if your site more closely resembles a park setting (i.e., scattered trees with little or no understory), it is recommended that you count the *number of trees removed*.

AREA OF BUFFER CLEARED OR DISTURBED: \_\_\_ SQUARE FEET

- or -

NUMBER OF TREES CLEARED: \_ # OF TREES

**Step 2 Mitigation Ratios**

Different types of Buffer management activities require different mitigation ratios. Higher ratios are used for activities that have a greater impact upon the buffer. The purpose of the mitigation is to improve the Buffer functions where possible. The table



below provides the mitigation ratio for different types of Buffer management activities.

| Type of Buffer Disturbance              | Mitigation Ratio |
|---|------------------|
| New development/redevelopment (non-BEA) | 3:1              |
| New development/redevelopment (BEA)     | 2:1              |
| Shore erosion control                   | 1:1              |
| Shore access                            | 2:1              |
| Other                                   | *                |

\*Please consult with your local government Critical Area Planner if the purpose of your Buffer disturbance is in the *Other* category.

Mitigation Ratio = \_\_\_\_\_ (From the above table)

### Step 3 Mitigation Amount

Mitigation Amount = (Sq. ft. or # of trees) X (mitigation ratio) = \_\_\_\_\_ Sq.ft. or # trees

#### Buffer Planting Plan

This section is to help you provide more specific details on your mitigation location and plantings.

#### Planting Location

All mitigation should be located within the Critical Area in the following order of preference:

- 1-On-site within the Buffer
- 2-On-site adjacent to existing Buffer
- 3-On-site within the Critical Area
- 4-Off-site (follow order of preference 1-3 above)
- 5-Fee-in-lieu payment

Plant Spacings and Mitigation Credits for Various Size Trees and Shrubs\*

| Credit Square Feet | Plant Size  | Plant Spacing                                       |
|--------------------|---|---|
| 100 sq ft          | 1 tree (2-inch caliper)   | 10 foot center                                      |
| 400 sq ft          | 1 tree (minimum: 2-inch caliper and either balled and burlapped or container grown) <u>and</u> understory vegetation (minimum: 2 small trees or 3 shrubs) | tree- 20 foot center<br>understory - 10 foot center |
| 50 sq ft           | 1 tree (seedlings)  | 7 foot center                                       |
| 50 sq ft           | 1 shrub   | 3-7 foot center                                     |

\*Although the Critical Area Commission recognizes natural regeneration as a method for mitigation, not all jurisdictions authorize natural regeneration. If your jurisdiction allows natural regeneration as a method for mitigation Buffer impacts, consult with the appropriate contact to determine the area to be managed for natural growth.

**Schematic Drawing**

Please attach a schematic drawing to scale identifying areas of impact to the Buffer, indicate on plan existing trees and shrubs if possible, and the proposed location for replanting within the Buffer. Show the location of the Critical Area buffer. Indicate on the drawing the specific types of vegetation which will be removed and the specific types and amount of vegetation which will be used for mitigation.

*I certify these statements to be true and accurate and that any trees to be removed are on my property. I hereby grant County/Local Jurisdiction officials permission to enter my property for inspections of this Buffer Management Plan.*

**Applicant Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

Approval information: FOR OFFICE USE ONLY

This Buffer Management plan is approved as of \_\_\_\_\_

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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*sent to all jurisdictions*

June 29, 1999

Ms. Pat Farr  
Department of Environmental Protection  
and Resource Management  
County Courts Building, 401 Bosley Avenue  
Suite 416  
Towson, Maryland 21204

Dear ~~Mr. Dietz~~:

Attached is a sample Critical Area Buffer Management Plan. It is intended to encourage a more consistent approach to the management of buffer activities throughout the Critical Area and to give local governments ideas about what the Critical Area Commission believes is appropriate information needed to establish a Buffer Management Plan. We are not asking you to change your process, if you already have an established way to keep track of Buffer activities in the Critical Area. It is for you to use and alter as you see fit. While some Critical Area jurisdictions have developed their own Buffer Management Plans, others have requested some ideas on how to do this. It will eventually be a part of a larger paper on the Critical Area Buffer, but we felt that some jurisdictions may be able to use it now.

Please contact me if you have any questions or would like a copy of the form on disk.

Sincerely,

*M. Claudia Jones*

M. Claudia Jones  
Science Advisor

MCJ/jjd

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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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May 19, 1999

Mr. William A. Clark  
Southern MD Regional Partnership Team  
65 Duke Street  
Kaine Building, Room 105  
Prince Frederick, Maryland 20678

Dear Mr. Clark:

Thank you for providing comments on the Chesapeake Bay Critical Area Timber Harvest Plan Guidelines. As I indicated in my memo of March 22, 1999, we have been working with a task force for over two years to develop draft guidelines for the commercial harvest of timber and the conservation of forest interior dwelling birds (FID). The Critical Area Commission has formed a workgroup to consider these draft guidelines and requested input from you and others before finalizing their recommendation to the full Commission. Your comments will be copied and distributed to the FID Workgroup for their consideration.

Again, thank you for taking the time to review these guidelines.

Sincerely,

*M. Claudia Jones*

M. Claudia Jones  
Science Advisor

MCJ/jjd

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 19, 1999

Ms. Mildred H. Darcey  
Prince George's Co Farm Bureau, Inc  
P O Box 2240  
Upper Marlboro, Maryland 20773

Dear Ms. Darcey:

Thank you for providing comments on the Chesapeake Bay Critical Area Timber Harvest Plan Guidelines. As I indicated in my memo of March 22, 1999, we have been working with a task force for over two years to develop draft guidelines for the commercial harvest of timber and the conservation of forest interior dwelling birds (FID). The Critical Area Commission has formed a workgroup to consider these draft guidelines and requested input from you and others before finalizing their recommendation to the full Commission. Your comments will be copied and distributed to the FID Workgroup for their consideration.

Again, thank you for taking the time to review these guidelines.

Sincerely,

*M. Claudia Jones*

M. Claudia Jones  
Science Advisor

MCJ/jjd

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) 260-7516 Fax: (410) 974-5338

May 19, 1999

Mr. James B. Beavan  
St. Mary's Soil Conservation District  
22660 Washington Street  
Leonardtown, Maryland 20650

Dear Mr. Beavan:

Thank you for providing comments on the Chesapeake Bay Critical Area Timber Harvest Plan Guidelines. As I indicated in my memo of March 22, 1999, we have been working with a task force for over two years to develop draft guidelines for the commercial harvest of timber and the conservation of forest interior dwelling birds (FID). The Critical Area Commission has formed a workgroup to consider these draft guidelines and requested input from you and others before finalizing their recommendation to the full Commission. Your comments will be copied and distributed to the FID Workgroup for their consideration.

Again, thank you for taking the time to review these guidelines.

Sincerely,

A handwritten signature in cursive script that reads "M. Claudia Jones".

M. Claudia Jones  
Science Advisor

MCJ/jjd

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) 260-7516

Fax: (410) 974-5338

May 19, 1999

Mr. James B. Norris, Jr.  
St. Mary's County Farm Bureau, Inc.  
40315 Drury Lane  
Leonardtown, Maryland 20650

Dear Mr. Norris:

Thank you for providing comments on the Chesapeake Bay Critical Area Timber Harvest Plan Guidelines. As I indicated in my memo of March 22, 1999, we have been working with a task force for over two years to develop draft guidelines for the commercial harvest of timber and the conservation of forest interior dwelling birds (FID). The Critical Area Commission has formed a workgroup to consider these draft guidelines and requested input from you and others before finalizing their recommendation to the full Commission. Your comments will be copied and distributed to the FID Workgroup for their consideration.

Again, thank you for taking the time to review these guidelines.

Sincerely,

A handwritten signature in cursive script that reads "M. Claudia Jones".

M. Claudia Jones  
Science Advisor

MCJ/jjd

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May 19, 1999

Mr. John B. Blake  
Frederick County Forest Conservancy  
District Board  
12213 Wildcat Road  
Myersville, Maryland 21773-9344

Dear Mr. <sup>John</sup>Blake:

Thank you for providing comments on the Chesapeake Bay Critical Area Timber Harvest Plan Guidelines. As I indicated in my memo of March 22, 1999, we have been working with a task force for over two years to develop draft guidelines for the commercial harvest of timber and the conservation of forest interior dwelling birds (FID). The Critical Area Commission has formed a workgroup to consider these draft guidelines and requested input from you and others before finalizing their recommendation to the full Commission. Your comments will be copied and distributed to the FID Workgroup for their consideration.

Again, thank you for taking the time to review these guidelines.

Sincerely,

A handwritten signature in cursive script that reads "M. Claudia Jones".

M. Claudia Jones  
Science Advisor

MCJ/jjd

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(410) 260-7516

Fax: (410) 974-5338

May 19, 1999

Mr. Frederick W. Fallon  
Prince George's Audubon Society  
P O Box 693  
Bowie, Maryland 20715

Dear Mr. <sup>Fred</sup> Fallon:

Thank you for providing comments on the Chesapeake Bay Critical Area Timber Harvest Plan Guidelines. As I indicated in my memo of March 22, 1999, we have been working with a task force for over two years to develop draft guidelines for the commercial harvest of timber and the conservation of forest interior dwelling birds (FID). The Critical Area Commission has formed a workgroup to consider these draft guidelines and requested input from you and others before finalizing their recommendation to the full Commission. Your comments will be copied and distributed to the FID Workgroup for their consideration.

Again, thank you for taking the time to review these guidelines.

Sincerely,

*M. Claudia Jones*

M. Claudia Jones  
Science Advisor

MCJ/jjd

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Executive Director

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(410) 260-7516 Fax: (410) 974-5338

May 19, 1999

Mr. Calvin D. Lubber  
Maryland Forests Association  
P O Box 599  
Grantsville, Maryland 21536-0599

Dear Mr. Lubber:

Thank you for providing comments on the Chesapeake Bay Critical Area Timber Harvest Plan Guidelines. As I indicated in my memo of March 22, 1999, we have been working with a task force for over two years to develop draft guidelines for the commercial harvest of timber and the conservation of forest interior dwelling birds (FID). The Critical Area Commission has formed a workgroup to consider these draft guidelines and requested input from you and others before finalizing their recommendation to the full Commission. Your comments will be copied and distributed to the FID Workgroup for their consideration.

Again, thank you for taking the time to review these guidelines.

Sincerely,

A handwritten signature in cursive script that reads "M. Claudia Jones".

M. Claudia Jones  
Science Advisor

MCJ/jjd

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Ren Serey  
Executive Director

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May 19, 1999

Mr. Bill Brumbley  
Prince George's County Forestry Board  
P O Box 116  
West Bowie, Maryland 20719

Dear Mr. Brumbley:

Thank you for providing comments on the Chesapeake Bay Critical Area Timber Harvest Plan Guidelines. As I indicated in my memo of March 22, 1999, we have been working with a task force for over two years to develop draft guidelines for the commercial harvest of timber and the conservation of forest interior dwelling birds (FID). The Critical Area Commission has formed a workgroup to consider these draft guidelines and requested input from you and others before finalizing their recommendation to the full Commission. Your comments will be copied and distributed to the FID Workgroup for their consideration.

Again, thank you for taking the time to review these guidelines.

Sincerely,

*M. Claudia Jones*

M. Claudia Jones  
Science Advisor

MCJ/jjd

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Chairman



Ren Serey  
Executive Director

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April 29, 1999

Mr. Doug Stayton  
Talbot County Office of  
Planning and Zoning  
Courthouse  
11 N Washington Street  
Easton, Maryland 21601

Dear Mr. Stayton:

You have asked this office to provide guidance on the role of standing, dead trees and fallen, dead trees within the Chesapeake Bay Critical Area Buffer.

Generally, dead, standing trees or snags attract animals such as woodpeckers, owls, flying squirrels and bats as nesting and feeding sites. They are easy to excavate as nest sites and the decaying wood harbors many insects and other invertebrates that provide food for wildlife.

Dead and fallen trees on the land also provide a water quality benefit by slowing the flow of stormwater runoff, thereby providing for infiltration and reducing sedimentation to adjacent waterways.

Trees and limbs that have fallen into the water also provide food and shelter. Limbs in the water create places for small fish to hide and for crabs to molt. When limbs are above the water they provide a fishing perch for birds like the green heron and the belted kingfisher.

If you would like specific guidance on the application of these principles to a particular site, please contact me. I regularly assist local jurisdictions with site-specific Buffer questions.

Sincerely,

A handwritten signature in cursive script that reads "M. Claudia Jones".

M. Claudia Jones  
Science Advisor

MCJ/jjd  
cc: Ms. Lisa Hoerger

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February 17, 1999

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

RE: South River Colony, Parcel "B"

Dear Ms. Chalkley,

This letter provides comments on the issues raised at the 1/12/99 meeting and raised in the letter dated December 16, 1998 from LDR to the County. These issues and our comments are as follows:

*Revisions to the Plan*

**Reduction of lot size and relocation of homesites closer to the road**- The Commission appreciates this move to reduce impacts to FID habitat. We recommend that the County require a conservation easement on the back portion (that area beyond what would be considered a reasonable size back yard - 15-25 ft. )of these residential properties to maintain forest cover and associated understory. Activities should be limited in this area to walking paths that do not require any clearing. If an easement is not provided on the back portion of this property, the entire lot should be considered disturbed area for FID purposes and the interior boundary of the lot line should be the starting point for locating the 300 foot "edge" around the "interior" FID habitat. This would considerably change the FID impact calculations.

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Page Two  
Ms. Penny Chalkley  
February 17, 1999

**Reduction of length and width and elimination of cul-de-sac for road leading to single family residences.** - The Commission supports a waiver from County regulations to allow a 40 ft. private road with "T" since this will result in reduced impacts for forest cover and FID habitat.

### *FID RETENTION PERCENTAGES*

**300 foot edge around FID interior** - The developer has requested that we consider including the 300-foot area around the periphery of the forest as FID habitat because of the quality and maturity of the trees. While they are correct that FID will most likely utilize this portion of the forest, it is not considered good habitat for nesting success due its proximity to cleared/open areas. This is based on many studies demonstrating that nesting success is significantly reduced when nests are located close to the forest edge due to increased accessibility to predators such as crows and blue jays, as well as the brown-headed cowbird, a nest parasite. It is not only the quality of the forest that is important to this group of birds, but also the extent to which the forest is fragmented or not.

### *MITIGATION FOR LOSS OF FID HABITAT*

**Mitigation requirements** - Combining calculations by LDR and the Critical Area Commission staff, the following spells out the amount of mitigation required for forest interior dwelling bird habitat that is impacted.

|   |             |
|---|-------------|
| Total acres in the Critical Area  | 149.57      |
| Forest/FID habitat in the Critical Area                                 | 139.22      |
| In the situation on this property, forest and FID habitat are the same. |             |
| Forest interior, pre-development acres                                  | 110         |
| Interior, post-development acres  | 77.58 = 71% |
| Acres of interior lost after development                                | 32.42       |
| Mitigation required   | 64.84       |

The mitigation ratio is 2:1 when the amount of interior lost is greater than 20%. LDR comes up with a mitigation requirement of 11 acres. I believe that they are counting only the amount of forest actually disturbed and not including the new edge that is created. The new edge needs to be deducted from the original forest interior amount.

Mitigation can be in the form of reforestation of areas that will function as FID habitat or protection of existing FID habitat. Creation of habitat is given acre for acre credit. In other words, if the mitigation requirement is for 65 acres, then the amount of habitat creation is 65

Page three  
Ms. Penny Chalkley  
February 17, 1999

acres. This 65 acres must be contiguous to forested area that will remain forested and be at least 100 acres combined.

Mitigation can also be in the form of protection of existing forest that is functioning as FID habitat. Protection of existing habitat is given a credit of ½. In other words, if the mitigation requirement is for 65 acres and all the mitigation proposed is in the form of protection, then the mitigation acreage is 130 acres. In all cases, even if the mitigation requirement is less than 100 acres, the mitigation area needs to be contiguous to 100 acres of forest that in all probability will remain forested.

**Reforestation of old Mayo Road** - The reforestation of Old Mayo Road should only be allowed to be counted as FID mitigation to the extent that it increases forest interior habitat. Forest interior habitat is defined as that forest which is at least 300 feet from the nearest edge.

**Reforestation of existing trails** - The developer has requested that mitigation credit be allowed for replanting of existing trails in Open Space areas. Based on conversations with Katherine McCarthy of the Department of Natural Resources, these trails currently have canopy closure and therefore we would gain only minimally by augmenting these areas with trees.

**Meeting mitigation requirements** - The mitigation amount needed will require that the developer goes somewhere besides Parcel B to find suitable land. Parcel C has been discussed as a possible area that may qualify as a mitigation protection area for forest interior dwelling birds.

*To determine the mitigation potential of Parcel C, we need the following information:*

- The forested acreage of Parcel C.
- The extent to which Parcel C is currently buildable under county, state, and federal regulations.
- Any proposed uses on Parcel C. There was mention of a potential agreement with the Boy Scouts about use of some portion of the property. This is to determine the extent that clearing will occur on the parcel.

*In the event that an area protected for mitigation purposes is less than 100 acres and needs adjacent forests to meet the required 100 acre minimum, the following information is needed:*

- The extent of forest cover contiguous to Parcel C on adjacent parcels.
- Any known plans on adjacent parcels. This is needed to determine if activities on adjacent land may preclude the ability of Parcel C to function as FID habitat in the long term.

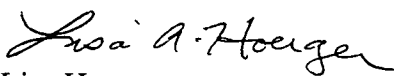
*Requirements for forest interior bird mitigation sites:*

Page Four  
Ms. Penny Chalkley  
February 17, 1999

- A conservation easement placed on the mitigation site that removes the development potential in perpetuity
- Activities that may be allowed on the mitigation parcel include passive recreation, and timber harvest provided that the timber harvest plans have gone through regular review process at the county and state levels.

Please do not hesitate to call if you have any questions regarding these comments.

Sincerely,

  
Lisa Hoerger  
Environmental Specialist

  
Claudia Jones  
Science Advisor

cc: Mr. Steve Callahan  
Mr. Sean Davis  
Ms. Katherine McCarthy  
Ms. Regina Esslinger



Staff Correspondence: Meredith Lathbury

1999

51832-141-4

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) 260-7516 Fax: (410) 974-5338

December 23, 1999

Mr. Richard Pritzlaff  
Chesapeake Wildlife Heritage  
P O Box 1745  
Easton, Maryland 21601

**RE: Zoeter Property and CREP Easement**

Dear Mr. Pritzlaff:

I am writing to provide additional guidance and information regarding how we would like to proceed in enrolling the Zoeter property in the CREP easement program. As you know, the Zoeter property presents a unique situation with respect to the CREP easement. The majority of the farm is eligible for the CREP contract, and therefore, the CREP easement could cover most, if not all, of the property. As we have discussed, the CREP easement program was designed to protect strips of riparian land. We are developing strategies to deal with this unique situation, which I will outline below.

Because this situation more closely resembles the type of transaction that normally undergoes an appraisal process, we are recommending that you obtain two fair market value appraisals from appraisers who are officially listed with the Department of General Services (DGS). If you agree to use appraisers who are on this list, you will be reimbursed for the cost of the appraisals. This is the procedure used by many land trusts for easement acquisitions using State funds. As you know, it is unclear at this time exactly how much we can offer Ms. Zoeter. These appraisals will help us to make a reasonable offer, and provide a solid basis upon which this project can be proposed to the Board of Public Works. We would like to use the appraisal process to justify the pre-approved bonus payment. If it turns out that the appraised value is lower than the standard bonus payment, the amount we are able to offer may have to be adjusted.

There are several reasons why we believe this is the best way to proceed. First, enrolling the whole farm in an easement containing the CREP area is a unique situation that is distinct from our original vision of purchasing easements on strips of riparian land eligible for the CREP contract and those surrounding areas eligible for the 1:1 match. We believe that this transaction will undoubtedly achieve the conservation purposes of the CREP program, and provide the

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Mr. Pritzlaff  
December 23, 1999  
Page Two

additional benefits of a wholly protected and restored farm that will be managed for natural resource purposes. The standardized CREP easement must be modified for this particular transaction. My understanding is that the modified easement language will encompass the entire property, and restrictions are being developed to address overall natural resource management goals.

Second, the standard CREP easement bonus payment designated in the Board of Public Works item may be problematic in this situation because of the large acreage to be enrolled and because Prince George's County does not have a track record with the MALPF (Maryland Agricultural Land Preservation Foundation) easement program, which was the basis for these numbers in other counties. To resolve uncertainty about the fair market value of an easement on this property, we feel it is necessary to obtain two appraisals of the property through the process typically used by DGS for this type of easement purchase as described above. In obtaining these appraisals, we feel it crucial that the appraisers understand how the CREP contract and the local zoning designation impacts valuation of the property. It would be very helpful if you would involve myself or Jeff Horan in discussions with the appraisers so that these valuation issues can be raised.

I will be happy to discuss this matter in more detail as you see necessary. Please do not hesitate to contact me at (410) 260-7123 regarding issues that might arise out of this matter.

Sincerely,



Meredith Lathbury  
Natural Resources Planner

MEL/jjd

cc: Mr. Jeff Horan, FWH  
Mr. Mike Nelson, LWCS  
Ms. Pam Bush, POS

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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December 17, 1999

Mr. Keith Kelley  
Department of Environmental Protection  
and Resource Management  
401 Bosley Avenue, Suite 416  
Towson, Maryland 21202-4488

**RE: Liu Property (#99-23) Subdivision Request/Buffer Variance Request**

Dear Mr. Kelley:

Thank you for the opportunity to review the above referenced subdivision and Buffer variance request. The applicant is seeking to subdivide an existing parcel into two lots and maintain part of the 100-foot Buffer as lawn. The property contains 0.8 acres in a Limited Development Area (LDA) and currently has 500 square feet (or 1.4%) impervious surfaces. The proposed subdivision would result in two (2) lots, one containing 0.585 acres, and the other containing 0.223 acres. It is my understanding that applicant is aware that the development of these lots would be limited to 15% impervious surfaces per lot. The variance is necessary because new subdivisions must provide a 100-foot Buffer. If a Buffer is not already established, the Buffer must be planted with native vegetation or allowed to regenerate naturally. We do not oppose the subdivision proposal. We cannot support the Buffer variance as proposed for the following reasons.

Once a grandfathered parcel in the LDA is subdivided, the new lots must comply with the regulations required for LDAs. One requirement is that a Buffer must be maintained or established 100 feet from mean high water of tidal waters, tributary streams, and tidal wetlands. The 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 (COMAR 27.01.09.01). For new lots containing the Buffer, natural vegetation must be allowed to re-establish through planting native vegetation or not mowing the Buffer area. Allowing the Buffer to grow up naturally, or planting shrubby native vegetation, will not in any way obstruct the view of Back River from the proposed dwelling. Allowing vegetation to grow in this area will provide greater water filtering functions and slow erosion. It appears from the plan submitted that there is space outside of the 100-foot Buffer to provide a lawn.

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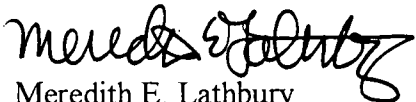
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Mr. Kelley  
December 17, 1999  
Page Two

Please include this letter in the record for variance and subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions, please do not hesitate to contact me at (410) 260-7123.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: 620-99

udge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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(410) 260-7516 Fax: (410) 974-5338

December 13, 1999

Mr. Keith Kelley  
Department of Environmental Protection  
and Resource Management  
401 Bosley Avenue, Suite 416  
Towson, Maryland 21202-4488

**RE: Hurley Property - (#99-21) Buffer Variance Request**

Dear Mr. <sup>Keith</sup> Kelley:

Thank you for the opportunity to review the above referenced variance request. The applicant is seeking to construct a 12' x 24' (288 square feet) wooden deck off of an existing house on a grandfathered lot in a designated Limited Development Area (LDA). The lot contains 0.25 acres and the existing structure infringes on the 100-foot Buffer to Jones Creek by forty (40) feet. We do not oppose the variance as proposed. We do ask that the applicant mitigate all new disturbance to the Buffer through plantings of native vegetation at a ratio of 3:1. My understanding is that the applicant plans to mitigate disturbance to plant three (3) trees.

Please include this letter in the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding this matter, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

A handwritten signature in black ink that reads "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: BC 621-99

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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December 13, 1999

Mr. Keith Kelley  
Department of Environmental Protection  
and Resource Management  
401 Bosley Avenue, Suite 416  
Towson, Maryland 21202-4488

**RE: Humer Property (#99-22) - Impervious Surfaces Variance Request**

Dear Mr. <sup>Keith</sup> Kelley:

Thank you for the opportunity to review the above referenced impervious surfaces variance request. The applicant is seeking to construct a 20' x 32' addition to an existing single family structure. The property contains 0.28 acres in a designated Limited Development Area (LDA). The lot is part of a subdivision that was approved in 1986. This lot cannot exceed 25% impervious surfaces under Natural Resources Article §8-1808.3. According to your letter to the applicants dated November 1, 1999, the applicants have 265 square feet of impervious surfaces left. The variance is necessary because the proposed addition would add 640 square feet, bringing the total impervious surfaces to 28.1%. We cannot support the variance as proposed.

In order to obtain a variance, the applicants must satisfy the variance requirements set forth under Baltimore County's Critical Area ordinance. The applicants have not satisfied these requirements because alternatives are available that would eliminate the need for a variance. The property already contains a variety of accessory structures and impervious surfaces that could be removed or scaled down in order to accommodate the addition. According to the information submitted, the applicant already has several accessory structures labeled as "concrete pads" on the plan. The applicant could remove 375 square feet of the existing impervious surfaces in order to build the full addition requested. Some of the concrete pads, such as the driveway, could be replaced with pervious pavers. In the alternative, the proposed addition could be scaled back and a smaller amount of impervious surfaces could be removed in order to accommodate the addition.

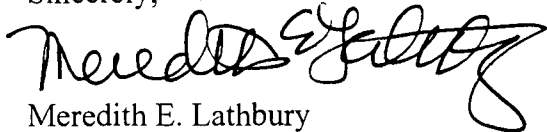
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Mr. Kelley  
December 14, 1999  
Page Two

Please include this letter in the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding this matter, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury". The signature is written in black ink and is positioned above the printed name.

Meredith E. Lathbury  
Natural Resources Planner

cc: BC 619-22





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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December 13, 1999

Ms. Joan Kean  
Somerset County Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, Maryland 21853

**RE: Noble Farm Growth Allocation (#99-17, F&C Development Corporation)**

Dear Ms. Kean:

The Commission has received the above referenced growth allocation request to reclassify 37.2 acres of designated Resource Conservation Area (RCA) to Limited Development Area (LDA). Section 8-1809(j) of the Critical Area Act requires that changes to local programs must be consistent with the Critical Area Criteria. Therefore, in order for this office to process the growth allocation request, we need the following information previously requested in my letter to Mr. Thomas Lawton dated June 18, 1999:

- 1) The applicant should provide the County with information regarding whether the wetlands are State or private. According to our maps, there are wetlands present on the southern half of the property (see attached photocopy). Our maps indicate that brackish low marsh and smooth cordgrass are present on the site. This area may be considered State tidal wetlands. State tidal wetlands cannot be counted towards the twenty (20) acres of residue outside the development envelope required under Somerset County's growth allocation requirements. We need confirmation of the exact acreage of private and State tidal wetlands on the property. The Maryland Department of Environment (MDE) can confirm the determination of State wetlands versus private wetlands. For additional information about State and private wetlands, I recommend you contact Bob Tabisz of MDE in the Tidal Wetlands Division at (410) 631-8053.
- 2) It appears that the northern part of the property labeled Habitat Protection Area and the southern part of the property labeled Habitat Protection Area are connected by a narrow strip of land and are being used to meet the 20 acre residue requirement. In the past, the Commission has not looked favorably upon plans using a narrow strip of land to connect open

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

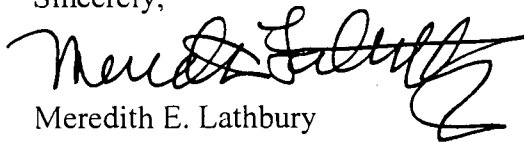
Ms. Kean  
December 14, 1999  
Page Two

space areas. The Commission has not formally established a minimum corridor width, rather it considers such proposals on a case by case basis. The Commission's Program Subcommittee will informally review and provide comments on the growth allocation request at its regular meeting on January 5, 2000.

- 3) I understand that due to the County's Health Department requirements, the lot lines for lots 15, 16 and 17 cannot be moved out of the Buffer. However, the Commission's growth allocation policy requires that the development envelope include all required Buffers, including the 100-foot Buffer, and be deducted from growth allocation. The 100-foot Buffer has not been included in the development envelope according to the plat submitted. Please see attached policy and map.
- 4) The plans indicate that the narrow strip referred to above contains an existing water quality pond. The plat should be adjusted to show that the pond is a wildlife management pond. The note saying "Proposed Pond" should be removed if in fact there is no pond proposed.
- 5) Where agricultural land in the 100-foot Buffer is being converted to development, the Buffer **must** be established through native plantings or natural regeneration. The plan should reflect the developer's intent to either plant or allow natural regeneration, especially in those areas where the lot lines cross into the Buffer.
- 6) Please submit to us the letter from the Maryland Department of Natural Resources Heritage Division indicating the status of threatened or endangered species on the site. If the developer has not yet obtained this letter, please notify us, and we will contact DNR to obtain the letter.

Thank you for your assistance in this matter. Please call me or Mary Owens if you have any questions. We can be reached at (410) 260-7516.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner  
MEL/jjd  
Enclosures

cc: Mr. Bob Tabisz, MDE  
Ms. Mary Owens, CBCAC  
Ms. Regina Esslinger, CBCAC  
SO 242-99



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) 260-7516 Fax: (410) 974-5338

December 7, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning  
P O Box 107  
Cambridge, MD 21613

**RE: Robert Hastings Property (#912A) - Subdivision Request**

Dear *Steve* Mr. Dodd:

Thank you for the opportunity to review the above referenced subdivision request. The applicant is seeking a one lot subdivision for a single family residence. This property was previously subdivided and already contains three lots. The property contains 0.99 acres in a designated Limited Development Area (LDA). My understanding is that the lot is vacant and that the applicant will afforest the property with 15% coverage of trees. There are no Buffer issues on the property and I understand that the applicant has obtained a letter from the Maryland Department of Natural Resources Heritage Division that says no rare, threatened and endangered species are present on this property. We do not oppose the subdivision as proposed.

Please include this letter in the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding this matter, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

*Meredith E. Lathbury*  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: DC 617-99

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) 260-7516 Fax: (410) 974-5338

December 3, 1999

Mr. Roy List  
Department of Environmental Protection  
and Resource Management  
401 Bosley Avenue, Suite 416  
Towson, Maryland 21202-4488

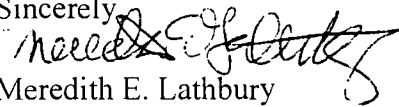
**RE: Edwards Boatyard (#99-20) - Buffer Variance Request**

Dear Mr. List:

Thank you for the opportunity to review the above referenced buffer variance request. The applicant is seeking a variance to the 100-foot Buffer for one (1) 1500 gallon above ground diesel fuel storage tank on a property currently used as a commercial marina. The property contains 3.92 acres in a designated Limited Development Area (LDA). The entire property is covered with impervious surfaces already. The proposed storage tank will have a double wall system that will protect against leaks. The variance is necessary because there are no alternative locations outside of the 100-foot Buffer due to safety restrictions set forth in the National Firecode. We do not oppose the variance as proposed.

Please include this letter in the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: BC 581-99

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) 260-7516

Fax: (410) 974-5338

December 3, 1999

Major John Norbeck  
Regional Manager  
Maryland Department of Natural Resources  
8000 Baltimore National Pike  
Ellicott City, MD 21043

**RE: Gunpowder Falls State Park - Hammerman Area Mini-Cabins**

Dear Major Norbeck:

I am writing to inform you of action taken by the Critical Area Commission. On Wednesday, December 1, 1999, the Commission voted to approve DNR's two mini-cabins at Gunpowder Falls State Park in the Hammerman Area. Thank you for preparing the information necessary for this approval and for attending the project review subcommittee meeting. If you have any questions regarding this matter, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: 32-99

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**

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(410) 260-7516 Fax: (410) 974-5338

November 29, 1999

Mr. Frederick Gerald, III  
City Manager  
City of Crisfield  
P O Box 270  
Crisfield, Maryland 21817

RE: McCready Hospital - Impervious Surfaces Variance Request

Dear Mr. Gerald:

Thank you for the opportunity to review the above referenced variance request. The applicant is seeking to construct a 1400 square foot addition to the existing hospital structure on a 17.6 acre property in a designated Limited Development Area (LDA). The property already contains 4.57 acres (26.5%) of impervious surfaces, already exceeding the 15% impervious surfaces limitation under Crisfield's Critical Area ordinance. The addition will increase impervious surfaces by 0.03 acres, bringing the total impervious surfaces to 4.60 acres or 26.7%. The proposed addition will not be placed in the 100-foot Buffer.

We do not oppose the variance request, however, it is my understanding that the City of Crisfield will work with the Critical Area Circuit Rider, Tracey Greene, to request growth allocation for this property so that it can be re-designated as Intensely Developed Area (IDA). The IDA designation will allow the hospital to expand and develop in the future without needing an impervious surfaces variance each time. The building permit for this development, as is the case for all development and re-development in the Critical Area, must be submitted to the Critical Area Circuit Rider for review.

Please include this letter in the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

A handwritten signature in black ink, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Ms. Tracey Greene, Critical Area Circuit Rider  
Mr. Ken Sterling, McCready Memorial Hospital  
CF-583-99

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) 260-7516 Fax: (410) 974-5338

November 19, 1999

Mr. Keith Kelley  
Department of Environmental Protection  
and Resource Management  
401 Bosley Avenue, Suite 416  
Towson, Maryland 21204-4488

**RE: Hamel Property (#99-17) - Buffer Variance Request**

Dear Mr. Kelley:

Thank you for the opportunity to review the above referenced variance request. The applicant is seeking an after-the-fact variance for a 12' x 40' deck and an 11' x 18' screenhouse on top of the deck. The deck is built off of a pier and is completely over tidal waters. The property contains 13,027 sq. ft. in a designated Limited Development Area (LDA) adjacent to Bear Creek.

The Critical Area law prohibits construction of structures on piers except in certain situations set forth in *Annotated Code of Maryland, Natural Resources* §8-1808.4. I have contacted Mr. Bob Tabisz of Maryland Department of Environment (MDE) regarding this matter, and it is my understanding that the applicant has not obtained a permit from MDE for this structure. We cannot support this variance request.

Please include this letter in the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner  
MEL/jjd

cc: Mr. Bob Tabisz, MDE  
BC 541-99

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) 260-7516

Fax: (410) 974-5338

November 16, 1999

Mr. Steve Dodd  
Dorchester County Planning and Zoning  
County Office Building  
P.O. Box 107  
Cambridge, MD 21613

**RE: Windsor Property - Subdivision Request (#924)**

Dear  Steve Dodd:

Thank you for the opportunity to review the above referenced subdivision request. The applicant is seeking a one lot subdivision in a designated Resource Conservation Area (RCA). The proposed lot will contain 22.349 acres, with 226.151 acres remaining in the original parcel. We do not oppose the subdivision as proposed, however, we offer the following comments for consideration.

The proposed lot contains habitat protection areas that will need to be addressed when the site is developed. The north end of the property contains tidal and non-tidal wetlands. The Buffer extends 100 feet from mean high water and sensitive areas including tidal wetlands, steep slopes, hydric soils or highly erodible soils. The site plan should clearly mark the 100-foot Buffer and there should not be any proposed structures in this Buffer.

The plat indicates that the proposed lot contains Forest Interior Dwelling Species. Conservation of Forest Interior Dwelling Species habitat is mandated by the Critical Area regulations (COMAR 27.01.09.04C(2)(a)(iv)). The plat also indicates that 40% of the lot is covered by forest. Any forest clearing associated with development of the site must comply with Dorchester County's Critical Area ordinance (Dorchester Zoning Reg. §155-47(H)). This lot is near an anadromous fish spawning area. Under COMAR 27.01.09.05, any site development should minimize impact on anadromous fish spawning streams. These factors should be taken into consideration when developing a site plan for the dwelling proposed for this lot.

The applicant should have a current letter from the Department of Natural Resources Heritage Division explaining whether there are any rare, threatened, or endangered species on the site.

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

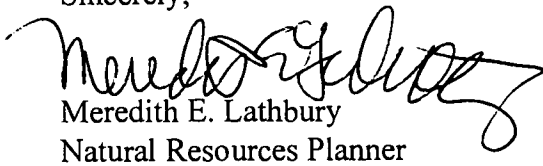


Mr. Steve Dodd  
November 16, 1999  
p.2

This letter can be obtained by sending a request to Mr. Michael Slattery, Maryland Department of Natural Resources, Heritage Division, E-1, 580 Taylor Avenue, Annapolis, MD 21401.

Please include this letter in the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to call me at (410) 260-7123.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

cc: DC 549-99

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) 260-7516 Fax: (410) 974-5338

November 16, 1999

Ms. Anne Kernan  
Gunpowder Falls State Park  
2813 Jerusalem Road  
P O Box 480  
Kingsville, Maryland 21087

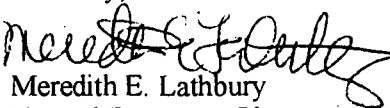
**RE: Mitigation for Muskrat Trail Bridge Replacement and Repair**

Dear Ms. Kernan:

As you know, the Critical Area Commission has approved the proposed bridge repairs for the Muskrat Trail with the requirement that 3:1 mitigation be performed for the area of disturbance in the 100-foot Buffer. David Decker at DNR informed me that the area of disturbance for Structure A will be 120 square feet. There will be no disturbance in the 100-foot Buffer for Structure B. In order to meet this requirement, we need to put together a "Planting Agreement," which I've enclosed for your perusal. I've already filled out the information we need other than a planting and natural regeneration plan. I will need you to submit a short planting plan describing how many trees or shrubs you will plant, what type of vegetation will be used, and approximately where the vegetation will be planted. Commission staff can provide technical assistance for developing this plan if you wish.

The back side of the "Planting Agreement" explains how to calculate the number of trees or shrubs that need to be planted. As we have discussed, we ask that plantings consist of native vegetation and that they be placed in the 100-foot Buffer. The total mitigation credit needed for this project is 360 sq. ft. (120 sq. ft. of disturbance x 3). The mitigation chart shown on the planting agreement shows a variety of ways this requirement can be met. For example, you could plant three trees (2-inch caliper) and 1 tree (seedling) or 1 shrub, or 7 trees (seedlings), or 7 shrubs, or a combination of trees and seedlings, so long as the credit totals 360 square feet. We ask that the trees and shrubs be planted either the spring or fall season following approval of the project by the Critical Area Commission. Commission staff will conduct two site visits over the next two years to verify that the mitigation plan has been carried out. If you have any questions regarding this matter, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd  
Enclosure

cc: David Decker, DNR

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) 260-7516 Fax: (410) 974-5338

November 15, 1999

Ms. Pat Farr  
Baltimore County Department of Environmental Protection  
and Resource Management  
401 Bosley Avenue, Suite 416  
Towson, MD 21204-4488

**RE: Graceful Living Site Plan/Special Exception Proposal**

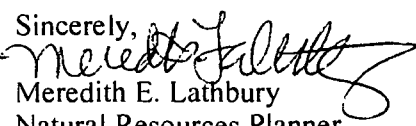
Dear Ms. Farr:

Thank you for the opportunity to review the above referenced proposal. The applicant is seeking a special exception to allow an adult assisted living day care center on a 9.96 acre parcel containing 9.66 acres in a designated Resource Conservation Area (RCA). The parcel is vacant and is currently completely forested. The special exception would be needed because the proposal involves a commercial use in the RCA. We do not support the concept plan as proposed. This office has consistently opposed this type of use in the RCA without the use of growth allocation.

The RCA is designated for nature-dominated environments and resource-utilization activities, such as agriculture and forestry. Generally, land in the RCA may not be zoned or used for industrial or commercial development under COMAR 27.01.02.05. A new adult assisted living day care center is a commercial development that exceeds the intensity of uses permitted for new development in the RCA. Staff advises the applicant to seek growth allocation in order to change the designation to Limited Development Area (LDA) where this type of development would be allowed.

In addition, the Baltimore County Code requires applicants to satisfy stormwater management requirements, including the requirement that the stormwater management system be designed to eliminate all runoff caused by the development in excess of that which would have come from the site in its predevelopment state. (Baltimore County Code §26-453(h)). The plan submitted does not identify any stormwater management systems that will accommodate the impervious surfaces (1 acre) proposed for this development.

Please include this in the record for special exception. Please notify our office in writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7123.

Sincerely,  
  
Meredith E. Lathbury  
Natural Resources Planner  
MEL/jjd

cc: Mary Owens, CBCAC.  
Regina Esslinger, CBCAC

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

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
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(410) 260-7516 Fax: (410) 974-5338

November 15, 1999

Mr. Frederick B. Gerald, III  
City Manager  
City of Crisfield  
P O Box 270  
Crisfield, Maryland 21817

**RE: McCready Memorial Hospital - Impervious Surfaces Variance Request**

Dear Mr. Gerald:

We received the notice of public hearing for the above referenced variance request. We have not received any site plans or the building permit application for this project. Under the Crisfield Code, §112-109, applicants seeking permission for new development or re-development in the Critical Area must submit a site plan to the City. In addition, variance applications must be submitted to the Critical Area Commission for review at least two weeks prior to the scheduled public hearing (Crisfield Code §112-113). Please submit the applicant's variance request with site plans as soon as possible so that we can review them before the upcoming hearing on November 30, 1999. We must receive the request by Tuesday, November 16<sup>th</sup>, 1999 in order to properly review the plans and submit comments prior to the public hearing.

If you have any questions regarding this matter, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

A handwritten signature in black ink, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Ms. Tracey Greene, Circuit Rider  
Ms. Regina Esslinger, CBCAC

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

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



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

November 4, 1999

The Honorable Robert W. Peters  
Town of Secretary  
P O Box 24B  
Secretary, Maryland 21664

RE: Request for Critical Area Mapping Refinement

Dear Mayor Peters:

I am writing to inform you of a decision made by the Chesapeake Bay Critical Area Commission on Wednesday, November 3, 1999. The Commission concurred with Chairman North's determination that your mapping change request is a refinement to Secretary's Critical Area Program needing no further review by this body at this time. We appreciate your cooperation and patience in this process. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Ms. Tracey Greene, Circuit Rider

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) 260-7516 Fax: (410) 974-5338

November 4, 1999

Mr. David Decker  
Maryland Department of Natural Resources  
580 Taylor Avenue  
Annapolis, MD 21401

RE: Gunpowder Falls State Park - Muskrat Trail Bridge Replacement and Repair

Dear Mr. Decker:

I am writing to inform you that the Chesapeake Bay Critical Area Commission reviewed the above referenced project on Wednesday, November 3, 1999. The Commission unanimously approved the project with the condition of 3:1 mitigation for the area of disturbance in the 100-foot Buffer. Mitigation plantings should consist of native vegetation placed in the Buffer. Commission staff will coordinate with Anne Kernan of Gunpowder Falls State Park to arrange these plantings. Thank you for your cooperation and assistance in this approval process. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Ms. Shawn Clotworthy, DNR  
Ms. Anne Kernan, Gunpowder Falls State Park  
Mr. Butch Norden, DNR  
10-99

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) 260-7516 Fax: (410) 974-5338

November 4, 1999

Mr. Keith Kelley  
Department of Environmental Protection  
and Resource Management  
401 Bosley Avenue, Suite 416  
Towson, Maryland 21204-4488

RE: Canaan Property (#99-19) - Buffer Variance Request

Dear Mr. Kelley:

Thank you for the opportunity to review the above referenced Buffer variance request. The applicant is seeking to create three lots on a parcel with 1.77 acres in a designated Limited Development Area (LDA). A single dwelling already exists on the parcel. The subdivision would create a total of three lots, Lot 1 (18,612 square feet), Lot 2 (24,108 square feet), and Lot 3, containing an existing structure (12,799 square feet). The property is located on Vogt's Lane, adjacent to Jordans Creek. The variance is needed because the proposed development of a single family dwelling on Lot 2 infringes on the 100-foot Buffer to Jordans Creek. We cannot support the subdivision or variance as proposed.

New subdivisions cannot create non-conforming lots. Lot 2 is a non-conforming lot that would require a Buffer variance in order to be developed. The lots could be reconfigured in order to avoid the need for a Buffer variance. Although the applicant contends that Lot 3 will be used as open space, should this lot be conveyed and redeveloped in the future, there is a high likelihood that an impervious surfaces variance would be needed due to the small size of the lot. This problem could be avoided by merging Lot 3 with Lot 1. In doing so, the applicant could then adjust the line of Lot 2 to allow enough room for a dwelling unit to be placed outside of the 100-foot Buffer to Jordan's Creek.

In order to obtain a variance, the applicant must satisfy the unwarranted hardship standard as set forth in *Belvoir Farms Homeowners v. North*, No. 159 Sept. Term 1998. To establish unwarranted hardship, the applicant must show that he or she has a substantial and urgent need for the variance, and that without the variance he or she would be denied a significant and reasonable use. In this situation, the applicant already has reasonable use of the property with the existing dwelling. In addition, alternative lot configurations exist that would relieve the applicant of the need for a variance. The applicant has not satisfied the unwarranted hardship standard.

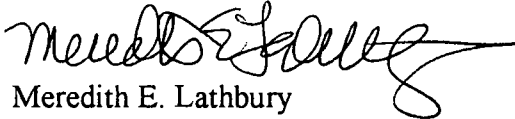
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

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

Mr. Kelley  
November 5, 1999  
Page Two

Please include this letter in the record for subdivision and variance. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7123.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: BC 559-99





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

October 29, 1999

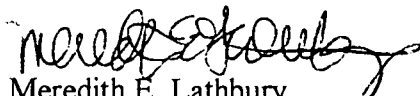
The Honorable Robert W. Peters  
Town of Secretary  
P O Box 248  
Secretary, Maryland 21664

RE: Town of Secretary - Request for Critical Area Mapping Change

Dear Mayor Peters:

We received your request for a mapping change to correct Critical Area mapping mistakes within the corporate limits of Secretary. Commission Chairman, Judge North, has determined this request to be a refinement to Secretary's Critical Area Program. The Commission will discuss the refinement on Wednesday, November 3, 1999 at its meeting in Corwnsville. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Ms. Tracey Greene, Circuit Rider

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) 260-7516 Fax: (410) 974-5338

October 28, 1999

Ms. Diane Radcliffe  
Mass Transit Administration  
William Donald Schaefer Tower  
6 Saint Paul Street  
Baltimore, Maryland 21202-1614

**RE: Light Rail Double Track: Baltimore County and  
Baltimore City Sections in the Critical Area**

*Diane*  
Dear Ms. Radcliffe:

Thank you for arranging for our site visit to the two double track areas in the Critical Area on October 8<sup>th</sup>, 1999. I am writing to follow up on some of the issues that we discussed. In case you are still interested, the next Commission meeting will be on Wednesday, November 3, 1999. The project review subcommittee will meet in the morning and the full Commission will meet in the afternoon. I can give you more details on the meeting if you wish. Please let me know if you would like to attend.

We need additional information regarding the following issues:

- ◆ We would like to have a site plan detailing the proposed Traction Power Substations and road at the Baltimore County site and the Traction Power Substations and any new impacts to the 100-foot Buffer in the Critical Area in the Baltimore City portion. We did not discuss this during our site visit, but it appears from the plans submitted to our office that there is a new pier piling proposed under the Middle Branch bridge. If this is still being proposed, please submit plans detailing any disturbance to the 100-foot Buffer and/or to tidal or non-tidal wetlands.
- ◆ We would like a locational map showing where mitigation for the first track took place. Also, we would like documentation of any fee-in lieu paid previously for the single track. If there was mitigation performed beyond what was required at that time, we need specific documentation explaining what was done so that we can apply it towards the these additional developments for the double track if necessary.

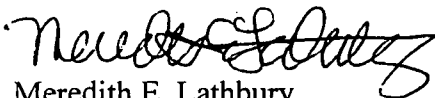
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Ms. Radcliffe  
October 28, 1999  
Page Two

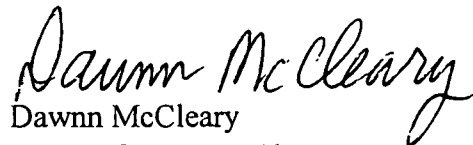
- ◆ Please submit 10% calculations for the Traction Power Substations in both Baltimore City and Baltimore County.

Thank you for your cooperation in this process. Please notify us of any changes in the plans. I look forward to speaking with you soon.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner



Dawnn McCleary  
Natural Resources Planner

MEL/jjd

cc: Ms. Pat Farr, Baltimore County DEPRM  
Mr. Duncan Stuart  
Ms. Betsy Weinkam, Coastal Resources, Inc.  
Ms. Regina Esslinger, CBCAC



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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

October 20, 1999


Mr. Gene Matsushita  
Lockheed Martin Corporation  
100 South Charles Street, Suite 1400  
Baltimore, Maryland 21201

**RE: Martin State Airport: Source Identification and Assessment Work Plan**

Dear Mr. Matsushita:

Thank you for submitting information to Ms. Pat Farr at Baltimore County DEPRM regarding the above referenced project. The project involves excavation of buried metal anomalies, drill and sample at two ponds, a trench around a former drums area, and drill and sample in an area containing petroleum hydrocarbons. The project is proposed in a designated Intensely Developed Area (IDA). This project is consistent with the goals of the Critical Area program and the regulations. We do not oppose this project. If there are any changes to the project, please contact our staff. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Ms. Pat Farr, DEPRM  
Mr. Bob Cooper, MDE  
State Project 30-99

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

October 20, 1999

Mr. Keith Kelley  
Department of Environmental Protection  
and Resource Management  
401 Bosley Avenue, Suite 416  
Towson, Maryland 21204-4488

**RE: Nichols/Pettie Property - Impervious Surfaces Variance Request (#99-15)**

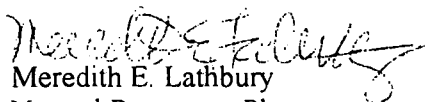
Dear Mr. Kelley:

Thank you for the opportunity to review the above referenced variance request. The applicant is seeking an after-the-fact variance for a macadam parking pad that exceeds the 15% impervious surfaces limitation. The property contains 0.5 acres in a designated Limited Development Area (LDA). Prior to the construction of the parking pad, the property contained 7.2% (1,570 square feet) of impervious surfaces. The property now contains 19.9% (4,365 square feet) of impervious surfaces. The application indicates that the driveway is used by four property owners, but the macadam actually lies on two properties, the Nichols/Pettie property and the Railey property (#99-12). We oppose the variance request because it appears that alternatives are available that would eliminate the need for a variance. In order to obtain a variance, the applicant must show that he or she has suffered an unwarranted hardship. We do not believe that the applicant has satisfied this test because alternatives are available.

New impervious surfaces impact the environment by altering natural drainage patterns, impeding infiltration, increasing runoff velocity, removing vegetation, and negatively impacting groundwater discharge. We strongly urge the applicant to consider alternative paving materials such as turf-block grid pavers, or remove existing impervious surfaces to accommodate the additional paving. The applicant could also utilize parking strips that would provide a solid place for parking vehicles without paving over the entire surface (see attached).

Please include this letter in the record for variance request. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

  
Meredith E. Lathbury

Natural Resources Planner

MEL/jjd

cc: Roy List, DEPRM  
BC 530-99

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

October 20, 1999

Mr. Roy List  
Department of Environmental Protection  
and Resource Management  
401 Bosley Avenue, Suite 416  
Towson, Maryland 21204-4488

**RE: Railey Property - Impervious Surfaces Variance Request (#99-12)**

Dear Mr. List:

Thank you for the opportunity to review the above referenced variance request. The applicant is seeking an after-the-fact variance for a macadam parking pad that exceeds the 15% impervious surfaces limitation. The property contains 0.7 acres in a designated Limited Development Area (LDA). Prior to construction of the parking pad, the property contains 8.9% (2,751 square feet) of impervious surfaces. The property now contains 29.3% (8,889 square feet) of impervious surfaces. The application indicates that the driveway is used by four property owners, but the macadam actually lies on two properties, the Railey property and the Nichols/Pettie property (#99-15). We oppose the variance request because it appears that alternatives are available that would eliminate the need for a variance. In order to obtain a variance, the applicant must show that he or she has suffered an unwarranted hardship. We do not believe that the applicant has satisfied this test because alternatives are available.

New impervious surfaces impact the environment by altering natural drainage patterns, impeding infiltration, increasing runoff velocity, removing vegetation, and negatively impacting groundwater discharge. We strongly urge the applicant to consider alternative paving materials such as turf-block grid pavers, or remove existing impervious surfaces to accommodate the additional paving. The applicant could also utilize parking strips that would provide a solid place for parking vehicles without paving over the entire surface (see attached).

Please include this letter in the record for variance request. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner  
MEL/jjd

cc: Keith Kelley, DEPRM  
BC 530-99

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

October 15, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning  
County Office Building  
P O Box 107  
Cambridge, Maryland 21613

**RE: James Property - Buffer Variance Request (Appeal Case No. 1937)**

Dear Mr. Dodd:

Thank you for the opportunity to review the above referenced variance request. The property contains 0.527 acres in a designated Limited Development Area (LDA) and Buffer Exempt Area (BEA). The property is grandfathered and contains an existing single family dwelling twenty-six (26) feet from Indian Creek. The applicant is seeking an after the fact variance to the 100-foot Buffer for a deck, above ground swimming pool (18' diameter), and screened porch. The deck and pool have been constructed. The deck extends from the house to approximately four (4) feet from the edge of Indian Creek, encroaching on the Buffer by ninety-six (96) feet. The deck appears to cover approximately 475 square feet.

Under the Dorchester County Code, new development is not permitted in a Buffer Exemption Area (BEA) unless the applicant can demonstrate and the Planning Commission finds that there is no feasible alternative (§155-47.1 (J)(5)(c)). Such development should minimize shoreward expansion and should not exceed the shoreward extent of existing structures. The deck, pool, and porch do not minimize shoreward expansion. These structures exceed the shoreward extent of existing structures by approximately twenty-two (22) feet. Based upon conditions observed at our site visit, it appears that several alternatives exist that would allow placement of the deck and the pool that would minimize shoreward expansion. The deck could be placed to the side of the house instead of expanding directly towards the water. Such placement would allow enjoyment of the water view associated with the deck, while minimizing shoreward expansion. The pool could be placed outside of the Buffer altogether, or at least significantly further away from the water's edge than its current location. There appear to be several alternative locations along the side or the front yards for the pool. By satisfying the requirements set forth in the Dorchester County Code, the applicant can avoid the need for a variance.

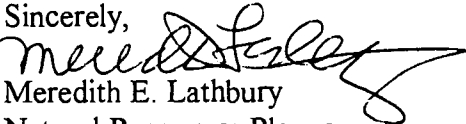
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Mr. Dodd  
October 15, 1999  
Page Two

In order to obtain a variance, the applicant must satisfy the unwarranted hardship standard, as set forth in *Belvoir Farms Homeowners v. North*, No. 159 Sept. Term 1998 (Decided August 2, 1999) (see attached). The applicant must have a substantial and urgent reason for needing the variance, and he or she must show that denial of the variance would deprive him or her of a substantial and reasonable use. Here, the applicant has submitted no information demonstrating unwarranted hardship. The applicant already obtains reasonable use of the property. The property already contains a dwelling and several accessory structures such as sheds. The applicant has alternative locations for the deck and the pool that would minimize encroachment on the Buffer.

We oppose the variance as requested. If the applicant is able to reconfigure the deck, pool, and porch to minimize shoreward expansion, we request 2:1 mitigation for the area of disturbance with native vegetation planted in the 100-foot Buffer to Indian Creek.

Please include this letter in the record for variance. Please notify our office in writing of the decision made in this case. If you have any questions, please do not hesitate to contact me at (410) 260-7123.

Sincerely,  
  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: DC 470-99





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

October 15, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning  
County Office Building  
P O Box 107  
Cambridge, Maryland 21613

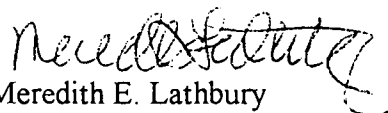
**RE: Shenton Property - Buffer Variance Request (Appeal Case No. 1943)**

Dear Mr. Dodd:

Thank you for the opportunity to review the above referenced buffer variance request. The property contains 1.33 acres in a designated Limited Development Area (LDA). The applicant is seeking a variance to construct a 1,456 square foot home at a location that is eighty (80) feet from Tar Bay, and one hundred (100) from tidal wetlands. The variance is required because the proposed structure encroaches on the 100-foot Buffer to tar Bay by twenty (20) feet. We do not oppose the variance as requested. We do, however, ask that the applicant provide 3:1 mitigation with native vegetation planted preferably in the 100-foot Buffer to tidal wetlands, as these wetlands appear to be providing habitat and water quality functions. In the alternative, these required native plantings could be placed in the 100-foot Buffer to Tar Bay.

Please include this letter in the record for variance. Please notify our office in writing of the decision made in this case. If you have any questions concerning these comments, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: DC 522-99

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) 260-7516 Fax: (410) 974-5338

October 15, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning  
County Office Building  
P O Box 107  
Cambridge, Maryland 21613

**RE: Trecannelli Property (Appeal Case No. 1944) - Buffer Variance Request**

Dear Mr. Dodd:

Thank you for the opportunity to review the above referenced buffer variance request. The property contains 3.73 acres on a grandfathered lot in a designated Limited Development Area. The applicant is proposing to build a 25' x 16' addition to an existing two story house, originally built in 1910. The existing structure is 52' feet from Tar Bay, completely within the 100-foot Buffer. The proposed addition extends from the house away from the water's edge, encroaching on the 100-foot Buffer by six (6) feet. We do not oppose the variance request. We do, however, ask that the applicant provide 3:1 mitigation for the area disturbed with native vegetative plantings in the 100-foot Buffer to Tar Bay.

Please include this letter in the record for variance request. Please notify our office in writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7123.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: DC 523-99

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) 260-7516 Fax: (410) 974-5338

October 4, 1999

Mr. Keith Kelly  
Department of Environmental Protection and  
Resource Management  
401 Bosley Avenue, Suite 416  
Towson, MD 21204-4488

**RE: St. Matthews Lutheran Church (#99-13) - Variance Request for Impervious Surfaces**

Dear Mr. Kelly:

Thank you for the opportunity to review the above referenced variance request. The property is a grandfathered lot and consists of 4.86 acres in a designated Limited Development Area (LDA). Existing impervious surfaces cover 15.9% of the lot. The applicant is seeking to construct 6,830 feet of impervious surface to accommodate additional parking for an existing church.

Impervious surfaces in the LDA are limited to 15% of the lot. New impervious surfaces impact the environment by altering natural drainage patterns, impeding infiltration, increasing runoff velocity, removing vegetation, and negatively impacting groundwater discharge. The lot in question already exceeds the impervious surfaces limitations, at 15.9%. The proposed paving would cover 19.1% of the lot. We oppose the variance request because alternatives exist that would avoid the need for a variance. We strongly urge the applicant to consider alternative paving materials such as turf-block grid pavers, or remove existing impervious surfaces to accommodate the additional paving. Another option would be for the applicant to seek growth allocation to change the designation to Intensely Developed Area (IDA). With the IDA designation, there is no limit on impervious surfaces so long as stormwater management measures and Best Management Practices (BMPs) are utilized (COMAR 27.01.02.03, Baltimore County Code §26-452). The IDA designation would allow the church to expand as needed in the future.

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. Kelly  
October 4, 1999  
p.2

Please include this letter in the variance record. Please notify us in writing of the decision made in this case. If you have any questions concerning these comments, please do not hesitate to contact me at (410) 260-7123.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

cc: BC 472-99

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) 260-7516 Fax: (410) 974-5338

September 29, 1999

Mr. David Pritchett  
Department of Public Works  
P O Box 255  
Cambridge, Maryland 21613

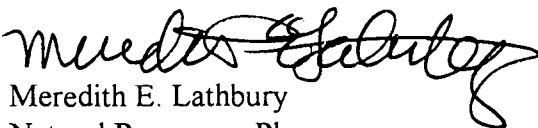
**RE: Critical Area Amendment - Mapping Change, Growth Allocation for Hyatt  
Chesapeake Resort**

Dear Mr. Pritchett:

I am writing to notify you of action taken by the Critical Area Commission. On September 1, 1999, the Critical Area Commission voted and approved the City of Cambridge's above referenced request for amendment with the condition that approval be contingent on transfer of ownership to Chesapeake Resorts, LLC or assigns.

We appreciate all of your effort that went into making this change. If you have any questions regarding the Commission's action, please do not hesitate to contact me at (410) 260-7123 or Mr. Roby Hurley at (410) 476-3263.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Mr. Roby Hurley, Critical Area Circuit Rider  
Ms. Mary Owens, Program Implementation Chief, CBCAC  
CM 485-98

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) 260-7516 Fax: (410) 974-5338

September 17, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning  
County Office Building  
P.O. Box 107  
Cambridge, MD 21613

**RE: Zentgraff Property - Buffer Variance Request (#1939)**

Dear Mr. <sup>Steve</sup>Dodd:

Thank you for the opportunity to comment on the above referenced buffer variance request. The applicant is seeking a variance to encroach on the 100-foot Buffer to Fishing Creek by 36 feet. The property is a 0.72 acre grandfathered lot in a designated Limited Development Area (LDA). The applicant seeks to remove an existing deck, reconstruct the deck in between the proposed additions, and build two additions to the existing dwelling covering 1401 square feet. The proposed structures will not be placed any closer to mean high water than the existing structures.

We do not oppose the variance as proposed, however, we recommend that the applicant mitigate at a 3:1 ratio with native vegetation, planted preferably in the 100-foot Buffer. Any trees that will be removed as part of this project should be replaced by planting nursery grown stock which are containerized or balled and burlapped.

Please include this letter in the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, do not hesitate to contact me at (410) 260-7123.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

cc: DC 471-99

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) 260-7516 Fax: (410) 974-5338

September 6, 1999

Mr. Roy List  
Department of Environmental Protection and  
Resource Management  
401 Bosley Avenue  
Towson, Maryland 21204

**RE: Holtschneider Property (#99-11), Subdivision and Variance Request**

Dear Mr. List:

Thank you for the opportunity to review the above referenced subdivision and variance request. The applicant is seeking to subdivide a 0.5495 acre (23, 936 sq. ft.) parcel in a designated Limited Development Area (LDA). The applicant is proposing to redevelop an existing single family dwelling on Lot 1 and construct a single family dwelling on Lot 2. This parcel would be subdivided into Lot 1, containing 0.3079 acres (13,412 square feet) and Lot 2, containing 0.2416 acres (10,524 square feet). Lot 1 contains an existing residence with impervious surfaces covering 3,601 square feet. The proposed development would result in 2,927 square feet of impervious surfaces. Lot two currently contains 3,502 square feet of impervious surfaces. The proposed development would result in 1,635 square feet of impervious surfaces.

We cannot support the subdivision request if the lots created do not comply with the impervious surfaces limits. Subdivisions approved after December 1, 1985 on parcels that are 1 acre or less are subject to the following limitations under *Natural Resources Article §8-1808.3(d)(4)*.

- 1) Impervious surfaces must not exceed 25% of each lot.
- 2) Impervious surfaces must not exceed 15% of the parcel being subdivided.

New subdivisions must meet this requirement in order to avoid creating non-conforming lots.

The total impervious surfaces being proposed cover 4,572 square feet, or 19.1% of the total parcel being subdivided. This proposal exceeds the 15% limit. We recognize that the applicant will be re-developing the property and ultimately reducing impervious surfaces that currently exist, but new subdivided lots must satisfy the impervious surface limitations under the 1996 amendment to the Critical Area law. The only way to allow exceedence of this 15% requirement is through the variance process.

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



Mr. List  
September 7, 1999  
Page Two

We cannot support the variance request for the reasons stated below. The proposed development will exceed the impervious surfaces limit by 932 square feet. It appears that the applicant may be able to reduce the amount of impervious surfaces by using porous pavers instead of concrete or paving. The driveway on Lot 2, for example, could utilize narrow strips of concrete surrounded by grass in order to reduce impervious surfaces. By reducing impervious surfaces to satisfy the 15% limit, the applicant will eliminate the need to apply for a variance.

### The Variance Standards

Any person in the Critical Area who applies for a variance to the Critical Area Criteria must meet five variance standards listed in COMAR 27.01.11 and Baltimore County's Critical Area program. All five standards must be met in order for a variance to be granted. It is the opinion of this office that all of the five variance standards have not been met in this case. Nothing in the application for the variance presents any indication of hardship. We recommend that DEPRM deny the variance to exceed the impervious surfaces limitations because of the applicant's failure to meet the variance standards.

Below is a brief outline of the required variance standards as applied in this case.

- (1) The first standard addresses site features that are unique to the subject property or structure and the unwarranted hardship resulting from denial of the variance. To our understanding, there is nothing unique about the shape, size, topography or other features of the property itself. It is typical of many highly developed lots in Baltimore County. The applicant already obtains reasonable use of this well-developed property.

The denial of a variance to the impervious surfaces limitations on a developed piece of property would not result in an "unwarranted hardship" as that term has been defined by the Maryland Court of Appeals. Under *Belvoir Farms v. North* (No. 159, September Term, 1998), the Court of Appeals stated that unwarranted hardship results only when there is a denial of reasonable use. In the situation at hand, the applicant already has reasonable use of the property. The property is highly developed with a house, porch, patio and accessory structures. Under the proposed subdivision, the applicant could still have two lots, each with a single family dwelling, while satisfying the 15% impervious surfaces limit. The applicant can reduce the proposed impervious surfaces by, for example, using porous pavers, using concrete strips instead of a fully paved driveway, or reducing the concrete patio.



- (2) The second standard addresses the rights of the variance applicant with respect to the rights commonly shared by other owners of property in the same management area within the Critical Area. Denial of this variance will not deprive the property owner of rights shared by other property owners in the LDA. All property owners in the Critical Area are similarly limited by the Critical Area Law and Baltimore County's Critical Area program. All new subdivisions must comply with the impervious surfaces limits.
- (3) The third standard addresses 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 and/or structures within the Critical Area. The granting of this variance would confer upon this property owner a special privilege because all similar properties are restricted from exceeding the impervious surfaces limits.
- (4) The fourth standard addresses conditions or circumstances that are self-imposed and conditions or circumstances related to adjacent properties. This criterion has been met.
- (5) The fifth standard 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 Critical Area Program. Impervious surfaces in the Critical Area have a long term and ongoing impact. Approval of the proposed variance will contribute to the cumulative impacts of such structures and therefore is not consistent with the general spirit and intent of the Critical Area Program.

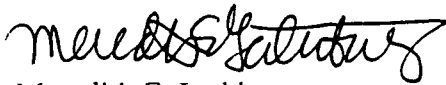
We would also like to see more specific information about how the applicant plans to satisfy the 15% forest coverage requirement. Under COMAR 27.01.02.04 (e), if no forest is established, the site shall be planted to provide a forest or developed woodland cover of at least 15%. We need additional information describing the amount of vegetation existing on the site and how this existing vegetation satisfies the 15% forest cover requirement under Baltimore County's Critical Area program.

The Baltimore County Critical Area Program has been approved as consistent with the provisions of the Critical Area Act and Criteria (COMAR 27.01 et seq.). These comments and recommendations are offered in order to provide assistance to DEPRM regarding consistency of the proposed development with the Baltimore County Critical Area Program and the Critical Area Act (NRA §8-1801 et seq.).

Mr. List  
September 7, 1999  
Page Four

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you should have any questions concerning this letter, please contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Ms. Pat Farr, DEPRM  
Marianne Mason, Esq.  
Mr. Ren Serey, CBCAC  
Ms. Regina Esslinger, CBCAC



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) 260-7516 Fax: (410) 974-5338

September 3, 1999

Mr. Glenn Shaffer  
Department of Environmental Protection  
and Resource Management  
401 Bosley Avenue  
Towson, Maryland 21204

**RE: John Smith Property (#99-10) - Buffer Variance Request**

Dear Mr. Shaffer:

Thank you for the opportunity to review the above referenced buffer variance request. The applicant proposes to build a garage with a breezeway, driveway expansion, and porch addition. The property covers 1.35 acres in a designated Limited Development Area (LDA). The proposed development will infringe on the 100-foot Buffer to North River and the 25-foot Buffer to non-tidal wetlands. We do not oppose the variance request, however, we ask that the applicant take the following recommendations under consideration.

The wetlands on the east side of the property appear to be providing significant water quality and habitat functions. Disturbance to these wetlands should be avoided by placing all structures as far back from the wetlands as possible. We recommend placing the addition on the north or west side of the house in order to minimize disturbance to the wetlands. The applicant should contact the Maryland Department of the Environment (MDE) regarding the proposed infringement to the 25-foot Buffer to non-tidal wetlands.

We recommend 3:1 mitigation using native vegetation, planted preferably in the Buffer. It is my understanding that four (4) trees will be removed as part of this development. These trees should be replaced by planting nursery grown stock which are containerized or balled and burlapped and are a minimum of four feet high.

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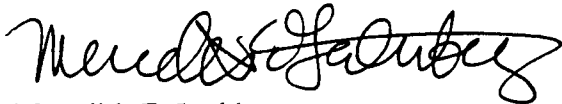
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Mr. Shaffer  
September 7, 1999  
Page Two

Please include these comments in the record for the variance request. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Mr. Terry Clark, MDE  
BC 459-99

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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August 20, 1999

Mr. Steve Dodd  
Dorchester County Planning and Zoning  
County Office Building  
P.O. Box 107  
Cambridge, MD 21613

**RE: Brittingham Property (538G), Subdivision Request**

Dear Mr. Dodd:

Thank you for the opportunity to review the above referenced subdivision request. The applicant is proposing an eight lot residential subdivision on 12.7 acres in a designated Limited Development Area (LDA). We require the following additional information in order to complete review of this subdivision:

- ▶ The applicant should obtain a letter from the Maryland Department of Natural Resources, Forest, Wildlife and Heritage Division describing whether any rare, threatened or endangered species are found on the site. The applicant should send a written request to Mr. Michael Slattery, Maryland Department of Natural Resources, Forest, Wildlife and Heritage Division, 580 Taylor Avenue, Annapolis, MD 21401.
- ▶ The plat should reflect any forest existing on the site and a note should be placed on the plat explaining that if less than 20% of the forested land on the parcel will be cleared, then forest shall be replaced on an equal basis.
- ▶ It appears that the current use of the property is agriculture. If this is the case, and no forest is established on proposed development sites, then these sites must be planted to provide forest cover on 15% of the property.
- ▶ The plat should include a note explaining that impervious surfaces are limited to fifteen percent (15%) of the parcel under Dorchester County Zoning Regulations §155-47.1 (O).
- ▶ The plat does not reflect whether there are other subdivisions on the property. Is this the only subdivision? Does the plat show the entire parcel?

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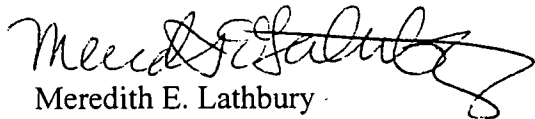
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Mr. Dodd  
Page Two  
August 20, 1999

Please submit this information as soon as possible so that we can complete our review of the proposed subdivision. If you have any questions about these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: DC 416-99

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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(410) 260-7516 Fax: (410) 974-5338

August 18, 1999

Ms. Mary Frazier  
Century Engineering  
32 West Road  
Towson, Maryland 21204

**RE: Stormwater Management Techniques and the Critical Area**

Dear Ms. Frazier:

Thank you for contacting the Critical Area Commission regarding stormwater management and the Critical Area regulations. As you are probably aware, the Critical Area covers land within 1000 feet of tidal waters and tributaries of the Chesapeake Bay. Land within 100 feet of mean high water is referred to as the Buffer. The Critical Area regulations require that development or redevelopment be accompanied by stormwater best management practices to mitigate water quality impacts associated with stormwater runoff.

In designated Intensely Developed Areas (IDA), redevelopment and new development projects must incorporate technologies that will reduce pollutant loadings by 10 percent. I have included technical guides about the 10 percent rule (see enclosed materials). In designated Limited Development Areas (LDA) and Resource Conservation Areas (RCA), impervious surfaces are limited to 15% of the site. Stormwater management measures should be designed to eliminate all runoff created by the development.

Generally, the Critical Area law does not regulate what type of stormwater management can go into the Critical Area. The Maryland Department of the Environment reviews stormwater management plans for quality and quantity. Water quality certification is required for development in the Critical Area. Stormwater management facilities are not permitted in the Buffer.

For further information about stormwater management, please contact Jim Tracy, Chief of Sediment & Stormwater Plan Review Division, at MDE at (410) 631-3563. Please feel free to contact me if you have further questions about the Critical Area regulations at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner  
MEL/jjd

Enclosure

cc: Mr. Jim Tracy, MDE

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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 17, 1999

Mr. Robert W. Lindner  
Planning Division  
Department of the Army  
Baltimore District, Corps of Engineers  
P.O. Box 1715  
Baltimore, MD 21203-1715

**RE: Tylerton Project, Smith Island**

Dear Mr. Lindner:

Thank you for the opportunity to comment on the Tylerton shoreline protection project. The proposal entails building a low stone sill on the southern shore of Tylerton and replacing a bulkhead on the western shore of Tylerton. It is my understanding that the proposed stone sill and bulkhead replacement will have no impact on Submerged Aquatic Vegetation (SAVs) or to the 100-foot Buffer. It appears that the project is consistent with the Somerset County Critical Area program and state criteria. Shore erosion control is encouraged in the Critical Area. If there are any changes to the proposal, please contact Commission staff. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

cc: Ms. Joan, Kean, Somerset County Department of Technical and Community Services

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 Servey  
Executive Director

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

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August 13, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning Office  
County Office Building  
P O Box 107  
Cambridge, Maryland 21613

**RE: Thomas Property (#917) - Subdivision Application**

Dear Mr. Dodd:

Thank you for the opportunity to review the above referenced subdivision application. The applicant seeks to create a one lot subdivision for a dwelling on 2.5 acres in a designated Resource Conservation Area (RCA). We do not oppose the proposed subdivision provided that the applicant submit the following information.

The plat should show the entire parcel, as well as the 17.486 acres of "reserved lands" required to satisfy the RCA 1:20 density requirement. In your letter to Lane Engineering, dated July 21, 1999, you stated that it would be necessary for the owner of the reserved lands to sign the plat. We agree that the owner of the reserve lands should sign the plat. The plat should also contain language explaining that the reserve lands may not be developed in the future, such as the language you offered in your July 21<sup>st</sup> letter.

The plat should reflect the following features: tidal and non-tidal wetlands, forest, and streams. As you mentioned in your July 21<sup>st</sup> letter, language should be added to the plat stating the forest clearing limitations and mitigation requirement.

Please submit the revised plat when it becomes available. Also, please submit to the Commission written notification of the decision made in this case. If you have any questions concerning these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: DC 401-99

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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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August 11, 1999

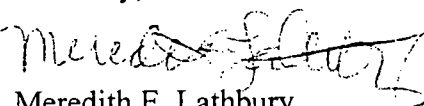
Ms. Kathy Foster  
City of Cambridge  
City Hall  
P.O. Box 255  
Cambridge, MD 21613

**RE: Legal Notice for Hyatt Regency Chesapeake Bay Resort Hearing**

Dear Ms. Foster:

Please find enclosed a copy of the legal notice that will be placed in the August 13<sup>th</sup> and August 25<sup>th</sup> editions of The Daily Banner. If you have any questions regarding this matter, please do not hesitate to contact me at (410) 260-7173 or Roby Hurley at (410) 476-3263.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

cc: Ed Kinnamon, City of Cambridge  
Dale Price, City of Cambridge Public Works

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George John C. North, II  
Chairman



Ren Serey  
Executive Director

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August 11, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning Office  
County Office Building  
P.O. Box 107  
Cambridge, MD 21613

**RE: Koski Property - Buffer Variance Request (#1928)**

Dear Mr. Dodd:

I received your letter of July 23, 1999 explaining that the above referenced application has been modified. The new application seeks a five (5) foot variance to the 100-foot Buffer to place a 16 x 50 ft. swimming pool 95 feet from Marshyhope Creek. In my previous letter to you, dated July 22, 1999, I explained that the Commission could not support the variance request. Despite the modified proposal, we still cannot support the variance for the following reasons.

First, the applicant has not satisfied the unwarranted hardship requirement under the variance standards set forth in Dorchester County Zoning Regulation s.155-47.1(J). Maryland courts have consistently held that denial of a variance for an accessory structure where the landowner already has reasonable use of the property would not result in an unwarranted hardship. The Court of Appeals recently reinforced the unwarranted hardship standard in *Belvoir Farms Homeowners Association, Inc. v. North*, No. 159, September Term, 1998. In *Belvoir Farms*, the Court explained that the need sufficient to justify an exception must be substantial and urgent. We believe that the unwarranted hardship test has not been satisfied based on the information submitted, and we would urge the Board to consider the court's opinion in deciding this variance.

Second, whether the pool infringes on the 100-foot Buffer by five feet or by 28 feet has no bearing on the applicant's ability to satisfy the variance standards. Although it may appear that a five foot infringement on the Buffer is not a lot to ask, we urge the board to consider the overriding intent of the Critical Area law and the cumulative detrimental effect of seemingly small infringements on the Buffer.

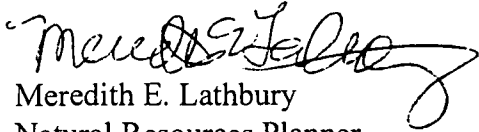
Thank you for the opportunity to comment on this project. Please notify the Commission in

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Page Two  
Mr. Steve Dodd

writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

A handwritten signature in black ink, appearing to read "Meredith E. Lathbury". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Meredith E. Lathbury  
Natural Resources Planner

cc: Ms. Marianne Mason, Esq., Assistant Attorney General  
Ms. Regina Esslinger, CBCAC  
DC 309-99

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  
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July 27, 1999

Dr. and Mrs. Rae  
5452 Mount Holly Road  
East New Market, MD 21631

**RE: Critical Area Considerations for the Rae Property at 5452 Mount Holly Road**

Dear Dr. and Mrs. Rae:

Thank you for the opportunity to visit your property last week regarding your plans for a timber harvest. We appreciate your willingness to work with us to determine the extent of heron nesting on your property in order to develop an appropriate management plan. During our visit, you raised the question of whether you would be able to build a home for your daughter in the vicinity of the woods in question. As I mentioned, you will need to work with Dorchester County Planning and Zoning to discuss the subdivision and site plan requirements. Feel free to contact Mr. Steve Dodd, Planning Director, and/or Planner, Ms. Karen Houtman, at (410) 228-3234. The County staff are very familiar with the Critical Area regulations and can explain how they apply your property.

As we discussed, more information about heron nesting on your property is needed in order to help determine an appropriate site for this future home. Dorchester County's Critical Area program requires that development activities in habitat protection areas or wildlife breeding areas be conducted so as to conserve significant habitat and utilize best management practices (Dorchester County Zoning Ordinance Sec. 155-47.1(L)). We are happy to work with you and the local planning staff to locate potential building sites that are consistent with Dorchester County's Critical Area Program.

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Dr. and Mrs. Rae  
July 27, 1999  
Page Two

Thank you for your cooperation. If you have any questions about Critical Area regulations or other concerns, please do not hesitate to contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Mr. Steve Dodd, Director, Dorchester County Planning & Zoning  
Ms. Karen Houtman, Dorchester County Planning & Zoning  
Mr. Mike Slattery, DNR  
Mr. Jim Mallow, DNR  
Mr. Scott Daniels, DNR  
Mr. Glenn Therres, DNR  
Mr. David Brinker, DNR  
Mr. William Giese, Critical Area Commission  
Ms. Claudia Jones, Critical Area Commission

udge John C. North, II  
Chairman



Ren Serey  
Executive Director

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July 26, 1999

Ms. Tracey Greene  
MD Office of Planning  
Lower Eastern Shore Office  
201 Baptist Street, Box 24  
Salisbury, Maryland 21801

**RE: City of Crisfield - American Legion Proposed Addition**

Dear Ms. Greene:

Thank you for the opportunity to review the above referenced addition to the Stanley Cochran American Legion Post 16. The proposed addition will encroach on the 100-foot Buffer by 4 feet. I understand that a building permit has already been issued for the proposed addition. In a letter dated May 7, 1997 to Ms. Karen Phillips of the Maryland Office of Planning, Susan McConville explained that Commission staff do not oppose the variance. However, we strongly recommend that mitigation be required at a 3:1 ratio. Mitigation should consist of native vegetation planted on-site in the 100-foot Buffer. We would be happy to work with you and the applicant to provide technical assistance for development of a planting plan.

Variance applications for projects in the Critical Area must be reviewed by the Circuit Rider and Commission staff before they come before the Board of Zoning Appeals. Without Critical Area review, variances granted are considered null and void under the law. As we discussed with the City Manager, Mr. Gerald, on July 14, 1999, future building permits and variance requests in the Critical Area should be forwarded to you for review. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Mr. Frederick Gerald, III, City Manager, City of Crisfield  
Ms. Regina Esslinger

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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July 23, 1999

Ms. Libbi Thompson  
Town Clerk  
Town of Secretary  
P O Box 248  
Secretary, Maryland 21664

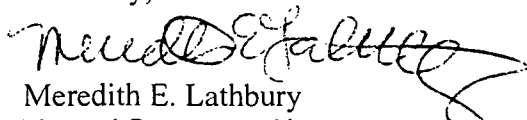
**RE: Corbett Buffer Variance Request (#515)**

Dear Ms. Thompson:

Thank you for the opportunity to review the above referenced variance request. The applicant is seeking to build a 12' x 24' porch off of an existing single family residence located at 102 South Street. The property covers 12,277 square feet in a designated Limited Development Area (LDA) and Buffer Exemption Area (BEA). We do not oppose the proposed porch, however, we do ask that any disturbance be mitigated at a 2:1 ratio with native vegetation planted in the 100-foot Buffer to the Warwick River South Branch.

Please include this letter in the record for the application for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, please feel free to contact me at (410) 260-7173.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Ms. Tracey L. Greene, Regional Planner/Circuit Rider  
Ms. Regina Esslinger, CBCAC

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George John C. North, II  
Chairman



Ren Serey  
Executive Director

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July 22, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning  
County Office Building  
P.O. Box 107  
Cambridge, MD 21613

**RE: Brooks Property (Appeal No. 1931), Variance Request**

Dear Mr. Dodd:

Thank you for the opportunity to review the above referenced variance request. The applicant is proposing to construct a single family dwelling in the 100-foot Buffer to Church Creek. The applicant is seeking a variance to the 100-foot Buffer and the impervious surfaces limitations. The property covers 19,229.804 square feet (0.44 acres) in a designated Limited Development Area (LDA). A variance is necessary because the proposed house would encroach on the Buffer by fifty-two (52) feet.

The majority of the parcel is located within the 100-foot Buffer. It is my understanding that a forty foot strip of land along the eastern boundary of the property must remain undeveloped to accommodate the septic field. There appears to be no other location out of the Buffer for the proposed dwelling. We do not oppose the variance to the 100-foot Buffer.

New development in the LDA must comply with the impervious surfaces limitations set forth in Natural Resources Article Sec.8-1808.3 and Dorchester County Zoning Regulations Sec.155-47.1(O). Impervious surfaces on parcels existing before December 1, 1985 and are ½ acre or less are limited to 25% of the parcel. This limit may be exceeded with the permission of the Director as long as certain conditions are met.

The applicant is proposing development that will cover 5,261 feet total. A driveway, asphalt parking area, and brick pavilion already exist on the property, creating 3,397 square feet of impervious surfaces. The additional development will cover 1,864 square feet. A variance to the impervious surfaces limitations will not be necessary provided that the proposed development satisfies the conditions set forth in Sec.155-47.1(O)(3). In particular, the applicant must show that new impervious surfaces have been minimized, water quality impacts have been minimized

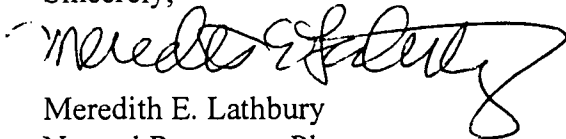
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(410) 822-9047 Fax: (410) 820-5093

Mr. Dodd  
July 22, 1999  
Page Two

through site design and/or best management practices, and the property owner will perform onsite mitigation.

Please include this letter in the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

cc: Ms. Regina Esslinger  
DC 357-99

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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July 22, 1999

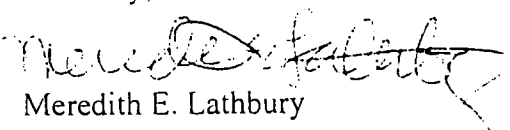
Mr. H. Grant Dehart  
Program Open Space  
Maryland Department of Natural Resources  
580 Taylor Avenue  
Annapolis, MD 21401

**RE: DNR Clearinghouse Review of Local POS Project#3587-3-330**  
**Southwest Area Park Roadway Extension - Baltimore County**

Dear Mr. Dehart:

Thank you for the opportunity to review the above referenced project. Southwest Area Park is located in a designated Resource Conservation Area (RCA) under Baltimore County's Critical Area program. The proposed project must be consistent with Baltimore County's Critical Area program. The construction of a roadway with culvert crossings and a bike lane may have impacts on the 100-foot Buffer. In addition, new development in the RCA must be consistent with the habitat protection policies set forth in the Critical Area law. We do not have enough information at this time to determine whether the proposed project is consistent with the Critical Area law. We recommend that the County representative working on this project coordinate with Mr. Roy List at the Baltimore County Department of Environmental Protection and Resource Management at (410) 887-3980. If you have any questions concerning these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

cc: Mr. Roy List, Baltimore County DEPRM  
BC - General

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(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 21, 1999

Mr. Melvin Cusick  
Somerset County Roads Department  
P O Box 219  
Westover, Maryland 21871

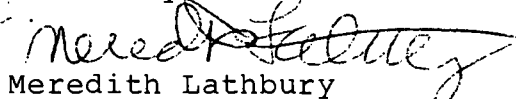
**Re: Whitehaven Bridge Replacement - Waukiki Creek**

Dear Mr. Cusick:

I have reviewed the above referenced bridge replacement project. The Whitehaven Bridge is located in a designated Resource Conservation Area (RCA). The project involves removal of an existing timber bridge and replacement with concrete filled steel pipe pilings with concrete plank deck panels. A timber bulkhead will be installed for erosion protection. It is my understanding that approximately 880 square feet in the 100-foot Buffer to Waukiki Creek will be disturbed.

Under COMAR 27.02.02, minor development of local significance must be consistent with the provisions of the local Critical Area Program. In a letter dated June 24, 1999, Somerset County Planning Director, Joan Kean, wrote that the proposal was consistent with the Somerset County Critical Area Program. We do not oppose this project; however, we request that any disturbance to the Buffer be mitigated in accordance with the Somerset County Critical Area Program. If there are any changes to the proposal submitted, please let our staff know. If you have questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

  
Meredith Lathbury

Natural Resources Planner

MEL/jjd

cc: Ms. Joan Kean, County Planning Director  
Mr. Dick Brown, Whitney, Bailey, Cox and Magnani  
SO 348-99

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) 260-7516 Fax: (410) 974-5338

July 19, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning  
County Office Building  
P O Box 107  
Cambridge, Maryland 21613

**RE: Brooks Property (Appeal No. 1931)  
Variance Request**

Dear Mr. Dodd:

Thank you for the opportunity to review the above referenced variance request. The applicant is proposing to construct a single family dwelling in the 100-foot Buffer to Church Creek. The applicant is seeking a variance to the 100-foot Buffer and the impervious surfaces limitations. The property covers 22,651 square feet in a designated Limited Development Area (LDA). A variance is necessary because the proposed house would encroach on the Buffer by fifty-two (52) feet and impervious surfaces will cover 23% (5,261 sq. ft.), thereby exceeding the 15% impervious surfaces limit.

The majority of the parcel is located within the 100-foot Buffer. It is my understanding that a forty foot strip of land along the eastern boundary of the property must remain undeveloped to accommodate the septic field. There appears to be no other location out of the Buffer for the proposed house. We do not oppose the variance to the 100-foot Buffer.

Under *Natural Resources Article* §8-1808.3, impervious surfaces must not exceed 15% of the total lot. A driveway, asphalt parking area, and brick pavilion already exist on the property. The total impervious surfaces on the site should not exceed 3,397 square feet. The house and associated impervious surfaces should be scaled down in order to satisfy the 15% impervious surfaces requirement. Part of the driveway and parking area could be removed and the proposed porch could be changed to a wooden deck (with adequate spacing between the boards to allow water to flow through and stone underneath). By reducing the impervious surfaces on this property, the applicant can avoid the need for a variance.

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

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Mr. Dodd  
July 19, 1999  
Page Two

Based on the information submitted, it does not appear that the applicant has satisfied all five variance standards set forth under COMAR 27.01.11, Dorchester County's Critical Area Program, and the Zoning Ordinance of Dorchester County. In particular, the applicant has not satisfied the hardship test, requiring that site features be unique to the subject property or structure and that an unwarranted hardship would result from denial of the variance. The property in this case is typical of many properties in the LDA in Dorchester County and it appears that the applicant could take steps to avoid the need for a variance in the first place. We cannot support the impervious surfaces variance as proposed.

Please include this letter in the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Ms. Regina Esslinger  
DC 357-99

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) 260-7516 Fax: (410) 974-5338

July 19, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning Office  
County Office Building  
P O Box 107  
Cambridge, Maryland 21613

**RE: Doris Weber Property - Subdivision Request (#544A)**

Dear Mr. Dodd:

Thank you for the opportunity to review the above referenced subdivision request. The applicant is seeking to create a two (2) acre lot (Lot 4) and revise an existing lot (Lot 3, 1.97 acres) on a 31.5 acre parcel with 7.93 acres in a designated Resource Conservation Area (RCA). The parcel contains two previously subdivided lots, Lot 2 (1.68 acres), located entirely within the Critical Area, and Lot 3 (1.97) with 0.43 acres in the Critical Area. Each of these lots contains an existing dwelling structure. It is my understanding that the proposed dwelling structure for Lot 4 will be located outside of the Critical Area. We do not oppose the subdivision as proposed, however, we offer the following comments.

The deed and plat for Lot 4 should contain language stating that the primary dwelling and associated structures will not be placed in the Critical Area. Such language might read "This lot is subject to the Critical Area law. In accordance with the Critical Area law, the primary dwelling and associated structures will be placed on the non-Critical Area portion of the lot." We realize that the applicant may need to obtain access to the parcel from Maple Dam Road. Such development should be in accordance with Dorchester County's Critical Area program and Zoning Ordinance.

The map submitted does not show any forest cover or soils. If no forest is established on the proposed lot, trees will need to be planted to provide 15% forest cover. The site plan should reflect any stormwater management measures that will be used.

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

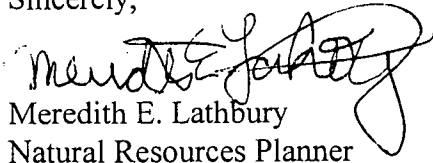
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Mr. Dodd  
July 19, 1999  
Page Two

The applicant should obtain a letter from Maryland Department of Natural Resources Division of Heritage stating whether any rare or endangered species exist on the site. This information can be obtained by sending a written request to Mr. Michael Slattery, Maryland Department of Natural Resources, Heritage Division, 580 Taylor Ave., Annapolis, MD 21401.

Please include this letter in the application for subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: . DC 351-99





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) 260-7516 Fax: (410) 974-5338

July 14, 1999

Mr. Joseph Jackson  
Cecil County Office of Planning and Zoning  
129 E Main Street  
Room 300  
Elkton, Maryland 21921

**RE: Yacht America Marinas (1999-05), Rezoning Application**

Dear Mr. Jackson:

Thank you for the opportunity to review the above referenced application. The applicant is seeking to rezone 4.677 acres from Rural Residential (RR) to Maritime Business (MB) for expansion of a marina. The property is in a designated Intensely Developed Area (IDA). We do not oppose the rezoning application at this time, however, we have several concerns outlined below.

New or expanded marinas must comply with the water-dependent facilities regulations of the Critical Area law (COMAR 27.01.03). Expansion of existing marinas is permitted provided it is sufficiently demonstrated that the expansion will not adversely affect water quality. Expanded facilities in the 100-foot Buffer must be water dependent, meet a recognized private right or public need, minimize adverse impacts on water quality and fish, plant and wildlife habitat, and must be consistent with an approved local plan.

It is unclear from the plan submitted where the 100-foot Buffer to the Bohemia River is located on the property. Proposed development in the Buffer must be water dependent. It appears that there may be non-water-dependent structures proposed, such as the restroom and shower building and the club room (laundry and shower building).

Local jurisdictions must consider factors such as alteration of water circulation patterns, adequate flushing, disturbance of wetlands, submerged aquatic vegetation, or other aquatic habitat, stormwater runoff, and shellfish bed disturbance (COMAR 27.01.03.04). The applicant should address how he or she plans to satisfy the standards set forth in the Critical Area law.

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

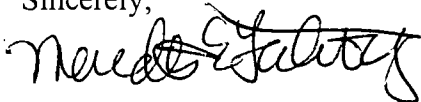
Mr. Joseph Jackson  
July 14, 1999  
Page Two

The project plans must specify how the applicant is complying with the 10% rule as required under COMAR 27.01.02.03. We would be happy to provide technical assistance to develop pollution reduction strategies with respect to this requirement.

The Maryland Department of the Environment (MDE) handles the permits necessary to expand the marina. The applicant should contact Mr. Rick Ayella of MDE at (410) 631-8077 for more information.

Please include this letter in the record for the application for rezoning. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, please feel free to contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Mr. Rick Ayella, MDE  
Ms. Susan McConville, CBCAC  
CE 344-99

July 13, 1999

Mr. Roy List  
Department of Environmental Protection and  
Resource Management  
County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

**RE: Holtschneider Property (#99-11), Subdivision/Variance Request**

Dear Mr. List:

Thank you for the opportunity to review the above referenced subdivision and variance request. The applicant is seeking to subdivide a 0.5495 acre parcel in a designated Limited Development Area (LDA). This parcel would be subdivided into Lot 1, containing 0.3079 acres and Lot 2, containing 0.2416 acres. Lot 1 contains an existing residence with impervious surfaces covering 3,601 square feet. The applicant is proposing to replace several existing structures on Lot 2 with a single family dwelling that will cover 5,554 square feet. The applicant is also seeking a variance to the impervious surfaces limitation.

Impervious surfaces in designated LDAs must not exceed 25% of each lot and 15% of the parcel being subdivided (*Natural Resources Article §8-1808.3*). It is unclear from the plans submitted whether the proposal satisfies these requirements. It is my understanding that Baltimore County DEPRM will require these impervious surfaces limitations to be satisfied in order to approve the request. Once the impervious surfaces requirements have been met, a variance will not be necessary. Please submit a revised plan that accurately reflects these limits.

The Critical Area regulations require forest to be established on proposed development in the LDA to cover 15% of the site (COMAR 27.01.02.04). It is unclear from the plans submitted what vegetation exists on the site, what will be protected, and what will be planted in order to satisfy this requirement. Please submit this information.

Mr. List  
July 13, 1999  
Page Two

Thank you for the opportunity to comment. Please include this letter in your file and submit a copy of the revised plan when it is completed. It is my understanding that when the plans are revised, and variance will no longer be required and the variance request will be withdrawn. If you should have any questions concerning this letter, please contact me at (410) 260-7173.

Sincerely,

||S||

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: BC 342-99



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) 260-7516 Fax: (410) 974-5338

July 9, 1999

Ms. Joan Kean, Director  
Somerset County Department of  
Technical and Community Services  
11916 Somerset Ave.  
Princess Anne, Maryland 21853

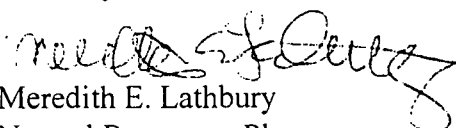
**RE: Proposed Growth Allocation, Convent of the Little Sisters of Jesus and Mary  
Concurrence with Chairman North's Determination of Refinement**

Dear Ms. Kean:

I am writing to notify you of action taken by the Chesapeake Bay Critical Area Commission. On Wednesday, July 7, 1999, the Commission concurred with Chairman North's determination that Somerset County's proposed amendments concerning growth allocation could be handled as a refinement. They further concurred that the changes were consistent with the Critical Area law and criteria.

Please take whatever steps are necessary to adopt the change into your local Critical Area Program.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Ms. Mary Owens, CBCAC  
SO 169-99

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 9, 1999

Mr. Joe Ward  
Maryland Department of Natural Resources  
State Forest & Park Service  
Janes Island State Park  
26280 Alfred J. Lawson Drive  
Crisfield, Maryland 21817

Dear Mr. Ward:

I am writing to notify you of action taken by the Chesapeake Bay Critical Area Commission. On Wednesday, July 7, 1999, the Commission approved the development of three primitive campsites at Janes Island State Park as proposed.

Thank you for your cooperation in this matter. If there are any changes to the project, please notify our staff. If you have any concerns regarding this matter, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Mr. Dennis E. Smith, Regional Coordinator, Nature Tourism Program  
Mr. Butch Norden, DNR  
Ms. Nita Settina, DNR  
Mr. Scott Smith, DNR, Wye Mills Field Office  
DNR 13-99

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) 260-7516 Fax: (410) 974-5338

June 25, 1999

Ms. Sue Ann Hyer-Morgan  
Queen Anne's County  
Department of Planning and Zoning  
107 N Liberty Street  
Centreville, Maryland 21617

**RE: Hunters Oak Site Plan (MASP #05-98-08-C)**

Dear Ms. Hyer-Morgan:

Thank you for the opportunity to review the above referenced Hunters Oak site plan. It appears that all aspects of the proposed development are located out of the Critical Area. We have no comments at this time.

I understand that this is the final site plan, however, if there are any changes in the plan that will involve disturbance to the Critical Area, please keep us informed. If you have any questions regarding these comments, please call me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: QC 188-98

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) 260-7516 Fax: (410) 974-5338

July 22, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning Office  
County Office Building  
P O Box 107  
Cambridge, Maryland 21613

**RE: Koski Property - Buffer Variance Request (#1928)**

Dear Mr. Dodd:

Thank you for the opportunity to review the above referenced variance request. The applicant is seeking to place an in-ground pool 72 feet from the shoreline of Marshyhope Creek. The property covers 25 acres in a designated Limited Development Area (LDA). The Critical Area law is designed to protect the water quality and habitat of the Chesapeake Bay and its tributaries. The 100-foot Buffer is protected so that it can perform the following functions: remove or reduce sediments and nutrients and potentially toxic substances in runoff; minimize adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources; maintain an area of transitional habitat between aquatic and upland communities; and protect riparian wildlife habitat (COMAR 27.01.09.01B). This variance is being requested because no new non-water dependent development is allowed in the Buffer under the Dorchester County Critical Area program. We cannot support this variance for the following reasons.

**The Variance Standards**

Any person in the Critical Area who applies for a variance to the Critical Area Criteria must meet five variance standards that are specifically listed in COMAR 27.01.11 and Dorchester County's Critical Area program (Zoning Regulations §155-47.1(J)). All five standards must be met in order for a variance to be granted. It is the opinion of this office that all of the five variance standards have **not** been met in this case. Nothing in the application for the variance presents any indication of hardship. We recommend that this Board deny the variance for the pool because of the applicant's failure to meet the variance standards.

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



Below is a brief outline of the required variance standards as applied in this case.

- (1) The first standard addresses site features that are unique to the subject property or structure and the unwarranted hardship resulting from denial of the variance. To our understanding, there is nothing unique about the shape, size, topography or other features of the property itself. It is typical of many lots along Dorchester County's extensive shoreline. I have been to the site, where I observed a dwelling unit and several other structures such as sheds already in existence on the property. The landowner already has reasonable use of this property. It appears that there may be other feasible locations for the pool outside of the Buffer, thereby eliminating the need for this variance at all. Suzanne Koski and I discussed several other potential locations for the proposed pool that would not infringe on the 100-foot Buffer.

The denial of a variance for an accessory structure in the Buffer on a developed piece of property would not result in an "unwarranted hardship" as that term has been defined by the Maryland Court of Special Appeals. In two cases decided under the Critical Area variance standards, the Court of Special Appeals has held that denial of a variance for construction of accessory structures 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). In White v. North, the Critical Area Commission appealed the granting of a variance for a swimming pool in the Anne Arundel County Critical Area Buffer, and the Commission was successful at both the Circuit Court and Court of Special Appeals. We believe that the variance request before this Board is similar to that in the White case and we would urge the Board to consider the court's opinion in deciding this variance.

- (2) The second standard addresses the rights of the variance applicant with respect to the rights commonly shared by other owners of property in the same management area within the Critical Area. Denial of this variance will not deprive the property owner of rights shared by other property owners in the LDA. All property owners in the Critical Area are similarly limited by the Critical Area Law and the County's Critical Area program.
- (3) The third standard addresses 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 and/or structures within the Critical Area. The granting of this variance would confer upon this property owner a special privilege because all similar properties are restricted from constructing pools in the Buffer.
- (4) The fourth standard addresses conditions or circumstances that are self-imposed and conditions or circumstances related to adjacent properties. This criterion has been met.

- (5) The fifth standard 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 Critical Area Program. The construction of the pool and its use adversely impacts water quality by creating additional impervious surface in the Buffer. A swimming pool and its associated impervious areas and uses in the Buffer have a long term and ongoing impact. Approval of the proposed variance will contribute to the cumulative impacts of such structures and therefore is not consistent with the general spirit and intent of the Critical Area Program.

### Pools and Accessory Structures

This office has consistently opposed the placement of accessory structures such as swimming pools, in the 100-foot Buffer. The Buffer is a designated Habitat Protection Area (HPA) designed to act as both a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The ability of the Buffer to achieve these functions is reduced by such structures as the one in this case. This proposed pool by itself 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 detrimental effect on the Bay. As the General Assembly in §8-1801 of the Critical Area Act declared:

“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.”

In addition, the Critical Area Commission opposes the placement of accessory structures in the Buffer because no disturbance is permitted in HPAs, including the 100-foot Buffer, except for water-dependent facilities. An accessory structure, such as a pool, is not a water-dependent facility as defined in the Critical Area Criteria, and therefore need not be located in the Buffer to function as such. The Criteria in Section 27.01.09.01, and the Dorchester County Zoning Regulations specifically prohibit development within the Buffer. Again, the Court of Special Appeals has supported the position that accessory structures cannot be located in the Buffer.

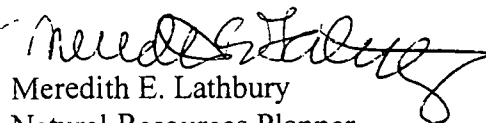
The Dorchester County Critical Area Program has been approved as consistent with the provisions of the Critical Area Act and Criteria (COMAR 27.01 et seq.). These comments and recommendations are offered in order to provide assistance to the Board regarding consistency of the proposed

Mr. Steve Dodd  
June 22, 1999  
Page Four

development with the Dorchester County Critical Area Program and the Critical Area Act (NRA §8-1801 et seq.).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you should have any questions concerning this letter, please contact me at (410) 260-7173.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Marianne Mason, Assistant Attorney General  
Ms. Regina Esslinger, CBCAC

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

July 2, 1999

Mr. Charlie DeRose  
Maryland Department of the Environment  
Water Management Administration  
Wetlands and Waterways program  
2500 Broening Highway  
Baltimore, MD 21224

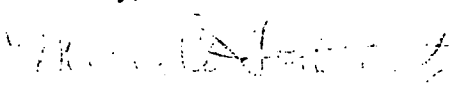
RE: (MDE Permit #19963585) Jim & Susan O'Doherty, Shoreline Erosion Project

Dear Mr. DeRose:

Thank you for the opportunity to review the above referenced application for a permit to construct a 125' wide, 12' wide revetment at 56 Canvasback Lane, on the Northeast River. It is my understanding that the bank will not be graded for this project other than for access to the shoreline. We generally prefer water access for shoreline projects in order to minimize disturbance. It is my understanding that less than 800 square feet of the Buffer will be disturbed. The contractor explained that any vegetation disturbed would be re-planted with switch grass and winterberry. The one tree that will have to be removed should be replaced by nursery grown stock which is containerized or balled and burlapped and is a minimum of 2" in caliper. We do not oppose this project as proposed.

Please include this letter in your files. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

cc: Ted Mercer, III, Kingfisher Environmental Consulting and Contracting

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**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

June 29, 1999

Mr. Frederick Gerald  
City Manager  
City of Crisfield  
P O Box 270  
Crisfield, Maryland 21817

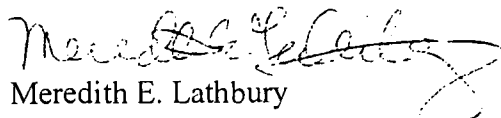
**RE: City of Crisfield Consistency Report  
Water System Upgrade Project**

Dear Mr. Gerald:

Thank you for the request for certification of consistency for the proposed Water System Upgrade. Critical Area planner, Susan McConville, requested information regarding the 10% Rule calculations in her letter to you dated October 1, 1998. These calculations have been submitted, and based on our review, the proposed Water System Upgrade Project is consistent with the Crisfield Critical Area Program.

If you have any questions regarding this certification, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Ms. Tracey Greene  
CF 289-98

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) 260-7516 Fax: (410) 974-5338

June 28, 1999

Mr. Joe Johnson  
Cecil County Government  
129 East Main Street  
Elkton, Maryland 21921

**RE: John and Rhonda Lea Fuddy - Proposed Minor Subdivision**


Dear Mr. Johnson:

Thank you for the opportunity to review the above referenced proposed minor subdivision. The applicant is seeking to subdivide a 2.86 acre parcel with 2.17 acres in a designated Limited Development Area (LDA). The proposed subdivision would split the existing parcel into two lots, Lot 1 (1.32 acres) and Lot 2 (1.53 acres). Lot 2 covers 0.85 acres in the LDA and 0.69 acres outside of the Critical Area. Lot 1 contains an existing single family dwelling. A single family dwelling is proposed for Lot 2. The applicant will satisfy the 15% afforestation requirement by planting 0.33 acres of forest on Lot 2. We do not oppose this subdivision at this time, however, we offer the following comments for consideration.

The applicant states in the environmental assessment that impervious surfaces will cover 12% (0.27 acres) of the property. It is unclear which impervious surfaces are included in this calculation. The Critical Area law limits impervious surfaces on a new subdivision to 25% of the subdivided lot. The total impervious surfaces over the entire subdivision may not exceed 15% (Natural Resources §8-1808.3). The impervious surfaces calculations should include existing structures, proposed structures, paved driveways, and the proposed driveway extension that will allow access to Lot 2.

Please include these comments in the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please do not hesitate to call me at (410) 260-7173.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: CE 333-99

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) 260-7516 Fax: (410) 974-5338

June 25, 1999

Ms. Sue Ann Hyer-Morgan  
Queen Anne's County  
Department of Planning and Zoning  
107 N Liberty Street  
Centreville, Maryland 21617

**RE: Hunters Oak Site Plan (MASP #05-98-08-C)**

Dear Ms. Hyer-Morgan:

Thank you for the opportunity to review the above referenced Hunters Oak site plan. It appears that all aspects of the proposed development are located out of the Critical Area. We have no comments at this time.

I understand that this is the final site plan, however, if there are any changes in the plan that will involve disturbance to the Critical Area, please keep us informed. If you have any questions regarding these comments, please call me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: QC 188-98

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

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
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June 24, 1999

Mr. Tom Lawton  
Department of Technical and Community Services  
Somerset County Office Complex  
11916 Somerset Ave., Room 102  
Princess Anne, Maryland 21853

**RE: Salisbury Communications Tower Site Plan (SP 99-84)**

Dear Mr. Lawton:

Thank you for the opportunity to review the above referenced site plan. The applicant is proposing to construct a 450 foot communications tower in a designated Limited Development Area (LDA). The property covers 8.73 acres total, with 6 acres in the Critical Area. The applicant is seeking to construct a 30' x 50' building and clear 0.63 acres (27,910 square feet) of forest. The proposed project will impact 0.20 acres (9,039.53 sq.ft.) of the 25' non-tidal wetlands buffer. The Maryland Department of the Environment handles regulation of non-tidal wetlands under Natural Resources Article §8-1201, and should be contacted for information regarding any necessary permits or authorization. The applicant should also indicate whether the project is consistent with Somerset County's Big Annemessex River Nontidal Wetlands Watershed Management Plan. We do not oppose the project as proposed.

Please include this letter in your file and notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

MEL

cc: Steve Dawson, MDE, Eastern Regional Field Office  
SO 159-99

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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June 18, 1999

Mr. Thomas Lawton  
Department of Technical and Community Services  
Somerset County Office Complex  
11916 Somerset Ave., Room 102  
Princess Anne, MD 21853

**RE: Noble Farm, Preliminary Plat - Subdivision/Growth Allocation (SA 99-155)**

Dear Mr. Lawton:

Thank you for the opportunity to review the above referenced proposed subdivision and growth allocation request. The applicant is seeking to create 17 lots in a designated Resource Conservation Area (RCA). This subdivision will require the applicant to obtain growth allocation. It is my understanding that the applicant has requested growth allocation from the County. We offer the following preliminary comments in order to help guide and advise the applicant in designing the proposal. These comments are not intended to serve as formal Commission approval of the proposed subdivision and growth allocation.

Habitat Protection Areas:

- It is unclear from the plat what type of land is being protected in the southern and northern areas labeled "Habitat Protection Areas." The southern portion appears to be tidal wetlands, however, these should be clearly labeled as such. The plat should indicate whether the wetlands are State designated or private.
- ▶ The plat shows a hatched area running along the east side of the property, creating a small strip of Habitat Protection Area connecting the northern and southern areas. It is unclear how this strip is contributing to the Habitat Protection Area. If it is contiguous to a larger protected area, on the adjacent property, for example, then the plat should indicate this.
- It appears that a stormwater management pond is proposed in the Habitat Protection Area. Stormwater management ponds should be included in the development envelope, and should not be placed in the Habitat Protection Area.
- The plat should indicate the total acreage of the Habitat Protection Area.
- It appears that a large portion of the northern Habitat Protection Area is outside of the Critical Area. The applicant cannot count land that is not in the Critical Area towards the required reserve acreage.

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Mr. Lawton  
June 18, 1999  
Page Two

Development Envelope and Remaining Lands: The development envelope should include all lots, Buffers, impervious surfaces, utilities, stormwater management, sewage areas, and any other acreage required under Somerset County's Critical Area program. In order to count only the development envelope for growth allocation, there must be at least 20 acres of contiguous open space outside the development envelope retained in its natural features with restrictions from future subdivision through covenants or conservation easement. This residue land may be used for residential development at the density of one dwelling unit per 20 acres. We are unable to determine whether there are 20 contiguous acres of open space remaining based on the information given on the preliminary plans.

Lot Lines: In order to avoid future violations of the Critical Area law, we recommend pulling the lot lines out of the Buffer and Habitat Protection Areas. Lots 15, 16, and 17 encroach on the 100 foot Buffer. Lots 8 and 9 encroach on the northern Habitat Protection Area.

Buffer: The 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. Stormwater management facilities, utilities, roads, and other infrastructure must be located outside of the 100-foot Buffer. Where agricultural land in the 100-foot Buffer is being converted to another use, the Buffer must be established through native plantings or natural regeneration (COMAR 27.01.09.01 (6)).

Roads: Roads should be designed to avoid unnecessary impervious surfaces. Panhandles instead of cul-de-sacs will reduce the amount of impervious surfaces.

Forests: The application states that no forest will be removed, and that 5.58 acres of forest will be created to meet the afforestation requirements. The applicant should show on the plat where afforestation will take place. Under Somerset County's Critical Area Program, replanting must take place on lands abandoned from agriculture. There appears to be a treeline in the northern Habitat Protection Area. If there will be any clearing or disturbance of trees, please indicate this on the plan. Somerset County requires a Forest Management Plan for any forested areas in the undeveloped portions of the parcel.

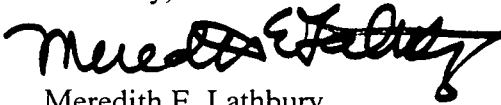
Endangered Species: The plat indicates that there are no mapped records of Federal or State rare, threatened, or endangered species. The developer should have a letter not more than two years old from the Maryland Department of Natural Resources, Heritage Division, indicating that no rare, threatened, or endangered species occur on the site.

Additional Information Needed: We would like to see the impervious surfaces calculations for the whole subdivision. If there are any plans for a community pier, we would like to see these plans in addition to information about any disturbance to the Buffer.

Mr. Lawton  
June 18, 1999  
Page Three

Please include this letter in your file for the record. As I mentioned above, these comments are intended to provide guidance in the preliminary stages of the proposed development. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Ms. Joan Kean, Somerset County Planning Director  
Ms. Mary Owens, CBCAC  
Ms. Regina Esslinger, CBCAC  
SO 242-99



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) 260-7516 Fax: (410) 974-5338

June 17, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning Office  
County Office Building  
P O Box 107  
Cambridge, Maryland 21613

**RE: Vaughan Property - Buffer Variance Request (#1927)**

Dear Mr. Dodd:

Thank you for the opportunity to comment on the above referenced variance request. The applicant is seeking to construct a 12' x 18' porch extended by a 5' deck. The property covers 8.2 acres in a designated Limited Development Area (LDA). The proposed addition will encroach on the 100-foot Buffer to Pattison Cove and Brooks Creek by 15 feet. It appears that the total area of disturbance will be 442 square feet. It appears from the application that no trees will be cleared for this development activity. The proposed addition will not be any closer to the shoreline than the existing dwelling. We do not oppose the variance, however, the applicant should mitigate the disturbed area by planting native vegetation at a 3:1 ratio in the 100-foot Buffer.

Please include this letter as part of the variance record. We would appreciate it if you would notify the Commission in writing of the decision made. If you have any questions, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: DC 310-99

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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June 17, 1999

Ms. Joan Kean  
Department of Technical and Community Services  
Somerset County Office Complex  
11916 Somerset Ave., Room 102  
Princess Anne, Maryland 21853

RE: GA99-16 Little Sisters of Jesus and Mary

Dear Ms. Kean:

I am writing to confirm that the Critical Area Commission has received the above referenced Growth Allocation request. We are accepting the application as a complete submittal, and Chairman North will make a refinement determination within 30 days. The refinement will be discussed at the Commission meeting on July 7, 1999 in Worcester County. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Ms. Mary Owens, CBCAC  
SO 169-99

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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June 16, 1999

Ms. Karen Houtman  
Dorchester County Planning & Zoning Office  
County Office Building  
P O Box 107  
Cambridge, Maryland 21613

**RE: Sheehan BEA Request**

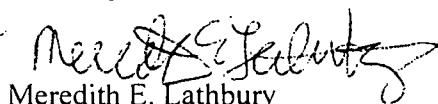
Dear Ms. Houtman:

Thank you for the opportunity to review the above referenced application. The Sheehans are seeking to construct a 12' x 20' (240 sq. ft.) shed on the property 17.5 feet from Church Creek. The property covers 27,007 sq. ft. in a designated Limited Development Area (LDA). The property is in an area that has been designated a Buffer Exemption Area (BEA) under the County's Critical Area Program. The applicants have already constructed a house that is 17.5 feet from the shoreline, in accordance with a variance to the Critical Area Buffer requirements (granted February 27, 1989). The proposed shed will bring total impervious surfaces on the site to 6.3% (1,696 sq. ft.). It is my understanding that the applicant will be required to plant or establish vegetation at a 2:1 ratio (480 sq. ft.). These plantings should consist of native vegetation and should be placed in the Buffer to Church Creek.

Under Dorchester County's Critical Area Program, new development in a BEA is allowed only where the applicant can show that there is no feasible alternative and the intrusion is the least necessary. Where new development is allowed, the structure shall not exceed the shoreward extent of existing structures. It appears that the proposed shed could potentially be placed back further from the shoreline, closer to the driveway, in order to minimize disturbance to the Buffer. The applicant should explain why the shed must be placed 17.5 feet from the shoreline. If there is an alternative location back from the shoreline, then the shed should be placed there instead.

Please include this letter in your file. Please notify the Commission in writing of the decision made in this case. If you should have any questions concerning this letter, please contact me at (410) 260-7173.

Sincerely,

  
Meredith E. Lathbury

Natural Resources Planner

MEL/jjd

cc: DC 321-99

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) 260-7516 Fax: (410) 974-5338

June 16, 1999

Ms. Pat Farr  
Department of Environmental Protection  
and Resource Management  
401 Bosley Avenue, Suite 416  
Towson, Maryland 21204

**RE: Wetlands and the Critical Area Program**

Dear Ms. Farr:

As per your request, I have looked into the issue of whether State wetlands may be counted as part of the property acreage for purposes of the Critical Area program. As you know, wetlands are regulated under Maryland's wetlands and riparian rights law, §16-101 of the Environment Article of the *Annotated Code of Maryland*. State wetlands are defined as those wetlands under the navigable waters of the State below the mean high tide, affected by the rise and fall of the tide. Title to these wetlands belongs to the State, and therefore cannot be counted as being a part of a person's property, even if the property lines appear to cover navigable waters and State wetlands. Private wetlands are those bordering on tidal waters, are subject to periodic tidal action, and support aquatic growth. Private wetlands can be included in the total acreage of a piece of property. The Maryland Department of Environment (MDE) must confirm the determination of State wetlands versus private wetlands. For further information about State and private wetlands, I recommend you contact Rick Ayella of MDE in the Tidal Wetlands Division at (410) 631-8077.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Mr. Rick Ayella, MDE  
Mr. Ren Serey, CBCAC  
Ms. Mary Owens, CBCAC  
Ms. Regina Esslinger, CBCAC

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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June 15, 1999

Mr. Keith Kelley  
Baltimore County Department of Environmental Protection  
and Resource Management  
401 Bosley Avenue, Suite 416  
Towson, MD 21204

**RE: Narutowicz Property - Impervious Surfaces Variance Request (#99-09)**

Dear Mr. Kelley:

Thank you for the opportunity to review the above referenced request for a variance to the impervious surfaces requirements under the Critical Area law. The property covers 1.1 acres in a designated limited development area (LDA). Existing impervious surfaces cover 11.4% (5,561 square feet) of the lot, and seventeen trees are present. A single family dwelling already exists on the parcel. The applicant is requesting a variance to the 15% impervious surfaces limit in the LDA in order to develop 25% (2,409 square feet) of the property. We cannot support this variance request for the following reasons.

It appears that the parcel in question was not properly subdivided. The application explains that an attempt to subdivide the property in 1983 was not properly processed. Without a legally sufficient subdivision, the proposed development cannot satisfy the impervious surfaces requirements of Baltimore County's Critical Area Program. All new subdivisions should meet all the Critical Area requirements. Grandfathered lots must have been legally recorded as of December 1, 1985. This property was not legally subdivided as of December 1, 1985, therefore, all the Critical Area requirements apply.

**The Variance Standards**

Any person in the Critical Area who applies for a variance to the Critical Area Criteria must meet five variance standards that are specifically listed in COMAR 27.01.1, Baltimore County's Critical Area Program and the Zoning Ordinance of Baltimore County. All five standards must be met in order for a variance to be granted. It is the opinion of this office that all of the five

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Mr. Keith Kelley  
June 15, 1999  
Page Two

variance standards have **not** been met in this case. Nothing in the application for the variance presents any indication of hardship. Although the applicants claim that their land will be rendered worthless if they are not allowed to develop up to 25% of the lot, the applicants already have reasonable use of their property considering the existing dwelling and associated structures.

Below is a brief outline of the required variance standards as applied in this case.

- (1) The first standard addresses site features that are unique to the subject property or structure and the unwarranted hardship resulting from denial of the variance. To our understanding, there is nothing unique about the shape, size, topography or other features of the property itself. It is typical of many lots in Baltimore County's designated Limited Development Areas (LDA). The applicant already has reasonable use of the property without exceeding the impervious surfaces limitation.

The denial of a variance for a residential structure that exceeds the impervious surfaces limitations where a residential structure already exists would not result in an "unwarranted hardship" as that term has been defined by the Maryland Court of Special Appeals. In North v. St. Mary's County, 99 Md. App. 502 (1994) (gazebo in Buffer), the Court of Special Appeals held that only denial of reasonable use creates an unwarranted hardship. In the situation at hand, the applicant already has a dwelling on the property in addition to other accessory structures.

- (2) The second standard addresses the rights of the variance applicant with respect to the rights commonly shared by other owners of property in the same management area within the Critical Area. Denial of this variance will not deprive the property owner of rights shared by other property owners in the LDA. All property owners in the Critical Area are similarly limited by the Critical Area Law and the County's Critical Area program.
- (3) The third standard addresses 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 and/or structures within the Critical Area. The granting of this variance would confer upon this property owner a special privilege because all similar properties are restricted under the impervious surfaces limitations of the Critical Area law.
- (4) The fourth standard addresses conditions or circumstances that are self-imposed and conditions or circumstances related to adjacent properties. This criterion has been met.
- (5) The fifth standard 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 Critical Area Program. The construction of the structure and its use adversely impacts water quality by creating additional impervious surface in the Critical Area. A house and its associated impervious areas and uses have a long term and ongoing

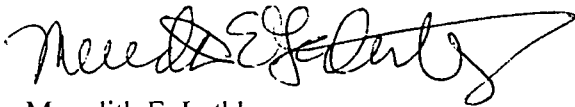
Mr. Keith Kelley  
June 15, 1999  
Page Three

impact. Approval of the proposed variance will contribute to the cumulative impacts of such structures and therefore is not consistent with the general spirit and intent of the Critical Area Program.

The Baltimore County Critical Area Program has been approved as consistent with the provisions of the Critical Area Act and Criteria (COMAR 27.01 et seq.). These comments and recommendations are offered in order to provide assistance to the Board of Appeals regarding consistency of the proposed development with the Baltimore County Critical Area Program and the Critical Area Act (NRA §8-1801 et seq.).

Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you should have any questions concerning this letter, please contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: Marianne Mason, Esq., Assistant Attorney General  
Ms. Regina Esslinger, Project Review Chief, CBCAC  
BC 240-99



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) 260-7516 Fax: (410) 974-5338

June 9, 1999

Mr. Thomas Lawton  
Department of Technical and Community Services  
Somerset County Office Complex  
11916 Somerset Avenue, Room 102  
Princess Anne, Maryland 21853

**RE: Carman Property, Request for Minor Subdivision/Intrafamily Transfer (SA 98-151)**

Dear Mr. Lawton:

Thank you for the opportunity to review the above referenced request for subdivision. The property proposed for subdivision covers 213.31 acres. The applicant is seeking to subdivide 3.59 acres, with 1.8 acres in a designated Resource Conservation Area (RCA). There are 56 acres in the RCA on this property. One dwelling, a farm house built prior to the Critical Area law, already exists on the site. We do not oppose this subdivision/intrafamily transfer.

The Critical Area law permits subdivision of up to three lots for intrafamily transfer on parcels that are greater than 12 acres but less than 60 acres in size (NRA, §8-1808.2). This subdivision can qualify as an intrafamily transfer as long as the subdivided lot will be transferred to a member of Dorothy and Percy Marshall's immediate family. Immediate family means a father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter. It is not clear from the application whether Ronnie and Cheryl Carman are members of the Marshall's immediate family. It is my understanding that the County will require the applicant to place a covenant in the deed stating that the lot is created subject to the intrafamily transfer provisions of the Critical Area law. Lots created through intrafamily transfer may not be conveyed subsequently to any person other than a member of the owner's immediate family except for certain situations described in §8-1802.2. Subsequent conveyance of lots created under this section must comply with the guidelines set forth in Somerset County's Critical Area Program (Somerset County Zoning Ordinance Section 6.13(c)(3)).

The application indicates that 0.27 acres will be afforested. It appears from the map submitted that the area designated for afforestation is located outside of the Critical Area portion of the property. The area to be afforested should be located within the Critical Area portion of the

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Mr. Lawton  
June 9, 1999  
Page Two

property. Plantings should comply with Somerset County's woodland reforestation and afforestation standards (Somerset County Zoning Ordinance, Section 6.13 (i)).

Please include this letter in your file and submit it as part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you should have any questions concerning this letter, please contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

MEL/jjd

cc: SO 236-99

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) 260-7516 Fax: (410) 974-5338

June 7, 1999

Mr. Jerry Shuman  
17 Branchwood Court  
Pikesville, MD 21208

**RE: 10% Rule Information**

Dear Mr. Shuman:

Enclosed please find several publications about the Chesapeake Bay Critical Area Program, including 3 books about compliance with the 10% Rule. I have also included some general information about the Critical Area law. If you have any further questions or need assistance, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

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

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ge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
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June 1, 1999

Mr. Thomas Lawton  
Department of Technical and Community Services  
Somerset County Office Complex  
11916 Somerset Ave., Room 102  
Princess Anne, MD 21853

**RE: Ward Property Subdivision/Intrafamily Transfer Request (#99-156)**

Dear Mr. Lawton:

I have reviewed the above referenced application for a one-lot residential subdivision and intrafamily transfer. The property proposed for subdivision covers 24.93 acres, with 22.03 acres in a designated Resource Conservation Area. The applicant seeks to create one lot with 12.41 acres in the Critical Area for residential and agricultural use. Non-tidal and tidal wetlands appear on the site, and are duly noted in the plat. The plat designates 10.23 acres as a habitat protection area. An area covering 6.61 acres of forest has been reserved. The area designated for development covers 2.18 acres of upland. This subdivision/intrafamily transfer appears to be consistent with the Critical Area law and Somerset County's Critical Area program. Commission staff do not oppose the subdivision/intrafamily transfer, however, we offer the following comments.

The Critical Area law permits subdivision of up to three lots for intrafamily transfer on parcels that are greater than 12 acres but less than 60 acres in size (NRA, §8-1808.2). The above referenced request satisfies this requirement. It is my understanding that the County will require the applicant to place a covenant in the deed stating that the lot is created subject to the intrafamily transfer provisions of the Critical Area law. Lots created through intrafamily transfer may not be conveyed subsequently to any person other than a member of the owner's immediate family except for certain situations described in §8-1802.2. Subsequent conveyance of lots created under this section must comply with the guidelines set forth in Somerset County's Critical Area Program (Somerset County Zoning Ordinance Section 6.13(c)(3)).

The intrafamily transfer provisions also require that the property be transferred to a member of the owner's immediate family for the purposes of establishing a residence for that family member. Immediate family means a father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter. It is my understanding that this property will be transferred to the

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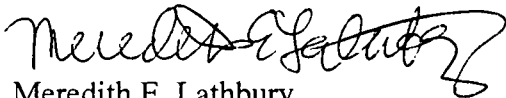
grandchild of the owner, thereby satisfying this requirement.

Before the County moves forward on this application, the applicant should contact Maryland Department of Natural Resources Heritage Division to determine whether any threatened or endangered species occur on the site. This information should be noted on the plat.

Any areas that will be cleared or disturbed for development of the lot may require mitigation, as set forth in Somerset County's Critical Area Program.

Thank you for the opportunity to comment on this application. Please include this letter in your file and submit it as part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you should have any questions concerning this letter, please contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

cc: SO 241-99

John C. North, II  
Chairman



Ren Serey  
Executive Director

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

May 25, 1999

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

Mr. Charles Weber  
Dorchester County Highway Department  
5435 Handley Road  
Cambridge, MD 21613

**RE: Hoopers Island Bridge Rehabilitation**

Dear Mr. Weber:

We have received certification from the Dorchester County Planning and Zoning Office that the Hoopers Island Bridge Rehabilitation Plan meets the requirements of the Dorchester County Critical Area Program. We agree with the County's determination that this Plan is consistent with Dorchester County's Critical Area Program. The County's certification is stated in a letter written to you by Ms. Karen Houtman, dated May 13, 1999. We will place a copy of this notice on file with the Commission, in accordance with COMAR 27.02.02.02. If you have any further questions or concerns, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: Karen Houtman, Dorchester County Planning & Zoning  
DC 230-99

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) 260-7516 Fax: (410) 974-5338

May 24, 1999

Ms. Pat Farr  
Baltimore County Department of Environmental Protection  
and Resource Management  
401 Bosley Avenue, Suite 416  
Towson, MD 21204

**RE: Historical Information About Commission Approval of Baltimore County's Critical Area Program**

Dear Ms. Farr:

I am writing in response to your request for information regarding the Commission's approval of Baltimore County's Critical Area Program. According to our records, Baltimore County's Critical Area Program was approved by a vote of 19:0 on February 3, 1988. The program approved included program and policy documents, ordinances, and maps. The mapping was based on the criteria designating Intensely Developed Areas (IDA), Limited Development Areas (LDA) and Resource Conservation Areas (RCA) consistent with COMAR 27.01.02. Baltimore County's maps were a product of County staff review of land use and development existing as of 12/1/85. These maps were presented at a public hearing of the County Council prior to being submitted to the Commission.

Local programs are subject to review and approval by the Commission. All jurisdictions in the Critical Area participated in the approval process set forth under §8-1809. Commission staff reviewed Baltimore County's program. A panel of five Commission members reviewed the program documents and held a public hearing on October 6, 1987. The Commission approved the County's program on February 3, 1988. According to our files, the Baltimore County Council fully adopted the program on June 13, 1988.

I hope this information is helpful to you. If you need any further information or have any questions regarding this matter, please contact me at (410) 260-7173.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

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) 260-7516 Fax: (410) 974-5338

May 19, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning Office  
County Office Building  
P.O. Box 107  
Cambridge, MD 21613

**RE: Howard Property (#914, Subdivision Application)**

Dear Mr. Dodd:

Thank you for the opportunity to review the above referenced application for a one-lot subdivision for a single family home. The referenced parcel covers 124 acres, which mostly lies in a designated Resource Conservation Area adjacent to Hudson Creek. The applicant seeks to subdivide a 4.56 acres parcel for the development of a single-family home. According to the plat submitted, the owner agrees to plant 0.684 acres of trees to meet the afforestation requirements. It appears that the new lot will be accessed by an existing farm lane. The plat also duly notes the reservation of 15.44 acres to satisfy the 1:20 density requirement in the RCA. We do not oppose the subdivision as proposed. However, if there will be tree clearing for development of the site, or for access, the applicant will need to submit information about the total area to be cleared and provide mitigation in accordance with Dorchester County's requirements.

Please include this letter in your file and submit it as part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you should have any questions concerning this letter, please contact me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: DC 214-99

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) 260-7516 Fax: (410) 974-5338

May 19, 1999

Mr. Keith Kelley  
Department of Environmental Protection  
and Resource Management  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204

**RE: Walnut Point - Major Residential Subdivision**

Dear Mr. Kelley:

Thank you for the opportunity to review the Walnut Point subdivision application. The applicant is seeking to develop 158 acres on a parcel that covers 118 acres of designated Limited Development Area (LDA). The development will involve removal of 3.4 acres of the 48.1 acres of existing trees/woodland/forest. The developer proposes to create 15.1 acres of forest. Proposed impervious surfaces will not exceed 15% of the area. The developer is seeking approval of the concept plan for this development as well as permission to reduce the 300 foot Buffer that is normally required for new subdivisions under Baltimore County's Critical Area program. We offer the following comments regarding the concept plan submitted:

Mitigation: We recommend that the applicant satisfy the County's mitigation requirements on-site. There are several proposed lots adjacent to sensitive areas that could be eliminated or moved and used for mitigation plantings instead. Lots 117-119, 111, 100, 99, 84 and 85 could be moved or eliminated in order to provide room for mitigation plantings. This technique would create a large, contiguous area of open space containing a solid corridor of habitat along the east side of the property.

The Buffer: The Buffer is defined as a naturally vegetated area or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environment from man-made disturbances (COMAR 27.01.09.01). All development activities, including stormwater management and roads are prohibited in the Buffer. The water quality measures identified by Morris & Ritchie Associates, Inc. include dry or wet swales, pocket wetlands, bioretention, or surface sand filters. These stormwater management measures are not permitted in the Buffer.

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

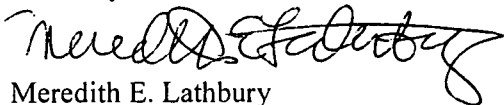
Roads: We recommend that construction of additional road surfaces be kept at a minimum to avoid unnecessary impervious surfaces. Roads "I," "J," and "K" could be made into one loop road, thereby reducing the amount of impervious road surface.

Community Pier: Community piers requiring disturbance of the Buffer must comply with §8-1808.5 of the Critical Area law and Baltimore County's Critical Area Program. If boat slips will be provided, the number of slips will be limited according to the County's program. Any disturbance to the Buffer associated with development of a community pier should be minimized.

Lot Configuration: We recommend pulling the lot lines out of the Buffer wherever possible in order to avoid future Buffer violations and enforcement issues.

Please include this letter in your file and submit it as part of the record. Please notify the Commission in writing of the decision made in this application. If you have any questions or concerns regarding this letter, do not hesitate to contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

cc: Pat Farr, Baltimore County DEPRM  
Regina Esslinger, CBCAC  
BC 247-99

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) 260-7516 Fax: (410) 974-5338

May 19, 1999

Mr. Thomas Lawton  
Department of Technical and Community Services  
Somerset County Office Complex  
11916 Somerset Ave., Room 102  
Princess Anne, MD 21853

**RE: White's Lot - Subdivision Request (#98-145)**

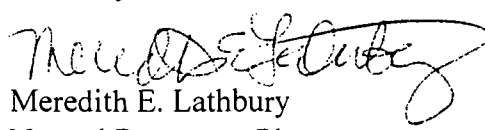
Dear Mr. Lawton:

I have reviewed the request for a residential subdivision for the above referenced property. The applicant seeks a one-lot residential subdivision that will cover 13.74 acres. The original parcel covers 47.56 acres in a designated Resource Conservation Area, with a total acreage of 63.96 on the parcel. The plat indicates that 6.26 acres of afforestation will be provided. We do not oppose the subdivision as it is currently proposed.

The applicant should contact the Maryland Department of Natural Resources Heritage Division to determine whether there are any threatened and endangered species on the site. The applicant should be aware that mitigation will be required for clearing associated with development of this lot, such as clearing for a dwelling structure and any removal of trees or vegetation to establish an access road.

Thank you for the opportunity to comment on this request. Please include this letter in your file and submit it as part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you should have any questions concerning this letter, please contact me at (410) 260-7173.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

cc: SO 243-99

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) 260-7516 Fax: (410) 974-5338

May 17, 1999

Mr. Keith Kelley  
Department of Environmental Protection  
and Resource Management  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204

**RE: Long Property, Buffer Variance Request (99-08)**

Dear Mr. Kelley:

Thank you for the opportunity to comment on the Buffer variance request on the Long property. This letter sets forth the evaluation, comments, and recommendations of the Chesapeake Bay Critical Area Commission on the Long application. As you are aware, I serve as a Natural Resources Planner with the Chesapeake Bay Critical Area Commission. Along with other administrative tasks, my primary duty is to provide technical assistance to seven jurisdictions, including Baltimore County. In addition to working with the County staff on programmatic issues, I am responsible for providing comments and recommendations to staff on project applications, including but not limited to subdivisions, site plans, special exceptions, rezonings and variances.

The variance case before the Board involves an application to construct an 18 foot diameter, 4 foot high, above ground pool in the 100-foot Buffer to Shallow Creek. The property is located entirely within the Critical Area, and covers 13,150 square feet in a designated Limited Development Area. The pool is proposed at a location that is 22 feet from Shallow Creek. The variance is required because the County prohibits placement of new, non-water dependent development structures within the Buffer. This office would like to offer comments as to why we cannot support a variance to allow the structure in the 100-foot Buffer.

**The Variance Standards**

Any person in the Critical Area who applies for a variance to the Critical Area Criteria must meet five variance standards that are specifically listed in COMAR 27.01.11 and in Baltimore County's Critical Area Program. All five standards must be met in order for a variance to be granted. It is the

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



opinion of this office that all of the five variance standards have **not** been met in this case. Nothing in the application for the variance presents any indication of hardship. We recommend that the Board of Appeals deny the variance because of the applicant's failure to meet the variance standards.

Below is a brief outline of the required variance standards as applied in this case.

- (1) The first standard addresses site features that are unique to the subject property or structure and the unwarranted hardship resulting from denial of the variance. To our understanding, there is nothing unique about the shape, size, topography or other features of the property itself. It is typical of many waterfront lots in Baltimore County. The applicant already enjoys reasonable use of this property without further impacting the Buffer. The applicant claims that the shape of the lot is unusual because it is entirely within the Critical Area. In fact, this lot is like the thousands of other small waterfront lots entirely within the Critical Area along the shoreline of Baltimore County.

The denial of a variance for an accessory structure in the Buffer where the property owner already obtains reasonable enjoyment of the property would not result in an "unwarranted hardship" as that term has been defined by the Maryland Court of Special Appeals. In North v. St. Mary's County, 99 Md. App. 502 (1994) (gazebo in Buffer), the Court of Special Appeals held that only denial of reasonable use creates an unwarranted hardship. In the situation at hand, the property owners already enjoy a house and 40 foot wide wooden deck in the 100-foot Buffer to Shallow Creek. In White v. North, 121 Md. App. 196 (1998)(swimming pool in Buffer), the Court of Special Appeals found that there was no unwarranted hardship where the property owner could have placed their proposed swimming pool almost any place on the property. Although the lot in this situation is small, the pool is not necessary to the reasonable use of the property and could potentially be placed outside of the 100-foot Buffer. We believe that the variance request before this Board is similar to that in the White case and we would urge the Board to consider the court's opinion in deciding this variance. (attached)

- (2) The second standard addresses the rights of the variance applicant with respect to the rights commonly shared by other owners of property in the same management area within the Critical Area. Denial of this variance will not deprive the property owner of rights shared by other property owners in the LDA. All property owners in the Critical Area are similarly limited by the Critical Area Law and the County's Critical Area program. The fact that some of the neighboring properties may have pools does not imply that there is a right to a pool in the 100-foot Buffer. Those other properties may be in violation of the Critical Area law, or the pools were in existence prior to enactment of the law.
- (3) The third standard addresses 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 and/or structures within the Critical Area. The granting of this variance would confer upon this property owner a special privilege because all similar properties are restricted from constructing pools in the Buffer.

- (4) The fourth standard addresses conditions or circumstances that are self-imposed and conditions or circumstances related to adjacent properties. This criterion has been met.
  
- (5) The fifth standard 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 Critical Area Program. The construction of the structure and its use adversely impacts water quality by creating additional impervious surface in the Buffer. The proposed pool will create an impervious surface covering 2,680 square feet in the 100-foot Buffer, thereby having a long term and ongoing impact. Approval of the proposed variance will contribute to the cumulative impacts of such structures and therefore is not consistent with the general spirit and intent of the Critical Area Program.

### **Habitat Protection Areas**

This office has consistently opposed the placement of non-water dependent structures in the 100-foot Buffer. The Buffer is a designated Habitat Protection Area designed to act both as a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The ability of the Buffer to achieve these functions is reduced by such structures as the one in this case. This proposed structure by itself 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 detrimental effect on the Bay. As the General Assembly in §8-1801 of the Critical Area Act declared:

“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.”

In addition, the Critical Area Commission opposes the placement of structures in the Buffer because no disturbance is permitted in HPAs, including the 100-foot Buffer, except for water-dependent facilities. An accessory structure, such as a pool, is not a water-dependent facility as defined in the Critical Area Criteria, and therefore need not be located in the Buffer to function as such. The Criteria in Section 27.01.09.01, and the Baltimore County Critical Area Program specifically prohibit development within the Buffer. Again, the Court of Special Appeals has supported the position that non-water dependent structures cannot be located in the Buffer.

The Baltimore County Critical Area Program has been approved as consistent with the provisions of the Critical Area Act and Criteria (COMAR 27.01 et seq.). These comments and recommendations



are offered in order to provide assistance to the Board of Appeals regarding consistency of the proposed development with the Baltimore County Critical Area Program and the Critical Area Act (NRA §8-1801 et seq.).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you should have any questions concerning this letter, please contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

Encl.

cc: Regina Esslinger, CBCAC  
Marianne Mason, Assistant Attorney General  
BC 227-99

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) 260-7516 Fax: (410) 974-5338

May 12, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning Office  
County Office Building  
P.O. Box 107  
Cambridge, MD 21613

**RE: Ross Property - Residential Subdivision Review (#913)**

Dear Mr. Dodd:

Thank you forwarding the revised plat for the Ross property proposed subdivision. The revised plat appears to properly indicate the tidal and nontidal wetland lines and associated buffers. The 100-foot Buffer to the Little Choptank River is also properly marked. However, the plat still does not clearly indicate that 14.57 acres of the remaining property is reserved in order to satisfy the 1:20 density requirement in the Resource Conservation Area (RCA). The "General Notes" on the plat should contain language clearly stating that 14.57 acres within the Critical Area must be reserved as satisfaction of the 1:20 density requirement of the RCA and that any future subdivision of the property must take into account this reserved area. The plat now states that 5.29 acres are forested, however, there is no indication as to whether this is the forest acreage of the entire parcel or just Lot No. 1, the area to be subdivided.

I appreciate the opportunity to comment on this proposed subdivision. Please submit the additional information when it becomes available. We would appreciate it if you would notify the Commission in writing of the decision made in this matter. If you have any questions or concerns, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: DC 130-99

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) 260-7516 Fax: (410) 974-5338

May 5, 1999

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

**RE: Biddison Property, Subdivision**

Dear Ms. Farr:

Thank you for the opportunity to review the Biddison application for a residential subdivision at Glenwood and Oakdean Roads. The applicant seeks to subdivide 15.73 acres in a designated Limited Development Area (LDA). I understand that the stormwater management area has been moved away from the non-tidal wetlands and Critical Area Buffer on the east side of the property. It also appears that the developer will be providing 1:1 mitigation for the 0.33 acres of trees that will be removed. It is my understanding that these plantings will be placed in the Buffer. Total impervious surfaces proposed, post-development, will cover 97,437 feet, or 14% of the property. This proposed subdivision appears to meet the requirements of Baltimore County's Critical Area program. Critical Area staff do not oppose this subdivision.

We recommend that the developer adjust the lines of Lots 22-24 and 11-14 to avoid subdividing property in the non-tidal wetlands and the associated buffer. Landowners will be less likely to encroach on these sensitive areas by mowing or placing structures if the property lines do not extend into the wetlands or the buffer.

The Maryland Department of Natural Resources Heritage and Wildlife Division needs to review this plat to determine whether there are any rare, threatened or endangered species on the site.

Please include this letter in your file and submit it as part of the record for subdivision. Please notify the Commission in writing of the decision made in this application. If you have any questions or concerns regarding this letter, do not hesitate to contact me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: Glenn Shaffer, Baltimore County DEPRM  
BC 212-99

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) 260-7516 Fax: (410) 974-5338

**MEMORANDUM**

**DATE:** April 27, 1999  
**TO:** Grant DeHart, Program Open Space  
**FROM:** Meredith E. Lathbury, Critical Area Commission  
(410) 260-7173  
**RE:** **Shorter's Wharf Acquisition - Dorchester County  
Local POS Project #3565-9-75**

---

Based on the information provided, Commission staff find that acquisition of this parcel for public recreation does not conflict with our plans, programs, or objectives. I would like to mention that the proposed public boat ramp and associated developments will require review by the County for compliance with the Critical Area law. Under COMAR 27.02.02.02, the law requires that developments of local significance be consistent with the local Critical Area program. The local jurisdiction will be required to submit findings showing that the project is consistent with Dorchester County's Critical Area program.

You should be aware that the proposed project is located in a designated Resource Conservation Area and is located in or adjacent to Bald Eagle habitat. State designated tidal wetlands are also present on the site. Commission staff request the opportunity to review more detailed plans for the boat ramp and associated development when this information becomes available. Thank you for the opportunity to comment. Please call me at (410) 260-7173 if you have any questions regarding these comments.

cc: Steve Dodd, Dorchester County Planning & Zoning  
Michael Ewing, POS, Eastern Region

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) 260-7516 Fax: (410) 974-5338

April 21, 1999

Shane Pule  
808D Wilson Point Road  
Baltimore, MD 21220

**RE: 10% Rule Compliance with the Critical Area Program**

Dear Mr. Pule:

Thank you for contacting the Critical Area Commission regarding compliance with the 10% rule. Enclosed please find several guides that you may find helpful. If you have any questions regarding these materials, please feel free to contact me at (410) 260-7173 or Keith Kelley at the Baltimore County Department of Environmental Protection and Management at (410) 887-3980.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

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) 260-7516 Fax: (410) 974-5338

April 20, 1999

Ms. Tracey Greene  
Maryland Office of Planning  
Salisbury District County/Multi-Service Center  
201 Baptist Street, Box 24  
Salisbury, MD 21801

**RE: City of Crisfield - Wellington Beach Consistency Report**

*Tracey*  
Dear Ms. Green:

Thank you for submitting information regarding the Wellington Beach project in the City of Crisfield. The City is proposing to enhance an eroding beach area, renovate an existing bathhouse, and construct a concession stand on an existing concrete pad. Picnic tables, grills and playground equipment will be replaced and trees will be planted in the picnic area. The parcel is in a designated Limited Development Area. My understanding is that the beach will be established as a public facility for the residents of Crisfield.

The 100-foot Buffer to the Little Annemessex River should be established 100 feet from mean high water. Based on the plan submitted, it appears that the picnic tables, grills and playground equipment will be placed in an area that infringes on the 100-foot Buffer. We recommend that these facilities be placed outside the Buffer if possible. We also recommend that the plantings consist of native trees and shrubs.

This project appears to be consistent with the City's Critical Area program, and the Commission staff do not oppose this project. I appreciate the opportunity to review this project. If you have any questions or concerns regarding these comments, please contact me at (410) 260-7173.

Sincerely,

*Meredith E. Lathbury*  
Meredith E. Lathbury  
Natural Resources Planner

cc: Frederick Gerald, III, Town Manager, City of Crisfield  
Mike Ewing, Program Open Space  
CF 129-99

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) 260-7516 Fax: (410) 974-5338

April 16, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning Office  
County Office Building  
P.O. Box 107  
Cambridge, MD 21613

**RE: Elmes Property - Buffer Variance Request**

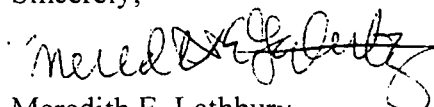
Dear Mr. Dodd:

Thank you for the opportunity to review the above referenced Buffer variance request. The site covers 49.83 acres in a designated Resource Conservation Area (RCA). Mr. and Mrs. Elmes propose to expand their enclosed porch facing Hudson Creek with a 16' x 16' (256 square feet) addition as well as build a 19' x 20' (380 square feet) room addition onto the east side of the existing house. The porch addition would be placed on an existing brick patio. The addition on the east side will not require any tree removal, and will disturb the existing lawn. The porch extension infringes on the 100-foot Buffer to Hudson Creek by 60 feet (the expansion would place the porch 40 feet from the shoreline). The addition on the east side of the house will infringe on the Buffer by 21 feet (the addition will be 79 feet from the shoreline).

Commission staff do not oppose this variance, however, staff recommend that the impacts to the Buffer be minimized and mitigation for the area of new disturbance in the Buffer be required. Commission staff recommend the planting of native vegetation at a ratio of 3 to 1 for the area of new disturbance in the Buffer.

Please include this letter as part of the record for the variance request. Please notify the Commission in writing of the decision made in this application. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

cc: DC 186-99

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) 260-7516 Fax: (410) 974-5338

April 12, 1999

Mr. Jim Lindsay  
Department of Technical and Community Services  
Somerset County Office Complex  
11916 Somerset Ave., Room 102  
Princess Anne, MD 21853

**RE: Hall Property Variance Transcript**

Dear Mr. Lindsay:

Enclosed please find a copy of the transcript that the Chesapeake Bay Critical Area Commission has prepared for the hearing held on February 19, 1999 regarding the Hall variance request. If you have any questions about this matter, please contact me at (410) 260-7173.

Sincerely,

A handwritten signature in black ink, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: Mr. Tom Lawton, Somerset County Planner  
Ms. Marianne D. Mason, Assistant Attorney General  
SO 53-99

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) 260-7516 Fax: (410) 974-5338

April 9, 1999

Lt. Christopher C. Bushman  
Maryland Department of Natural Resources  
State Forest and Park Service  
8000 Baltimore National Pike  
Ellicott City, MD 21043

**RE: Fish Weigh Station - Gunpowder Falls State Park**

Dear Lt. Bushman:

I am writing to notify you of action taken by the Chesapeake Bay Critical Area Commission. On Wednesday, April 7, 1999, the Commission approved the Fish Weigh Station proposal at Dundee Creek Marina with the condition that filter cloth and gravel be placed underneath the wooden decking station to ensure perviousness.

Thank you for your cooperation in this matter. If there are any changes to the project, please notify our staff. If you have any questions concerning this project, please do not hesitate to call me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script that reads "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: 1<sup>st</sup> St. Peyton Taylor, DNR, Gunpowder Falls State Park  
Mark Wheeler, DNR  
DNR 07-99

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) 260-7516 Fax: (410) 974-5338

April 9, 1999

Mr. Jordan Loran  
Maryland Department of Natural Resources  
Public Lands  
Tawes State Office Building  
Annapolis, MD 21401

**RE: Proposed Picnic Pavilion at Somers Cove Marina, Crisfield, MD**

Dear Mr. Loran:

I am writing to notify you of action taken by the Chesapeake Bay Critical Area Commission. On Wednesday, April 7, 1999, the Commission approved the proposed picnic pavilion at Somers Cove Marina. Thank you for your cooperation in this matter. If there are any changes in the plan, please notify our staff. If you have any questions or concerns regarding this project, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

cc: DNR 06-99

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

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



udge John C. North, II  
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Ren Serey  
Executive Director

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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

April 9, 1999

Mr. Thomas Lawton  
Department of Technical and Community Services  
Somerset County Office Complex  
11916 Somerset Ave., Room 102  
Princess Anne, MD 21853

**RE: Randy Hill Property - Special Exception (SE 99-2059)**

Dear Mr. Lawton:

Thank you for the opportunity to review the application submitted by Mr. Hill for a special exception to allow a new commercial use in a designated Resource Conservation Area (RCA). The Somerset County Zoning Ordinance prohibits new commercial, industrial, or institutional uses that intensify or expand pre-existing uses in the RCA. It is my understanding that Mr. Hill is proposing to use an existing barn to process and package shrimp. The operation will require running water, a cooler, and stainless steel sinks. The shrimp will be grown in an existing poultry house in a plastic tub system. The special exception is requested because the proposed commercial processing is a more intense use than what currently exists.

Our staff does not oppose the special exception provided that growth allocation is used to accommodate this commercial activity that would otherwise be prohibited in the RCA. Please submit additional information regarding the proposed use when it becomes available. If you have any questions regarding this matter, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

A handwritten signature in black ink, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: Ms. Mary Owens, Chief, Program Implementation, Chesapeake Bay Critical Area  
Commission  
SO 158-99

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) 260-7516 Fax: (410) 974-5338

April 1, 1999

Ms. Joan Kean, Director  
Somerset County Department of  
Technical and Community Services  
11916 Somerset Ave.  
Princess Anne, MD 21853

**RE: Proposed Growth Allocation for a Proposed Convent for the Little Sisters of Jesus and Mary**

Dear Ms. Kean:

Thank you for providing information about Growth Allocation for a proposed extension of a convent for the Little Sisters of Jesus and Mary. I understand that the plan submitted is still preliminary, however, we offer the following comments for consideration.

If the request for growth allocation is successful, the proposed development will need to meet the requirements of the Limited Development Area (LDA). Please submit information about total proposed and existing impervious surfaces, forest acreage on the site and the amount that will be cut or cleared for this development, a sediment and erosion control plan, and stormwater management measures. Please indicate what vegetation exists on the site, particularly in relationship to the pond. A vegetated buffer around the pond is desirable in order to provide wildlife habitat and protect water quality. If additional driveways will be installed as part of this development (a car port is shown on the preliminary plan), please indicate these on the plan.

Please notify the Commission in writing once the Planning Commission and County Commissioners have made a decision regarding the growth allocation request. Once an official request for approval has been made, the Commission will process the amendment request. Thank you for the opportunity to review this proposal. Please submit this additional information when it becomes available. If you have any questions or concerns, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

cc: Mary Owens, Chief, Program Implementation Division, CBCAC  
SO 169-99

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

March 31, 1999

(410) 260-7516

Fax: (410) 974-5338

Mr. Steve Dodd  
Dorchester County Planning & Zoning Office  
County Office Building  
P.O. Box 107  
Cambridge, MD 21613

**RE: Ross Property - Residential Subdivision Review**

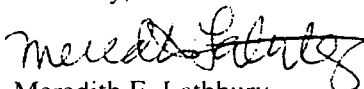
Dear Mr. Dodd:

Thank you for the opportunity to review the above referenced subdivision application for a single family dwelling. Mr. Ross is seeking permission for a one lot subdivision for a single family dwelling on a grandfathered lot in a designated Resource Conservation Area (RCA). The parcel covers 62.61 acres. The proposed subdivision is 5.43 acres, with a residue of 59 acres left. Our staff does not oppose the subdivision at this time however, we request that a plat be resubmitted with the following information included:

- The plat needs to show that 14.57 acres of the remaining property will be placed in reserve in order to accommodate the 1:20 density requirement in the RCA.
- The plat should give an acreage of the forested area in order to determine afforestation requirements.
- The plat should show the location and acreage of nontidal as well as tidal wetlands on and around the lot. The state requires a 25 foot buffer around non-tidal wetlands. The Critical Area law requires a 100-foot Buffer around all tidal wetlands. The plat should also show the location of these Buffers.

I appreciate the opportunity to comment on this proposed subdivision. Please submit the additional information requested when it becomes available. We would appreciate it if you would notify the Commission in writing of the decision made in this matter. If you have any questions or concerns, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

cc: DC 130-99

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) 260-7516 Fax: (410) 974-5338

March 30, 1999

Gore Reporting  
107 Ridgely Avenue, Suite 13A  
Annapolis, MD 21401

To Whom This May Concern:

Enclosed please find a tape labeled: Mike Hall - CBCA VAR 99-609, 3-19-99. We would like to have a transcript made of this hearing as soon as possible. Please send the invoice to:

Chesapeake Bay Critical Area Commission

Attn: Veronica Moulis  
45 Calvert Street, 2<sup>nd</sup> Floor  
Annapolis, MD 21401

Please send the transcript to the above address to the attention of Ms. Meredith Lathbury. Thank you for your assistance in this matter. If you have any questions, please contact me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script that reads "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: SO 53-99  
Veronica Moulis

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) 260-7516 Fax: (410) 974-5338

March 25, 1999

Mr. Michael Schneider  
826 Glen Road  
Hershey, PA 17033

**RE: Maryland Critical Area program in Dorchester County**

Dear Mr. Schneider:

Thank you for contacting the Critical Area Commission regarding your interest in development of a parcel in Dorchester County, Maryland. Enclosed please find a copy of the relevant Critical Area regulations. I have also enclosed a general guide to the Critical Area law and a brochure on the Dorchester County program. I look forward to receiving a copy of the plat of the property from you. If you have any questions, please feel free to contact me at (410) 260-7173.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

Enclosures

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) 260-7516 Fax: (410) 974-5338

March 18, 1999

Mr. Keith Kelley  
Department of Environmental Protection  
and Resource Management  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204

**RE: Southworth-Kluttz Property -- Buffer Variance/Grading Permit Request**

Dear Mr. <sup>Keith</sup> Kelley:

Thank you for the opportunity to review the above referenced variance request. Ms. Southworth-Kluttz proposes to disturb 19,200 feet (total) in two separate areas in the 100-foot Buffer to Back River. It is my understanding that these two areas will be excavated to remove debris that has been dumped there by previous owners. Soil will then be placed over the area in order that it may be planted with trees and shrubs. The property covers 1.13 acres in a designated Limited Development Area. No impervious surfaces are proposed. We do not oppose the variance request. We ask that the applicant utilize a sediment control fence around both of the disturbed areas in order to minimize the flow of sediments into Back River. It is my understanding that native plantings will be placed in the disturbed area once the excavation and soil replacement activity is complete. If the applicant requires any technical assistance regarding how to restore and enhance the Buffer, please feel free to call on the Commission staff.

Thank you for the opportunity to comment on this project. 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. If you have any questions or concerns, please do not hesitate to call me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: BC 121-99

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) 260-7516 Fax: (410) 974-5338

March 17, 1999

Ms. Sharon Bailey  
Prettyboy Watershed Protection and Preservation Society  
4318 Beckleysville Rd.  
Hampstead, MD 21074

Dear Ms. Bailey:

Thank you for your interest in Maryland's Conservation Reserve Enhancement Program (CREP). I understand from Nick Williams at the Maryland Environmental Trust that you are interested in obtaining information about this new program. CREP provides essentially two avenues for potential payments in exchange for protection and restoration of stream buffers. First, landowners can receive an annual rental payment by signing up for a contract with the local Soil Conservation District office (information listing local offices is enclosed). Participants in the contract are also eligible for up to 100% cost share for installation of restoration measures. Second, landowners participating in the contract can execute a permanent easement that will protect the buffer in perpetuity, in exchange for a one time bonus payment through the Maryland Department of Natural Resources. Enclosed please find several documents providing information about both of these programs. I encourage you to consider this program for farmland in your region. We are also looking for partners to help us implement the easement component of this program. If you have any questions, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

Enclosures

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) 260-7516 Fax: (410) 974-5338

March 17, 1999

Todd Vigland  
Eastern Shore Land Conservancy  
P.O. Box 169  
Queenstown, MD 21658

Dear Todd:

Enclosed please find some informational materials about the Conservation Reserve Enhancement Program (CREP) that you may want to pass along to interested landowners. I have requested a stack of the brochures (the folded paper) and the fact sheet labeled "Enhanced Cost Share \$\$\$ for Streamside Conservation" from Maryland Department of Agriculture. When I get these materials, I'll be sure to send you a stack to give out. Also enclosed is a sample contract and contact information for the local Soil Conservation District/NRCS offices. We are still waiting for final approval of this process (with the bonus payment numbers) from the Board of Public Works. We are anticipating approval by the middle of next week. I am also trying to develop a complete set of the documents that we will be using to implement this program. As soon as I have gotten these documents approved internally at DNR, I will get copies to you and the staff at ESLC for your review. Thanks for keeping this program in mind, and let me know if you have any questions or if I can send you anything else.

Sincerely,

A handwritten signature in black ink, appearing to read "Meredith".

Meredith E. Lathbury  
Natural Resources Planner  
410-260-7173

Enclosures

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) 260-7516 Fax: (410) 974-5338

March 15, 1999

Mr. Keith Kelley  
Department of Environmental Protection  
and Resource Management  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204

**RE: Rackl Property - Buffer Variance Request**

Dear Mr. <sup>Keith</sup> Kelley:

I have reviewed the above referenced request for a variance to the 100-foot Buffer of Sue Creek for the construction of a 12' x 33' open wood deck. The property covers 8,473 square feet and is located in a designated Intensely Development Area. The property is not in a designated Buffer Management Area. The proposed construction will create 396 square feet of disturbance. No impervious surfaces are proposed. The proposed deck will impose on the Buffer by 14 feet on one corner and approximately 10 feet on the other corner. We do not oppose the variance request. We request 3:1 mitigation using native vegetation, planted in the 100-foot Buffer, for the disturbed area.

Thank you for the opportunity to review this variance request. Please include this letter as part of the variance record. We would appreciate it if you would notify the Commission in writing of the decision made. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script that reads "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: BC 120-99

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) 260-7516 Fax: (410) 974-5338

March 15, 1999

Mr. Grant DeHart  
Program Open Space  
Tawes State Office Building, E-4  
580 Taylor Avenue  
Annapolis, MD 21401

**RE: Wellington Tawes Beach Project - Somerset County**  
DNR Clearinghouse Review of Local POS Project #3540-19-45

Dear Mr. DeHart:

Thank you for the opportunity to review the above referenced proposal. The City of Crisfield is proposing development of a beach area and renovations to the restrooms and concession area. This letter is to notify you that we will need to see the site plan when it is proposed because this construction will impact the 100-foot Buffer to the Little Annemessex River. Under COMAR 27.02.02.02, developments of local significance must be consistent with the local Critical Area program. Based on the information provided at this time, we are unable to determine whether the project is consistent with the local Critical Area Program. We can provide a more thorough evaluation once we have reviewed the specific plans. The City of Crisfield will be required to submit findings showing that the project is consistent with the local Critical Area program.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script that reads "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: Frederick B. Gerald, III, City Manager, City of Crisfield  
Tracey Greene, Maryland Office of Planning, Regional Planner/Circuit Rider

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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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(410) 260-7516 Fax: (410) 974-5338

March 12, 1999

Tami Imbierowicz  
Department of Environmental Protection  
and Resource Management  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204

**RE: Hadfield Property - Buffer Variance**

Dear Ms. Imbierowicz:

I have reviewed the Hadfield Property application for a Buffer variance and residential subdivision. The applicant proposes a two lot minor subdivision on 0.639 acres in a designated Limited Development Area. The applicant seeks use of the 100-foot Buffer to Back River as a lawn. The proposed subdivision would create two lots. One of the lots contains an existing single family dwelling. The newly created lot would be adjacent to the 100-foot Buffer. A single family dwelling is proposed. The total impervious surfaces proposed is 4,175 square feet, or 15% of the site area. We do not oppose the subdivision, however, we do not support the Buffer variance for the lawn.

Once a grandfathered parcel in the LDA is subdivided, the new lots must comply with the regulations required for LDAs. One requirement is that a Buffer must be maintained or established 100 feet from mean high water of tidal waters, tributary streams, and tidal wetlands. The 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 (COMAR 27.01.09.01). For new lots containing the Buffer, natural vegetation must be allowed to re-establish through planting native vegetation or not mowing the Buffer area. Allowing the Buffer to grow up naturally, or planting shrubby native vegetation, will not in any way obstruct the view of Back River from the proposed dwelling. The area of the Buffer immediately adjacent to Back River appears to have a fairly steep slope. Allowing vegetation to grow in this area will provide greater water filtering functions and slow erosion.

It is unclear from the plat submitted how much of the site is forested. Please submit this

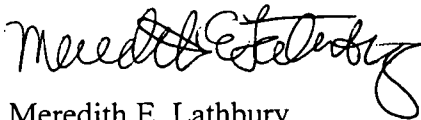
C:\WPDATA\BALTIMOR\HADFIELD.WPD

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

information for our review. If less than 20% of the site is forested, then 1:1 tree mitigation will be required. We recommend that mitigation plantings take place in the Buffer.

Thank you for the opportunity to review this application. Please submit additional materials as requested. Please include this letter as part of the variance record. We would appreciate it if you would notify the Commission in writing of the decision made. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

cc: BC 9-99

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) 260-7516 Fax: (410) 974-5338

March 11, 1999

Mr. Tom Lawton  
Somerset County Technical and  
Community Services  
11916 Somerset Ave.  
Princess Anne, MD 21853

**RE: Hess Property Buffer Variance Request**

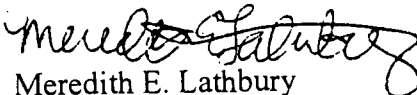
Dear Mr. Lawton:

Thank you for the opportunity to review the above referenced request for a buffer variance. Mr. Hess is seeking a variance to accommodate construction of an agricultural storage shed on an existing concrete pad within the 100-foot Buffer to tidal wetlands. The property is located in a designated Resource Conservation Area.

We do not oppose the variance request provided the structure does not exceed the footprint of the existing 22' x 34' concrete pad. The concrete pad is already located in the Buffer and appears to be grandfathered based on aerial photos. We ask that the construction not create any new disturbance or new impervious surfaces in the Buffer.

Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you should have any questions concerning this letter, please contact me at (410) 260-7173.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

cc: SO 102-99

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) 260-7516 Fax: (410) 974-5338

March 9, 1999

Mr. Andy Hanas  
Maryland Department of Natural Resources  
Public Lands  
580 Taylor Avenue  
Annapolis, MD 21401

Dear Mr. Hanas:

I am writing to notify you of action taken by the Chesapeake Bay Critical Area Commission. On Wednesday, March 3, 1999 the Commission approved the placement of mini-cabins at Pt. Lookout State Park in St. Mary's County as proposed.

Thank you for your cooperation in this matter. If there are any changes to the project, please notify our staff. If you have any questions or concerns regarding this project, do not hesitate to contact me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: 05-99

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



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Ren Serey  
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March 9, 1999

Mr. Keith Kelley  
Baltimore Department of Environmental  
Protection and Management  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204

**RE: Riston Property - Buffer Variance**

Dear Mr. Kelley:

Thank you for the opportunity to comment on the variance request for the Riston property. This letter sets forth the evaluation, comments, and recommendations of the Chesapeake Bay Critical Area Commission on the Riston application. As you are aware, I serve as a Natural Resources Planner with the Chesapeake Bay Critical Area Commission. Along with other administrative tasks, my primary duty is to provide technical assistance to seven jurisdictions, including Baltimore County Department of Environmental Protection and Environmental Management (DEPRM). In addition to working with the County staff on programmatic issues, I am responsible for providing comments and recommendations to staff on project applications, including but not limited to subdivisions, site plans, special exceptions, rezonings and variances.

The variance case referenced above involves an application for an after-the-fact variance to legalize the construction of a swimming pool and deck in the 100-foot Buffer to Muddy Gut. The Riston property covers .24 acres (10,251 square feet) in a designated Limited Development Area. This is a grandfathered lot located entirely within the 100-foot Buffer. The property is not located in a mapped Buffer Management Area. The Ristons have constructed without a permit a 10' x 28' deck between the pool and shed, a 11' x 11' deck around the pool, and a 15'x24' swimming pool within 20 feet of Muddy Gut. The pool encroaches on the Buffer by approximately 80 feet. The deck encroaches on the Buffer by approximately 72 feet. Existing impervious surfaces cover 14.6% of the site. The structures increase the impervious surface area to 15.6% of the site. The area of new disturbance is 1162 square feet. I have been to the site with DEPRM staff to discuss the situation. The variance is required because no new, non water-dependent structures are allowed in the Buffer. This office would like to offer comments as to

why we cannot support a variance to allow the swimming pool in the 100-foot Buffer. We do not oppose a variance for the deck. Staff recommend 3:1 mitigation for the deck with native vegetation in the Buffer.

In 1997, Mr. and Mrs. Riston applied for a similar Buffer variance that included construction of a 12'x20' deck and 15'x24' pool. DEPRM granted a variance for the deck, but **not** for the pool. The Critical Area Commission staff did not oppose the granting of a variance for the attached deck. Staff did not support the variance request for the pool because this is a non-water dependent accessory structure which, under the Baltimore County Critical Area program and State Criteria, is not permitted in the Buffer.

### **The Variance Standards**

Any person in the Critical Area who applies for a variance to the Critical Area Criteria must meet five variance standards that are specifically listed in COMAR 27.01.1 and Baltimore County's Critical Area program. All five standards must be met in order for a variance to be granted. It is the opinion of this office that all of the five variance standards have **not** been met in this case. Nothing in the application for the variance presents any indication of hardship. We recommend that DEPRM deny the variance for the pool because of the applicant's failure to meet the variance standards.

Below is a brief outline of the required variance standards as applied in this case.

- (1) The first standard addresses site features that are unique to the subject property or structure and the unwarranted hardship resulting from denial of the variance. To our understanding, there is nothing unique about the shape, size, topography or other features of the property itself. It is typical of many lots on Baltimore County's highly developed shoreline. The small size of the lot limits the possibility of alternative locations for accessory structures, such as the pool. However, the applicant already obtains reasonable use of this well-developed property.

The denial of a variance for an accessory structure in the Buffer on a developed piece of property would not result in an "unwarranted hardship" as that term has been defined by the Maryland Court of Special Appeals. In two cases decided under the Critical Area variance standards, the Court of Special Appeals has held that denial of a variance for construction of accessory structures 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). In White v. North, the Critical Area Commission appealed the granting of a variance for a swimming pool in the Anne Arundel County Critical Area Buffer, and the Commission was successful at both the Circuit Court and Court of Special Appeals. We believe that the variance request before this Board is similar to that in the White case and we would urge

DEPRM to consider the court's opinion in deciding this variance. (attached)

- (2) The second standard addresses the rights of the variance applicant with respect to the rights commonly shared by other owners of property in the same management area within the Critical Area. Denial of this variance will not deprive the property owner of rights shared by other property owners in the LDA. All property owners in the Critical Area are similarly limited by the Critical Area Law and the County's Critical Area program.
- (3) The third standard addresses 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 and/or structures within the Critical Area. The granting of this variance would confer upon this property owner a special privilege because all similar properties are restricted from constructing pools in the Buffer.
- (4) The fourth standard addresses conditions or circumstances that are self-imposed and conditions or circumstances related to adjacent properties. This variance request results from the applicant's construction of a pool and deck without the required permits. This criterion has not been met.
- (5) The fifth standard 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 Critical Area Program. The construction of the pool and its use adversely impacts water quality by creating additional impervious surface in the Buffer. A swimming pool and its associated impervious areas and uses in the Buffer have a long term and ongoing impact. Approval of the proposed variance will contribute to the cumulative impacts of such structures and therefore is not consistent with the general spirit and intent of the Critical Area Program.

### **Pools and Accessory Structures**

This office has consistently opposed the placement of accessory structures such as swimming pools, in the 100-foot Buffer. The Buffer is a designated Habitat Protection Area designed to act as both a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The ability of the Buffer to achieve these functions is reduced by such structures as the one in this case. This proposed pool by itself 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 detrimental effect on the Bay. As the General Assembly in §8-1801 of the Critical Area Act declared:

“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

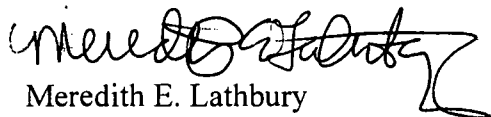
There is a critical and substantial State interest for the benefit of current and future generations in fostering more sensitive development activity in a consistent and uniform manner along shoreline areas of the Chesapeake Bay and its tributaries so as to minimize damage to water quality and natural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

In addition, the Critical Area Commission opposes the placement of accessory structures in the Buffer because no disturbance is permitted in HPAs, including the 100-foot Buffer, except for water-dependent facilities. An accessory structure, such as a pool, is not a water-dependent facility as defined in the Critical Area Criteria, and therefore need not be located in the Buffer to function as such. The Criteria in Section 27.01.09.01, and the Baltimore County Critical Area Program specifically prohibit development within the Buffer. Again, the Court of Special Appeals has supported the position that accessory structures cannot be located in the Buffer.

The Baltimore County Critical Area Program has been approved as consistent with the provisions of the Critical Area Act and Criteria (COMAR 27.01 et seq.). These comments and recommendations are offered in order to provide assistance to DEPRM regarding consistency of the proposed development with the Baltimore County Critical Area Program and the Critical Area Act (NRA §8-1801 et seq.).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you should have any questions concerning this letter, please contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

cc: Ms. Pat Farr, Baltimore County DEPRM  
Ms. Marianne D. Mason, Assistant Attorney General  
Ms. Regina Esslinger, Project Chief  
BC 41-99

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) 260-7516 Fax: (410) 974-5338

March 1, 1999

Mr. Keith Kelley  
Department of Environmental Protection  
and Resource Management  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204

**RE: Stansbury Park Site Plan** (Removal of chromium contaminated soil)

Dear Mr. Kelley:

This office has reviewed the above referenced request for review of the site plan for remediation of chromium contaminated soil at Stansbury Park. The Applicant seeks to remediate contaminated soil in three areas of Stansbury Park: the pond area, the football field area, and the entrance road berm area. Stansbury Park is located in the Critical Area, partly in a designated Intensely Developed Area and partly in a designated Resource Conservation Area. The remediation area closest to the pond is in the 100-foot Buffer to Lynch Cove. It is our understanding that this area contains highly contaminated soil that will be treated by excavation of the soil, placement of a protective liner, and replacement of the soil. Grasses and shrubs currently exist in this area. Staff recommend that native vegetation be planted to mitigate the disturbance caused by the excavation.

This office does not oppose the site plan submitted. Remediation of the contaminated soil is clearly needed to protect the Chesapeake Bay and minimize further adverse impacts to water quality.

Thank you for the opportunity to comment on this project. If you have any questions or concerns, please do not hesitate to call me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: BC 43-99

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) 260-7516 Fax: (410) 974-5338

March 1, 1999

Mr. Keith Kelley  
Department of Environmental Protection  
and Resource Management  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204

**RE: Kingston Park/Cottage Grove Subdivision**

Dear Mr. Kelley:

Thank you for the opportunity to comment on the above referenced residential subdivision request. The applicant has proposed a 6 lot residential subdivision on 1.25 acres in a designated Limited Development Area. At this time, Commission staff do not oppose the subdivision as proposed.

Stormwater management measures must comply with Baltimore County's Critical Area program, even if Maryland Department of the Environment does not require any additional stormwater management measures. The grass swale proposed for stormwater management cannot be located in the 100-foot Buffer to Middle River without a variance. This office would oppose such a variance.

It is unclear from the plat submitted where existing trees are located or the amount of existing forest acreage (can be expressed in number of trees). If less than 20% of the site is covered by trees, then any trees taken down must be replaced 1:1. Staff also recommend planting of native vegetation to mitigate for the area of new disturbance.

It is my understanding that a landscape plan has been submitted to the County. Does this plan include information about afforestation? We would like to review this plan. In a Limited Development Area, 15% afforestation is required. The plan submitted states that a fee-in-lieu



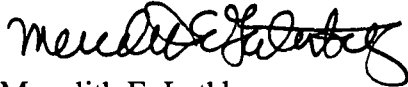
has been paid. Is this fee-in-lieu intended to compensate for removal of trees? Please confirm that this fee has in fact been paid and submit information regarding whether this fee is being paid to compensate for tree removal.

All subdivisions must be reviewed by the Heritage Division of the Maryland Department of Natural Resources to determine whether there are any threatened or endangered species on the site.

As noted on the plan submitted, impervious surfaces are limited to 15% of the site.

Please include this letter in your file and submit it as part of the record for subdivision. Please notify the Commission in writing of the decision made in this application. If you have any questions or concerns regarding this letter, do not hesitate to contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

cc: BC 42-99

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) 260-7516 Fax: (410) 974-5338

February 25, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning Office  
County Office Building  
P.O. Box 107  
Cambridge, MD 21613

**RE: Loubey Property, 3-Lot Subdivision**

Dear Mr. Dodd:

Thank you for the opportunity to provide comments on the above referenced proposed subdivision. The applicant has proposed a 3 lot residential subdivision in a designated Resource Conservation Area. The following comments reflect our review of the proposed subdivision.

- As we discussed, the plat must note the reserve lands located north of Warwick Road and show what land on the entire site is located in the Critical Area. In a Resource Conservation Area, density is limited to one dwelling unit per 20 acres. There must be a total of 60 acres between the 3 lots and the reserve lands. The plat should show all existing structures and note how many dwelling units already exist on the site. We also need information about where septic reserve areas and wells will be located. Septic and wells must be placed out of the Buffer.
- Our maps show tidal wetlands along the western edge of Lot 3. The Buffer shall be established 100 feet from mean high water of tidal waters, tributary streams, and the landward edge of tidal wetlands. The plat should show a Buffer 100 feet landward of the tidal wetlands existing along the western edge of Lot 3.
- There is not enough information provided on the plat to determine afforestation requirements. The plat should delineate forested areas in order to calculate afforestation requirements and clearing limits.
- The Maryland Department of Natural Resources Heritage and Wildlife Division needs to review this plat to determine whether there are any rare, threatened or endangered species on the site.

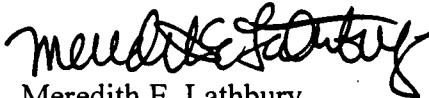




- If this site is currently farmed, the applicant must establish a 100-foot Buffer with native buffer vegetation when the land is subdivided. Under COMAR 27.01.09.02, when agricultural use ceases and the land is converted to other uses, measures must be taken to establish the Buffer.

Please forward this additional information to me when it becomes available. Do not hesitate to contact me at (410) 260-7173 if you have any questions or concerns regarding these comments.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

cc: DC 39-99

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) 260-7516 Fax: (410) 974-5338

February 24, 1999

Mr. H. Grant DeHart  
DNR -Program Open Space  
580 Taylor Ave.  
Annapolis, MD 21401

**RE: Fleming Community Center - New Center Building - Baltimore County (POS  
Project # 3526-3-328)**

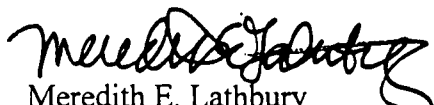
Dear Mr. DeHart:

Thank you for the opportunity to comment on the proposed Fleming Community Center in Baltimore County. I understand that the project proposes to construct a new community center building that will include a gymnasium and will house Recreation and Parks, Aging, and Head Start programs.

The site of the proposed Community Center is in the Resource Conservation Area as designated by Baltimore County's Critical Area program. Under COMAR 27.02.02.02, the law requires that developments of local significance be consistent with the local Critical Area program. Based on the information provided at this time, we are unable to determine whether the project is consistent with the Resource Conservation Area designation. We can provide a more thorough evaluation once we have reviewed the specific plans. The local jurisdiction will be required to submit findings showing that the project is consistent with Baltimore County's Critical Area program.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,

  
Meredith E. Lathbury  
Natural Resources Planner

cc: Roy List, Baltimore County  
BC

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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February 23, 1999

Mr. Keith Kelley  
Department of Environmental Protection  
and Resource Management  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204

**RE: Cox Point Park, Parking Lot Elevation**

Dear Mr. Kelley:

This office has reviewed the application requesting a variance to elevate a portion of the existing macadam parking lot in the 100-foot Buffer to Duck Creek. We do not oppose the variance.

It appears from the plans that there will be a filled area between the macadam and existing vegetation along the Creek. We recommend that the Applicant plant native vegetation in this filled area in order to maximize the filtering capabilities of the Buffer. We also require that any stormwater management structures be located outside of the Buffer.

Thank you for the opportunity to comment on this project. 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. If you have any questions or concerns, please do not hesitate to call me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: BC 44-99

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) 260-7516 Fax: (410) 974-5338

February 11, 1999

Mr. Thomas Lawton  
Department of Technical and Community Services  
Somerset County Office Complex  
11916 Somerset Ave., Room 102  
Princess Anne, MD 21853

**RE: Hall Property - Buffer Variance**

Dear Mr. Lawton:

Thank you for the opportunity to comment on the Buffer variance request on the Hall property. This letter sets forth the evaluation, comments, and recommendations of the Chesapeake Bay Critical Area Commission on the Hall application. As you are aware, I serve as a Natural Resources Planner with the Chesapeake Bay Critical Area Commission. Along with other administrative tasks, my primary duty is to provide technical assistance to seven jurisdictions, including Somerset County Office of Technical and Community Services. In addition to working with the County staff on programmatic issues, I am responsible for providing comments and recommendations to staff on project applications, including but not limited to subdivisions, site plans, special exceptions, rezonings and variances.

The variance case before the Board involves an application to construct a single family residence within the 100-foot Buffer to the Manokin River. The property is located on the north side of Revells Neck Road. The site covers 87.17 acres, with 60 acres in the designated Resource Conservation Area. The proposed dwelling would encroach on the Buffer by 37 feet at one corner and by 24 feet at both ends of the house. I have been to visit the site with the Somerset County Planner, Mr. Tom Lawton, and the applicant, Mr. Michael Hall, to discuss the proposal and potential impacts to the 100-foot Buffer. The variance is required because the County prohibits placement of new, non-water dependent development structures within the Buffer. This office would like to offer comments as to why we cannot support a variance to allow the dwelling structure in the 100-foot Buffer.

## The Variance Standards

Any person in the Critical Area who applies for a variance to the Critical Area Criteria must meet five variance standards that are specifically listed in COMAR 27.01.1, Somerset County's Critical Area Program, and the Zoning Ordinance of Somerset County Section 9.3. All five standards must be met in order for a variance to be granted. It is the opinion of this office that all of the five variance standards have not been met in this case. Nothing in the application for the variance presents any indication of hardship. We recommend that the Board of Appeals deny the variance because of the applicant's failure to meet the variance standards. We recommend that the applicant explore locating the dwelling structure outside of the Buffer. We will be happy to offer assistance in suggesting alternative locations for the proposed structure.

Below is a brief outline of the required variance standards as applied in this case.

- (1) The first standard addresses site features that are unique to the subject property or structure and the unwarranted hardship resulting from denial of the variance. To our understanding, there is nothing unique about the shape, size, topography or other features of the property itself. It is typical of many lots on the Manokin River designated as RCA in Somerset County. In addition, there are alternative locations for a house on this 85 plus acre property that would not result in impacts in the Buffer or a need for a variance. I have been to the site, where I observed within the Buffer the dilapidated foundation of an historic home that burned down many years ago. The existence of this foundation does not imply a right to build a home in the Buffer. The applicant has no plans to utilize any of the existing foundation for the proposed structure, and there are plenty of alternative sites available outside of the Buffer. Placing the structure outside of the Buffer would still provide a completely unobstructed view of the Manokin River. The applicant could certainly obtain reasonable use of this property without impacting the Buffer.

The denial of a variance for a residential structure in the Buffer where alternative sites exist would not result in an "unwarranted hardship" as that term has been defined by the Maryland Court of Special Appeals. In North v. St. Mary's County, 99 Md. App. 502 (1994) (gazebo in Buffer), the Court of Special Appeals held that only denial of reasonable use creates an unwarranted hardship. In the situation at hand, Mr. Hall has over 85 acres of property upon which to build his house, with many options available where the structure would be out of the Buffer and Mr. Hall could still fully enjoy the beauty of the water and natural surroundings. In White v. North, 121 Md. App. 196 (1998) (swimming pool in Buffer), the Court of Special Appeals found that there was no unwarranted hardship where the property owner could have placed their proposed swimming pool almost any place on the property. We believe that the variance request before this Board is similar to that in the White case and we would urge the Board to consider the court's opinion in deciding this variance. (attached)

- (2) The second standard addresses the rights of the variance applicant with respect to the rights commonly shared by other owners of property in the same management area within the Critical Area. Denial of this variance will not deprive the property owner of rights shared

by other property owners in the RCA. All property owners in the Critical Area are similarly limited by the Critical Area Law and the County's Critical Area program.

- (3) The third standard addresses 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 and/or structures within the Critical Area. The granting of this variance would confer upon this property owner a special privilege because all similar properties are restricted from constructing houses in the Buffer.
- (4) The fourth standard addresses conditions or circumstances that are self-imposed and conditions or circumstances related to adjacent properties. This criterion has been met.
- (5) The fifth standard 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 Critical Area Program. The construction of the structure and its use adversely impacts water quality by creating additional impervious surface in the Buffer. A house and its associated impervious areas and uses in the Buffer have a long term and ongoing impact. Approval of the proposed variance will contribute to the cumulative impacts of such structures and therefore is not consistent with the general spirit and intent of the Critical Area Program.

### **Habitat Protection Areas**

This office has consistently opposed the placement of non-water dependent structures in the 100-foot Buffer. The Buffer is a designated Habitat Protection Area designed to act as both a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The ability of the Buffer to achieve these functions is reduced by such structures as the one in this case. This proposed structure by itself 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 detrimental effect on the Bay. As the General Assembly in §8-1801 of the Critical Area Act declared:

“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.”

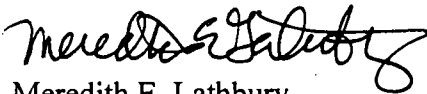
In addition, the Critical Area Commission opposes the placement of structures in the Buffer because no disturbance is permitted in HPAs, including the 100-foot Buffer, except for water-dependent facilities. A residential structure is not a water-dependent facility as defined in the Critical Area

Criteria, and therefore need not be located in the Buffer to function as such. The Criteria in Section 27.01.09.01, and the Somerset County Critical Area Program specifically prohibit development within the Buffer. Again, the Court of Special Appeals has supported the position that non-water dependent structures cannot be located in the Buffer.

The Somerset County Critical Area Program has been approved as consistent with the provisions of the Critical Area Act and Criteria (COMAR 27.01 et seq.). These comments and recommendations are offered in order to provide assistance to the Board of Appeals regarding consistency of the proposed development with the Somerset County Critical Area Program and the Critical Area Act (NRA §8-1801 et seq.).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you should have any questions concerning this letter, please contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

cc: Joan Kean, Director  
Marianne D. Mason, Assistant Attorney General  
Regina Esslinger, Project Chief  
SO 53-99



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) 260-7516

Fax: (410) 974-5338

February 11, 1999

Todd Vigland  
Eastern Shore Land Conservancy  
P.O. Box 169  
Queenstown, MD 21658

Dear Todd:

Thanks for getting in contact with me regarding the CREP. You may want to get in touch with the Talbot County Farm Service Agency office (contact Sandy Foster at 410-822-1344) for more detailed information about CREP contracts. The easement portion, as you know, is being handled by DNR. In order to be eligible for the easement, the landowner must sign up for a contract with their local Soil Conservation District. Once the landowner has signed up for the contract, in which they can receive rental payments for taking riparian and wetland buffers out of agricultural production for a term of years, they can sign a permanent easement. The easement does not become effective until the term of the CREP contract has run (usually about 15 years). The landowner receives the bonus payment now, however, even though the easement isn't effective until the contract period ends. I have enclosed some basic information about the CREP program, as well as a rate schedule of the proposed bonus payment (per acre) for easements and a copy of the easement itself. Please do not hesitate to call if you have any questions or concerns regarding this program. I will continue to forward information to you as it becomes available.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner  
(410) 260-7173

cc: Eric Schwaab

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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February 10, 1999

Mr. Kenneth Redinger  
3 Division Street  
Onancock, VA 23417

**RE: Susquehanna Point Development Project, Dorchester Co. Tax Map 49, p.7**

Dear Mr. Redinger:

Thank you for providing information on the above referenced proposed development. The Preliminary Plan proposes a Planned Unit Development in a designated Limited Development Area. I have reviewed the information submitted, and I have the following comments:

1. It appears that Critical Area Buffer has not been properly indicated on the Preliminary Plan map submitted. The Buffer shall be established 100 feet from mean high water of tidal waters, tributary streams, and the landward edge of tidal wetlands. Where State nontidal wetlands are contiguous to the Buffer, the Buffer must be expanded to include these areas. The map submitted does not reflect the required expanded Buffer.
2. The Buffer is defined as a naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environmental form man-made disturbances (COMAR 27.01.09.01). All development activities, including stormwater management, roads, and sewage disposal areas are prohibited in the Buffer. Excavation is generally not permitted in the Buffer. Excavation may be permitted if it is determined that it is necessary to re-open an area that has silted in and was traditionally open. Army Corps of Engineers and Maryland Department of the Environment approval will be required for any excavation to re-open closed channels. Piers require separate approval from Maryland Department of the Environment.
3. In order to determine clearing limits and impervious surface limits, the area of developable land must be calculated. The area of developable land excludes all State tidal wetlands. In addition, impervious surfaces in a Limited Development Area must comply with the regulations set forth in the Dorchester County Zoning Ordinance, §155-38 (O). In the Limited Development Area, impervious surfaces are limited to 15% of the site area.

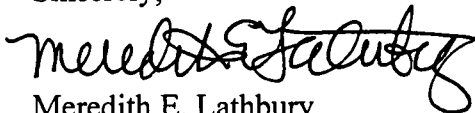
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

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

4. If a community pier is being considered, the pier must comply with Natural Resources Article §8-1808.5, Annotated Code of Maryland. The law requires that the number of slips be limited to one slip per 50 feet of shore line or according to density, whichever is less. One slip per lot or dwelling unit in the Critical Area is allowed for up to fifteen units. For up to 40 units, 15 slips or 75% of the total units (whichever is greater) in the Critical Area are permitted. For 41 to 100 units, 30 slips or 50% of the total units are allowed (whichever is greater). A community pier must also comply with Dorchester County Zoning Ordinance, §155-38(J)(9), requiring minimum disturbance to the Buffer to provide a single point of access, prohibiting private piers in addition to the community pier, and prohibiting sale of food, fuel, or others goods and services.
5. The applicant must provide information on any proposed forest clearing. Any clearing of forests and developed woodlands must comply with the requirements set forth in Dorchester County Code, §155-38 (G). The Dorchester County Zoning Ordinance requires replacement of forest on an equal basis if less than 20 percent of the forest is cleared or at a ratio of one and a half times the total surface acreage of the disturbed forest if between 20 and 30 percent of the forested land is cleared.
6. As you are aware, the site contains potential Delmarva Fox Squirrel habitat and potential FIDS (Forest Interior Birds) habitat. In order to avoid a potential "incidental take" of Delmarva Fox Squirrel, I urge you to obtain a standardized trapping protocol from the U.S. Fish and Wildlife Service as recommended by Scott Smith of the Maryland Department of Natural Resources in his letter to you dated September 8, 1998. I also urge you to obtain FIDS surveys and migratory surveys in order to identify particularly sensitive areas on the property, also referenced in the same letter from Scott Smith. FIDS conservation will be required in the final site design.

I appreciate the opportunity to provide comments at this early stage of the proposed development. Please do not hesitate to contact me at (410) 260-7173 if you have any questions or concerns regarding these comments. I urge you to continue working with Dorchester County Planning and Zoning, Maryland Department of the Environment, and the staff here at the Commission to ensure that your proposal is in full compliance with applicable laws. Please send me a copy of future revised plans.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

cc: Karen Houtman, Dorchester County Planning and Zoning



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) 260-7516 Fax: (410) 974-5338

February 8, 1999

Ms. Tami Imbierowicz  
Department of Environmental Protection  
and Resource Management  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204

**RE: Gast Property - Buffer Variance**

Dear Ms. Imbierowicz:

I have reviewed the above referenced request for a variance to construct a single family dwelling and driveway in the Buffer on an existing grandfathered lot. The applicant proposes to disturb 2,537 square feet in the Buffer in a designated Limited Development Area. This development will cover 15.4% of the site with impervious surfaces.

Commission staff do not oppose the granting of this variance. If a variance is granted, we recommend that the County require a sediment erosion control fence to prevent sediment from flowing into the adjacent wetlands and Chesapeake Bay. We also recommend planting native trees and shrubs in the Buffer at a 3:1 ratio to mitigate for the area of new disturbance.

Thank you for the opportunity to review this variance request. Please include this letter in your file and submit it as part of the record for the variance. We would appreciate it if you would notify the Commission in writing of the decision in this case. Please do not hesitate to contact me if you have any questions at (410) 260-7173.

Sincerely,

Meredith E. Lathbury  
Natural Resources Planner

cc: BC 18-99

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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February 8, 1999

Ms. Tami Imbierowicz  
Department of Environmental Protection  
and Resource Management  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204

**RE: Gast Property - Buffer Variance**

Dear Ms. Imbierowicz:

I have reviewed the above referenced request for a variance to construct a single family dwelling and driveway in the Buffer on an existing grandfathered lot. The applicant proposes to disturb 2,537 square feet in the Buffer in a designated Limited Development Area. This development will cover 15.4% of the site with impervious surfaces.

Commission staff do not oppose the granting of this variance. If a variance is granted, we recommend that the County require a sediment erosion control fence to prevent sediment from flowing into the adjacent wetlands and Chesapeake Bay. We also recommend planting native trees and shrubs in the Buffer at a 3:1 ratio to mitigate for the area of new disturbance.

Thank you for the opportunity to review this variance request. Please include this letter in your file and submit it as part of the record for the variance. We would appreciate it if you would notify the Commission in writing of the decision in this case. Please do not hesitate to contact me if you have any questions at (410) 260-7173.

Sincerely,

A handwritten signature in black ink, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury  
Natural Resources Planner

cc: BC 18-99

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

Staff Correspondence: Susan McConville

1999

S1832-141-5

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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December 22, 1999

Ms. Vivian Swinson  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Shultz Property - Administrative Variance Request**

Dear Ms. Swinson:

Thank you for the opportunity to comment on the above referenced application for a variance to construct a 2,348 sq. ft addition to the existing dwelling and to construct a 3,360 sq. ft deck around a pool in the 100-foot no-disturbance Buffer on a 17.6 acre property in the Critical Area. The property is designated a Resource Conservation Area and is not mapped as a Buffer Exemption Area, there for the full 100-foot Buffer is required. While this application is submitted as an administrative variance, we recommend it be reviewed by the Board of Appeals.

Under the variance standards, the Board of Appeals must address and make findings as to the applicant's ability to meet the variance standards, especially unwarranted hardship. Commission staff have the following comments regarding the application, the variance standards and the issues raised in the letter submitted by the applicant's attorney, Joseph Stevens.

We believe that denial of the variance does not create an unwarranted hardship for the applicant. The applicant enjoys reasonable use of this property. The 17.6 acre property contains a house, garage, driveway, pier, and a significant deck located shoreward of the existing house as well a deck that wraps around the side and front of the house. By proposing the 3,360 sq. ft structure in the Buffer, the applicant has not considered the use of alternative locations for the proposed addition and pool that would be outside of the Buffer or minimized the size of the structures proposed to reduce or eliminate impacts in the Buffer. In addition, the applicant has proposed the new deck to be impervious when these structures can be constructed to be pervious.

As stated in the letter of application from Mr. Stevens, both the addition and the pool could be located out of the Buffer. We have looked at the photographs and the plans submitted with the application and believe that both the addition and the pool could be redesigned to be completely out of the Buffer. We do not believe that a reconfiguration of the addition and the relocation of sewer lines and other utilities constitutes an unwarranted hardship. In addition, Mr. Stevens

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Ms. Swinson  
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December 22, 1999

offers that the pool could be located in the middle of the circular drive. We believe that both the pool and addition could be located primarily on top of the existing impervious driveway and the pool and decking could be reduced in size to minimize if not eliminate impacts to existing trees and utilities. We recommend that the applicant explore these alternatives.

Mr. Stevens letter states that, "The Critical Area Law or Program does not outright prohibit addition to existing homes and pools within the Buffer but limits the construction of improvements within the Buffer to circumstances where there is no practical alternative." We do not understand this interpretation. The Queen Anne's County Code clearly prohibits new development in the Buffer without a variance and the standard for variance in the Critical Area is *not* "no practical alternative" but unwarranted hardship.

Whether or not a pool is a reasonable and significant use as determined by the Board of Appeals does not relieve the applicant from demonstrating that there are no alternative locations out of the Buffer that justify the claim of unwarranted hardship. Allowing this extensive expansion in the Buffer does not meet the spirit and intent of the Critical Area Law to minimize the effects of human activity in the sensitive shoreline Buffer. As referenced in the Belvoir case, the Court of Appeals of Maryland found that variances should not be lightly granted. They noted:

The need sufficient to justify an exception must be substantial and urgent and not merely for the convenience of the applicant, inasmuch as the aim of the ordinance is to prevent exceptions as far as possible, and a liberal construction allowing exceptions for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance. See *Belvoir v. North*, 355 Md. 259 (1999).

Commission staff cannot support the granting of the variance as proposed. We recommend that the applicant submit a redesign of the proposed addition and pool. Thank you for the opportunity to comment on this application. Please include this letter as part of the record for the variance. Please notify the Commission in writing of the decision made in this case. Please call me at (410)260-7019 if you have questions concerning these comments.

Sincerely,



Susan M. Zankel  
Natural Resources Planner

cc: QC 636-99



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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December 24, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Ronald Franks - Minor Site Plan  
# 05-99-078c, Revision #1**

Dear Mr. Steve Cohoon:

Thank you for the opportunity to review the revisions to the above referenced minor site plan. I have reviewed the revised plans and the responses from the applicant to our original comments and have no additional comments at this time. If you have any questions, please call me at (410)260-7019.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: QC 521-99

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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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December 20, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Four Seasons At Kent Island - Concept Plan review**  
**CP # 04-99-5 (c)**

Dear Ms. Hyer-Morgan:

Thank you for the opportunity to review the concept plan for the Four Seasons at Kent Island. We have the following comments.

**1. Growth Allocation**

The developer has identified a 300 foot Buffer along Cox Creek with the intent to minimize the number of growth allocation acres requested from the County. However, it appears that three or more of the stormwater management ponds proposed to treat runoff from the development in the intended Intensely Developed Area (IDA) portion of the property have been located in the Buffer and RCA. If the applicant proposes the ponds in the Resource Conservation Area (RCA) without growth allocation, Commission staff have determined that this question will need to be addressed by the Critical Area Commission subcommittee. We have scheduled this growth allocation question as it relates to this project to be reviewed at its next meeting, January 5, 1999.

**2. Stormwater Management**

If the growth allocation is approved, this project will be reviewed under the criteria for development in the IDA and a 10% reduction in pollutant loading based on the pre-development load will be required. While we understand that plans and calculations will be submitted to the Department of Public Works, they must also be submitted to the Critical Area Commission staff as part of the project submittal for development in the IDA. Please submit the following:

1. The existing and proposed drainage area maps.
2. Calculations used to determine the pre-development and post development nutrient loading.
3. Calculations used to determine the amount of pollutant reduction achieved by the proposed BMPs.

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Ms. Hyer Morgan  
Page two  
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Due to the fact that forest on the property has been identified as potential habitat for forest interior dwelling birds (FID) and that the only location remaining on the property available to mitigate FID habitat losses is located in the 300-foot Buffer, we recommend that no forest be cleared to construct stormwater management ponds and that they be located outside of the Buffer to provide areas for adequate reforestation.

### **3. Establishing and protecting the Buffer**

Section 18-1-0184 (b) of the Queen Anne's County Code states that new woodlands shall be planted and maintained so that 50% of the entire 300-foot shore buffer is covered with woodlands. However, when the 300-foot shore buffer is reduced to the minimum 100-foot Critical Area Buffer, afforestation is required and the entire 100-foot Buffer must be forested. Please provide a planting plan showing how the Buffer will be established and identifying the areas of the Buffer to be planted, allowed to naturally regenerate, and managed for limited public access to water dependent facilities. In the IDA, LDA and RCA, we recommend mitigation in the form of tree planting at a ratio of 3 to 1 for all disturbance in the Buffer.

We recommend that the road proposed to impact the 300-foot Buffer be moved outside of the Buffer and that all structures be located such that both the structures and the limits of disturbance during construction remain outside of the Buffer.

### **4. Forest Protection**

When the cutting or clearing of trees in forested and development woodland areas are associated with planned development activities in the IDA, both the minimization of the destruction of forest and woodland vegetation and the protection of existing forest identified as habitat protection areas are required (COMAR 27.01.02.03C).

Section 14-138(d)(6) of the Queen Anne's County Code requires reforestation at a ratio of 1.5 times the total area cleared when more than 20%, but less than 30% of the existing forest cover is cleared, and reforestation at 3 times the total area cleared when more than 30% of existing forest is cleared (with a variance).

### **5. Habitat Protection Areas**

All three of the significant forest stands on the property are subject to substantial clearing in the forest interior under the current design. The County's Critical Area Program requires the protection and conservation of Habitat Protection Areas, including FID habitat, when new development takes place in the RCA, LDA or IDA. Comments from Scott Smith from the DNR Wildlife and Heritage Program identify each of the three forest stands as potential FID habitat. It appears, with the extent of clearing proposed in the forest interior and riparian forest, that the

Ms. Hyer-Morgan  
Page three  
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remaining forest will no longer function as FID habitat. Therefore FID habitat would not be protected or conserved. Smith recommends that 300-foot riparian forest buffers be protected and fully established along Cox Creek in order to mitigate for the losses of both breeding and migratory stopover habitat. However, a significant portion of the three hundred foot Buffer is proposed to be permanently impacted by stormwater management ponds and a bridge crossing.

Commission staff recommend that no clearing occur in the block of forest now proposed to be crossed by the Cox Creek Bridge. In addition, we recommend that the applicant reduce the area of clearing proposed in FID habitat by following the standard DNR guidelines which include restricting development to forest edge, avoiding interior forest and forest fragmentation. When the guidelines for protecting FID habitat have not been followed, we recommend that the applicant be required to mitigate for the area of functional habitat loss and that the FID mitigation is located such that it creates or expands an area of FID habitat.

#### **6. Recreational activities in the Buffer**

We understand that proposals for active and passive recreation will be a component of future submittals. We recommend that all paths and greenways be designed to be pervious with canopy cover and be located outside of the 100-foot Buffer, except for those necessary to access water dependent facilities. Please see attached guidance paper on public walkways in the Critical Area.

Water dependent facilities and areas proposed for passive recreation may be permitted in the Buffer in the IDA, LDA and RCA subject to the criteria for water dependent facilities in the County Code and the State Criteria. All non-water dependent facilities and services are to be located outside of the Buffer. The parking area proposed in park dedication area must be moved out of Buffer. Commission staff recommend that the applicant prepare a Buffer Management Plan to designate those areas proposed for public access and water dependent facilities and the remainder of the Buffer that will be established in natural forest vegetation as required in the County's Critical Area Program.

Thank you for the opportunity to comment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,



Susan M. Zankel  
Natural Resources Planner

cc: QC 368-99



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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December 14, 1999

Mr. Joseph Johnson  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: Young property - Variance Request**

Dear Mr. Johnson:

Thank you for the opportunity to comment on the above referenced application for a variance to construct a 525 square foot deck in the Buffer at the shoreline. The property is currently developed with a house and garage and 10 foot wide pier with 200 square foot permitted platform at the far end of the pier. The new deck is proposed to connect to the end of the pier and wrap around and cover the shoreline. After a site visit and several conversations with the property owner we have the following comments:

Under the variance standards, the Board must address and make findings as to the applicant's ability to meet the variance standards, especially unwarranted hardship. Commission staff have consistently opposed the location of new accessory structures in the Buffer and have the following comments regarding the application and variance standards.

- We believe that denial of the variance does not create an unwarranted hardship for the applicant. The applicant enjoys reasonable use of his property, in that the property contains a house, garage, and pier with large platform at the end. Moreover, the applicant currently has access through the Buffer to the shoreline and the pier. From my site visit, I observed that there is a sparsely vegetated and gently sloping path from the house to a relatively flat area about 25 feet from and overlooking the pier and shoreline where a bench has been placed. By proposing the 525 sq. ft. deck right on the shoreline, the applicant has not minimized the area of intrusion and disturbance in the Buffer.

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Mr. Johnson  
Page two  
December 14, 1999

- While the deck is proposed to be made pervious, it is a structure proposed in the Buffer and is not a water dependent use. See *Citrano v. North*, 123 Md. App. 234 (1998). While the applicant has reduced the size of the deck from 623 sq.ft. to 525 sq. ft., we believe the size of the deck as proposed is not the minimum necessary to provide access to the pier.
- While we commend the applicant for the plan to remove phragmites and restore the marsh to native species, that proposed effort is separate from the variance before the Board. In addition, we recognize that the applicant's architect maintained much of the forest canopy and topography on the property when the house was originally built and designed the deck to minimize the impact to existing trees to the greatest extent possible. We would not oppose the construction of this deck outside of the Buffer.
- The applicant proposes that the deck may serve to protect the shoreline from erosion and that a deck would be more desirable than a bulkhead. The County's Program and State Criteria encourage the protection of rapidly eroding portions of the shoreline in the Critical Area. However, the provisions clearly state that where such measures can effectively and practically reduce or prevent shore erosion, local jurisdictions shall encourage the use of nonstructural shore protection measures in order to conserve and protect plant, fish and wildlife habitat.[COMAR 27.01.04] In addition, where structural shore erosion measures are recommended by the Maryland Department of the Environment, new bulkheads are rarely permitted. It is our understanding that the purpose of the deck is to expand the area available for recreational activity on the shoreline and that it is not proposed to solve a shore erosion problem.
- Commission staff and MDE have consistently recommended that when shore erosion has not been demonstrated to be rapid, the best method of shore erosion control is to create or maintain a vegetated shoreline. The construction of a deck shading the shoreline would actually work against the goal of stabilizing the shoreline.

Commission staff can not support the construction of the deck on the shoreline. The State Criteria and the County's Program clearly allow access to piers but expressly prohibit construction of accessory structures in the Buffer for non-water dependent uses. Allowing a freestanding deck in the Buffer does not meet the spirit and intent of the Critical Area Law to minimize the effects of human activity in the sensitive shoreline buffer. As referenced in the Belvoir case, the Court of Appeals of Maryland found that variances should not be lightly granted. They noted:

Mr. Johnson  
Page three  
December 14, 1999

The need sufficient to justify an exception must be substantial and urgent and not merely for the convenience of the applicant, inasmuch as the aim of the ordinance is to prevent exceptions as far as possible, and a liberal construction allowing exceptions for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance. See Belvoir v. North, 355 Md. 259 (1999).

Thank you for the opportunity to comment on this application. Please include this letter as part of the record for the variance. Please notify the Commission in writing of the decision made in this case. Please call me at (410)260-7019 if you have questions concerning these comments.

Sincerely,



Susan M. Zankel  
Natural Resources Planner

cc: CE 562-99



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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December 13, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: John T. Jordan - Large Lot Minor Subdivision  
# 07-99-093-c**

Dear Ms. Krista Maenhardt:

Thank you for the opportunity to review the above referenced large lot minor subdivision. The 3.005 acre lot is in the Limited Development Area (LDA). The applicant proposes to create one single new lot of 1.207 acres from the remaining lands. A large portion of the area of the new lot is within the 100-foot no disturbance Buffer. The subdivision raises concerns as proposed because it appears that with the creation of this new lot, development could not occur without a variance. The state criteria and Queen Anne's County Critical Area program clearly prohibit new development in the Buffer, including sewage disposal systems.

**14-151. Buffer standards and requirements**

- (a) New development activities, including clearing of existing natural vegetation, erection of structures, construction of new roads, parking areas, or other impervious surfaces, and the placement of sewage disposal systems, are not permitted in the Buffer except as provided in the buffer Exemption section of this subtitle.

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Ms. Krista Maenhardt  
Page two  
December 13, 1999

Commission staff recommend that the County deny the subdivision as proposed due to the fact that the applicant has proposed new development in the Buffer and that a variance will be required for the construction of a dwelling and the septic reserve area. Commission staff recommend that the applicant explore other alignments for the subdivision that will not create a lot that needs a variance. In addition, the Buffer on this property is completely forested. Commission staff do not recommend that development be approved in a forested Buffer.

If you have any questions concerning these comments, please call me at (410)260-7019.

Sincerely,



Susan M. Zankel  
Natural Resources Planner

cc: QC 615-99



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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December 6, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Edward and Anne Nielsen - Combining two lots into one/ creating one new lot.**  
**Administrative / Sliding scale minor subdivision**  
**# 03-99-092-c**

Dear Ms. Krista Maenhardt:

Thank you for the opportunity to review the above referenced administrative subdivision. The 67.78 acre site includes 66.68 acres in the Resource Conservation Area (RCA). The applicant proposes to combine Lot 1 (47.78 total acres) and Lot 2 (20 acres) of the Corsica Farm Subdivision and then complete a sliding scale subdivision that will result in Lot 1 with 63.69 acres and Lot 2 with 4.09 acres. The applicants are proposing to use the same septic reserve area and have identified the same no-disturbance expanded shore buffer that was measured during the previous subdivision.

The density limits within the RCA restrict the number of allowable dwelling units on this site to three (one per 20 acre density limits). The original Lot 1 has two existing dwelling units. One dwelling unit may be constructed on the newly configured Lot 2, however no more than three dwelling units total may be permitted on Lots 1 and 2. Please include this information on the density restrictions on the plat.

Two habitat protection areas have been identified on the site. Comments from the MD Department of Natural Resources Fish, Heritage and Wildlife identified existing riparian forests on the site greater than or equal to 300 feet in width. Within the Critical Area these areas have been defined as potential breeding habitat for Forest Interior Dwelling Birds (FID) and are required to be conserved and protected under the County's Critical Area Protection program. I

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Ms. Krista Maenhardt  
December 6, 1999  
Page two

understand that no forest clearing is proposed. We recommend that all remaining unforested areas of the Buffer be reforested or allowed to naturally regenerate. In addition to the requirement that the Buffer be established when land use changes from agriculture to residential, reforestation of the Buffer will contribute to the protection and conservation of FID habitat on site.

The open water areas adjacent to the project site have been identified as Historic Waterfowl Staging and Concentration Area. Certain new water-dependent facilities may not be situated in these areas. Any proposal for water-dependent facilities should be reviewed by Wildlife and Heritage Division in addition to Critical Area Commission staff.

Commission staff do not oppose the administrative subdivision as proposed with the condition that the issues identified above are addressed in the approval. If you have any questions concerning these comments, please call me at (410)260-7019.

Sincerely,



Susan M. Zankel  
Natural Resources Planner

cc: QC 609-99

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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December 3, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Cox Creek Landing - Growth Allocation Petition  
# GA 04-99-03**

Dear Ms. Hyer-Morgan:

Thank you for the opportunity to review the above referenced growth allocation petition for Cox Creek Landing. The request is to amend Lot 2 of parcel 22 located on the 1996 Chesapeake Bay Critical Area overlay Map 56 consisting of 22.23 acres of land in order to change the designation from Resource Conservation Area (RCA) to Intensely Developed Area (IDA). A 51 lot subdivision is proposed with community pier, recreation area and boat storage area. We have the following comments.

As defined in the County's Critical Area Program the Buffer is a "naturally vegetated area or vegetated area established or managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances." When a property changes from agricultural to residential use, the full 100-foot Buffer must be established in forest. The proposed plan includes a calculation of "50% of Shore Buffer" to determine the area of the Buffer that must be afforested. Although the County's Program states that 50% of the entire 300-foot shore buffer shall be covered with woodlands, the use of the 50% calculation when the Buffer is reduced to the required 100 feet is not supported in the County Program or consistent with the County's Critical Area Buffer performance standards. We recommend that the full 100-foot Buffer either be planted or be allowed to naturally regenerate to a forested condition.

The sketch plan identifies a "Recreation Area" that appears to be located partially in the Buffer. No new development is permitted in the Buffer except those activities that meet the definition of water dependent facility. Access to the proposed community pier is permitted in the Buffer but must be designed such that "disturbance to the Buffer is the minimum necessary to provide a single access point to the facilities." [COMAR 27.01.03.07] We recommend that any future access area through the Buffer to the proposed pier be maintained as a pervious surface.

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Ms. Hyer-Morgan  
December 3, 1999  
Page two

The proposed stormwater management pond is located immediately adjacent to the Buffer. All water quality structures and their limits of disturbance must be located outside of the Buffer. Please forward the calculations to meet the 10% pollutant reduction requirement to this office for review.

The number of slips permitted on the proposed Community pier must consistent with the requirements found in the County program. The calculation of slips for a proposed community pier in the IDA is the lesser of the following:

1. One slip for each 50 feet of shoreline in a subdivision located in an intense or limited development area; or
2. A density of slips to platted lots or dwellings within a subdivision in the Critical Area in accordance with the schedule in Section 14-143 of the County's Critical Area Act.

Commission staff support the request for growth allocation. Please forward the Planning Commission's recommendation concerning the petition. If you have any questions concerning these comments, please call me at (410)260-7019.

Sincerely yours,



Susan M. Zankel  
Natural Resources Planner

cc: QA 420-99



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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November 29, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Grasonville Ambulance Facility - Stormwater Management Waiver request.  
# 05-99-085**

Dear Mr. Steve Cohoon:

Thank you for the opportunity to review the above referenced site plan. I have reviewed the changes to the above reference project. The applicant has proposed a larger area of impervious surface on the property in order to accommodate a larger parking area. As a result of the proposed expanded parking and the elimination of area available for stormwater management, the applicant has requested that the 10% pollutant reduction requirement be met through a fee-in-lieu to the county.

Commission staff do not oppose the collection of fee-in-lieu by the county to be used to meet the 10% pollutant reduction requirement elsewhere in the Critical Area when there is no feasible alternative on-site. However, we recommend that the applicant explore opportunities to minimize the size of the parking area in order to provide some quality treatment for stormwater run off on-site.

Please do not hesitate to call me at (410)260-7019 if you have any questions concerning these comments or specific questions concerning completion of the calculations for 10% Rule compliance.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: QC 601-99

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

35



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) 260-7516 Fax: (410) 974-5338

November 24, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Dudley - Relocation of lot line. Administrative Subdivision  
# 05-99-085**

Dear Ms. Krista Maenhardt:

Thank you for the opportunity to review the above referenced administrative subdivision. The applicant proposes to reconfigure the line of division between parcels 27 and 52 and to define the perimeter of the 50' wide right of way. An equal area of land will be transferred, therefore the areas of the two parcels will not change. I understand for the application and the that no portion of the existing or resulting Parcel 52 is located within the Critical Area.

Commission staff do not oppose the administrative subdivision as proposed. If you have any questions concerning these comments, please call me at (410)260-7019.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: QC 607-99

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) 260-7516 Fax: (410) 974-5338

November 22, 1999

Mr. Joseph Johnson  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: Hanna Property - Special Exception**

Dear Mr. Johnson:

Thank you for the opportunity to comment on the above referenced application for a special exception to retain three (3) manufactured homes on the property for agricultural and hardship purposes. I understand that the proposed additional structures are not consistent with the underlying zoning. The property is partially located in the Critical Area and designated as a Resources Conservation Area. The County's Critical Area Program limits the number of dwelling units to one per twenty in the RCA unless the property is awarded growth allocation or through an intra family transfer. The application did not identify the location of the structures on the property in relation to the Critical Area line. Commission staff recommend that the Board of Appeals consider whether or not the RCA density limits on the property have been exceeded. Commission staff do not support the granting of the special exception if the RCA density limits are exceeded.

Thank you for the opportunity to comment on this request. Please include this letter as part of the record for the special exception. Please notify the Commission in writing of the decision made in this application. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,

  
Susan M. Zankel  
Natural Resources Planner

cc: CE 563-99

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) 260-7516 Fax: (410) 974-5338

November 17, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: David Daugherty - Combining two lots into one. Administrative Subdivision  
# 04-99-089c**

Dear Ms. Krista Maenhardt:

Thank you for the opportunity to review the above referenced administrative subdivision. The applicant proposes convert two lots, (lot 17 0.229 acres and half of the area of lot 19 - 0.114 acres) into one 0.343 acre lot. No additional lots are proposed in the application. The property is a designated Limited Development Area.

Commission staff do not oppose the administrative subdivision as proposed. If you have any questions concerning these comments, please call me at (410)260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Zankel".

Susan M. Zankel  
Natural Resources Planner

cc: QC 576-99

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) 260-7516 Fax: (410) 974-5338

November 16, 1999

Ms. Tanya Krista-Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Lands of George Carr / Robert Hart - administrative/ minor subdivision  
file # 02-99-058-C Revision #1**

Dear Ms. Krista-Maenhardt:

Thank you for providing me with information on the above referenced subdivision revision. It appears that our comments have been addressed. I have the following additional comment.

When lands are converted from agricultural use to residential use, the 100-foot Buffer must be established. The Queen Anne's County Code defines the Buffer as a naturally vegetated or vegetated area established or managed to protect aquatic, wetland shoreline, and terrestrial environments from man-made disturbances. In the Critical Area district, the minimum Buffer is a continuous area located immediately landward of tidal waters (measured from the mean high water line), tributary streams in the Critical Area, and tidal wetlands and has a minimum width of 100 feet. The remaining unforested portion of the Buffer may be planted or allowed to naturally regenerate in order for the required natural vegetation to be established and maintained.

Commission staff do not oppose the lot line relocation or the use of the TDR for the minor subdivision. Thank you for the opportunity to comment. Please include letter in your files and submit it as part of the record for the minor subdivision. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: 424-99

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) 260-7516

Fax: (410) 974-5338

November 15, 1999

Ms. Sue Ann Hyer Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Hunters Oak - Final Site Plan**  
**File # MASP 05-99-20-c**

Dear Ms. Hyer Morgan:

Thank you for the opportunity to provide comments on the proposed amendment for Hunters Oak, LLC. The applicant proposes to convert an existing garage to a snack bar and tavern/pub, and to convert an existing house to a country club building. The developer also proposes a future 6,000 square foot building which will be used for golf cart storage. It appears that the proposed amendments are located outside of the Critical Area. Therefore, we have no Critical Area concerns at this time.

Please keep us informed of any proposed activities or amendments to the site plan which involve development or disturbance in the Critical Area. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Zankel".

Susan M. Zankel  
Natural Resources Planner

cc: QA 188-98

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) 260-7516 Fax: (410) 974-5338

November 10, 1999

Ms. Jeanne Minner  
Office of Building and Inspections, Planning & Zoning  
P.O. Box 157, 110 North Street  
Elkton, MD 21922-0157

**Re: Elk Business Center**

Dear Ms. Minner:

Thank you for the opportunity to review the above referenced project. The applicant proposes to develop an existing 14.03 acre site that includes eight Business Park lots and a new town street with curb and gutter. The property is located on the south side of U.S. Route 40 in the Town of Elkton and is presently in agricultural use. Approximately 6.7 acres of the site are located in the Critical Area and designated as an Intensely Developed Area (IDA).

The applicant has submitted the 10% pollutant reduction calculations and proposed water quality Best Management Practices to meet the 10 % Rule for development in an IDA. The proposed stormwater management includes two BMPs in a series, an infiltration basin and dry extended detention pond, designed to treat the onsite stormwater runoff generated from the Critical Area portion of the site as well as the drainage to the stormwater management pond from the area of the site outside of the Critical Area. It appears from the worksheets submitted that the proposed BMPs will achieve the required 10% pollutant reduction for development in the IDA.

The Environmental Impact Assessment states that there are no steep slopes, no habitat protection areas or Buffer impacts proposed. However the assessment submitted with this application was prepared in October 1991. We recommend that the applicant contact MD DNR to verify if any information contained in the environmental assessment needs to be updated.

The Commission staff does not oppose this project as proposed. Thank you for the opportunity to comment. Please include letter in your files and submit it as part of the record for project. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely

A handwritten signature in cursive script that reads "Susan M. Zankel".

Susan M. Zankel  
Natural Resources Planner

cc: EL 488-99

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) 260-7516

Fax: (410) 974-5338

November 10, 1999

Ms. Vivian Swinson  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Shibley property - Administrative Variance**  
# 02-99-06

Dear Ms. Swinson:

Thank you for the opportunity to comment on the above referenced request for an administrative variance. The applicant has requested a variance in order to construct an addition of a one story structure containing a bedroom and bathroom to the east of the existing house. The new one story structure would be connected to the existing house by double height breezeway. If approved, the new addition would be located approximately 40' feet away from an existing tidal pond. The property consists of approximately 1.24 acres in the LDA. The total proposed impervious surface area with the new addition would be approximately 3,891.7 square feet, less that the 15% limit for development in the LDA.

Commission staff do not oppose the granting of the variance for the proposed addition, however we do recommend that the proposed Buffer encroachment be minimized to the greatest extent possible. In addition, the property is adjacent to anadromous fish spawning area and historic waterfowl staging area. We recommend that if the variance is granted, that the applicant be required to plant native trees in the Buffer in order to mitigate for the new area of disturbance in the Buffer, including the area disturbed for the new septic system.

Thank you for the opportunity to comment. Please notify the Commission in writing of the decision made in this application. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Zankel".

Susan M. Zankel  
Natural Resources Planner

cc: QA 568-99

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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Fax: (410) 974-5338

November 4, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Friendly Car Wash expansion - Minor Site Plan**

Dear Mr. Cohoon:

Thank you for the opportunity to comment on the above referenced minor site plan. The applicant proposes to add three bays and additional travelways to an existing car wash, and to reconfigure and expand the parking lot. The 1.93 acre property is in a designated Intensely Developed Area. Approximately 1.26 acres are proposed to be redeveloped. A total of 0.282 acres of new impervious area is proposed. We have the following comments.

The growth allocation application and approval for this property indicated that the property owner would comply with the 10 Percent Rule on the site. The 10 Percent Rule requires that there is a 10% improvement in the quality of stormwater runoff (Phosphorus loading), when new development or redevelopment occurs on IDA properties. The growth allocation for this property was approved on November 4, 1998, with the following condition:

The applicant is required to submit information pertaining to compliance with the 10 Percent Rule to the Critical Area Commission for review and approval prior to the issuance of any building or grading permits.

It does not appear that any information on compliance with the 10 % reduction in phosphorus loading has been provided to this office. Please provide information addressing the pollutant removal requirement based on the proposed redevelopment actions and the stormwater management practices proposed to address water quality to this office for review. If you have any questions, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Zankel".

Susan M. Zankel  
Natural Resources Planner

cc: QA 566-99

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) 260-7516 Fax: (410) 974-5338

November 4, 1999

Mr. Richard A. McIntyre  
Department of Parks and Recreation  
Queen Anne's County  
1945 4-H Park Road - PO. Box 37  
Centreville, Maryland 21617

**RE: Cross Island Hiker/Biker Trail - Consistency report**

Dear Mr. McIntyre

Thank you for providing me with the consistency report for the proposed extension of the Cross Island Hiker/Biker Trail and for preparing the additional information regarding the area of new impervious area proposed in the Buffer and the planting plan proposed to mitigate for the Buffer impacts. While information regarding the treatment of stormwater for water quality was not submitted with your proposal, I was able to use the information you submitted to calculate the Critical Area pollutant removal requirements. Using the 50 plants proposed in the Buffer as an offset option, the project will meet the 10% reduction in pollutant loading as required under the County's Critical Area Program for development in an Intensely Developed Area.

Commission staff certify that the proposed Cross Island Hiker/Biker Trail is consistent with the Queen Anne's County Critical Area Program. Thank you for the opportunity to comment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: QA 519-99

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

November 2, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Thompson property - Administrative Subdivision  
# 03-99-082 c**

Dear Ms. Maenhardt:

Thank you for the opportunity to comment on the above referenced administrative subdivision. The purpose of the proposed subdivision is to transfer 5.401 acres of land designated as Resource Conservation Area (RCA) from parcel 45 (144.06)1 acres to parcel 108 (2.775 acres). The resulting acreage will be 138.66 acres and 8.176 acres respectively.

Commission staff do not oppose the subdivision as proposed but note that with the addition of the acreage with a dwelling unit to the RCA designated parcel 108, no additional dwelling units are permitted on the parcel due to the density limits in the RCA. Please notify the Commission in writing of the decision made in this application. If you have any questions, please call me at (410) 260-7019.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: QA 550-99

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

November 2, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

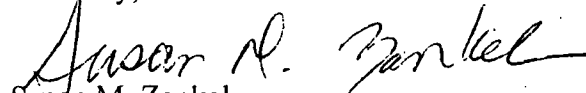
**RE: Joseph Skinner property - Variance**  
**# V-422**

Dear Ms. Maxwell:

Thank you for the opportunity to comment on the above referenced variance request. The applicant has requested a variance to reduce the front yard setback to 11' in order to construct an 184 square foot porch addition to an existing dwelling. The 0.8 acre property is located in a designated Intensely Developed Area.

Commission staff do not oppose the variance as proposed. Please notify the Commission in writing of the decision made in this application. If you have any questions, please call me at (410) 260-7019.

Sincerely,

  
Susan M. Zankel  
Natural Resources Planner

cc: QA 529-99

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) 260-7516 Fax: (410) 974-5338

November 2, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

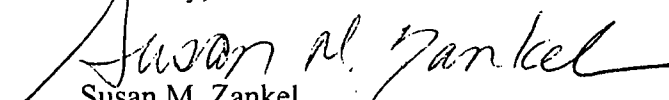
**RE: Grasonville Church - Variance request**  
**# V-421**

Dear Ms. Maxwell:

Thank you for the opportunity to comment on the above referenced variance request. The applicant has requested a variance to reduce the setback for the expansion of the existing church. The 0.5 acre property is located in a designated Intensely Developed Area.

Commission staff do not oppose the variance with the condition that the 10% reduction in pollutant loading required for redevelopment in the IDA is addressed on site or, if appropriate, met through a fee-in-lieu. Please notify the Commission in writing of the decision made in this application. If you have any questions, please call me at (410) 260-7019.

Sincerely,

  
Susan M. Zankel  
Natural Resources Planner

cc: QA 515-99

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

October 29, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Dean Property - Transfer of Development Rights  
TDR # 02-99-02 Revision #1**

Dear Mr. Cohoon:

Thank you for the opportunity to comment on the above referenced revision. Commission staff have no further comments at this time and do not oppose the TDR as proposed. Please notify the Commission in writing of the decision made in this application. If you have any questions, please call me at (410) 260-7019.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: QA 262-99

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

October 25, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Mallard Run (White Pines), Major Subdivision - final**  
**# 04-99-047 -c Revision # 2**

Dear Mr. Cohoon:

Thank you for providing me with the revised plan and for the opportunity to comment. We have no further comments. Please include this letter in your file and submit it as a part of the record for subdivision. If you have any questions, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Zankel".

Susan M. Zankel  
Natural Resources Planner

cc: QA 496-99

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

October 25, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Thomas Sperl Property, Serenity Farm - Preliminary/ Major Subdivision with TDR  
File #04-99-071(c) Revision #1**

Dear Mr. Cohoon:

I have reviewed the above referenced revisions and have the following comments. The County Code defines the Critical Area Buffer as a naturally vegetated or vegetated area established or managed to protect aquatic, wetland shoreline, and terrestrial environments from man-made disturbances. The minimum Buffer is a continuous area located immediately landward of tidal waters (measured from the mean high water line), tributary streams in the Critical Area, and tidal wetlands and has a minimum width of 100 feet. [County Code 14-111.] When converting from agricultural use to residential use, the Critical Area Criteria require that this minimum 100-foot Buffer be established. Please include this information in a plat note on the plan. We recommend that the establishment of the Buffer and any proposed activities in the Buffer such as provisions for access to the water be presented as part of a Buffer Management Plan for the subdivision.

Commission staff do not oppose the subdivision and use of a TDR as proposed. Thank you for the opportunity to comment. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: QA 469-99

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

October 25, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Mainbrace - Preliminary/Final Major Subdivision with TDRs  
File #05-99-070(c) Revision #1**

Dear Mr. Cohoon:

I have reviewed the above referenced revision to the subdivision proposal and have the following comments that have not been clearly addressed in the submittal. According to the application, forest clearing for lots 1, 4, and 5 totaled 0.804 acres. Did reforestation occur off-site or was a fee paid in lieu of planting? Has a reforestation site been identified to mitigate for the potential clearing on Lots 6 and 7? Due to the fact that the forest cleared is identified as potential forest interior dwelling bird (FID) habitat, we recommend that the reforestation area be identified prior to subdivision approval and that the area selected for reforestation is located such that it creates FID habitat or expands an existing area of FID habitat.

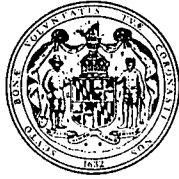
Thank you for the opportunity to comment. Please include this letter in your file and submit it as a part of the record for subdivision. Please notify the Commission in writing of the decision made in this application. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: QA 468-99

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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October 19, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Ronald Franks - Relocation of lot line, Administrative Subdivision  
# 05-99-078c**

Dear Ms. Krista Maenhardt:

Thank you for the opportunity to review the above referenced administrative subdivision. The property has a total of 1.348 acres in the Critical Area designated as Intensely Developed Area. The applicant proposes the relocation of a lot line in order to expand an existing commercial dentist's office and convert an existing residence to a commercial use with an addition.

Commission staff do not oppose the administrative subdivision to relocate the lot lines as proposed. If you have any questions concerning these comments, please call me at (410)260-7019.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: QC 520-99

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

October 18, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Ronald Franks - Minor Site Plan  
# 05-99-078c**

Dear Mr. Steve Cohoon:

Thank you for the opportunity to review the above referenced minor site plan. The property has a total of 1.348 acres in the Critical Area designated as Intensely Developed Area. The applicant proposes additions to an existing building and the addition of a parking area. According to the application, the purpose of the project is to expand an existing commercial dentist's office and convert an existing residence to a commercial use with a building addition. We offer the following comments:

1. Information regarding compliance with the 10% pollutant reduction requirement for redevelopment in the IDA not been addressed. Please forward plans for onsite water quality BMPs and calculations demonstrating the 10% reduction of phosphorus has been achieved
2. As referenced in the environmental assessment, please forward comments from the USFWS regarding the occurrence of Delmarva fox squirrel on the property when received.
3. We recommend that the shed located in the Buffer, both tidal and non-tidal wetlands buffer, be relocated outside of the Buffer on the property.

If you have any questions concerning these comments, please call me at (410)260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Zankel".

Susan M. Zankel  
Natural Resources Planner

cc: QC 521-99

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) 260-7516 Fax: (410) 974-5338

October 18, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Anchorage - Growth Allocation request  
GA # 04-99-02(c)**

Dear Ms. Hyer-Morgan:

We have received your submittal regarding the growth allocation request for the Anchorage project to change 20.158 acres of land designated Resource Conservation Area to Intensely Developed Area. While we accept the application for processing as a refinement to the County's Critical Area Program, it appears that the following elements of the sketch plan submitted for the growth allocation may not be consistent with the County's Critical Area program.

1. The calculation of existing forest on the property for afforestation purposes appears to include several acres of tidal wetlands/ high marsh. Tidal wetland areas that support high marsh can not be considered forest for Critical Area purposes or under the County's definition of forest. Additional afforestation may be required on the site to meet the 15% forest cover requirement. Please provide more detailed information on the calculation of existing forest on the site.
2. As defined in the County's Critical Area Program the Buffer is a "naturally vegetated area or vegetated area established or managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances." The proposed plan includes a calculation of "50% of Shore Buffer" to determine the area of the Buffer that must be afforested. Although the County's Program states that 50% of the entire 300-foot shore buffer shall be covered with woodlands, the use of the 50% calculation when the Buffer is reduced to the required 100 feet does not appear to be supported in the County Program or consistent with the County's

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Critical Area Buffer performance standards.

3. According to the County Program and Critical Area Criteria, the calculation of slips for a proposed community pier in the IDA is the *lesser* of the following:

- a) One slip for each 50 feet of shoreline in a subdivision located in an intense or limited development area; or
- b) A density of slips to platted lots or dwellings within a subdivision in the Critical Area in accordance with the schedule in Section 14-143 of the County's Critical Area Program.

On this project, it appears that the length of the shoreline is 1202 feet which would allow 24 slips rather than the 30 slips which are proposed based on the schedule in Section 14-143. Please verify the length of the shoreline and reduce the number of slips proposed.

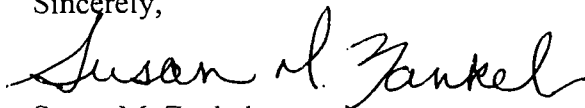
4. It appears from the previously submitted concept plan that an area of tidal wetlands below mean high water has been included in the parcel acreage. All land below the mean high water line is classified as State wetlands, unless it is part of a recognized land grant. State wetlands may not be included in the parcel boundaries, acreage calculations, forest cover or impervious surface area calculations. Please revise the plans and calculations.

5. The submittal does not address subdivision activity on the parent parcel since December 1, 1985. This information is necessary for growth allocation requests involving RCA lands in order to ensure that any area of the parent parcel not proposed for growth allocation meets the density requirements of the Criteria. Please provide a history of subdivision activity on the parent parcel.

We recommend that the issues outlined above be resolved prior to the Critical Area Commission's consideration of this matter at the November Commission meeting or the Commission may require conditions on their approval of the refinement.

Please call me at (410)260-7019 if you have any questions regarding this letter.

Sincerely,



Susan M. Zankel  
Natural Resources Planner

cc: QA 113-99



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
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October 13, 1999

Ms. Patricia Garrett  
Town of Chesapeake City  
P.O. Box 205  
Chesapeake city, Maryland 21915-0205

**Re: Growth Allocation request - 20.4 acres, Young et al property**

Dear Mayor Beck:

The purpose of this letter is to confirm that the Critical Area Commission reviewed the above referenced growth allocation request at its October 6<sup>th</sup> Commission meeting. The Chairman determined that the proposed amendment qualified for review as a refinement to the County program. The Commission concurred with this determination. Therefore, the growth allocation was approved as proposed.

Please forward the Critical Area map with appropriate changes to this office for our files. Please do not hesitate to call me at (410)260-7019 if you have any questions concerning the approved growth allocation. Thank you.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: Mary Ann Skilling, Circuit Rider MD Office of Planning

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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

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October 8, 1999

Mr. Eric Sennstrom  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: Cecil County Elk River Dredging**

Dear Mr. Sennstrom:

Thank you for the opportunity to comment on the above referenced proposal to construct a Dredge Material Placement (DMP) site in an upland agricultural field and an outfall pipe with an approximately 250 square foot stone scour protection area located in the Buffer to Big Elk Creek.

While Commission staff do not oppose the project as proposed, we recommend that regular monitoring of the outfall pipe and scour stone area be conducted to insure that there are no erosion or safety problems in the area adjacent to the public boat ramp. In addition, we recommend that as a condition of approval, the scour stone structure and the length of outfall pipe extending shoreward of the berm be removed and the area restored and planted with native vegetation (trees) when the DMP site is no longer in operation. The project appears to be consistent with the Cecil County Critical Area program and state Criteria.

Thank you for the opportunity to comment on this application. Please include this letter as part of file for approval. Please notify the Commission in writing of the decision made in this application. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: Gary O. Williams, Andrews, Miller & Assoc., Inc.  
CE 449-99

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Judge John C. North, II  
Chairman



Ren Sercy  
Executive Director

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October 8, 1999

Mr. Bruce Grey  
MD DOT - State Highway Administration  
P.O. Box 717  
Baltimore, MD 21203-0717

**Re: Queenstown Streetscape - MD 18C (Main Street): Charity Lane to Wall Street  
Project No. QA 716A21**

Dear Mr. Grey:

Thank you for the opportunity to review the above referenced streetscape project in Queenstown. The State Highways Administration proposes to rehabilitate the existing roadway of MD 18C (Main Street) from Charity Lane to Wall Street. The project will consist of resurfacing, re-striping and replacing sections of sidewalks and curbs, replacing existing safety grating, providing colored concrete pedestrian crosswalks, constructing landscaped pedestrian "bumpouts", and demarcating parking areas. The project will also include minor landscaping.

We have reviewed the plans and understand that the entire project is located in the IDA. Ground disturbance and construction will be limited to the existing impervious surface and there will be a net reduction of impervious area of 0.007 acres in the Critical Area. Strict sediment and erosion control practices will be enforced during construction to minimize impacts to water quality. There are no impacts proposed to any Habitat Protection Areas. We concur that the project is consistent with the existing MOU between the Maryland Department of Transportation and the Critical Area Commission. Commission staff do not oppose the project as proposed.

This letter confirms that the proposed actions are consistent with the Critical Area Criteria and do not need further review and approval by the Critical Area Commission to proceed with this phase. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Zankel".

Susan M. Zankel  
Natural Resources Planner

cc: DOT-SHA 27-99, Queenstown

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Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-7516 Fax: (410) 974-5338

October 8, 1999

Mr. Bruce Grey  
Maryland Department of Transportation  
State Highway Administration  
P.O. Box 717  
Baltimore, MD 21203-0717

**Re: Phase I Streetscape, Elkton - MD 7D: Bridge Street to South Street  
Project No. CE 771B21**

Dear Mr. Grey:

Thank you for the opportunity to review the above referenced streetscape project in Elkton. SHA proposes to rehabilitate the existing roadway of Main Street from Bridge Street to South Street for a total distance of 0.43 miles. The project is the first phase of a four-phase improvement of MD 7D that has been identified in the Elkton Revitalization Master Plan.

We have reviewed the plans and understand that the entire project is located in the IDA. Ground disturbance will be limited to the existing impervious surface and there will be a net reduction of impervious area of 0.04 acres in the Critical Area. Strict sediment and erosion control practices will be enforced during construction to minimize impacts to water quality. There are no impacts proposed to any Habitat Protection Areas. We concur that the project is consistent with the existing MOU between the Maryland Department of Transportation and the Critical Area Commission. Commission staff do not oppose the project as proposed.

This letter confirms that the proposed actions are consistent with the Critical Area Criteria and do not need further review and approval by the Critical Area Commission to proceed with this phase. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: DOT-SHA 26-99, Elkton

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



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Chairman

Ren Serey  
Executive Director

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October 7, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Dean Property - Transfer of Development Rights  
TDR # 02-99-02**

Dear Mr. Cohoon:

Thank you for the opportunity to comment on the above referenced application for lifting of a Transferable Development Right (TDR). The applicant is proposing to create one (1) Critical Area Development Right to be lifted and conveyed to Francis Carnes Jr. for use at a future date. I understand from discussions with Tanya Maenhardt that the sliding scale subdivision that was proposed on this parcel to create Lots 2 and 3 in the RCA is on hold until the proposed TDR's have been finalized. As the application indicates, a total of four (4) dwelling units are permitted in the 83 acres of RCA on the parcel. With the development of two lots (lots 2 and 3) and after the lifting of the two proposed TDRs, there will be no further development potential in the RCA on the remaining parcel that includes the existing house and associated development in the upland. Please include this information in the plat notes.

Commission staff do not oppose the TDR as proposed. Please notify the Commission in writing of the decision made in this application. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: QA 262-99

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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October 12, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

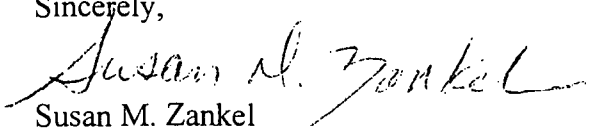
**RE: Carnes, Francis S. Family L.L.C. - Landings at Mattapex  
preliminary / final Subdivision  
File #04-99-076(c)**

Dear Mr. Cohoon:

I have reviewed the above referenced subdivision. The applicant proposes one additional lot to the existing Landings at Mattapex via one TDR and the reconfiguration of existing lots 14 and 15. The Environmental Assessment Report confirms that at least 15 percent of the gross site area shall be afforested as required in the County's Critical Area program. The report describes the afforestation area as proposed in the northwestern section of the site. Please identify the afforestation area on the plans. In addition, the site plan indicates that required shore buffer afforestation has been addressed. Please identify the areas of shore buffer afforestation on the plan.

It appears that the proposed subdivision and use of TDR is consistent with the County's Critical Area program. Thank you for the opportunity to comment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

  
Susan M. Zankel  
Natural Resources Planner

cc: QA 228-99

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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October 5, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Jody Schultz - Relocation of lot line, Administrative Subdivision  
# 04-99-075c**

Dear Ms. Krista Maenhardt:

Thank you for the opportunity to review the above referenced administrative subdivision. The property has a total of 85.3 acres in the Critical Area designated as Resource Conservation Area. The applicant proposes the relocation of a lot lines affecting three existing RCA parcels. In addition, a reconfiguration of an existing right of way intersection is proposed. No additional lots or development activities are proposed in the application.

Commission staff do not oppose the administrative subdivision to relocate the lot lines as proposed. If you have any questions concerning these comments, please call me at (410)260-7019.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: QA 504-99

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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September 27, 1999

Ms. Sue Ann Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Harris Crab House - final site plan, MASP 05-89-9-c (Amendment #2)**

Dear Ms. Morgan:

Thank you for the opportunity to review the final site plan submittal for the above referenced project. Commission staff do not oppose the final site plan as proposed

Please include letter in your files and submit it as part of the record for the final site plan. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: 418-99

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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September 27, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Mallard Run (White Pines), Major Subdivision - preliminary approval request  
# 04-99-047 -c Revision #1**

Dear Mr. Cohoon:

Thank you for providing me with the revised plan and thank you for the opportunity to comment. We understand that the material for the surface of the boat and RV storage area will remain a grassed area by providing top-soil and seeding over bank-run gravel. In addition, a forested buffer will be maintained along the drainage area.

We do not oppose the subdivision as proposed with the condition that growth allocation is awarded by the County and approved by the Critical Area Commission. Please include this letter in your file and submit it as a part of the record for subdivision. Please forward the growth allocation request from the County and we will schedule the growth allocation request for review by the Critical Area Commission. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Zankel".

Susan M. Zankel  
Natural Resources Planner

cc: QA 16-99

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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September 24, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: The Chesapeake Bay Beach Club  
# MASP 04-97-16-c Amendment #2**

Dear Mr. Cohoon:

Thank you for providing me with the above referenced amendment and thank you for the opportunity to comment. We have no additional comments at this time. We do not oppose the amendment as proposed. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Zankel".

Susan M. Zankel  
Natural Resources Planner

cc: QA 128-97

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

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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September 23, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Anderson - Minor subdivision  
# 03-00-050 - c Revision: #1**

Dear Mr. Cohoon:

Thank you for providing me with the revised plan and thank you for the opportunity to comment. We understand that all forest clearing and reforestation will be addressed at the building permit level. Again we recommend that if clearing is proposed for the dwellings on lots one and four, that the habitat protection guidelines on the plat be followed to minimize impacts to forest interior dwelling bird habitat and Delmarva Fox Squirrel habitat. In addition, we strongly recommend that if there are impacts to any forested habitat protection areas, the reforestation areas are designed and located such that they will functionally replace habitat.

We do not oppose the subdivision as proposed. Please include this letter in your file and submit it as a part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Zankel".

Susan M. Zankel  
Natural Resources Planner

cc: QA 378-99

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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September 21, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Alvin Maier Family Partnership/ E & B Automotive - Minor Site Plan  
MISP 04-99-13 c Revision #1**

Dear Mr. Cohoon:

Thank you for providing me with the revisions to the above referenced minor site plan application. In response to my comment concerning the required 10% reduction in pollutant loadings for redevelopment in the IDA, the regional stormwater management pond designed in 1987 was identified as the stormwater facility for this site.

While we do not oppose the project as proposed, we request that the capacity of the regional stormwater management pond to meet the 10% pollutant reduction requirements as redevelopment occurs on this site and other properties in the 21 acre drainage area be addressed more specifically. I understand that the Planning Commission may have recently requested a review of the pond's capacity to meet the 10% pollutant reduction requirements as part of the review of a development project in the drainage area. If this is the case and information concerning the pond's original design and capacity was provided, please provide it as part of the 10 % documentation for this project.

If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: 434-99

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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September 17, 1999

N. Clifton Beck, Mayor  
Town of Chesapeake City  
P.O. Box 205  
Chesapeake city, Maryland 21915-0205

**Re: Growth Allocation request - 20.4 acres, Young et al property**

Dear Mayor Beck:

The Critical Area Commission accepts the Town of Chesapeake City's submittal of the Growth allocation request. The Board of County Commissioners of Cecil County heard the request at a public hearing on June 1, 1999 and granted to the Town of Chesapeake City the use of 20.4 acres of growth allocation to change the Chesapeake Bay Critical Area designation from LDA to IDA on the Young, et al property. The request also received a favorable recommendation from the Cecil County Planning Commission. The request from the Town was submitted after it was reviewed at a public Town meeting held in Chesapeake City on May 10, 1999.

We accept the proposed amendments as a complete submittal and will consider it a refinement to the Chesapeake City Critical Area program. Chairman North will make a refinement determination and we will schedule the refinement to be presented at the October 6<sup>th</sup> Critical Area Commission meeting.

Please call me at (410)260-7019 if you have any questions concerning Critical Area Commission review.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: Mary Ann Skilling, Circuit Rider MD Office of Planning

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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September 16, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Robert Russell - Relocation of lot line, Administrative Subdivision  
# 05-99-073c**

Dear Ms. Krista Maenhardt:

Thank you for the opportunity to review the above referenced administrative subdivision. The applicant proposes the relocation of a lot line. No additional lots are proposed in the application. The property has a total of 4.01 acres in the Critical Area designated as Limited Development Area. The purpose of the subdivision is to transfer 0.333 acres of land from the Cusimano property to the Russell property in order to make the property less non-conforming.

Commission staff do not oppose the administrative subdivision to relocate the lot line as proposed. If you have any questions concerning these comments, please call me at (410)260-7019.

Sincerely,

Susan M. Zankel  
Natural Resources Planner

cc: QA 482-99

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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September 16, 1999

Ms. Amy Moore  
Town Administrator  
P.O. Box 4  
Queenstown, MD 21658

**Re: Queenstown Comprehensive review and update**

Dear Ms. Moore:

The purpose of this letter is to confirm that the comprehensive review and proposed changes to the Queenstown Critical Area program, zoning ordinance, and subdivision regulations were presented to the Chesapeake Bay Critical Area Commission at its meeting on September 1, 1999. The Commission approved the changes as proposed. It was noted that the updated Critical Area map would be revised to more clearly delineate the land within the town from land in the County per comments at the public hearing.

Please forward the Critical Area map with appropriate changes to this office for our files. Please do not hesitate to call me at (410)260-7019 if you have any questions concerning the approval of the comprehensive update to the Town's Critical Area Program.

Sincerely,

Susan McConville  
Natural Resources Planner

SM/jjd

cc: Roby Hurley

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

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

September 13, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Mainbrace - Preliminary/Final Major Subdivision with TDRs  
File #05-99-070(c)**

Dear Mr. Cohoon:

I have reviewed the above referenced subdivision proposal and have the following comments. The applicant has proposed the use of subdivision, Transfer of Development Rights (TDRs with open space, in order to create three new lots on a 30.1 acre RCA parcel. Two TDRs from the Island Creek Gun Club property are proposed to be used for this subdivision. Two TDRs were used on this site to create lots 4 and 5.

The entire parcel is forested. The applicant proposes two new lots, Lots 6 and 7. There are no tidal or non-tidal wetlands or their buffers on the proposed new lots. Comments from Maryland Department of Natural Resources have identified two habitat protection areas on the site. Occurrences of Delmarva Fox Squirrels have been identified near the project site and the site has been identified potential forest interior dwelling bird (FID) habitat. According to the application, the clearing on Lots 6 and 7 along the edge of forest at Sportsman Neck Road will be the minimum necessary for construction and there will be no disturbance of the remaining forest on site. In addition, the environmental assessment indicates that the property owner has agreed with the U. S. Fish and Wildlife Service to a perpetual conservation easement to be attached to the title of 31.40 acres of the Open Space lands abutting Lots 6 and 7 as offsite mitigation for the Home Port subdivision.

While conservation of forest is proposed on the property, reforestation for the forest clearing proposed on Lots 6 and 7 is required. No reforestation area has been identified in the plan. Due to the fact that the forest cleared is identified as potential FID habitat, we recommend that the area selected for reforestation is located such that it creates FID habitat or expands an existing area of FID habitat.

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



Mr. Steve Cohoon  
September 13, 1999  
Page two

We do not oppose the subdivision with the condition that the area of forest clearing proposed on lots 6 and 7 is provided, and that the required reforestation area is identified and a plan for forest replacement is provided prior to subdivision approval.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as a part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,



Susan M. Zankel  
Natural Resources Planner

cc: QA 468-99

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 10, 1999

Ms. Tanya K. Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Thomas Sperl Property, Serenity Farm - Preliminary/ Major Subdivision with TDR  
File #04-99-071(c)**

Dear Ms. Maenhardt:

I have reviewed the above referenced subdivision proposal and have the following comments. The applicant proposes combining three large lots into one large lot then subdividing the one large lot into a total of four lots (including three cluster lots plus the remaining lands as a residual large lot) with the use of a Transferable Development Right (TDR) from Roe Farms. I understand from the TDR placement information on the plan that two TDR units from Roe Farms were conveyed to Thomas Sperl. One of these development rights is proposed for use at this time and one remains for use on this property. The total acreage of the proposed large lot is 84.9 acres, 70.493 acres of which are located in the Critical Area and designated Resource Conservation Area (RCA).

There are approximately 12.67 acres of existing forest on the parcel. No forest clearing is proposed as a part of this subdivision. The remaining acreage of the property is predominantly in agricultural use. When converting from agricultural use to residential use, the Critical Area 100-foot Buffer must be established and maintained in natural forest vegetation. No new development is permitted in the Buffer except those facilities that are defined as water dependent.

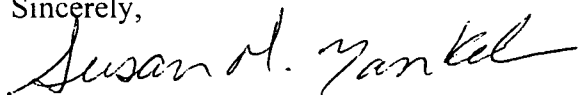
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Ms. Tanya K. Maenhardt  
September 10, 1999  
Page two

Commission staff do not oppose the subdivision and use of a TDR as proposed. Thank you for the opportunity to comment. Please call me at (410)260-7019 if you have any questions  
Concerning these comments

Sincerely,



Susan M. Zankel  
Natural Resources Planner

cc: QA 469-99



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 9, 1999

Ms. Vivian Swinson  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Mallard Homes - Administrative Variance  
# 04-99-05**

Dear Ms. Swinson:

Thank you for the opportunity to review the above referenced administrative subdivision. The applicant proposes to construct a single family dwelling on an 11,600 square foot grandfathered lot located in the Limited Development Area (LDA). We noted that the application indicated that the area of proposed impervious surface is 1,034 square feet, however the dimensions on the sketch show the house to be approximately 1,312 square feet. While the proposed area of impervious surface is within the limits for a grandfathered lot, we recommend that the areas of impervious surface be minimized to the greatest extent possible. We recommend that the proposed deck be constructed to remain pervious.

Commission staff do not oppose the granting of the variance however we do recommend that the County consider a variance to the side yard set backs to minimize the area of Buffer intrusion. We also recommend that in addition to the mitigation for the trees cleared in the Buffer, that the applicant be required to mitigate for the area of new impervious surface in the Buffer with the planting native trees and understory vegetation in the Buffer.

Thank you for the opportunity to comment. If you have any questions concerning these recommendations, please call me at (410)260-7019.

Sincerely yours,

Susan M. Zankel  
Natural Resources Planner

cc: QA 463-99

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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September 8, 1999

Ms. Tanya Krista-Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Lands of Wilfred T. Azar - Minor Subdivision**  
**# 05-99-064-c**

Dear Ms. Krista-Maenhardt:

Thank you for the opportunity to review the above referenced minor subdivision. The applicant proposes to subdivide one 1.656 acre lot from an 8.628 acre residential parcel. The property is entirely located within the Critical Area and is designated a Limited Development Area (LDA).

All new lots in the LDA in the Critical Area must meet the 15% limit on impervious surface area and afforestation requirements. According to the application, the proposed area of impervious surface will be 15%, including the areas of existing impervious surface. The areas identified as woodlands on the property are described in the environmental assessment, however, it is not clear that this existing vegetative cover is part of lawn and landscaping or forest. For example, the site plan shows areas of impervious surface within the woodlands. Are these structures included in the area of existing forest used to determine afforestation requirements? Please provide more information concerning the existing forest on the property so that it can be determined if afforestation is required under the County's Critical Area program.

Commission staff does not oppose the minor subdivision as proposed with the condition that no development or impacts are permitted in the 100-foot Buffer, unless they are water dependent. We recommend that any reforestation requirements be met on-site and, where possible, in the Buffer. If you have any questions concerning these comments, please call me at (410)260-7019.

Sincerely yours,

Susan M. Zankel  
Natural Resources Planner

cc: QA 450-99

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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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August 30, 1999

Ms. Sue Ann Hyer Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Hunters Oak - Second amendment to approved site plan  
File # MASP 05-98-08-c**

Dear Ms. Hyer Morgan:

Thank you for the opportunity to provide comments on the proposed amendment for Hunters Oak, LLC. It appears that the proposed amendments are located outside of the Critical Area. Therefore, we have no Critical Area concerns at this time.

Please keep us informed of any amendments to the site plan which involve development or disturbance in the Critical Area. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville Zankel  
Natural Resources Planner

cc: QA 260-99

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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August 30, 1999

Ms. Tanya Krista-Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Middleton/Sollers Subdivision  
# 03-99-065-c**

Dear Ms. Krista-Maenhardt:

Thank you for the opportunity to review the above referenced administrative subdivision. The applicant proposes to combine two lots into one 106.395 acre parcel. The property has a total of 5.2 acres in the Critical Area designated as Resource Conservation Area. There are no existing buildings or improvements on the parcel. It is currently used for crop production. There are no proposed impacts to the 0.9 acres of forest in the Critical Area.

Commission staff do not oppose the administrative subdivision to combine lots as proposed. If you have any questions concerning these comments, please call me at (410)260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville Zankel".

Susan McConville Zankel  
Natural Resources Planner

cc: QA 277-99

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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August 27, 1999

Mr. Tony DiGiacomo  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: Sizemore Property - subdivision proposal**

Dear Mr. DiGiacomo:

Thank you for the opportunity to comment on the above referenced subdivision proposal. The applicant proposes five residential lots, one of which is in the Critical Area. The Critical Area portion of the property is approximately 100 acres and designated as a Resource Conservation Area (RCA). One 2.95 acre lot is proposed in the Critical Area. The subdivision as proposed is consistent with the one dwelling unit per twenty acre density limits for development in the RCA. No impacts to forest or habitat protection areas are proposed. Impervious surfaces proposed on the RCA lot are under the 15% limit.

The applicant has proposed afforestation for the site through removal of multi flora rose that is within the existing hedge row and through allowing natural regeneration of forest on adjacent open land. While we support natural regeneration to meet afforestation requirements, it is our experience with multi flora rose that there generally needs to be repeated removal and in some cases application of herbicide to fully control the invasive species. We recommend that the afforestation area be monitored to ensure that multi flora rose is managed and that the forest succession is successful.

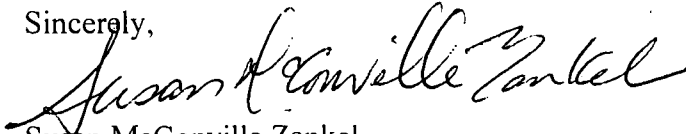
The subdivision appears to be consistent with the County's Critical Area program. We recommend that with the subdivision of one residential lot in the RCA, the remaining allowable density within the RCA on the property be indicated on the plan.

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Mr. DiGiacomo  
August 27, 1999  
Page two

Thank you for the opportunity to comment on this application. Please include this letter as part of the record for the subdivision. Please notify the Commission in writing of the decision made in this application. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville Zankel". The signature is written in black ink and is positioned above the typed name.

Susan McConville Zankel  
Natural Resources Planner

cc: CE 449-99

John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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August 27, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Atkinson Property - conditional use**  
**# CU 296**

Dear Ms. Maxwell:

Thank you for providing me with information on the above referenced application. The applicant is requesting conditional use to extend an existing pier an additional 50' to a total of 200'. The three acre property is located in the Resource Conservation Area.

Commission staff do not oppose the conditional use for the pier extension on the condition that there are no additional impacts to water quality or habitat. Thank you for the opportunity to comment. Please include letter in your files and submit it as part of the record for the conditional use. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville Zankel".

Susan McConville Zankel  
Natural Resources Planner

cc: CE 436-99

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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August 27, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Stevensville Cemetery - appeal  
# A - 133**

Dear Ms. Maxwell:

Thank you for providing me with information on the above referenced application. I have reviewed the above application appealing the revocation of a Temporary Occupancy Permit on this property in a designated Resource Conservation Area (RCA). The appeal does not appear to address actions that are addressed by the County's Critical Area program. Therefore, Commission staff have no comments on this appeal. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville Zankel".

Susan McConville Zankel  
Natural Resources Planner

cc: CE 437-99

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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August 23, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centerville, Maryland 21617

**RE: Hunters Oak - Conditional Use  
File # CU 294**

Dear Mr. Maxwell:

Thank you for the opportunity to provide comments on the proposed conditional use for Hunters Oak, LLG. It appears that the proposed uses requiring approval of conditional use are located outside of the Critical Area. Therefore, we have no Critical Area concerns at this time.

This application does refer to a future second 18 hole golf course that may be proposed on the western portion of the property which may impact the Critical Area portion of the property. Please keep us informed of any changes or additions to the site plan which involve development or disturbance in the Critical Area. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville Zankel  
Natural Resources Planner

cc: QA 188-98

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John C. North, II  
Chairman

Ren Serey  
Executive Director

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August 23, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Pelczar property - Sketch Plan review**  
**# SSP 05-99-5(c) Revision #1**

Dear Mr. Cohoon:

Thank you for providing me with information on the above referenced sketch plan. The applicant proposes a nine (9) lot commercial subdivision with public road to be served with public sewer and private wells. Portions of lots 4 through 9 are located in the Critical Area and a stormwater management pond is proposed in the Critical Area portion of the site. The property, designated as Limited Development Area (LDA), is located in the Grasonville Growth Area and a portion of the site in the Critical Area is pre mapped for growth allocation.

Commission staff have discussed the steps required for growth allocation with the county staff and do not believe there is a conflict in our recommendations. Final subdivision approvals may be received prior to the anticipated applications for growth allocation for individual lots if the proposed subdivision meets all of the LDA development standards. While the County may permit the actual planting for afforestation to be deferred for a period of time pending determination of individual uses for each lot, we recommend that the applicant be required to provide information on the plan regarding the how all of the LDA standards will be met in the event that the whole property or individual lots are developed without growth allocation.

We recommend, for example, that the required reforestation/afforestation areas be identified on the plan or if an offsite afforestation site is proposed, that it be identified prior to final site plan

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Mr. Steve Cohoon  
August 23, 1999  
Page two

approval. If applications for growth allocation for individual lots are approved, then the LDA requirements can be adjusted based on the actual change. We note that afforestation is defined as the planting of open areas which are not presently in forest cover. Off-site retention of existing forest may not fully meet the County's afforestation requirements.

Thank you for the opportunity to comment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,



Susan McConville Zankel  
Natural Resources Planner

cc: QA 356-99

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 23, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Norman Point (Winchester - Phase II) Major Subdivision - final site plan  
File # 05-99-040(c) - Revision #2**

Dear Ms. Hyer-Morgan:

Thank you for the opportunity to provide comments on the above referenced final plan revision for Winchester Subdivision - Phase II. I have reviewed the revisions proposed to meet the reforestation requirements and understand that the forest replacement is now proposed to be a combination of onsite and offsite plantings. The calculations of the area of existing woods to be cleared as proposed on this revision have changed such that the 10 ft. side yards on each lot are no longer included in the calculations of forest cleared. We recommend that these areas be recognized in the forest clearing calculations. In addition, the proposed playground area does not appear to be included in the forest clearing calculations. We recommend that any anticipated clearing for this activity area be included in the calculations for reforestation at this time.

We have no additional comments on the plan. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville Zankel".

Susan McConville Zankel  
Natural Resources Planner

cc: QA 474-97

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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August 23, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Gosnell, John G. - Preliminary Major/Sliding Scale Subdivision with TDR  
File #04-99-025(c) Revision #2**

Dear Ms. Hyer-Morgan:

Thank you for the opportunity to review the above referenced subdivision proposal. I have no additional comments on the revisions presented.

Please include this letter in your file and submit it as a part of the record for subdivision. Please notify the Commission in writing of the decision made in this application. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville Zankel  
Natural Resources Planner

cc: QA 390-99

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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August 23, 1999

Ms. Sue Ann Hyer Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Alvin Maier Family Partnership/ E & B Automotive - Site Plan  
MISP 04-99-13 c**

Dear Ms. Morgan:

Thank you for providing me with information on the above referenced minor site plan application for the construction of an automotive repair business. The 1.089 acre property is in a designated Intensely Developed Area (IDA). The applicant proposes to construct a 3,600 square foot automotive repair building with a second floor commercial apartment and associated parking. The total area of new impervious surface proposed is approximately 3,600 square feet.

Under the description of stormwater management, the application did not address if the redevelopment of the site will achieve the required 10% reduction in pollutant loading of phosphorus. The site drains to the regional stormwater management pond providing water quality and quantity control for the site. It should be determined if the regional pond was designed to achieve the pollutant reductions required for redevelopment of the IDA sites that drain to it. The criteria for development in the IDA in the local program require not only that redevelopment of previously impacted sites in the Critical Area do not result in adverse impacts on water quality, but that there is an improvement in the quality of water leaving the site.

No comments have been received from DNR's Wildlife and Heritage Division. We recommend that any conservation measures outlined by DNR be followed.

If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville Zankel  
Natural Resources Planner

cc: 434-99

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
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August 18, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Higginbotham Property - variance request  
V-420**

Dear Ms. Maxwell:

Thank you for providing me with information on the above referenced variance application. The application for variance indicated that the variance was "to increase allowed impervious surface to construct a woodshop for a home-based business". I understand that the variance is to allow additional accessory structures on the parcel and is not a variance to the 15% limit on impervious surfaces on parcels designated as Resource Conservation Area. Therefore, Commission staff do not have any comments on this variance request.

If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville Zankel".

Susan McConville Zankel  
Natural Resources Planner

cc: 421-99

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

August 17, 1999

Ms. Tanya Krista-Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Harris Crab House - final site plan, MASP 05-89-9-c (Amendment #2)**

Dear Ms. Krista-Maenhardt:

Thank you for providing me with information on the above referenced application. The application proposes the expansion of the Harris Crab House to include a 671 square foot first floor addition, and a 1,259 square foot addition on the second floor. The purpose of the expansion is to provide bathrooms, waiting area, and interior storage, refrigeration and freezer space, and to replace storage/freezer area lost to removal of existing trailers.

The previous site plan review (1995 submittal) indicated that the 10% reduction in pollutant loading requirement for redevelopment would be met through payment of a fee in lieu. The proposed amendment will not change the original 10% pollutant loading reduction requirements due to the fact that all improvements are proposed on existing areas of impervious surface. The project proposal included several amenities to be included as part of the project. One amenity described was the construction of a boardwalk for the entire Harris property to tie into Mears Point. The location of this boardwalk was not clearly identified on the plan. Please provide more specific information on the proposed boardwalk. Commission staff do not oppose the final site plan with the condition that the proposed boardwalk area is identified and is consistent with the County's Critical Area regulations.

Thank you for the opportunity to comment. Please include letter in your files and submit it as part of the record for the final site plan amendment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville Zankel".

Susan McConville Zankel  
Natural Resources Planner

cc: 418-99

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) 260-7516 Fax: (410) 974-5338

August 17, 1999

Ms. Tanya Krista-Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Harris Crab House - final site plan, MASP 05-89-9-c (Amendment #2)**

Dear Ms. Krista-Maenhardt:

Thank you for providing me with information on the above referenced application. The application proposes the expansion of the Harris Crab House to include a 671 square foot first floor addition, and a 1,259 square foot addition on the second floor. The purpose of the expansion is to provide bathrooms, waiting area, and interior storage, refrigeration and freezer space, and to replace storage/freezer area lost to removal of existing trailers.

The previous site plan review (1995 submittal) indicated that the 10% reduction in pollutant loading requirement for redevelopment would be met through payment of a fee in lieu. The proposed amendment will not change the original 10% pollutant loading reduction requirements due to the fact that all improvements are proposed on existing areas of impervious surface. The project proposal included several amenities to be included as part of the project. One amenity described was the construction of a boardwalk for the entire Harris property to tie into Mears Point. The location of this boardwalk was not clearly identified on the plan. Please provide more specific information on the proposed boardwalk. Commission staff do not oppose the final site plan with the condition that the proposed boardwalk area is identified and is consistent with the County's Critical Area regulations.

Thank you for the opportunity to comment. Please include letter in your files and submit it as part of the record for the final site plan amendment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville Zankel".

Susan McConville Zankel  
Natural Resources Planner

cc: 418-99

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Executive Director

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August 17, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Cox Creek Landing - Sketch Plan**  
**# SSP 04-99-6(c)**

Dear Ms. Hyer-Morgan:

Thank you for the opportunity to review the above referenced sketch plan. The applicant proposes 53 lots with proposed public road and community pier. According to the application, the average lot size is proposed to be approximately 8,000 square feet with minimum lot width of 65 feet. This 22.33 acre lot property is known as Lot 2 of the Fair Prospect Subdivision. We have the following comments.

1. As indicated in the sketch plan application, this project will require growth allocation for the site plan review to proceed. It is not clear if the applicant intends to apply for a designation change to Limited Development Area or to Intensely Developed Area. All criteria for LDA or IDA, as determined under a growth allocation approval, must be met and all Habitat Protection Areas identified and protected.

The application indicates approximately 17.67 acres will be the subject of the growth allocation application, however the property in the Critical Area is identified as 22.33 acres. The Commission's policy on growth allocation requires that if a development envelop is proposed in the RCA and less than the 20 acres remain outside of the envelop, then the entire parcel must be deducted. In addition, growth allocation areas proposed in the RCA are encouraged to provide a 300' naturally vegetated Buffer, and in the case where it is provided, that 300' buffer will not be deducted. If the minimum 100' Buffer is provided, that area is to be included in any acreage deduction.

2. The sketch plan identifies a "Recreation Area" that is located in the Buffer. No new development is permitted in the Buffer except those activities that meet the definition of water dependent facility. Access to the proposed community pier is permitted in the Buffer but must be designed such that "disturbance to the Buffer is the minimum

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Ms. Hyer-Morgan  
August 17, 1999  
Page two

necessary to provide a single access point to the facilities." [COMAR 27.01.03.07] We recommend that forest canopy be maintained and any access be maintained as a pervious surface.

3. We recommend that the best management practices that will be used for stormwater management be identified early in the subdivision design process. The location for a "water quality" structure is proposed on the sketch plan immediately adjacent to the Buffer. All water quality structures and their limits of disturbance must be located outside of the Buffer. In addition, we recommend that on-lot water quality enhancements using techniques such as "Bayscapes" be included.
4. The note regarding the area of woods on the parcel state that the area includes "wetlands". Are the wetlands included in these calculations the non-tidal wetlands in the Buffer? Do they include areas of tidal wetlands? If the non-tidal and/or tidal wetlands have been included, please provide information on the existing vegetation in the wetland areas to support their inclusion in the forest calculations. The area of existing forest on the property should be identified and clarified in order to determine afforestation requirements.
5. Under the State Criteria and County Program, when a property changes from agricultural to residential use, the full 100-foot Buffer must be established in forest. We recommend that the remaining area of the Buffer either be planted or be allowed to naturally regenerate to a forested condition.
6. If a Community pier is proposed as a part of the subdivision, the density of slips to platted lots or dwellings within the subdivision in the Critical Area must be consistent with the requirements found in the Critical Area Law (Natural Resources Law, §8-1808.5) and County program.
7. Please forward comments from the Department of Natural Resources - Forest Heritage and Wildlife Administration regarding Habitat Protection Areas on the property when available for our review

If you have any questions concerning these comments, please call me at (410)260-7019.

Sincerely yours,



Susan McConville Zankel  
Natural Resources Planner

cc: QA 420-99



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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August 16, 1999

Ms. Sandra Carter  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Dean Property - Sliding Scale Subdivision  
File # 02-99-032 C Revision #1**

Dear Ms. Carter:

Thank you for the providing information as requested in my comments dated May 25, 1999. We have the following additional comments.

1. Under the State Criteria and County Program, when a property changes from agricultural to residential use, the full 100-foot Buffer must be established in forest. We recommend that the remaining area of the Buffer either be planted or be allowed to naturally regenerate to a forested condition.
2. The septic reserve area as proposed on Lot 2 encroaches into the 100-foot Buffer. All new development activities must be located outside of the Buffer including septic reserve areas.

Commission staff do not oppose the subdivision as proposed on the condition that all new development is outside of the Buffer. Thank you for the opportunity to comment. Please notify the Commission in writing of the decision made in this application. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 262-99

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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August 10, 1999

Mr. Steve Cohoon  
Queen Anne's County  
Department of Planning and Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

**RE: Thompson Creek Shopping Center, proposed Mapping Mistake to change lands  
designated Limited Development Area to Intensely Developed Area -  
Critical Area Commission Review**

Dear Mr. Cohoon:

Thank you for your attendance at the August 4, 1999 Chesapeake Bay Critical Area Commission subcommittee meeting and your assistance in presenting the mapping mistake for the Thompson Creek Shopping Center property in Queen Anne's County. The purpose of this letter is to confirm that the Chairman determined that the proposed amendment qualified for review as a refinement to the County program. The Commission concurred with this determination. Therefore, the mapping mistake was approved as proposed.

Please forward the Critical Area map with appropriate changes to this office for our files. Please do not hesitate to call me at (410)260-7019 if you have any questions concerning the approved growth allocation. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan McConville Zankel".

Susan McConville Zankel  
Natural Resources Planner

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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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August 10, 1999

Mr. Steve Cohoon  
Queen Anne's County  
Department of Planing and Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

**RE: Growth Allocation for White Pines (9.85 acres changed: RCA-LDA)**  
**Critical Area Commission Review**

Dear Mr. Cohoon:

Thank you for your attendance at the August 4, 1999 Chesapeake Bay Critical Area Commission subcommittee meeting and your assistance in presenting the proposed growth allocation for Queen Anne's County. The purpose of this letter is to confirm that the Chairman determined that the proposed amendment qualified for review as a refinement to the County program. The Commission concurred with this determination. Therefore, the growht allocation was approved as proposed.

Please forward the Critical Area map with appropriate changes to this office for our files. Please do not hesitate to call me at (410)260-7019 if you have any questions concerning the approved growth allocation. Thank you.

Sincerely,

Susan McConville Zankel  
Natural Resources Planner

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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August 10, 1999

Ms. Vivian Swinson  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Long Point (Francis Property)- Administrative Variance application  
#05-99-01**

Dear Ms. Swinson:

Thank you for providing me with information on the above referenced administrative variance application. The applicant is seeking a variance from the County's Buffer requirements of the County's Environmental Protection Code §14-166 in order to construct a swimming pool within the 100-foot buffer on this property mapped Buffer Exemption Area (BEA) under the County's Critical Area program.

The property located on the Chester River includes 0.41 acres in the Critical Area designated as a Limited Development Area (LDA) and mapped as a BEA. The County's BEA program requires that new development or redevelopment shall minimize the disturbance in the Buffer to the least necessary. The applicant proposes the addition of 1325 square feet in the 100-foot Buffer. The 25' by 53' pool and impervious deck are proposed shoreward of the existing house and 50 from the water.

The Law

Any person who seeks a variance to the Queen Anne's County Critical Area Program must satisfy the variance standards specifically listed in Section 14-166 of the Queen Anne's County Zoning Ordinance. Five of these standards also appear in the Critical Area Criteria (COMAR 27.01.11) which form the basis for the local program. All variance standards must be met in order for a variance to be granted. It is the opinion of this office that all of the variance standards have not been met in this case. Below is an outline and analysis of the application of the required standards.

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Ms. Vivian Swinson

August 10, 1999

Page two

1. Section 14-166(1) and (2) addresses site features that are unique to the subject property or structure and the unwarranted hardship resulting from denial of the variance. There is nothing unique about this property. It is typical of many lots mapped as BEA and designated as LDA in the County. The legal standard of "unwarranted hardship" in the context of the variances to Critical Area standards is set forth clearly by the Court of Special Appeals in White v. North, 121 Md. App. 196 (1998) and North v. St. Mary's County, 99 Md. App. 502 (1994). Unwarranted hardship results only when denial of an applicant's request would result in denial of reasonable use of the site. This office firmly believes that denial of the accessory structure would not result in an unwarranted hardship.
2. Section 14-166(1) addresses the rights of the variance applicant with respect to the rights commonly shared by other owners of property within the same management area within the Critical Area. Denial of this variance will not deprive the property owner of rights shared by other property owners in the Limited Development Area mapped as Buffer Exemption Areas. All owners of like properties in Queen Anne's County within the Critical Area are similarly limited by the County's Critical Area requirements regarding new development activity within the Buffer. Therefore, the denial of this variance for the swimming pool will not deprive the property owner of rights shared by other owners of property in the Critical Area.
3. Section 14-166(5) addresses 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 and/or structures within the Critical Area. The granting of a variance for a swimming pool clearly would confer upon this property owner a special privilege because other similarly situated properties may not locate new accessory structures within the Buffer.
4. Section 14-166(3) addresses conditions or circumstances that are self-imposed and conditions or circumstances related to adjacent properties. It appears that the applicant has met this standard.
5. Section 14-166(6) 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 an intent of the County's Critical Area Program. This office has consistently opposed the placement of accessory structures, including swimming pools, in the 100-foot Buffer. In two cases decided under the Critical Area variance standards, the Maryland Court of Special Appeals has held that denial of a variance for the construction of accessory structures 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)

Ms. Vivian Swinson  
August 10, 1999  
Page three

(swimming pool in Buffer). The Buffer is a designated Habitat Protection Area designed to act as both a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The ability of the Buffer to achieve these functions is reduced by structures such as the pool in this case. This proposed pool by itself 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 detrimental effect of the Bay.

6. Section 14-166(7) requires that the variance request is the minimum deviation from the provisions of the County's Critical Area Ordinance that will achieve a reasonable use of land or structures. In our opinion this standard has not been met. The construction of the swimming pool within the 100-foot Buffer is not necessary to achieve a reasonable use of the land. The property owner would attain reasonable use with the construction of a single family dwelling, but would exceed the minimum deviation standard with the construction of the accessory pool.
7. Section 14-166(8) requires that a variance be granted only if it is in harmony with the general purpose of the Critical Area Ordinance and the County Program, and if the variance does not result in a prohibited use or an increase in the applicable impervious surface and density limits. We believe the issuance of a variance for the pool in this case is inconsistent with the general intent of the County's Ordinance and Program to prohibit new non-grandfathered development activities in the Buffer.

Commission staff cannot support the granting of a variance for the construction of the swimming pool as proposed. The Commission staff recommends that the administrative variance for the swimming pool be denied because the proposed accessory structure does not meet all of the County's variance standards or the County's policy for development in the Buffer in a BEA.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as a part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,



Susan McConville Zankel  
Natural Resources Planner

cc: Regina Esslinger  
QA 211-99

George W. Norman, Jr.  
Chairman



Executive Director

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

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August 6, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Metcalfe Property - application for conditional use**

Dear Ms. Maxwell:

Thank you for providing me with information on the above referenced application for a conditional use. The applicant has applied for a conditional use to extend an existing private pier an additional 100 feet to a total of 240 ft., including the 10' by 20' platform on the end of the pier.

Commission staff do not oppose the pier extension on the condition that there are no additional impacts to water quality or habitat. Thank you for the opportunity to comment. Please include letter in your files and submit it as part of the record for the conditional use. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville Zankel".

Susan McConville Zankel  
Natural Resources Planner

cc: 404-99

Chairman



Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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August 6, 1999

Ms. Tanya Krista-Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Frey Realty Company - administrative subdivision for relocation of lot line  
file # 03-99-055-c**

Dear Ms. Krista-Maenhardt:

Thank you for providing me with information on the above referenced application for the relocation of a lot line. According to the application, the RCA portions of the property are currently in agricultural production. No additional development activities are proposed with this application. It does not appear in the application that the lot line change will change the number of acres of RCA designated land on either lot.

Commission staff do not oppose the lot line relocation as proposed. Thank you for the opportunity to comment. Please include letter in your files and submit it as part of the record for the conditional use. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville Zankel".

Susan McConville Zankel  
Natural Resources Planner

cc: 403-99



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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August 3, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Dennis Coyle, Landings at Mattapex - proposed conditional use  
CU- 291**

Dear Ms. Maxwell:

Thank you for providing me with information on the above referenced application for a conditional use permit to allow the extension of an existing private pier. The 2.7 acre property is located in the Resource Conservation Area. The applicant requests the conditional use in order to extend a 150 foot pier an additional 30 ft., including the 10' by 20' platform on the end of the pier.

Commission staff do not oppose the pier extension on the condition that there are no additional impacts to water quality or habitat. Thank you for the opportunity to comment. Please include letter in your files and submit it as part of the record for the conditional use. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville Zankel  
Natural Resources Planner

cc: QA 376-99

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August 2, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Sang K. Choi, Bay City - proposed variance  
V- 419**

Dear Ms. Maxwell:

Thank you for providing me with information on the above referenced application for a variance to construct a deck on and existing house on a grandfathered lot in the Buffer. The 0.5 acre property is located in a mapped Buffer Exemption Area and is designated as a Limited Development Area. The deck is proposed to be located over an existing concrete pad that extends to within 34' of mean high water.

While Commission staff do not oppose the addition of a deck on this house in a grandfathered lot, we do recommend that the proposed deck be placed out of the Buffer to the greatest extent possible and that the applicant remove the area of impervious concrete pad under the proposed deck and replace it with pervious material. In addition, as required in the County's Critical Area Program, we recommend that the applicant be required to plant trees in the Buffer to mitigate for new development in the Buffer on a lot designated as a buffer exemption area.

Thank you for the opportunity to comment. Please include letter in your files and submit it as part of the record for the variance. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,  
  
Susan McConville Zankel  
Natural Resources Planner

cc: QA 377-99

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Ren Serey  
Executive Director

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July 29, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Bay Marsh Properties, LLC - Administrative Subdivision**  
**File # 04-00-053 c**

Dear Ms. Krista Maenhardt:

Thank you for providing me with information on the above referenced application for an administrative subdivision to relocate lot lines between three existing grandfathered lots. I understand that the purpose of the lot line adjustment is to accommodate a new location for the septic reserve area for Lot 2. While Commission staff recognize the development right attached to each of the lots and therefore do not oppose the granting of the adjustment, we are concerned that the location of all of the septic reserve areas in the Buffer adjacent to tidal wetlands on one side and 50 feet from an eroding shoreline of the Chesapeake Bay will result in adverse impacts to water quality in the future. We recommend that all development including the septic reserve areas be placed out of the Buffer to the greatest extent possible.

If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville Zankel  
Natural Resources Planner

cc: QA 389-99

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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July 27, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Anchorage - Growth Allocation request**  
**GA # 04-99-02(c)**

Dear Ms. Hyer-Morgan:

We have received your submittal regarding the growth allocation request for the Anchorage/Waterman project to change approximately 20 acres of land designated Resource Conservation Area to Intensely Developed Area. We expect that the growth allocation will be handled as a refinement to the County's Critical Area Program and we will plan to bring the proposed refinement to the September 1<sup>st</sup> Commission meeting. We will contact you as to the agenda for and location of the next meeting.

If you have any questions, I can be contacted at (410)260-7019.

Sincerely yours,

Susan McConville Zankel  
Natural Resources Planner

cc: QA 113-99

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Chairman



Ren Serey  
Executive Director

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July 27, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Gosnell, John G. - Preliminary Major/Sliding Scale Subdivision with TDR  
File #04-99-025(c) Revision #1**

Dear Ms. Hyer-Morgan:

I have reviewed the revisions to the above referenced application for a residential sliding scale subdivision in the Resource Conservation Area (RCA) with the use of one transferable development right (TDR) from the John H. Dean, jr. subdivision. Thank you for addressing our previous comments. I have the following additional comments on the revised plan:

- The site plans indicate that there will be a total of approximately 1.56 acres of forest cleared in the Critical Area. However the Critical Area reforestation to replace this impact has not been identified on the plan. It is not clear if the afforestation and protected area of forest identified in the Critical Area on the site plan is proposed to meet the Critical Area requirements or those for the Forest Conservation Act. Please clarify.
- Development on the proposed Lot 7, created with the use of one TDR, will potentially impact forested nontidal wetlands. Commission staff recommends that Lot 7 be reconfigured to minimize impacts to forest and potential impacts to non-tidal wetlands and their buffers as well as potential impacts to the 100-foot Buffer.

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Ms. Hyer-Morgan  
July 27, 1999  
Page two

Commission staff do not oppose the Transfer of Development Rights proposal for the John H. Dean, Jr. property to the John G. Gosnell property. We do not oppose the sliding scale subdivision, however we do recommend that the County require the applicant to provide information on the issues outlined in this letter prior to project approval.

Please include this letter in your file and submit it as a part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,



Susan McConville Zankel  
Natural Resources Planner

cc: QA 390-99

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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July 23, 1999

Ms. Sue Ann Hyer Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Mallard Run (White Pines), Major Subdivision - preliminary approval request  
# 04-99-047 -c**

Dear Ms. Hyer Morgan:

Thank you for providing me with information on the above referenced subdivision. The applicant has proposed an 81 lot single family subdivision. The project proposal includes 14 lots with stormwater management pond, road, and Boat/RV storage area, in the 9.8 acre Critical Area portion of the site designated Resource Conservation Area (RCA). The property is in a pre-mapped growth allocation area under the Stevensville Community Plan. A growth allocation request to change the Critical Area portion of the property to Limited Development Area (LDA) has been received and is scheduled for review at the August 4<sup>th</sup> Commission meeting.

We have reviewed and provided comments on the sketch plan for the above referenced subdivision. We have the following additional comments.

1. If the project is approved for growth allocation, the 15% limit on impervious surfaces for new subdivisions in the LDA must be met. The State criteria and County program allow individual lots in the Critical Area in new subdivisions to be developed with impervious surface coverage of up to 25% of the lot. However the total area of impervious surfaces in the Critical Area in the subdivision may not exceed 15%. It appears that the impervious area in the Critical Area portion of the property as proposed would exceed the 15% limit. The applicant has not included the proposed boat/RV storage area in the impervious surface calculations, "because of the residential nature of the development". Commission staff recommend that the gravel storage/parking area be included in the calculations for impervious surfaces.

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Ms. Hyer Morgan  
July 23, 1999  
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2. The applicant has identified a non-tidal wetland or intermittent stream along the western property line of the property. While the stream was not identified on the USGS 7½ minute topographic quad maps, it was identified on other resource maps. We recommend that the County make a determination as to whether the this area is an intermittent stream to determine if it has been appropriately buffered.

Commission staff recommend that the issues outlined above be addressed prior to subdivision approval. Please include this letter in your file and submit it as a part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,



Susan McConville Zankel  
Natural Resources Planner

cc: QA 16-99



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) 260-7516 Fax: (410) 974-5338

July 23, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Anderson - Minor subdivision**  
**# 03-00-050 - c**

Dear Mr. Cohoon:

Thank you for providing me with information on the above referenced minor subdivision request. The 146.5 acre parcel includes 120.1 acres in the Critical Area designated Resource Conservation Area (RCA). The applicant proposes a minor subdivision to combine 28.5 acre Parcel 147 and 118.0 acre Parcel 10 and then to subdivide from the "remaining lands" the portion of the property along the Corsica River into four cluster lots of 3 acres or less with a private road. Three of the four newly proposed lots are undeveloped. The fourth lot as proposed contains an existing one-story house. The 120.1 RCA acres in the Critical Area permits no more than a total of six (6) dwelling units based on the density limits of one dwelling unit per 20 acres in the RCA.

The Environmental Report identified several Habitat Protection Areas on the property including several streams and their forested Buffers, as well as potential habitat for Delmarva Fox Squirrel, a Great Blue Heron nesting colony, potential Forest Interior Dwelling Bird habitat, and Anadromous fish spawning waters. Recommendations for the protection of these habitat areas have been submitted by staff of the DNR - Heritage and Biodiversity Conservation Program. The report submitted with this application states that no impacts to forest are proposed, however the site plan identifies 0.918 acres of forest impacts. The 0.918 acres of forest clearing has not been identified on the site plan and no area for reforestation has been identified. In light of the DNR recommendations for protection of the above referenced Habitat Protection Areas, all forest impacts must be identified and reviewed for impacts to protected habitat areas. Commission staff recommend that the applicant explore alternative lot configurations in order to eliminate forest impacts.

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Mr. Cohoon  
July 23, 1999  
Page two

The Critical Area Criteria require that when agricultural uses are converted to residential use, the 100-foot protected and forested Buffer must be established in forest vegetation. (COMAR 27.01.09.02 C(6)). The reestablishment of the forested Buffer is also consistent with the recommendations for protection of Delmarva Fox Squirrel, forest interior dwelling bird habitat, Great Blue Heron Colony and Anadromous fish spawning waters. Commission staff recommend that the 100-foot Buffer be reestablished.

The environmental report states that intermittent/perennial streams were field identified in the bed of all property ravines with some ravines branching several times creating a multitude of streams. Water up to five feet wide and 18 inches deep in the streams flowed in various direction to Alder Branch or Corsica River during the site visits. While the 100-foot Buffer is plotted around the remaining portion of Alder branch and the major ravine streams on the subdivision plan, it is not clear that all streams and their buffers have been identified on the plan. Commission staff recommend that the County determine if all the intermittent and perennial streams have been located and Buffered.

Thank you for the opportunity to comment. Please forward information regarding the issues identified in this letter and we will provide further comment. Please include this letter in your file and submit it as a part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,



Susan McConville Zankel  
Natural Resources Planner

cc: QA 378-99



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 23, 1999

Ms. Sandra Carter  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

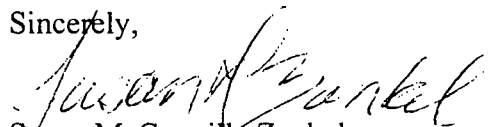
**RE: Butz, Inc. - Administrative subdivision  
# 04-99-052 - c**

Dear Ms. Carter:

Thank you for providing me with information on the above referenced administrative subdivision request. Commission staff do not oppose the adjustment of the existing lot line between lots 60 and 61 as proposed. While no development activities have been proposed with this application, all development activities proposed on the newly configured lots must be consistent with the Limited Development Area criteria and Habitat Protection Area requirements in the County's program and State criteria.

Please include this letter in your file and submit it as a part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

  
Susan McConville Zankel  
Natural Resources Planner

cc: QA 380-99

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 21, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

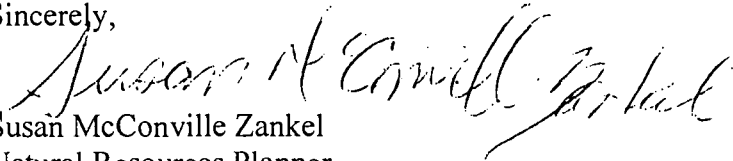
**RE: Cove Creek Club, Inc. - Administrative Subdivision request  
# 04-99-051 -c**

Dear Ms. Maenhardt:

Thank you for providing me with information on the above referenced administrative subdivision request. Commission staff do not oppose the proposed realignment of the boundary line between Community Area B and Area 4, parcel Q of Cove Creek Club (Golf Course) as proposed for residential use. While no development activities have been proposed with this application. Any development within the new boundary must meet all Critical Area criteria for development in the Limited Development Area and all habitat protection Area requirements.

Please include this letter in your file and submit it as a part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

  
Susan McConville Zankel  
Natural Resources Planner

cc: QA 378-99

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

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(410) 260-7516 Fax: (410) 974-5338

July 21, 1999

Mr. Eric Sennstrom  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: Wapiti Farm - Buffer variance request**

Thank you for the opportunity to comment on the Buffer variance request on the Max C. Chapman, Wapiti Farms, LLC property. This letter sets forth the evaluation, comments, and recommendations of the Chesapeake Bay Critical Area Commission (the Commission) on the Chapman variance application. It is offered to provide assistance to the Board of Appeals regarding consistency of the proposed development with the Cecil County Critical Area Program and the Criticla Area Act (NRA 58-1801 et seq.). As you are aware, I have served as Natural Resources Planner with the Commission responsible for project and program review in Cecil County since April of 1996. Along with other administrative tasks, my primary duty is to provide technical assistance to nine jurisdictions, including Cecil County. In addition to working with the County Planning and Zoning staff on programmatic issues, I am responsible for providing comments and recommendations to staff on project applications, including but not limited to subdivisions, site plans, special exceptions, rezonings and variances. Needless to say, I review several hundred projects per calendar year.

The variance case before the Board involves an application to construct golfing greens and to place fill within the 110-foot Buffer to the Elk River. The variance is required because the County prohibits the placement of new, non water-dependent development, including grading and filling, within the Buffer. According to the County's Zoning Ordinance, Section 196 Buffer requirements,

where a tract of land bordering tidal water, tidal wetlands, or tributary streams in the Critical Area is proposed for development or redevelopment and a Buffer Exemption Area has not been mapped and designated by the County Commissioners and approved by the Critical Area Commission, a Buffer of at least one hundred and ten (110) feet shall be established in natural vegetation.

A golfing green that is constructed and intensively managed to maintain turfgrass through the use of herbicides, insecticides, fertilizers and mowing, as described in the environmental impact assessment report, does not meet the County's definition of natural vegetation. A golfing green is not a water-dependent facility as defined in the Critical Area Criteria and therefore need not be

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Mr. Eric Sennstrom  
July 21, 1999  
Page two

located in the Buffer to function as such. In addition, the County's Critical Area program and State criteria require that the Buffer be established and that forest vegetation shall be used in those areas of the Buffer where agricultural activities cease and the land is converted to other uses (Cecil County Critical Area Program, Section 9. Habitat Protection Program Elements and COMAR 27.01.09.02 C(7)).

The 443 acre property known as the Wapiti Farm is located off of Turkey Point Road at 307 Wapiti Lane, North East. The portion of the property that is located in the Critical Area is designated as a Resource Conservation Area (RCA). According to the environmental impact assessment, the property has been in agricultural use throughout the century with a limited number of structures located both inside and outside of the Critical Area. The land in the 64 acre drainage area defined under this variance application consists of 85% in agricultural use, 9% in forest and 6% in buildings or roads. The full 110-foot Buffer remains undeveloped except for a boathouse and one dwelling and shed that are proposed to be removed as described in the environmental assessment included with this variance application. It appears from the "Proposed Conditions Plan" that in addition to holes #15 and #17, the green for hole #14 is proposed in the Buffer in the location of the existing dwelling. As previously noted, the County Code states that a variance is required for *redevelopment* in the Buffer. A variance has not been requested under this application for the proposed redevelopment in the Buffer for hole #14. A variance is required to permit this proposed redevelopment in the Buffer.

A portion of the shoreline has been protected with a series of shore erosion control structures. Protection of the shoreline from erosion with appropriate shore erosion control measures, structural or vegetative, is encouraged in the Critical Area and does not conflict with the Buffer protection requirements in the County program and state criteria. This office would like to offer comments as to why we cannot support a variance to allow the proposed development in the 110-foot Buffer.

### **The Variance Standards**

Any person who applies for a variance to the Critical Area Criteria must meet five variance standards that are specifically listed in COMAR 27.01.1, and in the Cecil County Zoning Ordinance, Section 306. (Cecil County's Ordinance addresses one additional standard regarding greater profitability.) All five of the variance standards must be met in order for a variance to be granted. It is the opinion of this office that all five of the variance standards have not been met in this case. The application for variance fails on the first standard. Nothing in the application for the variance presents any indication of hardship. We recommend that the Board of Appeals deny the variance because of the applicant's failure to meet the variance standards. We recommend that the applicant move the proposed greens and placement of fill as well as the associated limits of disturbance for their construction outside of the Buffer. There appears to be ample room on the 443 acre site to do so. We will be happy to offer assistance in suggesting alternative locations for the proposed greens.

Below is an outline of the required variance standards as applied in this case.

1. The first standard addresses conditions that are unique to the subject property involved and the unwarranted hardship resulting from denial of the variance. The legal standard of "unwarranted hardship" in the context of the variances to Critical Area standards is set forth clearly by the Court of Special Appeals in White v. North, 121 Md. App. 196 (1998) and North v. St. Mary's County, 99 Md. App. 502 (1994). Unwarranted hardship results only when denial of an applicant's request would result in denial of reasonable use of the site. Based on our review of the application, this property is typical of many parcels on the Elk River with land in the Critical Area designated as Resource Conservation Areas (RCA) in Cecil County. As described in the variance application, the property is currently developed with several out buildings clustered at the top of the knoll and one house with associated sheds and boat house in or just outside of the Buffer. This office firmly believes that a denial of the proposed new development activities in the 110-foot Buffer would not deny the applicant reasonable use of the property or result in an unwarranted hardship to the applicant. [Section 306-2(e.1) of the Cecil County Z.O.].
2. The second standard addresses the rights of the variance applicant with respect to the rights commonly shared by other owners of property in the same management area within the Critical Area District. Denial of this variance will not deprive the property owner of rights shared by other property owners in the RCA. All property owners in the Critical Area are similarly limited by the Critical Area Law and the County's Program concerning new development in the Buffer. Commission staff and the County have consistently required that all development be located outside of the Buffer unless the proposed development activities meet the definition or criteria for water dependent uses, grandfathering, or Buffer exemption. Clearly on this property, the applicant has the acreage to create a golf course without introducing new disturbance in the Buffer. Therefore this standard is not met. [Section 306-2(e.2) of the Cecil County Zoning Ordinance]
3. The third standard addresses 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 and/or structures within the Critical Area. The granting of this variance would confer upon this property owner a special privilege because all similar properties are restricted from grading, filling, and new development in the Buffer. [Section 306-2(e.3) of the Cecil County Zoning Ordinance]

Mr. Eric Sennstrom  
July 21, 1999  
Page four

4. The fourth standard requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. The variance is not based on conditions or circumstances which are the result of the applicant's actions. Therefore this standard is met. [Section 306-2(e.4) of the Cecil County Zoning Ordinance]
5. The fifth standard 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 Critical Area Program. The construction of the greens in the Buffer and their use adversely impacts water quality and habitat both by removing the existing natural vegetation in the Buffer and by creating an area that will be intensively managed with herbicides, insecticides and fertilizers and will introduce new ongoing activities in the Buffer. The approval of the proposed variance will contribute to the cumulative and long term impacts of such development activity and therefore is not consistent with the general spirit and intent of the Critical Area Program. [Section 306-2(e.5) of the Cecil County Zoning Ordinance]

When reviewing golf course development, this office has consistently opposed the placement of greens, tees and fairways in the Buffer or expanded Buffer. The Buffer is a designated Habitat Protection Area designed to act as both a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The Buffer's ability to achieve these functions is reduced by such disturbance and development activities as those proposed in this case. This permanent removal of natural vegetation and ongoing intensive management and activity in the Buffer by itself may seem inconsequential to the health and welfare of the Bay and ecosystems it supports, but allowing these development activities would be to allow thousands that would have a detrimental effect on the Bay. As the General Assembly in §8-1801 of the Critical Area Act declared:

“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.”

Mr. Eric Sennstrom  
July 21, 1999  
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Commission staff recommend denial of the variance based on failure to meet all of the five variance standards. We recommend that all development related to the construction of the proposed golf course be constructed outside of the Buffer.

Thank you for the opportunity to comment on this application. Please include this letter as part of the record for the variance request. Please notify the Commission in writing of the decision made in this application. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,



Susan McConville Zankel  
Natural Resources Planner

cc: Marianne D. Mason, Assistant Attorney General  
Ren Serey, Executive Director  
CE 346-99





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) 260-7516 Fax: (410) 974-5338

July 21, 1999

Mr. Joseph Johnson  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: Taggart - variance request**

Dear Mr. Johnson:

Thank you for the opportunity to comment on the variance for the Knight's Island Preserve community piers. This letter sets forth the evaluation, comments, and recommendations of the Chesapeake Bay Critical Area Commission (the Commission) on the Taggart Variance application. It is offered to provide assistance to the Board of Appeals regarding consistency of the proposed actions with the Cecil County Critical Area Program and the Critical Area Act (NRA 58-1801 et seq.). The variance case before the Board involves an application to increase the number of boat slips permitted for the community piers at the Knights Island Preserve subdivision. An additional six (6) slips are proposed above the number that are allowed under the County program and the Critical Area Law and Criteria.

The variance is required because the County Code and Critical Area Act clearly limit the number of slips that can be permitted based on the number lots or dwellings in the Critical Area in the subdivision and the feet of shoreline in the subdivision. According to the Critical Area Law, §8-1808.5 (d) *Number of Slips*,

The number of slips permitted at a facility shall be the lesser of the following:

- 1) One slip for each 50 feet of shoreline in a subdivision located in an intense or limited development area, and one slip for each 300 feet of shoreline in a subdivision located in a resource conservation area; or
- 2) A density of slips to platted lots or dwellings within a subdivision in the Critical Area in accordance with the following schedule:

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

Mr. Joseph Johnson  
July 21, 1999  
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| <i>Platted Lots or Dwellings<br/>in the Critical Area</i> | <i>Slips</i>                    |
|---|---------------------------------|
| Up to 15  | 1 for each lot                  |
| 16 - 40   | 15 or 75%, whichever is greater |
| 41 - 100  | 30 or 50%, whichever is greater |
| 101 - 300   | 50 or 25%, whichever is greater |
| More than 300   | 75 or 15%, whichever is greater |

The language in the County's Critical Area program and language in the Cecil County Zoning Ordinance, Section 198. Water Dependent Facilities, is consistent with these provisions in the Critical Area Law. The Critical Area Law and the County program clearly restricts the number of slips, and not the number of boats moored at one time within those slips.

Based on the schedule above, the maximum number of permitted slips for the approved subdivision was determined to be 17 at the time of subdivision approval. The Critical Area Act and County program regulate the number of allowable slips specifically, as outlined above, but do not address the number and location of boats in the slips. It is only through a variance to these provisions that more slips can be permitted.

#### **The Variance Standards**

Any person who applies for a variance to the Critical Area Criteria must meet five variance standards that are specifically listed in COMAR 27.01.1, and in the Cecil County Zoning Ordinance, Section 306. (Cecil County's Ordinance addresses one additional standard regarding greater profitability.) All five of the variance standards must be met in order for a variance to be granted. It is the opinion of this office that all five of the variance standards have not been met in this case. The application for variance fails on the first standard. Nothing in the application for the variance presents any indication of hardship. We recommend that the Board of Appeals deny the variance because of the applicant's failure to meet the variance standards.

Below is an outline of the required variance standards as applied in this case.

1. The first standard addresses conditions that are unique to the subject property involved and the unwarranted hardship resulting from denial of the variance. The legal standard of "unwarranted hardship" in the context of the variances to Critical Area standards is set forth clearly by the Court of Special Appeals in White v. North, 121 Md. App. 196 (1998) and North v. St. Mary's County, 99 Md. App. 502 (1994). Unwarranted hardship results only when denial of an applicant's request would result in denial of reasonable use of the site. Based on our review of the application, this property is typical of many parcels on the Sassafras River that have been approved for subdivision under the Critical Area Law and Cecil County's Critical Area program. The Knights Island Preserve subdivision was approved with twenty-two (22) fully developable lots. The community piers were

Mr. Joseph Johnson  
July 21, 1999  
Page three

approved as part of the subdivision. This office firmly believes that a denial of the proposed additional slips would not deny the applicant reasonable use of the property or result in an unwarranted hardship to the applicant. [Section 306-2(e.1) of the Cecil County Z.O.].

2. The second standard addresses the rights of the variance applicant with respect to the rights commonly shared by other owners of property in the same management area within the Critical Area District. Denial of this variance will not deprive the property owner of rights shared by other property owners in approved subdivisions in the Critical Area. All property owners in the Critical Area are similarly limited by the Critical Area Law and the County's Program concerning the number of slips permitted for a community pier. Commission staff and the County have consistently required that the schedule for calculating the number of slips permitted on a community pier provided as part of a new development be followed. Therefore this standard is not met. [Section 306-2(e.2) of the Cecil County Zoning Ordinance]
3. The third standard addresses 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 and/or structures within the Critical Area. The granting of this variance would confer upon this property owner a special privilege because all similar properties are restricted from adding additional slips on existing approved community piers. [Section 306-2(e.3) of the Cecil County Zoning Ordinance]
4. The fourth standard requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. The variance is not based on conditions or circumstances which are the result of the applicant's actions. Therefore this standard is met. [Section 306-2(e.4) of the Cecil County Zoning Ordinance]
5. The fifth standard 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 Critical Area Program. The addition of slips and their use adversely impacts water quality and habitat by increasing impacts to existing natural vegetation, tidal waters, submerged aquatic plant beds, or other areas of important aquatic habitat and the potential introduction of pollutants from increased boating activities. The approval of the proposed variance will contribute to the cumulative and long term impacts of such development activity and therefore is not consistent with the general spirit and intent of the Critical Area Program. [Section 306-2(e.5) of the Cecil County Zoning Ordinance]

Mr. Joseph Johnson  
July 21, 1999  
Page four

When reviewing subdivision proposals that include community piers, this office has consistently opposed proposals to exceed the number of slips permitted under the Critical Area Law and County program. This proposed increase of slips by itself may seem inconsequential to the health and welfare of the Bay and ecosystems it supports, but allowing these development activities would be to allow thousands that would have a detrimental effect on the Bay. As the General Assembly in §8-1801 of the Critical Area Act declared:

“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.”

Commission staff recommend denial of the variance based on failure to meet all of the five variance standards. We recommend that no additional slips be permitted.

Thank you for the opportunity to comment on this application. Please include this letter as part of the record for the variance request. Please notify the Commission in writing of the decision made in this application. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,



Susan McConville Zankel  
Natural Resources Planner

cc: Marianne D. Mason, Assistant Attorney General  
Ren Serey, Executive Director  
CE 345-99

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) 260-7516 Fax: (410) 974-5338

July 21, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617


**RE: Cove Creek Club, Inc. - Administrative Subdivision request  
# 04-99-051 -c**

Dear Ms. Maenhardt:

Thank you for providing me with information on the above referenced administrative subdivision request. Commission staff do not oppose the proposed realignment of the boundary line between Community Area B and Area 4, parcel Q of Cove Creek Club (Golf Course) as proposed for residential use. While no development activities have been proposed with this application. Any development within the new boundary must meet all Critical Area criteria for development in the Limited Development Area and all habitat protection Area requirements.

Please include this letter in your file and submit it as a part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

  
Susan McConville Zankel  
Natural Resources Planner

cc: QA 378-99

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 13, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Sanchez property - Administrative Subdivision request  
# 07-99-042 -c Revision : #1**

Dear Ms. Maenhardt:

Thank you for providing me with information on the above referenced revision. Commission staff do not oppose the proposed combination of the three lots or the construction of a dwelling as proposed based on the information provided that the existing structure on the property is not considered a dwelling unit by the County and that the applicant will meet the impervious surface limits for development in the LDA.

Please include this letter in your file and submit it as a part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely

A handwritten signature in cursive script that reads "Susan M. Zankel".

Susan M. Zankel  
Natural Resources Planner

cc: QA 317-99

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  
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July 12, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Pelczar property - Sketch/Concept Plan review  
# SSP 05-99-5(c)**

Dear Ms. Hyer-Morgan:

Thank you for providing me with information on the above referenced sketch/concept plan. The applicant proposes a nine (9) lot commercial subdivision with public road to be served with public sewer and private wells. The site is located within the Grasonville Growth Planning Area and a portion of the site in the Critical Area has been pre mapped for growth allocation. The property in the Critical Area is currently designated as a Limited Development Area (LDA). As requested under this application, the award of growth allocation will be necessary to develop the property as proposed.

We recommend that the applicant be required to apply for growth allocation prior to final subdivision approval. A growth allocation change from LDA to IDA allows the property to be developed under the IDA criteria, including requirements to protect all habitat protection areas and achieve a 10% reduction in phosphorus loading from the pre-development conditions. The concept plan shows that there will be a significant increase in the area of impervious surface on the site and has included a stormwater management pond in the concept plan to treat the increased runoff. Commission staff recommend that the applicant provide more detailed information on how the 10% pollutant reduction requirement will be met onsite, including drainage areas and completion of the calculations found in the "Applicant's Guide for 10% Rule Compliance". In addition, please forward all information concerning the location of any habitat protection areas on site to this office.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Ms. Hyer-Morgan  
Page Two  
July 12, 1999

Commission staff do not oppose the concept plan as proposed, however our support for the project will be conditioned on the approval of the growth allocation and demonstration that all the IDA criteria can be met.

Thank you for the opportunity to comment. Please forward any additional information provided to the County on this project and we will provide further comment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,



Susan M. Zankel  
Natural Resources Planner

cc: QA 356-99





55

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) 260-7516 Fax: (410) 974-5338

June 14, 1999

Mr. Eric Sennstrom  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: Knowles Property - Special Growth Allocation Request**

Dear Mr. Sennstrom:

The Critical Area Commission accepts the County's submittal of the Special Growth Allocation request to amend the County's Critical Area Program. The Board of County Commissioners of Cecil County has approved this request for Special Growth Allocation to change 0.43 acres of the Olive Knowles property from Resource Conservation Area to Limited Development Area. The request also received a favorable recommendation from the Cecil County Planning Commission. The purpose of the Special Growth Allocation is allow the creation of two residential lots on an existing RCA parcel

We accept the proposed amendments as a complete submittal and consider it a refinement to the Cecil County Critical Area program. Chairman North will make a refinement determination and we will schedule the refinement to be presented at the July 7<sup>th</sup> Critical Area Commission meeting. Please call me at (410)260-7019 if you have any questions concerning Critical Area Commission review.

Sincerely,

Susan McConville  
Natural Resources Planner

SM/jjd

cc: Mary Owens, Chief Program Implementation  
CE 99-99

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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June 22, 1999

Ms. Vivian Swinson  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Thomas Christensen property - Administrative Variance request  
# 04-99-04**

Dear Ms. Swinson:

Thank you for providing me with information on the above referenced variance application. The applicant proposes the construction of an addition to an existing house on an existing concrete foundation. The lot is grandfathered and the existing dwelling is located within the 100-foot Buffer. No new impervious surfaces re proposed. No clearing of vegetation is proposed.

Commission staff do not opposed the proposed addition on existing impervious surfaces on this grandfathered dwelling and lot. Thank you for the opportunity to comment. Please include this letter in your file and submit it as a part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 320-99

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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June 22, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Sanchez property - Administrative Variance request  
# 07-99-042 -c**

Dear Ms. Maenhardt:

Thank you for providing me with information on the above referenced application for administrative variance. The applicant proposes to combine Lots 30, 31, and 32 to create on 0.48 acre lot and proposes the construction of a single family dwelling on the new lot. There is an existing dwelling in the Buffer on the LDA property. The new structure is proposed to be located within the Buffer.

Commission staff do not oppose the proposed combination of the three lots. However, we cannot support the variance to construct a new dwelling on the property until a determination is made as to whether the existing dwelling on the lot will be removed or is not considered a dwelling unit by the County. In addition, the applicant will be required to meet the impervious surface limits for development in the LDA.

Thank you for the opportunity to comment. Please forward any additional information provided to the County on this project and we will provide further comment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 317-99

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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June 21, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Conrad Monts - Variance request  
# V-411**

Dear Ms. Maxwell:

Thank you for providing me with information on the above referenced variance application. I understand that the applicant is seeking a variance from the County's impervious surface requirements [Section 14- 138-(d)(8) of the Queen Anne's County Environmental Protection Code] for the construction of a 20' by 40' swimming pool with decking and a 12' by 16'6" screened porch. The property is located in a Limited Development Area (LDA) under the Queen Anne's County Critical Area Program. I understand from my conversations with the County staff that permits were received for construction of structures on the lot that consisted of no more than the 15% impervious surface limit on the property and that the property now exceeds the impervious surface limits due to the construction of additional structures without permits. Existing impervious surfaces on the lot currently exceed the 15% limit for development on lands within the designated LDA of Queen Ann's County. The property is in a designated Buffer Exemption Area (BEA). The pool and deck, as proposed, will not extend shoreward of the existing structure.

Commission staff cannot support a variance to allow additional impervious surfaces on the property. The Commission staff recommends that the Board deny the variance for the proposed additional impervious area because the applicant's request fails to meet all of the County's variance standards. In addition, we recommend that the applicant remove impervious surfaces on the property to bring the lot into consistency with the County's Critical Area limits for impervious surfaces in the LDA.

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Ms. Cathy Maxwell  
June 21, 1999  
Page two

Thank you for the opportunity to comment. Please include this letter in your file and submit it as a part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 187-99



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) 260-7516 Fax: (410) 974-5338

June 11, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Norman Point (Winchester - Phase II) Major Subdivision  
preliminary/final site plan  
File # 05-99-040(c)**

Dear Ms. Hyer-Morgan:

Thank you for the opportunity to provide comments on the preliminary/final plan revision for Winchester Subdivision - Phase II. The applicant proposes 19 lots as part of Phase II of the Winchester Subdivision, 18 of which are located in the Critical Area. The Critical Area portion of the property (29.099 acres) is classified as Limited Development Area (LDA). I understand from the submittal, the total area of impervious surfaces is proposed to be less than 15%, including the right of ways, as required. The proposed forest replacement will be a combination of onsite planting and payment of a fees in lieu.

We have no additional comments on the plan. Commission staff do not oppose the subdivision as proposed. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 474-97

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

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(410) 260-7516 Fax: (410) 974-5338

June 10, 1999

Ms. Tanya Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Littman Property - Preliminary, Major Subdivision  
File # 02-99-031(c)**

Dear Ms. Maenhardt:

Thank you for the opportunity to review the above referenced subdivision. The applicant proposes to combine the existing five lots and associated open space into one lot. The five lots and open space comprise a total of approximately 5.96 acres in the Critical Area designated Limited Development Area. The existing lots are vacant and no development is proposed on the newly created lot under this application.

Commission staff do not oppose the proposed combination of lots. Thank you for the opportunity to comment. Please notify the Commission in writing of the decision made in this application. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 302-99

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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June 8, 1999

Ms. Vivian Swinson  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Boersma - Administrative Variance**  
**# 05-99-03**

Dear Ms. Swinson:

Thank you for providing me with information on the above referenced administrative variance application. The applicant is seeking a variance to construct a 264 sf. addition to the north end of the garage and a 156 sf addition to the east side of the garage. The additions are needed to increase space for storage of lawn and garden tools and supplies as well as to provide work space. The 264 sf. addition will be constructed on an area of existing impervious surface. The total increase in the area of impervious surface in the Buffer will be approximately 156 square feet.

According to the submittal, the entire property is within the 100-foot Buffer. The total area of impervious surface on the LDA property will not exceed the 15% impervious surface limit. Two trees in the Buffer have been identified to be removed to accommodate the proposed addition. The applicant proposes to replace these trees with 4'-6' tall dogwoods on the property.

Commission staff do not oppose the granting of the variance for the addition in the Buffer. However, we recommend that the variance be approved with the condition that the applicant mitigate for the loss of the trees and the area of new impervious surface in the Buffer with the planting of trees in the Buffer at a ratio of three to one.

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



Please include this letter in your file and submit it as a part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville". The signature is written in black ink and is positioned above the printed name.

Susan McConville  
Natural Resources Planner

cc: QA 300-99



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  
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June 7, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Benson Property - Variance Request**  
**Local Case # V-416**

Dear Ms. Maxwell:

Thank you for the opportunity to review the above referenced impervious surface variance request. The applicant has requested a variance from Section 14-138 (d)(8) of the County Code to increase the allowable 15% impervious cover by 1095.72 square feet in order to construct an addition to an existing dwelling. The property has approximately 14,373.33 square feet (0.33 acres) in the Critical Area designated as Limited Development Area (LDA). The applicant proposes a 5' by 20' extension to front porch and a 10' by 26' extension to the bedroom and bathroom. It appears that the proposed additions will increase the existing area of impervious surfaces on the property by approximately 360 square feet.

Commission staff do not support the granting of a variance to increase the total area of impervious surface on the lot, however, we would not oppose permitting the proposed additions on the condition that the applicant reduce the area of existing impervious surfaces on the lot so that there is no net increase in impervious surfaces. In addition, we recommend that the area of the property where impervious surfaces are removed be restored with the planting of trees and native vegetation in order to mitigate for the new area of impervious surface.

Please include this letter in your file and submit it as a part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 279-99

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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June 7, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Franks Property - Variance Request  
Local Case # V-417**

Dear Ms. Maxwell:

Thank you for the opportunity to review the above referenced variance request. The applicant has requested a variance to the side yard setback of Section 18-1-048 of the County Code to allow conversion of an existing residence to commercial use and with a 12' addition to the rear of the existing building. The property includes approximately 1.348 acres in the Critical Area designated as Intensely Developed Area (IDA). According to the application and site plan, the proposed additions with parking will result in an 10,000 square foot increase in impervious surfaces on the property, from 6865 square feet to approximately 17,000 square feet.

The Critical Area Commission staff do not oppose the granting of a variance to the side yard setback. However, we do recommend that the applicant provide information on stormwater management to the County to ensure that the 10% reduction in pollutant loading for new development or redevelopment on a lot in the IDA is achieved on site as required under the County's Critical Area program.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as a part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 287-99

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  
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May 26, 1999

Ms. Tanya Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Armiger Property - Sliding Scale Subdivision  
File # 07-99-036(c)**

Dear Ms. Maenhardt:

Thank you for the opportunity to review the above referenced sliding scale subdivision. The applicant proposes to subdivide an existing parcel in order to create two residential lots. The property contains approximately 73.1 acres in the Critical Area designated Resource Conservation Area. Lot 1, including 63.4 acres in the Critical Area, will continue to function as a residence and farm. All existing uses of Lot 1, including implementation of agricultural best management practices, will continue. Lot 2, with approximately 9.71 acres in the Critical Area, will also continue to function as a residential lot. While it is not proposed at this time, approved septic areas for an additional dwelling have been located within the Critical Area on Lot 1. An additional residence may be built in the Critical Area in the future.

No forest clearing or impacts to buffers or habitat protection areas are proposed. While no impacts are proposed along the shoreline, it appears that the 100-foot Buffer has not been measured from the landward edge of tidal wetlands along Pearl Creek on Lot 1. Please identify the Buffer on the subdivision as measured 100-feet from the landward edge of the tidal marsh.

Commission staff do not oppose the subdivision as proposed. Thank you for the opportunity to comment. Please notify the Commission in writing of the decision made in this application. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 280-99

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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May 26, 1999

Ms. Tanya Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Cooper Property - Relocation of lot lines on 2 existing lots  
File # 04-99-037(c)**

Dear Ms. Maenhardt:

Thank you for the opportunity to review the above referenced relocation of lot lines for the Cooper property. The applicant proposes to relocate the lot lines on two existing lots. It appears from the site plan and maps that Lot 33A is located outside of the Critical Area and only a portion of Lot 1AA, approximately 2,700 square feet, is located in the Critical Area and designated as a Limited Development Area.

Commission staff do not oppose the relocation of lot lines as proposed. Thank you for the opportunity to comment. Please notify the Commission in writing of the decision made in this application. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 281-99

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) 260-7516 Fax: (410) 974-5338

May 26, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Denny Property - Large Lot Minor Subdivision - Revision #3  
File # 04-99-017(c)**

Dear Ms. Maenhardt:

Thank you for the opportunity to review the above referenced subdivision revision for the Denny Property. Commission staff have no further comments.

Please notify the Commission in writing of the decision made in this application. If you have any questions, please call me at (410) 260-7019.

Sincerely,

*Susan McConville*  
Susan McConville  
Natural Resources Planner

cc: QA 129-9

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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May 26, 1999

Ms. Tanya Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Carter (Sollers) Bond Property - Sliding Scale Subdivision  
File # 03-99-034 (c)**

Dear Ms. Maenhardt:

Thank you for the opportunity to review the above referenced sliding scale subdivision. The applicant proposes to subdivide the property into two 10.3 acre parcels. The entire property is currently in agricultural use and there are no existing improvements on the parcel. Lot 1 is proposed to be a total of 10.34 acres, with 5.28 acres in the Critical Area designated as Resource Conservation Area (RCA). There are approximately 0.9 acres of forest in the Critical Area portion of the parcel. The Environmental Assessment did not identify any Habitat Protection Areas on the parcel.

Commission staff do not oppose the subdivision on the condition that it is stated on the plat that further subdivision in the RCA portion of the property is not permitted due density restrictions for development in the RCA. Thank you for the opportunity to comment. Please notify the Commission in writing of the decision made in this application. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 277-99

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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) 260-7516 Fax: (410) 974-5338

May 25, 1999

Mr. Eric Sennstrom  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: Reconciliation of Growth Allocation for the Town of Elkton**

Dear Mr. Sennstrom:

The purpose of this letter is to request your assistance in the reconciliation of Growth Allocation issue for the Town of Elkton. As a part of the Town's Critical Area Comprehensive Review an outstanding Growth Allocation issue that involves the County has been identified. The Town of Elkton has a Growth Allocation deficit of approximately 6.75 acres. This deficit occurred when Elkton's Critical Area program was originally adopted.

During the interim period between the passage of the Critical Area Act and Criteria and the local adoption of Elkton's program in 1989, the Town gave 70 acres of Growth Allocation to an Arundel Corporation project, Kensington Courts, that was proposed on land that met the Resource Conservation Area (RCA) mapping criteria. When the Elkton program was finally adopted, the Town's Growth Allocation consisted of 52.85 acres that were originally allotted from Cecil County in 1988, plus 20.70 acres that were generated by RCA designated land in the Town of Elkton. The 52.85 acres of Growth Allocation from Cecil County and 17.15 acres from the Town were subtracted for Kensington Courts. In 1995, Elkton gave 6.50 acres of Growth Allocation to the Weed Property to change the designation from LDA to IDA. As a result, Elkton's current total remaining Growth Allocation includes 3.80 acres for LDA to IDA and the 6.75 acre deficit for RCA to LDA.

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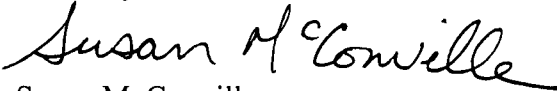


Mr. Eric Sennstrom  
May 25, 1999  
Page Two

While this deficit was outlined in correspondence between the Commission and County and Town dating back to 1992, this deficit has never been resolved. As part of the requirements for its Comprehensive Four Year Review, the Town of Elkton must present to the Commission an updated accounting of Growth Allocation acres. The Town would like to take the opportunity, with the assistance of the Commission and the County, to eliminate the Growth Allocation deficit. The Town requests that the County allocate an additional 6.75 acres of Growth Allocation to the Town.

Enclosed with this request are copies of correspondence between the Town, County, and the Commission that establish the deficit and charts of the current Growth Allocation acres for both jurisdictions. The Critical Area Commission will likely condition approval of the Town's Comprehensive Review on the resolution of this Growth Allocation deficit at its June meeting. Commission staff would like to facilitate this process and recommend a meeting with you and Ms. Jeanne Minner, Planner for the Town, within the next month. Please call me at (410)260-7019 at your convenience to discuss this issue further and to arrange a meeting.

Sincerely,



Susan McConville  
Natural Resources Planner

cc: Mr. Tony DiGiacomo  
Ms. Jeanne Minner, Town of Elkton  
Ms. Mary Owens, CAC Program Chief

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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May 25, 1999

Ms. Tanya Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Dean Property - Sliding Scale Subdivision  
File # 02-99-032**

Dear Ms. Maenhardt:

Thank you for the opportunity to review the above referenced sliding scale subdivision. The applicant proposes a subdivision to create two additional residential lots. The proposed new lots will measure approximately 15 acres (Lot 2) and 9 acres (Lot 3), with the existing lot and remaining lands measuring a total of 139.5 acres. The property includes 83 acres that are located in the Critical Area and designated as Resource Conservation Area (RCA). Approximately 66.7 acres of Lot 1 are within the RCA; approximately 13.9 acres of Lot 2 are within the RCA and approximately 2.4 acres of Lot 3 are within the RCA. The Critical Area portion of the site consists of approximately 60.4 RCA acres of agricultural land and 22.6 RCA acres of forest.

We have the following comments:

1. The 100-foot Buffer is required to be maintained from all perennial and intermittent streams in the Critical Area. Please identify the entire 100-foot Buffer on the site plan including its location in the forested areas, on the intermittent streams on Lot 2, and from the landward edge of tidal wetlands.
2. Please show the areas of steep slopes on the site plan in order to determine expansion of the Buffer.
3. Please identify acreage on the plat that will be restricted from further residential density due to RCA 1 per 20 density limits.

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



Ms. Maenhardt  
May 25, 1999  
Page Two

4. The Environmental Assessment identified two additional habitat protection areas, forest interior dwelling birds and a rare sedge (*Carex lupuliformis*). The protections needed on the site to avoid impacts to these populations and their habitat should be identified on the plan.

Commission staff do not oppose the subdivision on the condition that the Buffer is properly identified and protected on the site, density restrictions for development in the RCA are clearly identified on the plan, and that all habitat protection areas are protected.

Thank you for the opportunity to comment. Please notify the Commission in writing of the decision made in this application. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,



Susan McConville  
Natural Resources Planner

cc: QA 262-99



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) 260-7516 Fax: (410) 974-5338

May 25, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Hunters Oak - Major Site Plan Amendment #1  
File # 05-98-08(c)**

Dear Mr. Cohoon:

Thank you for the opportunity to provide comments on the proposed amendment to the Major Site Plan for the Hunters Oak Golf and Country Club.

It appears from the site plan submittal that all modifications to the conditionally approved major site plan are located outside of the Critical Area. Therefore, we have no Critical Area concerns at this time.

Please keep us informed of any changes to the site plan which involve development or disturbance in the Critical Area. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 188-98

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) 260-7516 Fax: (410) 974-5338

May 24, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: White Pines - Growth Allocation Petition**  
**GA # 04-99-01(c)**

Dear Mr. Cohoon:

Thank you for the opportunity to review the above referenced Growth Allocation (GA) petition. The application proposes to amend part of Parcel 9, located on 1996 Official Chesapeake Bay Critical Area Overlay map 56, consisting of 35.88 acres of land in Stevensville, in order to change the designation of 9.85 acres of land in the Critical Area on the property from Resource Conservation Area (RCA) to Limited Development Area (LDA). This property is located in the Stevensville Growth Area as designated by the 1993 Comprehensive Plan Update for Queen Anne's County and is located within the approved for GA pre-mapping area for the Stevensville Growth Area. Pre-mapping does not guarantee the award of GA for any pre-mapped site.

Commission staff do not oppose the application for Growth Allocation as proposed. Please forward the request for GA from the Planning Commission and we will schedule review by the Commission at its next regular meeting. I have reviewed the sketch plan included with the application for GA. If the property's designation is changed to LDA, the proposed project must meet all LDA criteria for development including impervious surface limits, stormwater management, afforestation and reforestation, and protections for habitat protection areas.

Thank you for the opportunity to comment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 16-99

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

55

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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(410) 260-7516 Fax: (410) 974-5338

May 19, 1999

Mr. Joe Johnson  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: Lot #12, Mobile Trust Partners Subdivision - FIDS Review**

Dear Mr. Johnson:

As per our phone conversation on Friday, May 14, 1999, I have reviewed your request to allow an exception to the forest interior dwelling bird (FIDS) habitat time of year restrictions on clearing (May 1-Aug 31) for Lot 12 of the Mobile Trust Partners Subdivision due to a hardship of the site owner. I understand that the site owner, Mr. Foster, has sold his old house and purchased the site for a new dwelling, but had his permit put on hold by your office pending our recommendation. The request is to allow the clearing of a 150 ft. by 150 ft. area of forest at the forest edge within the designated building envelop in order to construct a dwelling. In addition, your request includes minimal selective clearing in the area identified on the plat for the septic reserve area (SRA) in order to install the SRA on the site.

After considering this request and a site specific review of the potential impacts that limited clearing in the forest edge will have on breeding birds in the forest interior, this office will allow this exception on the condition that all clearing is limited to that necessary for the construction of the dwelling and selective clearing for the SRA is minimized. We recommend that forest canopy closure be maintained to the greatest extent possible. Construction for other accessory uses on the site must follow the FIDS time of year restrictions. In addition, as required in the original subdivision approval, all forest cleared must be replaced to create or enhance FIDS habitat.

Thank you for the opportunity to provide recommendations in this special case. Please do not hesitate to call me at (410) 260-7019 if you have any questions concerning these comments.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: 99-99

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) 260-7516 Fax: (410) 974-5338

May 18, 1999

Ms. Faith Rossing  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Seaman Property - Administrative Subdivision - lot line adjustment  
File # 02-99-024(c)**

Dear Ms. Rossing:

Thank you for the opportunity to review the above referenced application for administrative subdivision for the Seaman property. The applicant proposes to adjust the lot lines between Lot 5 (3.074 acres) and Lot 6 (5.065 acres) so that the resulting acreage is: Lot 5 - 3.258 acres and Lot 6 - 4.881 acres. The entire site is located in the Critical Area and designated as Resource Conservation Area.

Commission staff do not oppose the lot line adjustment. Please note, any new development proposed on the newly configured Lot 6 must remain outside of the 100-foot Buffer. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 244-99

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) 260-7516 Fax: (410) 974-5338

May 14, 1999

Ms. Vivian Swinson  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Strang Property - Buffer Variance  
File # 04-99-017(c)**

Dear Ms. Swinson:

Thank you for the opportunity to review the above referenced application for a variance in the 100 foot Buffer. The application proposed an addition to an existing house that will encroach into the 100-foot Buffer and increase the total area of impervious surfaces on the 0.34 acre site from 2378 square feet to 3091 square feet, approximately 21% of the property in the Critical Area. The property is located in a Limited Development Area.

While the Commission staff do not oppose this variance for the addition, we do recommend mitigation for the area of disturbance with the planting of native vegetation in the Buffer.

Please include this letter as part of the record for the variance request. Please notify the Commission in writing of the decision made in this application. Please call me at (410)260--7019 if you have any questions concerning these comments.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

SM/jjd

cc: QC 216-99

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



John C. North, II  
Chairman



Ren Serey  
Executive Director

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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-7516 Fax: (410) 974-5338

May 14, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617


**RE: Denny Property - Large Lot Minor Subdivision - Revision #2**  
**File # 04-99-017(c)**

Dear Ms. Maenhardt:

Thank you for the opportunity to review the above referenced subdivision revision for the Denny Property. Commission staff have the following comments. The site plan and Critical Area Report identify the Buffer as an existing grassed area. While this does provide some water quality benefits, its habitat benefits are limited. In addition, it is a critical buffer area needed to provide protection for the waterfowl staging and concentration area that is present just waterward of the Buffer on the Chesapeake Bay. We recommend that the Buffer be planted in trees or allowed to naturally revegetate and that the area no longer be mowed.

Commission staff do not oppose the approval of the subdivision. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

  
Susan McConville  
Natural Resources Planner

cc: QA 129-99

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) 260-7516 Fax: (410) 974-5338

May 10, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Mears Point Marina - Setback Variance  
Variance # 415**

Dear Mr. Cohoon:

I have reviewed the above referenced request for a setback variance. The proposed variance does not appear to be in conflict with the County's Critical Area provisions of Title 14, *Environmental Protection*. Commission staff do not oppose approval of the setback variance as proposed.

Thank you for the opportunity to comment. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 349-48

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) 260-7516 Fax: (410) 974-5338

May 7, 1999

Mr. Joe Johnson  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: Knowles Property - Special Growth Allocation Request**

Dear Mr. Johnson:

I have reviewed the application to for a Special Growth Allocation to change 0.43 acres of land currently designated Resource Conservation Area under the Cecil County Critical Area program to Limited Development Area for the purpose of creating two (2) new residential lots.

The proposed Growth Allocation appears to be consistent with the County's Critical Area program. This change to the approved Critical Area maps under the County program will be required to be reviewed by the Critical Area Commission after it is approved locally. Please forward a request for Special Growth Allocation when it is locally approved and I will schedule the request to be reviewed by the Critical Area Commission at its next meeting.

Thank you for the opportunity to comment. Please do not hesitate to call me at (410) 260-7019 if you have any questions concerning the Growth Allocation process.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: 99-99

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) 260-7516 Fax: (410) 974-5338

May 7, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

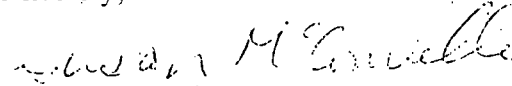
**RE: Carnes, Francis S. Family L.L.C. - Landings at Mattapex  
Amendment #1 File #04-98-005(c)**

Dear Mr. Cohoon:

I have reviewed the above referenced amendment to the Carnes Subdivision. The applicant proposes to substitute the transferable development rights (TDRs) approved to be used for the Carnes Subdivision phase II (The Island Creek TDRs) for the other TDRs approved by the County. I understand that no other revision for the Carnes subdivision are proposed.

It appears that the proposed change is consistent with the County's provisions for the use of TDRs. Thank you for the opportunity to comment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

  
Susan McConville  
Natural Resources Planner

cc: QA 228-99

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**

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(410) 260-7516 Fax: (410) 974-5338

May 6, 1999

Ms. Sharon Weygand, Town Administrator  
Town of Perryville  
P.O. Box 773  
Perryville, MD 21903-0513

**Re: Courtyards at Olde Towne - Rezoning application**

Dear Ms. Weygand:

Thank you for the opportunity to review the above referenced rezoning. The applicant has applied for a rezoning in order to proceed with a proposal to develop 36 townhouses on a 5.7 acre lot designated as Intensely Developed Area (IDA) in the Critical Area. Approximately 65,115 square feet of the 82,220 square feet of existing forest is proposed to be cleared. In addition, 77,800 square feet of impervious surface is proposed. Due to the fact that property is in a designated IDA, the post-development conditions on the site must achieve a 10% reduction in phosphorus loading when compared to the pre-development levels.

Commission staff do not oppose the proposed rezoning from commercial to cluster residential. An environmental assessment including information on impacts to habitat protection areas, best management practices to meet the IDA water quality requirement, stormwater management and sediment and erosion control must be submitted as part of the site plan approval process.

Thank you for the opportunity to comment. Please include this letter in your file and notify the Commission in writing of the decision made in this application. Please forward the site plan and environmental assessment to this office when submitted and we will provide further comment. If you have any questions concerning these comments, please call me at (410) 260-7019

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: Mary Ann Skilling, Critical Area Circuit Rider  
PE 210-99

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) 260-7516 Fax: (410) 974-5338

May 5, 1999

Ms. Vivian Swinson  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Long Point - Administrative Variance application  
#05-99-01**

Dear Ms. Swinson:

Thank you for providing me with information on the above referenced administrative variance application. The applicant is seeking a variance from the County's Buffer and impervious surface requirements of the County's Environmental Protection Code §14-166 in order to construct a swimming pool within the 100-foot buffer on this property mapped Buffer Exemption Area (BEA) under the County's Critical Area program.

The property includes 0.41 acres in the Critical Area designated as a Limited Development Area (LDA) and mapped as a BEA. The County's BEA program requires that new development or redevelopment shall minimize the disturbance in the Buffer to the least necessary. According to the application, the existing area of impervious surface on the property is 2180 square feet. The applicant proposes the addition of 1325 square feet in the 100-foot Buffer. The 25' by 53' pool and impervious deck are proposed shoreward of the existing house and 40 from the water.

The Law

Any person who seeks a variance to the Queen Anne's County Critical Area Program must satisfy the variance standards specifically listed in Section 14-166 of the Queen Anne's County Zoning Ordinance. These standards also appear in the Critical Area Criteria (COMAR 27.01.11) which form the basis for the local program. All five standards must be met in order for a variance to be granted. It is the opinion of this office that all of the five variance standards have not been met in this case. Below is an outline and analysis of the application of the required standards.

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



Ms. Vivian Swinson  
May 5, 1999  
Page two

1. Section 14-166(1) and (2) addresses site features that are unique to the subject property or structure and the unwarranted hardship resulting from denial of the variance. There is nothing unique about this property. It is typical of many lots mapped as BEA and designated as LDA in the County. The legal standard of "unwarranted hardship" in the context of the variances to Critical Area standards is set forth clearly by the Court of Special Appeals in White v. North, 121 Md. App. 196 (1998) and North v. St. Mary's County, 99 Md. App. 502 (1994). Unwarranted hardship results only when denial of an applicant's request would result in denial of reasonable use of the site. This office firmly believes that denial of the accessory structure would not result in an unwarranted hardship.
2. Section 14-166(1) addresses the rights of the variance applicant with respect to the rights commonly shared by other owners of property within the same management area within the Critical Area. Denial of this variance will not deprive the property owner of rights shared by other property owners in the Limited Development Area mapped as Buffer Exemption Areas. All owners of like properties in Queen Anne's County within the Critical Area are similarly limited by the County's Critical Area requirements regarding impervious surfaces and new development activity within the Buffer. Therefore, the denial of this variance for the swimming pool will not deprive the property owner of rights shared by other owners of property in the Critical Area.
3. Section 14-166(5) addresses 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 and/or structures within the Critical Area. The granting of a variance for a swimming pool clearly would confer upon this property owner a special privilege because other similarly situated properties may not locate new accessory structures or impervious surfaces within the Buffer.
4. Section 14-166(3) addresses conditions or circumstances that are self-imposed and conditions or circumstances related to adjacent properties. It appears that the applicant has met this standard.
5. Section 14-166(6) 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.

This office has consistently opposed the placement of accessory structures, including swimming pools, in the 100-foot Buffer. In two cases decided under the Critical Area variance standards, the Maryland Court of Special Appeals has held that denial of a variance for the construction of accessory structures 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)

Ms. Vivian Swinson  
May 5, 1999  
Page three

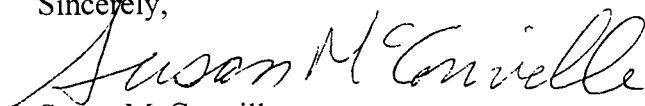
(swimming pool in Buffer). The Buffer is a designated Habitat Protection Area designed to act as both a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The ability of the Buffer to achieve these functions is reduced by structures such as the pool in this case. This proposed pool by itself 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 detrimental effect of the Bay.

6. Section 14-166(7) requires that the variance request is the minimum deviation from the provisions of the County's Critical Area Ordinance that will achieve a reasonable use of land or structures. In our opinion this standard has not been met. The construction of the swimming pool within the 100-foot Buffer is not necessary to achieve a reasonable use of the land. The property owner would attain reasonable use with the construction of a single family dwelling, but would exceed the minimum deviation standard with the construction of the accessory pool.
7. Section 14-166(8) requires that a variance be granted only if it is in harmony with the general purpose of the Critical Area Ordinance and the County Program, and if the variance does not result in a prohibited use or an increase in the applicable impervious surface and density limits. We believe the issuance of a variance for the pool in this case is inconsistent with the general intent of the County's Ordinance and Program to prohibit new non-grandfathered development activities in the Buffer.

Commission staff cannot support the granting of a variance for the construction of the swimming pool as proposed. The Commission staff recommends that the administrative variance for the swimming pool be denied because the proposed accessory structure does not meet all of the County's variance standards or the County's policy for development in the Buffer in a BEA.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as a part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,



Susan McConville  
Natural Resources Planner

cc: Ren Serey  
QA 211-99



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) 260-7516 Fax: (410) 974-5338

May 4, 1999

Ms. Sandra Carter  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Hodil - Administrative Subdivision**  
**#04-99-023**

Dear Ms. Carter:

Thank you for providing me with information on the above referenced administrative subdivision application. I understand that the applicant is subdivision approval in order to combine three lots (Lots 13, 15, and 16) located in a Limited Development Area into one lot to create Lot 13. The area of the new lot will be 32,800 square feet.

Commission staff do not oppose the administrative subdivision as proposed. Thank you for the opportunity to comment. Please include this letter in your file and submit it as a part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 229-99

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) 260-7516 Fax: (410) 974-5338

April 26, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Mink Hill Home - Conditional Use Application  
# CU - 287**

Dear Ms. Maxwell:

Thank you for providing me with information on the above referenced conditional use application. I understand that the applicant is seeking approval for conditional use to allow an institutional residential use serving 15 or fewer residents pursuant to 18-1-025 of the County Code. The applicant currently operates the site for residents requiring care. No construction is proposed under this approval. The 1.25 acre property is designated as a Limited Development Area (LDA).

The Commission staff do not oppose the granting of the conditional use with the conditions that the proposed use is found to be consistent with other provisions of the County Code and any development associated with the new use does not impact the 100-foot Buffer or any other Habitat Protection Areas or exceed the impervious surface limits for development in an LDA.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as a part of the record for the conditional use. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 185-99

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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April 26, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Gateway Self-Storage II - Revised Site Plan Submittal  
#MASP #04-99-5(C)**

Dear Mr. Cohoon:

Thank you for providing me with information on the above resubmittal. We have no additional comments on the proposed plan. Commission staff supports the request for site plan approval.

Please include this letter in your file and notify the Commission in writing of the decision made in this application. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

SM/jjd

cc: QA 179-98

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

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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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April 26, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Gateway Self-Storage II - Revised Site Plan Submittal  
#MASP #04-99-5(C)**

Dear Mr. Cohoon:

Thank you for providing me with information on the above resubmittal. We have no additional comments on the proposed plan. Commission staff supports the request for site plan approval.

Please include this letter in your file and notify the Commission in writing of the decision made in this application. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

SM/jjd

cc: QA 179-98

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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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
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April 26, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Anchorage - Resubmittal of Concept Plan/Major Subdivision**

Dear Ms. Hyer-Morgan:

Thank you for providing me with information on the above resubmittal. We have no additional comments on the proposed concept plan. Commission staff supports the request for concept plan approval.

If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 113-99

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) 260-7516 Fax: (410) 974-5338

April 26, 1999

Ms. Tanya Krista-Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Mills property - Administrative Subdivision  
# 04-99-022-c**

Dear Ms. Maenhardt:

Thank you for providing me with information on the above referenced administrative subdivision. The applicant proposes to combine three lots know as Lots 11,12, and 13 of the Love Point Subdivision, into one (Lot 11). A total of 0.56 acres are located on the property in the Critical Area and are designated as Limited Development Area.

No other development actions are proposed as part of this application. Commission staff do not oppose the granting of the administrative subdivision as proposed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as a part of the record for administrative variance. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 193-99

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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April 26, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Revisions to Site Plan for Island Gymnastics  
MASP # 04-99-6(c)**

Dear Ms. Morgan:

Thank you for providing me with revisions to the above referenced site plan. As requested in my letter dated March 15, 1999, the applicant has provided additional information concerning the area of drainage to each of the proposed water quality best management practices (BMPs). Based on the proposal that the two BMPs treat same drainage area in a series, I have recalculated the load removed based on the recommend calculations for BMPs in a series (see attached 10% worksheet). The phosphorus load removed is 0.759 lbs. The pollutant removal requiremetn for the proposed development is 0.885 lbs. We recommend that the applicant design the proposed BMP's to increase the load removed or provide additional offsets, for example a fee-in-lieu, creation of bioretention area, or treatment of offsite drainage not currently treated for water quality.

Commission staff do not oppose the project with the condition that the 10% removal requirement for development in the IDA is met. Please notify the Commission in writing of the decision made in this case. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 114-99

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

C = 1.08 if pre-development I >= 20%  
 A = area of the development site (acres).  
 8.16 = includes regional constants and unit conversion factors.

**Step 4: Calculate the Pollutant Removal Requirement (RR)**

$$\begin{aligned}
 RR &= L_{post} - (0.9)(L_{pre}) \\
 &= (1.38) - (0.9)(0.55) \\
 &= \underline{0.885} \text{ lbs P}
 \end{aligned}$$

**Step 5: Identify Feasible Urban BMP**

Select BMP Options using the screening tools and pollutant removal rates listed in the Applicant's Guide Tables 5.0, 5.1, 5.2, and 5.4 Calculate the load removed for each option.

| BMP Type   | (Removal Efficiency x [use 0.50 or 50%]) | (Fraction of Drainage x Area Served) | (L post) | Load Removed |
|--|--|--------------------------------------|----------|--------------|
| 0.5 <sup>1</sup> / <sub>2</sub> IA Wetpond #3      | 0.40                                     | x 100%                               | x 1.38   | = _____ lbs  |
| 0 <sup>1</sup> / <sub>2</sub> IA GRASSED SWALE #17 | 0.25                                     | x 100%                               | x 1.38   | = _____ lbs  |
| _____  | _____                                    | x _____                              | x _____  | = _____ lbs  |
| _____  | _____                                    | x _____                              | x _____  | = _____ lbs  |

\* BMP in a Series = 0.759

If the Load Removed is equal to or greater than the pollutant removal requirement (RR) calculated in Step 4, then the on-site BMP option complies with the 10% Rule. (See Table 5.3, page 16) for submittal requirements for each BMP option.

\* 
$$\begin{aligned}
 L_{post} - [L_{post}(1 - BMP_1)(1 - BMP_2) \dots] &= \text{Load Removed} \\
 1.38 - [1.38(1 - .25)(1 - .40)] &= \\
 1.38 - [0.621] &= \boxed{0.759 \text{ lbs}}
 \end{aligned}$$





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  
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April 21, 1999

Ms. Faith Rossing  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Amendment to Section 18-1-297 of the County Code, to allow for simultaneous processing of Growth Allocation and Rezoning applications.  
File #TA 99-04**

Dear Ms. Rossing:

Thank you for providing me with information on the above referenced text amendment. According to the application, the proposed amendment is intended to allow for simultaneous processing of Growth Allocation and Rezoning applications.

Based on our recent discussion of the County's Growth Allocation requirements, it does not appear that simultaneous processing of rezoning applications and Growth Allocation would be consistent with the County Code or practical in its implementation due to the fact that in the Queen Anne's County program, Growth Allocation is used to amend the development area classification of the official Critical Area maps on a "project-by-project" basis. Therefore, we recommend that the process for review of Growth Allocation and rezoning applications remain separate.

If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA #TA 99-04

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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April 15, 1999

Mr. Joseph Johnson  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: National Humane Society - Special Exception**

Dear Mr. Johnson:

Thank you for the opportunity to review the above referenced request for a Special Exception. I have the following comments: The applicant has applied for a Special Exception to build an "Animal Sanctuary" principally for dogs and cats and retirement pastures for Thoroughbreds. According to the application, the County Office of Planning and Zoning has determined that the proposed use of land as an "Animal Sanctuary" for cats and dogs falls under the definition of a Commercial Kennel which is a permitted use as a Special Exception in the SAR provided certain conditions are met. It appears that all conditions in the Zoning Ordinance were met except the following:

If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area, the applicant must apply for, and receive Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Commission staff do not oppose the granting of the Special Exception with the condition that the applicant apply for and receive Growth Allocation and that all Buffers and Habitat Protection Areas on the property are identified and protected accordingly through the site design and approval process.

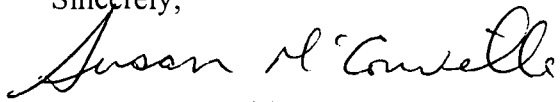
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

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

Mr. Joe Johnson  
April 15, 1999  
Page two

Thank you for the opportunity to comment on this application. Please forward the Growth Allocation information to this office when received and we will provide further review and comment. Please include this letter as part of the record for the request for Special Exception. Please notify the Commission in writing of the decision made in this application. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: CE 168-99

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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April 13, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Gosnell, John G. - Preliminary Major/Administrative Subdivision with TDR's  
File #04-99-021(c)**

Dear Ms. Hyer-Morgan:

I have reviewed the above referenced subdivision proposal and have the following comments. The applicant has proposed to use subdivision, Transfer of Development Rights (TDRs), and open space reapportionment, to arrive at a total of 7 large lots with 7 dwelling units on the property, 6 of which are proposed to be located in the portion of the property that is designated as Resource Conservation Area (RCA) under the County's Critical Area program. The density limits for development in the RCA are one dwelling unit per twenty acres. In order to achieve the proposed density in the RCA portion of the property, the applicant has proposed the creation of three additional large lots through the use of TDRs and a reapportionment of both Critical Area and non-Critical Area open space associated with the proposed subdivision.

According to the County program and state criteria, a maximum of four dwelling units may be allowed in the 90.07 acre RCA portion of the property. The density in the RCA may be increased with the use of TDRs if the proposal is consistent with the County's TDR provisions in the County's Critical Area program and County Code. The proposed subdivision, use of TDRs, and reapportionment of open space does not appear to be consistent with the County's clustering and open spaces standards under its TDR provisions.


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

Ms. Sue Ann Hyer Morgan  
April 13, 1999  
Page Two

Commission staff do not support the subdivision as proposed. We recommend that the applicant provide more information on the consistency of the proposed subdivision and use of TDRs with the County's TDR requirements as well as the Critical Area Commission's policy on the use of TDRs in the Critical Area.

Thank you for the opportunity to comment. Please do not hesitate to call me at (410)260-7019 if you have any questions concerning these comments

Sincerely,



Susan McConville  
Natural Resources Planner

cc: QA 173-99



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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April 12, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Grasonville Volunteer Ambulance Department  
#MASP 05-99-8(c)**

Dear Mr. Cohoon:

Thank you for the opportunity to review the above referenced site plan. The entire property is within the Critical Area and designated Intensely Developed Area (IDA). The existing house on the property is proposed to be replaced with a 2000 sq. ft. ambulance service building with vehicle loading area, parking, and access areas associated with the west adjoining Volunteer Fire Company operations. The removal of all existing impervious surfaces and construction of the proposed development will result in a total impervious area of 0.129 acres. No resource areas or Habitat Protection Areas have been identified on the site. Sewage effluent will be removed by a public sewer system. Stormwater run-off will be managed by a grassed swale.

The applicant has requested a waiver for stormwater quantity control. Stormwater quality is addressed via a grassed swale and a small flat area that will serve as a dry pond. I have reviewed the proposed Best Management Practices (BMPs) and the 10% calculations presented to meet the required reduction in phosphorus loading on the site. I have the following recommendations for meeting the 10% pollutant reduction requirements in an IDA.

1. Please provide additional detail to show the drainage to each of the proposed BMPs (grassed swales and dry pond). Please provide more detail to show that the grassed swales will capture 100% of the run-off while the pond will capture 75 %. It appears that these BMPs are proposed in a series.

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Mr. Steve Cohoon  
April 12, 1999  
Page two

2. If the BMPs are designed to capture some or all of the same runoff in a series, the load removed should be calculated to show BMPs in a series. Attached please find a copy of examples of how to calculate BMPs in a series from the "Plan Reviewer's Guide for 10% Compliance." In addition, the removal efficiencies used in the calculations for the grassed swales appear to use 1.5 inches per impervious acres in the drainage area versus 0.5 inches for the dry pond. Please provide more information concerning the volumes of stormwater treated in these BMPs and their corresponding removal efficiencies.
3. We recommend that the areas where impervious surfaces are removed and not replaced be restored with the planting of native vegetation.

Please do not hesitate to call me at (410)260-7019 if you have any questions concerning these comments or specific questions concerning completion of the calculations for 10% Rule compliance.

Sincerely,



Susan McConville  
Natural Resources Planner

cc: QA 170-99

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) 260-7516 Fax: (410) 974-5338

March 29, 1999

Ms. Tanya Krista-Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Phillips/Gould - Administrative Subdivision, Revision # 1  
File # 04-98-090 (c)**

Dear Ms. Maenhardt:

We have reviewed the revisions to the proposed administrative subdivision for Craney Creek Estates. Thank you for providing the requested Buffer information and correction to the Building Restriction Line. While the Commission staff do not oppose the administrative subdivision to adjust the boundary of two lots under the same ownership in order to provide a larger Buffer for an existing house on one of the lots, we have one additional comment on the proposed subdivision. It appears that a new sewage disposal area is proposed on Lot 4R that would encroach into the 100-foot Buffer. The sewage disposal area was not identified as "existing". According to the Queen Anne's County Critical Area Program and County Code, new development activities, including the placement of sewage disposal systems, are not permitted in the Buffer except as provided in the Buffer Exemption section of the subtitle (QA County Code, Section 14-151). Commission staff recommend that sewage disposal area be moved out of the Buffer or if it is existing, that this information be clarified.

Please include this letter in your file and submit it as part of the record for the subdivision. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 614-98

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) 260-7516 Fax: (410) 974-5338

March 25, 1999

Ms. Martha Herman  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Amendment to Section 18-1-297 of the County Code, to allow for simultaneous processing of Growth Allocation and Rezoning applications.  
File #TA 99-04**

Dear Ms. Herman:

Thank you for providing me with information on the above referenced text amendment. According to the application, the proposed amendments are intended to allow for simultaneous processing of Growth Allocation and Rezoning applications. It appears from the information submitted that this change may facilitate review of projects in the Critical Area and the determination of their consistency with the County's program and the state criteria. This text amendment will be required to be presented to the full Critical Area Commission for review as a refinement. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA #TA 99-04

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

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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March 25, 1999

Ms. Martha Herman  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Amendment to Section 18-001 and 18-1-246 of the County Code  
RE: Private Roads #TA 99-02**

Dear Ms. Herman:

Thank you for providing me with information on the above referenced text amendment. According to the application, the proposed amendments are intended to allow for the recognition of existing rights-of-way, in limited circumstances, as "private roads." Commission staff request that additional information be provided to this office concerning how this change may affect Critical Area project reviews for impervious surface limits, stormwater management, and impacts to Habitat Protection Areas.

This text amendment may be required to be presented to the Critical Area Commission for review as a refinement. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

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

Susan McConville  
Natural Resources Planner

cc: QA #TA 99-02

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) 260-7516 Fax: (410) 974-5338

March 25, 1999

Ms. Martha Herman  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: TC Shopping Center Limited Partnership - Rezoning Petition  
#CA 04-99-01**

Dear Ms. Herman:

Thank you for providing me with information on the above referenced rezoning petition. The applicant has proposed the redesignation of a 7.5004 acre portion of parcel 251 from Limited Development Area (LDA) to Intensely Developed Area (IDA). The petitioner requests the change in designation due to a mapping mistake. I understand that the parcel is currently improved as part of a regional shopping center know as Thompson Creek Shopping Center. It is not clear from the submittal what improvements are located in the LDA portion of the property and whether or not there were any improvements on the property at the time of Critical Area mapping.

In order for a property to be considered for a change in designation due to a mapping mistake, it must be demonstrated that the property met the criteria for IDA mapping and that a mistake was made at the time of the mapping. Please provide additional information on the characteristics of the property at the time of mapping and specific information concerning the mapping mistake that led to the error in the original classification, and we will provide further comments. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 122-99

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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March 25, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Denny Property - Subdivision Request  
File # 04-99-017(c)**

Dear Ms. Maenhardt:

Thank you for the opportunity to review the proposed subdivision of the Denny Property. The applicant proposes the subdivision of a 52.5 acre parcel into two lots. The application shows that 31.5 acres of the parcel are within the Critical Area and designated as Resource Conservation Area(RCA). As required under the County's Critical Area Program and the State Criteria, residential development within the RCA is limited to one dwelling unit per twenty acres, therefore a total of one dwelling unit, including any development associated with that dwelling unit, is permitted to be located in the Critical Area on this parcel. The project application indicates that the proposed use of the project site is to be agriculture and that one dwelling unit will be created. The location of this dwelling unit has not been indicated on the site plan.

Commission staff recommend the following information be provided for review and recorded on the plat to ensure that the RCA density limits are not exceeded. As a part of the subdivision, it must be recorded on the plat that only one dwelling unit, including any development activities associated with that dwelling, is permitted in the Critical Area on the parcel. It should be determined at this time which of the lots will or have the potential to be developed for residential purposes with this one dwelling unit and it must be clearly indicated on the plat that the remaining lands in the RCA can not be developed for residential purposes. Development activities that are necessary for the continuation of agricultural practices may be permitted in the RCA on the remaining lot.

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Ms. Maenhardt  
March 25, 1999  
Page two

An afforestation area of 2.75 acres is proposed along the property lines in the Critical Area. In addition to the afforestation area, the County Program and State Criteria require that when land in the Critical Area changes from agricultural use to residential use, a 100-foot Buffer must be established. If one of the lots changes to residential use with the development of a dwelling, the 100-foot Buffer is required to be planted in trees or allowed to naturally regenerate.

Commission staff support approval of the subdivision as proposed, with the condition that the information requested in this letter be provided and indicated on the plat. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,



Susan McConville  
Natural Resources Planner

cc: QA 129-99

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
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March 25, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Hence Property - Administrative Subdivision Request  
File # 05-99-019(c)**

Dear Ms. Maenhardt:

Thank you for the opportunity to review the proposed administrative subdivision for the Hence Property. The applicant proposes the subdivision of a 48.109 acre parcel within the Critical Area and designated as Resource Conservation Area (RCA). The purpose of the proposed subdivisions is to reconfigure lots 10, 11, and 12. No area is proposed for disturbance. No new lots are proposed to be created. No additional dwelling units are proposed in the RCA. No forest is proposed to be removed.

Commission staff do not oppose the administrative subdivision as proposed. Please include this letter as part of the record for the subdivision and please notify the Commission in writing of the decision made in this application. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 144-99

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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March 23, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Marine Recovery Services - Boat Sales/Storage  
Major Site Plan #MASP 05-99-2(c) Revision #1**

Dear Mr. Cohoon:

Thank you for the opportunity to review the above referenced major site plan. We recommend that the 9,600 s.f. grassed lawn/boat storage area in the Critical Area be reduced in size, if possible, to minimize the area that may become compacted from use and impervious over time. Commission staff do not oppose the project as proposed. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 59-99

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 Sercy  
Executive Director

**STATE OF MARYLAND  
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March 18, 1999

Mr. Joe Johnson  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: Knowles Property - proposed subdivision**

Dear Mr. Johnson:

Thank you for the opportunity to review the above referenced subdivision application. The applicant has proposed the creation of two (2) new lots with two (2) new dwelling units on an 88.93 acre parcel, of which 63.3 acres are located in the Critical area and designated Resource Conservation Area (RCA). Approximately 59.0 acres of the property is in forest. The applicant proposes the removal of 0.3 acres of forest in the Critical Area. The existing area of impervious surface on the property is 0.9 acres. A total area of 1.0 acre of impervious surface is proposed in the Critical Area.

According to the application, there are three (3) existing residential dwellings on the remaining parcel in the Critical Area. The RCA density limits in the County program limit development in the Critical Area portion of the property to one (1) dwelling unit per 20 acres. From the information provided, it appears the density limit has been met and that no additional density is permitted in the Critical Area portion of the property without growth allocation. While the dwellings themselves are not proposed to be constructed in the Critical Area portion of the newly proposed lots, any development activities associated with those dwellings, including septic reserve areas, are counted for density purposes. We recommend that the applicant relocate all development activities associated with the proposed dwellings out of the Critical Area or apply for a Growth Allocation.

The forested areas on the property qualify as potential habitat for forest interior dwelling species habitat (FIDS). Commission staff recommend that forest clearing be minimized in order to minimize impacts to FIDS habitat. We recommend that seasonal restrictions on cutting as recommended by DNR be followed. In addition, we recommend that the required reforestation be located such that it will enhance existing FIDS habitat on the property by enlarging forest areas or filling in gaps in the forest.

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Mr. Joe Johnson  
Page Two  
March 18, 1999

The U.S. Fish and Wildlife Service has provided comments stating that the federally threatened bog turtle (*Clemmy muhlenbergii*) may be present within the project area and recommended that the property be thoroughly inspected for the presence of appropriate bog turtle habitat. The environmental assessment indicated that no appropriate habitat areas were found.

Thank you for the opportunity to comment. Please provide more information on the locations of the existing dwellings on the property as well as the location of the proposed development activities on the new lots and we can provide further assistance. Please call me at (410) 260-7019 if you have any questions concerning these comments.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: 99-99

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) 260-7516 Fax: (410) 974-5338

March 18, 1999

Mr. Joseph Johnson  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: Henkels Property - Buffer variance request**

Dear Mr. Johnson:

Thank you for the opportunity to review the above referenced request for a Buffer variance. The 12 + acre parcel with existing dwelling is in a designated Resource Conservation Area (RCA) under the Cecil County Critical Area Program. The applicant has proposed a new boat garage with a private two bedroom apartment on a second floor within the 110-foot no-disturbance Buffer ("Buffer") to the Chesapeake Bay. According to the applicant, the proposed new structure will replace an existing storage trailer that is located in the Buffer. The new permanent structure would be significantly larger than the existing structure and the residential apartment would exceed density limits for development in the RCA.

Cecil County's Critical Area Program and the State Criteria prohibit new or expanded development in the Buffer, including the construction of accessory structures, unless they can be shown to be water-dependent. An activity is water-dependent if it cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation. Storage sheds, even if intended for storage of boats and boat equipment, as well as additional dwelling units, are by definition not water-dependent because they can serve their function out of the Buffer. Under the grandfathering provisions of the Critical Area Criteria, if any existing use, like a storage trailer, does not conform with the provisions of a local program, its intensification or expansion may be permitted only through a variance.

Any person who applies for a variance to the Critical Area Criteria must meet the five variance standards specifically listed in COMAR 27.01.1 and the Cecil County Zoning Ordinance. All five standards must be met in order for a variance to be granted. It is the opinion of this office that not all five of the variance standards have been met in this case. The following is a brief outline of the variance standards and their application to this variance request.

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Mr. Joseph Johnson  
March 18, 1999  
Page Two

1. The first standard addresses conditions that are unique to the subject property involved and the unwarranted hardship resulting from denial of the variance. The legal standard of "unwarranted hardship" in the context of the variances to Critical Area standards is set forth clearly by the Court of Special Appeals in White v. North, 121 Md. App. 196 (1998) and North v. St. Mary's County, 99 Md. App. 502 (1994). Unwarranted hardship results only when denial of an applicant's request would result in denial of reasonable use of the site. Based on our review of the application, this property is typical of many lots on the Chesapeake Bay designated as Resource Conservation Areas (RCA) in Cecil County. There is an existing primary dwelling on the property with a boat ramp. This office firmly believes that a denial of the proposed new structure or requirement that it be moved outside of the 110-foot Buffer would not deny the applicant reasonable use of the property or result in an unwarranted hardship to the applicant. [Section 306-2(e.1) of the Cecil County Zoning Ordinance].
2. The second standard addresses the rights of the variance applicant with respect to the rights commonly shared by other owners of property in the same management area within the Critical Area of the local jurisdiction. Denial of this variance will not deprive the property owner of rights shared by other property owners in the RCA. All property owners in the Critical Area are similarly limited by the Critical Area Law and the County's Program. Therefore this standard is not met. [Section 306-2(e.2) of the Cecil County Zoning Ordinance]
3. The third standard addresses 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 and/or structures within the Critical Area. The granting of this variance would confer upon this property owner a special privilege because all similar properties are restricted from constructing accessory structures in the Buffer. [Section 306-2(e.3) of the Cecil County Zoning Ordinance]
4. The fourth standard requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. The variance is not based on upon conditions or circumstances which are the result of the applicant's actions. Therefore this standard is met. [Section 306-2(e.4) of the Cecil County Zoning Ordinance]

Mr. Joseph Johnson  
December 18, 1997  
Page Three

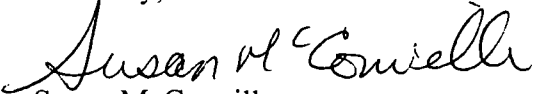
5. The fifth standard addresses adverse impacts to water quality and fish, wildlife, or plant habitat that may result from the granting of the variance and the consistency of the variance approval with the spirit and intent of the Critical Area Program. The construction of the structure and its use adversely impacts water quality by creating additional impervious surfaces and uses in the Buffer. Approval of the proposed variance will contribute to the cumulative impacts of such structures and therefore is not consistent with the general spirit and intent of the Critical Area Program. [Section 306-2(e.5) of the Cecil County Zoning Ordinance]

This office has consistently opposed the placement of accessory structures, including storage sheds, in the Buffer. The Buffer is a designated Habitat Protection Area designed to act as both a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The Buffer's ability to achieve these functions is reduced by such structures as the one in this case. This permanent disturbance in the Buffer by itself may seem inconsequential to the health and welfare of the Bay and ecosystems it supports, but allowing one would be to allow thousands that would have a detrimental effect on the Bay.

Commission staff recommend denial of the variance based on failure to meet all five variance standards. We recommend that the storage shed be constructed outside of the Buffer. In addition, because of the County's Critical Area density limits in the RCA, no additional dwelling units are permitted on the property without growth allocation.

Thank you for the opportunity to comment on this application. Please include this letter as part of the record for the variance request. Please notify the Commission in writing of the decision made in this application. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,

  
Susan McConville  
Natural Resources Planner

cc: CE 95-99

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) 260-7516 Fax: (410) 974-5338

March 17, 1999

Ms. Martha Herman  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Waterman, Maren - Amendment to Title 18, Land Use and Development - Sections  
18-1-043, 18-1-051 and 18-1-297  
RE: Growth Sub-areas, #TA 99-03**

Dear Ms. Herman:

Thank you for providing me with information on the above referenced text amendments. According to the amendment request, the amendments are needed in order to encourage development within designated Growth Sub-Areas and to comply with Smart Growth Initiatives. The applicant states that the amendments will enable the County to maximize use of existing infrastructure while preserving natural resources in the majority of the County in areas where growth is not to be encouraged.

Commission staff have no comments regarding the proposed text amendments at this time. It appears that the text amendments will be required to be presented to the full Critical Area Commission for review. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville,  
Natural Resources Planner

cc: QA #TA 99-03

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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March 17, 1999

Ms. Martha Herman  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Covington - Rezoning Reclassification on Map 52, Part of Parcel 4 consisting of  
7.511 acres form AG to LIHS  
#R 03-99-01**

Dear Ms. Herman:

Thank you for providing me with information on the above referenced rezoning reclassification. The applicant requests that part of their property (7.115 acres) know as the Peace and Plenty Farm be rezoned from Agricultural (AG) zoning district to Light Industrial Highway Service (LIHS) zoning district and also to rezone an equal amount of land (7.115 acres) on their property from LIHS to AG.

According to the application, the property is not located within the Chesapeake Bay Critical Area. Commission staff do not oppose the rezoning as proposed. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 123-99

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 17, 1999

Ms. Martha Herman  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Sheaffer Property - Rezoning Reclassification on Map 34, Parcel 30 consisting of  
38.018 acres from NC-1 to CS  
#R-03-99-02(c)**

Dear Ms. Herman:

Thank you for providing me with information on the above referenced rezoning petition. I have reviewed the petition for rezoning of the property know as the Mallard Point subdivision. The following characteristics of the property support the petition for rezoning:

1. The NC-1 zoning permits single family residential development at a density of one dwelling per acre, however the County Health Department has determined the property unsuitable for septic systems for residential development consistent with NC-1 zoning.
2. The property is not located within a defined Growth Area in accordance with the 1993 Comprehensive Plan Update.
3. More than half of the property (18.29 acres) is located within the Bay Critical Area and is designated Resource Conservation Area (RCA), limiting residential density to one dwelling unit per twenty acres.

Commission staff support the request for rezoning. Please include this letter as part of the record for the rezoning request. Please notify the Commission in writing of the decision made in this application. If you have questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 125-99

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ge John C. North, II  
Chairman



Ren Srey  
Executive Director

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March 17, 1999

Ms. Martha Herman  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Dixon Furniture, Inc. - Rezoning Reclassification on Map 6, Parcel 2 consisting of  
27.503 acres from CS to SC  
#R-07-99-3(c)**

Dear Ms. Herman:

Thank you for providing me with information on the above referenced text amendment. The applicant has proposed a rezoning reclassification on map 6, parcel 2 consisting of 27.503 acres from Countryside (CS) to Suburban Commercial (SC). According to the petition, parcel 2 contains approximately 83.83 acres and is currently zoned CS. Approximately 54.5 acres of parcel 2 is located within the Chesapeake Bay Critical Area and is designated as a Resource Conservation Area (RCA). The remaining 27.503 acres of parcel 2 is not located within the Critical Area and is the Subject Property of this petition. The petitioner is seeking the rezoning of the 27.503 acres outside of the Critical Area from Countryside (CS) to Suburban Commercial (SC).

Commission staff do not oppose the rezoning as proposed. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 121-99

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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March 17, 1999

Ms. Faith Rossing  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Prospect Bay Sewer - Consistency Report**


Dear Ms. Rossing:

Thank you for the opportunity to review the above referenced project on County-owned land. The County has completed installation of a sewer main from Prospect Bay to Grasonville and is moving forward with upgrades to existing Pump Stations #1 and #2, and the construction of a new Pump Station #4. According to the consistency report, the work will include increasing the pumping capacity and the construction of shellfish protection measures at Stations #1 and #2 and construction of a new Pumping Station #4 on a 14+ acre County park near Grasonville.

I understand from our conversation by telephone yesterday that the work proposed at Pump #1 and Pump #4 will result in new areas of impervious surface within the 100-foot Buffer. An increase of 290 square feet is proposed at Pump # 1 and an increase of 1,371 square feet is proposed at Pump # 4. The properties are not designated as Buffer Exemption Areas. County staff has found that impervious surfaces will be minimized to the extent possible to support the proposed upgraded buildings and tanks. Commission staff recommend mitigation for the area of new impervious surface in the Buffer with the planting of native trees in the Buffer.

Commission staff certify the proposed work as consistent with the County's Critical Area Program with the condition that mitigation for Buffer impacts is provided. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

  
Susan McConville  
Natural Resources Planner

cc: QA 109-99

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

75



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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March 15, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Anchorage - Concept Plan/Major Subdivision  
SSP # 04-99-49(c)**

Dear Ms. Hyer-Morgan:

Thank you for providing me with information on the above referenced subdivision application. The applicant has proposed the subdivision of Lot 1 of the previously approved Fair Prospect subdivision into 46 single-family lots, with a minimum lot area of 6,000 s.f., and a minimum width of 60'. We have the following comments:

1. We recommend that lot lines on the proposed lots 6, 7, 8, and 9 be reconfigured or that some of these lots be combined so that the lots do not encroach into the protected tidal and non-tidal wetland buffers. If the lots do include portions of the no-disturbance Buffer, we recommend that the area be clearly identified to prevent impacts to vegetation in those area once the lots are individually owned.
2. Under the State Criteria and County Program, when a property changes use from agricultural to residential, the full 100-foot Buffer must be established. In addition to the afforestation areas, we recommend that the remaining area of the Buffer either be planted in native vegetation or be allowed to naturally regenerate.

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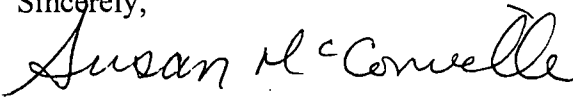


Ms. Hyer-Morgan  
Page Two  
March 15, 1999

3. I understand that the project area is within a pre-mapped growth allocation area and that the applicant intends to change the designation from RCA to IDA. Please note that our review and comments concerning the proposal's consistency with the County Program and State Criteria are dependent on approval of growth allocation for this site. Please forward information concerning the applicant's growth allocation request when submitted.
4. We recommend that the best management practices that will be used for stormwater management be identified early in the subdivision design process. No stormwater management areas have been identified in the concept plan. If the growth allocation is approved, this project will be reviewed under the criteria for development in the IDA and a ten percent reduction in pollutant loading based on the pre-development load will be required.

If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,



Susan McConville  
Natural Resources Planner

cc: QA 113-99

John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 15, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Gateway Self-Storage II - Final Site Plan  
#MASP #04-99-5(C)**

Dear Mr. Cohoon:

Thank you for the opportunity to review the above referenced site plan. The applicant proposes to construct an additional mini-warehouse (two-story) building and vehicular parking and roadway adjacent to the east side of the existing warehouse. As conditions of the growth allocation for this property, the Critical Area Commission required that the applicant: 1. Submit information pertaining to compliance with the 10 Percent Rule to the CAC for review and approval; and 2. Provide reforestation on-site to the maximum extent practicable and native species should be used for all mitigation.

According to the application, the 10 percent calculation worksheet submitted indicated that 68% of the site area (1.59 acres) will be treated by both the wetpond and grassed swales. The Drainage Area map submitted with the application indicated that 1.20 acres will drain to the pond and .77 acres will drain through the Buffer to the wetlands. The drainage for the grassed swale best management practices (BMP) has not been clearly identified on the site plan. Please identify the area of drainage that will be treated by each of the proposed BMPs. If two BMPs treat the same drainage, the calculations for BMPs in a series should be used to determine the load removed.

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Information on how to calculate BMPs in a series is found in the *Plan Reviewer's Guide for 10% Rule Compliance* on pages 8-9. Please do not hesitate to contact me if you have any questions concerning the calculation of BMPs in a series. In addition, the site plan does not show the intermittent stream and tidal wetland area off-site at the crossing to Chester Station Road however it appears that the stormwater management outfalls will impact these areas. Please provide this information for review.

Please include this letter in your file and submit it as part of the record for the application. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,



Susan McConville  
Natural Resources Planner

SM/jjd

cc: QA 179-98

John C. North, II  
Chairman



Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
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March 15, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Brandenberger -Major Site Plan  
File # MASP 05-99-06(c)**

Dear Mr. Cohoon:

Thank you for including the 10% calculations for the proposed stormwater management to this office. The worksheet submitted indicated that 100% of the site area (1.1 acres) will be treated by both the wetpond and the grassed swales. Please identify the area of drainage to each of the proposed best management practices (BMPs). When two BMPs treat the same drainage, the calculations for BMPs in a series should be used to determine the load removed. Information on how to calculate BMPs in a series is found in the *Plan Reviewer's Guide for 10% Rule Compliance* on pages 8-9 (please see attached). Please do not hesitate to contact me if you have any questions concerning the calculation of BMPs in a series.

Please forward the 10% calculations for BMPs in a series or clarification on the drainage areas treated by each BMP to this office for review and we can provide further assistance and comment. Please call me at (410) 260-7019 if you have any questions concerning these comments.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

SM/jjd

cc: QA 618-98

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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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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March 15, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Brandenberger -Large Lot Minor Subdivision  
File # 05-99-015(c)**

Dear Mr. Cohoon:

Thank you for the opportunity to review the above referenced proposed subdivision. The applicant proposes to create a 1.1 acres commercial lot for development of 9,800 square foot gymnastics building with associated parking and other site improvements. Commission staff do not oppose the subdivision as proposed. Please call me at (410) 260-7019 if you have any questions concerning these comments.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

SM/jjd

cc: QA 618-98

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  
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March 11, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Bayside Condominiums - impervious surface variance request**

Dear Ms. Maxwell:

Thank you for providing me with information on the above referenced variance application. The applicant is seeking a variance from the County's impervious surface requirements, Section 14-138 (d) (8) of the County's Environmental Protection Code, for the expansion of an approved residential condominium development. While the subdivision is considered grandfathered, it received an amended site plan approval in the mid-1990's that under the County's approved program established an impervious area limit of 12.737 acres. This originally approved impervious surface area is well above the 15% impervious surface limits for development in the Resource Conservation Area (RCA).

Commission staff do not support the granting of the variance to exceed the approved impervious surface limits based on the grandfathering provisions in the County Program and State Criteria.

Any lawful use of land within the Critical Area existing as of June 29, 1988 may continue, but may not be intensified or expanded unless such intensification or expansion shall bring structures and uses into conformity with the provisions of this subtitle or unless a variance is obtained pursuant to Part VII of this subtitle. (Section 14-122, Queen Anne's County Zoning Ordinance)

Any person who seeks a variance to the Queen Anne's County Critical Area Program must satisfy the variance standards specifically listed in Section 14-166 of the Queen Anne's County Zoning Ordinance. All standards must be met in order for a variance to be granted. It is the opinion of this office that all of the five variance standards have not been met in the case. Below is an outline and analysis of the application of the required standards to this case.

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1. Section 14-166(1) and (2) addresses conditions that are unique to the subject property involved and the unwarranted hardship resulting from denial of the variance. The legal standard of "unwarranted hardship" in the context of the variances to Critical Area standards is set forth clearly by the Court of Special Appeals in White v. North, 121 Md. App. 196 (1998) and North v. St. Mary's County, 99 Md. App. 502 (1994). Unwarranted hardship results only when denial of an applicant's request would result in denial of reasonable use of the site. Based on our review of the application. The construction of the condominium with the originally approved percentage of impervious area would allow reasonable use of the property. Therefore, the denial of a variance to exceed the approved area of imperviousness would not result in an unwarranted hardship.
2. Section 14-166(5) address the rights of the variance applicant with respect to the rights commonly shared by other owners of property within the Critical Area. All property owners within the Critical Area and within the RCA are similarly limited by the County and the State Critical Area requirements regarding limits on impervious surfaces. Therefore, denial of the variance will not deprive the property owner of rights shared by other owners of property in the Critical Area.
3. Section 14-166(5) addresses 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 and/or structures within the Critical Area. The granting of a variance to further exceed impervious surface limits clearly would confer upon this property owner a special privilege because other similarly situated properties may not exceed impervious surface limits within areas designated as Resource Conservation Area under the County Program.
4. Section 14-166(3) addresses conditions or circumstances that are self-imposed and conditions or circumstances related to adjacent properties. This condition appears to have been met.
5. Section 14-166(6) 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 an intent of the County's Critical Area Program. This office has consistently opposed the addition of new impervious area above the permitted amount on grandfathered subdivisions that have been developed after local Critical Area program approval.

Impervious surfaces in the Critical Area prevent the natural filtering of runoff necessary to improve water quality and permanently impair habitat of both terrestrial and aquatic species. The ability of the Critical Area to achieve these functions has been proven to be reduced as the percentage of imperviousness in a watershed increases. This additional

Ms. Cathy Maxwell  
Page Three  
March 11, 1999

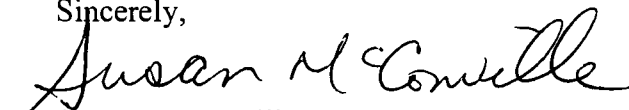
area of impervious surface by itself may seem inconsequential to the health and welfare of the Bay and the ecosystems it supports, but allowing this property to exceed impervious surface limits would be to allow thousands that would have a detrimental effect of the Bay.

6. Section 14-166(7) requires that the variance request is the minimum deviation from the provisions of the County's Critical Area Ordinance that will achieve a reasonable use of land or structures. In our opinion this standard has not been met. The grandfathered subdivision was approved to be developed with the condition that the impervious surfaces be limited to 12.737 acres or approximately 38% of the property. The additional area of impervious surface is not necessary to achieve a reasonable use of the land. The property owner would attain reasonable use with the construction of the condominium with the approved percentage of impervious area, but would exceed the minimum deviation standard with additional impervious area.
7. Section 14-166(8) requires that a variance be granted only if it is in harmony with the general purpose of the Critical Area Ordinance and the County Program, and if the variance does not result in a prohibited use or an increase in the applicable density limits. We believe the issuance of a variance in this case is inconsistent with the general intent of the County's Ordinance and Program to limit impervious surfaces in the Resource Conservation Area.

The Commission staff recommends that the Board deny the variance to exceed the approved impervious surface limits because the proposed addition of imperviousness does not meet all of the County's variance standards.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as a part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please do not hesitate to call me at (410) 260-7019.

Sincerely,



Susan McConville  
Natural Resources Planner

cc: QA 33-99

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) 260-7516 Fax: (410) 974-5338

March 11, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: The Point Foundation - Concept Plan  
File # CP 05-99-3 (c)**

Dear Mr. Cohoon:

Thank you for the opportunity to review the above referenced concept plan. I have reviewed the proposal to construct a boat sales building, boat service building and parking area on this IDA property as well as the site plan that was reviewed in 1992. It appears that the proposed new structures and parking area will be constructed in the existing developed and impervious area that was previously approved for redevelopment. The current redevelopment proposal will result in a reduction of 0.169 acres of impervious area on the property from 0.783 to 0.614 acres. The applicant has proposed 0.164 acres to be landscaped. We recommend that the area to be planted on site include native trees. In addition, we recommend that the boardwalk be constructed to remain pervious and that the area under the boardwalk be pervious.

We have no further comments at this time. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

SM/jjd

cc: QA 112-99

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) 260-7516 Fax: (410) 974-5338

March 8, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Peffy Property - proposed pier  
CU-283**

Dear Ms. Maxwell:

Thank you for the opportunity to provide comments on the above referenced application for a conditional use. The 15.1 acre property is classified as Resource Conservation Area (RCA). The applicant has applied for a conditional use in order to construct a pier beyond the 150-foot limit. The proposed 6 foot wide pier would extend 350 feet into Eastern Bay to serve the existing residential lot. No impacts to Habitat Protection Areas have been identified.

Commission staff do not oppose the granting of the conditional use for the proposed pier with the condition that all requirements for development in the RCA are met. If you have any questions concerning these comments, please call me at (410) 260-7019.(410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 80-97

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

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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March 8, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centerville, Maryland 21617

**RE: Benedict Andrew American Legion # 296  
CU-284**

Dear Ms. Maxwell:

Thank you for the opportunity to provide comments on the above referenced application for conditional use. The 2.53 acre property is classified as Limited Development Area (LDA). The applicant is requesting a conditional use in order to expand activities at the American Legion building that was originally approved under a previous conditional use application. The proposed expansion includes a 20' by 35' addition and 40' by 60' concrete pad. The application indicates that total impervious surface on the property after the expansion will be 12.75 %, below the 15% impervious surface limit for development in the LDA. No impacts to Habitat Protection Areas have been identified.

Commission staff do not oppose the granting of the conditional use for the proposed additions with the condition that all requirements for development in the LDA are met. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. McConville".

Susan McConville  
Natural Resources Planner

cc: QA 81-99

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

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
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March 8, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville Maryland 21617

**RE: Homeport on Winchester Creek - Sketch Plan/Major Subdivision  
File # 05-98-042 (c) Revision #2**

Dear Mr. Cohoon:

In our previous letter of comment on the above referenced subdivision, we recommended that the Planning Commission hold their decision until the habitat conservation plan is completed. This letter supersedes those comments. We understand that the County will continue to receive input from agencies with expertise on the protection needs of the Delmarva Fox Squirrel on the site and therefore we recommend that the County continue to consult with those agencies to develop adequate protections for the habitat during the ongoing subdivision review process.

If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

SM/jjd

cc: QA 31-97

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



John C. North, II  
Chairman

Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

February 24, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Calculation of Reforestation Requirements**

Dear Mr. Cohoon:

As per our telephone conversation yesterday concerning the calculation of reforestation requirements, it has come to our attention that the County has interpreted and calculated the reforestation requirements for forest clearing in Limited Development Areas in a way that is not consistent with the language in its program (Section 14-138 d(6)) or with the State Criteria (COMAR 27.01.02.04 C).

Specifically, the required forest replacement acreage has not been calculated as required under the following language:

1. Section 14-138d(6) of the Queen Anne's County Code requires that:

Subject to the limitations imposed upon the clearing and cutting of woodlands imposed in the Queen Anne's County Zoning Ordinance, a developer may propose clearing up to 30% of the forested or developed woodland area of a site proposed for development without the need to obtain a variance under this subtitle. However, *any such area removed must be replaced at the rate of 1.5 times the area removed on site* or, if afforestation is impracticable on site, elsewhere within the critical area as proposed by the applicant and approved by the Planning Department.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Mr. Steve Cohoon  
February 24, 1999  
Page two

2. Similarly, the language in the State Criteria requires:

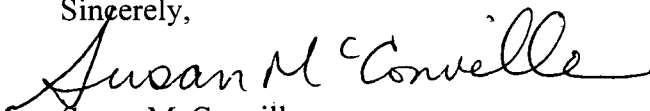
For replacement of forest and developed woodland, if more than 20 percent is removed from forest use, the following formula shall apply: a developer may clear or develop more forest than otherwise permitted to be disturbed, if the total forest area removed from forest use is not increased by more than 50 percent of the area permitted to be disturbed in §C (3)(c)), above, *provided that the afforested area shall consist of 1.5 times the total surface acreage of the disturbed forest or developed woodland area, or both.*  
(COMAR 27.01.02.04C(4))

The language in both the County program and State Criteria clearly require that when forest clearing is proposed above the 20% threshold, but not more than 30%, the reforestation amount is calculated to be replaced at the rate of 1.5 times the total area removed on site. It appears that the County has allowed the area cleared up to 20% to be replaced at a rate of 1 to 1 and the amount cleared between 20% and 30% to be replaced at the rate of 1.5 to 1.

Again, this is not consistent with the way the Commission has interpreted its regulations. Commission staff recommend that this interpretation and method of calculation be corrected. We understand the challenge that the County faces when a project is proposed such that reforestation requirements can not be met on site. We have worked with other Critical Area Counties to address this issue through the use of for example fees-in-lieu and forest banks and would be happy to provide assistance in developing alternative ways to meet the reforestation requirements that are consistent with the County's Critical Area program.

If you have any questions concerning this issue and our recommendation, please call me at (410) 260-7019.

Sincerely,



Susan McConville  
Natural Resources Planner

cc: Regina Esslinger, Project Chief





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) 260-7516 Fax: (410) 974-5338

February 23, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Winchester - Phase II, Revision #1 - 19 Additional Residential Lots  
SSP # 05-99-3(c)**

Dear Mr. Cohoon:

Thank you for the opportunity to provide comments on the concept plan revision for Winchester Subdivision - Phase II. The applicant has requested that an additional five lots be added to the proposed subdivision. The Critical Area portion of the property (29.099 acres) is classified as Limited Development Area (LDA). With this addition, a total of 19 additional residential lots are proposed as phase II of the Winchester Subdivision.

As noted in our previous comments dated January 19, 1999, the proposed forest replacement acreage was not calculated as required. The language in both the County program and State Criteria clearly require that when forest clearing is proposed above the 20% threshold, but not more than 30%, the reforestation amount is required at the rate of 1.5 times the total area removed on site. The proposal to replace the forest cleared up to 20% at a rate of 1 to 1 and forest cleared between 20% and 30% at the rate of 1.5 to 1 is not consistent with the County program or State Criteria. We recommend that this calculation be corrected in future submittals. In addition we noted that the Critical Area report from McCarthy and Associates attached to this submittal incorrectly states that no mitigation is required when forest cleared in the Critical Area is less than 30%.

We have no further comments on the concept plan at this time. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

cc: QA 474-97

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**  
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

February 23, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville Maryland 21617

**RE: Homeport on Winchester Creek - Sketch Plan/Major Subdivision**  
**File # 05-98-042 (c) Revision #2**

Dear Mr. Cohoon:

Thank you for the opportunity to provide comments on the Homeport on Winchester Creek subdivision. I have reviewed the above referenced revision. Commission staff recommend that no further action be taken on the subdivision application until the habitat conservation plan for the Delmarva Fox Squirrel is approved by the U.S. Fish and Wildlife Service. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

SM/jjd

cc: QA 31-97

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

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

February 23, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: White Pines - Sketch Plan/ Major Subdivision  
SSP # 04-99-1(c), Revision #1**

Dear Mr. Cohoon:

Thank you for providing me with information on the above referenced subdivision application revision. Our review and comments concerning the proposal's consistency with the County Program and State Criteria are dependent on a determination of whether the necessary growth allocation application will be to change the designation to Limited Development Area or to Intensely Developed Area. Based on our telephone conversation today, I understand that the applicant intends to apply for a change from RCA to LDA. Please forward information concerning the applicant's growth allocation request when submitted.

In addition, we support the applicant's change in the amount of reforestation proposed to be consistent with the requirement that when the percentage of forest proposed to be cleared in the Critical Area is greater than 20% and not over 30%, the total area of forest cleared must be replaced at the rate of 1.5 times the area removed on site.

Thank you for the opportunity to comment. Please include this letter in your file. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 16-99

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) 260-7516 Fax: (410) 974-5338

February 23, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Goose Point Estates - Sketch Plan/Major Subdivision  
File # 04-84-44(c) Revision: Amendment - Section 3**

Dear Mr. Cohoon:

Thank you for the opportunity to review the above referenced sketch plan and major subdivision. The applicant proposes to construct a single-family residence on Lot 17. The plat has been revised in order to remove the "five-foot minimum site elevation" and relocate the waterfront building restriction line to coincide with the environmental conservation easement and Critical Area Buffer. I understand that no impacts are proposed within the existing conservation easement area or within the 100-foot Critical Area Buffer or expanded Buffer.

Commission staff do not oppose the subdivision as proposed. Thank you for the opportunity to comment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

  
Susan McConville  
Natural Resources Planner

cc: QA 79-99

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) 260-7516 Fax: (410) 974-5338

February 23, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Mears Point Marina - Site Plan Revision #2  
File # MASP #05-98-16(c)**

Dear Mr. Cohoon:

Thank you for the opportunity to provide comments on the revisions to the site plan for Mears Point Marina. As per our telephone conversation today and based on the information in the current submittal, I understand that the stormwater management calculations for water quality have been provided to and approved by the Queen Anne's County Department of Public Works and will be forwarded to this office for review. We will provide comments concerning the proposed payment in lieu of providing on-site stormwater management for water quality to your office once received. We have no further comments at this time.

Thank you for the opportunity to comment. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 349-98

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) 260-7516 Fax: (410) 974-5338

February 22, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Wilson and Lyle - Variance Request  
# V-410**

Dear Ms. Maxwell:

Thank you for the opportunity to review the above referenced variance request. The applicant has requested a variance from Section 14-151(a) of the Environmental Protection Code to construct a 14 foot by 23 foot porch in the 100-foot Buffer. The porch is proposed to be attached to the existing residence and located on the existing 14 foot by 23 foot "greenhouse" footprint. The 76 acre property is in a designated Resource Conservation Area (RCA). The porch is proposed to be constructed on pier foundation with 4" concrete slab floor.

Commission staff do not oppose the granting of variance to construct the porch on the existing foundation with the condition that there is no expansion of the existing footprint and that the applicant mitigate for the any new disturbance in the Buffer with the planting of native trees at a ratio of three to one. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 58-99

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) 260-7516 Fax: (410) 974-5338

February 19, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Carmelo Grasso, Jr. - variance request  
# V-409**

Dear Ms. Maxwell:

Thank you for the opportunity to review the above referenced variance request. The applicant has requested a variance from Section 14-53(d) (2) of the Environmental Protection Code to construct a deck in the Buffer and a variance from the County Floodplain Ordinance. The proposed deck would increase the encroachment into the Buffer from 7.33 ft to 17.82 feet. The property is in a designated Limited Development Area and is in a Buffer Exemption Area. Three trees are proposed to be removed.

Commission staff recommend that the encroachment of the deck into the Buffer be further minimized if possible. However, we do not oppose the granting of variance for the deck with the condition that the new area of deck is constructed to be pervious and that the applicant mitigate for the loss of the trees and the area of new disturbance in the Buffer with the planting of native trees in the Buffer at a ratio of three to one. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 46-99

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) 260-7516 Fax: (410) 974-5338

February 18, 1999

Mr. Joe Johnson  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: Polansky Property - proposed site plan**

Dear Mr. Johnson:

Thank you for the opportunity to review the above referenced application to construct a residential dwelling on a 50 acre parcel located in the Resource Conservation Area under the Cecil County Critical Area Program. The entire property is forested except for a 2 acre area where there is an existing abandoned cabin and access road. Approximately 0.28 acres of forest is proposed to be cleared and replaced on site. The property, a former Boy Scout camp, is proposed for subdivision in order to change the use to a residential building lot.

The environmental assessment and correspondence from the Maryland Department of Natural Resources has identified several sensitive areas and Habitat Protection Areas on the property. These include: steep slopes, non-tidal wetlands, including forest interior dwelling bird habitat, rare and threatened species and the 110-foot Critical Area Buffers. It appears that the project is consistent with the County Critical Area Program and has been designed to minimize impacts on these areas. No Buffer impacts are proposed.

Commission staff do not oppose the granting of this subdivision. Commission staff do recommend that the proposed house and accessory structures be constructed in the existing cleared area on the property in order to minimize impacts to forest and FID habitat. In addition, we recommend that location of forest replacement serve to enhance existing FID habitat by enlarging forest areas or filling in gaps in the forest.

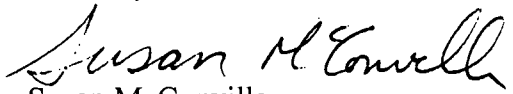
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(410) 822-9047 Fax: (410) 820-5093

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



Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for the subdivision. Please notify the Commission in writing of the decision made in this case. Please call me at (410) 260-7019 if you have any questions concerning these comments.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: 34-99

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) 260-7516 Fax: (410) 974-5338

February 16, 1999

Mr. Stanley Hearne  
PO Box 154, 241 Market Street  
Charlestown, MD 21914

**Re: Govatos Property - variance request**

Dear Mr. Hearne:

Thank you for the opportunity to review the above referenced request for a variance. I understand from discussions with and correspondence from Mary Ann Skilling that the landowner has proposed to construct a single family dwelling on a grandfathered lot that is in a designated Intensely Developed Area under the Charlestown Critical Area program.

Commission staff do not oppose the granting of a variance in order to construct a single family dwelling on the grandfathered property. However, grandfathered status does not exempt the applicant from meeting the Habitat Protection Area requirements under the Town's Critical Area program, including protection of the habitat and water quality functions of the 100-foot Buffer. Commission staff recommend that the applicant minimize the intrusion into the Buffer to the greatest extent possible. In addition, we recommend the planting of native vegetation at a ratio of three to one in the Buffer to mitigate for any impacts in the Buffer. Any additional accessory structures proposed in the future in the Buffer will need a variance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for the variance. Please notify the Commission in writing of the decision made in this case. Please do not hesitate to call me at (410) 260-7019 if you have any questions concerning these comments.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: CL 70-99

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) 260-7516 Fax: (410) 974-5338

February 12, 1999

Mr. Joseph Johnson  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, MD 21921-5935

**Re: Altemus Property - proposed site plan and minor subdivision**

Dear Mr. Johnson:

Thank you for the opportunity to review the above referenced application for site plan approval and minor subdivision. According to the application, one dwelling is proposed to be constructed within the Critical Area. Approximately 28.01 acres of the 45.77 acre property is in a designated Resource Conservation Area (RCA). There are approximately 27 acres of forest in the Critical Area on the property. The environmental assessment indicates that the property is potential forest interior dwelling bird (FID) habitat, a designated Habitat Protection Area under the County Critical Area Program and State Criteria.

I recall visiting this site with you when the landowner, Mr. Altemus, originally proposed a shore erosion control project on the property. At that time we discussed the issue of the unpermitted clearing of trees that had taken place on the property both within and outside of the Buffer. We have the following comments and recommendations:

1. We recommend that all trees that were cleared in the Buffer prior to this submittal, be replaced in the Buffer at a ratio of three to one to mitigate for the unapproved clearing. We recommend that this mitigation include both native trees and shrub and other native understory species. Commission staff does not support the planting and maintenance of of grass as Buffer mitigation.

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

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Mr. Johnson  
February 12, 1999  
Page two

2. Any other forest clearing on the property that was done prior to receiving a grading permit is required to be replaced at a ratio of three to one. Any additional clearing outside of the Buffer that is proposed under this submittal is required to be replaced at a ratio of one to one if the amount of clearing is less than 20% of the existing forest in the Critical Area on the property. Again, this reforestation requirement should include both trees and an understory component.
3. The application states that the forest on the property is potential habitat for forest interior dwelling birds (FID). In addition to time of year restrictions for clearing and maintenance of canopy closure, we recommend that the proposed dwelling and associated disturbance be kept to the existing clearing or be moved to the edge of forest to avoid forest fragmentation and impacts to the interior forest habitat. In addition, we recommend all forest replacement be located in areas that will enhance existing FID habitat.
4. The application describes an intermittent stream on the property. The State Criteria and County program require that intermittent streams have a 110-foot Buffer. The stream and Buffer should be shown on the plan.
5. All non-water dependent activities, including structures, temporary and permanent limits of disturbance, impervious areas, must be out of the Buffer and expanded Buffer. The proposed location for the dwelling should be moved further outside of the Buffer to avoid impacts to the Buffer from the limits of disturbance. We strongly recommend that the dwelling and garage and any associated development be located in the existing clearing to reduce the area of clearing.

In addition, the application indicates that the area of recent clearing has been mapped and calculated to be 0.529 acres. Recommended forest replacement is three times that number or 1.587 acres. The applicant has proposed a total estimated area of cleared forest to be 0.85 acres and a replacement area of 1.495 acres, two thirds of which is proposed adjacent to but outside of the Critical Area. Commission staff recommend that total area proposed to be cleared be reduced or that additional areas be identified to meet the forest replacement requirement on the property. The total area of clearing and area set aside for forest replacement should be determined before the application is approved.

Mr. Johnson  
February 12, 1999  
Page three

6. The County program and State Criteria restrict density on RCA properties to one dwelling unit per 20 acres. No other dwellings will be permitted under the RCA density limits in the Cecil County Critical Area program. This information should be recorded on the plat.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for the site plan and minor subdivision. Please notify the Commission in writing of the decision made in this case. Please call me at (410) 260-7019 if you have any questions concerning these comments.

Sincerely,



Susan McConville  
Natural Resources Planner

cc: 34-99

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) 260-7516 Fax: (410) 974-5338

February 8, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Marine Recovery Services - Boat Sales/Storage  
Major Site Plan #MASP 05-99-2(c)**

Dear Mr. Cohoon:

Thank you for the opportunity to review the above referenced major site plan. We have the following comments and recommendations. The application indicates a proposal to expand the existing gravel parking area and lawn/boat storage area shown on previously approved minor site plan (05-98-12). It appears that a net reduction of impervious area is proposed in the Critical Area. The 2.14 acre property is designated as Limited Development Area. The existing area of impervious surface in the Critical Area is 0.15 acres. With the removal of the area of gravel drive in the Critical Area and addition of the area of impervious surface, a net reduction in impervious area of 0.03 acres is proposed, which is below the 15% limit for development in the Limited Development Area (LDA).

Commission staff do not oppose the administrative subdivision and area of new impervious surface. Commission staff recommend that the area where impervious surfaces are removed be restored with the planting of native vegetation. Commission staff recommend the planting of trees in the area of restoration in order to meet the 15% afforestation requirement.

Thank you for the opportunity to comment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

  
Susan McConville  
Natural Resources Planner

cc: QA 59-99

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  
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February 4, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Smith, Brian David - Administrative Subdivision  
# 04-99-07 (c)**

Dear Mr. Cohoon:

Thank you for the opportunity to review the above referenced request for administrative subdivision. The applicant has requested approval to combine two existing residential vacant lots into one lot. The two existing lots (Lot 1 0.173 acres and Lot 3 0.219 acres) are in a designated Limited Development Area. The revised lot would be 0.392 acres.

Commission staff do not oppose the granting of the administrative subdivision as proposed. We have no further comments at this time. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 45-99

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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(410) 260-7516 Fax: (410) 974-5338

February 4, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Bay Bridge Marina, LLP/ Coastal Partners - Minor Subdivision  
# 04-99-06 (c)**

Dear Mr. Cohoon:

Thank you for the opportunity to review the above referenced site plan. The applicant has requested approval to create a new 4.3 acre lot for the Chesapeake Bay Beach Club. The 45.84 acres of the existing parcel is located in the Critical area and designated Intensely Developed Area (IDA).

Commission staff do not oppose the granting of the subdivision as proposed. Any new development on this new lot will be required to comply with the 10% pollutant reduction requirements for development in the IDA and the Buffer requirements under the County Critical Area program. We have no further comments at this time.

If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 47-99

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

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Chairman



Ren Serey  
Executive Director

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January 28, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centerville, Maryland 21617

**RE: Holiday Inn Express (Expansion) - Revision #1 (CP 05-98-08 (c))**

Dear Mr. Cohoon:

Thank you for the opportunity to review the above referenced site plan revision. We have the following comments and recommendations. The applicant has proposed an expansion that includes 1,640 square feet addition to be used as a meeting /conference room and an additional twenty-three (23) parking spaces to serve this expansion. The applicant has also modified the application to include stormwater management and Buffer mitigation calculations for total buildout for the hotel, which includes a future 25 room expansion.

1. Please forward more detailed plans on the stormwater management pond design and 10% calculations to this office for review. This information was requested to be reviewed under the original Holiday Inn Express development proposal, but has not yet been submitted to this office for review or our files.
2. As previously noted, the County requires under its Buffer mitigation provisions for development in a BEA that natural vegetation of an area twice the extent of the impervious area be created on-site. It does not appear that there is adequate area on site to meet this requirement. Please provide information regarding how this requirement will be met on-site, off-site, and/or through a fee in lieu. Commission staff recommend that the applicant include understory vegetation in addition to the required tree plantings as part of its Buffer mitigation on-site.

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

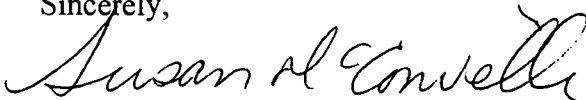
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Mr. Steve Cohoon  
January 28, 1999  
Page two

3. According to this submittal, the on-site Buffer mitigation areas will be deed-restricted by a covenant similar to a forest protection document. Commission staff recommends that this covenant contain language requiring the protected areas to be maintained in native vegetation and be managed to maximize habitat and water quality functions, (i.e., include a prohibition on mowing). We request an opportunity to review the proposed covenant language for the deed restricted Buffer mitigation areas prior to its approval.
4. We recommend that the proposed concrete deck area be redesigned to be a pervious area.

The Commission staff cannot complete its review of this project and cannot support approval until the above referenced information on 10% compliance and Buffer mitigation is provided. Thank you for the opportunity to comment. Please forward information regarding the issues outlined above and we can provide further comment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,



Susan McConville  
Natural Resources Planner

cc: QA 620-98

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) 260-7516 Fax: (410) 974-5338

January 28, 1999

Mr. Gene Palmatary  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centerville, Maryland 21617

**RE: Klaussen Property - Buffer mitigation plan**

Dear Mr. Palmatary:

Thank you for meeting me on the Klaussen property to discuss the County's response to the unpermitted clearing in the Buffer. As we discussed during the site visit, it appears that Klaussens cut twenty-five trees in the Buffer on one side of the property and another five live trees on another portion of Buffer on the property. These Buffer impacts were not approved by the County or this office. As we discussed on site, the trees that were cut are required to be replaced in the Buffer at a ratio of three to one.

Commission staff recommend that the Klaussens prepare a Buffer planting and protection plan that shows the number, species, and location of replacement plantings. We recommend that in addition to tree replacement, that an understory component be included as part of the planting and that the Buffer be maintained in a natural state; mowing would be prohibited. I understand that the Klaussens plan to landscape with trees along the existing road to the residence. Commission staff do not consider landscaping as meeting the tree replacement requirement.

Please forward a copy of the Buffer mitigation plan to this office for review and we can provide further comment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 66-98

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

udge John C. North, II  
Chairman



Ren Serey  
Executive Director

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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 28, 1999

Mr. Bob Burns  
Department of Pubic Works  
Queen Anne's County  
312 Safety Drive  
PO Box 56  
Centerville, Maryland 21617

**RE: Replacement of Crouse Mill Bridge - Critical Area Approval**

Dear Mr. Burns:

Thank you for your letter confirming that the County has been granted final approval by both the Maryland Department of the Environment and the Department of Natural Resources for the above referenced project. We accept the certification by the County that the project is consistent with the Critical Area Program and will result in no adverse impacts to the Critical Area. Thank you for the opportunity to comment. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 284-98

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





Ren Serey  
Executive Director

Judge John C. North, II  
Chairman

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**  
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

January 28, 1999

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

**Re: Riverwalk - Site Plan and Variance Request**

Dear Ms. Farr:

I have reviewed the above referenced site plan and variance request. The applicant has proposed the development of 22 recorded lots into 11 home sites and the extension of Rivervan Avenue in accordance with the record plat and development plans approved in the 1960's. The 69,841 square foot property is designated as a Limited Development Area. Approximately 42,000 square feet of forest is proposed to be cleared. This proposed clearing is above the permitted 30% clearing limit.

According to the State Criteria and County program, forest clearing that exceeds the maximum area allowed (30%) shall be replanted at three times the areal extent of the cleared forest. If the three to one requirement can not be met on the site, alternative provisions or reforestation guidelines may be developed by the local jurisdiction if they are consistent with the intent of COMAR 27.01.05, to conserve the forest and developed woodland resources of the Critical Area; alternative provisions may include fees-in-lieu provisions if the fee is adequate to ensure the restoration or establishment of an equivalent forest area (COMAR 27.01.02.05).

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

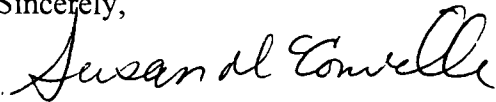
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Ms. Pat Farr  
January 28, 1999  
Page two

Commission staff cannot support the measures proposed by applicant to meet the reforestation requirement. Commission staff recommend that the County require alternative provisions, such as the fee-in-lieu, that are consistent with the above referenced Criteria.

Thank you for the opportunity to comment on this application. Please include this letter as part of the record for the site plan and variance request. Please notify the Commission of the measures required by the County to meet the reforestation requirement and of the decision made in this application. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,



Susan McConville  
Natural Resources Planner

cc: BC 657-99

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

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January 26, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centerville Maryland 21617

**RE: 2BD Limited Partnership - Concept Plan/ Major Site Plan, Revision #1  
File # CP 04-98-08(c)**

Dear Mr. Cohoon:

Thank you for the opportunity to review the above referenced concept/ site plan revision. According to the revised site plan there appear to be no Habitat Protection Areas located within the proposed development area. The applicant has identified the existing impervious drive as the area of impervious surface to be removed. We recommend that this area be restored with the planting of native vegetation.

In addition, the application indicated that there is currently no forest established on the proposed development site. Please provide information regarding existing forest area or the applicant's ability to meet the 15% afforestation requirement for development in the Limited Development Area (COMAR 27.01.02.04C). If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 619-98

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) 260-7516 Fax: (410) 974-5338

January 26, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centerville Maryland 21617

**RE: Brandenberger - Concept/Major Site Plan, Revision #1  
File # 05-98-07(c)**

Dear Mr. Cohoon:

Thank you for the opportunity to review the above referenced concept/ site plan revision. Please forward information regarding the proposed stormwater management and the applicants ability to achieve the 10% pollution reduction on site to this office for review during the site plan review process. We have no additional comments at this time. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

SM/jjd

cc: QA 618-98

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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January 26, 1999

Ms. Tanya Krista Maenhardt  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centerville, Maryland 21617

**RE: Aspen Institute for Humanistic Studies  
File # 05-99-02(c)**

Dear Ms. Maenhardt:

Thank you for the opportunity to review the above referenced request for administrative subdivision. According to the application, a relocation of lot lines is proposed for lots 79 and 105. The Critical Area portions of parcel 79 and parcel 105 are designated as Resource Conservation Area. The adjustment will reduce the size of Lot 105 by 1.40 acres, from 27.87 to 26.56 acres. The area of Lot 79 will be increased from 90.71 to 92.04 acres. No changes are proposed to the existing underlying zoning. No new development is proposed as a part of this application.

Commission staff do not oppose the administrative subdivision as proposed. The administrative subdivision appears to be consistent with the County's Critical Area Ordinance and Program as proposed. Please note, while existing commercial uses are permitted to continue in the RCA, additional land may not be zoned for industrial or commercial development except through the use of growth allocation (COMAR 27.01.02.05).

Please include this letter in you file and submit it as a part of the record for administrative subdivision. Please notify the Commission in writing of the decision made in this application. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 17-99

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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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) 260-7516 Fax: (410) 974-5338

January 25, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centerville, Maryland 21617

**RE: Mill property - Buffer Variance (# V-406)**

Dear Ms. Maxwell:

Thank you for providing me with information on the above referenced variance application. I understand that the applicant is seeking a variance from the County's Buffer requirements [Section 14-151 (a) of the County's Environmental Protection Code] for the construction of a single family dwelling and swimming pool. The County prohibits "new development activities, including clearing of existing natural vegetation, erection of structures... or other impervious surfaces" in the 100-foot Buffer [Section 14-151(a)]. The applicant proposes to construct a single family dwelling on an unimproved grandfathered lot designated as a Limited Development Area (LDA). The property is not located in a mapped Buffer Exemption Area under the County's Critical Area Program. According to the application, the lot is located almost entirely within the 100-foot Buffer to Broad Creek and associated tidal wetlands. In addition to the single family dwelling with associated driveway, garage, and porches, the applicant has proposed construction of a pool in the Buffer.

Commission staff do not oppose the granting of the variance for the construction of a single family dwelling on the grandfathered lot. However, Commission staff do not support the granting of a variance for the construction of the proposed swimming pool. Any person who seeks a variance to the Queen Anne's County Critical Area Program must satisfy the variance standards specifically listed in Section 14-166 of the Queen Anne's County Zoning Ordinance. All standards must be met in order for a variance to be granted. It is the opinion of this office that while the variance standards can be met in the case of the proposed single family dwelling, all of the five variance standards have not been met in the case of the proposed swimming pool. Below is an outline and analysis of the application of the required standards to this case.

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

1. Section 14-166(1) and (2) addresses site features that are unique to the subject property or structure and the unwarranted hardship resulting from denial of the variance. The legal standard of "unwarranted hardship" in the context of the variances to Critical Area standards is set forth clearly by the Court of Special Appeals in White v. North, 121 Md. App. 196 (1998) and North v. St. Mary's County, 99 Md. App. 502 (1994). Unwarranted hardship results only when denial of an applicant's request would result in denial of reasonable use of the site. Based on our review of the application, this condition appears to have been met for the single family dwelling. The construction of a single home would allow reasonable use of the property. In the case of the pool, this condition has not been met. The denial of an accessory structure would not result in an unwarranted hardship.
2. Section 14-166(1) also addresses the rights of the variance applicant with respect to the rights commonly shared by other owners of property within the Critical Area. All property owners within the Critical Area and within the LDA are similarly limited by the County and the State Critical Area requirements regarding new development activity within the Buffer. Therefore, the granting of the variance for the dwelling and denial of this variance for the swimming pool will not deprive the property owner of rights shared by other owners of property in the Critical Area.
3. Section 14-166(5) addresses 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 and/or structures within the Critical Area. The granting of a variance for a pool clearly would confer upon this property owner a special privilege because other similarly situated properties may not locate new accessory structures within the Buffer.
4. Section 14-166(3) addresses conditions or circumstances that are self-imposed and conditions or circumstances related to adjacent properties. This condition appears to have been met.
5. Section 14-166(6) 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. This office has consistently supported the grandfathering provisions set forth in the COMAR 27.01.02.07B., that allow for the construction a single family dwelling on a grandfathered lot. Furthermore this office has consistently opposed the placement of accessory structures, including swimming pools, in the 100-foot Buffer. In two cases decided under the Critical Area variance standards, the Maryland Court of Special Appeals has held that denial of a variance for the construction of accessory structures 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). The Buffer is a designated Habitat Protection

Ms. Cathy Maxwell  
January 25, 1999  
Page three

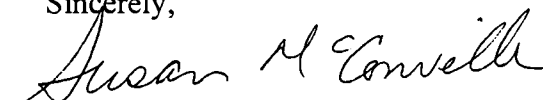
area designed to act as both a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The ability of the Buffer to achieve these functions is reduced by structures such as the pool in this case. This proposed pool by itself may seem inconsequential to the health and welfare of the Bay and the ecosystems it supports, but allowing one would be to allow thousands that would have a detrimental effect of the Bay.

6. Section 14-166(7) requires that the variance request is the minimum deviation from the provisions of the County's Critical Area Ordinance that will achieve a reasonable use of land or structures. In our opinion this standard has not been met. The construction of the swimming pool within the 100-foot Buffer is not necessary to achieve a reasonable use of the land. The property owner would attain reasonable use with the construction of a single family dwelling, but would exceed the minimum deviation standard with the construction of the accessory pool.
7. Section 14-166(8) requires that a variance be granted only if it is in harmony with the general purpose of the Critical Area Ordinance and the County Program, and if the variance does not result in a prohibited use or an increase in the applicable density limits. We are not opposed to locating accessory structures outside of the 100-foot Buffer as long as they meet other zoning restrictions. However, we believe the issuance of a variance for the pool in this case is inconsistent with the general intent of the County's Ordinance and Program to prohibit new non-grandfathered development activities in the Buffer.

In summary, the Commission staff recommends that the Board approve the variance for the construction of the single family dwelling in the Buffer. The Commission staff recommends that the Board deny the variance for the swimming pool because the proposed accessory structure does not meet all of the County's variance standards and because the structure is not a water-dependent structure.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as a part of the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

  
Susan McConville  
Natural Resources Planner

cc: Marianne D. Mason, Esq., Assistant Attorney General  
QA 662-99

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) 260-7516 Fax: (410) 974-5338

January 22, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centerville, Maryland 21617

**RE: Mears Point Marina - Site Plan Revision**  
**File # MASP #05-98-16(c)**

Dear Mr. Cohoon:

Thank you for the opportunity to provide comments on the proposed revisions to the site plan for the Mears Point Marina. We have the following additional comments.

1. The applicant has verified that no new structures or impervious surfaces are proposed to be located waterward of existing structures on the property. In addition the applicant has provided calculations that indicate that there will be a net decrease in impervious surface within the Buffer on the site. However this plan revision indicates that the area of proposed Buffer restoration has been reduced by the maintenance of the parking area in the Buffer. Commission staff recommend that the area of parking within the Buffer be minimized further, if possible, to maintain or restore the Buffer functions.
2. Please provide us with a detail or description of the proposed new boat storage area/rack proposed shoreward of the existing paved area on the property.
3. The applicant requests that a payment in lieu of onsite stormwater management be accepted to meet the water quality requirements under the County's Critical Area Program. Please provide information regarding the calculations for the fee in lieu.
4. Please provide information regarding the amount of mitigation required under the revised plan so that it can be review with the proposed the landscape plan.

Thank you for the opportunity to comment. Please call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 349-98

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401  
(410) 260-7516 Fax: (410) 974-5338

January 19, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centerville, Maryland 21617

**RE: Winchester - Phase II, Major Subdivision - Sketch Plan**  
**File # 05-99-3(c)**

Dear Mr. Cohoon:

Thank you for the opportunity to provide comments on the sketch plan for the Winchester Subdivision - Phase II. The Critical Area portion of the property (29.099 acres) is classified as Limited Development Area (LDA) and is proposed to be subdivided to create 15 additional residential lots as phase II of the Winchester Subdivision.

We note on the sketch plan that the proposed forest replacement acreage was not calculated as required under the County Program and State Criteria. Section 14-138(d) of the County Code requires that "...a developer may propose clearing up to 30% of the forested or developed woodland area of a site proposed for development without the need to obtain a variance under this subtitle. However, any such area removed must be replaced at the rate of 1.5 times the area removed on site. ..." We recommend that this calculation be corrected in future submittals. In addition, please provide impervious surface information to ensure that the overall LDA portion of the property will not exceed 15 percent impervious surface limitations.

We have no further comments on the sketch plan. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 474-97

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

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

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 19, 1999

Mr. Steve Cohoon  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centerville, Maryland 21617

**RE: White Pines - proposed subdivision  
SSP # 04-99-1(c)**

Dear Mr. Cohoon:

Thank you for providing me with information on the above referenced subdivision application. The applicant has proposed the subdivision of 9.85 acres, designated as Resource Conservation Area (RCA), into approximately 18 lots with associated recreation area, stormwater management area, and road. Due to the RCA designation, the subdivision of this property is not permitted in the Critical Area without Growth Allocation. This office has not received an application for Growth Allocation. Until a Growth Allocation is approved by both the County and Critical Area Commission, this application for subdivision as proposed can not move forward.

Commission staff recommend that the County require the applicant to apply for Growth Allocation at this stage in the application process. In addition, we noted on the sketch plan that the proposed forest replacement acreage was not calculated as required under the County Program and State Criteria. Section 14-138(d) of the County Code requires that "... a developer may propose clearing up to 30% of the forested or developed woodland area of a site proposed for development without the need to obtain a variance under this subtitle. However, any such area removed must be replaced at the rate of 1.5 times the area removed on site. . ." We recommend that this calculation be corrected in future submittals.

Thank you for the opportunity to comment. Please include this letter in your file. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

cc: QA 669-99

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





Judge John C. North, II  
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Ren Serey  
Executive Director

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January 12, 1999

Ms. Cathy Maxwell  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centerville, Maryland 21617

**RE: Zdenek property - front yard setback variance  
# V-407**

Dear Ms. Maxwell:

Thank you for the opportunity to review the above referenced variance request. The applicant proposes to construct a 600 square foot porch with roof that will be attached to the existing residence. The proposed porch would reduce their front yard setback from 35 feet to approximately 32 feet from Long Point Road.

The 0.5 acre property is designated as a Limited Development Area (LDA). Existing impervious surfaces are 16.73 % of the property. The proposed porch would increase impervious surfaces to approximately 20%.

Commission staff do not oppose the granting of the variance as proposed. Please notify the Commission in writing of the decision made in this case. If you have any questions concerning these comments, please call me at (410) 260-7019.

Sincerely,

Susan McConville  
Natural Resources Planner

SM/jjd

cc: QA 664-99

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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January 8, 1999

Ms. Sue Ann Hyer-Morgan  
Queen Anne's County  
Department of Planing and Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

**RE: Text and Mapping Refinements to County Critical Area Program  
Critical Area Commission Review**

Dear Ms. Hyer-Morgan:

Thank you for your attendance at the January 6, 1999 Chesapeake Bay Critical Area Commission meeting and your assistance in presenting the proposed amendments to the Queen Anne's County Code. The purpose of this letter is to confirm that the Chairman determined that the proposed amendments qualified to be reviewed as refinements to the County program. The Commission concurred with this determination. Therefore, the following amendments are approved:

Grasonville Community Plan - Growth Allocation Pre-Mapping (133.9 acres)

Stevensville Community Plan - Growth Allocation Pre-Mapping (868.13 acres)

TA-98-13 Amendment to County Code 14-177, *Amendment procedures (b) Planning Commission referral, investigation and recommendation.*

TA-98-15 Amendment to County Code Section 14-171, *Amendment to this Subtitle, and Section 14-177, Amendment Procedures (b) Planning Commission referral, investigation and recommendation.*

Please do not hesitate to call me at (410)260-7019 if you have any questions concerning the approved refinements.

Sincerely,

A handwritten signature in cursive script that reads "Susan McConville".

Susan McConville  
Natural Resources Planner

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

Staff Correspondence: Mary Owens

1999

51832-141-6



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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December 27, 1999

Ms. Elinor Gawel  
Planning and Code Enforcement  
P.O. Box 6675, MS6402  
Annapolis, Maryland 21401

**RE: Residue Parcels, Reserve Parcels, Reserve Lots, Outlots**

Dear Ms. Gawel:

Thank you for providing additional information regarding the various types of parcels created by subdivision in Anne Arundel County. Based on the information you provided, and the discussion with the Program Subcommittee at the October Commission meeting, I have developed a table providing information regarding the grandfathered status of the various parcel types which is included as Enclosure (1). Please review the table to determine if it accurately reflects the County's position and provide the information that is currently missing from the "Dates Used" column.

I would also like some additional information about the process used by County staff to review reserve lots or outlots to determine if they were buildable at the time they were platted. Specifically, I need answers to the following questions:

1. If a reserve lot or outlot did not have sewer service or a passing perc test when it was platted, would it still have been considered buildable and therefore eligible to be developed today and considered to have grandfathered status?
2. If a reserve lot or outlot was considered buildable when it was platted because environmental features such as wetlands, streams, and steep slopes were not identified, would the parcel be considered buildable today, even if the lot was severely constrained by these resources, and it would not be eligible to be developed today without a variance? Would it be considered to have grandfathered status?
3. Are administrative plats always used to confer buildable status to a reserve lot or outlot, and are these administrative plats sent to the Commission?

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4. If a reserve lot or outlot was considered unbuildable when it was platted because of the unavailability of sewer service or a passing perc test, but this issue was subsequently resolved through the provision of sewer service or the identification of a passing perc location, would the parcel be considered to be buildable today? Would the parcel be considered buildable if a variance was required to develop it? Would the parcel be considered to be grandfathered?
5. If a reserve lot or outlot were platted as simply an area left over or possibly proposed for open space when it was platted, and it was determined to be buildable today, would the parcel be considered to be grandfathered?

Based on your answers to these questions, and your comments on the table, I will amend the table for the Commission staff's and the County's use as guidance for determining the grandfathered status of parcels created prior to the implementation of the County's Critical Area Program. If you have any questions or comments, please feel free to call me at (410) 260-7033.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

Enclosure

cc: Lisa Hoerger

## GRANDFATHERED STATUS OF PRE-CRITICAL AREA PARCELS

| Parcel         | Dates Used | Buildable When Platted | Grandfathered | Comments  |
|----------------|------------|------------------------|---------------|---|
| Residue Parcel | ?          | Yes                    | Yes           | Buildable when approved and currently.  |
| Reserve Parcel | ?          | Yes                    | Yes           | Buildable when approved and currently.  |
| Reserve Lot    | ?          | Maybe                  | Depends       | Grandfathered if buildable when platted.<br>Not grandfathered if not buildable when platted.<br>Staff reviews lot under requirements in effect at creation.<br>Administrative plat is required to confirm buildable status. |
| Outlot         | ?          | Maybe                  | Depends       | Grandfathered if buildable when platted.<br>Not grandfathered if not buildable when platted.<br>Staff reviews lot under requirements in effect at creation.<br>Administrative plat is required to confirm buildable status. |



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

December 14, 1999

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

**RE: Shannon Farms PUD**

Dear Mr. Grimm:

The purpose of this letter is to follow up on a recent telephone conversation between our offices regarding some changes proposed to the Shannon Farms Planned Unit Development. In August, a revised plan for the project was submitted to this office. The plan showed 12 lots along a gravel road which passes through an area of the site that has been determined to be FIDS habitat. In a letter to Ms. Christine Holmberg and to Mr. John Norris, dated August 10, 1999, I wrote that staff could not support the revised plan.

As you may remember, in January 1997, the Critical Area Commission reviewed and approved an amendment to the County's Zoning Ordinance which amended the grandfathering language as shown in italics:

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 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. *This section does not apply to the Shannon Farms Planned Unit Development if the County determines that overall Critical Area Program requirements are exceeded, and the Critical Area Commission supports the County's determination.*

This amendment was the result of months of coordination between Commission staff, your staff, Mr. Norris, and the developer. The amendment was presented to the Commission with a plan for the project which included the preservation of 131 acres of FIDS habitat. Because the revised plan will significantly impact the FIDS habitat on the site, it appears that the new plan would not comply with the revised grandfathering language.

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December 13, 1999

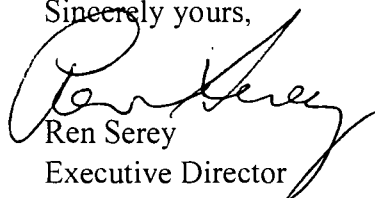
Mr. Grimm

Page 2

This project also required a second amendment to the County's Critical Area Program to extend the Critical Area boundary to include the entire project site. The amendment was necessary in order to provide flexibility regarding clearing limits and impervious surface limits within the mapped Critical Area portion of the site and to avoid the need for growth allocation. This amendment was to be included in the County's comprehensive review which was to have been completed later in 1997. Due to delays in the comprehensive review process, this map amendment has not been approved by the County; however, the issue must be addressed prior to final subdivision approval. In order to comply with the Commission's policy for extension of the Critical Area, the Commission is required to make findings relating to the additional resource protection offered by the extension of the Critical Area. When the map amendment was discussed with Commission staff, we believed that the conservation of FIDS habitat outside of the Critical Area could be used to justify the extension. However, the proposed revisions to the plan will impact FIDS habitat both inside and outside of the Critical Area and it seems unlikely that the Commission could justify the needed map amendment to extend the Critical Area boundary under this proposal.

It appears that the revisions to the proposed Planned Unit Development do not comply with the County's Critical Area Ordinance as amended nor will the plan meet the requirements for extension of the Critical Area. Commission staff are available to meet with you, the engineer, and the developer to discuss these issues and some design alternatives that were provided last summer. Please feel free to call me at (410) 260-7212 if you have any questions or would like to schedule a meeting.

Sincerely yours,



Ren Serey  
Executive Director

cc: Ms. Sue Veith, Planning and Zoning  
Mr. John Norris, NG&O Engineering



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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Department of Planning and Zoning  
P.O. Box 3000  
Leonardtwn, Maryland 20650

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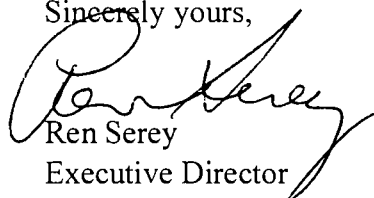


December 13, 1999  
Mr. Grimm  
Page 2

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Sincerely yours,



Ren Serey  
Executive Director

cc: Ms. Sue Veith, Planning and Zoning  
Mr. John Norris, NG&O Engineering



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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November 29, 1999

Mr. Ken Shanks  
Resource Planning  
Department of Natural Resources  
580 Taylor Avenue, E-4  
Annapolis, Maryland 21401

**RE: Franklin Point**

Dear Mr. Shanks:

Thank you for arranging for the recent site visit to Franklin Point in Anne Arundel County. The purpose of the site visit was to look at some areas of the property that have been mowed and to discuss various options for the ongoing maintenance of the property.

It is my understanding from our discussions with Mr. Brian Woodward of the Anne Arundel County Recreation and Parks Department that the County will be developing a Master Plan for the property in the future; however, it will probably be at least a year before the Plan is completed. In the interim, the County staff is looking for some guidance regarding maintenance of existing cleared areas of the property.

As we discussed in the field, some areas of the 100-foot Buffer have been mowed. As you know, the Buffer is measured 100 feet from the landward edge of tidal wetlands, tidal waters, and tributary streams. In some situations, the Buffer is expanded beyond 100 feet to include contiguous sensitive areas such as steep slopes, hydric soils, and highly erodible soils. Although the mowed areas at Franklin Point were not forested, the Critical Area Criteria require that when agricultural use of lands within the Buffer ceases, and the lands are proposed to be converted to other uses, the Buffer shall be established in forest vegetation. Because this property is undergoing a change in land use, the Buffer will need to be established. On this site, the Buffer could be established by natural regeneration if mowing activity within the Buffer is discontinued. Because it may take as long as ten years for a forested Buffer to be well established through natural regeneration, the County may want to use some supplemental planting and other management techniques in order to ensure that the Buffer will function optimally for water quality and habitat benefits.

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November 29, 1999  
Mr. Shanks  
Page 2

At this time, Commission staff recommend that the County cease all mowing activity within the 100-foot Buffer as shown on the enclosed drawing. (This drawing shows the approximate location of the 100-foot Buffer based on the State tidal wetlands maps and does not reflect actual conditions in the field or expansion of the Buffer for contiguous steep slopes, highly erodible soils or hydric soils.) The County may allow the Buffer to naturally regenerate or may plant the Buffer, possibly using some of the reforestation monies collected through the County's Critical Area Program. It is strongly recommended that the County include the development of a Buffer Management Plan for the property in the Master Plan effort. As we discussed in the field, the County can maintain an access to the water on the property by mowing an area of the Buffer. This area should be the minimum area necessary to provide reasonable access.

I hope this interim approach to the maintenance of the Franklin Point property will serve to accommodate the needs of the County while providing for establishment of the Buffer as required by the Critical Area Criteria. If you have any questions, please feel free to contact me or Ms. Lisa Hoerger at (410) 260-7516.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

cc: Mr. Brian Woodward, Recreation and Parks  
Ms. Lori Allen, PACE



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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November 15, 1999

Ms. Louise Ward  
Town of Greensboro  
P.O. Box 340  
Greensboro, Maryland 21639

**RE: Greensboro Comprehensive Review**

Dear Ms. Ward:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the revisions to Greensboro's Critical Area Program resulting from the Comprehensive Review. On November 3, 1999, the Commission evaluated the new zoning ordinance and maps and the revised subdivision regulations. The Commission also reviewed the designation of two Buffer Exemption Areas. The Commission approved all of the proposed changes to Greensboro's Program.

I want to thank the Commissioners and Town staff for all of their hard work and assistance in completing the comprehensive review process. If you have any questions, please feel free to call me at (410) 260-7033.

Sincerely yours,

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

Mary R. Owens, Chief  
Program Implementation Division

cc: Mr. Roby Hurley  
Ms. Dawnn McCleary

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October 18, 1999

Ms. Sue Ann Hyer-Morgan  
Department of Planning and Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Planting Requirements**

Dear Ms. Hyer-Morgan:

Thank you for agreeing to meet with Susan Zankel, Regina Esslinger, Dr. Foor and me to discuss reforestation issues and planting requirements in the Critical Area in Queen Anne's County. We would like to discuss the following issues:

1. Section 18-1-085 (b) states that new woodlands shall be planted and maintained so that 50% of the entire 300-foot shore buffer is covered with woodlands. It is our understanding that when the 300 foot shore buffer is reduced to 100 feet, afforestation is required and the entire 100-foot Buffer must be forested. Is Commission staff's interpretation correct?
2. When areas of the shore buffer are not maintained as woodland, but as natural groundcover, how are they maintained? Do they convert to forest?
3. Section 18-1-185(c) appears to allow clearing in the buffer, but it is not clear whether this is the 300 foot shore buffer or 100-foot Buffer. Clearing in the 100-foot Buffer is prohibited except as provided in Section 14-151. Clarification of the protection of vegetation in the 100-foot Buffer is needed.
4. Section 18-1-185(c) appears to allow mitigation for clearing in the Buffer elsewhere within the Critical Area. Mitigation for authorized clearing (associated with an erosion control measure or water dependent facility) within the 100-foot Buffer should be provided on site in the 100-foot Buffer if possible or offsite within the 100-foot Buffer. Clarification of the location of mitigation is

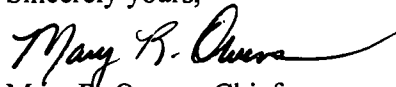
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also needed.

5. Section 18-1-185(c) appears to require mitigation only for the removal of trees with a caliper of six inches or more. Is mitigation required for the removal of smaller trees, shrubs, and herbaceous plants? It is our understanding that this provision applies to the area of the 300 foot shore buffer that is outside of the 100-foot Buffer. Does this provision apply within the 100-foot Buffer? Is Commission staff's interpretation correct?
6. Section 14-138(d)(6) requires reforestation at a ration of 1.5 times the area cleared when more than 20%, but less than 30% of the existing forest cover is cleared, and reforestation at 3 times the area cleared when more than 30% of existing forest is cleared (with a variance). It is our understanding that these reforestation requirements are sometimes modified; however, there are no provisions in the County's Code that address this. Clarification is needed.
7. A recent submittal (The Anchorage) contained calculations of existing forest cover that included areas of tidal wetlands. Tidal wetlands are not considered forests, nor do they meet the definition of forest in the County Code; therefore, the acreage of State or private tidal wetlands should not be included in the forest cover calculations.

I hope this clarifies the issues that we would like to discuss, and I look forward to meeting with you tomorrow. If you have any questions, please feel free to contact me or Susan Zankel at (410) 260-7516.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division



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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October 18, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, Maryland 20650

**RE: Site Visit - Rogers Property, Lighthouse Road**

Dear Ms. Holmberg:

I am writing to follow up on our recent site visit to Mr. Whit Rogers' property on Lighthouse Road in Piney Point. I thought the site visit and discussion were helpful, and the purpose of this letter is simply to summarize what we discussed and outline future actions.

1. Mr. Carney is replacing an existing gravel driveway to the water and parking area with a paved driveway and parking area. The driveway and parking area existed prior to the implementation of the County's Critical Area Program. Because the County does not require signed and sealed site surveys, the area of the existing driveway and parking area were determined from information provided by the applicant. The applicant did not propose an increase in the area of impervious surface; therefore, although the construction was located within the 100-foot Buffer, a variance was not required. Mitigation, in the form of plantings, is required to address compliance with the 10% Rule for stormwater management.
2. Mr. Carney has filled portions of his yard, and he has expressed a desire to bring in additional topsoil to accommodate plantings. It is recommended that any filling, grading, or land disturbing activities should be permitted through approval of a Buffer Management Plan. The Buffer Management Plan should specifically state all permitted activities, address protection of existing Buffer vegetation, provide for mitigation for all disturbance in the Buffer, and include an expiration date. There is a retaining wall located on Mr. Carney's property, and it is my understanding that it was permitted as a shore erosion control structure. Retaining walls or similar structures that are not shore erosion control structures or water-dependent facilities can not be permitted within the Buffer without a variance.

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3. Mr. Farquire has also filled portions of his yard, and he has expressed a desire to continue some maintenance filling in certain areas of his property that tend to wash out. It is recommended that these activities also be permitted through approval of a Buffer Management Plan. With regard to permitted activities covered by the Buffer Management Plan, burning of brush and debris within the Buffer should not be permitted because of the potential for damage to natural vegetation and habitat.
4. Mr. Rogers has expressed an interest in filling some low areas along portions of his side yard to address some drainage problems. This activity should also be permitted through approval of a Buffer Management Plan.
5. I would recommend that each property owner obtain approval of a separate Buffer Management Plan for his property. All disturbance in the Buffer should require mitigation in the form of plantings. Filling activities that may impact drainage on adjacent properties may require the property owner to utilize the services of a professional engineer to address stormwater runoff. Because the runoff may directly impact water quality, the County may want to require an "engineered plan" addressing drainage and stormwater runoff as part of the Buffer Management Plan.

I want to thank you and Steve Quade for taking the time to meet with me last Thursday. I feel confident that the implementation of Buffer Management Plans on Mr. Carney's, Mr. Farquire's, and Mr. Rogers' properties will prove to be an effective way to balance the needs of these property owners with the goals and intent of the Critical Area Program. If you have any questions, please feel free to call me at (410) 260-7033.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

cc: Mr. J. Whitson Rogers





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) 260-7516 Fax: (410) 974-5338

October 13, 1999

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

**RE: Tudor Hall Village Growth Allocation**

Dear Mr. Grimm:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced growth allocation request. On October 6, 1999, the Commission concurred with the Chairman's determination that the request to use 31.64 acres of the County's growth allocation to change the designation of a part of the Tudor Hall Village site from LDA and RCA to IDA qualifies as a refinement. The refinement was approved with the following condition:

*The Commission's approval of this refinement recognizes the conditions contained in St. Mary's County Ordinance Z-99-01. The satisfaction and enforcement of the conditions in that Ordinance are the sole responsibility of the Town and the County.*

Thank you for your assistance in providing me with the information necessary to review this growth allocation request. If you have any questions, please feel free to contact me at (410) 260-7033.

Sincerely yours,

Mary R. Owens, Chief  
Program Implementation Division

cc: Mr. Andrew Colevas, KAAV, LLC  
Mr. Robin Guyther, Leonardtown  
Mr. Sean Day, Larry Day and Assoc.

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

Reader File MO

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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October 5, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 3000  
Leonardtown, Maryland 20650

**RE: Robert T. Brown  
Water Dependent Facilities Application  
SM 517-97**

Dear Ms. Holmberg:

The purpose of this letter is to follow up on our recent conversations regarding the referenced application for approval of a new Water Dependent Facility. Recently, you forwarded some additional information from the applicant regarding the purpose and intent of the project and addressing the qualitative factors outlined in Section 38.2.14.f of the St. Mary's County Zoning Ordinance. After reviewing the materials submitted by the applicant, additional information is needed about the following factors:

1. The applicant must demonstrate that the creek on which the proposed development is located has adequate flushing characteristics. The creek is narrow and the facility is located near the head of the creek which could tend to limit flushing. How does the applicant propose to dispose of waste materials (dead fish, bait, etc.)? Also, the applicant uses the creek to transport a large number of poles for his fish nets. Are they removed from the creek as soon as they are transported to the site? Leaving the poles in the water for several days could also impact flushing in the area.
2. The applicant must demonstrate that the disturbance to wetlands, submerged aquatic plant (SAV) beds, or other area of important aquatic habitats will be minimized. It is my understanding that this project will impact SAV beds and some wetland areas, and that the applicant is working with the Maryland Department of the Environment on mitigation. Additional information on the impacts and the mitigation are needed. What area is impacted and how much mitigation is required? Have mitigation sites been identified? When will the mitigation be completed?

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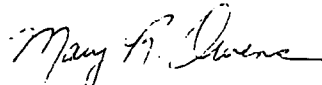


The applicant must demonstrate that adverse impacts to water quality that may occur as a result of these activities, such as non-point source run-off, sewage discharge from land activities or vessels, or from boat cleaning operations is minimized. The applicant has stated that no sewage discharge is being proposed, and that a portable toilet will be located outside of the 100-foot Buffer. How will stormwater run-off from the road, building, parking and loading areas be treated? What are the proposed methods for boat and fisheries building wash down and cleaning?

4. The applicant must demonstrate that dredging shall be conducted in a manner, and using a method, which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Critical Area generally. Additional information about the dredging and dredge material disposal associated with this project is needed.
5. The applicant must provide complete plans of land based operations associated with the new water dependent facility. Parking areas, access roads, and areas for fish net and pole storage should be shown on the plan. In the past, it is my understanding that the transportation and storage of the poles degraded the fringe marsh and caused disturbance in the Buffer. Additional information about pole transportation and storage is needed.
6. The applicant must provide information about mitigation areas for Buffer impacts.
7. The applicant must provide information about impervious surface area proposed for the site.
8. The applicant must provide information about proposed forest clearing.

If you or the applicant have any questions about these comments or would like to discuss the proposed plan and mitigation in more detail, please feel free to contact me at (410) 260-7033.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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July 14, 1999

Mr. Eric Sennstrom  
Cecil County Office of Planning and Zoning  
County Office Building, Room 3000  
Elkton, Maryland 21921-5935

**RE: Knowles Property - Special Growth Allocation Request**

Dear Mr. Sennstrom:

The purpose of this letter is to notify you of the Critical Area Commission's action on the referenced growth allocation request. On July 7, 1999, the Commission concurred with the Chairman's determination that the request to use .43 acres of growth allocation to change the designation of a portion of the Knowles Property from RCA to LDA qualifies as a refinement, and the refinement was approved.

Thank you for your assistance in providing staff with the information needed to prepare this refinement request for Commission review. If you have any questions, please feel free to contact me or Susan McConville at (410) 260-7516.

Sincerely yours,

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

Mary R. Owens, Chief  
Program Implementation Division

MRO/jjd

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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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(410) 260-7516 Fax: (410) 974-5338

May 28, 1999

Mr. Terrence Adams  
101 Lawyers Row  
P O Box 100  
Centreville, Maryland 21617

**Re: Draft Buffer Exemption Area Policy**

Dear Mr. Adams:

Over the last several months, Commission staff, under the direction of the Critical Area Commission Program Subcommittee and with the assistance of several local government representatives, have been working on revisions to the Commission's policy on Buffer Exemption Areas (BEAs). The revision of the policy was undertaken in order to address several issues regarding implementation of the policy that have been presented by local governments to Commission staff and the Program Subcommittee over the last year. These issues included, but were not limited to, commercial, industrial, and institutional development in BEAs; development of vacant properties (mapped as BEAs) that are larger than one acre; the effect of subdividing a parcel designated as a BEA; and mitigation requirements.

In April, the Program Subcommittee reviewed the draft policy and following some minor revisions, requested that Commission staff send the draft policy to local governments for comment. At this time, the enclosed draft policy is being sent to you for review and comment. In the draft, italicized text indicates new language (*new*), text with a line through it indicates existing language to be deleted (~~strikeout~~), and normal text indicates existing language to remain. Commission staff would like to receive your comments by June 24, 1999 in order to address them at the Commission meeting on July 7, 1999. If you have any questions or would like to provide comments, please contact Mary Owens at (410) 260-7033 or Ren Serey at (410) 260-7212.

Sincerely yours,

Mary R. Owens, Chief  
Program Implementation Division

MRO/jjd

Enclosure

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

## BUFFER EXEMPTION AREA (BEA) POLICY

*Draft  
May 27, 1999*

### **SECTION I      DEFINITIONS**

- Accessory Structure***      *An accessory structure is a structure that is not a principal dwelling or is located on the same lot as, and is customarily incidental and subordinate to, the principal structure; or if there is no principal structure on the lot, a structure that is customarily incidental and subordinate to a principal structure.*
- Buffer Exemption Area***      *A Buffer Exemption Area is an area officially mapped by the local jurisdiction and approved by the Critical Area Commission as a Buffer Exemption Area, where it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional or recreational development in the Critical Area prevents the Buffer from fulfilling its intended functions for water quality protection and wildlife habitat conservation.*
- Grandfathered Parcel/Lot***      *A grandfathered parcel or lot is land that was subdivided into recorded, legally buildable lots where the subdivision received final approval before December 1, 1985.*
- Development Activity***      *Development activity is the construction or substantial alteration of residential, commercial, industrial, institutional, recreational or transportation facilities or structures. Development activities include, among other things, structures, roads, parking areas, and other impervious surfaces, mining and related facilities, clearing, grading and septic systems.*
- Minor Project***      *A minor project is a development activity located on a nonresidential property that involves less than 1,000 square feet of permanent impact to the 100-foot Buffer and/or expanded Buffer.*
- Natural Forest Vegetation***      *Natural forest vegetation consists of canopy trees, understory trees, shrubs, and herbaceous plants that are typically found in riparian areas in Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements in this policy shall be designed to mimic the structure and species composition of natural forests.*

**Principal Structure**

*For the purpose of establishing setbacks, the principal structure is the primary or predominant structure on any lot or parcel. For residential parcels or lots, the principal structure is the primary dwelling, excluding utilities and the septic system. For nonresidential properties, the principal structure is the primary commercial, industrial, institutional, or recreational building, excluding utilities.*

**SECTION II GENERAL POLICIES**

**A. Purpose**

1. The following provisions are intended to accommodate limited use of shoreline areas in certain situations while protecting water quality and wildlife habitat to the extent possible. The portions of the Critical Area to be considered Buffer Exemption Areas are those “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” set out in COMAR 27.01.09 for water quality protection and wildlife habitat. Buffer Exemption Areas include *only those* areas mapped as ~~existing~~ Buffer Exemption Areas and ~~newly mapped areas~~ approved by the Commission. ~~These areas could, but not necessarily will, include lots of record with an existing single family dwelling unit located at least partially in the Buffer and being less than 200 feet in depth from tidal waters, tidal wetlands or tributary streams.~~

**B. Applicability**

1. This ~~section~~ policy applies only to *grandfathered lots and parcels* ~~lots of record at the time of program approval.~~
2. This ~~section~~ policy applies to ~~new~~ development or ~~redevelopment~~ activities, within ~~100~~ feet the Buffer of tidal waters, tidal wetlands and tributary streams *on parcels or lots mapped as Buffer Exemption Areas (BEAs).*
3. *This policy applies to both natural and man-made lands.*

**C. Alternative Provisions**

1. *A jurisdiction may use alternative provisions regulating development in Buffer Exemption Areas if the provisions are approved by the Critical Area Commission as an amendment to the jurisdiction’s Critical Area Program.*

### SECTION III IMPLEMENTATION

#### A. General Development Standards

1. ~~New~~ A jurisdiction may not permit development or redevelopment activities, including, *but not limited to*, structures, roads, parking areas and other impervious surfaces or septic systems ~~will not be permitted~~ in the Buffer Exempt Area unless the applicant can demonstrate *that there is no feasible or prudent alternative, and the local jurisdiction finds* that efforts have been made to minimize Buffer impacts based on the following guidelines:
  - a. *Development activities shall be located as far as possible from mean high tide, the landward edge of tidal wetlands, or the edge of tributary streams.*
  - b. *Variances to other local setback requirements must be considered before additional intrusion into the Buffer.*
  - c. *Convenience or expense shall not be factors considered when evaluating the extent of allowable impacts to the Buffer.*
  
2. ~~New~~ Development and redevelopment activities shall minimize the shoreward extent of intrusion into ~~this the~~ Buffer Exempt area *by utilizing one of the following methods described below in paragraphs a, b, and c. The method chosen by the jurisdiction shall be approved by the Critical Area Commission at the time a Buffer Exemption Area is mapped: and shall not exceed the shoreward extent of adjacent structures whichever is more restrictive. Structures on adjacent properties may not be used to determine the setback line.*
  - a. *A jurisdiction shall determine an appropriate BEA setback for each BEA based on the general pattern of Buffer intrusion in the area. For new BEAs, a BEA setback line shall be established when the jurisdiction initially maps the BEA. For previously mapped BEAs, a jurisdiction may establish a setback line as a refinement to its Critical Area Program. On residential properties, the setback line shall be established based on the location of existing dwellings. On non-residential properties, the setback line shall be established based on the location of the primary commercial, industrial, recreational or other building. Accessory structures, septic systems and other development activities shall not be used to determine the BEA setback line.*
  - b. *A jurisdiction shall determine the appropriate location for a BEA setback by allowing no development further shoreward than the location of an existing dwelling or principal structure on the lot to be developed or by*



*allowing no development further shoreward than the location of a dwelling or principal structure located farthest from the water on an adjacent lot. (The distance shall be measured from the building corner to mean high water or the limit of tidal wetlands or the edge of the tributary stream.)*

- c. A local jurisdiction may propose alternative setback establishment methods for approval by the Commission.*
- 3. Accessory structures shall not be located closer to the water than the principal structure. If there is no principal structure on a lot, then the accessory structure shall not be located closer to the water than where a principal structure could be located based on the method that the local jurisdiction uses to establish its BEA setbacks.*
- 4. No natural vegetation ~~may~~ shall be removed in the Buffer except that required by the proposed construction. The applicant shall ~~will~~ be required to maintain any other existing natural vegetation in the Buffer.*
- 5. Development ~~may~~ shall not impact any Habitat Protection Areas other than the Buffer, including nontidal wetlands, other State or federal permits notwithstanding. This requirement is independent of any other State or federal permit requirement.*
- 6. BEA designation shall not be used to facilitate the filling of tidal wetlands that are contiguous to the Buffer to create additional buildable land for new development activities. Any Buffer Exemption Area setback line shall be based on the distance from the existing shoreline, landward edge of tidal wetlands, or edge of stream.*
- 7. ~~Any~~ All development activities in the Buffer Exempt Area shall require mitigation. ~~enhancement/~~or offsets as applicable.*

**SECTION IV                      ADDITIONAL REQUIREMENTS FOR LOTS GREATER THAN ONE ACRE**

**A.      Applicability**

- 1. These requirements apply, in addition to all other requirements of this policy and the applicable Critical Area Program, to all development activities on lots or parcels greater than one acre, except for those development activities meeting the definition of a "minor project".*

**B. General Development Standards**

1. *All development activities shall be located at least 50 feet from mean high water, tributary streams or the landward edge of tidal wetlands. On sites where the Buffer is expanded beyond 100 feet because of contiguous sensitive areas such as steep slopes, the 50 foot setback shall be proportionately expanded. This 50 foot setback shall be established as a functioning Buffer insofar as possible in accordance with the mitigation requirements specified in Section VI.B of this policy, "Mitigation Requirements for Lots Greater Than One Acre."*
2. *If a local jurisdiction contends that on a particular parcel, it is not feasible or prudent for development activities to fully comply with the provisions of this policy, then an overall concept development plan shall be submitted by the local jurisdiction to the Critical Area Commission for review and approval. The overall concept development plan shall include information about the location of all proposed development activities, Buffer impacts, mitigation areas, and stormwater management. The overall concept development plan shall address the functions of the Buffer and shall demonstrate to the satisfaction of the Critical Area Commission that the project meets the spirit and intent of the Critical Area Program. Following approval of a concept development plan by the Critical Area Commission, any changes affecting the location or size of development within the Buffer shall be resubmitted to the Commission for review and approval.*

**C. Development Standards for Minor Projects (Applies Only to Nonresidential Properties)**

1. *Minor projects should be located at least 50 feet from mean high water, tributary streams or the landward edge of tidal wetlands. On sites where the Buffer is expanded beyond 100 feet because of contiguous sensitive areas such as steep slopes, the 50 foot setback should be proportionately expanded. If the local government determines that this setback is not feasible for the proposed project, then the minor project should be located as far as possible from mean high water, tributary streams or the landward edge of tidal wetlands and no closer than existing development on the site. Mitigation requirements for minor projects shall comply with the "Mitigation Requirements for Lots One Acre or Less and for Minor Projects" as specified in Section VI.A of this policy.*

**SECTION V REQUIREMENTS FOR MAPPING BEAS**

**A. General Requirements**

1. *Only grandfathered lots are eligible for mapping as a BEA by a local jurisdiction.*

2. *For each BEA, the lots that comprise the BEA shall contain a Buffer which is, at the time of the proposal, significantly impacted by development activities that existed as of December 1, 1985 and that prevent the Buffer from fulfilling its functions.*
3. *For each residential BEA, each developed parcel or lot shall contain a Buffer intrusion, at the time of proposal, caused by the dwelling (excluding utilities or septic systems). Undeveloped/vacant residential parcels or lots (i.e., infill) may be designated as a BEA if development within the Buffer can not be avoided based on the size of the parcel or lot, area of the parcel or lot within the Buffer, and the surrounding pattern of development.*
4. *For commercial, industrial, institutional, recreational and multi-family residential BEAs, the developed parcels or lots shall contain a Buffer intrusion, at the time of proposal, caused by the principal structures (excluding utilities or septic systems). Undeveloped/vacant parcels or lots shall be designated as BEAs only if development within the Buffer cannot be avoided based on the size of the parcel or lot, area of the lot within the Buffer, and the surrounding pattern of development.*
5. *If only part of a parcel or lot meets the criteria for designation as a BEA then only those portions of a parcel or lot shall be designated as a BEA. The portion of the parcel designated as a BEA will be subject to the BEA development restrictions. Portions of the property that are not designated as a BEA shall comply fully with the 100-foot Buffer restrictions.*
6. *Any proposal by a jurisdiction for designation of an area as a BEA shall include, at a minimum, the jurisdiction's written findings and supporting reasons which demonstrate the degree to which the proposed BEA does not perform each of the following Buffer functions (a) through (e):*
  - a) *Provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;*
  - b) *Minimize the adverse effects of human activities on wetlands, shorelines, stream banks, and aquatic resources;*
  - c) *Maintain an area of transitional habitat between aquatic and upland communities;*
  - d) *Maintain the natural environment of streams; and*

- e) *Protect riparian wildlife habitat.*

## **SECTION VI      MITIGATION REQUIREMENTS**

### **A.      Mitigation Requirements for Lots One Acre or Less and for Minor Projects**

- 1. *Any All development activities in the Buffer require mitigation that will contribute to creating or enhancing the water quality and habitat functions of the Buffer. Mitigation shall involve planting, preferably on-site as specified:*

~~The extent of the lot or parcel shoreward of the new development or redevelopment shall be required to remain, or shall be established and maintained in natural vegetation; and~~

- a. *Natural forest vegetation of an area twice the extent of the impervious surface must be created in the Buffer Exemption offset area or other location as may be determined by the local jurisdiction area of the development activity within the Buffer must be planted. To the maximum extent practicable, the planted forest vegetation shall occur on site and within the Buffer. If the Buffer is fully forested, other locations on site may be considered. If locations on site are inadequate or unavailable, then off-site locations in the Buffer may be considered if those locations are within the Critical Area and the same watershed as the original impact. Native species should be used for all plantings.*

### **B.      Mitigation Requirements for Lots Greater Than One Acre**

- 1. *All development activities in the Buffer on lots greater than one acre require mitigation. Mitigation shall involve establishing the required 50 foot setback in natural forest vegetation in accordance with the attached "Buffer Planting Standards". The planting shall contribute to creating or enhancing the water quality and habitat functions of the Buffer. In addition, an area of natural forest vegetation twice the extent of the area of the new structure or impervious surface within the Buffer, must be planted. To the maximum extent practicable, this additional planting shall occur on site and preferably within the Buffer. If locations on site are inadequate or unavailable, then off-site locations in the Buffer may be considered if those locations are within the Critical Area and the same watershed as the original impact. Native species should be used for all plantings.*
- 2. *A landscape plan, showing both the mitigation plantings in the 50 foot setback and the additional plantings, including those that may be located off-site, shall be*

*included in the project submission and shall be approved by the local jurisdiction as part of the project.*

3. Any required ~~reforestation~~ mitigation ~~offset~~ areas must be designated and protected under a development agreement or other instrument and recorded among the land records of the jurisdiction.

**C. *Alternative Mitigation Requirements***

1. *A local jurisdiction may propose alternative mitigation measures that shall be approved by the Critical Area Commission. ~~Alternative measures proposed by a local jurisdiction and approved by the Critical Area Commission.~~*

**OPTION II:**

- ~~A. If there is no established naturally vegetated Buffer, then at a minimum, one half of the distance remaining from the structure to tidal waters, tidal wetlands and tributary streams, must be established in natural vegetation starting at the shoreward edge, or~~
- ~~B. A naturally vegetated Buffer must be established adjacent to the shoreline that is equal to the minimum building setback, whichever is greater.~~
- ~~C. Natural vegetation of an area twice the extent of the impervious surface must be created in a Buffer Exemption offset area or other location as may be determined by the local jurisdiction~~

**D. *Fee-in-Lieu Options for Mitigation***

Applicants who cannot comply with either the planting or ~~offset~~ requirements are required to pay into a fee-in-lieu program, administered by the local jurisdiction, according to the specifications below. *Payment into a fee-in-lieu fund should be used only as the last available option.* Any fees-in-lieu collected under these provisions shall be placed in an account and used only for projects within the Critical Area ~~for the~~ that benefit of *plant and wildlife habitat, and improve water quality improvement or environmental education.* The status of these funds must be reported at the time of comprehensive review. ~~If it is not possible to carry out offsets or other mitigation within the Critical Area, any plantings or other habitat/water quality improvements should occur within the affected watershed impacted.~~ *Funds may be used for other types of projects on a case by case basis subject to approval by the Critical Area Commission.* ~~These rates are suggested in order to generate adequate funds to carry out offset programs and to provide a sufficient deterrent~~

~~to location in the Buffer.~~ If a jurisdiction does not believe that these rates are appropriate for their region, alternative rates may be proposed for the Commission's approval. The following rates are recommended:

1. *On lots greater than one acre, \$0.40 for each square foot of the 50 foot setback that is not naturally vegetated, plus \$1.20 for each square foot of the development activity located within the 100-foot Buffer.*
2. *On lots less than one acre and for minor projects, \$1.20 for each square foot of the development activity located within the 100-foot Buffer.*

~~A. For each square foot of the Buffer Exempt Area disturbed \$1.20;~~

~~B. For any required plantings in either 8A or 8B above that can not be implemented on site, \$.40 per square foot; and~~

## **SECTION VII PROCESS FOR APPROVAL OF DEVELOPMENT ON BEA LOTS**

### **A. Documentation of Findings**

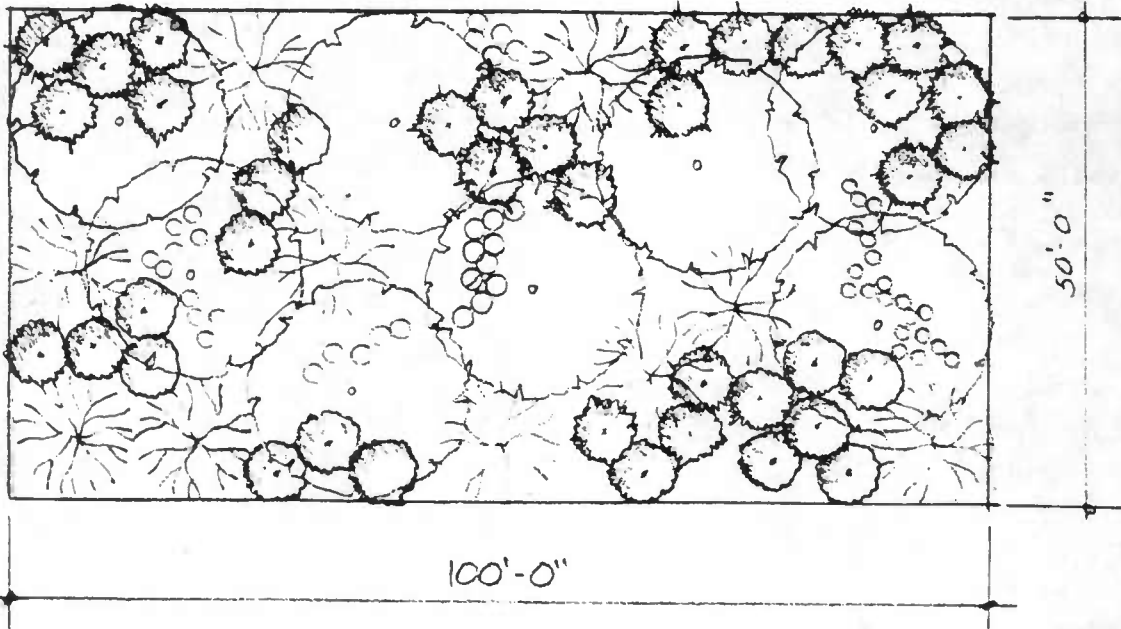
*Prior to the approval of a development activity on a BEA lot, the local jurisdiction must make written findings and document the basis for the local jurisdiction's finding that all of the requirements of this policy are met, including that there is no feasible or prudent alternative, and that efforts have been made to minimize Buffer impacts documenting that all the Criteria in this section are met including that disturbance to the Buffer exempt area is the least intrusion necessary. These findings must be available to the Commission upon request.*

### **B. Mitigation Plans**

*A mitigation plan shall be approved by the local government and the Commission as part of the project approval for development on BEA lots greater than one acre.*

### **C. Reporting to the Critical Area Commission**

The reporting of development activity carried out under this provision must be included in the jurisdiction's semi-annual report.



8 CANOPY TREES

10 UNDERSTORY TREES

40 SHRUBS

50 HERBACEOUS PLANTS

## BUFFER PLANTING STANDARDS

SCALE: 1" = 20'

*Mary's Reader*



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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April 1, 1999

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

**RE: Brick Sidewalk**

Dear Mr. Dichter:

Thank you for providing information from Petro Design Build regarding the proposed brick sidewalk for the Scantlin Property in Huntingtown. The Critical Area Commission's Guidance Paper entitled "Impervious Surfaces" includes a table listing various surfaces and the Commission's determination regarding whether the surface is pervious or impervious. Brick on sand sidewalks are included in this list and are considered impervious. Although, the gaps between the bricks may allow a small amount of water to pass through the walkway, the sidewalk is still essentially impervious. In general, water pools on a brick sidewalk in a similar manner to that of a concrete walkway, and the smooth, unvegetated surface of the sidewalk alters the natural infiltration of water into the soil. Widening the joints to 3/8", as proposed by the applicant, will not substantially alter the permeability of the sidewalk, so this alternative is also considered impervious.

The applicant may want to consider using brick pavers for the sidewalk. In the past, Commission staff have provided guidance that some pavers may be considered partially pervious if they are installed in accordance with the manufacturer's recommendations. If you or the applicant would like additional information about these materials, please feel free to contact me at (410) 260-7033.

Sincerely yours,

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

Mary R. Owens, Chief  
Program Implementation Division

cc: LeeAnne Chandler

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dge John C. North, II  
Chairman



Ren Serey  
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March 19, 1999

Ms. Gail Webb Owings  
Kent County Planning Commission  
Courthouse  
Chestertown, Maryland 21620

**RE: Nonconforming Structures Provisions**

Dear Ms. Owings:

I am writing to follow up on our discussions about the changes made to the County's Zoning Ordinance regarding provisions for controls for non-conforming uses, lots, and structures. The changes to the County's Zoning Ordinance were approved by the County Commissioners as Emergency Bill Number 2-96. Ren Serey has discussed the provisions with the Commission's Counsel, Ms. Marianne Mason. Following their thorough analysis of the provisions in the Bill, it appears that there are impacts within the Critical Area that were not initially apparent when Commission staff reviewed the provisions.

In Section 2.2.a.ii, "Additions or Enlargements to Nonconforming Structures", it is stated that a lawful nonconforming structure may be altered or enlarged if it is not expanded beyond its current footprint, including adjoining patios, driveways, and sidewalks, and as long as impervious surfaces are not increased as a result of the addition. It is Ms. Mason's interpretation that this provision allows construction within the 100-foot Buffer without a variance. The Commission has consistently interpreted its Criteria to require an applicant to obtain a variance for new development or disturbance within the Buffer, even if the new development activity does not involve any new impervious surfaces or an expansion of an existing footprint.

At this time, Commission staff recommends that this section of the zoning ordinance should be amended to reflect the need for a variance when the expansion of the nonconforming structure impacts the Buffer or to include language similar to the last sentence of Section 2.2.a.iii which states, "This does not apply to additions within the Critical Area Buffer."

I am available to assist you with making this change, and it is anticipated that the change can be handled by the Commission as a refinement. If you have any questions, please feel free to contact me at (410) 260-7033.

Sincerely yours,

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

Mary R. Owens, Chief  
Program Implementation Division

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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March 8, 1999

The Honorable Gerald Donovan  
Town of Chesapeake Beach  
P.O. Box 400  
Chesapeake Beach, Maryland 20732

**RE: Walkway and Sidewalk Improvements in Chesapeake Beach**

Dear Mayor Donovan:

It is my understanding that construction on the referenced project has recently started and that grading is currently underway to install sidewalks along Bayside Road. This project was approved by the Critical Area Commission on February 4, 1998 and because the project involved impacts to the 100-foot Buffer within a Buffer Exemption Area, mitigation was required. The Commission's approval included the condition that detailed planting plans be submitted to Commission staff for review and approval **prior to the start of construction of each phase.**

Location plans at 1"= 200' scale were received by the Commission on February 3, 1998 with assurances from the Town's Engineer, Mr. John Hofmann, that detailed planting plans would be provided after he had had the opportunity to review the possible mitigation sites. The detailed planting plans have not been received by the Commission staff. The Town is, therefore, in violation of the Commission's conditions of approval. It is imperative that these plans be submitted immediately.

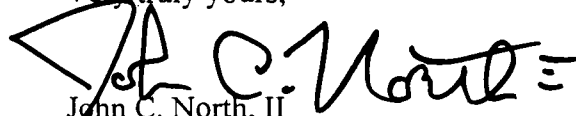
With regard to the phase of the project that involves construction on Town property, final drawings must be submitted to the Commission with a letter certifying that the project is consistent with the Town's Critical Area Program as required by COMAR 27.02.02 (State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned By Local Jurisdictions). A detailed planting plan also should be submitted with this project. These items must be received by the Commission before the start of construction of this phase.

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

The Honorable Gerald Donovan  
March 8, 1999  
Page 2

Commission staff are available to assist you with these requirements in order to bring the Town's project into compliance as soon as possible. If you have any questions or need assistance, please contact Mary Owens at (410) 260-7033.

Very truly yours,



John C. North, II  
Chairman

cc: Mr. John Hofmann



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) 260-7516 Fax: (410) 974-5338

February 10, 1999

Ms. Pamela Cowart-Rickman  
Town of Rock Hall  
P.O. Box 367  
Rock Hall, Maryland 21661

**RE: Project Notification and Comment**

Dear Ms. Cowart-Rickman:

I enjoyed meeting with you, Mr. Fithian, Ms. Grussing, and Councilwoman Campbell on Monday. As we discussed during our meeting, the Critical Area Criteria require that local governments submit copies of applications for development of certain projects within the Critical Area to the Critical Area Commission. Section 27.03.01.03 of COMAR describes the categories of applications of which the Commission must be notified. In order to assist local governments in interpreting these regulations, Commission staff developed the enclosed "Summary of Notification Requirements". Projects that require notification should be sent with a completed "Critical Area Project Information" form (See enclosure.) to the following address:

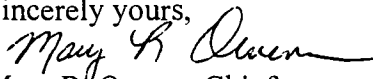
Critical Area Commission  
45 Calvert Street, Second Floor  
Annapolis, Maryland 21401

After the Commission staff receive the project information form and plans, we will discuss the project with you and/or Ms. Mary Ann Skilling. If appropriate, written comments will be provided by the Commission to the Town. Project notification is important to the Commission, not only because it provides an opportunity for staff to provide comments to the Town, but project notification is also used to track the amount, type, and intensity of development activity in the Town and in the Critical Area as a whole.

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

I hope you will find this information helpful. If you have any questions about the project notification requirements, the Critical Area Project Information form, or a specific project, please don't hesitate to call me at (410) 260-7033.

Sincerely yours,



Mary R. Owens, Chief

Program Implementation Division

cc: Mary Ann Skilling  
Tracy Batchelder

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) 260-7516 Fax: (410) 974-5338

January 19, 1999

Ms. Christine Holmberg  
Department of Planning and Zoning  
P.O. Box 653  
Leonardtown, Maryland 20650

**RE: Shore Erosion Control and Stockpile Areas**

Dear Ms. Holmberg:

I am writing to follow up on our recent telephone conversation regarding the construction of shore erosion control measures. As we discussed, the Critical Area Criteria encourage the protection of rapidly eroding portions of the shoreline by public and private landowners and encourage the use of nonstructural measures in order to conserve and protect plant, fish, and wildlife habitat. Frequently, the installation of shore erosion control measures, including nonstructural approaches, involves disturbance to the 100-Foot Buffer. It becomes apparent that there are likely to be sites where the policies in the Criteria seem to be mutually exclusive because protection of a rapidly eroding shoreline would necessitate disturbance to and grading in the Buffer.

In reviewing shore erosion control projects, it is necessary to balance the benefits of shoreline erosion control against the detriments of Buffer disturbance and to make every effort to minimize Buffer disturbance. In some cases, it may be necessary to install a construction access and to stockpile materials within the Buffer. If the local government determines that these impacts to the Buffer are a necessary component of the construction of the shore erosion control measure, then this disturbance may be permitted without a variance. The local government may require appropriate mitigation for any Buffer disturbance.

In order to review permit applications for the construction of shore erosion control measures, the applicant shall provide sufficient information for the local government staff to determine that Buffer disturbance has been minimized and that the proposed method of construction is reasonable. This information shall include, but is not limited to, information regarding the method of construction, location of stockpile areas, the type and location of shoreline access, limits of disturbance, and the location and extent of vegetative disturbance and clearing. Additional information may be required depending on site conditions and the proposed method of construction.

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

I hope this clarifies how the Commission staff evaluates and provides comments on applications for shore erosion control projects. If you have any questions, please feel free to contact me at (410) 260-7033.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

cc: Mr. Phil Mohler, MDE  
Mr. Steve Peterson

JJ- my 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  
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January 12, 1999

Ms. Lori Schmick  
Caroline County Planning  
P.O. Box 207  
Denton, Maryland 21629

**RE: Timothy Jester, Special Exception (99-01SE)**  
**CR 658-99**

*Jri*  
~~Dear Ms. Schmick:~~

Thank you for providing information on the referenced project. The applicant is proposing to demolish and reconstruct an existing farmers market and antique store and to add living quarters to the building. It is my understanding that there are six dwelling units (mobile homes) on the property excluding the proposed construction.

This property has a Critical Area designation of Resource Conservation Area (RCA); therefore, residential density is limited to one dwelling unit per 20 acres. The six mobile homes existed prior to the implementation of the Critical Area Program and are grandfathered. The existing grandfathered residential development on the property exceeds the permitted density; therefore, additional residential development, including accessory apartments, is not permitted. The use of growth allocation to change the designation of the property from RCA to Limited Development Area (LDA) may be an option because lands designated as LDA do not have density limitations under the Critical Area Criteria.

With regard to the demolition and reconstruction of the farmers market and antique store, it is difficult to determine from the information submitted if these existing uses are going to be expanded or intensified. The Critical Area Criteria state that local jurisdictions shall permit the continuation, **but not necessarily the intensification or expansion**, of any use in existence on the date of program approval. In general, new commercial uses are not permitted within the Resource Conservation Area. The use of growth allocation to change the designation of the property from RCA to LDA may be an option if the County desires to accommodate expansion or intensification of this land use.

It is also difficult to determine from the information submitted if the project complies

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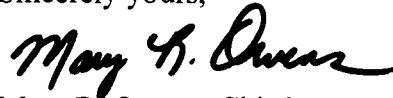


Ms. Schmick  
January 12, 1999  
Page 2

with the provisions of the local program regarding the 100-foot Buffer, impervious surface limits, clearing limits, and stormwater management. If the proposed project does not comply with local provisions, a variance may be required.

In order to provide complete comments on the project, additional information is needed. If you have any questions, please feel free to call me at (410) 260-7033.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

cc: Ms. Dawnn McCleary

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) 260-7516 Fax: (410) 974-5338

January 12, 1999

Ms. Karen Houtman  
Dorchester County Planning and Zoning  
P O Box 107  
Cambridge, Maryland 21613

**RE: Comprehensive Zoning Map and Zoning Ordinance Amendments**

Dear Ms. Houtman:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced refinement request. On January 6, 1999, the Critical Area Commission concurred with the Chairman's determination that the referenced changes to the County's Critical Area Program qualified as a refinement. Except for one change to the County's Zoning Ordinance, the new zoning maps, zoning ordinance, and subdivision regulations were approved and should be incorporated into the County's Program within 120 days..

The change to the zoning ordinance that was not approved was the transfer of provisions regarding afforestation requirements, formerly Article VII, Subsection H, paragraph (9) to the County's Subdivision Regulations. The justification for this change provided by the consultant was that the provision applies only when land is subdivided. The Critical Area Criteria state in Section 27.01.02.04.C(5)(e) that, "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15 percent." This provision applies to all development sites, not just those that involve subdivision; therefore, the afforestation provisions must remain in the Zoning Ordinance.

In accordance with Subsection 8-1809(p)(3)(iii)3, the refinement pertaining to the afforestation provisions is being sent back to you, so that the language deleted from the Zoning Ordinance may be restored. Please advise me regarding the County's action on this change.

If you have any questions, please feel free to contact me at (410) 260-7033.

Sincerely yours,

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

Mary R. Owens, Chief  
Program Implementation Division

MRO/jjd

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) 260-7516 Fax: (410) 974-5338

January 12, 1999

Ms. Karen Houtman  
Dorchester County Planning and Zoning  
P O Box 107  
Cambridge, Maryland 21613

**RE: Hooper's Island Buffer Exemption Areas**

Dear Ms. Houtman:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced refinement request. On January 6, 1999, the Critical Area Commission concurred with the Chairman's determination that the designation of six additional properties on Hooper's Island as a Buffer Exemption Area qualified as a refinement to the County's Critical Area Program and the refinement was approved.

If you have any questions, please feel free to contact me at (410) 260-7033.

Sincerely yours,

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

Mary R. Owens, Chief  
Program Implementation Division

MRO/jjd

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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January 7, 1999

Mr. Allen J. Smith  
P O Box 126  
1817 White Haven Road  
Church Creek, Maryland 21622

**RE: Critical Area Review of Garage Construction Application**

Dear Mr. Smith:

I recently received a copy of a sketch and information from Dorchester County regarding your application for approval to construct a 16' X 24' garage on your property at 1817 White Haven Road. The County forwarded this information to the Chesapeake Bay Critical Area Commission for review because the Town has an agreement with the Critical Area Commission which states that the Town will seek to make development comply "insofar as possible with the objectives, policies, and requirements of the Dorchester County Critical Area Program." Generally, Commission staff work cooperatively with County staff to establish that any proposed development project complies with the Town's agreement.

In order to evaluate your application to construct a garage, an accurate site plan that shows the entire area of the property and all existing development on the property will be required. The drawing does not need to be prepared by a licensed surveyor or engineer; however, it should be drawn to scale, so that impacts to the 100-foot Buffer and the area of impervious surface on the property can be calculated. Existing wetlands and forest cover should also be shown. I have enclosed a copy of a plan submitted for another property in Church Creek as an example. I would also like to visit the site at your convenience.

If you have any questions or would like to arrange a convenient time for me to visit the site, please feel free to contact me at (410) 260-7033.

Sincerely yours,

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

Mary R. Owens, Chief  
Program Implementation Division

MRO/jjd

cc: Ms. Regina Esslinger  
M. Glynn Hodges, Church Creek  
Ms. Karen Houtman, Dorchester County

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

Staff Correspondence: Jennife Delve

1999

51832-141-7

Judge John C. North, II.  
Chairman



Ren Serey  
Executive Director

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

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(410) 260-7516 Fax: (410) 974-5338

June 22, 1999

Mr. Kenneth McLawhon  
Town of Indian Head  
4195 Indian Head Highway  
Indian Head, Maryland 20640

Re: FY99 Amendment

Dear Mr. McLawhon:

Enclosed for your records is your copy of the approved amendment for the Town of Indian Head's FY 99 Grant Agreement. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer J. Delve".

Jennifer J. Delve  
Administrative Aide

/jjd

Enclosure

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

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



udge John C. North, II  
Chairman

Ren Serey  
Executive Director

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

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(410) 260-7516 Fax: (410) 974-5338

June 3, 1999

Ms. Karen Wiggen  
P O Box B  
La Plata, Maryland 20646

Re: FY99 Salary Summary Forms

Dear Ms. Wiggen:

Enclosed is the only version of the Salary Summary Sheet to be used in place of time sheets for the FY 99 grant year (if you choose not to use time sheets). Please note that these forms must have complete information included (such as fringe benefits and type, if applicable) and that official time records must be retained by your office until 12/31/05. If you have any questions, please contact me.

Sincerely,

Jennifer J. Delve  
Administrative Aide

Enclosure

cc: Circuit Riders

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. Jon Arason  
Planning and Zoning  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

Ms. Elinor Gawel  
Office of Planning and Zoning  
2664 Riva Road  
P O Box 2700  
Annapolis, Maryland 21401

Mr. Charles Graves  
Department of Planning  
417 E. Fayette Street, 8th Floor  
Baltimore, Maryland 21202

Mr. George Perdikakis  
Department of Environmental Protection  
and Resource Management  
County Courts Building, 401 Bosley Avenue  
Suite 416  
Towson, Maryland 21204

The Honorable Carolyn Sorge  
P O Box 338, Third Avenue  
Berterton, Maryland 21610  
Mayor Sorge

Mr. Frank Jaklitsch  
Director of Planning and Zoning  
Courthouse Annex  
Prince Frederick, Maryland 20678

Mr. David Pritchett  
Department of Public Works  
307 Gay Street  
Cambridge, Maryland 21613

Mr. Eric Sennstrom  
Office of Planning and Zoning  
Room 300, Cecil County Courthouse  
Elkton, Maryland 21921

Mr. Terrence Adams  
P O Box 100



101 Lawyers Row  
Centreville, Maryland 21617

Ms. Karen Wiggen  
P O Box B  
La Plata, Maryland 20646

Mr. Stanley Hearne  
Town Administrator  
P O Box 154, 241 Market Street  
Charlestown, Maryland 21914

Ms. Michelle Jenkins  
Zoning Administrator  
Box 400, 8200 Bayside Road  
Chesapeake Beach, Maryland 20732

Ms. Patricia Garrett  
P O Box 205, 109 Bohemia Avenue  
Chesapeake City, Maryland 21915

Ms. Marie Rameika  
Town Administrator  
P O Box 85  
Church Hill, Maryland 21623-0085

Mr. Frederick Gerald  
P O Box 270, City Hall  
Main Street  
Crisfield, Maryland 21817

Ms. Jennifer Shull, Director  
Housing & Community Development  
13 N Third Street  
Denton, Maryland 21629

Ms. Karen Houtman  
Office of Planning & Zoning  
County Office Building, P O Box 107  
Cambridge, Maryland 21613

Mr. Lynn Thomas  
P O Box 520  
14 S. Hamilton Street  
Easton, Maryland 21601

Ms. Jeanne Minner  
P O Box 157, 107 North Street  
Elkton, Maryland 21922-01571

Mr. Conway Gregory  
P O Box 471, 118 Main Street  
Federalsburg, Maryland 21632

Ms. Diane Ewing  
P O Box 340, 118 N. Main Street  
Greensboro, Maryland 21639

Ms. Patricia Pudelkewicz  
Planning and Zoning  
220 S. Main Street  
Bel Air, Maryland 21014

The Honorable Ronald A. Stafford  
Commission President  
P O Box 128  
Hillsboro, Maryland 21641

Mr. Kenneth McLawhon  
4195 Indian Head Highway  
Indian Head, Maryland 20640

Ms. Gail Webb Owings  
Department of Planning & Zoning  
Kent County Government Center  
400 High Street  
Chestertown, Maryland 21620

Ms. Colleen Bonnell  
Administrator  
P O Box 1, 206 Tudor Place  
Leonardtown, Maryland 20650

Mr. Stanley Hearne  
P O Box 222  
Millington, Maryland 21651

Ms. Melissa Cook-MacKenzie  
Administrator  
300 Cherry Street  
North East, Maryland 21901

The Honorable Mark Frazier  
Town of North Beach  
P O Box 99, 8916 Chesapeake Avenue  
North Beach, Maryland 20714

Ms. Lillian Lord  
Clerk Treasurer  
P O Box 339  
Oxford, Maryland 21654

Mr. John Barkley  
Town Administrator  
P O Box 773  
Perryville, Maryland 21903-0513

The Honorable Kerry Abrams  
P O Box 95  
Port Deposit, Maryland 21904

Mr. Chris Akinbobola  
Department of Environmental Resources  
9400 Peppercorn Place, Suite 600  
Largo, Maryland 20774

Ms. Linda Chelton  
11786 Beckford Avenue  
Princess Anne, Maryland 21853

Mr. Steve Kaii-Ziegler  
Office of Planning  
107 N Liberty  
Centreville, Maryland 21617

The Honorable Randy Esty  
P O Box 365  
Queen Anne, Maryland 21657

Ms. Amy Moore  
P O Box 4  
Queenstown, Maryland 21658

Mr. Ron Fithian  
P O Box 367  
Rock Hall, Maryland 21661

Mr. Jim Doughty  
Municipal Building, P O Box 348  
Snow Hill, Maryland 21863

Ms. Joan Kean  
Department of Technical and  
Community Services  
425 N. Somerset Avenue  
Princess Anne, Maryland 21853

Ms. Sue Veith  
Department of Planning and Zoning  
22740 Washington Street, P O Box 653  
Leonardtown, Maryland 20650

Ms. Jean Weisman  
Town Manager  
P O Box 206  
St. Michaels, Maryland 21663-0206

Mr. Daniel Cowee  
Planning Director  
Courthouse  
11 North Washington Street  
Easton, Maryland 21601

Mr. M. Glynn Hodges  
P O Box 86  
Vienna, Maryland 21869

Mr. Rick Dwyer  
Department of Planning, Zoning &  
Community Development  
government Office Building, Room 203  
P O Box 870  
Salisbury, Maryland 21801

Ms. Katherine Munson  
Planning, Permits, Inspections  
One West Market Street  
Room 116, Courthouse  
Snow Hill, Maryland 21863-1070



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) 260-7516 Fax: (410) 974-5338

June 2, 1999

Ms. Karen Houtman  
Planning and Zoning Office  
P O Box 107  
Cambridge, Maryland 21613

*Karen*  
Dear Ms. Houtman:

Enclosed for your records is an approved copy of Dorchester County's amendment to the FY 99 grant agreement.

Sincerely,

Jennifer J. Delve  
Administrative Aide

Enclosure

cc: Ms. Meredith Lathbury

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) 260-7516 Fax: (410) 974-5338

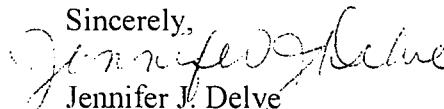
Ms. Jane Chace Miller  
Town Clerk  
P O Box 365  
Queen Anne, Maryland 21657

Re: FY99 Amendment

Dear Ms. Miller:

Enclosed is the Town of Queen Anne's copy of the approved amendment to the FY99 grant agreement. Please contact me if I can be of any further assistance.

Sincerely,

  
Jennifer J. Delve  
Administrative Aide

Enclosure

cc: Mr. Roby Hurley  
Ms. Susan McConville

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**  
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(410) 260-7516 Fax: (410) 974-5338

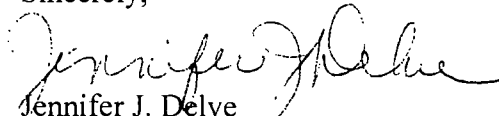
June 2, 1999

Ms. Lillian Lord  
Commissioners of Oxford  
100 North Morris Street  
P O Box 339  
Oxford, Maryland 21654

Dear Ms. Lord:

The Critical Area Commission approves of the Town of Oxford's request for a reduction to its grant amount of \$1,000.00 thereby making a new total of \$1,011.68 for the remaining of the FY99 grant year.

Sincerely,

  
Jennifer J. Delve  
Administrative Aide

cc: Ms. Lisa Hoerger

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) 260-7516 Fax: (410) 974-5338

June 2, 1999

The Honorable Russell Brinsfield  
Commissioners of Vienna  
P O Box 86  
Vienna, Maryland 21869

Dear Mayor Brinsfield:

Enclosed for your records is an approved copy of the Town of Vienna's amendment to the FY 99 grant agreement.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer J. Delve".

Jennifer J. Delve  
Administrative Aide

Enclosure

cc: Ms. Lisa Hoerger

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) 260-7516 Fax: (410) 974-5338

June 2, 1999

Ms. Joan Kean  
Department of Technical and  
Community Services  
11916 Somerset Avenue  
Princess Anne, Maryland 21853

Dear Ms. *Joan* Kean:

Enclosed for your records is an approved copy of Somerset County's amendment to the FY 99 grant agreement.

Sincerely,

*Jennifer J. Delve*  
Jennifer J. Delve

Administrative Aide

Enclosure

cc: Ms. Meredith Lathbury

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) 260-7516 Fax: (410) 974-5338

May 10, 1999

Ms. Karen Houtman  
Dorchester Co. Planning & Zoning Office  
County Office Building  
P O Box 107  
Cambridge, Maryland 21613

Re: FY99 Amendment

Dear Ms. Houtman:

Enclosed for your records is an approved copy of Dorchester County's amendment to the FY 99 grant agreement.

Sincerely,

Jennifer J. Delve

/jjd

cc: Ms. Meredith Lathbury

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) 260-7516 Fax: (410) 974-5338

December 1, 1998

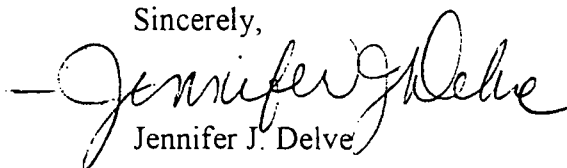
Ms. Joan S. Kean  
Department of Technical and  
Community Services  
11916 Somerset Avenue, Room 102  
Somerset County Office Complex  
Princess Anne, Maryland 21853

Re: FY98 Amendment

Dear Ms. Kean:

Enclosed is Somerset County's copy of the approved amendment for the FY98 grant contract. If you have any questions, please contact me.

Sincerely,

  
Jennifer J. Delve

Enclosure

cc: Ms. Veronica Moulis  
Ms. Susan McConville

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

October 14, 1998

Mr. Chris Akinbobola  
Department of Environmental  
Resources  
9400 Peppercorn Place, Sixth Floor  
Landover, Maryland 20785

Re: FY99 Amendment

Dear Mr. Akinbobola:

The Commission approves of the County's request to replace Dawn Hawkins position with that of Richard Thompson. We understand that this will not change the total amount of the County's grant funds.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer J. Delve".

Jennifer J. Delve  
Administrative Aide

cc: Ms. Lisa Hoerger

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  
410-822-9047 OR 410-974-2418  
410-820-5093 FAX

SARAH J. TAYLOR, PhD.  
EXECUTIVE DIRECTOR  
410-974-2418/26  
410-974-5338 FAX



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

EASTERN SHORE OFFICE  
31 CREAMERY LANE  
EASTON, MARYLAND 21601

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

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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October 9, 1998

Mr. Roby Hurley  
MD Office of Planning  
Salisbury District Court/Multi Service Center  
201 Baptist Street, Box 24  
Salisbury, Maryland 21801

Re: FY98 Amendment

Dear Mr. Hurley:

The Commission approves of the Town's request to reallocate \$120.00 from staff time to consultant.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer".

Jennifer J. Dolve  
Administrative Aide

cc: Ms. Jane Saulsbury  
Mr. Greg Schaner

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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October 5, 1998

Ms. Karen Houtman  
Planning & Zoning Office  
P O Box 107  
Cambridge, Maryland 21613

Re: FY98 Amendment

*Laren*  
Dear Ms. Houtman:

Enclosed is Dorchester County's copy of the approved amendment for the FY98 grant contract. If you have any questions, please contact me.

Sincerely, .

*Jennifer*  
Jennifer J. Delve

Enclosure

cc: Ms. Veronica Moulis  
Mr. Greg Schaner

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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October 5, 1998

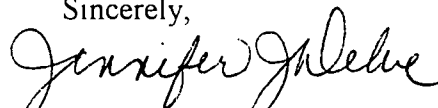
Mr. Frank Jaklitsch  
Department of Planning & Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: FY98 Amendment

Dear Mr. Jaklitsch:

Enclosed is Calvert County's copy of the approved amendment for the FY98 grant contract. If you have any questions, please contact me.

Sincerely,

  
Jennifer J. Delve

Enclosure

cc: Ms. Veronica Moulis  
Ms. ~~Dawn McCleary~~



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