Staff Correspondence: Ren January - June 1999 S1832-142-1

DR.

VOL 2

CONT.

April 20, 2000

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

RE: Azam Baig Property
163 Williams Drive

Dear Mr. Torney:

Thank you for providing information on the above project. This office understands that the applicant is proposing to remove the existing stairs in one location and replace, in a different location, new stairs and a landing to provide access to a new pier. After reviewing the site plan, this office does not oppose this proposal, but we recommend that the pathway and steps to the shoreline be no more than 3 feet in width to minimize disturbance to a stable shoreline and Buffer.

Also, disturbance to the Buffer for shoreline access should be mitigated at a 2:1 ratio, using native Buffer plantings. The applicant could also mitigate at a 2:1 ratio where the existing stairs were removed, with native Buffer plantings.

If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

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

June 16, 1999

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

RE: Comprehensive Review of Critical Area Program

Dear ~~Mr. Arason~~ Jon:

During its meeting on June 2, 1999, the Program Subcommittee of the Chesapeake Bay Critical Area Commission requested that a City representative attend the Subcommittee's next meeting to discuss the status of the Comprehensive Review. Because of expectations raised during the last discussion of the City's program on April 7, 1999, the Subcommittee members were concerned that the revisions promised at that time had not been submitted for review.

The Subcommittee will meet at the Nassawango County Club in Pocomoke, Maryland on July 7th at 10:00 a.m. I will provide directions in a separate mailing. Please contact me if you have questions or need additional information.

Sincerely,

Ren Serey
Executive Director

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

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

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

June 16, 1999

Ms. Karen Ripple, Education Director
Environmental Concern
P O Box P
St. Michaels, Maryland 21663

Dear Ms. Ripple:

I am writing to nominate Meredith Lathbury for a full tuition scholarship to your Wetland Delineation course scheduled for September 13-17, 1999 at the Patuxent National Wildlife Visitor Center. Environmental Concern has provided similar scholarships to our staff in the past, and the knowledge gained has been very useful to our work. I hope that you will be able to honor this request as well.

Ms. Lathbury is a Natural Resources Planner for the Chesapeake Bay Critical Area Commission. She provides technical assistance and expertise on natural resource management issues, land use and development, water quality protection, and habitat protection. She works with Dorchester, Somerset, and Baltimore Counties as well as several Eastern Shore towns. Her duties often require on-site inspections with developers, local planners and the representatives of other State and Federal agencies. Training in wetland delineation will strengthen her ability to provide accurate guidance regarding protection of wetlands. I have no doubt that your excellent training will enhance Ms. Lathbury's understanding of the importance of proper wetland delineation.

As a former employee of Environmental Concern, you are probably aware of Ms. Lathbury's experience and background. She has a J.D. and Masters of Environmental Policy, and after serving as Education Director at Environmental Concern, Ms. Lathbury went on to provide technical assistance to local governments in the Growth Management division of the Department of Natural Resources. She has worked on land conservation programs such as the Rural Legacy Program, and is currently working on protection and restoration of buffers on agricultural lands under the Conservation Reserve Enhancement Program (CREP).

Thank you for your consideration of this request. Our staff has greatly appreciated the opportunity for training through Environmental Concern's scholarship program in the past. If you need more information about this application, please contact myself or Ms. Lathbury at (410) 260-7516.

Sincerely,

Ren Serey
Executive Director

RS/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

June 8, 1999

Ms. Karen Ripple
Education Director
Environmental Concern Inc.
P.O. Box P
St. Michaels, MD 21663

Dear Ms. Ripple:

I am writing to nominate Tracy Batchelder for a tuition scholarship to your Wetland Mitigation course scheduled for September 27-29 at the Patuxent National Wildlife Visitor Center. Environmental Concern has provided similar scholarships to other planners at the Critical Area Commission which have proved to be extremely valuable to our work.

Tracy has an educational background in coastal and marine resources management and has been a Natural Resources Planner for the Commission since April, 1998. She is responsible for providing Kent and St. Mary's Counties and several eastern and western shore municipalities with technical assistance on issues relating to natural resource management, land use and development, and water quality protection. She regularly performs on-site inspections with developers, local planners, property owners, and staff from other State and Federal agencies. In addition, she reviews site plans to ensure compliance with the Critical Area Law and protection of habitat and water quality. The Wetland Mitigation course would provide Tracy with further education and field experience relating to wetlands and would undoubtedly enhance Tracy's ability to provide guidance relating to these systems.

I hope that you will be able to provide Tracy with a full scholarship for the Wetland Mitigation course. I am sure that the Commission and the local jurisdictions she serves will benefit greatly from the knowledge and experience your training will offer her. If you need additional information about Tracy or her duties, please call me at (410) 260-7516. I look forward to hearing from you.

Sincerely,

Ren Serey
Executive Director

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

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

May 25, 1999

Mr. Bruce C. Lamb
2623 Guilford Avenue
Baltimore, Maryland 21218

Dear Mr. Lamb:

I've tried to call you a couple of times, but haven't been able to connect. I'm sorry that we didn't get a chance to talk at the "Careers" panel session. Although the Critical Area Commission doesn't provide fellowships, I'd be happy to meet with you and find out more about your interests. I may be able to suggest other people for you to contact. Please give me a call if you'd like to talk.

Sincerely,

Ren Serey
Executive Director

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

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

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

May 11, 1999

The Honorable Roy Dyson
District Office
P.O. Box 229
Great Mills, Maryland 20634-0229

Re: Summer Solitude Project
Calvert County

Dear Senator Dyson:

I read with some alarm your letter to Commissioners' President Kelly concerning the Summer Solitude project in St. Leonard. However, we have no information on the project and the Calvert County Department of Planning and Zoning has informed me that the subdivision is not located within the Critical Area.

Please let me know if you have further questions concerning this project or if I can be of any assistance.

Sincerely,

Ren Serey
Executive Director

cc: Chairman John C. North, II

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 23, 1999

H. Michael Hickson, Esq.
St. Michaels Town Attorney
Banks, Nason & Hickson
113 Baptist Street
P.O. Box 44
Salisbury, Maryland 21803-0044

Re: St. Michaels Critical Area Program
Miles Point Project

Dear Mr. Hickson:

I am writing in regard to procedures set out in the St. Michaels Critical Area Program and specifically, how those procedures affect the proposed Miles Point development project. In your letter to Mr. Ren Serey concerning the project, you discuss provisions of the Town's program related to the use of growth allocation for Miles Point. You state that, based on your reading of the local growth allocation provisions, "it is incumbent upon the Chesapeake Bay Critical Area Commission to review and render its decision regarding the proposed development" in order for the Town Commissioners then to make a final decision. I view the situation differently.

As you know, when a local government chooses to use a portion of its growth allocation, such use, resulting in reclassification of land within the Critical Area, constitutes an amendment to the local Critical Area Program. I have sought guidance of counsel concerning the operation of the amendment provisions of the Town program. Assistant Attorney General Marianne Mason's memorandum to me on the subject is enclosed. Ms. Mason advises, and I concur, that the Critical Area Commission cannot consider the recommendation of the St. Michaels Planning Commission on the Miles Point project as a proposed amendment to the Town's Critical Area Program. Therefore, there is nothing for the Commission to decide at this time.

We have advised the Town of St. Michaels previously that the amendment provisions of its local Critical Area Program, particularly as these provisions relate to growth allocation, are not consistent with the Critical Area Act, Natural Resources Article Section 8-1809, Annotated

Code of Maryland. The Critical Area Act requires, as Ms. Mason points out, that local jurisdictions submit program amendments to the Critical Area Commission for approval. Only the Town Commissioners have the authority to operate as "the local jurisdiction" and officially submit amendments. We were pleased that the Planning Commission appeared to understand the need to adjust the amendment process and included new procedures in the updated Critical Area Program. The Planning Commission forwarded these new procedures to the Town Commissioners for approval. Unfortunately, the Town Commissioners have not yet acted on the revisions, and the Planning Commission thus has presented the Miles Point project to the Critical Area Commission under the old, incorrect procedures.

The Critical Area Commission will be unable to take up the matter of growth allocation for Miles Point until the Town Commissioners amend the growth allocation procedures and make a final, local approval of growth allocation for the site. The Commission staff and I are available, as always, to assist you in these matters in any way possible.

Very truly yours,

John C. North, II
Chairman

cc: Marianne D. Mason, Esq.
Ren Serey

OFFICE OF THE ATTORNEY GENERAL
for the
Department of Natural Resources
580 Taylor Avenue C-4
Annapolis, MD 21401
(410) 260-8351
(410) 260-8364 (Fax)

RECEIVED
APR 6 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

MEMORANDUM

TO: Hon. John C. North, II
Ren Serey

FROM: Marianne Mason

DATE: March 31, 1999

RE: Miles Point Growth Allocation

You have asked for my advice about an issue raised by H. Michael Hickson, attorney for the Town of St. Michaels ("Town") in a March 8, 1999 letter to you. On behalf of the Town, Mr. Hickson has asked the Chesapeake Bay Critical Area Commission ("Commission") to "review and render its decision" on a proposed development project known as Miles Point ("Development"). For the reasons that follow, I believe that the Commission lacks authority under Code, Natural Resources Article §8-1809(h) to review or to vote upon this Development at this time.

BACKGROUND

The Miles Point Development project is a proposed mixed use residential and commercial project to be located on approximately 89 acres, mostly within the Town of St. Michaels. Eighty-seven acres of the proposed Development lies within the Chesapeake Bay Critical Area ("Critical Area"). All of the Critical Area land proposed for the Development is classified under the Town's Critical Area Program as RCA. The developer has requested growth allocation from the Town to reclassify the 87 acres as IDA, thereby allowing an increase in residential density to more than one dwelling unit per 20 acres.

The Town's Planning Commission ("Planning Commission") has reviewed the application ("Application") for growth allocation for the Development, and has voted to send a "nonfavorable

recommendation" on the application to the Town Commissioners. In essence, the Planning Commission has recommended to the Town Commissioners that the Application be denied. The Planning Commission then sent its recommended denial to the Critical Area Commission, pursuant to the following provisions of the Town's Critical Area program.

> (e) The Planning Commission shall then hold a public hearing on all submissions....
> (f) The Planning Commissioners will then make its [sic] final recommendation and forward the application to the Critical Area Commission for review and approval.
> (g) Following approval of the application by the Critical Area Commission the Town Commissioners shall hold a public hearing on the proposed development projects....

St. Michaels' Zoning Ordinance §5, subsection 11, paragraphs 2(e) through (g).

The Planning Commission's recommendation, however, is "not a final, appealable, decision by the Planning Commission but is only a recommendation to the Town Commissioners." (Letter from H. Michael Hickson, attached) In Mr. Hickson's words, the Planning Commission's recommendation "does not constitute either an approval or a denial of the proposed development." Despite a negative recommendation from the Planning Commission, the Town Commissioners may, at a later date, grant the requested growth allocation and reclassify the Development's Critical Area land from RCA to IDA. Nonetheless, it is the Town's position that the Critical Area Commission should review and vote on the proposed Development now, before the Town Commissioners have approved or denied the requested growth allocation.

DISCUSSION

If the Town Commissioners ultimately approve the grant of growth allocation for the Development, the resulting change to the Critical Area map and to the Town's remaining growth allocation allotment would require a change, by way of amendment or refinement, of the Town's Critical Area program. Code, Natural Resources Article §§8-1808.1(b); 8-1809(g). Local Critical Area Programs may be amended only with the approval of the Critical Area Commission. Code, Natural Resources Article

§8-1809(i). The statute sets out very clearly the processes by which a local jurisdiction (in this case, the Town) may request Commission approval for changes to its local Critical Area program. First, the local jurisdiction may "propose any necessary amendments to its...program, including local zoning maps..." during the 4-year comprehensive review of the local program. Code, Natural Resources Article, §8-1809(g). Also, the local jurisdiction may propose "program amendments or refinements to its adopted program" as often as necessary but not more than 4 times per calendar year. Nat. Res. Art. §8-1809(h).

The process and the standards under which the Commission considers proposed program amendments were described by the Court of Special Appeals in *North v. Kent Island Limited Partnership,* 106 Md. App.92 (1995). The court observed that the statute, Nat. Res. Art. §8-1809(j) requires the Commission to approve programs and program amendments that meet "'the standards set forth in §8-1808(b)(1) through (3) of this subtitle; and the criteria adopted by the Commission under §8-1808 of this subtitle.'" 106 Md. App. at 105. *See also,* Code Nat. Res. Art. §8-1809(q) (providing that a local jurisdiction may combine "any or all proposed program amendments or program refinements required for specific project approval into a single request to the Commission *for program amendment, program refinement, or both.*")(emphasis added).

However, nothing in the statute or the Commission's criteria suggests that the Commission has a duty to act on a local government request that is not a "proposed program", a "proposed program amendment" or a "proposed program refinement." The request from the Town of St. Michaels is undoubtedly **not** a proposed program, program amendment, or program refinement. It is a preliminary recommendation (for denial of growth allocation) from the Town Planning Commission, which does not constitute the local jurisdiction's approval or rejection of the request. Indeed, the Town Planning Commission's recommendation does not propose any change to the St. Michaels' Critical Area program.

Until the local jurisdiction makes a decision that results in the need for a proposed amendment or proposed refinement to its Critical Area program, there is simply nothing for the Critical Area Commission to consider or to vote upon. Accordingly, my advice is to notify the Town Planning Commission that the Commission cannot consider the Development proposal at this time. When and if the local jurisdiction decides to take an action that would require a change (amendment or refinement) to

its Critical Area program, then that proposed amendment or refinement should be submitted for the Commission's consideration.

If I may be of further assistance, please do not hesitate to call me. I trust that this memorandum, which is advice of counsel and not an Opinion of the Attorney General, has fully responded to your question.

cc: Joseph Gill
Mary Owens

N/F

LAW OFFICES OF
BANKS, NASON & HICKSON
PROFESSIONAL ASSOCIATION
113 BAPTIST STREET
P.O. BOX 44
SALISBURY, MARYLAND 21803-0044

(410) 546-4644

EDWARD G. BANKS, JR.
JOHN C. NASON
H. MICHAEL HICKSON

BUXTON R. BAILEY
SENIOR ASSOCIATE

TELEPHONE
(410) 546-4644
FAX
(410) 548-2508

March 8, 1999

Ren Serey
Executive Director
Chesapeake Bay Critical Area Commission
45 Calvert Street, Second Floor
Annapolis, Maryland 21401

RECEIVED
MAR 11 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Re: Miles Point Development
Town of St. Michaels

Dear Mr. Serey:

Reference is made to the letter dated February 18, 1999 to Stephen DelSordo, St. Michaels Zoning Administrator, from Lisa Hoerger, Environmental Specialist, and my telephone conversation with you on March 8, 1999 concerning the above referenced matter.

As you recall, I am attorney for the Town of St. Michaels. The Findings And Recommendations of the St. Michaels Planning Commission that was sent to the Chesapeake Bay Critical Area Commission concerning the above referenced development is not a final, appealable, decision by the Planning Commission, but is only a recommendation to the Town Commissioners. Therefore, the final product of the St. Michaels Planning Commission does not constitute either an approval or a denial of the proposed development. A recommendation against the proposed development by the Planning Commission does not preclude the Town Commissioners from granting the requested growth allocation and reclassifying the critical area overlay zone from RCA to IDA.

Please refer to the St. Michaels Zoning Ordinance, Section 5 (Zone Regulations), Subsection 11 (Growth Allocation District - GA), Paragraph 2 (Procedure For Processing GA District Applications), Subparagraphs e, f and g, which states, in part, as follows:

"e) The Planning Commission shall then hold a public hearing on all submissions....

"f) The Planning Commissioners will then make its final recommendation and forward the application to the Critical Area Commission for review and approval.

"g) Following approval of the application by the Critical Area Commission the Town Commissioners shall hold a public hearing on the proposed development projects...."

Based on my reading of the referenced provisions of the St. Michaels Zoning Ordinance, I believe that regardless of whether the Planning Commission has recommended for or against the proposed development, that it is incumbent upon the Chesapeake Bay Critical Area Commission to review and render its decision regarding the proposed development. Until that happens, I do not believe that the Town Commissioners can legally hold their public hearing on the proposed development project. I would be happy to discuss this matter with you or your counsel further. I will look forward to hearing from you.

Very truly yours,

H. MICHAEL HICKSON

HMH/pjh

cc: Cheril S. Thomas, Town Clerk/Manager

Judge John C. 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 19, 1999

Mr. Robert C. Colona
Wildlife and Heritage Division
LeCompt Wildlife Management Area
4220 Steele Neck Road
Vienna, Maryland 21869

Dear Mr. Colona:

I am writing to thank you for the wonderful presentation on nutria at the Chesapeake Bay Critical Area Commission's meeting on April 7th. Suffice it to say that we had no idea. I guess that's the reality behind your outreach efforts. You and Keith Weaver quite ably presented both the unfortunate extent of the current situation and the challenge ahead for us all. It's so important for our Commission members and staff to appreciate the problems that result from seemingly benign decisions. I certainly benefitted from the information.

We are sending a letter of wholehearted support for the project to Maryland's Congressional delegation. Please let me know if there is anything the Critical Area Commission can do to help. I wish you well in this important endeavor.

Sincerely,

Ren Serey
Executive Director

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

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

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 19, 1999

Mr. Keith Weaver
U.S. Fish and Wildlife Service
Blackwater National Wildlife Refuge
Route 1, Box 121
Cambridge, Maryland 21613

Dear Mr. Weaver:

I am writing to thank you for the wonderful presentation on nutria at the Chesapeake Bay Critical Area Commission's meeting on April 7th. Suffice it to say that we had no idea. I guess that's the reality behind your outreach efforts. You and Robert Colona quite ably presented both the unfortunate extent of the current situation and the challenge ahead for us all. It's so important for our Commission members and staff to appreciate the problems that result from seemingly benign decisions. I certainly benefitted from the information.

We are sending a letter of wholehearted support for the project to Maryland's Congressional delegation. Please let me know if there is anything the Critical Area Commission can do to help. I wish you well in this important endeavor.

Sincerely,

Ren Serey
Executive Director

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

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

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 16, 1999

Mr. Joshua Sandt
Assistant Director
Forest, Heritage and Wildlife Administration
Department of Natural Resources
Tawes Office Building
Annapolis, Maryland 21401

Dear Mr. Sandt:

I am writing to notify you of the Chesapeake Bay Critical Area Commission's whole-hearted support of Maryland's Conservation Reserve Enhancement Program. Following your informative presentation, the Commission voted to recognize officially that the Program is fully consistent with the Critical Area Act and Criteria. The Commission's vote contained the following conditions which it believes will ensure the long-term success of the Program within the Critical Area:

1. A Soil Conservation and Water Quality Plan must be developed for land in the Critical Area in order to enroll riparian buffers under CREP.

2. The Soil conservation and Water Quality plan for the land enrolled must indicate that riparian buffers are being planted as an agricultural Best Management Practice under CREP.

3. If riparian buffers planted under CREP are removed in order to return the land to agricultural production, the Soil conservation and Water Quality plan must be amended accordingly.

4. Riparian buffers planted under CREP shall not be removed for purposes other than to return the land to agricultural production, i.e., for purposes of residential, commercial, industrial, institutional or recreational development, except in conformance with the Critical Area Act, Criteria and local Critical Area Programs.

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

I am certain that the Conservation Reserve Enhancement Program will play a significant role in protecting Maryland's valuable agricultural lands and the varied resources of the Chesapeake Bay region. Thank you for asking the Commission to participate in this important work.

Sincerely,

Ren Serey
Executive Director

e John C. 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. Georgeanne Mirack
5718 North Shore Parkway
Churchton, Maryland 20773

Dear Ms. Mirack:

Thank you for your letter expressing your concern about the proposed commercial shopping center in Deale. Please be assured that the Chesapeake Bay Critical Area Commission's review of this project for compliance with the Critical Area Act and its Criteria will be as demanding and thorough as the law allows. Please also be aware, however, that the Commission is not a traditional permitting authority i.e., there is no State Critical Area permit to grant or deny in this case. Critical Area protections are implemented by locally administered programs that comply with the State statute. Building and grading permits are the purview of the local zoning authority and the Commission has little license to consider development that occurs outside the Critical Area. That said, let me tell you what we know about this project to date.

According to a Critical Area report submitted to the County by Ben Dyer Associates, Inc. and forwarded by the County to Commission staff for review, the full extent of development proposed in the Critical Area portion of this site appears to consist of the removal of two crushed metal pipe culverts and their replacement with concrete pipe culverts. It also appears that the developer will improve an offsite culvert along Malard Drive, also within the Critical Area. The County is committed by provisions in its building codes to ensure that the proposed work will: maintain hydrologic processes and water quality; provide maximum erosion protection and minimize negative impacts to habitat; reduce increases in flood frequency and severity; and, retain tree canopy and provide a natural substrate for streambeds. The Dyer report states that as "the culverts will generally be removed and replaced in line, grade and length with the existing culverts" no adverse impact will attain. Commission staff have stressed to the County that any unforeseen disturbance should be mitigated with native species. In addition, Commission staff have recommended to the County that the applicant restore the Buffer, where possible, with vegetative cover to further enhance the habitat and water quality of this site. The County informs us that there has been some consideration of placing the three acres within the Critical Area under a perpetual easement which would preclude further development on that portion of the site.

Again, thank you for your letter. I hope that this letter has explained the role of the Commission in this project. Should you have further questions, please contact the Commission's liaison with Anne Arundel County, Ms. Lisa Hoerger, at (410) 260-7032.

Sincerely,

Ren Serey (mr)

Ren Serey
Executive Director

e John C. 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. Pam Chapman
Mr. Kenneth Bjornsti
611 Marshall Street
Deale, Maryland 20751

Dear Ms. Chapman and Mr. Bjronsti:

Thank you for your letter expressing your concern about the proposed commercial shopping center in Deale. Please be assured that the Chesapeake Bay Critical Area Commission's review of this project for compliance with the Critical Area Act and its Criteria will be as demanding and thorough as the law allows. Please also be aware, however, that the Commission is not a traditional permitting authority i.e., there is no State Critical Area permit to grant or deny in this case. Critical Area protections are implemented by locally administered programs that comply with the State statute. Building and grading permits are the purview of the local zoning authority and the Commission has little license to consider development that occurs outside the Critical Area. That said, let me tell you what we know about this project to date.

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

Again, thank you for your letter. I hope that this letter has explained the role of the Commission in this project. Should you have further questions, please contact the Commission's liaison with Anne Arundel County, Ms. Lisa Hoerger, at (410) 260-7032.

Sincerely,

Ren Serey (mc)

Ren Serey
Executive Director

e 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

March 23, 1999

Ms. Florence M. Ormond
1063 Broadwater Road
Churchton, Maryland 20773

Dear Ms. Ormond:

Thank you for your letter expressing your concern about the proposed commercial shopping center in Deale. Please be assured that the Chesapeake Bay Critical Area Commission's review of this project for compliance with the Critical Area Act and its Criteria will be as demanding and thorough as the law allows. Please also be aware, however, that the Commission is not a traditional permitting authority i.e., there is no State Critical Area permit to grant or deny in this case. Critical Area protections are implemented by locally administered programs that comply with the State statute. Building and grading permits are the purview of the local zoning authority and the Commission has little license to consider development that occurs outside the Critical Area. That said, let me tell you what we know about this project to date.

According to a Critical Area report submitted to the County by Ben Dyer Associates, Inc. and forwarded by the County to Commission staff for review, the full extent of development proposed in the Critical Area portion of this site appears to consist of the removal of two crushed metal pipe culverts and their replacement with concrete pipe culverts. It also appears that the developer will improve an offsite culvert along Malard Drive, also within the Critical Area. The County is committed by provisions in its building codes to ensure that the proposed work will: maintain hydrologic processes and water quality; provide maximum erosion protection and minimize negative impacts to habitat; reduce increases in flood frequency and severity; and, retain tree canopy and provide a natural substrate for streambeds. The Dyer report states that as "the culverts will generally be removed and replaced in line, grade and length with the existing culverts" no adverse impact will attain. Commission staff have stressed to the County that any unforeseen disturbance should be mitigated with native species. In addition, Commission staff have recommended to the County that the applicant restore the Buffer, where possible, with vegetative cover to further enhance the habitat and water quality of this site. The County informs us that there has been some consideration of placing the three acres within the Critical Area under a perpetual easement which would preclude further development on that portion of the site.

Ms. Margaret Straub

Again, thank you for your letter. I hope that this letter has explained the role of the Commission in this project. Should you have further questions, please contact the Commission's liaison with Anne Arundel County, Ms. Lisa Hoerger, at (410) 260-7032.

Sincerely,

Ren Serey
Executive Director

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

March 22, 1999

Ms. Martha R. Burt
6036 Parkers Creek Drive
Deale, Maryland 20751

Dear Ms. Burt:

Thank you for your letter expressing your concern about the proposed commercial shopping center in Deale. Please be assured that the Chesapeake Bay Critical Area Commission's review of this project for compliance with the Critical Area Act and its Criteria will be as demanding and thorough as the law allows. Please also be aware, however, that the Commission is not a traditional permitting authority i.e., there is no State Critical Area permit to grant or deny in this case. Critical Area protections are implemented by locally administered programs that comply with the State statute. Building and grading permits are the purview of the local zoning authority and the Commission has little license to consider development that occurs outside the Critical Area. That said, let me tell you what we know about this project to date.

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Sincerely,

Ren Serey
Executive Director

ge 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

March 22, 1999

Ms. Margaret Straub
Ms. Caroline Straub
729 Tyler Point Road
Deale, Maryland 20751

Dear Ms. Straub:

Thank you for your letter expressing your concern about the proposed commercial shopping center in Deale. Please be assured that the Chesapeake Bay Critical Area Commission's review of this project for compliance with the Critical Area Act and its Criteria will be as demanding and thorough as the law allows. Please also be aware, however, that the Commission is not a traditional permitting authority i.e., there is no State Critical Area permit to grant or deny in this case. Critical Area protections are implemented by locally administered programs that comply with the State statute. Building and grading permits are the purview of the local zoning authority and the Commission has little license to consider development that occurs outside the Critical Area. That said, let me tell you what we know about this project to date.

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

Again, thank you for your letter. I hope that this letter has explained the role of the Commission in this project. Should you have further questions, please contact the Commission's liaison with Anne Arundel County, Ms. Lisa Hoerger, at (410) 260-7032.

Sincerely,

Ren Serey
Executive Director

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

March 22, 1999

Ms. Betty-Carol Sellen
6036 Parkers Creek Drive
Deale, Maryland 20751

Dear Ms. Sellen:

Thank you for your letter expressing your concern about the proposed commercial shopping center in Deale. Please be assured that the Chesapeake Bay Critical Area Commission's review of this project for compliance with the Critical Area Act and its Criteria will be as demanding and thorough as the law allows. Please also be aware, however, that the Commission is not a traditional permitting authority i.e., there is no State Critical Area permit to grant or deny in this case. Critical Area protections are implemented by locally administered programs that comply with the State statute. Building and grading permits are the purview of the local zoning authority and the Commission has little license to consider development that occurs outside the Critical Area. That said, let me tell you what we know about this project to date.

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

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

Again, thank you for your letter. I hope that this letter has explained the role of the Commission in this project. Should you have further questions, please contact the Commission's liaison with Anne Arundel County, Ms. Lisa Hoerger, at (410) 260-7032.

Sincerely,

Ren Serey
Executive Director

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

March 22, 1999

Ms. Evelyn N. Johnson
4932 Chestnut Street
Shady Side, Maryland 20764

Dear Ms. Johnson:

Thank you for your letter expressing your concern about the proposed commercial shopping center in Deale. Please be assured that the Chesapeake Bay Critical Area Commission's review of this project for compliance with the Critical Area Act and its Criteria will be as demanding and thorough as the law allows. Please also be aware, however, that the Commission is not a traditional permitting authority i.e., there is no State Critical Area permit to grant or deny in this case. Critical Area protections are implemented by locally administered programs that comply with the State statute. Building and grading permits are the purview of the local zoning authority and the Commission has little license to consider development that occurs outside the Critical Area. That said, let me tell you what we know about this project to date.

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Again, thank you for your letter. I hope that this letter has explained the role of the Commission in this project. Should you have further questions, please contact the Commission's liaison with Anne Arundel County, Ms. Lisa Hoerger, at (410) 260-7032.

Sincerely,

Ren Serey
Executive Director

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

March 22, 1999

Mr. Dale J. Johnson
4932 Chestnut Street
Shady Side, Maryland 20764

Dear Mr. Johnson:

Thank you for your letter expressing your concern about the proposed commercial shopping center in Deale. Please be assured that the Chesapeake Bay Critical Area Commission's review of this project for compliance with the Critical Area Act and its Criteria will be as demanding and thorough as the law allows. Please also be aware, however, that the Commission is not a traditional permitting authority i.e., there is no State Critical Area permit to grant or deny in this case. Critical Area protections are implemented by locally administered programs that comply with the State statute. Building and grading permits are the purview of the local zoning authority and the Commission has little license to consider development that occurs outside the Critical Area. That said, let me tell you what we know about this project to date.

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Again, thank you for your letter. I hope that this letter has explained the role of the Commission in this project. Should you have further questions, please contact the Commission's liaison with Anne Arundel County, Ms. Lisa Hoerger, at (410) 260-7032.

Sincerely,

Ren Serey
Executive Director

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

The Honorable Ronald A. Guns, Chairman
The House of Environmental Matters Committee
House Office Building, Room 161
Annapolis, MD 21401-1991

RE: HB 665 Critical Area - Impervious Surfaces - Exemption

Dear Mr. Chairman:

I am writing to bring to your attention a matter of some concern to the Chesapeake Bay Critical Area Commission. HB 665 creates an exemption to the impervious surface limits for swimming pools and thus departs from the broad-based and carefully considered changes to those limits enacted just three years ago (SB 657, Chapter 410, Acts, 1996).

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

The Commission encourages new ideas and more effective and equitable ways of implementing the Critical Area program. The method of change provided by HB 665, however, is most inappropriate. If homeowners need additional relief from the impervious surface regulations, we should revisit the statutory limits. We should not begin identifying classes of structures for exemption. Such a course of action is neither efficient nor helpful to the local governments charged with administering the Critical Area requirements.

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

Sincerely,

John C. North, II
Chairman

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

Judge John C. North, II
Chairman

Ren Serey
Executive Director

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

February 24, 1999

Mr. Stephen LeGendre
Administrative Hearing Officer
Anne Arundel County
44 Calvert Street
Annapolis, Maryland 21401

Re: Herrington Harbour South, Rezoning 1998-0380R, 1998-03801R

Dear Mr. LeGendre:

I am writing to you regarding the above-referenced case because it may have implications that reach beyond the requested rezoning. Our office has concerns regarding the rezoning of lands with a Resource Conservation Area (RCA) overlay. The site is currently RA and OS, which do not permit new commercial uses such as the proposed Herrington Inn rental units. The permitted uses in an MB zoning district according to the Zoning Ordinance may conflict with the RCA designation. Natural Resources Article §8-1809(h)(2)(i) and (ii) states:

> (i) Except for program amendments or program refinements developed during program review under subsection (g) of this section, a zoning map amendment may be granted by a local approval authority only on proof of a mistake in the existing zoning.
> (ii) The requirement in paragraph (2) (i) of this subsection that a zoning map amendment may be granted only on proof of a mistake does not apply to proposed changes to a zoning map that:
>
> 1. Are wholly consistent with the land classifications in the adopted program; or
> 2. Propose the use of a part of the remaining growth allocation in accordance with the adopted program.

Even if the proposed rezoning within the Critical Area is determined to be appropriate based on mistake, development under MB zoning in the RCA may require the use of growth allocation. Although the present development proposal does not impact the RCA except for an access road through the property, the applicant requests that the RCA portions of the site also be rezoned MB. Our concern lies with the future proposed uses of the RCA. We do not want to create a situation for the applicant, the County, or the Commission whereby a conflict exists between the underlying zoning and Critical Area overlay.

While the Zoning Ordinance and Critical Area Criteria allow for the expansion of existing marinas in the RCA, the use should be consistent with the RCA. Marina-related uses are generally consistent with the RCA. However, other uses allowed under the MB zoning are not consistent with the RCA. In regard to the Case No. 1997-0343-R, a previous rezoning proposal at Herrington Harbor, the proposed use was consistent with the land classification of the adopted program in that the applicant proposed to use the site for additional boat storage. The proposed inn, if expanded into the RCA, is not consistent with the Commission's Criteria. Such a use may be permitted in an MB zone and may be part of the Herrington Harbor complex, but it is not a marina use contemplated in the Critical Area Criteria.

If this rezoning is permitted, then the applicant should understand that a growth allocation may be necessary for expansion in the RCA depending on the proposed use.

If it is within your purview to do so, we respectfully request that you consider reserving any approvals until the County has addressed this issue.

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

Sincerely,

Ren Serey,
Executive Director

cc: Mr. Thomas Andrews, Land Use Officer
Mr. Kevin Dooley, PACE

Judge John C. 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 17, 1999

MEMORANDUM

TO: Dr. Sarah J. Taylor-Rogers

FROM: Ren Serey

SUBJECT: Dowell Elementary School, Calvert County

I have attached information from the Critical Area Commission files relating to the new Dowell Elementary School in Calvert County and the Commission's actions concerning a change to the Critical Area line on the school site. There are 52 pages in the packet, numbered at the bottom of each page.

I draw your attention to the following:

Pages 1 - 4: These pages concern the Department of the Environment's advertised public hearing on the proposal by Calvert County to change Tidal Wetlands Boundary Map 29. The hearing was held on May 29, 1998 at the Goldstein State Office Building in Prince Frederick. The only private property owners MDE notified specifically were those who directly abutted the tidal wetland in question. From my conversations with staff at MDE, I understand that they did not specifically notify Mr. and Mrs. John Tierno because the Tierno property did not abut the wetland in question, although it does abut the school site.

Page 5: This page shows the attendees at MDE's public hearing.

Pages 6 - 20: These pages contain Calvert County's local project submittal to the Critical Area Commission for approval of the school. The submittal notes

(page 6, first paragraph, last two sentences) that the County assumes MDE will agree that the tidal wetlands map for this site is in error and that the County will amend the Critical Area line accordingly. Pages 13 -20 concern the alternative-site analysis conducted by the County during the year prior to this submittal.

Pages 21 -25: These pages provide the various notices from MDE to Calvert County and the Circuit Court Clerk stating that Tidal Wetlands Boundary Map 29 for Calvert County has been amended.

Page 26: This page is Calvert County's notice to the Critical Area Commission stating that MDE has amended Tidal Wetlands Boundary Map 29 (Tax map 44), and that the County has amended its Critical Area map. The County did not hold a public hearing on the map change. No mention is made of local hearing procedures or notice to adjacent property owners. Local zoning procedures, such as who should be notified when a zoning or other map is amended, or which newspapers are to be used for notification, have not been subject to Critical Area Commission review since 1990, when the General Assembly removed that authority from the Critical Area Act.

Pages 27 - 28: These pages contain a memorandum from the Calvert County Department of Planning and Zoning to the Board of County Commissioners. Note in the first paragraph under DISCUSSION that the County considers changes to the Tidal Wetlands Boundary Maps to automatically change the County Critical Area line. After such changes are made locally, they are submitted to the Critical Area Commission for approval. Note also that in the third paragraph under DISCUSSION, the Department of Planning and Zoning states that the Commission held an advertised public hearing. This is not correct. The Commission did not conduct a public hearing on Calvert County's map change because the Commission reviewed it as a refinement to the County's Critical Area program, a minor change to a single map approved at the County's request.

If a local jurisdiction submits a map change showing that the original Critical Area line is in error, and this change is based on an official, amended Tidal Wetlands Boundary Map approved by MDE, the Commission has no basis for refusing to honor the jurisdiction's request. The Critical Area Act specifies that the 1,000 foot Critical Area is based on the state's Tidal Wetlands Boundary Maps.

Pages 29 - 50: These pages contain the report submitted by Calvert County Public Schools to MDE requesting an amendment to Tidal Wetlands Boundary Map 29 based on the information contained within. MDE subsequently verified the information in the field and promulgated the new map. Calvert County then amended its Critical Area map (the County notes that this process occurs automatically in Calvert County) and submitted to the Critical Area Commission for approval 1) a new Critical Area map for the school site and 2) a site plan for the new Dowell Elementary School. The Commission approved the map change, and approved the school subject to removal of a stormwater management pond from the Critical Area Buffer.

Pages 51 - 52: These pages are not specifically related to the Dowell School site. They are Calvert County's and the Critical Area Commission's notices in the local Calvert County newspapers (The Prince Frederick Recorder and The Enterprise) announcing a joint public hearing on a comprehensive revision of the Calvert County Critical Area maps (see discussion below).

For your information, Calvert County is nearing completion of a wholesale remapping of its entire Critical Area. Each of the County's approximately 35 Critical Area maps has been revised to reflect more accurately the 1,000 foot Critical Area, measured from tidal wetlands shown on MDE's maps. The County is using its Geographic Information System to accomplish this task. You may recall that Harford County went through a similar exercise a few years ago. Because this remapping represents a significant change to the County's Critical Area program, the Commission will conduct an advertised public hearing jointly with the Calvert County Commissioners on February 24, 1999 at 7:00 p.m. in the Circuit Courthouse in Prince Frederick (see pages 51 and 52 in the packet). However, the Commission will not notify property owners who might be affected. As in the situation involving the Dowell Elementary School site, County procedures for such notice are local zoning matters, determined by the local government.

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

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 10, 1999

Mr. Stephen LeGendre
Administrative Hearing Officer
Anne Arundel County
44 Calvert Street
Annapolis, Maryland 21401

Re: Fantasy Island Holding Corporation
1998-0411-V

Dear Mr. LeGendre:

I am writing to you regarding the above-referenced case because it may have implications that reach beyond the requested variance. There may exist a potential conflict concerning whether the current use of the parcel is an appropriate land use in the Resource Conservation Area in the Critical Area. If such a conflict exists, and permits are issued, this parcel may require that a growth allocation be granted by Anne Arundel County. I will explain below.

The Fantasy Island Holding Corporation applied for a variance to permit a private club with less setbacks and parking than required. Initially, the application did not appear to have any Critical Area implications. However, over the past months, I have received telephone calls from citizens regarding the activities that occur on St. Helena's Island, and was alerted to a full page color advertisement in a nationally distributed bridal magazine (copy enclosed). While not the subject of the variance request, this information called into question the actual use of this parcel.

As you are aware, there are three land use designations in the Critical Area. They are the Intensely Developed Area (IDA), Limited Development Area (LDA), and the Resource Conservation Area (RCA). This parcel is mapped as a RCA. The Critical Area Criteria in COMAR 27.01.02.05(C)(5) states:

> Existing industrial and commercial facilities, including those that directly support agriculture, forest, aquaculture, or residential development not exceeding the density specified in §C(4), above, shall be allowed in resource conservation areas. Additional land may not be zoned for industrial or commercial development, except as provided in Regulation .06 below.

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In order to provide guidance to the local jurisdictions as to the intent behind this provision in COMAR, the Critical Area Commission created a policy document that specifically addresses uses in the RCA (enclosed). It suggests in item five that growth allocation may be required for a facility, structure, or use not part of an existing commercial operation.

Growth allocation is a mechanism by which local jurisdictions can convert an RCA to an LDA or IDA, or an LDA to an IDA. Each jurisdiction has a finite number of acres by which to award growth allocation. Anne Arundel County has approximately 142 acres remaining, of which 57 acres may be converted from an RCA to and LDA or IDA. Growth allocation requires County Council approval and ultimately approval by the Critical Area Commission.

This case raises concern since it may not be a use that is appropriate in the RCA and therefore may require growth allocation. We have written a response to Mr. Kevin Dooley that briefly outlines our concern that this facility may not be private club, but a commercial operation (enclosed).

If it is within your purview to do so, we respectfully request that you consider reserving any approvals until the County has addressed the issue of use.

Thank you for your time and consideration of this letter. If you have any questions please call me at (410) 260-7516.

Sincerely,

Ren Serey,
Executive Director

cc: Mr. Thomas Andrews, Land Use Officer
Mr. Kevin Dooley, PACE

A Fantasy Island Wedding

The most exciting new wedding (and special event) venue

ST. HELENA ISLAND IN THE SEVERN RIVER WITH ITS HISTORIC MANSION

Just minutes from Annapolis and the US Naval Academy, The Fantasy Island Mansion is a copy of Johns Hopkins University's 'Homewood House'.

Transportation to Fantasy Island is by pleasure boat from the Annapolis City Dock. A Fantasy Island Wedding is as complete as you would wish it to be. Our own wedding Consultant, whom we provide to you at no cost, will explain the Island wedding features. From simply exchanging your vows, with a service conducted by the respected Anthony J. Girandola Associates, who perform civil, religious and non-denominational weddings, to a fully catered event for up to 250 guests. A Fantasy Island Wedding can include honeymoon travel arrangements, courtesy of our own captive travel agency, catering, photography, music by the best local musical talents, flower arrangements and invitations, etc. We provide both Bride and Bridegroom changing suites together with an overnight bridal suite if required. We think that you will agree, this is the most exciting new wedding venue to materialize in the Maryland, DC and Virginia area in many years. Planning services are now available for 1998 weddings.

Telephone: 410-729-4505 • Fax: 410-729-0024

CRITICAL AREA COMMISSION GUIDELINES FOR EVALUATION OF LOCAL PROGRAMS DURING COMPREHENSIVE REVIEWS REGARDING USES IN THE RESOURCE CONSERVATION AREA

1. Land use and development in the Critical Area are subject to the regulations and policies of the Criteria, as implemented through local Critical Area Programs. Where conflicts exist between the Criteria and either pre-existing underlying zones or locally-designated Critical Area zones, the Criteria control. Conflicts will be resolved through the comprehensive review process.

2. Institutional uses should be regarded as identical to industrial and commercial uses in terms of environmental performance and consistency with permitted uses in the RCA.

3. Intensification or expansion of existing industrial, commercial, and institutional facilities and uses may, but not necessarily shall, be permitted in the RCA. A variance in accordance with COMAR 27.01.11, is required if such intensification or expansion involves a use which does not conform with provisions of a local Program.

4. Any additional facility, structure, or use not directly related to and a part of an existing industrial, commercial or institutional use in location, nature, and legal incorporation shall be considered a new use and may require growth allocation.

5. Any additional structures, facilities, and uses that are found to be unacceptable uses of the RCA, according to the guidelines listed above, must be located outside of the RCA or will require growth allocation.

6. If a use can be located outside of the RCA, it should be located outside of the RCA.

Approved by CAC - 7/7/93

ıdg[redacted]nn C. 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 18, 1998

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

Re: Fantasy Island Holding Corp.
1998-0411-V

Dear Mr. Dooley:

I have received the above-referenced variance to permit a private club with less setbacks and less parking than required. While the immediate request does not appear to be a Critical Area issue, this use may be in conflict with the Resource Conservation Area (RCA) overlay.

It is not clear from the application submitted whether the County or the applicant chose to define his operation as a private club. In any case, Article 28 §1-101(49) defines a private club as the following:

> "Private club" means a structure or facility owned or operated by a corporation or association of persons such as a service organization, fraternal order, professional society, or labor union, for social or recreational purposes, but not operated primarily for profit or for a commercial purpose.

Article 28 §1-101(58) defines a service organization as the following:

> "Service organization" means an association of persons for the promotion of a common object other than the operation of a profit-making business.

Based on definitions from Article 28 above, several telephone conversations with citizens in the area, and a recent advertisement in a local magazine (enclosed), we believe this operation may be operated primary for profit and as a commercial purpose. Therefore, its use may be in conflict with a use appropriate for an RCA.

Our office will reserve comments on the requested variances. In the meantime, we request that specific findings be made as to whether this use properly falls within the definition of a private club before any variances are issued.

Thank you for your cooperation with this matter. If you have any questions, please call me at (410)260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

Enclosure

cc: AA 625-98

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

February 5, 1999

The Honorable Jennifer Crawford
Appointments Secretary
State House
Annapolis, Maryland 21401

Dear Secretary Crawford:

It has been brought to my attention that Ms. Diane Evans has been informed by your office that her term as Anne Arundel County's representative to the Chesapeake Bay Critical Area Commission has expired. Ms. Evans served most ably for six years and it is with regret that I note that she no longer meets the Critical Area Act's requirement that the County's representative be an elected or appointed official. I am confident that the Governor will appoint a suitable successor. To assist you in the selection process, please allow me to offer the name of Ms. Judith Evans for your consideration.

Judith Evans, no relation to Diane, serves the Town of Highland Beach in Anne Arundel County as a member of the Committee for Shore Erosion Control and Environmental Concerns, a position appointed by the Town's mayor. Additionally, Ms. Evans served for eight years on the Highland Beach Planning & Zoning Commission, five as chair. Her efforts in organizing that Commission ensured that the Town's first Comprehensive Plan, Zoning Ordinance and environmental regulations not only met all State requirements but operated effectively to preserve the character of this historic community as it adjusted to new stages of growth.

It is my belief that Ms. Evans would bring a high level of expertise and enthusiasm to the Commission's efforts to safeguard the Chesapeake Bay. She has shown a strong commitment to the success of the Critical Area program in Highland Beach and would admirably represent the needs, concerns and interests of small municipalities in the Commission's deliberations. Ms. Evans, a professional real estate broker, also well understands that successful environmental policies are designed in concert with business and development interests. Finally, the appointment of Ms. Evans, an African-American woman, can help the Governor's effort to ensure that the memberships of the State's boards and commissions reflect Maryland's diversity of population.

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

Thank you for the opportunity to bring Judith Evans to your attention. Please contact me or Mr. Ren Serey, the Commission's Executive Director, if you have questions or need additional information. If you wish to contact Ms. Evans directly, her telephone number is (410) 267-6804.

Very truly yours,

John C. North, II
Chairman

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

January 15, 1999

Ms. Gail Webb Owings
Planning Director
Kent County Planning Commission
Courthouse
Chestertown, Maryland 21620

RE: Emergency Bill No. 2-96

Dear Ms. Owings:

Commission Chairman John C. North II has determined that Emergency Bill No. 2-96 constitutes a refinement to the Kent County Critical Area Program and must be reviewed as such under Section 8-1809 of the Critical Area Act before it can be deemed effective within the Critical Area. He has asked the Critical Area Commission's Program Subcommittee to assist in the substantive review of the Bill.

The Subcommittee will take up the matter of Emergency Bill 2-96 at its meeting on February 3, 1999. You are welcome to attend the meeting and discuss the Bill with the Subcommittee. We will schedule a presentation of the refinement on the full Critical Area Commission's agenda for the afternoon of February 3rd. You also are welcome to address the Commission at that time if you desire.

Both the Subcommittee and full Commission meetings will be held at the Department of Housing and Community Development in Crownsville. I will contact you within the next two weeks regarding the starting time of the Subcommittee meeting. The full Commission meeting starts at 1 p.m.

Please contact me at (410) 260-7212 if you have any questions or need additional information.

Sincerely yours,

Ren Serey
Executive Director

RS/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

January 15, 1999

Michael J. Jacobs, Esq.
Jacobs & Barney
Talbot Landing No. 8
295 Bay Street
Easton, Maryland 21601-2737

RE: Emergency Bill No. 2-96

Dear Mr. Jacobs:

Enclosed is a copy of the letter I sent today to Gail Owings concerning Emergency Bill No. 2-96. As I mentioned in our telephone conversation, you are welcome to attend the Program Subcommittee and full Critical Area Commission meetings on February 3, 1999 and discuss issues concerning the Bill as time allows.

I have included directions to the Department of Housing and Community Development in Crownsville where the meetings will be held. If you have any questions, please contact me at (410) 260-7516.

Sincerely yours,

Ren Serey
Executive Director

RS/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

Staff Correspondence: Downn January - June 1999 51832-142-2

dge John C. 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 29, 1999

Mr. Matthew Kropp
Environmental Planner
Harford County P & Z
220 South Main Street
Bel Air, Maryland 21014

RE: Leona Weightman
Joppatown Shopping Center Concept Plans

Dear Mr. Kropp:

In order to complete the review of the above reference projects, this office needs the following information. In reference to the Leona Weightman concept plan, this office needs: 1.) existing and proposed impervious surfaces and, 2.) existing forest\woodland cover and the amount being cleared, if any.

In reference to the Joppatown Shopping Center, this office needs: 1) the amount of land in the Critical Area; 2) the Critical Area designation (e.g., IDA, LDA, RCA); and, 3) existing forest\woodland cover and the amount being cleared, if any. For both projects, the above information should be provided on the "Notification of Application" form.

Please forward all information to this office as soon as possible for review. If you need further assistance in reference to the notification form, please let me know. I will provide comments at that time. If there are any other questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Janet Gleisner
HC 282-99 and HC 283-99

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

Redda 616

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

RE: Additional Comments for The City of Annapolis Proposed Zoning Ordinances

Dear Mr. Torney:

Below are a few more additional comments\changes to the City of Annapolis Critical Area Overlay Ordinances. They are:

1. In reference to your June 9, 1999-memorandum concerning Section 21.67.060: Development Requirements, paragraph 2, page 3, the Critical Area Commission cannot approve the current language. The current language appears to allow development on a grandfathered lot without a variance.

2. In Section 21.67.080 paragraph C, page 4, only (C)(2) should have been deleted not (C)(3-5).

3. In Section 21.67.080, paragraph H(5), page 5, "subsection H1" should be "subsection H2" in the third sentence.

4. In Section 21.67.080, paragraph H(6), page 5, add "not" after "may" in the second sentence.

5. In Section 21.67.140, paragraph A, page 11, again delete the word "such" in the second sentence.

6. In Section 21.67.150, page 13, on line 6, delete "a" after "to."

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7. In Section 21.67.150, page 14, after letter E, procedures for an appeal of a variance or administrative variance needs to be included. Your letter of June 9, 1999 refers to the appeals process under Chapter 21.80. We do not have a copy of Chapter 21.80. If you could provide a copy of the appropriate language from Chapter 21.80, we should be able to resolve this issue quickly.

8. In Section 21.67.170, pages 15 and 16, delete entire Legislative Section. As in comment # 7 above, we will need to review Chapter 21.80 to determine if the new language you have proposed is consistent with the Critical Area Criteria.

Please incorporate the above comments as soon as possible and send us a revised draft. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Jon Aranson
Ren Serey
Mary Owens
File Copy

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 21, 1999

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

RE: Hanover Street Dept. Of Human Resources Building Subdivision

Dear Mr. Stuart:

Thank you for submitting the above subdivision for Critical Area review. The applicant is proposing to construct a new commercial office building on an existing lot and to create four new lots. After reviewing the subdivision, this office has determined that the proposed development project is consistent with the City's Critical Area Program.

If there are any questions pertaining to the above, please feel free to call me at (410)260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 313-99

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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e John C. 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 18, 1999

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

RE: The Point Condominiums
Bathhouse Addition

Dear Mr. Torney:

The Critical Area Commission staff has reviewed the above project and has determined that the bathhouse addition is an accessory structure within the 100-foot Buffer. The bathhouse site plan shows the addition will have two meeting rooms, office space and a kitchen. Section 21.67.160(B) of the City's ordinance allows the use of an administrative variance to the Buffer only for residential structures when an applicant wants to expand parallel to the shoreline. Because the bathhouse addition is not a residential structure, the applicant does not qualify for an administrative variance to the Buffer, and will need to get a variance. This office will not support a variance for an accessory structure in the 100-foot Buffer.

If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely;

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 308-99

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

read file

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

June 15, 1999

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

RE: Additional Crisland Annexation Information

Dear Mr. Torney:

Thank you for submitting additional information on the Crisland Annexation. This office still needs the following information:

1. A letter formally requesting a program change to the City's Critical Area maps;

2. A statement outlining that the land consisted of 13 acres of Limited Developed Area (LDA) and 43 acres of Resource Conservation Area (RCA) prior to annexation and that there is no change in the proposed area. The exact acreage of the RCA and LDA areas should be included; and,

3. A brief explanation of why the property was annexed (e.g., water and sewer, a proposed development project, etc.).

When the above information is provided, the Commission will consider the map change as a refinement to the City's Critical Area program. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely;

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Mary Owens
File Copy

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

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

Reader 6/16

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

June 14, 1999

Ms. Tess Cunzeman
Zoning Technician
Harford County Planning & Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Mr. & Mrs. Lloyd Presberry
Board of Appeals Application: Case No. 4935

Dear Ms. Cunzeman:

Thank you for submitting the Board of Appeals application for Critical Area review. This office is in the process of coordinating the review of the above variance application with your Environmental Division for Critical Area consistency. Comments will be provided and forwarded to you once they become available. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Matthew Kropp
Janet Gleisner
Regina Esslinger
HC 289-99

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

June 8, 1999

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

RE: Essex Street Townhouses
Revised 10% Calculations
(Local Case No. 000968)

Dear Mr. Stuart:

Thank you for resubmitting the revised 10% calculations for Worksheet A for review and approval. After reviewing the calculations, this office has determined that Worksheet A is correct.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 597-98

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

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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

June 8, 1999

Mr. Jeff Torney
Planner
City of Annapolis Planning and Zoning
150 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Wardour Community Water Access Complaint

Dear Mr. Torney:

On May 25, 1999, this office received a citizen complaint about disturbance of vegetation within the 100-foot Buffer. The citizen informed this office that the disturbance pertained to the removal of a tree within the Buffer. On May 25, 1999, we met on the site to investigate the complaint. The complainant's property is contiguous with the Wardour Association easement at the end of Essex Road. The Wardour easement includes an approximately 5 foot wide pervious path to the water. Based on our site visit, it appears that a tree was cut down within the first 25-30 feet of Mean High Water (MHW) and some ground cover vegetation was removed within the first 25-feet of MHW.

As you are aware, the shoreline of the Chesapeake Bay and its tributary streams, in particular the first 100-feet landward of mean high water and tidal wetlands, is valuable for water quality and habitat as well as desirable for community public access. In this case, access is permitted if it is the minimum necessary to reach the water, i.e., a 4 to 6-foot wide pervious path to the water is permitted. The Critical Area requirements limit and prohibit certain activities in the Buffer. Clearing of vegetation is not permitted; however, if an area is dominated by non-native and invasive species such as honey suckle, multi-flora rose or phragmites, this vegetation may be controlled and replaced with locally native species under the guidance of a Buffer Management Plan.

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

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

In order to address the clearing of vegetation within the Buffer, this office recommends that the area where vegetation was removed be replanted with locally native species. A planting plan including the size, species, and locations of proposed plantings can be outlined in a Buffer management plan. The plan should also outline and address the location, design and impacts of public access areas and encourage the maintenance of native vegetation in the Buffer. Attached, please find: 1) an example of a draft Buffer management plan that when completed can be a guide for balancing the resource protection and public access functions of the Buffer, and 2) a list of native plants of Maryland that are generally recommended for planting in the Critical Area.

This office recommends that the members of the Wardour Association work with the City of Annapolis Office of Planning and Zoning and the Public Works Division to develop such a plan. The Critical Area Commission staff is available to provide assistance in developing the plan as well as to provide recommendations for plantings and techniques for non-structural shore erosion control. The Wardour Association and the City have a great opportunity to develop a long-range plan not only for the community space in question, but other similar areas within the Wardour Community. The plan will help the Association to manage the potential impacts of providing public access to the water, encourage the regeneration of submerged aquatic vegetation at the shoreline, as well as reestablish native shrub and tree species in place of some of the invasive vegetation now found in that portion of the Buffer.

If there are any questions, please do not hesitate to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Wardour Association
Jon Arason
Frank Biba
Regina Esslinger
Susan McConville

Example Critical Area Buffer Management Plan
(Community Owned Land)

(This plan can be used/adapted to meet Buffer mitigation requirements or for Buffer restoration.)

The following form can be completed by the property owner, land manager, or responsible party, for any proposed activities, disturbance of natural vegetation or construction within the Buffer. Once completed and approved by the local planning authority or Critical Area Commission, this form will constitute your *Buffer Management Plan* and will provide the local and state Critical Area offices with an official record of your proposed activities in the Buffer and the way in which these impacts will be offset (i.e., mitigation) as well as ongoing management activities, i.e., control of invasive species, natural regeneration, in the Buffer.

Property Background Information

Property Owner (or Contact):_____ Date: __/__/__
Property Owner Address: _____ Phone #:_____
Project/ Site Location: _____
Tax Map #: ____ Block #:____ Lot #: ____ Parcel:____

Proposed Buffer Disturbance(s)

____ New development / redevelopment *** (e.g., new building, addition to home, replacement of structures.)
____ Shore erosion control
____ Shoreline access***
____ Horticultural (pruning, control of invasive, removal of dead/dying trees)
____ Other *** (please explain):_____

(*** A variance from the local jurisdiction may be needed for the above buffer disturbances.)

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 and activities in the Buffer in the space below and how these activities do not conflict with the water quality and habitat protection goals in the Critical Area Act.

Examples of project explanations:
(1) 600 square feet partially cleared for shore access, canopy will be maintained; disturbance will be limited to three saplings and several shrubs; and path will consist of wood chips.
(2) Removal of 3000 square feet area of poison ivy along shore access pathway; method of removal includes digging 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 invasive; no removal of trees or shrubs.

_____
_____
_____
_____

Justification_____
_____
_____
_____

What are the long term plans for use and management of this area and the maintenance of the water quality and habitat functions of the Buffer?

_____
_____
_____
_____

Calculation of Mitigation for Disturbance or Development in the Buffer

The following three step process compute the amount of mitigation needed for the area of disturbance or development in the Buffer. For the purposes of this Buffer Management Plan, mitigation is defined as plantings or other offsets which will help to negate the effect of the Buffer disturbance. To determine the amount of mitigation that will be needed when disturbance in the your Buffer is proposed, follow the three steps described below:

Step 1. Determine the amount (area or # of trees) of Buffer to be disturbed for clearing, access, and placement of new structures or improvements;

Step 2. Determine the recommended *Mitigation ratio* for the type of Buffer impact proposed (see below);

Step 3. Calculate the *Mitigation amount* by multiplying the area disturbed by the mitigation ratio.

Step 1 Amount (area or # trees) of Buffer Disturbance

The amount of disturbance in the Buffer can be calculated in one of the following two ways:

Area of Buffer cleared or disturbed: _____ (square feet)

or

Number of trees removed/ cleared:_____ (# of trees)

Step 2 Mitigation Ratios

The ratios recommended by the Critical Area Commission are intended as guidance and are not required for use by each jurisdiction. Some jurisdictions have developed ratios that differ from

the recommendations below. If this is the case, the ratio that the jurisdiction requires may be used.

Type of Buffer Disturbance	Mitigation Ratio
New development / redevelopment (non-BEA)	3:1
New development / redevelopment (BEA)	2:1
Shore erosion control	1:1
Shoreline access	2:1
Horticultural (pruning, control of invasive species, removal of dead/dying trees)	1:1
Other	* *

** To be determined by local jurisdiction with assistance of Critical Area Commission staff based on impacts proposed.

Mitigation ratio = _____

Step 3 Mitigation Amount

Mitigation amount = [sq.ft. or # of trees] X [mitigation ratio] = _____ (sq.ft. or # trees)

Buffer Planting Plan

Please provide details on the location of mitigation, and provide written agreements on planting, bonding, protection and maintenance of vegetated Buffer. (List other forms to be completed with Buffer Management plan)

_____

_____

_____

_____

Planting Location

All mitigation for Buffer disturbance shall be located in the Critical Area and if possible in the Buffer. Plantings should be located according to 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: within the Buffer, or within the Critical Area adjacent to existing forest;
5. Off-site: within the Critical Area and within the same watershed;
6. Fee-in-lieu payments (consult with local or state representative).

Plant Spacing and Mitigation Credits

The Critical Area Commission uses the following system of credits for converting square feet to the number of trees and plant spacing to meet the mitigation required. Please consult with your local planning office on the appropriate ratio to convert square feet to number of trees.

Recommended Conversion of Square Feet to Number of Trees

Square Feet Credit	Tree Planting Option	Plant Spacing
100 square feet	1 tree (2-inch caliper)	10 foot centers
400 square feet	1 tree (minimum: 2-inch caliper and either balled and burlap or container grown and Understory vegetation (minimum: 2 small trees or 3 shrubs)	tree - 20 foot centers understory - 10 foot centers
50 square feet	1 tree (bare root or hardwood whip)	7 foot centers
50 square feet	1 shrub	3-7 foot centers

Schematic Drawing / photos

Please attach a schematic drawing to scale identifying areas of impact to the Buffer, including specific trees or 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. Please include photos if available.

Applicant Signature: _____ **Date:**_____

NATIVE PLANTS OF MARYLAND- *partial listing*

Trees

Acer rubrum - Red Maple
Acer negundo -Box Elder
Alnus glutinosa - Black Alder
Amelanchier arborea, A. Canadensis - Shadbush, Service Berry
Asimina triloba - Pawpaw
Betula nigra - River Birch
Carpinus caroliniana - Musclewood, Ironwood
Carya cordiformis - Bitternut Hickory
Celtis occidentalis- Hackberry
Chamaecyparis thyoides - Atlantic White Cedar
Chionanthus virginicus Fringetree
Cornus florida Dogwood
Dispyros virginiana - Persimmon
Fagus grandifolia -Beech
Fraxinus pennsylvanica - Green Ash
Fraxinus americana - White Ash
Ilex opaca - American Holly
Juglans nigra- Black Walnut
Juniperus virginiana n - Eastern Red Cedar
Liquidambar styracifula - Sweet Gum
Liriodendron tulipifera - Tulip Poplar
Nyssa sylvatica - Black Gum
Oxydendrun arboreum- Sourwood
Oytrya virginiana Hop-hornbeam
Pinus taeda- Loblolly Pine
Pinus Stobus- White Pine
Platnus occidentalis- Sycamore
Prunus Virginiana Chokecherry
Prunus serotina - Black Cherry
Quercus rubra - Red Oak
Quercus coccinea - Scarlet Oak
Quercus bicolor- Swamp White Oak,
Quercus alba - White Oak
Quercus Velutina- Black Oak

Quercus prinus- Chestnut Oak
Quercus phellos- Willow Oak
Quercus Palustris - Pin Oak
Quercus falcata- Southern Red Oak
Salix nigra - Black Willow
Sassafras albidum - Sassafras
Taxodium distichum -Bald Cypress
Taxodium distichum Bald Cypress
Tsuga Canadensis- Eastern Hemlock

SHRUBS

Alnus serrulata- Smooth Alder
Aralia Spinosa- Devils Walking Stick
Aronia Arbutifolia - Chokeberry, Red
Cephalanthus occidentalis - Buttonbush
Clethra alnifolia - Sweet Pepperbush
Cornus stolonifera - Red Osier Dogwood
Cornus amomum -Silky Dogwood
Cornus racemosa - Gray Dogwood
Euonymus americanus - Strawberry Bush
Hamamelis virginiana - Witchhazel
Ilex verticillata - Winterberry
Ilex glabra - Inkberry
Itea virginica - Virginia Sweetspire
Kalmia latifolia - Mountain Laurel
Leucothoe racemosa - Fetterbush
Lindera benzoin - Spicebush
Lyonia ligustrina - Maleberry
Magnolia virginiana- Sweetbay Magnolia
Myrica pensylvanica - Bayberry
Myrica cerifera - Wax Myrtle
Rhododendron periclymenoides - Pink Azalea
Rhododendron viscosum - Swamp Azalea
Rhododendron calendulaceum - Flame Azalea
Rhus glabra - Smooth Sumac
Rhus copallinum - Shining Sumac
Rhus typhina - Staghorn Sumac
Rosa palustris - Swamp Rose
Rosa carolina - Pasture Rose

Rubus odoratus - Flowering Raspberry
Rubus argutus- Highbush Blackberry
Sambucus Canadensis - Elderberry, American Elder

Vaccinium vacillans, V. angustifolium- Lowbush Blueberry
Vaccinium corymbosum - Highbush Blueberry,
Viburnum acerfolium- Mapleleaf Virburnum
Viburnum lentago - Nannyberry
Viburnum nudum- Witherod
Viburnum dentatum, V. recognitum- Arrowwood
Viburnum prunifolium - Blackhaw
Viburnum trilobum - American Cranberry

HERBACEOUS PLANTS

Aquilegia canadensis - Wild Columbine
Arisaema triphylla - Jack-in-the-pulpit
Asclepias syriaca -Common Milkweed
Asclepias incarnata - Swamp Milkweed
Asclepias tuberosa -Butterflyweed
Aster novae-angliae - New England Aster
Aster grandiflorus -Great Aster
Aster spectabilis - Showy Aster
Aster laevis -Smooth Aster
Baptisia australis- Wild Blue Indigo
Coreopsis lanceolata - Lance-leaved Coreopsis
Coreopsis tinctoria - Tickseed
Coreopsis Verticillata - Whorled Coreopsis
Corus calamus - Sweet Flag
Eupatorium perfoliatum - Boneset
Eupatorium purpureum - Joe Pye Weed
Helenium flexuosum -Sneezweed
Helianthus angustifolius - Narrow Leaved Sunflower
Heterotheca mariana - Maryland Goldenaster
Hibiscus moscheutos - Marsh Hibiscus
Iris Versicolor - Blug Flag
Liastris spicata -Blazing Star
Lobelia puberula -Downy Lobelia
Lobelia cardinalis - Cardinal Flower
Mimulus alatus, M. Ringens - Moneky Flower
Monarda Fistulosa - Wild Bergamont
Nymphaea luteum - Spadderdock, Yellow Water Lily
Peltandra virginica - Arrow Arum
Penstemon laevigatus, P. digitalis - Beardtongue
Phlox divaricata -Blue Phlox
Pontederia Cordata - Pickerelweed
Rudbeckia hirta - Black-eyed Susan
Rudbeckia triloba - Three-lobed Coneflower
Rudbeckia lanciniata - Green Coneflower
Sagittaria Latifolia - Arrowhead, Duck Potato

Saururus cernuus - Lizards Tail
Solidago rugosa - Rough Goldenrod
Vernonia novevboracensis -New York Ironweed

FERNS
Onoclea sensibilis -Sensitive Fern
Osmunda cinnamomea - Cinnamon Fern
Osmunda regalis -Royal Fern
Thelypteris noveboracensis - New York Fern
Thelypteris palustris - Marsh Fern

SEDGES/RUSHES/GRASSES
Andropogon gerardii - Big Bluestem
Carex stricta - Tussock Sedge
Juncus Effusus- Soft Rush
Leersia oryzoides - Rice cutgrass
Panicum virgatum - Switchgrass
Scirpus americanus, S. pungens - Common Three Square
Scirpus validus - Soft Stem Bulrush
Spartina alterniflora - Salt Marsh Cordgrass
Scirpus validus - Soft Stem Bulrush
Sorghastrum nutans -Indian Grass
Spartina patens -Salt Meadow Hay
Panicum virgatum - Switchgrass
Spartina Alterniflora - Salt Marsh Cordgrass
Spartina patens -Salt Meadow Hay
Tripsacum dactyloides - Eastern Gamagrass
Zizania aquatica - Wild Rice

ADDITIONAL **HERBACEOUS PLANTS** (for understory)

Dodecatheon meadia - shooting star
Podophyllum peliatum - mayapple
Polygonatum pubescens - Solomon's seal
Smilacina racemosa - False Solomon's seal
Mertensia virginica - Virginia bluebells
Iris cristata - crested iris
Geranimum maculatum - wild geranium
Trillium grandiflora - great white trillium
Sisyrinchium angustifolium - blue-eyed grass
Asarum canadense - Wild ginger

FERNS

Athyrium filix-femina - lady fern
Asplenium trichomanes - Maidenhair fern
Polystichum acrostichoides - Christmas fern

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Attman Glazer Building
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Duncan Stuart FAX: (410) 244-7358
COMPANY: Balto. City Planning Dept. NO. PAGES: 3
FROM: DAWN McCleary
DATE: June 4, 1999 TIME: _____ a.m. p.m.
(circle one)

COMMENTS: I got your message. Attached, you will find a letter this office sent you and a letter that your office sent us.

We still need a copy of the correct 10% calculations worksheet. Please forward for our records. Any questions, please call.

Thank
DAWN

TRANSACTION REPORT

JUN-04-99 FRI 04:01 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUN-04	03:59 PM	94102447358	1'05"	3	SEND	OK	955	

616

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

January 13, 1999

Mr. Duncan Stuart
Environmental Planner
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Essex Street Townhouses
2111-2117 Essex Street (000968)

Dear Mr. Stuart:

This office informed you on several occasions that the 10 % calculations for Worksheet A figures were wrong. Please resubmit Worksheet A as soon as possible. Please forward the revised worksheet to this office for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 597-98

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

N/F
BA 597-98

CITY OF BALTIMORE

KURT L. SCHMOKE, Mayor

PLANNING COMMISSION
DEPARTMENT OF PLANNING

CHARLES C. GRAVES III, DIRECTOR
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202-3416
Fax: (410) 244-7358

February 2, 1999

RECEIVED
FEB 8 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Mr. Richard E. Beil
Mr. Steven J. Hessler
B & H Properties and Construction LLC
7850 Rossville Boulevard, Suite 208
Baltimore, Maryland 21236

RE: 2111-2117 Essex Street Townhouses

Dear Sirs:

I regret to inform you that a mistake has been made concerning your fee for the Critical Area Management Program. The Critical Area Commission in Annapolis has determined that your construction of the townhouses does trigger the "significant " rule. While the disturbed area is less than ten thousand (10,000) square feet, the improvements meet or exceed fifty percent (50%) of the assessed value of the property.

The fee must be paid prior to your receiving a building permit for this project. We therefore require you to pay the stormwater offset fee of $1,406.47 payable to the Director of Finance. The Department of Planning, after receiving your check, will release your permit. We apologize for any inconvenience and expense brought on by this error.

If you have any questions regarding this matter, please do not hesitate calling Duncan Stuart of my staff at (410) 396-5902.

Sincerely,

Charles C. Graves III
Director

RECEIVED
FEB 8 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

CCG/DS/ds

cc: Mr. Brian R. Dietz, Gerhold, Cross and Etzel, Ltd.
Ms. Mary Owens, Critical Area Commission
Ms. Dawnn McCleary, Critical Area Commission
Ms. Susan Williams, Current Planning
Ms. Beth Strommen, Current Planning

Printed on recycled paper with environmentally friendly soy based ink.

dge John C. 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 27, 1999

Mr. Jack Tawill
Growth and Resource Conservation
Division, E-2
Tawes Office Building
Annapolis, Maryland 21401

RE: PlanBaltimore Comment

Dear Mr. Tawill:

This office would like to comment on the PlanBaltimore Document. Under "Sustaining Our Environment Chapter", on page 154 under the Water Resources Section, the City did not mention how Baltimore City's Chesapeake Bay Critical Area Management Program would be used as one tool in helping the City in improving their water quality problems. Also, on page 166, the City mentions creating a list of sites for Critical Area offset remediation. However, somewhere in the text, the City should explain what is the Critical Area and the Critical Area Offset Fee Program.

If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Mark Bundy
Regina Esslinger

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

MEMORANDUM

TO: Arnold Norden (LWCS)
Mike Slattery (FWHS)
Ray Dintamin (ER & FS)
Bob Becket (FPS)
Regina Esslinger (Critical Area Commision)

FROM: Mark Bundy - Growth and Resource Conservation Division

SUBJECT: PlanBaltimore Draft

DATE: May 21, 1999

Please review the attached Draft Comprehensive Plan for Baltimore City. Forward any comments relative to the Department's concerns/interests along with this memo to Jack Tawil by May 30, 1999 (jtawil@dnr.state.md.us, Growth & Resource Conservation Division, E-2, Tawes Office Building, Annapolis, MD 21401. Please call Jack Tawil at 410-260-8721 if you have any questions. Thank you.

Check one:

__✓__ Comments are attached

Dawn McCleary
Signature

_____ No Comments

Chesapeake Bay Critical Area Commission
Agency

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Attman Glazer Building
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Jack Tawil FAX: (410) 260-8709

COMPANY: DNR Growth + Resource Conservation Division NO. PAGES: 3

FROM: Dawn McCleary

DATE: May 28, 1999 TIME: a.m. p.m.

(circle one)

COMMENTS:

If all pages do not transmit, please contact us at (410) 260-7516. FAX: (410) 974-5338.

\FORMS.SMB

TRANSACTION REPORT

MAY-28-99 FRI 12:48 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAY-28	12:37 PM	94102608709	45″	3	SEND	OK	940	

reader file

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

May 20, 1999

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

RE: Phase II: Harborview Subdivision
Local Case Number: 000589

Dear Mr. Stuart:

The purpose of this letter is to comment on Harborview's Phase II subdivision project which was submitted for review on May 19, 1999. The applicant proposes to build 76 townhomes on Lots 4 and 5 within the Critical Area. This office concurs with the July 25, 1989 letter to Mr. Reich from Mr. Steven Faders regarding the original imperviousness of the site.

In order to continue the review of the subdivision, this office needs a revised site plan showing the proposed subdivision with the 76 fee simple townhomes in the Critical Area and a proposed landscaping plan for Phase II. Please submit plans for expansion of the multi-family residential structures on Lot 3 and plans for construction of future parking lots for Lots 1, 2, 6 and 7 as they become available.

If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Regina Esslinger

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

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

Reader file

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

May 20, 1999

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

Dear Mr. Stuart:

This letter is a follow-up to our conversation of May 18, 1999 regarding the W. R. Grace Chemical Company Soil Remediation and the BRESCO Yard Scrubber facility. In reference to the BRESCO Yard Scrubber facility, thank you for addressing my concerns about the proposed facility. Since the proposed facility will disturb 10,000 square feet of land within the Critical Area including within the 100-foot Buffer, please submit Worksheet A for the 10% calculations, and site plans showing 100-foot Buffer and the Critical Area line.

In reference to the W. R. Grace Chemical Company Soil Remediation project, please resubmit plans showing any new disturbance within the Critical Area to this office for review. The 100-foot Buffer and the Critical Area line should be indicated on the site plan. Since the soil may be contaminated with radiation, you may want to have the Corp of Engineers and the Maryland Department of the Environment evaluate this site as a possible brownsfield site.

If there are any questions, please feel free to call me at (410) 260-7082.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger

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

Read file

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

May 20, 1999

Mr. Duncan Stuart
Environmental Planner
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: FY 1999 Scope of Work

Dear Mr. Stuart:

This letter is a follow-up to our conservation on May 18, 1999 regarding your FY 1999 Scope of Work. Concerning your Scope of Work, all future quarterly progress reports are to follow the new format outlined in your approved Critical Area Grant Contract. For your information, I have attached a copy of the City of Annapolis' 2nd Quarter FY 99 report. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

Enclosure

cc: Ren Serey
Veronica Moulis
Mary Owens

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

Second Quarter Report FY99
City of Annapolis Critical Area Program
Grant # P9000226
Jan. 1,1999 to March 31,1999

TASK #1: Review development projects and report on development activity located in the Critical Area to ensure compliance with local Critical Area programs and the Critical Area Law.

City staff started the preliminary review of thr Chrisland subdivision and approved the first building permit for Harness Creek Overlook subdivision. Staff continued work on the Harbor View subdivision. The Staff reveiwed six (6) site plan proposals. Approximately 15 building permit applications within the Critical Area were reviewed and approved. The majority of these applications were additions and renovations to Single family dwellings that did not require Critical Area notification.

TASK #2: Review, update, develop, and implement changes (program amendments and refinements) to and incorporate new legislation into local Critical Area Programs through zoning ordinances, subdivision regulations, comprehensive plans, maps, and polices.

City staff has continued to prepared many amendments to their zoning ordinance to incorporate the new State legislature. This includes revisions requested by Critical Area Commission in the quadrennial review. The amendments have been placed on hold for the Planning Commission and City Council pending Critical Area Commission approval. Staff has spent many hours working with Critical Area Commission staff to bring the City of Annapolis program into compliance with State regulations. Staff has continued revision to Critical Area

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maps to incorporate annexations and new buffer exemption areas.

TASK #3: Comprehensively review local programs as mandated by the Critical Area Law.

This has continued as a ongoing process that is in conjunction with Task # 2. City staff received Critical Area Commission staff comments on their local Critical Area Program and Zoning ordinance. Changes recommended by the Commission staff as well as issues identified by City staff will be addressed in a revised Critical Area Program Document and forwarded when completed.

TASK #4: Provide for enforcement of local Critical Area regulations by performing site visits, responding to complaints, issuing citation and "Stop Work" orders, and following up on mitigation and remediation efforts.

Staff has participated in many fifthteen (15) site visits to verify and offer assistance with Critical Area regulations. In addition staff has been working with the commission on mitigation and remediation on a couple violations which included meeting CAC staff on site several times.

TASK #5: Provide general assistance to property owners within the Critical Area including explanation of regulations and discussion of development option on properties affected by the Critical Area regulations.

Staff has reviewed numerous preliminary redevelopment plans for additions to single family dwellings. Staff reviewed and approved 15 building permits. The majority of these applications for were additions and renovations to single family dwellings that did not require Critical Area notification. Staff has received and replied to critical area questions through our web site on the "Internet". This is new way for our office to do business and staff is excited about the possibilities. Generally, we receive 20 - 40 phone calls per month of general Critical Area questions. City staff has been working to approve a final plat for redevelopment/subdivision of a 5 acre parcel located within the critical area, which the CAC appealed and since the applicant has rescinded the variance request. City staff has received numerous calls and met with a number of individuals concerning redevelopment of commercial properties located within the Critical Areas.

TASK #6: Educate the public about the Critical Area regulations through presentations to community groups, civic associations, business organizations, and schools. Develop brochures, publications, and displays that educate the public about the Critical Area.

Staff maitains a web page on the "Internet" to inform and educate the public. The City has continued to update and revise the web page

TASK # 7: Coordinate Critical Area Program activities with other local, state, and federal agencies to facilitate effective implementation.

No activity this quarter.

TASK #8: Use fees-in-lieu or offset moneys collected to promote the goals of the Critical Area Law.

No activity this quarter.

TASK #9: Implement special conservation efforts that result in long term protection of land within the Critical Area.

No activity this quarter.

TASK #10: Design and plan projects that promote public access to the water or public environmentally-oriented recreation or education.

City staff has continued working on numerous projects for parks and pathways throughout the city. Within our parks are trails and bridges that cross the water and provide public access to the water. The city is actively involved with the community and efforts to provide city and county residence public access to the water. The city is about to begin construction.

H:\WPDATA\JEFF\CRITARE.98B

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Attman Glazer Building
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Duncan Stuart FAX: (410) 244 - 7358

COMPANY: City of Balto. Planning NO. PAGES: 7

FROM: Dawn McCleary

DATE: May 21, 1999 TIME: a.m. p.m.

(circle one)

COMMENTS: Attached, you will find 3 letters. If there are any questions, please feel free to call me.

If all pages do not transmit, please contact us at (410) 260-7516. FAX: (410) 974-5338.

\FORMS.SMB

TRANSACTION REPORT

MAY-21-99 FRI 11:42 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAY-21	11:39 AM	94102447358	2'16"	7	SEND	OK	908	

Readfile

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

May 11, 1999

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

RE: Hanover Bridge Community Center
Local Case Number: 001056

Dear Mr. Stuart:

The Critical Area Commission staff has reviewed the above project and has determined that the project is consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 215-99

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Attman Glazer Building
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Duncan Stuart FAX: (410) 244-7358

COMPANY: Balto. Dept. of Planning NO. PAGES: 2

FROM: Dawn McCleary

DATE: May 12, 1990 TIME: _____ a.m. p.m.

(circle one)

COMMENTS:

FAX

If all pages do not transmit, please contact us at (410) 260-7516. FAX: (410) 974-5338.

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TRANSACTION REPORT

MAY-12-99 WED 04:32 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAY-12	04:31 PM	94102447358	39″	2	SEND	OK	881	

dge John C. 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. Duncan Stuart
Environmental Planner
Baltimore City Dept. Of Planning
417 East Fayette Street, 8th floor
Baltimore, MD 21202

RE: BRESCO Yard Scrubber Retrofit Project
1801 Annapolis Road

Dear Mr. Stuart:

The purpose of this letter is to respond to the applicant's request to use a City owned property in the Critical Area as a temporary staging area and to build a proposed platform for equipment assembly next to the BRESCO facility.

After reviewing the above project, this office has no objection to the temporary staging area as long as the staging area is revegetated with native species. According to the April 29, 1999 letter addressed to you from Mr. Antrobus, the applicant mentioned that the staging area will be replanted using Red Maple. This office has no problem with the use of Red Maples as a native species within the Critical Area.

Will the platform remain a permanent structure? If so, please forward a revised site plan and a copy of the 10% calculations. This office will provide additional comments at that time.

If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely;

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 235-99

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Attman Glazer Building
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Duncan Stuart FAX: (410) 244-7358

COMPANY: Balto. City Planning NO. PAGES: 2

FROM: DAnn McCleary

DATE: 5/11/99 TIME: _____ a.m. p.m.

(circle one)

COMMENTS: Any questions, Please call me.

FAX

If all pages do not transmit, please contact us at (410) 260-7516. FAX: (410) 974-5338.

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TRANSACTION REPORT

MAY-11-99 TUE 05:14 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAY-11	05:13 PM	94102447358	43″	2	SEND	OK	878	

Judge John C. 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

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

RE: 6 Cheston Ave: Donahower Project

Dear Mr. Torney:

When we talked on March 9, 1999, you asked me to put the above project on hold because the applicant intended to apply for a variance. This letter is in response to your recent request for written comments on the above project. This office understands that the applicant requested and received approval from the Maryland Department of the Environment to replace the existing concrete bulkhead. While replacing the concrete bulkhead, the applicant replaced a concrete walkway in the 100-foot Buffer with a 4-foot wooden walkway without a building permit. As stated to you earlier, the applicant will have to apply for a variance for the replacement of the walkway in the 100-foot Buffer. All development activity including replacement of existing structures must have a variance.

If the applicant decides to apply for a variance, please forward a copy of the variance application to this office for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Regina Esslinger

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

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Attman Glazer Building
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

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

COMPANY: City of Annapolis NO. PAGES: 2

FROM: DAwnn McCleary

DATE: May 6, 1999 TIME: _____ a.m. p.m.

(circle one)

COMMENTS:

FAX

If all pages do not transmit, please contact us at (410) 260-7516. FAX: (410) 974-5338.

\FORMS.SMB

TRANSACTION REPORT

MAY-06-99 THU 04:41 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAY-06	04:22 PM	94102631129	45″	2	SEND	OK	857	

Judge John C. 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 30, 1999

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

RE: Revised Comments for City of Annapolis
Proposed Zoning Ordinances

Below are a few additional comments\changes to the City of Annapolis Critical Area Overlay Ordinances. They are:

Section 21.67.060 - Development requirements

1. In paragraph (2), page 3, this section does not appear to be relevant because of changes made to the buffer exemption area, variance, and administrative variance provisions.

2. In paragraph F(1), page 3, under the Subdivision Access section, clarify the second sentence of this section: "The director of planning and zoning and the director of public works may, however, allow subdivision redesign in order to minimize the amount of subdivision land dedicated to streets."

3. In paragraph G, page 4, add Chapter 17.09.080(E).

4. In paragraph H, page 4, please move this section to page 5, section H. Impervious Surfaces.

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

Section 21.67.080 - Development requirement - Limited development areas

1. In paragraph (C)(2), page 4, please delete entire section. These provisions are covered in 17.09.080 E.

2. In paragraph (C)(3), page 4, change this sentence to read "Section 17.09.070 and 17.09.080."

3. In section 17.09.080 C(2) and C(3), page 376 in Chapter 17.09 of the "Trees in Development Areas", appears to conflict with paragraph C(4), page 4 regarding requirements for conservation easements, restrictive covenants or other protective instruments. This conflict needs to be resolved.

4. In paragraph H (1), page 5 under Impervious Surfaces, section change "Shall be limited to fifteen percent of the development site for newly developed sites" to "are limited to 15% of a parcel or lot."

5. In paragraph H (3), page 5, delete the current changes and add "if a parcel or lot greater than one-half acre and less than one acre in size existed on or before Dec. 1, 1985, then man-made impervious surfaces are limited to 15% of the parcel or lot."

6. In paragraph H(5), page 5, delete the current changes and add. "The City of Annapolis may allow a property owner to exceed the impervious surface limits provided in subsection H2 and H3 of this section if the following conditions exist:"

7. In paragraph H(5)(a), page 5, change "Ne" to "New".

8. In paragraph H(5))(c): Change "five thousand four hundred fifty-five square feet (5,455 sq. ft) to "five thousand four hundred forty-five square feet (5, 445 sq. ft.)."

9. In paragraph H(5)(g), page 5 change "texte" to "extent."

Section 21.67.140- Grandfathering Provisions

1. In paragraph A, page 11, delete "such" in the second sentence.

2. In paragraph E(1), page 12, add the words: "Recorded legally buildable" in the first sentence in front of "lots in subdivision..."

3. In paragraph E(2), page 12, delete the entire section.

4. After paragraph I, page 13, add a new paragraph: "Nothing in this regulation may be interpreted as altering any requirements for development activities set out in the Water Dependent Facilities Section and the Habitat Protection Areas Section of this code."

Section 21.67.150 - Variances

1. On page 13, first paragraph, on line 6, add after "Applications", "for Variances and Administrative Variances."

2. On page 14, after paragraph E, "clarify in writing what the procedures are for an appeal of a variance or administrative variance. (See attached Criteria from COMAR 27.01.11.01 C)

Section 21.67.160 - Administrative variances:

1. On page 13, paragraph A, line 3, replace the word "construction" with "development".

Please incorporate the above comments as soon as possible and send us a revised draft. If there are any questions, please feel free to call me (410) 260-7072.

Sincerely;

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Ren Serey
Mary Owens

Title 27
CHESAPEAKE BAY CRITICAL AREA COMMISSION

Subtitle 01 CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT

Chapter 11 Variances

Authority: Natural Resources Article, §8-1808(d), Annotated Code of Maryland

.01 Local Programs.

A. In the preparation of local programs, local jurisdictions shall make provision for the granting of variances to these criteria where, owing to special features of a site or other circumstances, local government implementation of this subtitle or a literal enforcement of provisions within the jurisdiction's Critical Area program would result in unwarranted hardship to an applicant. These variance provisions shall be designed in a manner consistent with the spirit and intent of this chapter and all local Critical Area program elements. The variance provisions shall, at a minimum, provide for the following:

(1) That findings are made by the local jurisdiction which demonstrate that special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program, would result in unwarranted hardship;

(2) That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction;

(3) That the granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area;

(4) That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property;

(5) That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will

be in harmony with the general spirit and intent of the Critical Area law and the regulations adopted in this subtitle; and

(6) That applications for a variance will be made in writing to the local approving authority with a copy provided to the Commission.

B. Local jurisdictions may establish additional, more restrictive standards for the granting of variances consistent with the intent and purposes of this subtitle and the approved local Critical Area program, and further, shall establish notification procedures to permit Commission review of findings made in the granting of variances.

C. Appeals from decisions concerning the granting or denial of a variance under these regulations shall be taken in accordance with all applicable laws and procedures of each local jurisdiction for variances. Variance decisions by local boards of appeal or the local legislative body may be appealed to the circuit court in accordance with the Maryland Rules of Procedure. Appeals may be taken by any person, firm, corporation, or governmental agency, aggrieved or adversely affected by any decision made under this section, and the Chairman may appeal an action or decision even if the Chairman was not a party to or is not specifically aggrieved by the action or decision.

Administrative History

Effective date: May 13, 1986 (12:24 Md. R. 2352)

COMAR 14.15 became effective upon the enactment of Resolution No. 37 (SJ 9), Acts of 1986.

COMAR 14.15.11 recodified to COMAR 27.01.11 in August, 1992

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Attman Glazer Building
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Jeff Tornwey FAX: (410) 263 - 1129

COMPANY: City of Annapolis NO. PAGES:

FROM: Dave McCleary

DATE: May 3, 1999 TIME: a.m. p.m.

(circle one)

COMMENTS:

This letter is in the mail already. Any questions, Please call me.

FAX

TRANSACTION REPORT

MAY-03-99 MON 10:00 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAY-03	09:57 AM	94102631129	2'10"	6	SEND	OK	836	

Judge John C. 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 29, 1999

Mr. Matt Kropp
Environmental Planner
Harford County P & Z
220 South Main Street
Bel Air, MD 21014

RE: Bynum Run Interceptor Sewer
Stream Bank Stabilization

Dear Mr. Kropp:

Thank you for providing "Notification of Certification" that the above project is consistent with Harford County's Critical Area Program. The Project Evaluation staff understands that the above-referenced project involves approximately 262 linear feet of stream bank in the main stem of Bynum Run, between Abingdon and Riverside. The site is located approximately 400 feet southeast of Philadelphia Road (MD 7). The site is also entirely within the Chesapeake Bay Critical Area (CBCA) and is designated a Resource Conservation Area. The purpose of the project is to stabilize the stream bank and prevent further erosion in an area near an existing 36-inch interceptor sewer. Without immediate attention, the potential exists for future storm events to cause the interceptor sewer to be undermined and eventually collapse.

The Project Evaluation staff also understands:

1. That all proposed stream bank stabilization\sewer line protection work will take place within the 100-foot Critical Area Buffer and the 75-foot nontidal wetland Buffer. The impacts to the stream and within the Critical Area Buffer are unavoidable in order to protect the 36-inch sewer main from encroachment by the eroding stream bank. The proposed construction work will improve the current stream bank and Critical Area Buffer conditions at the site by providing a more stable slope and reforested Buffer;

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

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

2. That there are currently no known habitats of rare, threatened or endangered species, and forest interior dwelling bird species;

3. That the proposed construction activities will not require the removal of any individual trees, riparian forests, or woodland vegetation within or outside the Critical Area Buffer;

4. That there are no proposed impacts to hydric soils, non-tidal wetlands, and the 75-foot non-tidal wetland buffer; and,

5. That the proposed impact to two tributary streams will be minor.

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

If there are any questions pertaining to the above project, please feel free to contact me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 155-99

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Attman Glazer Building
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Mat Kropp FAX: (410) 879 - 8239

COMPANY: Harford Co. P+Z NO. PAGES: 3

FROM: DAWNN McCleary

DATE: April 30, 1999 TIME: _____ a.m. p.m.

(circle one)

COMMENTS:

FAX

If all pages do not transmit, please contact us at (410) 260-7516. FAX: (410) 974-5338.

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CHESAPEAKE BAY
CRITICAL AREA COMMISSION

March 31, 1999

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

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

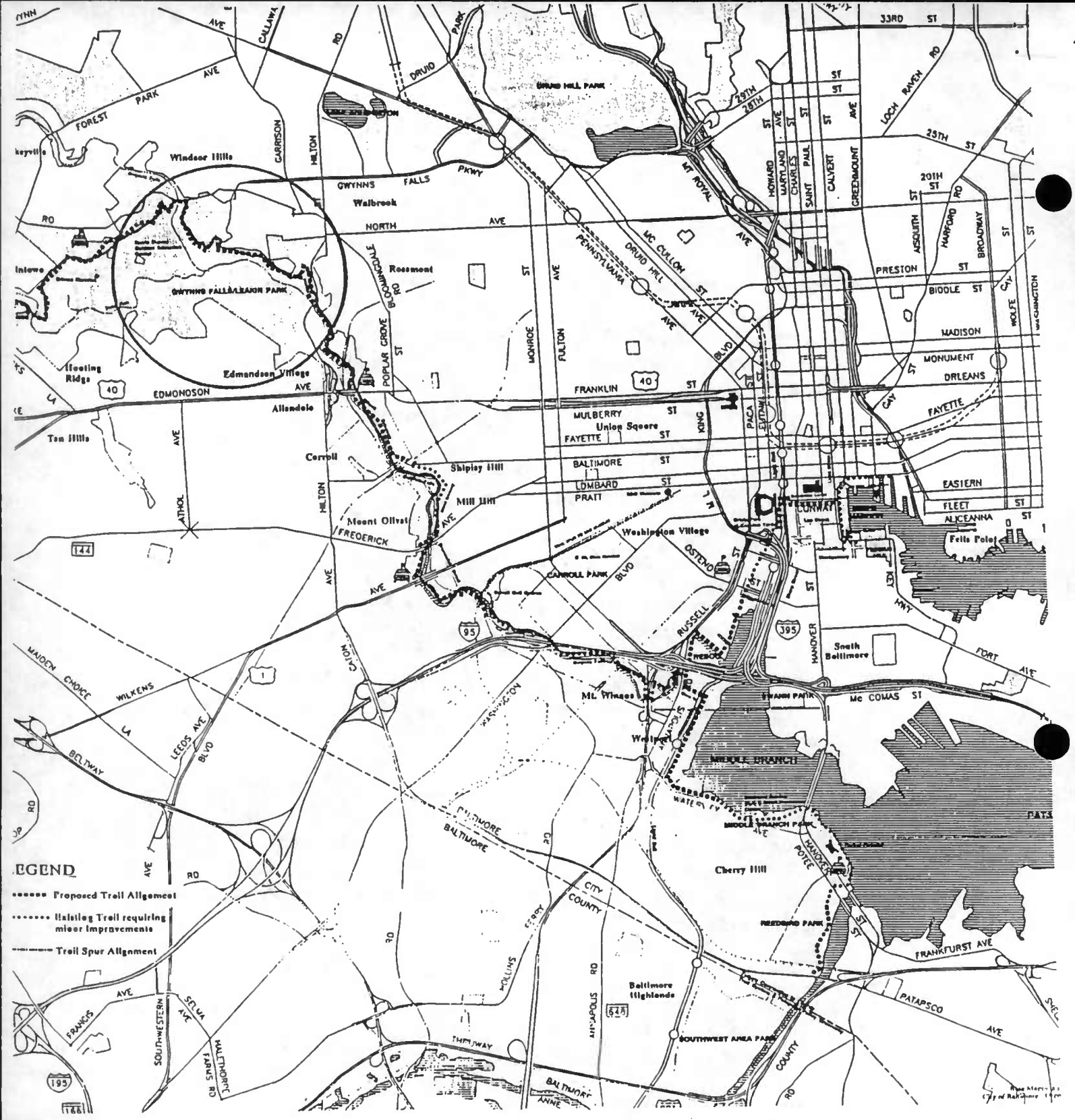
SUBJ: DNR Clearinghouse Review of Local POS Project #3558-26-126
Gwynns Falls Greenway Management Grant FY '99 - Baltimore City

This project is consistent with the City's Space Plan in that it directs funds to existing recreational park facilities and directs funds for the proper management of a park and Trail where Program Open Space funds have been used in the past.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by April 20, 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL	CHECK	INITIAL
1. The project does not conflict with the plans, programs or objectives of this Agency.	✓	DM 4/13/99
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	____	_____
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	____	_____

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



A project of the Mayor and City Council of Baltimore, the State of Maryland, the Gwynns Falls Greenway Task Force, the Trust for Public Land, and Parks and People.

Plan prepared by : William F. Kirwin, Inc. & Buchart Horn, Inc. May 1994

The Gwynns Falls Trail

Baltimore City Consolidated Annual Grant Program FY 99

Gwynns Falls Greenway Management Grant FY 99

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CHESAPEAKE BAY
CRITICAL AREA COMMISSION

March 31, 1999

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Marian Honeczy, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)
H.G.D.

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

SUBJ: DNR Clearinghouse Review of Local POS Project #3559-24-164
Gwynns Falls Greenway Acquisition - Baltimore City

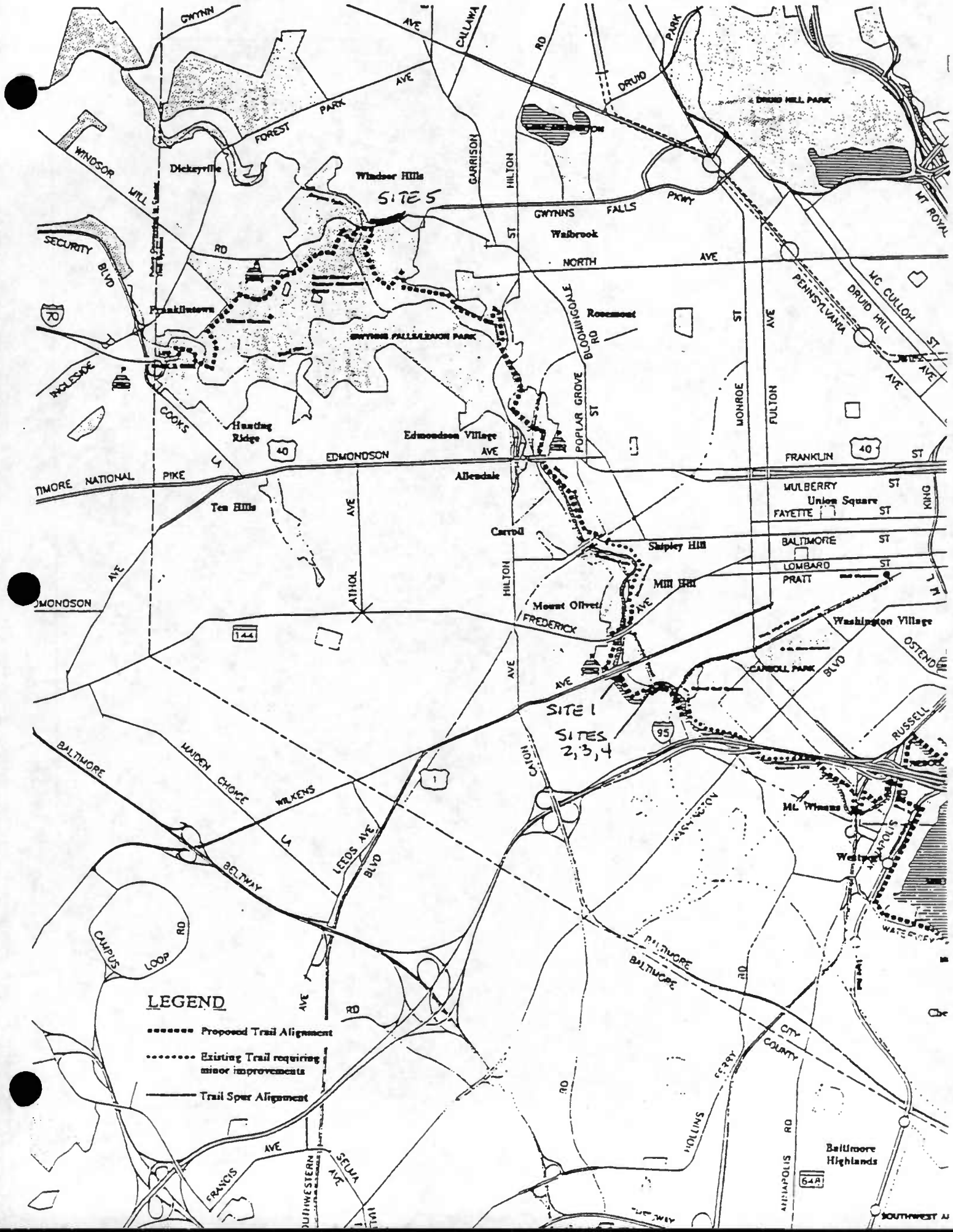
The Gwynns Falls Trail, when complete, will consist of a 14-mile trail for hikers, bikers, nature enthusiasts and other running from Gwynns Falls/Leakin Park to Middle Branch Park and Baltimore and Anne Arundel Counties.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by April 30, 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL	CHECK	INITIAL
1. The project does not conflict with the plans, programs or objectives of this Agency.	✓	4/13/99 DAA
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	____	_____
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	____	_____

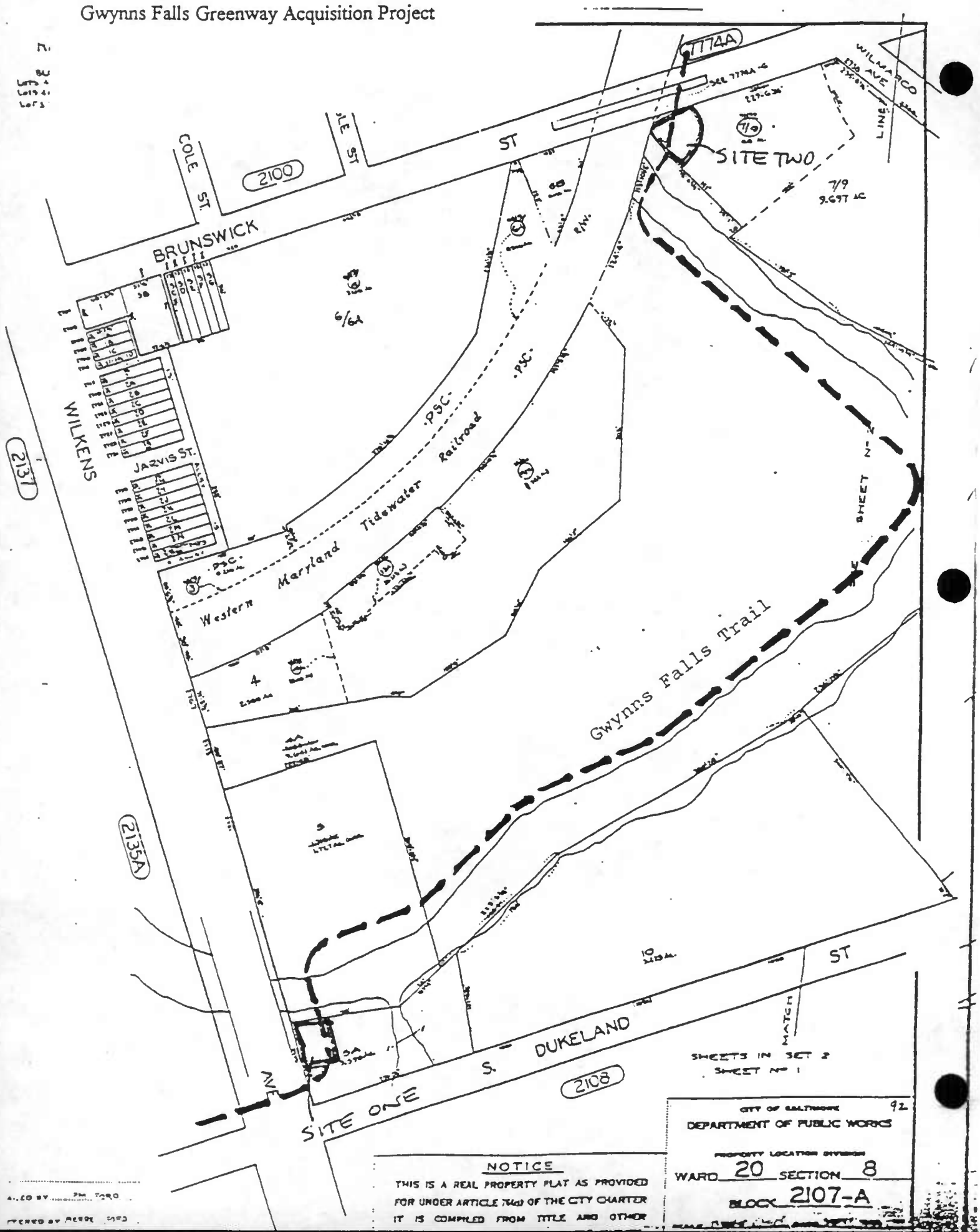
Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.

GWYNNS FALLS GREENWAY TRAIL FY '99 LAND ACQUISITIONS



Baltimore City Consolidated Annual Grant Program FY 99

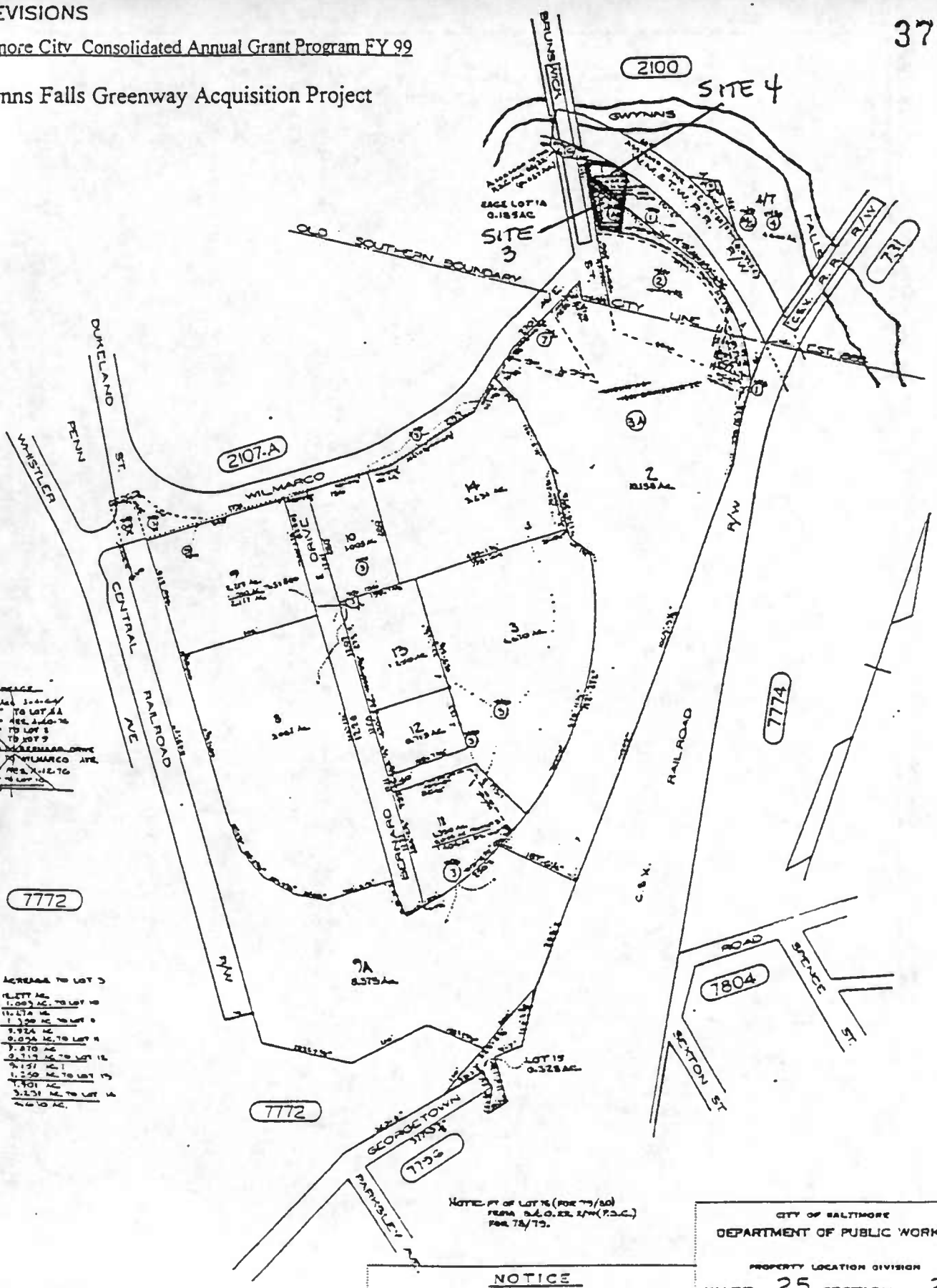
Gwynns Falls Greenway Acquisition Project



REVISIONS

Baltimore City Consolidated Annual Grant Program FY 99

Gwynns Falls Greenway Acquisition Project



NOTICE

THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 7(d) OF THE CITY CHARTER IT IS COMPILED FROM TITLE AND OTHER SOURCES AND IS NOT AN AUTHENTIC SURVEY.

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
PROPERTY LOCATION DIVISION

WARD 25 SECTION 2
BLOCK 7774-A

SCALE 1" = 200' DATE NOV. 3, 1976

TRACED BY
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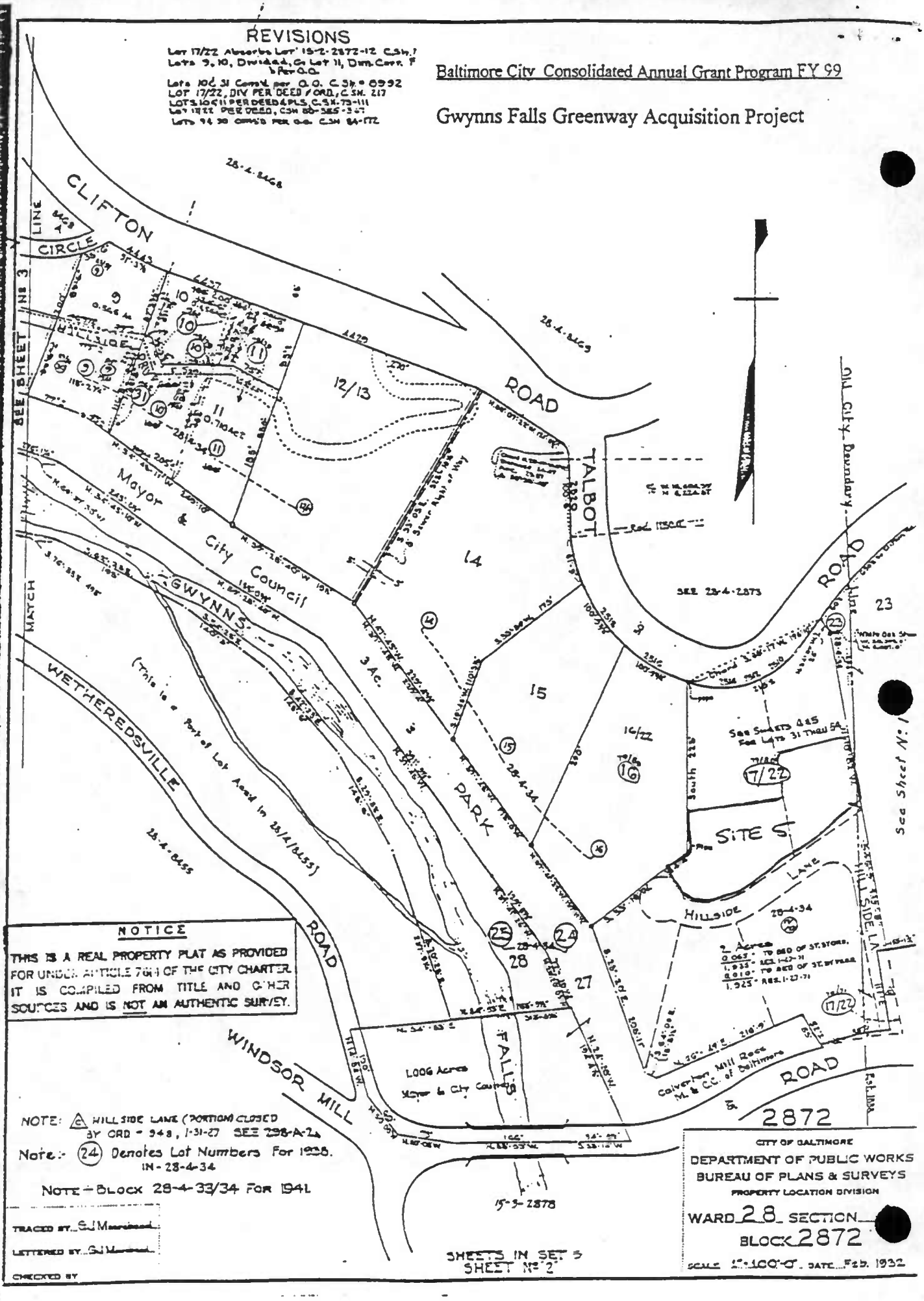
REVISIONS

Baltimore City Consolidated Annual Grant Program FY 99

Gwynns Falls Greenway Acquisition Project



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

PH: (410 260-7516 FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Mart Sullivan FAX: (410) 260 - 8404

COMPANY: Program Open Space DNR - (E-4)

FROM: Dawn McCleary NUMBER OF PAGES SENT: 7

DATE: 4/21/99 TIME:

REMARKS:

Any questions, Please feel free to call me.

Thanks

faxed
no receipt

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APR 13 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

March 31, 1999

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

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

SUBJ: DNR Clearinghouse Review of Local POS Project #3550-24-158
Baltimore Park System - Baltimore City

These funds will be used to continue the maintenance, capital development and operations of the Baltimore City Park System.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by April 20, 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL	CHECK	INITIAL
1. The project does not conflict with the plans, programs or objectives of this Agency.	✓	DM 4/13/99
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	____	_____
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	____	_____

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

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March 31, 1999

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Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)

H.G.D.

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

SUBJ: DNR Clearinghouse Review of Local POS Project #3561-24-165
Druid Hill Park Master Plan Improvements - Baltimore City

In this project, funds will be used to complete the renovations of the historic Negro Pool Complex in Druid Hill Park.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by April 20, 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL	CHECK	INITIAL
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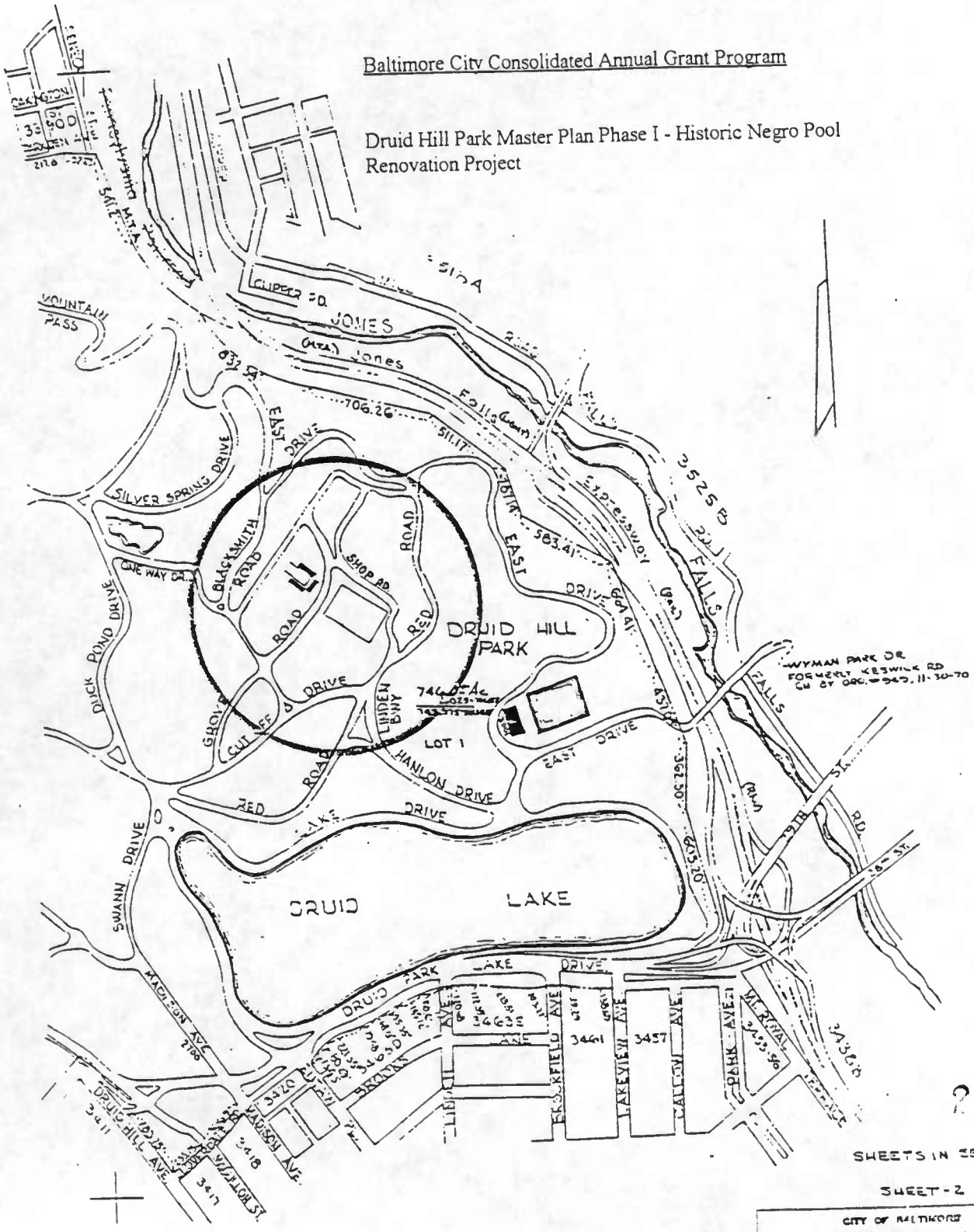
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	____	_____

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

REVISIONS Lot 1 No No Assigned C. Sh 9403A

Baltimore City Consolidated Annual Grant Program

Druid Hill Park Master Plan Phase I - Historic Negro Pool Renovation Project



SET NO. 1

297

SHEETS IN SET - 23

SHEET - 2

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS

PROPERTY LOCATION DIVISION

WARD 13 SECTION 5

BLOCK 3499

SCALE 1" = 500' DATE AUG. 2, 1971

NOTICE

THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 76(d) OF THE CITY CHARTER IT IS COMPILED FROM TITLE AND OTHER SOURCES AND IS NOT AN AUTHENTIC SURVEY.

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CHESAPEAKE BAY
CRITICAL AREA COMMISSION

March 31, 1999

TO: Arnold Norden, Greenways and Resources Planning (E-4)
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Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)
H.G.D.

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

SUBJ: DNR Clearinghouse Review of Local POS Project #3557-24-163
Parks Building Modernization FY '99 - Baltimore City

This project proposes to improve the existing park facility. Improvements made to the facility will include features and ADA compliance re-construction.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by April 2, 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

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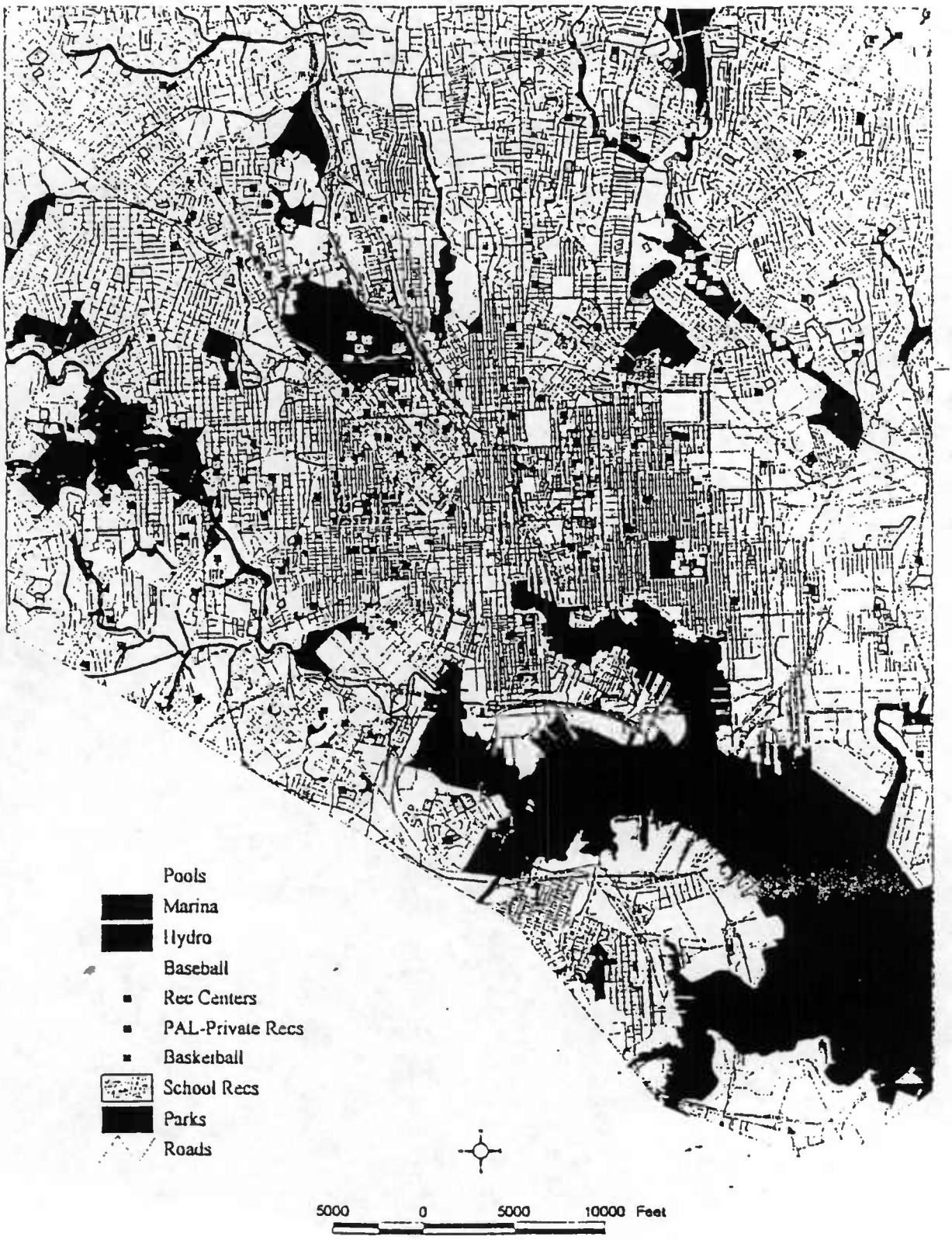
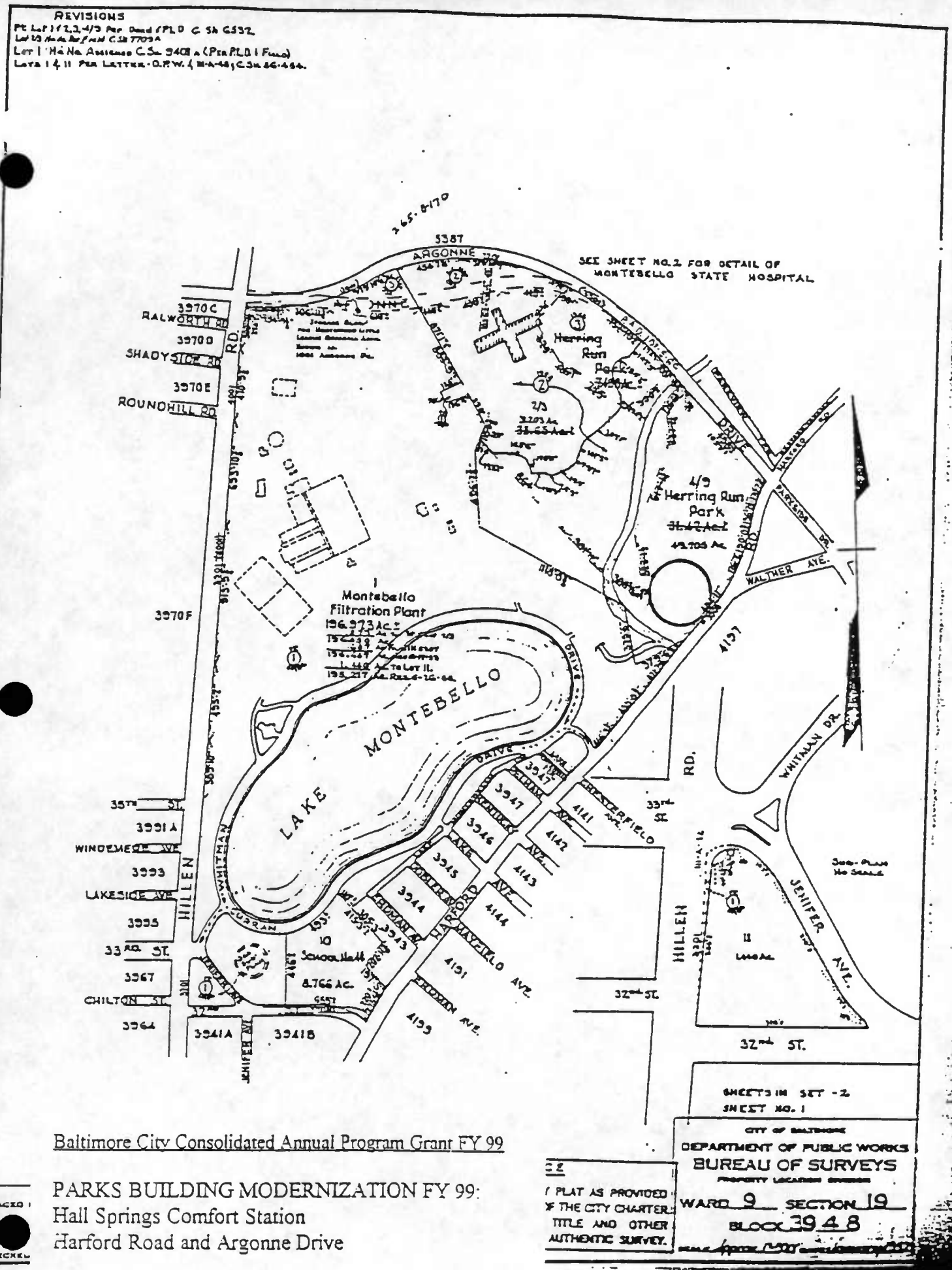
Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



Baltimore City Consolidated Annual Program Grant FY 99

PARKS BUILDING MODERNIZATION FY 99:
Hall Springs Comfort Station
Harford Road and Argonne Drive



Baltimore City Consolidated Annual Program Grant FY 99

PARKS BUILDING MODERNIZATION FY 99:
Hall Springs Comfort Station
Harford Road and Argonne Drive

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CHESAPEAKE BAY
CRITICAL AREA COMMISSION

March 31, 1999

TO: Arnold Norden, Greenways and Resources Planning (E-4)
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Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)

H. G. D.

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

SUBJ: DNR Clearinghouse Review of Local POS Project #3555-26-125
Druid Hill Park Conservatory - Baltimore City

This project proposes to renovate the existing greenhouses, construct pathways, lighting, climate systems, and the planting beds necessary to support year-round educational displays.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by April 20 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL	CHECK	INITIAL
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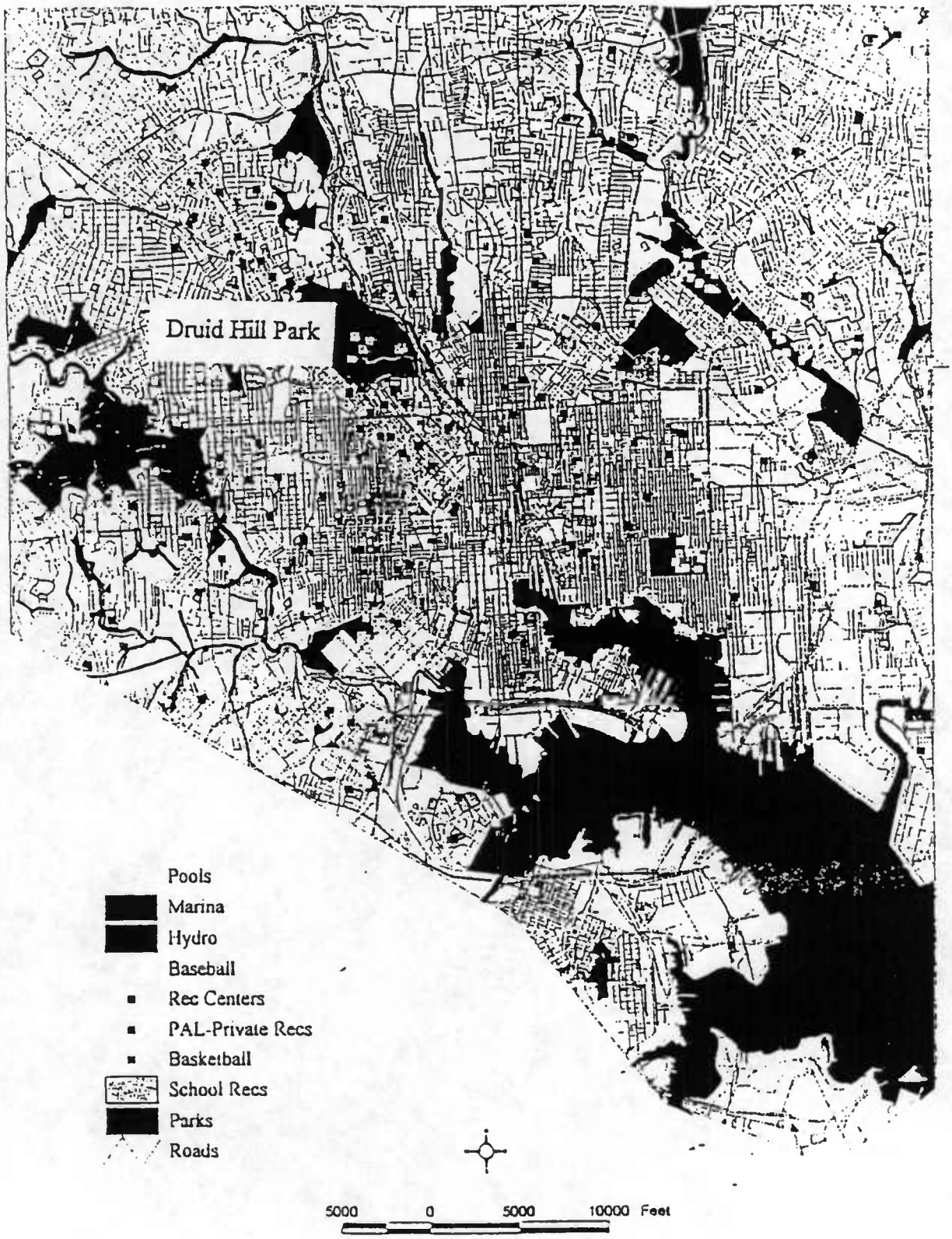
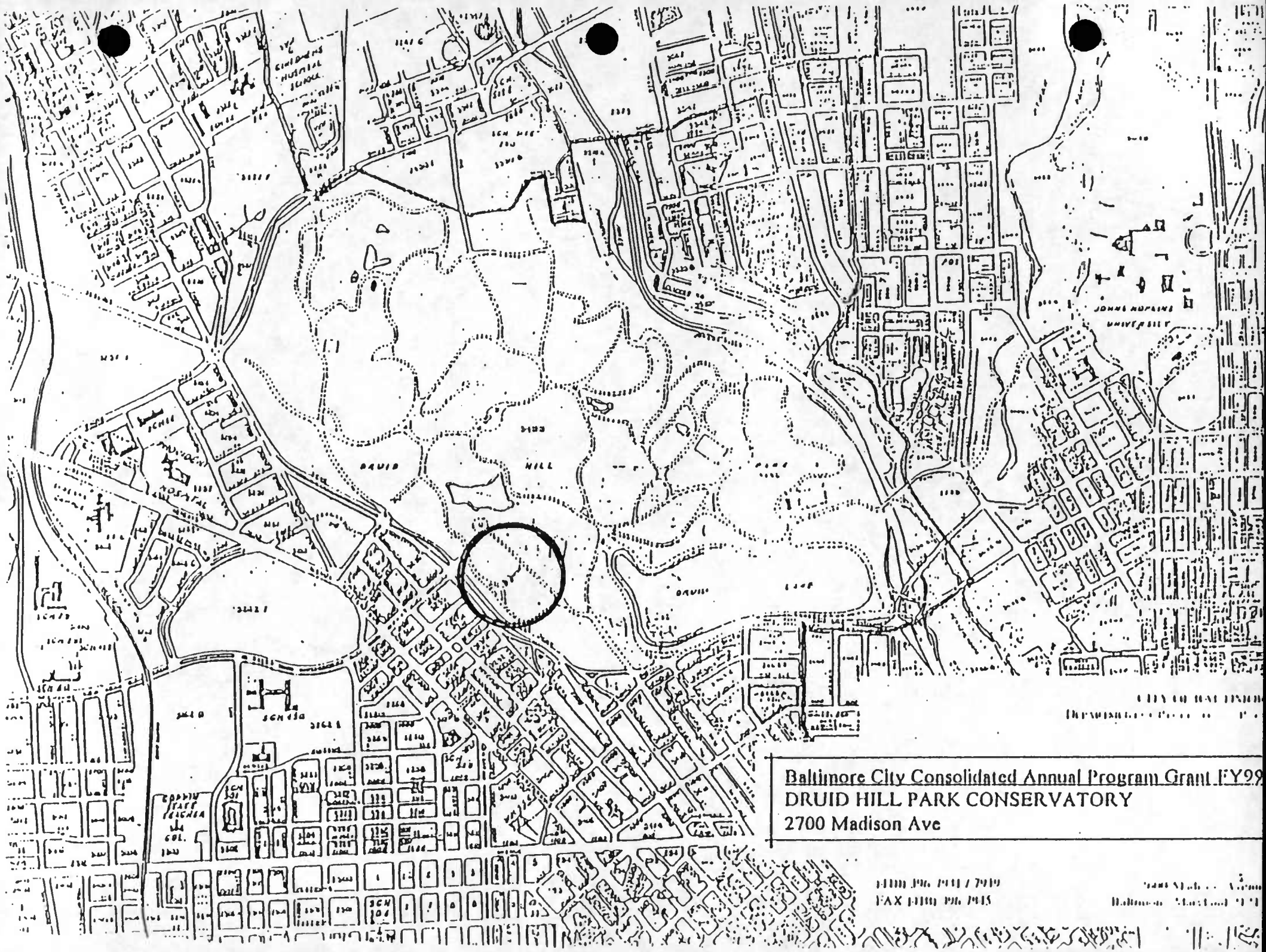


Baltimore City Consolidated Annual Program Grant FY 99

DRUID HILL PARK CONSERVATORY

2700 Madison Avenue



Baltimore City Consolidated Annual Program Grant FY99

DRUID HILL PARK CONSERVATORY

2700 Madison Ave

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Marian Honeczy, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)

H.G.D.

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

SUBJ: DNR Clearinghouse Review of Local POS Project #3560-26-127
Leon Day Park Renovations - Baltimore City

This project will assist with general park improvements and renovations to the field house/rest station used by hundreds of baseball players and park visitors each year.

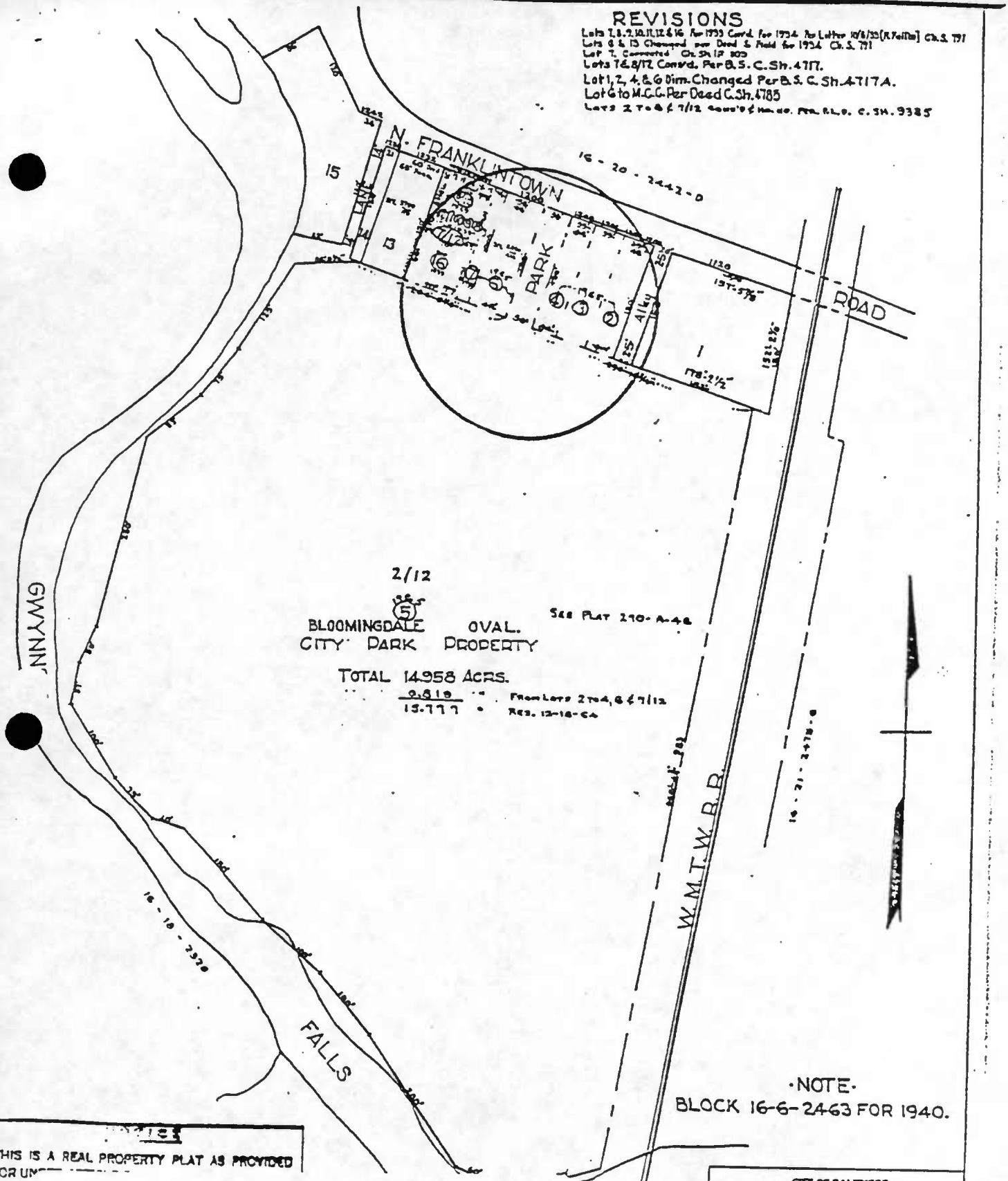
The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by April 20, 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL	CHECK	INITIAL
1. The project does not conflict with the plans, programs or objectives of this Agency.	✓	DM 4/12/99
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	____	_____
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	____	_____

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

REVISIONS

Lots 7,8,9,10,11,12 & 16 for 1933 Cond. for 1934 Per Letter 10/8/35 [R. Kettler] Ch. S. 791
Lots 6 & 13 Changed per Deed & Plat for 1934 Ch. S. 791
Lot 7, Corrected Ch. Sh. 17 803
Lots 7 & 8/12 Consd. Per B.S.C. Sh. 4717.
Lot 1, 2, 4, & 6 Dim. Changed Per B.S.C. Sh. 4717A.
Lot 6 to M.C.C. Per Deed C. Sh. 4785
Lots 2 to 8 & 7/12 Cons'd & Dim. Ch. Per B.L.S. C. Sh. 9385



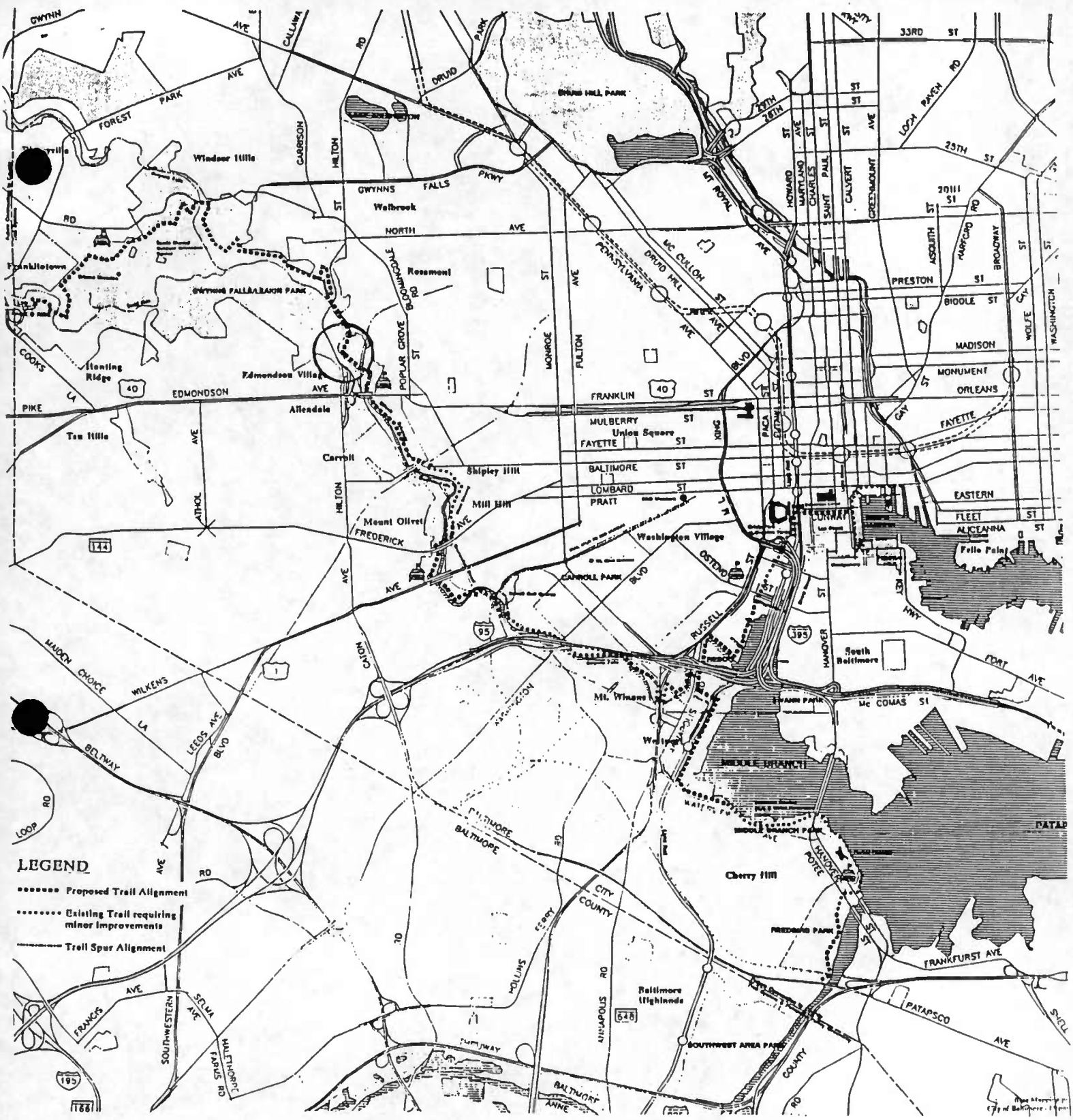
·NOTE·
BLOCK 16-6-2463 FOR 1940.

THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UN... IT IS ...URE...

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
BUREAU OF PLANS & SURVEYS
PROPERTY LOCATION DIVISION
WARD 16 SECTION 21
BLOCK 2463

Baltimore City Consolidated Annual Grant Program FY 99

Leon Day Park Renovation



A project of the Mayor and
City Council of Baltimore,
the State of Maryland, the Gwynns Falls
Greenway Task Force, the Trust for Public Land,
and Parks and People.

Plan prepared by : William F. Kirwin, Inc.
& Buchart Horn, Inc.
May 1994

The Gwynns Falls Trail

Baltimore City Consolidated Annual Grant Program FY 92

Leon Day Park Renovation

CLEARINGHOUSE REVIEW

RECEIVED

APR 13 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

March 31, 1999

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

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

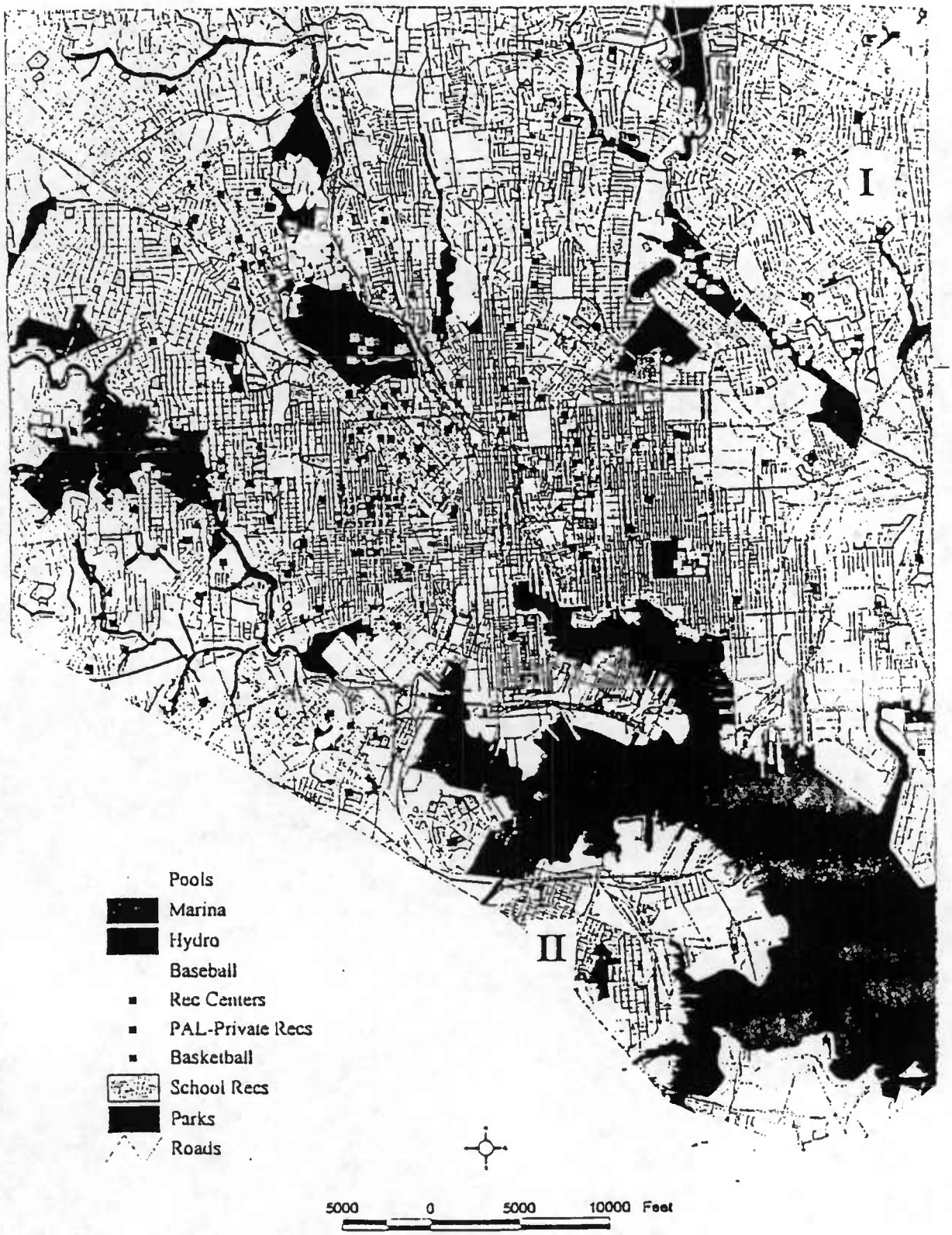
SUBJ: DNR Clearinghouse Review of Local POS Project #3556-24-162
Courts, Ballfields and Walks FY '99 - Baltimore City

This project will resurface and improve the tennis courts at two sites: Radecke Recreation Complex and Farring Baybrook Therapeutic Recreation Facility.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by April 20, 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL	CHECK	INITIAL
1. The project does not conflict with the plans, programs or objectives of this Agency.	√	DM 4/13/99
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	____	_____
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	____	_____

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



Baltimore City Consolidated Annual Program Grant FY 99

COURTS, BALLFIELDS AND WALKS FY 99:

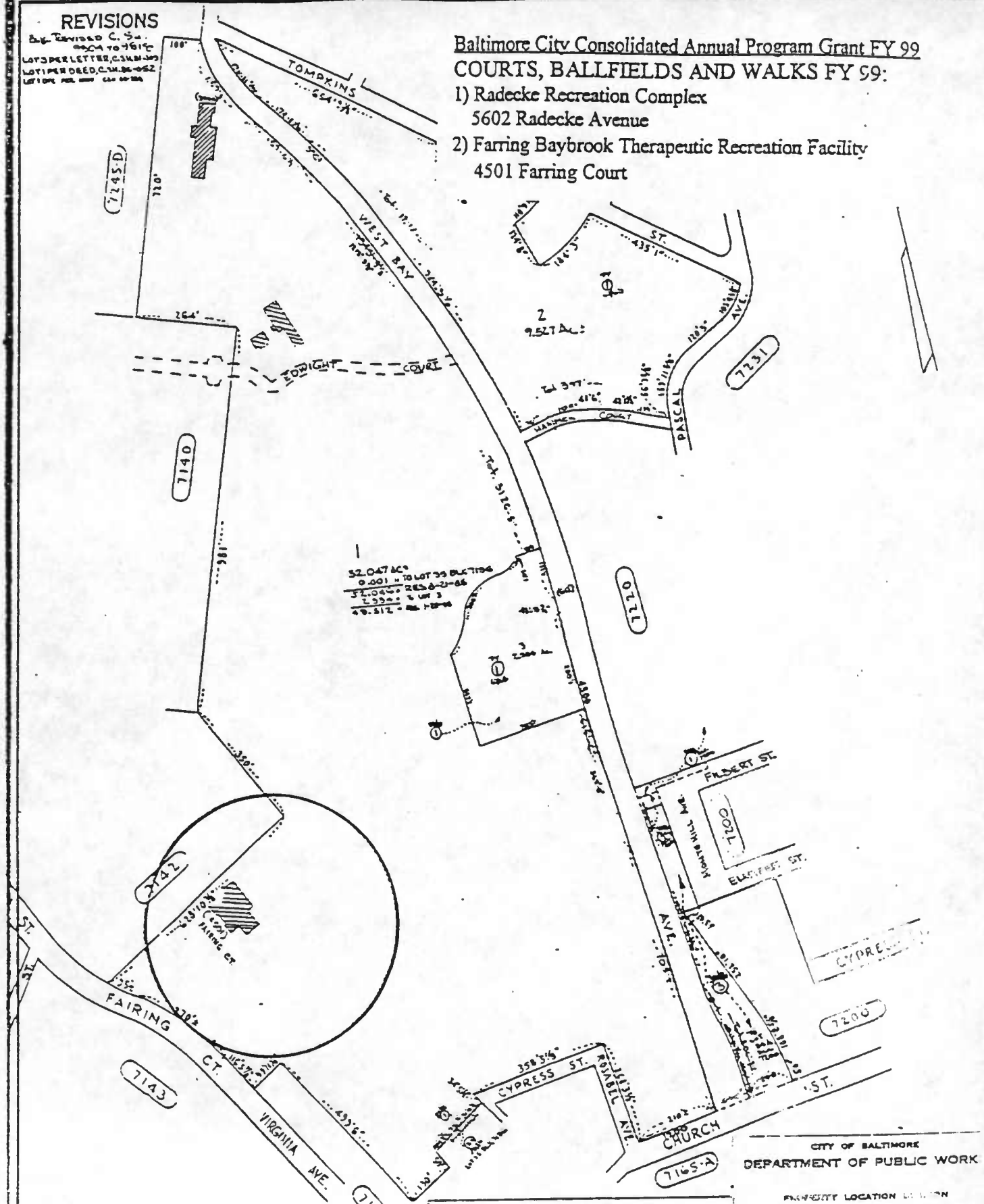
1) Radecke Recreation Complex
   5602 Radecke Avenue
2) Farring Baybrook Therapeutic Recreation Facility
   4501 Farring Court

REVISIONS

Baltimore City Consolidated Annual Program Grant FY 99

COURTS, BALLFIELDS AND WALKS FY 99:

1) Radecke Recreation Complex
   5602 Radecke Avenue
2) Farring Baybrook Therapeutic Recreation Facility
   4501 Farring Court



TRACED BY

LETTERED BY

CHECKED BY

NOTICE

THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 7641 OF THE CITY CHARTER IT IS COMPILED FROM TITLE AND OTHER SOURCES AND IS NOT AN AUTHENTIC SURVEY.

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORK

PROPERTY LOCATION DIVISION

WARD 25 SECTION 8

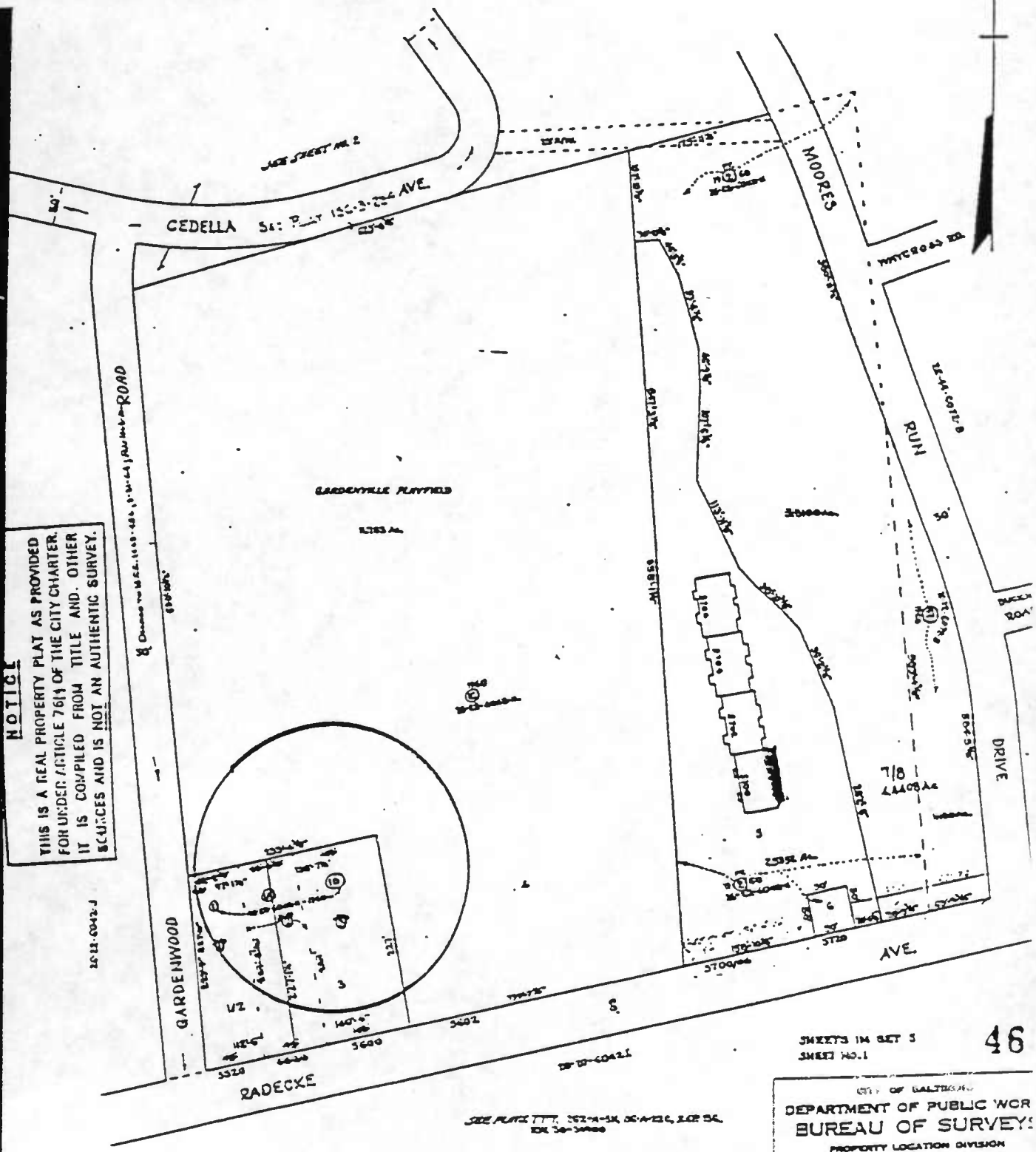
BLOCK 7195

SCALE 1" = 200' DATE June 1967

Baltimore City Consolidated Annual Program Grant FY 99

COURTS, BALLFIELDS AND WALKS FY 99:

1) Radecke Recreation Complex
   5602 Radecke Avenue
2) Farring Baybrook Therapeutic Recreation Facility
   4501 Farring Court



CLEARINGHOUSE REVIEW

March 26, 1999

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

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

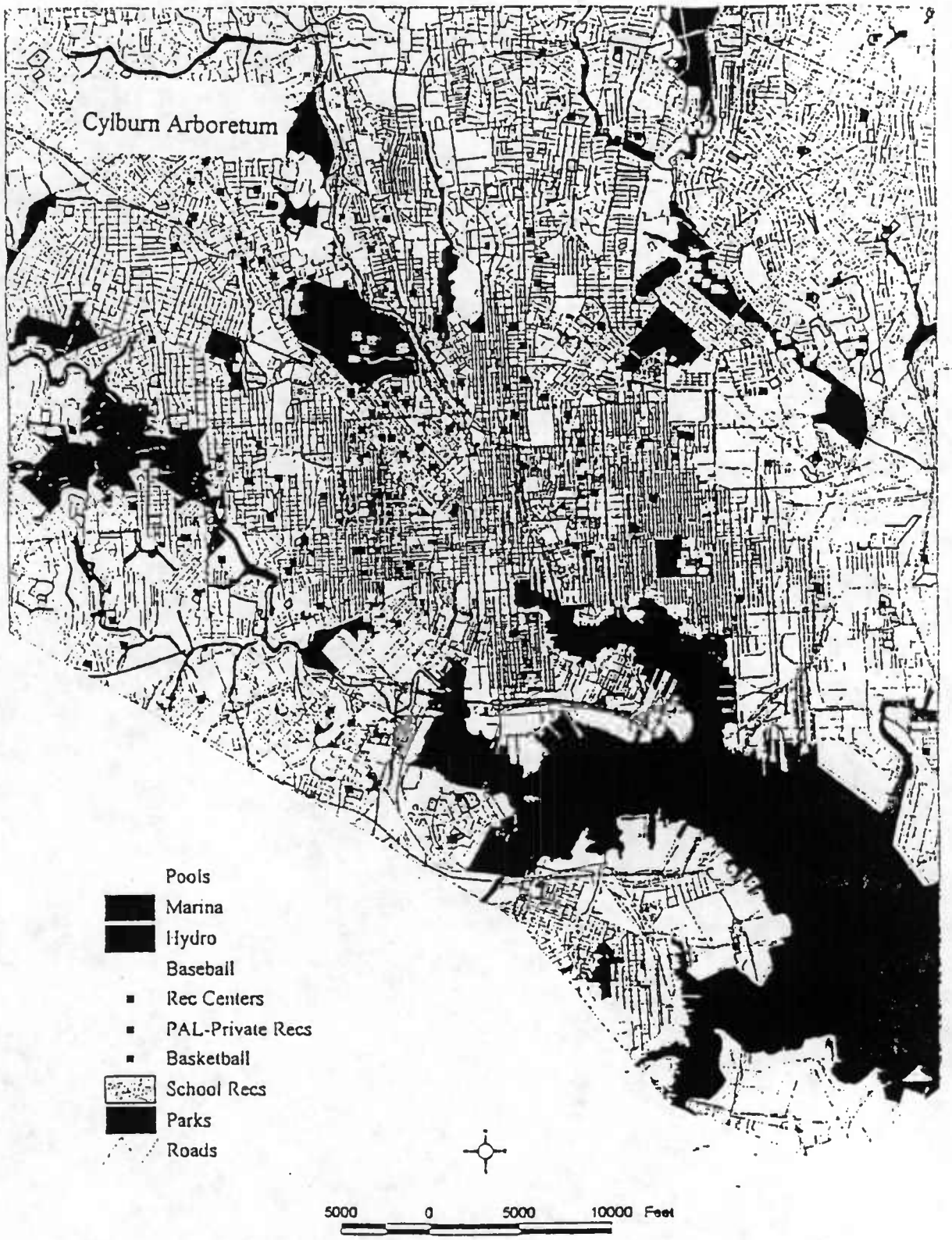
SUBJ: DNR Clearinghouse Review of Local POS Project #3553-26-124
Cylburn Arboretum Renovation - Baltimore City

This project proposes the renovation of the historic Carriage House so that the building can be stabilized and deterioration halted.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by April 15, 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL	CHECK	INITIAL
1. The project does not conflict with the plans, programs or objectives of this Agency.	✓	4/13/99 DM
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	____	_____
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	____	_____

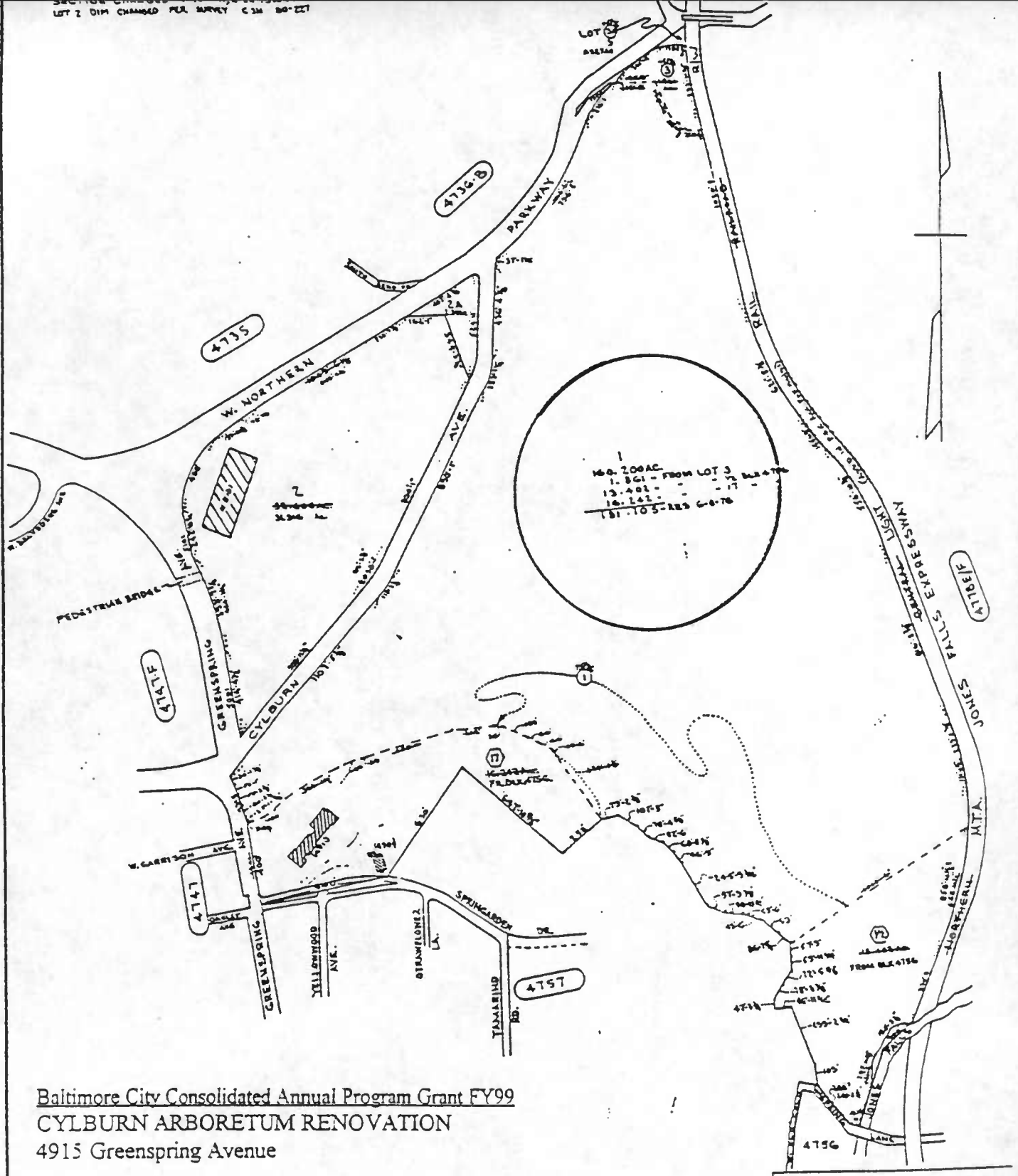
Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



Baltimore City Consolidated Annual Program Grant FY99

CYLBURN ARBORETUM RENOVATION

4915 Greenspring Avenue



Baltimore City Consolidated Annual Program Grant FY99

CYLBURN ARBORETUM RENOVATION

4915 Greenspring Avenue

2 78/79 27-17-4756-A

NOTICE

THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 26(d) OF THE CITY CHARTER IT IS COMPILED FROM TITLE AND OTHER SOURCES AND IS NOT AN AUTHENTIC SURVEY.

CITY OF BALTIMORE

DEPARTMENT OF PUBLIC WOR

PROPERTY LOCATION DIVISION

WARD 27 SECTION F

BLOCK 4756-A

SCALE 1"=400' DATE JUNE 1976

TRACED BY D. GREEN

LETTERED BY D.G.

CHECKED BY

CLEARINGHOUSE REVIEW

March 26, 1999

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

H. G. D.

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

SUBJ: DNR Clearinghouse Review of Local POS Project #3554-24-161
Baltimore Play Lot Project FY '99 - Baltimore City

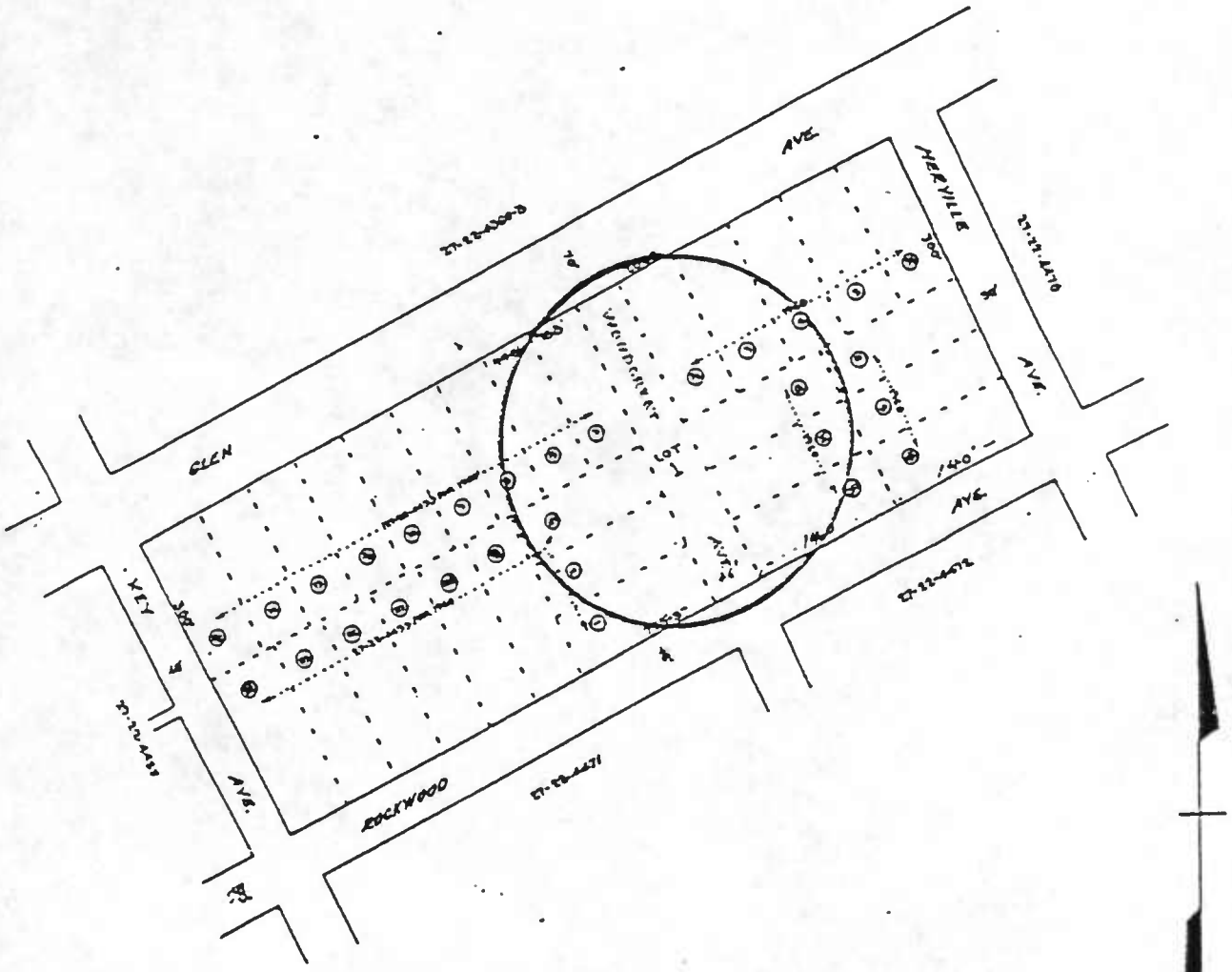
Six playgrounds in park areas are in need of renovation. Renovations will correct problems involving worn-out equipment, the lack of resilient surface under play structures and will bring the facilities up to compliance with the latest ADA standards.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by April 15, 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL	CHECK	INITIAL	
1. The project does not conflict with the plans, programs or objectives of this Agency.	✓	DM	4/13/99
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	____	____	
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	____	____	

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4)

Revisions
Bldg. Revised Per P.L.B. Ch. 87-46.
Lot 1 Dem. Ch. Per P.L.P. Ch. 94 0060A



Baltimore City Consolidated Annual Grant Program FY 99

BALTIMORE PLAY LOT PROJECT FY 99
1) Irvin Luckman Park
2809 Glen Avenue

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORK
BUREAU OF SURVEYS
PROPERTY LOCATION DIVISION
WARD 27 SECTION 22
BLOCK 4469
SCALE 1"=100' DATE APR 1950

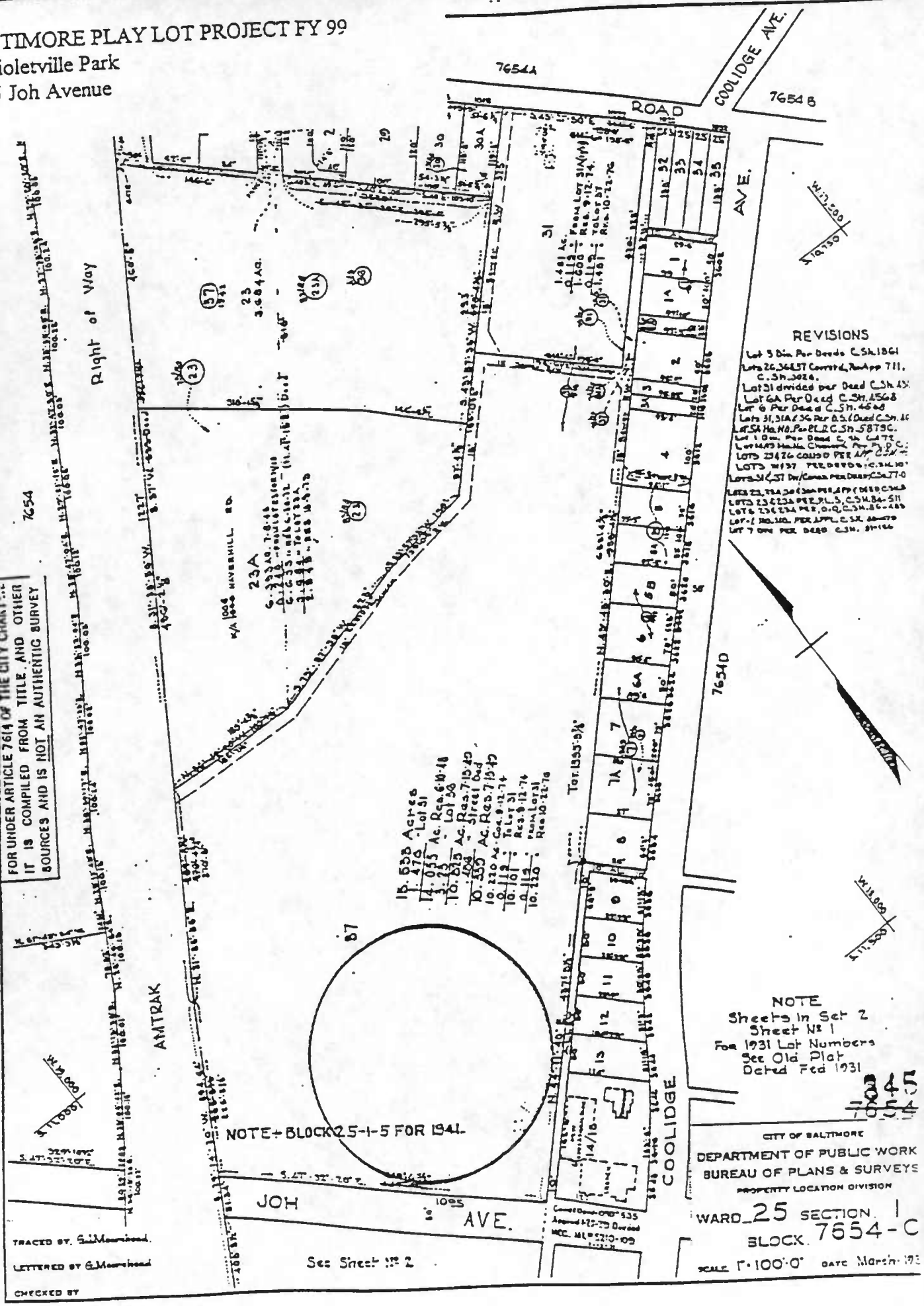
NOTICE
THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 7(a) OF THE CITY CHARTER. IT IS COMPILED FROM TITLE AND OTHER SOURCES AND IS NOT AN AUTHENTIC SURVEY

TRACED BY L.L. Pierce
LETTERED BY S.L. Pierce
CHECKED BY

BALTIMORE PLAY LOT PROJECT FY 99

2) Violetville Park

1095 Joh Avenue

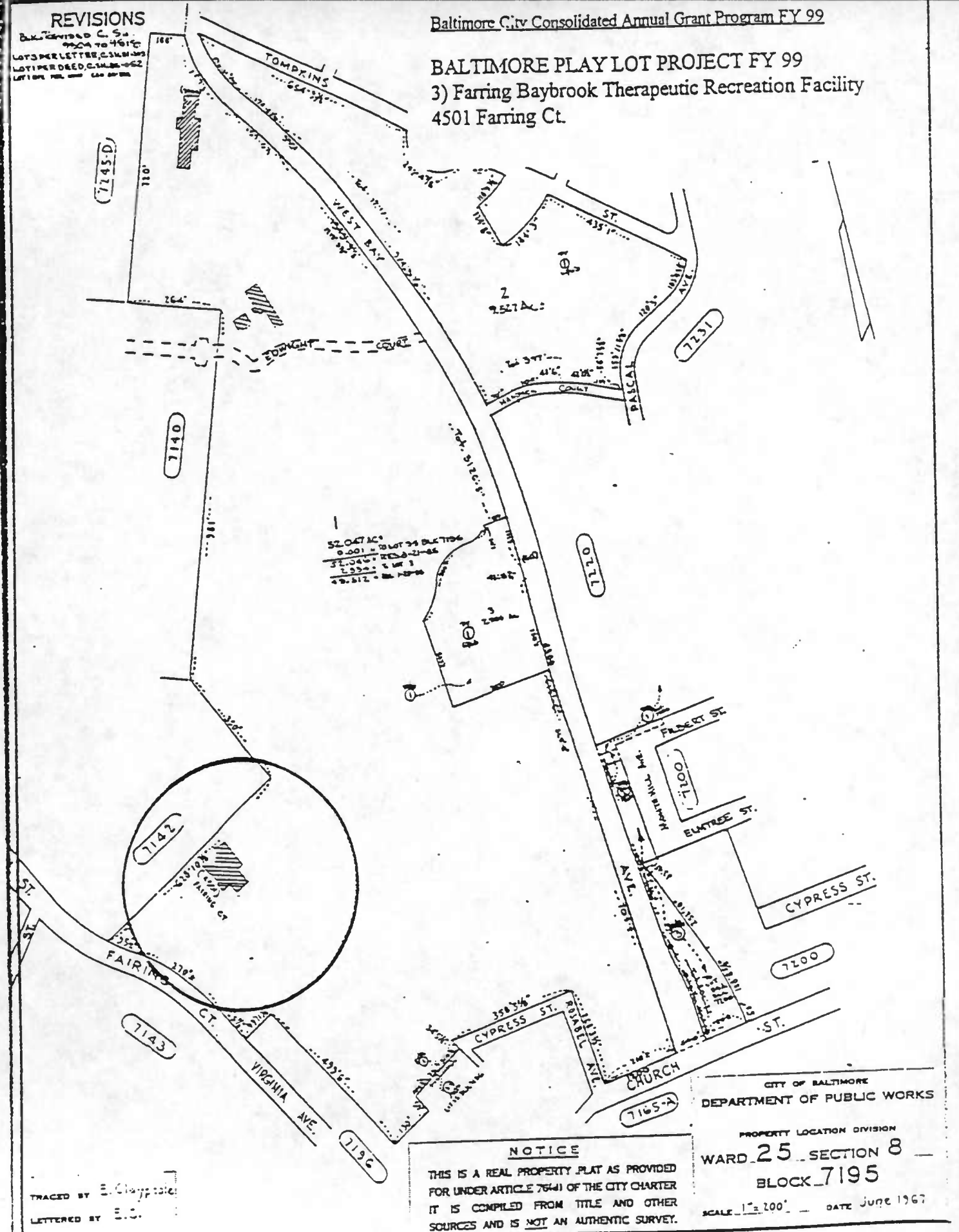


Baltimore City Consolidated Annual Grant Program FY 99

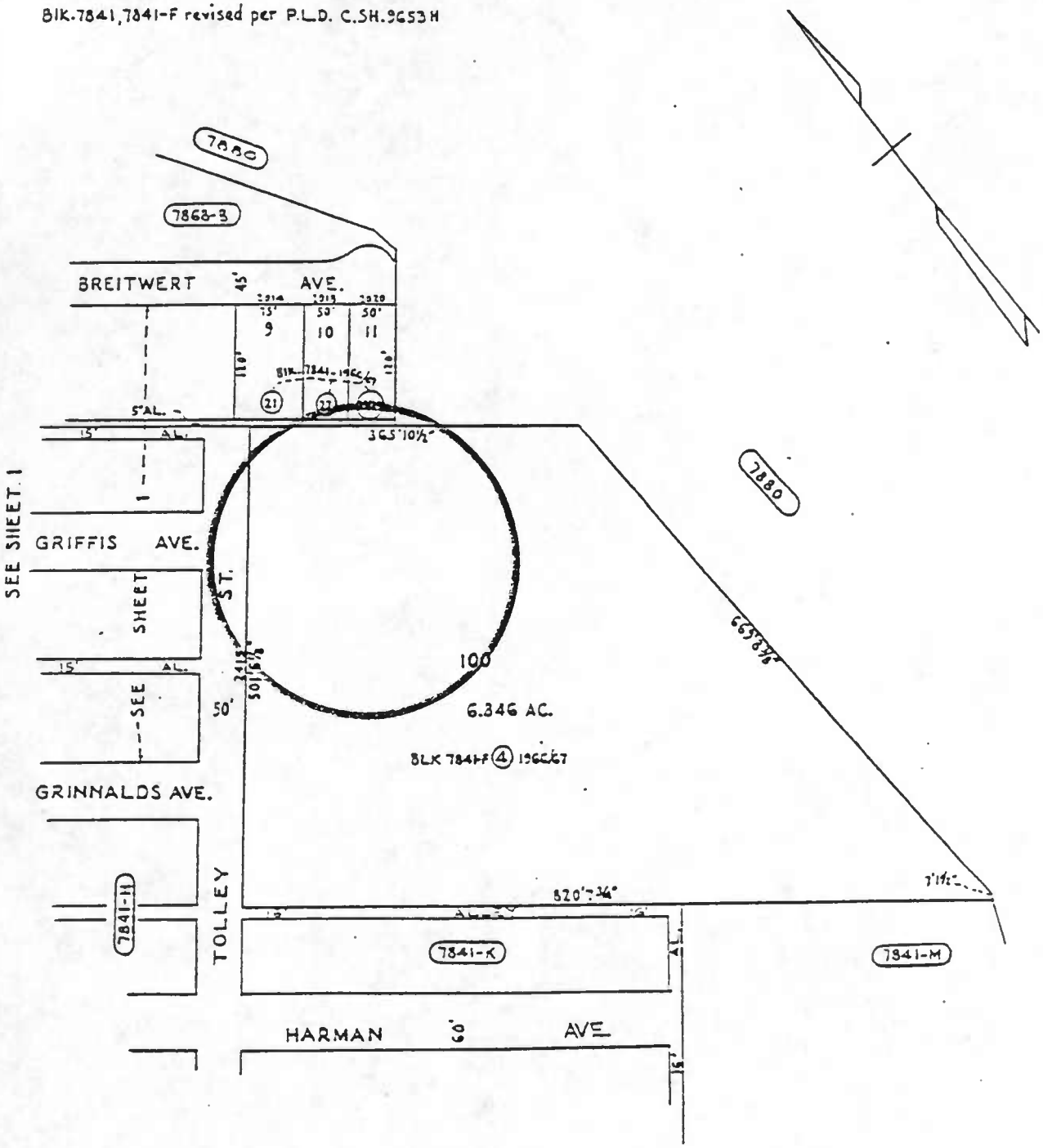
BALTIMORE PLAY LOT PROJECT FY 99

3) Farring Baybrook Therapeutic Recreation Facility

4501 Farring Ct.



REVISIONS
BLK.7841,7841-F revised per P.L.D. C.SH.9653 H



Baltimore City Consolidated Annual Grant Program FY 99

IN SET 2
ET 2

BALTIMORE PLAY LOT PROJECT FY 99
4) Morrell Park Play Lot
2415 Tolley Street

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
PROPERTY LOCATION DIVISION
WARD 25 SECTION 3
BLOCK 7841-A
SCALE 1" = 100' DATE Dec. 1966

TRACED BY E. Claypoole
LETTERED BY E.C.
CHECKED BY

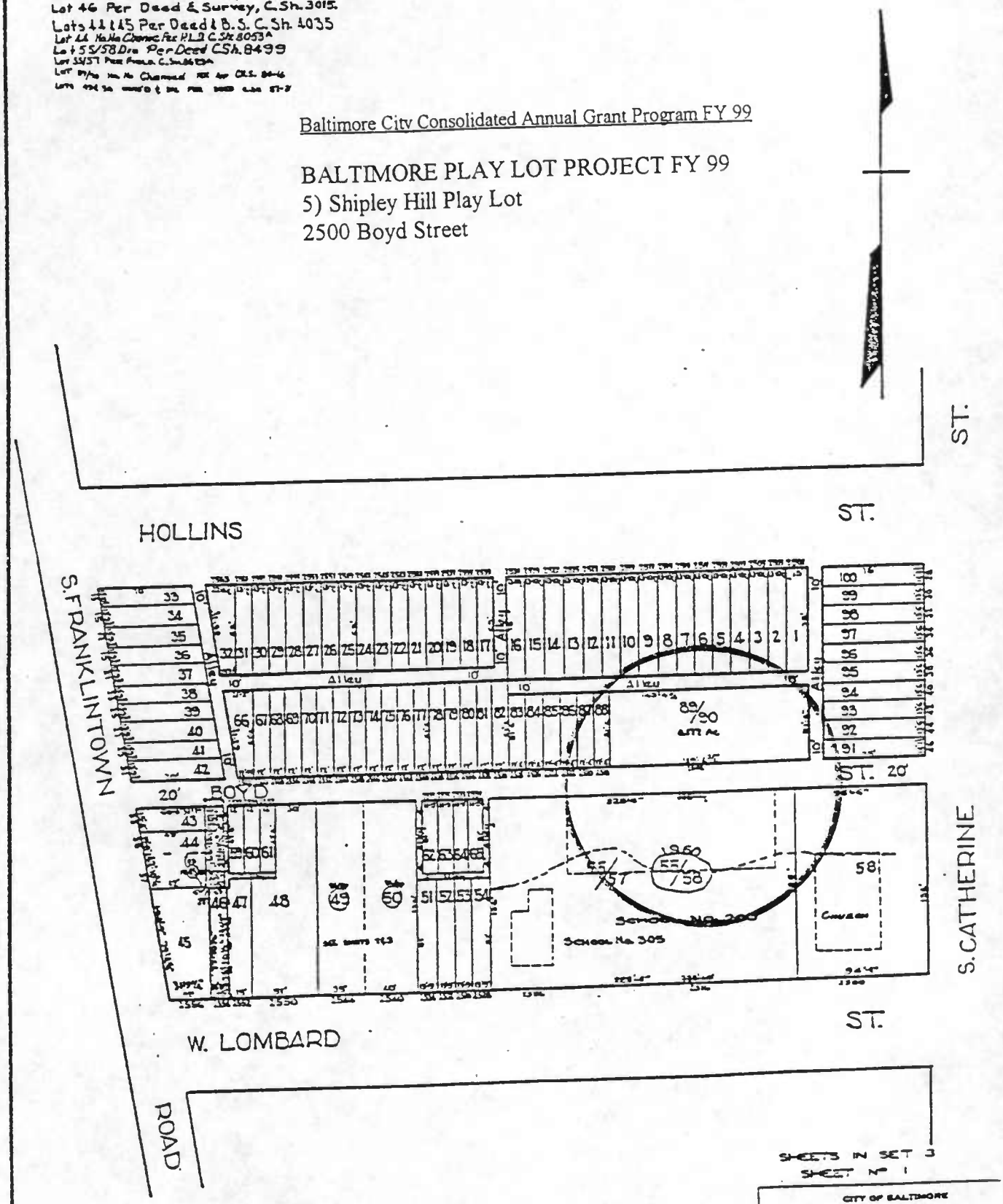
NOTICE
THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 76(d) OF THE CITY CHARTER IT IS COMPILED FROM TITLE AND OTHER SOURCES AND IS NOT AN AUTHENTIC SURVEY.

REVISIONS.

Lots 43, 45 & 46 Dim. Changed Per P.S. & Survy C.Sh. 2927A.
Lot 46 Per Deed & Survey, C.Sh. 3015.
Lots 44 & 45 Per Deed & B.S. C.Sh. 4035
Lot 44 Note Change Per PLB C.Sh. 8053A
Lot 55/58 Dim Per Deed C.Sh. 8499
Lot 55/57 Per Deed C.Sh. 8499A
Lot 89/90 Dim Changed Per Survey C.S. 84-6
Lots [illegible] Per Deed C.Sh. 51-7

Baltimore City Consolidated Annual Grant Program FY 99

BALTIMORE PLAY LOT PROJECT FY 99
5) Shipley Hill Play Lot
2500 Boyd Street



SHEETS IN SET 3
SHEET Nº 1

NOTICE

THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 76(4) OF THE CITY CHARTER. IT IS COMPILED FROM TITLE AND OTHER SOURCES AND IS NOT AN AUTHENTIC SURVEY.

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
BUREAU OF PLANS & SURVEYS
PROPERTY LOCATION DIVISION

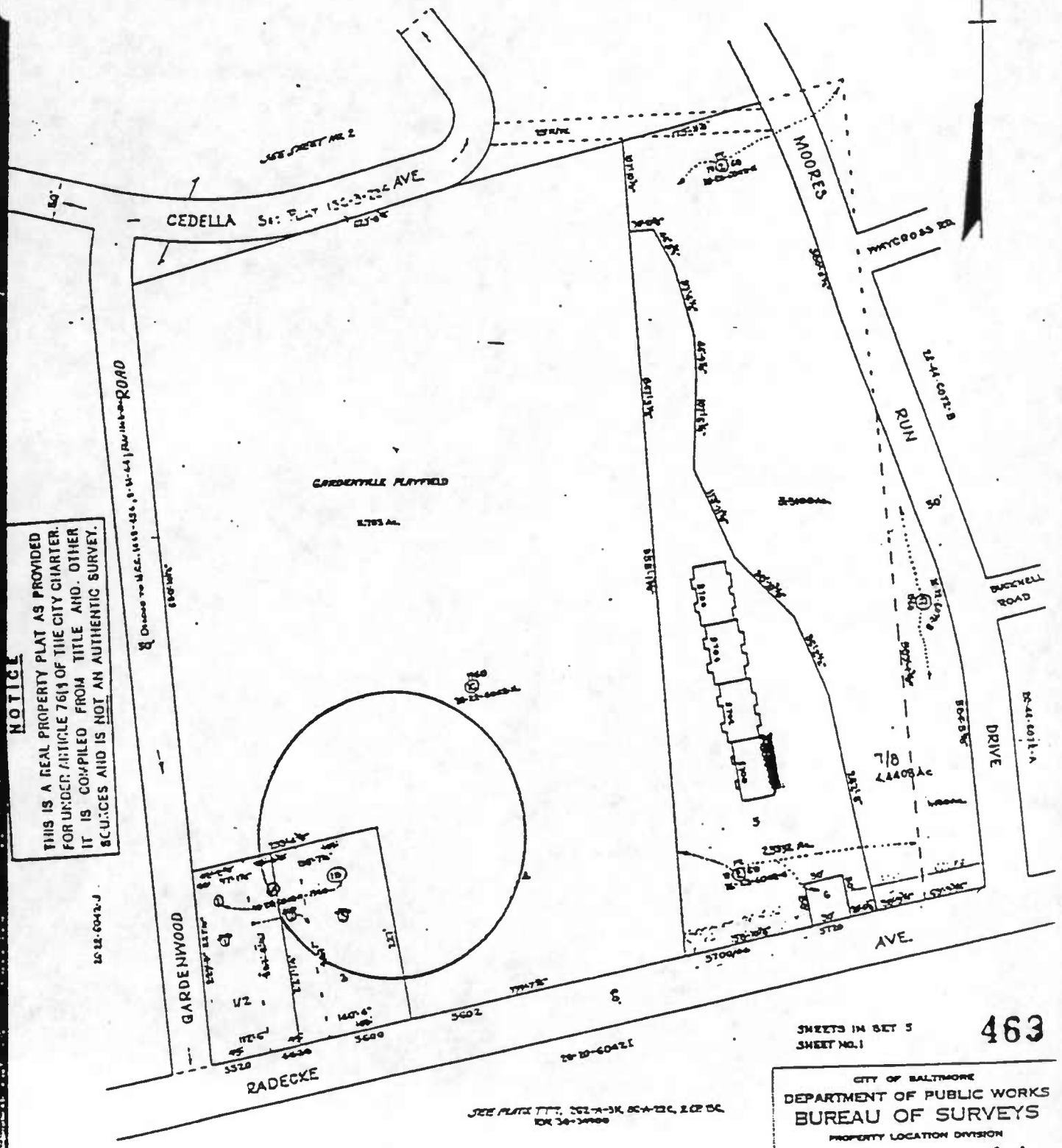
WARD 20 SECTION 6
BLOCK 2175

SCALE: 1"=50'-0" DATE: March 19

TRACED BY J.H. Kilmore
LETTERED BY H.V. Houser
CHECKED BY

BALTIMORE PLAY LOT PROJECT FY 99

6) Radecke Recreation Complex
5602 Radecke Avenue



CLEARINGHOUSE REVIEW

RECEIVED
APR 5 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

March 26, 1999

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

H.G.D.

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

SUBJ: DNR Clearinghouse Review of Local POS Project #3552-24-160
Comprehensive Planning Grant - Baltimore City

This planning grant supports staff who prepare the local version of the State-required "Land Preservation and Recreation Plan" which guides capital investment in Baltimore's park lands.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by April 5, 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL	CHECK	INITIAL
1. The project does not conflict with the plans, programs or objectives of this Agency.	✓	4/13/99 D.M
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	____	_____
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	____	_____

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

Shaded areas for state use only.

Maryland Department of Natural Resources
Land & Water Conservation Service
Program Open Space

Development & Capital Renewal Application and Project Agreement

1. APPLICANT'S FEDERAL ID NUMBER: _____ POS PROJECT# 3557-29-160
2. PROJECT TITLE: Comprehensive Planning Grant
3. APPLICANT: Baltimore City (County/Municipality) Individual Project ____ or part of a Consolidated Project x
4. LEGISLATIVE DISTRICT var Last POS Grant Issued # 3268-24-152 Amount $ 25,000
5. PROJECT LOCATION: Street Address: 417 E. Fayette Street
   City, Town, or Community: Baltimore MD 21217
   County Tax Map# ____ Grid # ____ Parcel # ____ ADC Road Map Edition # ____ Map # ____ Grid Ltr ____ Grid# ____
   a. Number of residents currently served: 736,000 b. Existing annual attendance: 1,000,000 Visits / Yr.
   c. Number of residents projected to be served: 736,000 d. Projected annual attendance: 1,000,000 Visits / Yr.
6. PROJECT DESCRIPTION: *(This is the information that gets written into the agenda item that is presented to the Maryland Board of Public Works for approval. Be specific, explain the proposed project, why is it being done, how does it relate to local recreation needs, is it new development or does it build upon an existing facility? Provide all of the information that you feel is necessary to explain and justify the project, and to convince the approving agencies that it is a worthwhile project). Attach additional 8 1/2" x 11" paper if necessary.*

This planning grant supports staff who prepare the local version of the State-required "Land Preservation and Recreation Plan" which guides capital investment in Baltimore's park lands. It also supports the detailed, community-based master plan processes which are necessary to properly guide renovation of specific City parks. Curent staff are involved in preparing the Carroll Park Master Plan and implementation of the Patterson Park Master Plan.

The use of funds for recreational and open space planning is consistent with the City's Open Space Plan.

7. TOTAL DEVELOPMENT COST $ 25,000.00 100.00 %
   a. LOCAL FUNDING $ ____ ____ %
   b. OTHER FUNDING $ ____ ____ % *(Specify Source/Type):*
   c. L&WCF FUNDING $ ____ ____ %
   d. AMOUNT REQUESTED $ 25,000.00 100.00 % *Total State Funding Requested*
   e. GRAND TOTAL $ 25,000.00 100.00 %
8. LOCAL PROJECT COORDINATOR:

Michael J. Baker, Park Administrator (Name) 410-396-7931 (Telephone Number)

2600 Madison Avenue Baltimore, MD 21217 FAX 410-396-7945
(Address) (City) (State) (Zip Code) (Fax Number)

9. PROJECT PERIOD: From: _____ *(Date of Letter of Acknowledgment/Concurrence)*

April 1, 1998
A:\DEVAPP.FRM

To 07/01/02 *(When project will be completed)*

10. DETAILED COST ESTIMATE: *(Round all estimates to nearest even dollar)*

Item No.	Item	Contract Cost	Force Account Cost	Total Estimated Cost
1.	Program Open Space Acknowledgment Sign			
2.	Staff salaries			25,000.00
	Total Development Costs			25,000.00

11. LOCAL GOVERNMENT AUTHORIZATION

As the authorized representative of this Political Subdivision, I have read the terms of the "Project Agreement and General Conditions" of the Program Open Space (POS) Grants Manual and I agree to perform all work in accordance with the Manual, POS Law and Regulations, and with the attachments included herewith and made a part hereof.

Thomas V Overton 3/22/99

(Signature) Thomas V. Overton, Director

Readafile

dge John C. 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

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

RE: Greater Baltimore Tech Development Center Parking Lot: Local Case No. 001056

Dear Mr. Stuart:

The Critical Area Commission staff has reviewed the above project and has determined that the project is consistent with the local Critical Area Program. If there are any questions, pertaining to the above, please feel free to call me (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regin Esslinger
BA 126-99

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 29, 1999

Mr. Bob Cuthbertson
Tidal Wetlands Division
Maryland Dept. Of the Environment
2500 Broening Highway
Baltimore, Maryland 21224

RE: Living Classrooms Foundation
Permit # 99-WL-1149

Dear Mr. Cuthbertson:

The Critical Area Commission understands that The Living Classrooms Foundation is requesting permit approval for a proposal to construct a concrete floating pier and a concrete boat ramp with crushed stone within the 100-foot Buffer for navigational access. Since the above project is considered a water dependent facility, this office does not oppose the above project. The proposed development will require Critical Area review.

If you have any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
Joint Public Permit File

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

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

TRANSACTION REPORT

APR-01-99 THU 02:00 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
APR-01	01:58 PM	94106318047	42″	2	SEND	OK	685	

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor
Annapolis, MD 21401

PH: (410 260-7516 FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Bob Cuthbertson FAX: (410) 631-3047

COMPANY: MDE (Tidal wetlands)

FROM: Dawn McCleary NUMBER OF PAGES SENT: 2

DATE: 5/1/99 TIME:

REMARKS:

Any questions, Please feel free to call me.

readerfile

Judge John C. 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

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

RE: City of Annapolis Chrisland Annexation

Dear Mr. Torney:

In order to review the recent Crisland Annexation, this office needs the following information:

1) A letter formally requesting a program change to the City's Critical Area maps;

2) A copy of the City's resolution that addresses the annexation;

3) A statement outlining that the land consisted of 13 acres of Limited Developed Area (LDA) and 43 acres of Resource Conservation Area (RCA) prior to annexation and that there is no change in the proposed area. The exact acreage of the RCA and LDA areas should be included; and,

5) A brief explanation of why the property is being annexed (e.g., water and sewer, a proposed development project, etc.).

This office will review and provide comments on the proposed annexation once it has been received. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Regina Esslinger

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

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor
Annapolis, MD 21401

PH: (410 260-7516 FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

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

COMPANY: City of Annapolis P+Z

FROM: Dawn McCleary NUMBER OF PAGES SENT: _____

DATE: 3/30/97 TIME: _____

REMARKS:

TRANSACTION REPORT

MAR-30-99 TUE 06:01 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAR-30	06:00 PM	94102631129	40″	2	SEND	OK	670	

Reader file

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 29, 1999

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

RE: Westin Hotel Inner Harbor
Local Case No.: 000903

Dear Mr. Stuart:

This letter is to inform your office that the Critical Area Commission staff has reviewed the above project. This office has determined that the project is consistent with the local Critical Area Program. If there are any questions pertaining to the above, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 342-98

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

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

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

PH: (410 260-7516 FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Duncan Stuart FAX: (410) 244-7358

COMPANY: Balto. Dept. of Planning

FROM: Dianna McCleary NUMBER OF PAGES SENT: 2

DATE: 3/30/99 TIME: 0

REMARKS:

TRANSACTION REPORT

MAR-31-99 WED 01:33 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAR-31	01:14 PM	94102447358	38″	2	SEND	OK	678	

Judge John C. 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. Jeff Torney
Planner
Duke of Gloucester Street
Annapolis, Maryland 21401

RE: C.D. Meekins at 1 Stephan Point

Dear Mr. Torney:

The applicant's proposal to add a second road will require a variance because it appears to impact the expanded Buffer. This office will not support a variance for a second access road on steep slopes and within the expanded Buffer.

In order to review the variance application, this office will need the following information:

1) A revised site plan showing the expanded Buffer;

2) The amount of impervious surfaces for all three lots; and,

3) The amount of proposed forest clearing for the access road. All variance applications must come in our office for Critical Area review.

Please forward all additional information to this office. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Regina Esslinger
AN 83-99

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor
Annapolis, MD 21401

PH: (410 260-7516 FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

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

COMPANY: City of Annapolis

FROM: Dawn McCleary NUMBER OF PAGES SENT: 2

DATE: 4/21/99 TIME:

REMARKS: another copy for your file.

TRANSACTION REPORT

APR-21-99 WED 04:18 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
APR-21	04:17 PM	94102631129	39″	2	SEND	OK	797	

Judge John C. 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 10, 1999

Ms. Crystal Porter
Board of Zoning Appeals
Caroline County P & Z
P.O. Box 207
Denton, MD 21629

RE: Richard Breeding: 99-14 V

Dear Ms. Porter:

This letter is in reference to the applicant's request for a variance to place a well within the 100-foot Buffer. This office does not oppose the placement of the well within the 100-foot Buffer. This office recommends that the disturbed area be mitigated at a 3:1 ratio with native 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 variance. Please notify the Commission in writing of the decision made on this case.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Laurie Schmick
Regina Esslinger
CR 103-99

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

TRANSACTION REPORT

MAR-10-99 WED 05:55 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAR-10	05:48 PM	914104794187	1'14"	2	SEND	OK	586	

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Attman Glazer Building
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Crystal Porter FAX: (410) 479-4182

COMPANY: Caroline Co. Zoning Appeals NO. PAGES: 2

FROM: Dawn McCleary

DATE: March 10, 1999 TIME: _____ a.m. p.m.

(circle one)

COMMENTS:

FAX

If all pages do not transmit, please contact us at (410) 260-7516. FAX: (410) 974-5338.

\FORMS.SMB

Judge John C. North, II
Chairman

Header file

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

Ms. Crystal Porter
Caroline County Board of Zoning Appeals
P.O. Box 207
Denton, Maryland 21629

RE: Stephen & Kathleen Ridgell
Variance: 99-11SE

Dear Ms. Porter:

This office received a request for the applicant to construct an accessory dwelling on their property within the Limited Development Area. There are no Critical Area issues pertaining to this project. After reviewing the above project, this office has determined that the above project is consistent with the County's Critical Area Program.

If there are any questions pertaining to the above project, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Lori Schmick
Regina Esslinger
CR 64-99

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

Reader file

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 11, 1999

Ms. Crystal Porter
Caroline County Board of Zoning Appeals
P.O. Box 207
Denton, Maryland 21629

RE: Bruce & Diana Vincent
Variance: 99-09V

Dear Ms. Porter:

This office received a request for the applicant to construct a dwelling which would be located closer to the front property line than the minimum required setback. This variance is to prevent the encroachment within the perennial stream buffer located on the lot. After reviewing the County's revised zoning code, this office has determined that the proposed project is consistent with the current County's zoning ordinance and Critical Area Program.

If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Lori Schmick
Regina Esslinger
CR 63-99

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Attman Glazer Building
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Crystal Porter FAX: (410) 479-4187

COMPANY: Caroline Co. PTZ NO. PAGES: 3

FROM: Dawn McCleary

DATE: Feb. 11, 1999 TIME: _____ a.m. p.m.

(circle one)

COMMENTS:

FAX

If all pages do not transmit, please contact us at (410) 260-7516. FAX: (410) 974-5338.

\FORMS.SMB

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Attman Glazer Building
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Donald Bautz FAX: (410) 939-~~3692~~ 7632

COMPANY: Maure de Grace NO. PAGES: 2

FROM: DAWN McCleary

DATE: Feb. 10, 1999 TIME: _____ a.m. p.m.

Feb. 11, 1999 - received 1st did not go through (circle one)

COMMENTS:

FAX

If all pages do not transmit, please contact us at (410) 260-7516. FAX: (410) 974-5338.

\FORMS.SMB

Reade file

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 8, 1999

Mr. Donald Bautz
Code Administrator
Havre de Grace
Department of Planning
711 Pennington Ave
Havre de Grace, Maryland 21078

RE: Conquest Point Restaurant Project

Dear Mr. Bautz:

After reviewing your February 4, 1999 letter, this office concurs with the City's explanation of the special Critical Area Tax District and the 10% Rule. This office also understands that the total impervious surface for the restaurant, lot and adjoining entrance lot will be 72.4 %.

Please submitted to this office before the next scheduled Planning Commission meeting a copy of the revised site plan for review. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Stan Ruclewicz
Regina Esslinger
HG 371-98\524-90

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

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

TRANSACTION REPORT

FEB-10-99 WED 04:03 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
FEB-10	03:57 PM	914109393692	1'11"	2	SEND	OK	472	

1st fax

P.01

TRANSACTION REPORT

FEB-11-99 THU 03:59 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
FEB-11	03:57 PM	914109397632	1'09"	2	SEND	OK	480	

2nd time faxed

Reader file

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 8, 1999

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

RE: Crouse Park Improvement
DNR Clearinghouse Review of Local
POS Project # 3524-5-110

Dear Mr. Dehart:

The Critical Area Commission staff understands that POS money will be used to widen a boat ramp within the park. If any development activity is proposed within the Critical Area, this office would like to review the proposed site plan for the boat ramp during the preliminary plan review process.

If there are any questions pertaining to the above, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Lori Schmick
Regina Esslinger

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

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Attman Glazer Building
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Marti Sullivan / Grant Dettant FAX: 260-8404

COMPANY: Program Open Space NO. PAGES: 2

FROM: Dawn McCleary

DATE: Feb. 10, 1999 TIME: _____ a.m. p.m.

(circle one)

COMMENTS:

FAX

If all pages do not transmit, please contact us at (410) 260-7516. FAX: (410) 974-5338.

\FORMS.SMB

TRANSACTION REPORT

FEB-10-99 WED 04:15 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
FEB-10	04:14 PM	94102608404	35″	2	SEND	OK	475	

Reader file

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

MEMORANDUM:

TO: David Stewart, Project Manager for STV

DM

FROM: Dawnn McCleary, Natural Resources Planner

DATE: February 8, 1999

RE: Response to the 2\4\99 Dundalk Marine Terminal Fax Transmission

Below are answers to the fax that was sent by your office. They are as follows:

1. For item number 1, this office can review 10% Rule worksheets, site plans, etc. during the preliminary review;

2. For item number 3, the name and phone number for the Baltimore County Critical Area representative is: Pat Farr, Department of Environmental Protection and Resource Management at (410) 887-3980;

3. For item number 5, the 10% calculations are to be done within the 1,000 foot line if there is an increase in impervious surface that is over 250 square feet;

4. For number 6, Commission staff will have to review the extension of marginal wharves because it is considered a water dependent facility. According to the site plans of the proposed wharf, there will not be a change in the 100-foot Buffer; and,

5. For the 1,000 foot line, please make sure that the 1,000 foot line is measured using the State 1972 tidal wetland maps which are located within the Maryland Dept. Of the Environment's (MDE) Tidal Wetlands Division. Baltimore City and Baltimore County Planning offices also have accurate Critical Area maps.

Please note, there is no formal agreement with the Maryland Department of the Environment (MDE) and Critical Area Commission to review all Maryland Port Administration 10% Rule projects. This office recommends that Critical Area information such as the 100-foot Buffer, 1,000 Critical Area and the 10% calculations be added to the Stormwater and Sediment Erosion plans for review by MDE.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Attman Glazer Building
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: David Stuart FAX: (410) 298-2794

COMPANY: STV NO. PAGES: 2

FROM: DAWN McCleary

DATE: Feb. 10, 1999 TIME: _____ a.m. p.m.

(circle one)

COMMENTS:

FAX

If all pages do not transmit, please contact us at (410) 260-7516. FAX: (410) 974-5338.

\FORMS.SMB

TRANSACTION REPORT

FEB-10-99 WED 05:06 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
FEB-10	05:05 PM	94102982794	40"	2	SEND	OK	477	

CLEARINGHOUSE REVIEW

January 27, 1999

RECEIVED
JAN 29 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

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

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

SUBJ: DNR Clearinghouse Review of Local POS Project #3524-5-110
Crouse Park Improvements - Caroline County

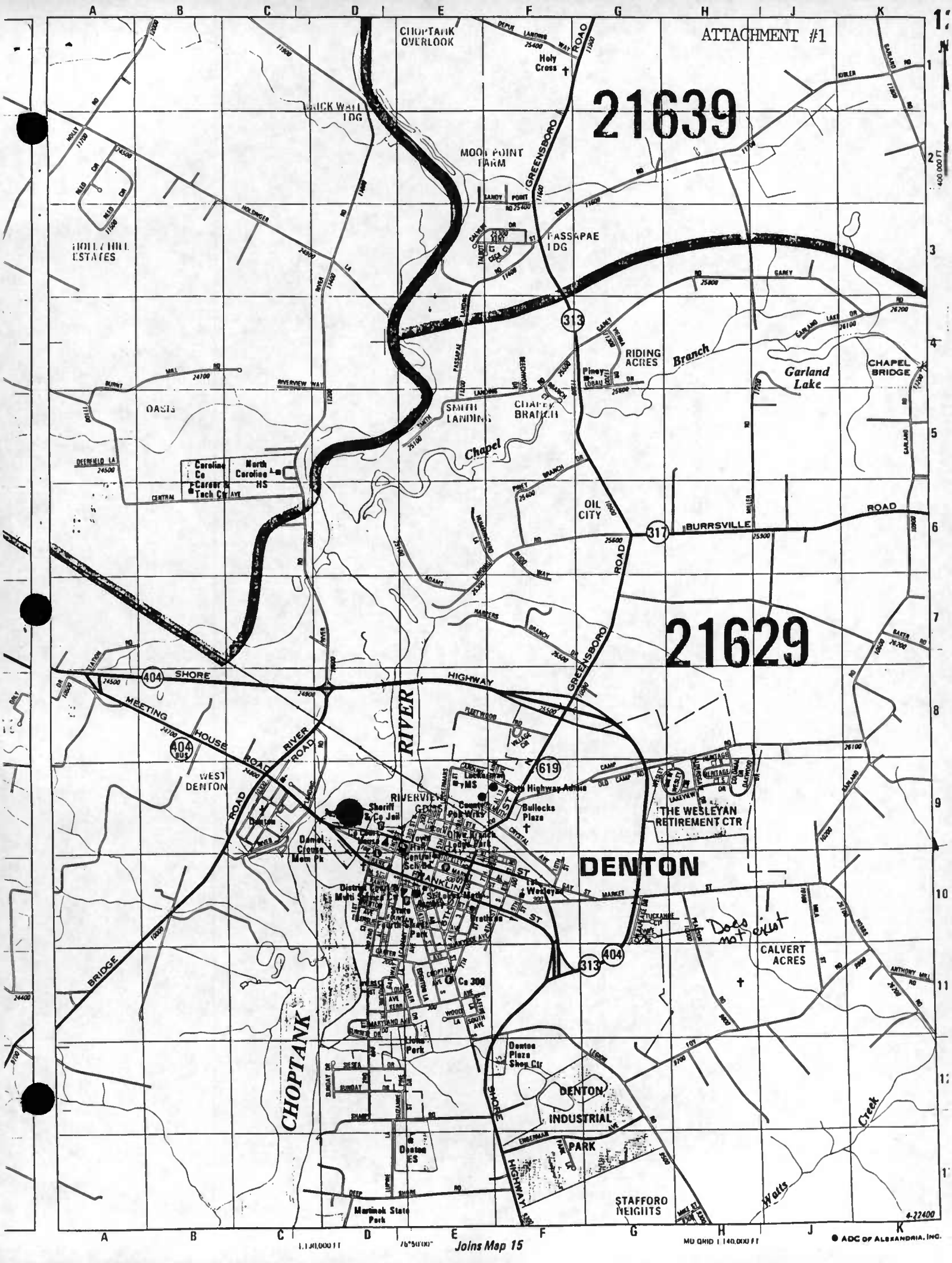
This project proposes improvements to Crouse Park which include: widening the boat ramp, upgrading the basketball court, restrooms and pavilion.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by February 10, 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL	CHECK	INITIAL
1. The project does not conflict with the plans, programs or objectives of this Agency.	✓	2/9/99 DN
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	____	_____
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	____	_____

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

ATTACHMENT #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

February 2, 1999

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

Dear Mr. Torney:

The purpose of this letter is to inform you that Section 21.67.060 (E)(2) of the City's Zoning Ordinance Critical Area Overlay which states that "new construction on recorded lots, under the grandfathering provisions of Section 21.67.120, shall be designed and sited in such a fashion that disturbance to the Buffer required under this chapter is minimized" must also include the requirement for a variance, as specified by the Critical Area Criteria. Any new development proposed on grandfathered lots or parcels within the 100-foot Buffer must be granted.

This office recommends that Section 21.67.060 (E)(2) be rewritten during the Comprehensive Review to reflect that a variance will be needed for new development within the 100-foot Buffer.

If there are any questions pertaining to the above, please feel free to call me (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Regina Esslinger
Micell

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

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

TRANSACTION REPORT

FEB-04-99 THU 11:21 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
FEB-04	11:20 AM	94102631129	42"	2	SEND	OK	435	

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Attman Glazer Building
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

FACSIMILE TRANSMITTAL

TO: Jeff Tornell FAX: (410) 263 - 1129

COMPANY: Annapolis P+Z NO. PAGES: 2

FROM: DAnne McCleary

DATE: Feb. 4, 1999 TIME: _____ a.m. p.m.

(circle one)

COMMENTS:

FAX

If all pages do not transmit, please contact us at (410) 260-7516. FAX: (410) 974-5338.

\FORMS.SMB

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

January 28, 1999

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

RE: Caroline Street Reconstruction

Dear Mr. Stuart:

The Critical Area Commission staff has reviewed the above project and has determined that the project is consistent with the local Critical Area Program. If there are any questions pertaining to the above, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 632-98

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

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor
Annapolis, MD 21401

PH: (410 260-7516 FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Duncan Stuart FAX: (410)

COMPANY: Balto. Planning Dept.

FROM: Dawn McCleary NUMBER OF PAGES SENT: 2

DATE: 1/29/99 TIME:

REMARKS:

TRANSACTION REPORT

JAN-29-99 FRI 03:13 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JAN-29	03:09 PM	94102447358	37″	2	SEND	OK	408	

RECEIVED

JAN 14 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

CLEARINGHOUSE REVIEW

January 6, 1999

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

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

SUBJ: DNR Clearinghouse Review of Local POS Project #3519-5-109
Wheeler Park Acquisition - Caroline County

This project proposes the acquisition of 3.7 acres of waterfront property on the Choptank River as the original purchase for Wheeler Park.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by January 20, 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL	CHECK	INITIAL
1. The project does not conflict with the plans, programs or objectives of this Agency.	✓	DM 1/14/99
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	____	_____
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	____	_____

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

Wheeler Park Acquisition/Map
Town of Denton
DNR Bay Access Fund

DEPT. OF ASSESSMENTS & TAXATION
PROPERTY MAP DIVISION

THIS INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM DEED DESCRIPTIONS AND IS NOT AN ACTUAL SURVEY. IT SHOULD NOT BE USED FOR LEGAL DESCRIPTION PURPOSES. BOUNDARIES ARE UPDATED TO NOTIFY THE ABOVE AGENCY.

PROPERTY LINE
SUB DIVISION BOUNDARY
CONTINUING OWNERSHIP — Z 1 E
PARCEL NUMBER — P 348 (ASSIGNED TO 101 [illegible])

SCALE: 1" = 200'

REVISED TO	DATE	LIBER	BY	AERIAL PHOTO
	NOV. '92	251		

Reader

dge John C. 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 13, 1999

Mr. Mark C. Kreafle, P.E.
Senior Project Design Engineer
Maryland Port Administration
Maritime Center II
2310 Broening Highway
Baltimore, MD 21224-6621

RE: MPA Contract No. 599914 (Formerly 597935)
Crane Maintenance Building Relocation @
Seagirt Marine Terminal

Dear Mr. Kreafle:

On January 6, 1999, the Chesapeake Bay Critical Area Commission Project Evaluation Subcommittee re-evaluated the minor changes on the location of the Crane Maintenance building. The proposal to relocate the building will better utilize terminal space and the building will have less Buffer intrusion. The subcommittee has determined that this project is consistent with the COMAR 27.02.05.

If there are any questions pertaining to the above, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Doug Matzke
Michael Hild
Regina Esslinger
DOT-MPA (4/97)

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

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

PH: (410) 974-2426 FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Mark Krenfle, P.E. FAX #: (410) 631-1140

COMPANY: MD Port Administration

FROM: Dawn McCleary NUMBER OF PAGES SENT: 2

DATE: January 15, 1999 TIME:

REMARKS:

FAX

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

TRANSACTION REPORT

JAN-15-99 FRI 02:16 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JAN-15	02:12 PM	94106311140	1'13"	2	SEND	OK	324	

Reader

dge John C. 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 13, 1999

Mr. Duncan Stuart
Environmental Planner
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Essex Street Townhouses
2111-2117 Essex Street (000968)

Dear Mr. Stuart:

This office informed you on several occasions that the 10 % calculations for Worksheet A figures were wrong. Please resubmit Worksheet A as soon as possible. Please forward the revised worksheet to this office for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 597-98

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

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

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

PH: (410) 974-2426 FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Duncan Stuart FAX #: (410) 244 - 7358

COMPANY: Balto. Planning Dept.

FROM: Dawn McCleary NUMBER OF PAGES SENT: _____

DATE: January 15, 1999 TIME: _____

REMARKS:

FAX

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

Readfile

Judge John C. 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 11, 1999

Ms. Pat Pudelkewicz
Chief of Environmental Planning
Harford County P & Z
220 South Main Street
Bel Air, Maryland 21014

RE: Flying Point Marina
Mapping Mistake and
Buffer Exemption Refinement

Dear Ms. Pudelkewicz:

On January 6, 1999, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination to approve Harford County's request for a refinement to amend the County's Critical Area program. The purpose of the request is to correct a mapping mistake at Flying Point Marina and to designate a portion of the island as Buffer Exempt. The mapping mistake changes the designation of the island from RCA to IDA.

In reference to the Buffer Exemption Area designation of the island, this office supports the County's designation of the island as Buffer Exempt because it is a relatively small, undeveloped parcel surrounded by intense development, most of the surrounding area is Buffer Exempt, and the existing pattern of commercial, residential, and water dependent development on the marina property generally prevents the Buffer from fulfilling its water quality and habitat functions.

If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Mary Owens

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

dge John C. 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

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

RE: Swan Harbor Farm Development
DNR Clearinghouse Review of Local
POS Project # 3509-12-163 - Harford County

Dear Mr. Dehart:

The Critical Area Commission staff understands that POS money will be used to develop a 467 acre park with a nature trail and scenic overlook at Swan Harbor Farm. If any development activity is proposed within the Critical Area, this office would like to review the proposed site plan for the nature trail and overlook during the preliminary plan review process.

If there are any questions pertaining to the above project, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Bill Nicodemus
Regina Esslinger

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

dge John C. 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

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

RE: Swan Harbor Farm Development
DNR Clearinghouse Review of Local
POS Project # 3509-12-163 - Harford County

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If there are any questions pertaining to the above project, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Bill Nicodemus
Regina Esslinger

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

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

PH: (410) ~~974-2426~~ 260-7072 FAX: (410) 974-5338

FACSIMILE TRANSMITTAL

TO: Marti Sullivan FAX #: (410) 260-8404

COMPANY: Program Open Space, DNR

FROM: Dennis McCleary NUMBER OF PAGES SENT: ~~8~~ 7+2

DATE: January 7, 1999 TIME:

REMARKS:

Any questions, please feel free to call me at 260-7072 (410).

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

CLEARINGHOUSE REVIEW

RECEIVED

DEC 15 1998

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

December 9, 1998

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

H.G.D.

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

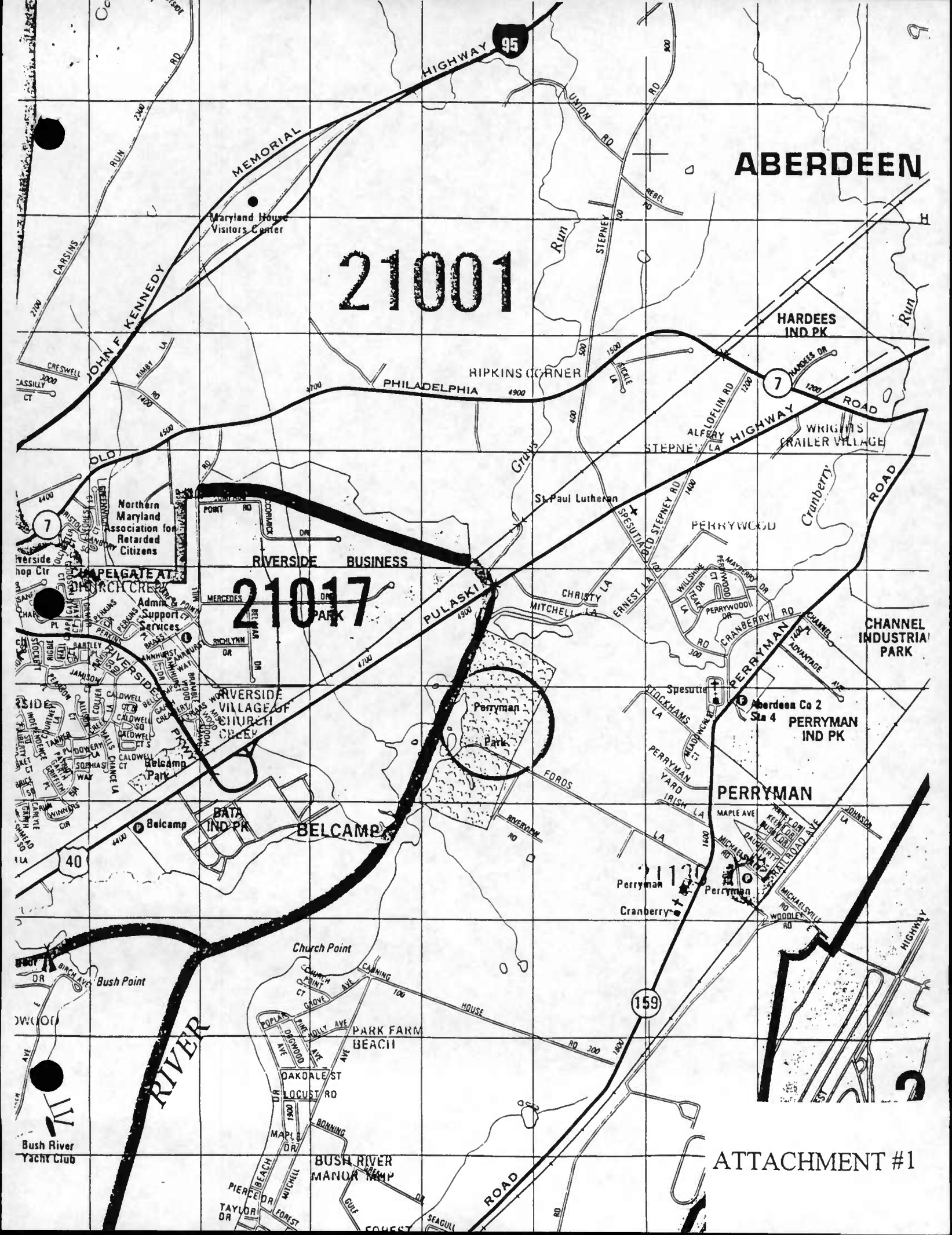
SUBJ: DNR Clearinghouse Review of Local POS Project #3513-12-164
Perryman Park Development - Harford County

This project proposes to construct a nature trail and scenic overlook at Perryman Park.

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

CHECK ONE AND INITIAL	CHECK	INITIAL
1. The project does not conflict with the plans, programs or objectives of this Agency.	____	_____
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	✓	DM 1/5/99
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	____	_____

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



ATTACHMENT #1

Read file

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

January 5, 1999

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

RE: Swan Harbor Farm Development
DNR Clearinghouse Review of Local
POS Project # 3509-12-163 - Harford County

Dear Mr. Dehart:

The Critical Area Commission staff understands that POS money will be used to develop a 467 acre park with a nature trail and scenic overlook at Swan Harbor Farm. If any development activity is proposed within the Critical Area, this office would like to review the proposed site plan for the nature trail and overlook during the preliminary plan review process.

If there are any questions pertaining to the above project, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Bill Nicodemus
Regina Esslinger

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

CLEARINGHOUSE REVIEW

RECEIVED
DEC 15 1998
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

December 9, 1998

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

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

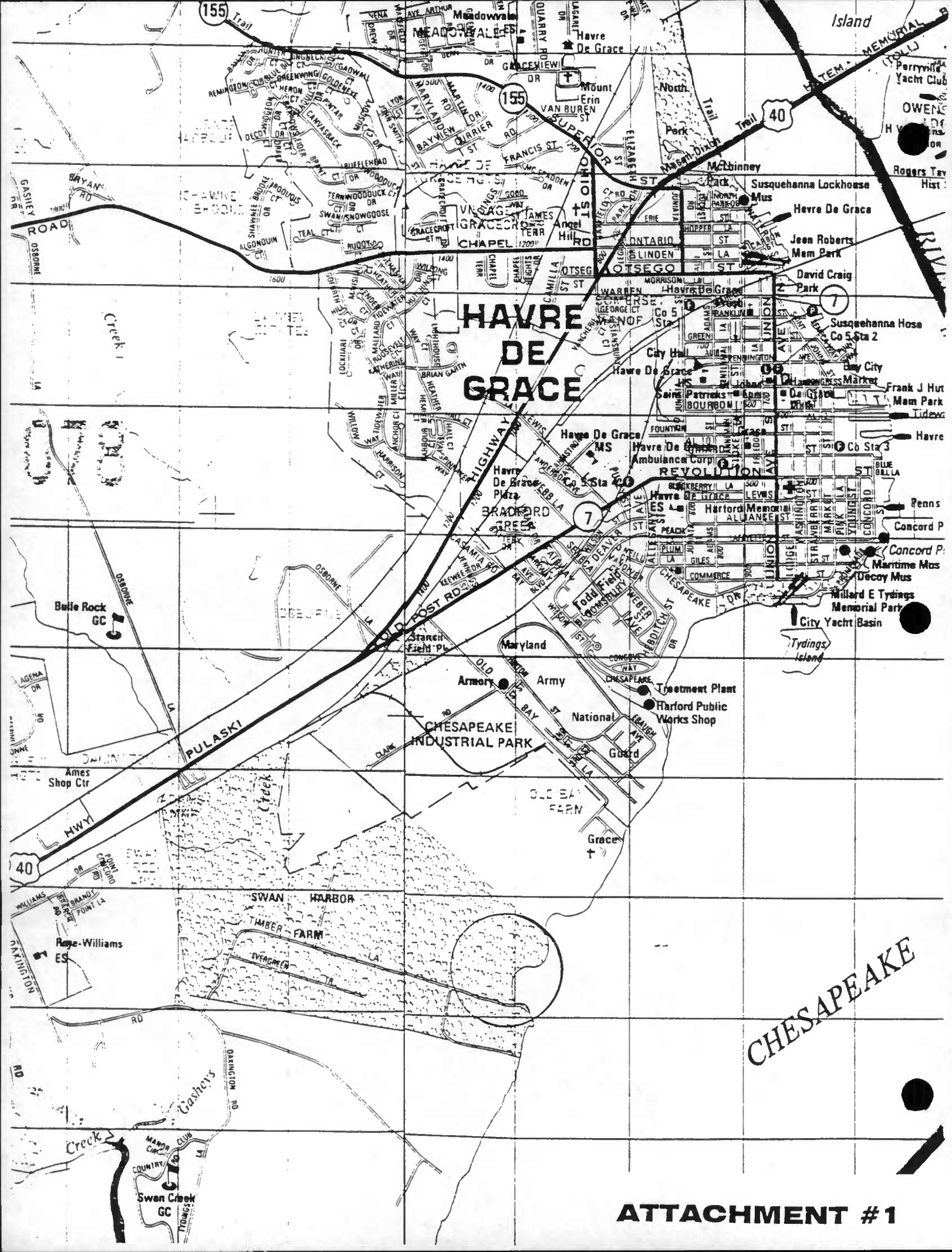
SUBJ: DNR Clearinghouse Review of Local POS Project #3509-12-163
Swan Harbor Farm Development - Harford County

This project proposes to develop this 467 acre park with a scenic overlook and a nature trail on the Swan Harbor Farm site.

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

CHECK ONE AND INITIAL	CHECK	INITIAL
1. The project does not conflict with the plans, programs or objectives of this Agency.	____	_____
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	✓	January 5, 1999 DM
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	____	_____

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



ATTACHMENT #1

Read 6/6

Judge John C. 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

Mr. H. Grant DeHart
Program Open Space
Dept. Of Natural Resources
580 Taylor Ave E-4
Annapolis, Maryland 21401

RE: Perryman Park Development -
DNR Clearinghouse Review of Local
POS Project # 3513 -12-164 - Harford County

Dear Mr. Dehart:

The Critical Area Commission staff understands that POS money will be used to construct a nature trail and scenic overlook at Perryman Park. If any development activity is proposed within the Critical Area, this office would like to review the proposed site plan for the nature trail and overlook during the preliminary plan review process.

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

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Bill Nicodemus
Regina Esslinger

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

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

TRANSACTION REPORT

JAN-07-99 THU 10:15 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JAN-07	10:11 AM	94102608404	2′43″	7	SEND	OK	288	

Regina

CLEARINGHOUSE REVIEW

December 23, 1998

RECEIVED
JAN 4 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

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

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

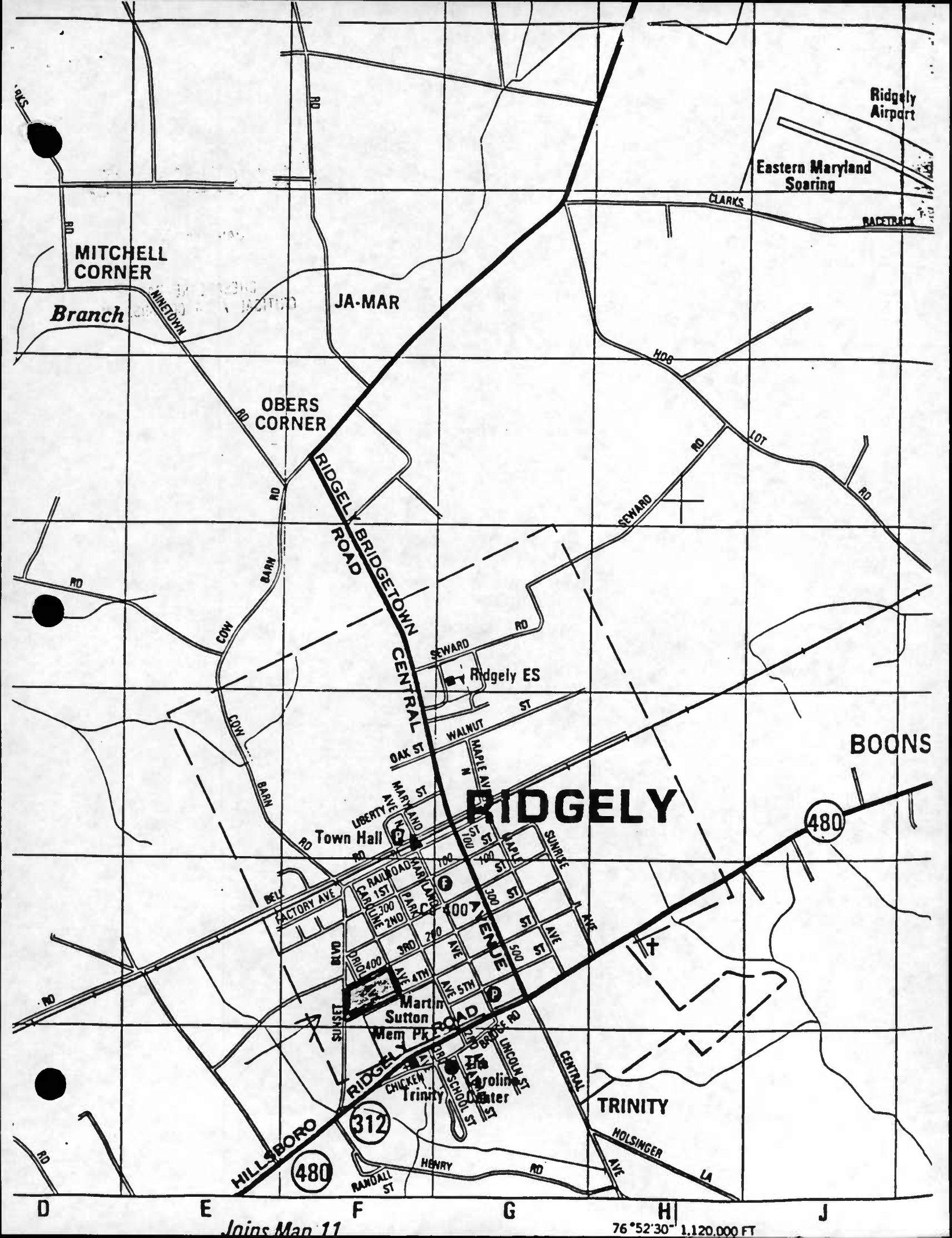
SUBJ: DNR Clearinghouse Review of Local POS Project #3516-5-108
Martin Sutton Park Walking/Jogging Trail - Caroline County

This project proposes the construction of a walking/jogging trail around the existing memorial park. The trail will also have fitness stations strategically located along its length.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by January 7, 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL	CHECK	INITIAL
1. The project does not conflict with the plans, programs or objectives of this Agency.	✓	1/7/98 DM
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.	____	_____
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.	____	_____

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


Ridgely Airport
Eastern Maryland Soaring
CLARKS
RACETRACK
MITCHELL CORNER
Branch
NINETOWN
JA-MAR
HOG
OBERS CORNER
RIDGELY BRIDGETOWN ROAD
CENTRAL
LOT
SEWARD
COW BARN
Ridgely ES
WALNUT
OAK ST
MAPLE AVE
BOONS
RIDGELY
480
Town Hall
LIBERTY AVE
MARYLAND
RAILROAD
FACTORY AVE
CAROLINE
PARK
AVENUE
SUNRISE
Martin Sutton Mem Pk
RIDGELY ROAD
LINCOLN ST
CHICKEN
Trinity
Caroline Center
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HENRY
RANDALL ST
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TRANSACTION REPORT

JAN-07-99 THU 01:32 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JAN-07	01:31 PM	94102608404	1'13"	3	SEND	OK	293	

Staff Correspondence: Lisa January - June 1999 S1832-142-3

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

June 22, 1999

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

Re: Bill 104-97: The Chesapeake Bay Critical Area and Wetlands
Four Year Comprehensive Review

Dear Mr. Burkins:

At your request, I am writing this letter to answer you questions regarding an immediate building permit request and clarify the status of Bill 104-97. Subsequent to our telephone conversation last week, it appears certain sections of this bill were incorporated into the Anne Arundel County Zoning Ordinance. While Bill 104-97 was passed by the County Council, it has not received final approval by the Chesapeake Bay Critical Area Commission. A local jurisdiction may not incorporate any amendment(s) to its program without first receiving notice from the Commission that the amendments(s) were approved [Natural Resources Article §8-1809 (o)(2)]. This includes the provision that addresses modifications to accommodate the physically challenged.

Therefore, the language from Bill 78-95 that applies to accommodations for the physically challenged is the proper language that is currently valid in your ordinance until or unless Bill 104-97 is approved by both the County Council and the Commission. It is my understanding the County will be resubmitting Bill 104-97 to the County Council later this summer and that it will not include a provision that addresses accommodation of the physically challenged.

In regard to the immediate building permit request, it is my understanding the proposed deck to access the dwelling will not necessitate a variance or otherwise be noncompliant with the County's Critical Area Program; therefore this office has no comment regarding the issuance of the building permit.

Thank you for your patience and cooperation with this matter. Please telephone me if you have any further questions or if I can be of assistance.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: Elinor Gawel

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

e John C. 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 17, 1999

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

Re: Knapps Narrows Marina, Inc. - # 1099

Dear Ms. Renshaw:

Thank you for forwarding the above-referenced case that requests a special exception to allow an inn in a VC zone, and a variance to intrude into the 100-foot Buffer. Regarding the special exception request, it appears this use is consistent with the County's Comprehensive Plan. In regard to the variance to intrude into the 100-foot Buffer, we do not oppose the request for the following reasons:

1) We are in receipt of your letter dated June 14, 1999 which explains the County's intent to establish a Buffer Exemption Area(BEA) in Talbot County. This letter states that the subject property is preliminarily mapped as a BEA. Since the existing structures are within 25-feet of the shoreline, the proposed site appears consistent with the established pattern of development. We have visited the site and concur that it appears to qualify for BEA status.

2) The area that is proposed to accommodate the inn is completely impervious with the exception of a narrow strip of grass that runs parallel to the bulkhead.

3) While there is room outside of the 100-foot Buffer from the boat basin and Back Creek, siting the inn in this location would site parking within the 100-foot Buffer and closer to mean high water.

If the variance is granted, we recommend the following conditions:

1) That impervious areas on both sides be removed and reestablished in native vegetation.

2) As the applicant suggested, and we concur, that a berm on the boat basin side of the Buffer be established and planted in native Buffer vegetation. This could serve several purposes. It will create a natural Buffer area and will divert stormwater flows away from directly entering the boat basin.

3) Presently the impervious area closest to Back Creek is utilized as a boat maintenance area. We recommend siting these operations elsewhere in order to re- establish some of this area in native Buffer vegetation.

4) The applicant demonstrate that runoff leaving the site will provide more than adequate water quality and quantity treatment before entering tidal waters.

5) That overall, there will be a net decrease in impervious areas on the site, and that those areas established as pervious be vegetated with native species.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: TC 263-99

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

June 17, 1999

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

Re: North Selby, Lots 37, 38, 71 - S #92-003, P # 99-121

Dear Ms. Chalkley:

I have received the above-referenced subdivision request to combine three lots into two lots in the Resource Conservation Area. My comments and recommendations are outlined below.

1) The Environmental Report and the letter from the Heritage Division of the Department of Natural Resources are dated August 1996. The County should verify this information is an accurate description of current site conditions.

2) Based on this information, it appears all three lots are within a nontidal wetland. The County's Critical Area Program will necessitate a variance for disturbance to this wetland and its 25-foot buffer.

3) The applicant should be seeking permit approval from the Maryland Department of the Environment, Nontidal Wetlands Division for disturbance to the nontidal wetland.

4) We recommend the applicant combine all three lots into one building lot to minimize impacts to this nontidal wetland and minimize clearing and impervious areas in this sensitive area.

5) Adequate stormwater and sediment and erosion control devices shall be provided before, during and after construction.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 319-99

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

June 11, 1999

Ms. Lillian Lord
100 North Morris Street
P.O. Box 339
Oxford, Maryland 21654

Re: Robert E. Street & Patricia A. Stevens
99-001

Dear Ms. Lord:

Thank you for forwarding the above-referenced request to allow greater than 15% impervious surface on a 1.48 acre lot. Normally, this office opposes applications to exceed the 15% impervious surface limitations on new undeveloped lots over one half acre. It is our understanding that when the property was developed, a mistake was made concerning the allowable limitations, however that mistake was not realized until after the development was completed.

In this case our office does not oppose the request, however we will oppose any increase to the impervious surface limitations of this property in the future as it exceeds allowable limits. We encourage the property owner to reduce impervious surfaces where possible.

Finally we understand this lot is, or will soon be, on the real estate market. Prospective homeowners should understand this lot already exceeds its impervious surface limitations and consequently, this office will oppose any future expansions.

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

Sincerely,

Lisa A. Hoerger
Planner

cc: OX 312-99

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

June 9, 1999

Mr. Daniel R. Cowee
Talbot County Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Tred Avon Farm, Inc.- Growth Allocation Request
Tax Map 42, Grid 2, part of Parcel 279

Dear Mr. Cowee:

Thank you for forwarding the information regarding the subdivision history of the above-referenced parcel. It is our assumption that these documents are accurate and that since the two dwellings existed prior to the adoption of the Critical Area Law, the County acted properly in allowing the lot line that separates lot one from the remaining area of the parcel to be drawn and recorded in 1990 under the non-conforming section of the Talbot County Zoning Ordinance. Therefore, this lot did not require growth allocation since subdivision around existing dwellings is permitted in the Resource Conservation Area.

I will recommend to Chairman North that the remaining two lots considered for a growth allocation from Resource Conservation Area to Limited Development Area be reviewed as a refinement as they constitute one development envelope and there will be a twenty-acre residue. Also, the request appears to comply with the other provisions of the Commission's Growth Allocation Policy. If the Chairman agrees, the Critical Area Commission will act upon this refinement at its July meeting. I will notify you of its decision.

Thank you for assistance in this matter. Please telephone me if you have questions or comments regarding this process.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: Talbot County Refinement File

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

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

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

June 8, 1999

Robert F. Karge, Town Clerk
Town of Easton
P.O. Box 520
Easton, Maryland 21601

Re: Resolution No. 5646

Dear Mr. Karge:

The Critical Area Commission received notice that the Town of Easton has annexed 73.674 acres of land under Resolution No. 5646. According to the Town of Easton's Critical Area map, this land is not within the Chesapeake Bay Critical Area. Therefore, no further action on the part of the Chesapeake Bay Critical Area Commission is necessary.

Thank you for providing notice of this annexation. If you have any questions, or if I can be of assistance in any way please do not hesitate to contact me at (410) 260-7516.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: Mr. Tom Hamilton
Mr. Lynn Thomas
Mr. Dan Cowee

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 4, 1999

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

Re: B. & G. Custom Homes
1999-0229-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a deck that will require less setbacks and Buffer. This office has no comment regarding the setback issue. We do not oppose the variance for the deck provided mitigation is prescribed at a 3:1 ratio of native species for any new disturbance.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 296-99

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 4, 1999

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

Re: Belle Grove/Jones Property
S #99-059, P #99-108

Dear Mr. Soldano:

I have received the above-referenced request to permit an intrafamily transfer. Before I can offer more substantive comments, I will need a site plan and clarification regarding the acreage of the parcel in the Critical Area, including the breakdown between the Limited Development Area and the Resource Conservation Area. The environmental report was confusing regarding these details.

As soon as I receive this information I can provide you with comments. Thank you for your assistance.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 291-99

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 4, 1999

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

Re: Bray Property/Shoreland Plat
S 86-055, P 99-107

Dear Ms. Krinetz:

I have received the above-referenced request to subdivide an existing lot into two lots. It appears very little or no new development will occur inside the Limited Development Area of the Critical Area, therefore this office has no objection to the requested subdivision. We recommend a plat note appear to alert future homeowners to the impervious surface limitations on the portion of each lot that is within the Critical Area. Also, adequate sediment and erosion control and stormwater management should be provided.

Thank you for the opportunity to comment. Please telephone me if you have questions or if I can offer additional assistance.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 291-99

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 4, 1999

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

Re: B.K. Wesley & Chardell Copeland
1999-0225-V

Dear Mr. Dooley:

I have received the above-referenced request to permit additions to an existing dwelling that will require less setbacks. This office has no comment regarding the setback issue. Mitigation at a 1:1 ratio of native species should be required if any new clearing will occur as a result of construction.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 293-99

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
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Executive Director

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June 4, 1999

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

Re: Steve Washington & James Felix
1999-0226-V, 1999-0227-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a dwelling that will require less setbacks and Buffer. This office offers no comment regarding the setback issue. Provided this lot is properly grandfathered, we do not oppose a dwelling on this lot. The County should consider having the applicant combine his lots since they are adjacent to minimize impacts to the Buffer. In any case, the applicant should configure the dwelling(s) to minimize the variance to the 100-foot Buffer. Also, mitigation at a 3:1 ratio with native species is recommended for all new disturbances to the Buffer.

The environmental report accompanying this application indicated that impervious coverage will not exceed 25%. These lots are limited to 5,445 square feet of impervious coverage. A note on the plat would alert future homeowners to this limitation. Also, a note should be added to the plat so that future homeowners will be aware of the 100-foot Buffer and that no clearing or accessory structures are permitted within the Buffer.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

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

e John C. North, II
Chairman

Ren Serey
Executive Director

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June 3, 1999

Mr. Daniel R. Cowee
Planning Officer
Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Bill No. 701 - Reasonable Accommodation for Disabled Citizens

Dear Mr. Cowee:

At its meeting on June 2, 1999, the Chesapeake Bay Critical Area Commission, at the recommendation of the five-member Commission panel, voted to deny the County's request to incorporate Bill No. 701 into the County's Critical Area Program. The basis for this denial was that the Bill appears to require Talbot County to issue approvals that are otherwise not consistent with the Critical Area Criteria.

Thank you for your assistance with arranging the public hearing and appearing before the panel. Please telephone me if you have any questions at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: TC Amendment File

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 3, 1999

Mr. Daniel R. Cowee
Planning Officer
Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Bill No. 699 - Supplemental Award of Growth Allocation

Dear Mr. Cowee:

At its meeting on June 2, 1999, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that Bill No. 699 is a refinement to the Talbot County Critical Area Program.

The County is required to finalize these changes in the Zoning Ordinance within 120 days of this notice. Please forward a copy of the revisions to this office. If you have any questions, please call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: TC Refinement File

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

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

Chesapeake Bay Critical Area Commission

STAFF REPORT
Update
June 2, 1999

APPLICANT:	Talbot County
PROPOSAL:	Amendment - Bill No. 701, Provide for Reasonable Accommodations for Disabled Citizens
COMMISSION ACTION:	Vote
STAFF RECOMMENDATION:	Pending Panel's Recommendation
STAFF:	Lisa Hoerger
APPLICABLE LAW/ REGULATIONS:	Natural Resource Article §8-1809 (o)

DISCUSSION:

On Thursday, May 27, 1999 the panel assigned to hear this amendment request held a public hearing in Easton. The panel was chaired by Dr. Foor. The members in attendance were Bill Corkran, Larry Duket, Bill Giese and Bob Goodman.

The requested amendment is Bill No. 701 passed by the Talbot County Council to amend and enact the following into the County Zoning Ordinance:

(7) Reasonable Accommodation for the Needs of Disabled Citizens

> (i) Notwithstanding any other provisions of this Ordinance, and without regard to the standards for appeals, variances or special exceptions set forth elsewhere in this Zoning Ordinance, the Board of Appeals and other permitting authorities and officials shall make reasonable accommodations for the benefit of disabled citizens in the consideration of any building permit, administrative appeal, special exception, or variance.

Dan Cowee, Planning Officer for Talbot County, presented the panel with a brief history of the legislation. Mr. Cowee explained that the Talbot County Zoning Ordinance allows private individuals to introduce legislation, and that this amendment was introduced in that manner. The County Council subsequently requested the Planning Commission to make a recommendation to them concerning this legislation. The County attorney, Mike Pullen, reviewed the language and prepared an explanation to the Planning Officer as to why this legislation is not required under the Americans with Disabilities Act (ADA). Mr. Pullen stated:

> The ADA has not been applied to my knowledge to require amendments to zoning ordinances to incorporate the concept of reasonable accommodation. The proposed amendment displaces all competing public polices expressed through existing land use controls, and makes consideration of the particular circumstances of individuals with disabilities of overriding and superseding importance. As a matter of public policy their interest certainly has a place, but this legislation makes those interests pre-eminent, devoid of any consideration of countervailing interests or public polices. This absence of any balancing and the elimination of any discretion to consider other factors besides the individual's disability goes beyond even what the ADA would require were it applicable. Finally, the absence of any limitation of the variance, special exception, etc. to occupancy by the individual with a disability makes the ordinance broader than necessary to achieve its intended purpose.
>
> (Letter from Pullen to Cowee, October 4, 1998)

In a letter dated October 6, 1998, Mr. Pullen stated the position of the Department of Justice, Disability Rights Division that, "... it is their opinion that the ADA does not apply to privately owned property in general and that it does not require legislation of this type."

As a result of this interpretation, the Planning Commission took no further action on this proposed legislation until the County Council made a second request. At its meeting on September 2, 1998, the concerns of the Planning Commission were how to define reasonable accommodation and how to define disabled. Discussion also centered around how to provide enforcement and whether a sunset provision should be incorporated. The Planning Commission voted 3:1 that the legislation as drafted, be denied.

The County Council then heard the amendment. Several options were considered by the Council at the suggestion of the Planning Officer, in order to make it easier to implement in terms of providing some type of standards by which to evaluate each case. Absent any criteria, the Planning Office recommended the legislation, as drafted, by denied. The present language does not provide for any standards, nor does it define reasonable accommodation or disabled citizens. Mr. Cowee told the panel that several citizens attended the County Council hearing and provided support for the legislation, including the individual sponsoring the bill. The County Council approved the legislation, as drafted, 5 to 0.

There were no other public comments at the hearing held by the Chesapeake Bay Critical Area Commission panel. The hearing and record were closed that evening. The recommendation of the panel is pending the panel meeting to be held the morning of the June 2, 1999 Commission Meeting.

Chesapeake Bay Critical Area Commission

STAFF REPORT
June 2, 1999

APPLICANT:	Talbot County
PROPOSAL:	Amendment - Bill No. 701, Provide for Reasonable Accommodations for Disabled Citizens
COMMISSION ACTION:	Vote
STAFF RECOMMENDATION:	Pending Panel's Recommendation
STAFF:	Lisa Hoerger
APPLICABLE LAW/ REGULATIONS:	Natural Resource Article §8-1809 (o)

DISCUSSION:

The Talbot County Council passed Bill No. 701 to amend and enact the following into the County Zoning Ordinance:

(7) Reasonable Accommodation for the Needs of Disabled Citizens

> (i) Notwithstanding any other provisions of this Ordinance, and without regard to the standards for appeals, variances or special exceptions set forth elsewhere in this Zoning Ordinance, the Board of Appeals and other permitting authorities and officials shall make reasonable accommodations for the benefit of disabled citizens in the consideration of any building permit, administrative appeal, special exception, or variance.

This language includes development activities in the Critical Area of Talbot County. The County planning staff would need to define reasonable accommodation and apply it uniformly throughout the County. A definition of reasonable accommodation has not been provided. Variances to the Critical Area provisions of the Talbot County ordinance, including Habitat Protection Areas, are included within the scope of this amendment.

At the writing of this staff report, the public hearing had not yet occurred. Therefore, the recommendation of the panel is pending the public hearing. The panel is chaired by Dr. Foor. The members are Bill Corkran, Larry Duket, Bill Giese and Bob Goodman. You will receive an updated staff report including relevant public comments at the Commission meeting.

Chesapeake Bay Critical Area Commission

STAFF REPORT
June 2, 1999

APPLICANT: Talbot County

PROPOSAL: Refinement - Bill No. 699, Supplemental Award of Growth Allocation

COMMISSION ACTION: Concurrence

STAFF: Lisa Hoerger

APPLICABLE LAW/ REGULATIONS: Natural Resources Article §8-1809 (p) and Code of Maryland Regulations 27.01.02.06 A (2)

DISCUSSION:

The Talbot County Council recently approved Bill No. 699 which enables the County to give additional growth allocation to each of its municipalities. This legislation was originated by a request from the Town of Easton for 450 acres of additional growth allocation. This request by the Town is based on the estimated planning needs ten years into the future.

The County Planning Commission unanimously recommended awarding the Town of Easton 170 acres of growth allocation with no attached conditions or restrictions. The Talbot County Council chose to include provisions whereby the Council has the authority to impose conditions on growth allocations allotted to the towns. Each request for growth allocation will be reviewed by the County Council and the Town of Easton on a case by case basis; therefore, no additional acres were allotted to the town under this bill.

The amendment to the Zoning Ordinance reads as follows:

> Upon request for supplemental growth allocation by any municipal corporation within the County, the County Council may transfer growth allocation to the municipal corporation and may impose such conditions, restrictions, and limitations upon the use of any such supplemental growth allocation, if any, as the County Council may consider appropriate. The procedure for awarding supplemental growth allocation shall be the same as that for initiating a text amendment to the Critical Area provisions in the Zoning Ordinance as set forth in Section 19.14 (c) (iii).

The Code of Maryland Regulations (COMAR) at 27.01.02.06 A (2) states:

> When planning future expansion of intensely developed and limited development areas, counties, in coordination with affected municipalities, shall establish a process to accommodate the growth needs of the municipalities.

COMAR provides for this type of interaction between the Counties and their respective municipalities in order to effectively meet their future planning needs. As such, the Chairman requests your concurrence with this refinement.

Judge John C. 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 1, 1999

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

Re: Knapps Narrows Marina, Inc. - # 1099

Dear Ms. Renshaw:

Thank you for forwarding the above-referenced case that requests a special exception to allow an inn in a VC zone, and a variance to intrude into the 100-foot Buffer. This office has no comment regarding the special exception request. From the information provided by County staff, it appears this use is consistent with the County's Comprehensive Plan.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for special exception. I will forward a letter addressing the variance issue prior to the Board of Appeals hearing.

Sincerely,

Lisa A. Hoerger
Planner

cc: TC 263-99

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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May 26, 1999

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

Re: Sandra & Wallace Watson
1999-0219-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a dwelling that will disturb steep slopes, the nontidal wetland buffer, the 100-foot Buffer and will require less setbacks. This office offers no comment regarding the setback issue. Provided this lot is properly grandfathered, this office does not oppose siting a single family dwelling on this lot.

It appears the dwelling can be reduced and/or reconfigured to minimize impacts to the steep slopes, and buffers. We recommend the applicant further minimize clearing when siting the well. Mitigation should be performed at a 3:1 ratio for all new disturbance to the Buffer.

The applicant should be seeking permits from the Maryland Department of the Environment, Nontidal Wetlands Division for disturbance to the 25-foot buffer to nontidal wetlands. This office defers to that agency for technical review and mitigation requirements.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 284-99

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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May 26, 1999

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

Re: Whitcher Property
P #99-096

Dear Ms. Chalkley:

I have received the above-referenced request to permit a minor subdivision of one lot into two lots. I have outlined my comments below.

1) Provided the newly created lot will not require the need for any variances this office does not oppose the request.

2) As always, adequate stormwater and sediment and erosion control measures shall be taken at the time of construction.

3) The Critical Area Report mentions that afforestation was met at the time of the original minor subdivision. The County should ensure that all plantings performed as part of that agreement were planted and have survived before any further approvals are given.

4) The County should consider adding a plat note to alert future homeowners to the 15% impervious surface coverage limitation.

5) The Critical Area Report (enclosed) for the previous subdivision mentions two specimen trees on the property; a Sycamore and an English Walnut. The location of these trees are not marked on the site plan. The County should ensure that these trees will not be adversely impacted as a result of this subdivision and future construction of a single family dwelling.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 264-99

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

Chesapeake Bay Critical Area Report

[illegible] Whitmer Property
[illegible] Drive, Turkey Point

Site Plan Information

Trees: This property consists of a broad expanse of lawn with a few shade trees around the existing home. Two specimen trees were encountered: a Sycamore (30-36") and an English Walnut (3[illegible]-[illegible]). Neither specimen does not fall within 75 percent of the State Champion [illegible] for the English Walnut [illegible]. The current State Champion English Walnut has a diameter of [illegible] inches. None of the trees on-site would be disturbed by the proposed residential subdivision.

Limits of Disturbance Proposed: The attached site plan indicates the limit of disturbance for the two proposed homes and supporting [illegible]. [illegible] Attachment [illegible].

100-Year Floodplain: [illegible] of the Flood Insurance Rate Maps for Anne Arundel County indicates that this property does not fall within a 100-year or a 500-year floodplain. (See Attachment 2)

Wetlands: No evidence of tidal or nontidal wetlands were observed on the site. The National Wetlands Inventory does not map the presence of either wetland type on this property. The Soil Survey for Anne Arundel County does not indicate the presence of a hydric soil nor the presence of any stream flow. (See Attachment 3)

Aquatic Resources: This property does not abut tidal waters nor does it contain any drainage swales which flow to tidal waters. (See Attachment [illegible])

Soils: Map 32 of the Soil Survey for Anne Arundel County indicates the presence of Mattapex-Urban Land Complex (MxB, MxD). These soils have a slope ranging between 2 and 5 percent and 5 and 15 percent respectively. Monmouth soils are described as "deep, well-drained soils" and are not associated with a seasonally high water table. This complex consists of Monmouth soils which have been disturbed or altered by machinery according to the Soil Survey. Only slight limitations for building are associated with MxB soils, while MxD soils are considered to be too variable for a reliable assessment. The erosion factor K for these soils are .43 from 0 to 40 inches and .43 from 40 to 60 inches in depth. (See Attachment [illegible])

Steep Slopes: [illegible] slopes present are noted on the attached site plan. (See Attachment [illegible])

Rare and endangered Species Habitat, Plants, and Animals: No rare or endangered species of plants, animals nor unusual habitat were encountered on this property during the fieldwork conducted for this report.

Upland Natural Area and Other Site Designations: The Anne Arundel County Upland Natural Area Field Boundaries Map does not identify an upland natural area on or adjacent to this property. The site does fall within the Chesapeake Bay Critical Area Boundary.

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

May 24, 1999

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

Re: Stephen & Nicol Morris
1999-0214-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an accessory structure with less setbacks and Buffer. This office has no comment regarding the setback issue. In regard to the accessory structure in the Buffer, it appears there is an existing concrete slab below the deck. Therefore, this office does not oppose the variance as this area of the Buffer is already covered with impervious surface. The deck should not cover any impervious area.

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

Sincerely,

Lisa A. Hoerger
Planner

cc: AA 268-99

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

May 26, 1999

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

Re: James Scardina
1999-0189-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an accessory structure that will require less setbacks and Buffer. This office has no comment regarding the setback issue. Since it appears the proposed shed will be over existing impervious surface, this office does not oppose the requested variance.

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

Sincerely,

Lisa A. Hoerger
Planner

cc: AA 265-99

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
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May 26, 1999

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

Re: David W. Geipe
1999-0220-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an accessory structure with less setbacks and Buffer and on a lot without a principal structure. This office has no comment regarding the setback or lot without a principal structure issues. In regard to the Buffer, we recommend the applicant consider reducing the footprint of the garage to minimize impacts to the Buffer. Mitigation at a 3:1 ratio is recommended for all new disturbance.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 285-99

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 24, 1999

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

Re: Carl Bayne
1999-0213-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition that will require less setbacks. This office has no comment regarding the setback issue. The applicant shall meet the 10% Pollutant Reduction Rule since this lot is mapped as an Intensely Developed Area. On a lot of this size, plantings are usually sufficient to meet this requirement.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 267-99

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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May 24, 1999

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

Re: Darlene Duchene
1999-0217-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a dwelling that will require less setbacks and Buffer. We have no comment regarding the setback issue. Provided the proposed lot is properly grandfathered, this office has no objection to siting a single family dwelling on this lot provided it is done so to minimize disturbance to Habitat Protection Areas (HPAs). In this case, the HPA is the expanded Buffer for steep slopes.

In regard to the Buffer, it appears the proposed dwelling could be sited closer to Claiborne Road to minimize disturbance to the expanded Buffer, and possibly avoid disturbance to steep slopes. I understand the underlying zoning for this lot is R2 which prescribes a 30-foot setback. The site plan provided depicts the proposed dwelling 40 feet from Claiborne Road. We also recommend the proposed driveway be configured minimize disturbance to the Buffer. Mitigation should be at a 3:1 ratio with native species for all new disturbance to the Buffer.

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

Sincerely,

Lisa A. Hoerger
Planner

cc: AA 270-99

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

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

Re: Jackie W. & Clara B. Dickerson
1999-0216-S

Dear Mr. Dooley:

I have received the above-referenced request to permit a special exception to allow a helipad in an RA district. This office has no comment regarding this special exception request.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 269-99

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

RECEIVED

MAY 14 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

CLEARINGHOUSE REVIEW

May 10, 1999

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

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

SUBJ: DNR Clearinghouse Review of Local POS Project #3578-20-67
St. Michaels Waterfront Park - Talbot County

This project proposes the acquisition of 1.12 acres for a passive waterfront park located on St. Michaels Harbor.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project by May 24, 1999. If no comments are received by the date indicated, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

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

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

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 21, 1999

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

Re: DNR Clearinghouse Review of Local POS Project #3578-20-67
St. Michaels Waterfront Park - Talbot County

Dear Mr. Dehart:

I have received notice of the Department's intention to purchase 1.12 aces of land for a passive waterfront park located on St. Michaels Harbor. The purchase of this land does not conflict with the plans, programs or objectives of this agency. In fact, the Code of Maryland Regulations in Title 27.01.02.03 D(5) state:

> Areas of public access to the shoreline, such as foot paths, scenic drives and other public recreational facilities, should be maintained and, if possible, encouraged to be established within intensely developed areas.

This parcel is mapped as an Intensely Developed Area according to the Town of St. Michaels' Critical Area maps.

In any case, I would like to offer the following comments for consideration.

1) Most, if not all of the parcel is within the 100-foot Buffer to tidal waters. As such no new development activities are permitted. The only exception would be for a water-dependent facility or a public walkway. I have enclosed a copy of our guidance paper that describes public walkways.

2) Any future plans for a waterfront park would require a review by the Town of St. Michaels and this office.

3) According to the Town's Critical Area maps, this parcel is mapped as an Intensely Developed Area (IDA). Future development of this parcel would require compliance with the 10% Pollutant Reduction Rule.

4) All other Critical Area requirements of the Town of St. Michael's Critical Area Program shall be met at the time of development.

Thank you for the opportunity to comment. Please feel free to telephone me if you have any questions at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: Steven Del Sordo, Zoning Administrator, Town of St. Michaels
Clearinghouse File

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

June 26, 1998

TO: Talbot County Panel Members

FROM: Lisa Hoerger

SUBJ: Public Hearing for Amendment to the Talbot County Zoning Ordinance
Bill No. 701, Provide for Reasonable Accommodations for Disabled Citizens

On Thursday, May 27 at 7:00 p.m. we will hold a public hearing on the above-referenced bill. We will meet at the Talbot County Courthouse in the new County Council Chambers located in the south wing. I will be there one hour prior to the hearing. Attached to this memorandum is a copy of the language for your review. I will be telephoning each of you next week prior to the hearing as a reminder and to answer any questions you may have concerning the hearing. Of course, feel free to contact me if you have questions at (410) 260-7516.

Attachment

A BILL TO AMEND THE TALBOT COUNTY CODE TO ADD §19.14 (b)(7) THERETO TO REQUIRE REASONABLE ACCOMMODATIONS FOR THE BENEFIT OF DISABLED CITIZENS IN THE CONSIDERATION OF APPLICATIONS FOR BUILDING PERMITS, APPEALS, VARIANCES, AND SPECIAL EXCEPTIONS.

SECTION ONE: BE IT ENACTED by the County Council that Title 19., Zoning, Talbot County Code, §19.14 "Administration," is hereby amended to add §19.14 (b)(7) thereto as follows:

(7) Reasonable Accommodation for the Needs of Disabled Citizens

(i) Notwithstanding any other provisions of this Ordinance, and without regard to the standards for appeals, variances or special exceptions set forth elsewhere in this Zoning Ordinance, the Board of Appeals and other permitting authorities and officials shall make reasonable accommodations for the benefit of disabled citizens in the consideration of any building permit, administrative appeal, special exception, or variance.

SECTION TWO: BE IT FURTHER ENACTED by the County Council that this Bill shall take effect sixty (60) calendar days from the date of its passage.

Judge John C. 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. Vanessa Jones
Project Manager
Environmental Services & Waste Management Program
Maryland Environmental Service
2011 Commerce Park Drive
Annapolis, Maryland 21401

Re: CSX/Cox Creek Storm Drain Project
Forest Mitigation Plan

Dear Ms. Jones:

Thank you for providing Commission staff with a final copy of the mitigation plan for the storm drain project. Claudia Jones and myself have reviewed the plans and they are acceptable regarding the proposed planting area, mitigation ratios, and planting methods. Commission staff will inspect the plantings once each year for two years for monitoring purposes.

If you have any additional questions, please telephone myself or Claudia Jones at (410) 260-7516.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: Bill Lear, MPA
Larry Walsh, MES
Steve Storms, MES
Claudia Jones, 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
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

May 14, 1999

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

Re: Lorraine W. Colletta
1999-0196-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an accessory structure on steep slopes with less setbacks and Buffer than required. This office has no comment regarding the setback issue. However we cannot support a variance to allow an accessory structure in the 100-foot Buffer. While this lot is mapped as a Buffer Exemption Area (BEA), the proposed structure does not fit the County's policy since the structure is waterward of the existing principal structure. Therefore, it is withing the area of the Buffer still subject to the variance standards in the County's Zoning Ordinance.

The Buffer is a designated Habitat Protection Area (HPA) designed to act as a natural filter for runoff and provide habitat to both terrestrial and aquatic species; therefore, its disturbance is prohibited except for water-dependent facilities and dwellings on grandfathered lots. Accessory structures are not expressly provided for in the Critical Area Program. The Criteria, in Section 27.01.09.01, and the Anne Arundel County Critical Area Program specifically prohibit development within the Buffer of non-water dependent uses. As proposed, this office cannot support the requested variance to allow an accessory structure in the 100-foot Buffer.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 254-99

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 14, 1999

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

Re: Robert Faraci
1999-0194-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an accessory structure that requires greater impervious area. This office cannot support this request. The allowable impervious limit on a lot of this size is 5,445 square feet. The applicant requests a total of 7,065 square feet. While we do not oppose the desires of the applicant to construct a garage, we cannot support the additional impervious area it will create. It appears the applicant could meet the 5,445 square foot limitation and not need a variance by removing a strip of the existing driveway.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 252-99

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

May 13, 1999

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

Re: Michael Reisinger
1999-0207-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a single family dwelling that will impact steep slopes. Provided this lot is properly grandfathered under the County's Critical Area Program, this office does not object to siting a single family dwelling on this lot.

While the requested variance it to disturb to steep slopes, the site plan provided does not show topography. Therefore it is difficult to make recommendations. I can offer that all efforts should be made to minimize impacts to the slopes. That could mean reconfiguring the dwelling, reducing the footprint, or shifting its location on the lot. Mitigation of native species at a 3:1 ratio should be provided for all new disturbance.

The site plan does identify an area as a natural drainage swale. County topographical maps show a tributary stream, however I am unable to determine where this lot is located on Ramblewood Drive in relation to this stream. The County should verify whether the swale is a stream and would therefore be subject to the minimum 100-foot Buffer requirement.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 257-99

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

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

Re: Giordano & Associates LLC
1999-0360-R

Dear Mr. Dooley:

I have received the above-referenced request to reclassify the subject property from C3 to C4. This office has no comment regarding this request as it does not conflict with the Critical Area classification.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 250-99

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 14, 1999

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

Re: Kenneth Jaworski
1999-0104-V

Dear Mr. Dooley:

I have received the revision to the above-referenced request to permit an addition that will require less setbacks and Buffer on steep slopes. This office has no comment regarding the setback issue. In regard to the addition in the Buffer on steep slopes, it appears the majority of the addition will be over existing concrete. Mitigation should be performed at a 3:1 with native species for all new disturbance to the Buffer.

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

Sincerely,

Lisa A Hoerger

Lisa A. Hoerger
Planner

cc: AA 150-99

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

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

Re: Gary A. Curtis
1999-0199-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a dwelling that will require less setbacks and impact the 100-foot Buffer. This office has no comment regarding the setback issue. However, we cannot support the variance to allow impacts to the Buffer since this lot is not afforded grandfathered status. A lot is considered grandfathered if it is legally, recorded and considered a buildable lot prior to December 1, 1985 according to the County's Critical Area Program .

The County should not be creating new lots that will necessitate the need for variances to its Critical Area Program. Habitat Protection Areas, like the expanded Buffer for hydric soils, were created to protect resources sensitive to development activities. Creating new lots that will impact HPAs does not keep within the spirit of the goals of the Critical Area Program as found in Natural Resources Article §8-1801(b)(1-2) and the Anne Arundel County Program in Article 23, Section 1A-102. Finally, the applicant cannot meet all five variance standards outlined in the County's Zoning Ordinance in Article 28, Section 11-102(b)(1-5).

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 255-99

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 13, 1999

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

Re: Wilbert Bryant
1999-0201-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition that will require less setbacks and Buffer. This office does not oppose the proposed sunporch addition. It appears the subject lot may be mapped as a Buffer Exemption Area. As such, mitigation should occur at a 2:1 ratio of native species for the area of new additional impervious surface being created. Also, the Buffer waterward of the principal structure shall be reestablished in native species.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 256-99

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

May 12, 1999

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

Re: Frank Logan
1999-0195-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a dwelling addition that will require less setbacks. This office has no comment regarding this request.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 253-99

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 12, 1999

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

Re: Robert McCeney
1999-0210-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a carport that will require less setbacks than required and on a lot without a principal structure. This office has no comment regarding either issue. However, the subject lot is mapped as an Intensely Developed Area and therefore is required to meet the 10% Pollutant Reduction Rule. On a lot of this size, native plantings would be acceptable.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 258-99

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

May 11, 1999

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

Re: The Overlook at Broad Creek
S #98-071, P #99-091

Dear Ms. Krinitz:

I have received the above-referenced subdivision request that involves locating a cul de sac in the Resource Conservation Area (RCA). The construction of the cul de sac will require 7,829 square feet of forest clearing and create 6,100 square feet of impervious area. The position of this office regarding development activities in the RCA that does not serve development in the RCA is that it is not permitted. The outfall is permitted provided the stormwater management system it serves in not in the RCA.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Planner

cc: AA 249-99

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 11, 1999

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

Re: Leroy Simmons
1999-0143-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a garage that will require less setbacks and Buffer. From the information provided it appears the garage will be sited in the place of an existing carport. This office does not oppose the request provided mitigation is performed for any new disturbance with native species at a 3:1 ratio.

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

Sincerely,

Lisa A. Hoerger
Planner

cc: AA 192-99

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 11, 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
S #89-209, P 98-100

Dear Ms. Chalkley:

I have received the final site plans for the above-referenced subdivision. In regard to the developable portion within the Critical Area, the applicant has made rather significant changes. Overall, the proposal is well within its allowable clearing, impervious surface, and density limitations.

The seven lots proposed in the Resource Conservation Area of the Critical Area appear to meet the spirit of the guidelines provided by Ms. Katherine McCarthy in her letter dated September 17, 1998 concerning the Forest Interior Dwelling Bird (FID) habitat; therefore, mitigation for clearing is no longer subject to FID mitigation requirements. However, the applicant is required to mitigate for clearing at a 1:1 ratio and the temporal restrictions still apply.

We recommend conservation easements be placed on each lot in the Critical Area to alert future homeowners to the Forest Interior Dwelling Bird issue. Also, several lots have steep slope buffers which should also be noted for homeowner information.

If you have any questions or need additional information please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: Ms. Katherine McCarthy
Ms. Claudia Jones

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

Ms. Nancy Klein, Acting Chairperson
Oxford Planning Commission
100 North Morris Street
P.O. 339
Oxford, Maryland 21654

Re: Lap Swimming Pool in the Buffer Exemption Area
Spear Property

Dear Ms. Klein:

Thank you for forwarding the above-referenced application to this office for review and comment. It is my understanding that the lap pool will be no further waterward than adjacent structures, and is to be sited as far away from the edge of mean high water as possible. Therefore, it appears this application has met the conditions in the Oxford Zoning Ordinance in Section 8.04.

The Town should ensure that the conditions in the Zoning Ordinance in Section 8.04(3)(e-h) concerning mitigation are met. As always, I am available to assist the Town regarding meeting the mitigation requirements.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have any questions concerning these comments, you may telephone me at any time at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Planner

cc: Ms. Lillian A. Lord, Clerk-Treasurer
Mr. Roby Hurley, Lower Eastern Shore 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

May 6, 1999

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

Re: Peter Geis
1999-0156-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an existing dwelling to have less setbacks than required. This office has no comment regarding the setback issue in this case.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 219-99

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 6, 1999

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

Re: Christopher Napolitano
1999-0186-V

Dear Mr. Dooley:

I have received the above-referenced request to permit construction of a new single family dwelling that will require less setbacks and Buffer. Provided this lot is properly grandfathered this office has no objection to siting a single family dwelling on this lot. The applicant should consider siting the dwelling closer to the road, and reducing the footprint in order to minimize disturbance to the expanded Buffer and to reduce clearing. Mitigation should be at a 3:1 ratio for all new disturbance in the expanded Buffer and at a 1:1 ratio for clearing outside the Buffer.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 226-99

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 6, 1999

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

Re: Hughes & Pinkston
1999-0157-V - 1999-0163-V

Dear Mr. Dooley:

I have received the above-referenced requests to permit the construction of single family dwellings that will require less setbacks and impact the nontidal wetland and its buffer. It appears these lots were platted prior to the adoption of the County's Critical Area Program. As such, this office has no objection to siting single family dwellings these lots.

We recommend the County consider requiring the applicants to combine adjoining lots if they are in the same ownership. Clearing on the lots should be minimized since most of the lots propose to clear approximately 40% or greater. In addition, the applicant must comply with the 10% Pollutant Reduction Rule.

Each variance request involves impacts to the nontidal wetland and its buffer. The applicant should be seeking permits from the Maryland Department of the Environment (MDE), Nontidal Wetlands Division. Mitigation should be performed as required by MDE.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 220-99

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 6, 1999

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

Re: Carol Ligon
1999-0173-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a single family dwelling that will require less setbacks and Buffer. It appears the lot is properly grandfathered, therefore this office has no objection to siting a single family dwelling on this lot. We recommend that the applicant consider siting the dwelling and attached garage closer together in order to minimize disturbance to the steep slopes. Mitigation should be at a 3:1 ratio with native species.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 221-99

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

May 6, 1999

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

Re: William Raley
1999-0155-V

Dear Mr. Dooley:

I have received the above-referenced subdivision request to permit a garage that will require less setbacks. This office has no comment regarding the setback issue in this case. Any necessary clearing should be mitigated on a 1:1 ratio with native species.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 218-99

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

May 6, 1999

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

Re: Paul & Verna Smeltz
1999-0181-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition to an existing garage that will require less setbacks. This office has no comment regarding the setback issue. However, the lot is mapped as an Intensely Developed Area that requires the applicant to met the 10% Pollutant Reduction Rule. On a lot of this size, native plantings are sufficient.

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

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 223-99

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

May 5, 1999

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

Re: Coxby's Estates
Subdivision No. 1995-030

Dear Ms. Chalkley:

I have received a site plan for the above referenced subdivision request. It is my understanding that the applicant is requesting a waiver to skip the sketch plan phase and proceed to the final plan review phase. This office has no comment regarding the process provided adequate time for review is permitted by all input agencies. From the site plan provided, it appears there are several issues which the applicant should be advised of before proceeding. I have outlined them below.

1) Coxby's Estates, Section III proposed two lots from a reserve parcel. The County should ensure this parcel is properly grandfathered under the County's Critical Area Program. Also, the creation of the two lots should not create the need for Critical Area variances or impacts to Habitat Protection Areas (HPA).

2) Since this office received a site plan without supplemental support documentation, there may be issues we cannot deduce at this time. Therefore, additional comments may be generated as a result of project review at the final phase.

3) The site has expanded Buffer due to steep slopes and possibly hydric soils. In addition, there are streams that cross the site which require a minimum 100-foot Buffer. The Buffer is an HPA that is not permitted to be disturbed. It appears the applicant has avoided impacts to the Buffer provided the Buffer is delineated correctly.

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

4) This area could be Forest Interior Dwelling Bird Habitat (FID). The County may consider a survey be performed to establish whether FIDs utilize this site. If FIDs do use this site for breeding and habitat, the configuration and extent of the proposed dwellings, driveway and clearing will be required to be significantly reduced absent a variance.

This office will provided further comments, if necessary, upon receipt of a Critical Area Report. If you have any questions concerning these comments, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 238-99

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

April 30, 1999

Mr. Daniel R. Cowee
Talbot County Office of Planning
and Zoning
Court House
11 N. Washington Street
Easton, Maryland 21601

RE: Legislative Bill No. 699
Supplemental Awards of Growth Allocation

Dear Mr. Cowee:

Thank you for providing information on the referenced Legislative Bill which is submitted as a change to the Talbot County Critical Area Program. The information has been reviewed and is accepted as a complete submission. The Bill will be reviewed by the Critical Area Commission as a refinement and will be discussed at the Commission meeting on June 2, 1999. If you have any questions, please feel free to call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Mary Owens

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

Talbot County Office of Board of Appeals
11 N. Washington Street
Easton, Maryland 21601

Re: Allegation of Error - #1085
Argonaut Land Company

Dear Sirs:

Thank you for the opportunity to comment on the above-referenced case. We are aware of the progression of facts in this case since all correspondence between the County staff and the developer were furnished to us. Among that correspondence is a letter from Mr. Pullen to Mr. Norris dated April 1, 1999 which expresses our position in this case. We concur fully with Mr. Pullen's statement that, "...Argonaut may identify individual trees which are in danger of falling and causing blockage of streams or accelerated shore erosion. If and when shown to exist, decisions will then be made concerning whether and what, if anything, may be done on a case by case basis."

Again, thank you for the opportunity to comment. If I can be of further assistance, please do not hesitate to telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: John C. North, II, Chairman

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 23, 1999

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

Re: Key Federal Savings Bank
1999-0100-V

Dear Mr. Dooley:

I would like to comment on the above-referenced request to permit an access driveway through a nontidal wetland and the 25-foot buffer to that wetland. The applicant should be seeking permits from the Maryland Department of the Environment (MDE), Nontidal Wetlands Division concerning disturbance to the nontidal wetland and the buffer. We defer to that office concerning nontidal wetland issues. If the MDE issues a permit and the variance is granted, mitigation should be as prescribed by MDE.

However, an alternative exists that may avoid need for disturbance to the wetlands. An alternative access point might be through lot 3R if that property owner is willing to provide a right-of-way. If not, provided these lots are properly grandfathered and development can otherwise be accommodated on this site without the need for other variances, we recommend the access drive by redesigned so that only one driveway serves both lots in order to minimize disturbance.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 562-98

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

April 22, 1999

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

Re: Anne Arundel County - Rose Haven Water Facilities Upgrade
1999-0169-S

Dear Mr. Dooley:

I have received the above-referenced request to permit a public utility within an R5 zone. This office has no comment regarding the special exception request since the proposed use does not conflict with the Limited Development Area overlay. As always, proper sediment and erosion control and stormwater management measures should be taken prior to, during and after construction is completed.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 204-99

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

April 22, 1999

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

Re: Robert Howes
1999-0168-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition over an existing garage that will require less setbacks. This office has no comment regarding the setback issue provided no additional impervious areas be created. We note that a under a previous variance granted for this property in case V-143-94, the Administrative Hearing Officer conditioned his approval that the applicant remove a concrete pad, shed and pool. In addition he stated that no additional structures shall be permitted. The County should ensure these conditions were met since the previous application exceed the impervious surface limitations.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 203-99

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 22, 1999

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

Re: Victor Moran
1999-0149-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition that will require less setbacks and require greater coverage than allowed in an R5 zone. This office has no comment regarding either request. However, the subject lot is mapped as an Intensely Developed Area. As such, it must comply with the 10% Pollutant Reduction Rule. Native plantings for a lot of this size can satisfy this rule.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 200-99

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

April 22, 1999

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

Re: Larry Orfield
1999-0150-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition that will require less setbacks. Provided no Habitat Protection Areas will be impacted by this request, this office has no comment regarding the setback issue. However, the subject lot is mapped as an Intensely Developed Area and must comply with the 10% Pollutant Reduction Rule. Native plantings are appropriate for a lot of this size in order to comply with this rule.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 201-99

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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April 22, 1999

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

Re: William H. Carpenter, 1999-0174-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an accessory structure in the 100-foot Buffer to tidal waters. This office cannot support a variance to allow an accessory structure in the 100-foot Buffer. I have outlined our reasoning below.

In order to properly obtain a variance, an applicant must meet the five variance standards that are specifically listed in COMAR 27.01.11 and the Anne Arundel Critical Area Program in Article 3, Title 2 Zoning Appeals 2-107B (1-5). All five standards must be met in order for a variance to be granted. From the information provided to this office it appears that none of the five variance standards have been met in this case. I have outlined the required standards below.

1. Section 2-107B1 addresses site features that are unique to the subject property or structure and the unwarranted hardship resulting from denial of the variance. It is our understanding that there is nothing unique about this 1.6 acre property; it is typical of many lots created prior to the implementation of the Critical Area regulations. Furthermore, this office firmly believes that denial of an accessory structure would not result in an unwarranted hardship to the applicant.

2. Section 2-107B2 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 Resource Conservation Area. All property owners within the Critical Area are similarly limited by the Critical Area Law and the County's program.

3. Section 2-107B3 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 clearly

would confer upon this property owner a special privilege because all similar properties are restricted from locating new structures, such as accessory structures within the Buffer.

4. Section 2-107B4 addresses conditions or circumstances that are self-imposed and conditions or circumstances related to adjacent properties. This request is self-imposed since this is an after-the-fact variance request.

5. Section 2-107B5 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 approval of the proposed structure to remain in the Buffer will adversely impact water quality because it will contribute to the cumulative impacts of structures in the Buffer, and therefore is not consistent with the general spirit and intent of the Critical Area Program.

This office has consistently opposed the placement of accessory structures, including sheds, 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 Buffer's ability to achieve these functions is greatly reduced by structures that are at the water's edge.

The Critical Area Commission opposes the placement of accessory structures in the Buffer because no disturbance is permitted in Habitat Protection Areas, except for water-dependent facilities. An accessory structure is not a water-dependent facility as defined in the Critical Area Criteria. A shed does not need to be within 100-feet of the shoreline for it to function as such. In addition, the Criteria, in Section 27.01.09.01, and the Anne Arundel County Critical Area Program specifically prohibit development within the Buffer. The Court of Special Appeals has addressed accessory structures in regard to meeting all five variance standards, and defined water-dependent facilities. Again, this office does not believe that the applicant has satisfied any of the variance standards.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

Enclosures

cc: AA 206-99

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

April 22, 1999

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

Re: Holly Hill Harbor
S 78-026, P 99-070

Dear Mr. Callahan:

I have received the above-referenced request for an administrative lot line change. This office has no comment regarding this request.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, I can be reached at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 190-99

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

April 22, 1999

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

Re: Robinson & Lamb
1999-0170-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a single family dwelling that will require less setbacks and intrude into the 25-foot buffer to nontidal wetlands. This office has no comment regarding the setback issue. In regard to the nontidal wetland buffer, the applicant should be seeking a permit from the Maryland Department of the Environment (MDE), Nontidal Wetlands Division. That agency is responsible for permitting any development activities that would affect a nontidal wetland or its buffer. In that regard, we defer to MDE as to whether the proposed activity is can be permitted and what mitigation is appropriate.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA205-99

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

April 22, 1999

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

Re: Chester A. Dailey
1999-0176-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a boatlift and four new pilings that will require less setbacks. This office has no comment.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 207-99

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

April 22, 1999

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

Re: Charles & Jean Converse
1999-0137-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition that will require less setbacks. This office offers no comment regarding the setback issue. The case was also advertised as requiring a Buffer variance. However, it appears the subject lot is mapped as a Buffer Exemption Area (BEA). Since the proposed addition is no further waterward than the existing structure, and appears not to be in the 100-foot Buffer, we do not see a need for a Buffer variance.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 191-99

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 16, 1999

Mr. Doug Statton
Talbot County Office of Planning & Zoning
Courthouse
11 N. Washington Street
Easton, Maryland 21601

Re: Buffer Maintenance, Glenwood and Ratcliffe Manor Properties

Dear Mr. Statton:

Thank you for sending the letters that were exchanged between the County and the attorney representing the owners of the above-referenced properties regarding the Buffer maintenance issue. They proved helpful in understanding the progression of events in this case.

We have subsequently received the letter from Mr. Pullen to Mr. Norris dated April 1, 1999. We concur fully with Mr. Pullen's statement that, "...Argonaut may identify individual trees which are in danger of falling and causing blockage of streams or accelerated shore erosion. If and when shown to exist, decisions will then be made concerning whether and what, if anything, may be done on a case by case basis."

If I can be of further assistance, please do not hesitate to telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: John C. North, II, Chairman

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 14, 1999

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

Re: Richard & Rosemarie Beauclair
1999-0049-V, 1999-0050-V

Dear Mr. Dooley:

I would like to provide comments for the above-referenced variances to permit an extension of time to complete a previously approved variance, and to permit a modification to a previously approved variance application. This office offers no comment regarding the extension of time request. In regard to the request to permit a modification to the previous variance, we cannot support this request. I will explain below.

This application was first reviewed and commented on by this office in March of 1997. I had the benefit of visiting this site along with the County and the applicant's engineer and attorney. It was the position of this office then that the proposed location of this dwelling on lot 1 was not acceptable since it could not meet all five variance standards. We recognize the immediate request before the hearing officer does not include the issue of location, but with modifying the original variance to allow greater living space. However, we cannot support any request for a change since our position is that the dwelling in not properly sited with regard to the expanded Buffer.

As of the date of this letter, we have received conflicting information regarding what greater living space entails with this request. We understand the request involves a finished basement, whereby the original request did not. The original site plan and the plan supplied for the immediate request labels the dwelling on lot 1 as a proposed 1 1/2 story "A" frame with no basement. In any case, we cannot support a request to expand the living space.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 110-99

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

April 13, 1999

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

Re: John Hulseman
99-WL-1112

Dear Mr. Causey:

I have received the above-referenced notice that requests 2230 feet of stone revetment be permitted within a maximum of 10 feet channelward of the mean high water line. According to the 1995 survey information, it appears this shoreline has submerged aquatic vegetation (SAV) beds running the length of the property. If SAV beds are still present, every effort should be made to minimize impacts to this resource. Mitigation should also be required for any permanent impacts.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

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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April 12, 1999

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

Re: Slanker Property
S 99-022, P 99-043

Dear Ms. Allen:

I am writing this letter to clarify the Commission's position concerning the above-referenced subdivision request. Last week you telephoned me regarding a comment I made in a letter to you dated March 19, 1999. In that letter I stated that parcels 226, 124, and 218 will lose their Buffer Exemption Area (BEA) status since they will be considered newly created lots, or no longer grandfathered. The Commission's current BEA Policy does not permit BEAs on lots that are not grandfathered. According to the subdivision plan currently proposed, all the lots will be considered newly created, therefore any area of the shoreline currently mapped as BEA will no longer be valid.

A note should be added to the plat indicating the shoreline is no longer Buffer Exempt. Also, the new plat should show the Buffer in its entirety around the shoreline. The County shall also adjust the BEA map for this property and send the Commission a copy of the corrected map.

Thank you for you cooperation. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 100-99

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

April 12, 1999

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

Dear Ms. Gawel:

Thank you for your letter of March 17, 1999 which provides the current status of the County's Comprehensive Review. Our office would like to take this opportunity to respond to that letter. I will address your comments as they appear in the letter.

Comments addressing our March 18, 1998 letter:

1) At it's meeting on April 3, 1996, the Commission voted unanimously to approve the change in the tax map containing the Enyart parcel. Since the Commission took this action, the Critical Area boundary line on the working maps need to be amended to reflect this change. A paper copy of the map showing this change is sufficient.

2) We understand the County will be amending its Program Document. Please forward a copy of the amended document when it becomes available so that we can provide comments to you.

3) We note that the County will be amending the definition of "subdivided parcels" as suggested in our letter of March 18, 1998.

4) You stated that Section 3-202(d)(8) will be deleted from the Stormwater Ordinance. Deleting this section removes the water quality requirements included in COMAR 27.01.02.04.D(2)(a-c). Providing for water quality is required in the Limited Development Area and the Resource Conservation Area. Are water quality requirements addressed elsewhere in the County Ordinances besides the Stormwater Ordinance?

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

5) Thank you for clarifying the numbering in the Subdivision Ordinance.

6) We note that the County intends to prescribe a fee when the impervious surface requirements cannot be met.

7) We acknowledge the proposal by the County to limit clearing on grandfathered lots smaller than one half acre to 6,534 square feet. This issue will be discussed by the Commission panel.

8) We note the County is eliminating the provision for accommodating the physically disabled.

Comments addressing our February 2, 1999 letter:

1) County staff and Commission staff continue to work on resolving the RCA uses questions. Thank you for your continued assistance in this matter.

2) In order for us to provide better technical assistance, we have requested a complete set of the 600 scale maps for our use. At a minimum the County should provide the Commission with those maps that have changes, like the map that includes the Enyart parcel.

3) As you are aware, the Commission is currently revising its policy concerning Buffer Exemption Areas and its applicability in commercial and industrial areas. We will continue to keep the County updated on this Commission policy, and work with the County to develop BEA provisions appropriate for Anne Arundel County.

4) We note the County will change the language in its current ordinance to require variances for disturbance to steep slopes for necessary roads, bridges, or utilities in the Buffer.

5) COMAR 27.01.02.04 sets limitations on impervious surfaces in the Critical Area, therefore as part of the Commission's review of the County's Program it is necessary for staff to better understand how the County tracks impervious surfaces.

6) COMAR 27.03.01.03 provides local jurisdictions with the categories of applications that are required to be forwarded to the Commission, therefore it is appropriate that the Commission verify that all applications are being received as part of the comprehensive review in accordance with COMAR.

7) The procedure that Anne Arundel County uses to review local government projects is somewhat unique. It is likely that the Commission panel will be discussing the County's procedures for evaluating and approving local government projects, therefore, please be prepared to discuss it.

8) COMAR 27.01.04 provides for policies and criteria that direct local jurisdictions when reviewing shore erosion control projects. Since the comprehensive review involves a complete evaluation of the County's program, it is appropriate to discuss this matter at this time. Please provide information on the County's review procedures for these projects.

Over the course of the last year, we have discovered additional issues that should be addressed during the comprehensive review in addition to those addressed above. They are outlined below.

1) We understand that the County has an informal policy commonly referred to as the "Eight Inch Rule". This means that a person is allowed to erect a structure without a permit if it is less than eight inches above grade. This policy may be problematic within the Critical Area where it is necessary to ensure that these activities are still reviewed for potential conflicts with Habitat Protection Areas or the impervious surface limitations. Please provide information on this policy.

2) Within the past year, we have been working with County staff to provide flexibility in spending the reforestation monies. In a letter dated June 1, 1998 we provided guidance for spending those monies. In order to assess the effectiveness of this guidance, we request that a list of the projects and estimated costs that have used the reforestation monies be submitted to the Commission as part of the comprehensive review.

Thank you for your continued cooperation with the four year comprehensive review process. If you have any questions, or if I can be of assistance please do not hesitate to call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: Marianne Mason, Counsel
Ren Serey, Executive Director
Mary Owens, Chief, Program Implementation

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

Re: Elizabeth's Landing, 1999-0117-S, 1999-0118-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a special exception to allow a community boat ramp and pier, and a variance to permit a drive aisle with less width than required. This office has no comment regarding either request. However, we do have comments regarding the information in the Critical Area report and on the site plan.

The Critical Area report is dated August 1995. The County should consider requiring more updated information. For instance, the report does address submerged aquatic vegetation (SAV), however that information is based on 1990 and 1991 data. The SAV issue is important in this case since a pier is requested.

It is my understanding that the boat ramp, drive aisle and parking lot existed prior to the creation of the Elizabeth Landing subdivision. However, it appears the parking lot may need to be upgraded. If so, the stormwater management note on the cover sheet for the site plan is incorrect. The applicant must demonstrate that the 10% Pollutant Reduction Rule has been met if the parking lot will be regraded or resurfaced.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 183-99

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

April 9, 1999

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

Re: Robert Johnson
1999-0128-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a deck that will require less setbacks and Buffer. This office offers no comment regarding the setback issue. In regard to the Buffer, mitigation of native species should be performed at a 3:1 ratio.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 176-99

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

April 9, 1999

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

Re: James Merrill
1999-0130-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a deck that will require less setbacks and Buffer. This office offers no comment regarding the setback issue. In regard to the Buffer, mitigation of native species should be performed at a 3:1 ratio.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 178-99

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

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

Re: Frederick Betz
1999-0127-V

Dear Mr. Dooley:

I would like to comment on the above-referenced request to permit a pier and piling that will be a greater length than allowed. This office has no comment regarding this request. However, the Critical Area report submitted by the applicant includes information that submerged aquatic vegetation is near this shoreline. This area of SAV was not shown on the site plan. In any case, the size of the proposed "L" head should be minimized if it will shade any SAV beds in the area.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 175-99

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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April 9, 1999

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

Re: Wesley Copeland
1999-0138-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a garage without a principal structure and less setbacks. This office offers no comment regarding these issues. However, mitigation should be performed at a 1:1 ratio of native species for the area cleared for the proposed garage. If mitigation cannot be performed on this lot, then the applicant should consider planting on their residential lot across the street if space is available.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 180-99

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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April 9, 1999

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

Re: Mark Pullen
1999-0126-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a sun porch that will require less setbacks. This office has no comment regarding the setback issue. The subject lot is mapped as an Intensely Developed Area, therefore the applicant must demonstrate that the 10% Pollutant Reduction Rule has been met. Native plantings can satisfy this requirement for a lot of this size.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 174-99

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

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

Re: Douglas G. Jasa
1999-0139-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition that will require less setbacks. This office has no comment regarding the setback issue. Since the subject lot is mapped as an Intensely Developed Area the applicant must address the 10% Pollutant Reduction Rule. On a lot of this size, plantings are appropriate.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 181-99

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

April 9, 1999

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

Re: Stephen H. Strohecker
1999-0140-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition of a storage shed to an existing dwelling that will require less setbacks. This office has no comment regarding the setback issue.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 182-99

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

April 9, 1999

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

Re: Woods at Dividing Creek
S 98-044, P 98-101

Dear Ms. Allen:

I have received the resubmittal for the above-referenced project. Based on the revised plan, it appears the applicant has addressed our previous comments in a letter dated May 28, 1998, and the subdivision appears to meet the County's Critical Area program. However, we have two remaining comments.

1) Lots 1, 2, 3, 4, and 6 are partially within the expanded Buffer. We recommend that a note be added to the final plat to alert future homeowners to the expanded Buffer. The note should include language that no new disturbances are permitted within the Buffer.

2) The proposed method of stormwater management includes individual infiltration trenches. It is my understanding that the soils in the area of the proposed lots are on fill material. Will these soils be able to infiltrate?

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 242-98

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

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

\April 8, 1999

Mr. Daniel R. Cowee
Planning Officer
Office of Planing and Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Bill 691- Clarifying County Council's Authority in Regard to Growth Allocation

Dear Mr. Cowee:

At its meeting on April 7, 1999, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that Bill 691, which clarifies the County Council's authority when voting on growth allocation requests, is a refinement to the local Critical Area Program.

The County is required to finalize these changes in the Zoning Ordinance within 120 days of this notice. Please forward a copy of the revisions to this office. If you have any questions, please call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: TC Refinement File

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

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

Chesapeake Bay Critical Area Commission

STAFF REPORT
April 7, 1999

APPLICANT:	Talbot County
PROPOSAL:	Refinement - Talbot County Council Bill No. 691
COMMISSION ACTION:	Concurrence
STAFF:	Lisa Hoerger
APPLICABLE LAW/ REGULATIONS:	COMAR §8-1809(p)

DISCUSSION:

The purpose of County Council Bill No. 691 is to clarify the County Council's authority when voting upon requests for growth allocations in the Critical Area. The new language provides additional evaluation criteria for growth allocation requests. It reads as follows:

> (2) In deciding whether to approve or disapprove an application for a growth allocation district boundary amendment, in addition to the specific requirements and purposes set forth elsewhere in this Ordinance, the Council may also consider:
>
> (i) Consistency with the purposes and intent of the Talbot County Comprehensive Plan;
>
> (ii) Compatibility with existing and proposed development and land use in the surrounding area;
>
> (iii) Availability of public facilities;
>
> (iv) The effects on present and future transportation patterns;
>
> (v) The effect of population change within the immediate area;
>
> (vi) The past, present, and anticipated need for future growth of the County as a whole;
>
> (vii) The location, nature, and timing of the proposed growth allocation in relation to the public interest in ordered, efficient, and productive development and land use;
>
> (viii) The protection of the public health, safety and welfare.

(3) The fact that an application for a growth allocation district boundary amendment complies with all the specific requirements and purposes set forth in this Ordinance shall not be deemed to create a presumption that the proposed growth allocation district boundary amendment would in fact be compatible with surrounding land uses, and is not , in itself, sufficient to require approval.

The County is proposing these additional criteria to address issues raised during a pending case in Talbot County that was remanded back to the County Council by the Court of Appeals. The Court asked that more specific findings be made to support the decision of the Council.

The Chairman has determined Bill No. 691 to be a refinement to the Talbot County Critical Area Program and seeks your concurrence.

Judge John C. 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 5, 1999

Mr. Larry Walsh
Project Manager
Environmental Services & Waste Management Program
Maryland Environmental Service
2011 Commerce Park Drive
Annapolis, Maryland 21401

Re: Cox Creek New Storm Drain Project
Storm Water Management Modifications

Dear Mr. Walsh:

Thank you for copies of the final plans for the stormwater management pond project. Commission staff reviewed the plans and conducted a site visit on March 31. As a result of that review, no additional formal approval is needed from the Chesapeake Bay Critical Area Commission for the stormdrain project.

In regard to the mitigation required for the stormdrain project, we understand that the plantings plan will be submitted to Commission staff this month for review. Once received, we will provide you with comments as soon as possible so that plantings may begin this spring.

Thank you for your cooperation. If you have any questions, please telephone me at (41) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: Regina Esslinger, Chief, Project Evaluation Division

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

Mr. Dan Cowee
Talbot County Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Tred Avon Farm Growth Allocation Request

Dear Mr. Cowee:

The Commission has received the above-referenced growth allocation request to reclassify 8.64 acres of Resource Conservation Area into Limited Development Area. Before this office can process this request we need the following information:

1) The lot labeled "Lot 1" states that it is an existing lot of record. When was this lot platted? Was is platted prior to December 1, 1985? Please submit documentation.

2) If a portion of "Lot 1" is waterfront, does the County intend to require a 300-foot Buffer?

3) What is the acreage of the area of the parcel shaded on the attached map?

4) Because the County is proposing to use a development envelope approach to calculating the growth allocation acreage, 20 acres must be set aside as required by the Commission's policy. This acreage must be a contiguous area. Please indicate where this area is located on the parent parcel.

Thank you for your assistance in this matter. Please call myself or Mary Owens if you have any questions. We can be reached at (410) 260-7516.

Sincerely,

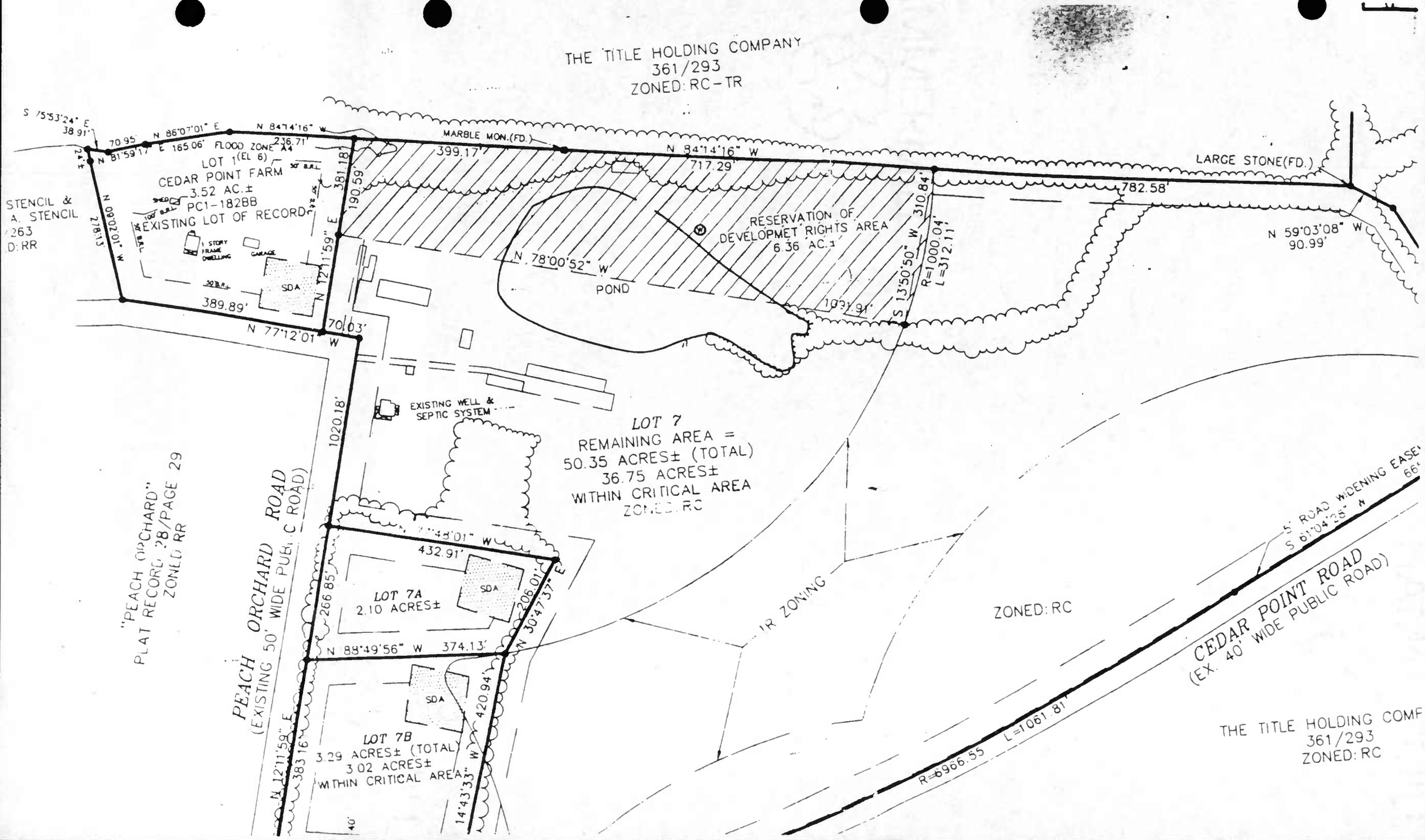
Lisa A. Hoerger
Environmental Specialist

Enclosure

cc: Mary Owens

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

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


THE TITLE HOLDING COMPANY
361/293
ZONED: RC-TR
S 75°53'24" E
38.91'
70.95'
N 86°07'01" E
N 84°14'16" W
165.06'
FLOOD ZONE A4
236.71'
MARBLE MON.(FD.)
399.17'
N 84°14'16" W
717.29'
LARGE STONE(FD.)
782.58'
N 59°03'08" W
90.99'
LOT 1 (EL 6)
CEDAR POINT FARM
3.52 AC.±
PC1-182BB
EXISTING LOT OF RECORD
1 STORY FRAME DWELLING
GARAGE
SDA
N 09°20'01" W
278.13'
381.18'
190.59'
N 72°11'59" E
389.89'
N 77°12'01" W
70.03'
N 78°00'52" W
POND
RESERVATION OF DEVELOPMET RIGHTS AREA
6.36 AC.±
310.84'
S 13°50'50" W
R=1000.04'
L=312.11'
1031.91'
STENCIL &
A. STENCIL
263
D: RR
EXISTING WELL & SEPTIC SYSTEM
LOT 7
REMAINING AREA =
50.35 ACRES± (TOTAL)
36.75 ACRES±
WITHIN CRITICAL AREA
ZONED: RC
1020.18'
"PEACH ORCHARD"
PLAT RECORD 28/PAGE 29
ZONED RR
PEACH ORCHARD ROAD
(EXISTING 50' WIDE PUBLIC ROAD)
N 77°48'01" W
432.91'
LOT 7A
2.10 ACRES±
SDA
266.85'
206.01'
N 30°47'37" E
N 88°49'56" W
374.13'
420.94'
LOT 7B
3.29 ACRES± (TOTAL)
3.02 ACRES±
WITHIN CRITICAL AREA
N 12°11'59" E
383.16'
14°43'33" W
40'
ZONED: RC
CEDAR POINT ROAD
(EX. 40' WIDE PUBLIC ROAD)
R=6966.55
L=1061.81'
THE TITLE HOLDING COMP
361/293
ZONED: RC

Judge John C. 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 5, 1999

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

Re: Edward Krause, 1999-0123-V

Dear Mr. Dooley:

I would like to comment on the above-referenced request to permit a dwelling that will require less setbacks and Buffer. This office offers no comment regarding the setback issue. In regard to the Buffer issue, we cannot support the request as proposed since it does not appear the applicant has minimized impacts. We could support a request where the new dwelling does not extend beyond the edge of the dwelling that will remain, and the parking area is located outside the 100-foot Buffer.

Mitigation should be at a 3:1 ratio for all new disturbance unless it can be demonstrated that the proposal will meet the County Buffer Exemption Area policy in which case mitigation as prescribed by that policy is appropriate. Mitigation on a lot designated as a BEA lot includes reestablishing the remaining area between the principal structure and the water in native vegetation in addition to mitigation for new impervious area in the Buffer. This mitigation would be planted elsewhere on the lot.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 164-99

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 2, 1999

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

Re: Sylvester & Diana Kuszaj
1999-0106-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a garage addition that will require less setbacks. This office offers no comment regarding the setback issue. Provided no Habitat Protection Areas will be impacted, and the impervious surface limitations will not be exceeded, this office has no further comment except that any clearing should be mitigated at a 1:1 ratio with native species.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 118-98

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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April 2, 1999

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

Re: Robert & Lisa Cohen
1999-0107-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a second floor addition that will require less setbacks and Buffer. This office offers no comment regarding the setback issue. In regard to the Buffer issue, it appears the proposal will be no further waterward than existing impervious area. In any case, this office supports vertical expansions as opposed to lateral expansions and this expansion appears minimal. Any necessary mitigation should be as prescribed by the Buffer Exemption Area policy if the expansion is no further waterward, or at a 3:1 ratio if the expansion is further waterward and a Buffer variance is necessary.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 152-99

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

April 2, 1999

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

Re: Donald Dailey
1999-0112-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a new dwelling that will require less setbacks and Buffer. This office offers no comment regarding the setback issue. In regard to the Buffer issue, it appears the dwelling is setback as far as possible considering the site constraints of this lot. Mitigation of native species should occur at a 3:1 ratio for new disturbance in the Buffer.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 154-99

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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April 2, 1999

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

Re: Eric Levin
1999-0105-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a pier addition that will require less setbacks. This office offers no comment regarding the setback issue. The applicant should also be obtaining a permit from the Department of the Environment, Tidal Wetlands Division. If there is submerged aquatic vegetation (SAV) in the area of the proposed float, we cannot support the location of the float since shading can have negative effects on SAV beds.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 151-99

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

April 2, 1999

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

Re: Melissa Anne & William Fisher
1999-0103-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a deck that will require less setbacks than required. This office offers no comment regarding the setback issue provided no Habitat Protection Areas will be impacted by the proposal.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 149-99

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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April 2, 1999

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

Re: Kenneth Jaworski
1999-0104-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition that will require less setbacks. This office offers no comment regarding the setback issue, however it appears a Buffer variance may be necessary in this case. While this lot is mapped as a Buffer Exemption Area (BEA), it seems there is intrusion waterward of the existing principal structure because of the proposed deck. The site plan identifies the area under the proposed deck as existing impervious, however the plan showing the existing conditions does not match. The County should verify this discrepancy and determine whether a Buffer variance is needed.

We recommend the applicant adhere to the existing setback so that a Buffer variance is not needed. Mitigation should be as prescribed by the BEA policy.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 150-99

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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April 2, 1999

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

Re: John Trimble
1999-0114-V

Dear Mr. Dooley:

I would like to comment on the above-referenced request to permit an accessory structure that will require less setbacks and Buffer. We have no comment regarding the setback issue. From the information provided it appears the applicants do not intend to change the dimension of the garage, but only to change the interior. Therefore, it is not clear why a Buffer variance is necessary. If there will be impacts to the Buffer, please provide more detailed information so I may provide more substantive comments.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 146-99

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

April 2, 1999

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

Re: Mark & Barbara Harbin
1999-0096-V

Dear Mr. Dooley:

I would like to comment on the above-referenced request to permit a single family dwelling that will require less setbacks and Buffer. This office offers no comment regarding the setback issue. From the information provided it appears the proposed dwelling will match the same footprint and the existing dwelling; therefore, it is not clear why a Buffer variance is required since the subject lot is mapped as a Buffer Exemption Area (BEA). If the new dwelling will not use the existing foundation, we recommend that it be sited closer to Grandview Road in order to minimize impacts to the Buffer.

In any case, we recommend mitigation for any new disturbance to the Buffer to be at either a 3:1 ratio if the proposal does not meet the BEA policy, or according to the BEA policy is a Buffer variance is not needed.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 146-99

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

April 1, 1999

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

Re: Jeffrey & Constance Maynard
1999-0121-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a single family dwelling that will require less setbacks. This office offers no comment regarding the setback issue.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 163-99

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 29, 1999

Mr. Dan Cowee
Talbot County Office of Planning
& Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Bill 691, Bill 701

Dear Mr. Cowee:

The Critical Area Commission received two amendments to your Critical Area program including 1) legislation to clarify the County Council's authority when voting on requests for growth allocation, Bill 691, and 2) legislation to require reasonable accommodations for disabled citizens in consideration of applications for building permits, appeals, variances, and special exceptions, Bill 701.

We are accepting Bill 691 as a complete submittal and consider it as a refinement to the Talbot County Critical Area Program. Chairman North will make a refinement determination within thirty days of the date of this letter. I will notify you subsequent to his decision.

We are also accepting Bill 701 as a complete submittal and will consider it as an amendment to the Talbot County Critical Area Program. Chairman North will appoint a panel to conduct a public hearing on the proposed amendment. The hearing will be in Talbot County. I will contact you to make the arrangements.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: Mary Owens, Chief Program Implementation

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

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

March 19, 1999

Mr. Roby Hurley
30186 Cods Point Road
Trappe, MD 21673

Re: Replacement of Town of Oxford's Water Tower
Tilghman Street

Dear Roby:

I have received your consistency report on behalf of the Town of Oxford regarding the above-referenced project. It appears that the project meets the requirements of the Town's Critical Area Program.

Thank you for the opportunity to comment. If you have any questions, or if I can be of further assistance, please call me.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: Lillian Lord

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 19, 1999

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

Re: Robert Lundvall
P# 1998-265, S# 98-121

Dear Mr. Soldano:

I have received the site plan for the above-referenced subdivision request. Generally this office supports the reconfiguring of existing lots to avoid zoning and other Critical Area variances. I have outlined my comments below.

1) The report states this property has a split LDA/RCA designation; however the site plan does not show where this line is located. The information submitted also does not indicate where the existing lots are platted. This is important because the new subdivision that will reconfigure the existing six lots should not allow greater density in the RCA than was previously platted.

   The site plan shows two structures near the shoreline on proposed lot 6. Are these structures dwellings? If this lot is RCA, they count towards allowed density.

2) The Department of Natural Resources, Heritage and Biodiversity Division stated this site contains potential Forest Interior Dwelling Bird (FID) habitat. As argued by the consultant, given the size of this property and the immediate land uses, it is questionable whether this exact site supports FIDs. However, the County should determine whether a survey is necessary. This office and DNR can assist the County in this regard. If it is determined FIDs do utilize this site, revisions to the plan may be necessary.

3) As always, total allowable impervious surfaces should not exceed 15% over the entire subdivision. Proper stormwater management and sediment and erosion control are also required. The plan shows two shaded areas that will act as areas that provide stormwater management. It is not clear what the concept is behind this proposal. A more concise explanation of how these areas will act as stormwater management seems necessary in order to ensure that adequate management will occur.

4) We recommend that a note be added to the plat detailing the impervious surface and clearing limitations. If FIDs are present, this note should require information in that regard.

5) We also recommend that a plat note be added indicated the presence of both the 100-foot Buffer and the 25-foot nontidal wetland buffer and that these areas may not be disturbed.

Thank you for the opportunity to comment. Please telephone me at (410) 260-7032 if you have any questions or need additional information.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 585-98

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

March 19, 1999

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

Re: Slanker Property
S 99-022, P 99-043

Dear Ms. Allen:

I have received the above-referenced request to subdivide five existing parcels into six lots. I have outlined my comments below.

1) Provided the newly created lots will not require variances to any designated Habitat Protection Areas (HPAs), the proposal is consistent with the County's Critical Area Program.

2) It appears that existing parcels 226, 124 and 218 are mapped as Buffer Exemption Areas (BEAs). Since parcels 226 and 124 will be a newly created lot, it will lose its BEA status. If parcel 218 will remain intact, it can retain its BEA status.

3) Since the applicant is proposing an 18-foot gravel drive to access lots 3, 6 and 5, we recommend that this same driveway access lot 4 so the existing gravel road might be removed from the Buffer.

4) We recommend a plat note be added stating the impervious surface and clearing limitations for these lots.

5) The County should ensure that appropriate stormwater management and sediment and erosion control devices will be utilized for this site.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 100-99

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

March 19, 1999

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

Re: Robert J. Corin
1999-0095-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an accessory structure that will require less setbacks. This office has no comment regarding the setback issue. The request is also advertised as a variance to permit less Buffer and greater impervious area than allowed. From the information provided, this lot is mapped in a Buffer Exemption Area (BEA). As proposed, the accessory structure is no further waterward than the existing dwelling, therefore a Buffer variance is not required. However, mitigation as prescribed by the BEA policy should be imposed.

In regard to the impervious surface issue, it appears a variance is also not required. Provided this lot is properly grandfathered, it is permitted 25% coverage in addition to another 500 square feet. Since this lot is 6,650 square feet, it is permitted 2,162.5 square feet. The applicant has requested only 2,071.5 square feet.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 133-99

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

March 19, 1999

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

Re: Steven Green & Elizabeth Klose
1999-0091-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a garage that will require less setbacks. This office has no comment regarding the setback issue. Any necessary clearing associated with the construction, however should be mitigated at a minimum 1:1 ratio with native species.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 132-99

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

March 19, 1999

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

Re: Westward View/Chidakel Property
S 93-023, P 99-049

Dear Ms. Chalkley:

I have received the above-reference request create two lots. We have no object to the request to create two lots. However, this site contains important resources that are afforded protection under the County's Critical Area Program. In light of this information, I would like to take this opportunity to provide the following recommendations.

1) The Department of Natural Resources, Heritage and Biodiversity Division has identified the forested area of this project site as containing Forest Interior Dwelling Birds (FIDs). As such, the applicant is required, under the County's Critical Area Program, to follow the guidelines contained in the January 12, 1999 letter (attached), or apply for a variance.

   We strongly recommend the dwellings be sited closer to West Shadyside Road. The R-1 setback is 40 feet. Currently, both dwellings are situated an average of 60 feet from the road. By placing the dwellings closer to the road, less clearing will be necessary. Also, the driveways will be shorter and will not require as much clearing. We would support a variance to the 40-foot setback in order to preserve FID habitat.

2) The soils on this parcel are Elkton and Othello. Since these soils exhibit hydric characteristics, will the proposed bioretentions be suitable? We recommend the applicant not only consider the best measure to ensure proper stormwater management, but to also consider the amount of clearing that sure measures will entail.

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

3) A note should be added to the plat alerting future lot purchasers that no further clearing will be permitted on these lots. This note should highlight the importance of the FID presence.

4) The creation of these lots should not create the need for a variance to disturb any other Habitat Protection Areas.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 127-99

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 16, 1999

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

Re: Gerald Atterbury
1999-0058-S, 1999-0060-V

Dear Mr. Dooley:

I have received the above-referenced requests for a special exception to permit a community pier in an RLD district and to permit a variance to permit a community pier without sanitary facilities and with less drive aisle width. This office has no objection to the special exception request and the variance request.

However, we are concerned that the slip calculations may not be correct. The information provided states there is 1,450 feet of shoreline in the RCA, and then makes the calculation using 4,500 feet. This is confusing. If there is a total of 1,450 feet of shoreline in the RCA, than only 4 slips would be permitted using the one slip per 300 feet calculation. Since the applicant has requested five slips, this issue must be resolved before any approvals are granted.

The site plan shows five parking spaces in the 100-foot Buffer. Unless these spaces already exist, they should be located outside the Buffer.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 91-99, AA 92-99

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

March 16, 1999

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

Re: David & Linda Wolff
1999-0054-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition that will require less setbacks and Buffer. We have no comment regarding the setback issue. The proposal appears to provide access to the shoreline. Given the site constraints of this lot, the proposal is reasonable. Any clearing associated with the access should be mitigated at a 2:1 ratio with native species.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 87-99

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

March 16, 1999

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

Re: Christopher Maio
1999-0039-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a single family dwelling that will require less setbacks and Buffer. This office offers no comment regarding the setback issue. In regard to the Buffer variance, it is our understanding that this is a new lot, not grandfathered under the County's Critical Area Program. As such, it should not require any variances since, upon its creation, should be of sufficient size to accommodate development. Therefore, we cannot support the requested Buffer variance. It appears sufficient area exists on the lot to situate a dwelling without the need for a variance.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 73-99

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 15, 1999

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

Re: Ronald & Marie Pickett
1999-0082-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a deck that will require less setbacks. This office offers no comment regarding setback issues. However, the advertisement also states the deck will require less Buffer. It appears the proposed deck is outside of the 100-foot Buffer on this lot. From the information provided, it does not appear that an expanded Buffer is required on this site. If the proposed deck does intrude into the Buffer, we recommend mitigation of native species be performed in the Buffer.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 106-99

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
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March 15, 1999

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

Re: Gary Giordano
1999-0077-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition that will require less setbacks. We have no comment regarding the setback issue. Mitigation according to the Buffer Exemption Area Policy (BEA) should be performed since this proposal meets the BEA provisions in the County's Program.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 104-99

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 15, 1999

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

Re: Brian Higgens
1999-0085-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition that will require less setbacks. We offer no comment regarding the setback issue. Since this lot is mapped as a Buffer Exemption Area (BEA), mitigation should follow the BEA policy.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 116-99

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 15, 1999

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

Re: David McCollough
1999-0090-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition that will require less setbacks. This office offers no comment regarding the setback issue. It appears the addition will not require additional clearing or impervious area. Mitigation should be as prescribed by the Buffer Exemption Area (BEA) policy since this lot is mapped as a BEA.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA -99

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 15, 1999

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

Re: William Magenau
1999-0078-V

Dear Mr. Dooley:

I have received the above-referenced request to permit the reconfiguration of an existing marina and to increase the number of slips from 12 to 17 slips. The reconfiguration will require less setbacks. This office offers no comment regarding the setback issue.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 105-99

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 15, 1999

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

Re: Edward McGowan, 1999-0087-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a septic and stormwater management facilities with less setbacks and Buffer than required. This office offers no comment regarding setback issues. Provided this lot is properly grandfathered, we do not oppose the placement of a single family dwelling on this lot.

We are concerned with the location of the septic facilities. It appears the replacement systems could be located outside of the 100-foot Buffer provided that area of the lot would support a mound system. We recommend the applicant consider this possibility. Mitigation for clearing associated with the installation of the mound system should be at a 3:1 ratio with native species.

In regard to the stormwater management facility, it appears to be located outside the 100-foot Buffer to the tributary stream with the exception of the outfall. Can the outfall be located at some point on the lot other that at the edge of the stream? Our concern is erosion of the streambank.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 118-99

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

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

RE: 99-WL-1145, Camille Oliver-Hoffman

Dear Mr. Cuthbertson:

I have received notice of the above-referenced request to emplace 717 feet of stone revetment 16 feet channelward of mean high water, to construct a 300-foot long by 12-foot wide access road, a 54-foot long by 12-foot wide concrete boat ramp 35 feet channelward of the mean high water line, to emplace 80 feet of low profile stone sill within 30 feet of mean high water, and to plant 1435 square feet of marsh vegetation.

We defer to your office concerning the need of structural measures to prevent shore erosion. We are not aware of any submerged aquatic vegetation (SAV) in the area of the project. If there will be any impacts to SAV beds as a result of this proposal, the request should be modified to avoid those impacts.

The proposed access road will result in excessive clearing and disturbance to the Buffer. In addition, the access road will permanently impact tidal wetlands. As proposed, we cannot support the request for the access road. The boat ramp will necessitate the need for this road and it will also require disturbance to the Buffer. The applicant already enjoys reasonable use of the shoreline. Given the cumulative impacts to the Buffer and the wetlands, we cannot support the request for this boat ramp.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have any questions, please call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA Tidal Wetlands File

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

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

e John C. 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 12, 1999

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

Re: Michael & Patricia Loyco
1999-0056-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a single family dwelling that will require less setbacks and Buffer. Provided this lot is properly grandfathered, this office has no objection to siting a single family dwelling on this lot. It appears the entire lot is within the 100-foot Buffer, and the request appears reasonable given the site constraints of this lot. The applicant should mitigate according to the County's Buffer Exemption Area policy.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 89-99

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

e John C. 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 12, 1999

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

Re: Edgar & Paulette Jones
1999-0059-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition in that will require less setbacks and Buffer than permitted. It appears the proposed additions can could be located no further waterward than the existing dwelling, absent any details on the plan showing other features like the septic area or how stormwater will be treated. If this lot is mapped in a Buffer Exemption Area, we recommend the proposed additions be sited no further waterward to eliminate the Buffer variance. If the proposed is granted a variance to the Buffer, mitigation should be at a 3:1 ratio for all new disturbance.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 90-99

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

e John C. 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 12, 1999

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

Re: David Heckendorf
1999-0055-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a single family dwelling that will require less setbacks and Buffer than allowed. Provided this lot is properly grandfathered, this office has no objection to siting a dwelling on this lot. The narrative provided by the applicant suggests there is no additional area to accommodate the dwelling outside of the Buffer because of the location of the septic and stormwater management trenches. However, we received two different site plans that show the septic area in two different locations. If there is sufficient room to shift the dwelling we recommend the applicant consider that action in order to minimize disturbance to the Buffer.

It was difficult to locate this lot on the Buffer Exemption Area Maps (BEA) provided by the County, therefore I was unable to determine whether this lot is mapped as a BEA. In any case, mitigation should be as prescribed by your office once that determination is made.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 88-99

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

March 12, 1999

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

Re: James C. Foster, Jr.
1999-0051-V

Dear Mr. Dooley:

I have received the above-referenced request to replace an existing dwelling that will require less setbacks and Buffer. It appears the dwelling can be accommodated further outside the Buffer; therefore we recommend the applicant consider minimizing the Buffer intrusion if possible. Mitigation should follow the County's Buffer Exemption Area Policy.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 86-99

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 5, 1999

Ms. Michelle Floam
Potomac Crossing Consultants
1800 Duke Street, Suite 200
Alexandria, VA 22314

Re: Woodrow Wilson Bridge
Conceptual Mitigation Package

Dear Ms. Floam:

Thank you for the opportunity to comment on the Conceptual Mitigation package for the Woodrow Wilson Bridge. Since there are several proposed mitigation sites in the package, I will address each one separately below.

Puterbaugh Property

This Prince George's County site has been offered for creation of nontidal wetlands. We agree with the other resource agencies that this site appears to have the ability to support a wetland given the site characteristics.

Earnshaw Property

This site, located in Charles County, is proposed for creation of tidal wetlands. We could support this site as the location for tidal wetland creation if the Anacostia Site is not chosen. If this site is chosen over the Anacostia site for tidal wetland creation, the property owner should be made aware that a 100-foot Buffer shall be reestablished from the edge of the newly created tidal wetland. Reestablished means planting native Buffer species. The 100-foot Buffer is also an area of no new disturbance from future development activities.

Anacostia River Park

The Anacostia River Park, owned by the Maryland National Capital Park and Planning Commission (MNCPPC), is proposed for tidal wetland creation. We would like to see a wetland delineation of this property to determine if we can create additional wetlands on this site. If this site is chosen, a long-term management agreement should be established with MNCPPC to ensure the success of the phragmites eradication of the newly-created wetland.

We recommend that channel creation should be considered for the southern end of the project site in addition to at least two openings along the Anacostia in order to ensure adequate tidal exchange to support the wetland.

The upland area proposed to receive the dredge material could be utilized for reforestation once it is capped. If the area is not filled, perhaps it could be used to create a forested wetland. This may eliminate the need for the Puterbaugh site if there is enough land area available and this site could be used to meet both mitigation obligations.

In any case, we believe the upland site proposed for the dredge material placement could be used for reforestation as a result of any necessary clearing within the 100-foot Buffer to create the wetland and to enhance the wildlife value of the area.

Fish Passages - Northwest Branch & Sligo Creek

This office supports the idea of removing stream blockages to restore the upper reaches of these creeks to anadromous fish for mitigation of SAV and open water impacts provided a minimum 1:1 in-kind replacement is met for the emergent tidal and nontidal wetlands.

Thank you for the opportunity to comment. If you have any questions concerning the above comments, please call me at (410) 260-7516.

Sincerely,

Lisa A. Hoerger

Lisa Hoerger
Environmental Specialist

cc: Claudia Jones, Science Advisor, 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

March 4, 1999

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

Re: Margaret Mattia
1999-0061-V

Dear Mr. Dooley:

I have received the above-referenced variance to allow less setbacks for the construction of single family dwelling. We have no comment regarding the setback issue.

Thank you for the opportunity to comment.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 93-99

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 4, 1999

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

Re: Sally Stoltz
MS 99-016

Dear Ms. Chalkley:

I have received the above-referenced subdivision request to create three lots. I have outlined my comments below.

1) The parcel has 53 acres in the Resource Conservation Area of the Critical Area. They are requesting two lots which meets the one dwelling unit per twenty acre density requirement, however there appears to be two existing structures inside the Critical Area at present. Are either of these structures dwellings? If so, it appears the density of the RCA parcel has been met, leaving no ability to build on proposed lot 2.

2) The 53 acre parcel may qualify for three lots in the Critical Area only if it is a bona fide intrafamily transfer. If this will be an intrafamily transfer, than a note should be on the plat identifying it as such.

3) There are pockets of hydric soils on the property. This may require a variance to the expanded Buffer unless a soils analysis is provided from the Natural Resource Conservation Service indicating the soils were mapped erroneously.

3) The Heritage and Biodiversity Division of the Department of Natural Resources has indicated the possibility that Forest Interior Dwelling Birds may utilize this site for breeding and nesting purposes. Compliance with DNR's recommendations must be demonstrated.

4) The site plan submitted is not clear concerning the location of proposed dwellings, driveways, septic, clearing and other structures associated with development. The present site plan shows a septic area for lot 2, but no septic area is shown for lot 3.

5) Stormwater management needs to be addressed as does any necessary reforestation for the area in the Critical Area.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 67-99

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 4, 1999

Robert F. Karge, Town Clerk
Town of Easton
P.O. Box 520
Easton, Maryland 21601

Re: Resolution No. 5631

Dear Mr. Karge:

On March 3, 1999, the Chesapeake Bay Critical Area Commission concurred with Chairman North's determination that Resolution No. 5631, the annexation of lands of Cooke's Hope Howmeowners Association, Trippes Creek, LLC and Cheston Limited Partnership, is a refinement to the Town's Critical Area Program. This refinement should be incorporated in to your Critical Area Program within 120 days from the date of this letter.

If you have any questions, please call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: Mr. Tom Hamilton
Mr. Lynn Thomas
Mr. Dan Cowee

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

Chesapeake Bay Critical Area Commission

STAFF REPORT
March 3, 1999

APPLICANT:	Town of Easton
PROPOSAL:	Refinement - Annexation of lands of Cooke's Hope Homeowners Association, Trippes Creek, LLC and Cheston Limited Partnership
COMMISSION ACTION:	Concurrence
STAFF RECOMMENDATION:	Concurrence with Chairman's Determination
STAFF:	Lisa Hoerger
APPLICABLE LAW/ REGULATIONS:	Natural Resources Article §8-1809(p)

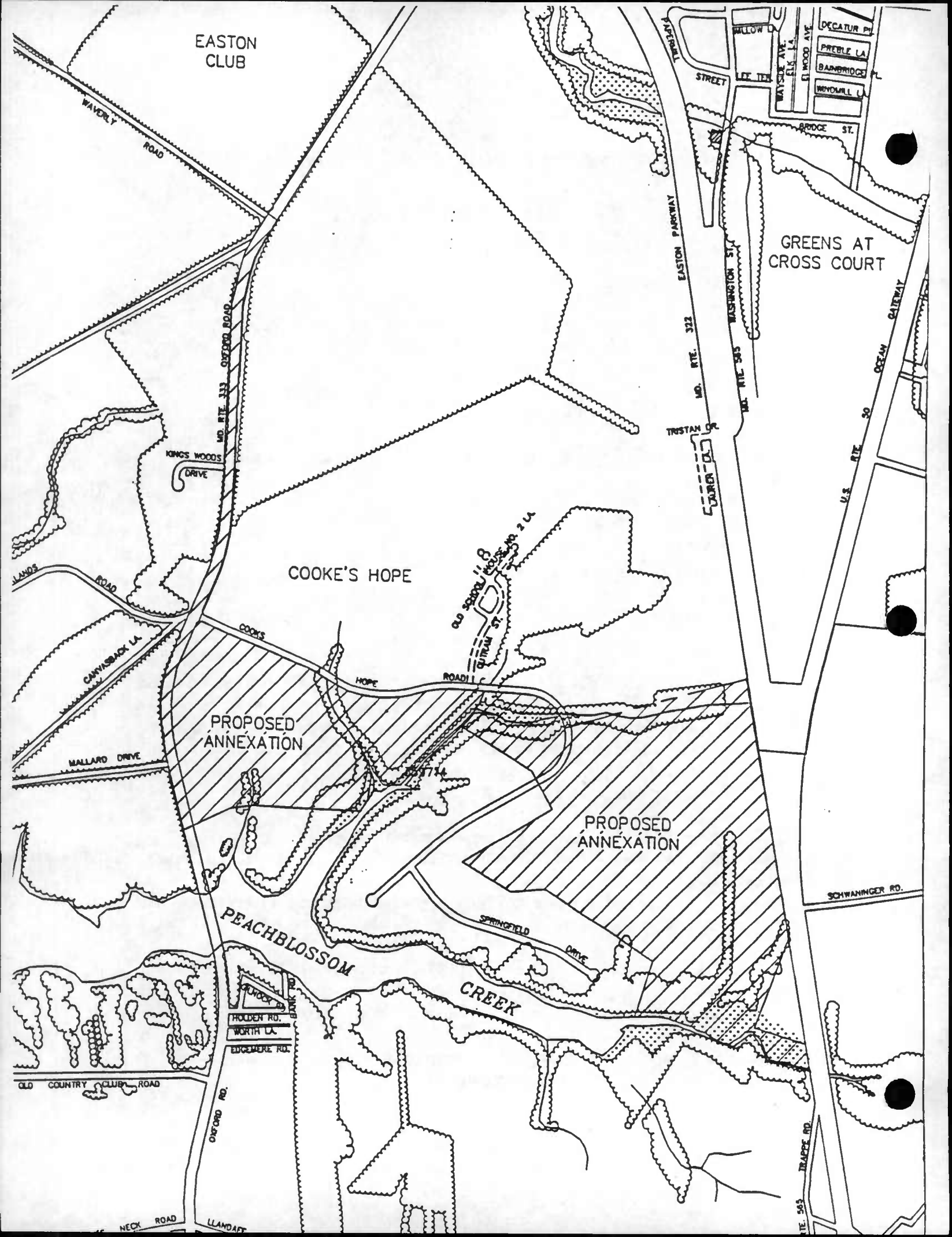
DISCUSSION:

The Town of Easton has annexed 217.851 acres of land, the majority of which is located in the Critical Area. The parcels are located on the westerly side of U.S. Route 50 and the easterly side of Maryland State Route 333. The properties have a Critical Area designation of Resource Conservation Area. Upon annexation the Town assigned an R-10A zoning classification. No change in the Critical Area designation is proposed at this time. Future development of the parcels will be served by public water and sewer.

These parcels are identified in the Town of Easton's Comprehensive Plan as growth areas. The land use is currently a mix of agricultural fields and wetland areas near the shoreline of Peach Blossom Creek. Two streams appear on the topographical map. A review by the Department of Natural Resources, Heritage and Biodiversity Division reported the absence of any known rare, threatened or endangered species on the site.

The annexation, Resolution No.5631, became effective on December 7, 1998 following a public hearing and approval by the Town Council. While there was no opposition to this specific annexation request, there was some opposition in general to the growth of the town.

Chairman North seeks your concurrence with his determination that this annexation request is a refinement to the Town of Easton's Critical Area Program.


EASTON CLUB
WAVERLY ROAD
MD. RTE. 333 OXFORD ROAD
KINGS WOODS DRIVE
COOKE'S HOPE
COOKS HOPE ROAD
CANVASBACK LA.
MALLARD DRIVE
PROPOSED ANNEXATION
PROPOSED ANNEXATION
PEACHBLOSSOM CREEK
SPRINGFIELD DRIVE
OLD SCHOOL HOUSE NO. 2 LA.
QUITMAN ST.
TRISTAN DR.
TAURER CT.
MD. RTE. 322 EASTON PARKWAY
MD. RTE. 565 WASHINGTON ST.
U.S. RTE. 50 OCEAN GATEWAY
GREENS AT CROSS COURT
BRIDGE ST.
STREET
WILLOW DR.
DECATUR PL.
PREBLE LA.
BARNBRIDGE PL.
WOODMILL LA.
WAYSIDE AVE.
ELK LA.
ELMWOOD AVE.
SCHWANINGER RD.
HOLDEN RD.
WORTH LA.
EDGEMERE RD.
OLD COUNTRY CLUB ROAD
OXFORD RD.
TRAPPE RD.
NECK ROAD
LLANDAFF

John C. 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 2, 1999

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

Re: W. Calvin Gray, 1999-0041-V

Dear Ms. Schappert:

This letter serves as a revision to my letter dated February 18, 1999 concerning the above-referenced case. Provided this lot is properly grandfathered, this office does not oppose the single family dwelling. While I do not have the benefit of a revised site plan showing the corrected Buffer, it is my understanding that the 100-foot Buffer begins at the edge of the tributary stream and extends northward. It is expanded for steep slopes and terminates at approximately halfway through the proposed dwelling. Also, there is a 25-foot buffer from the edge of the non-tidal lake.

Since the location of the Buffer has changed, it appears the proposed pool and patio will not be in the Buffer. Therefore, my previous comments concerning these amenities has changed. Any clearing for the pool and patio should be mitigated at a 1:1 ratio with native species. The same should be applied for clearing associated with the driveway and dwelling outside the Buffer. All disturbance inside the Buffer should be mitigated for at a 3:1 ratio with native species.

My original comment concerning stormwater leaving this site remains the same. All stormwater should be treated before it reaches the non-tidal lake and Forked Creek.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

AA 77-99

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

February 26, 1999

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

Re: Richard and Yvette Dietich
1999-0014-V

Dear Ms. Morgan:

I have received the updated site plan for the above-referenced request to permit a dwelling addition with less setbacks and Buffer than required. Generally, we do not oppose dwelling additions, particularly when they will be no closer to the edge of tidal wetlands than the existing dwelling. However, the proposed additions in this case will double the size of disturbance within the 100-foot Buffer. We recommend that the footprint be reduced in order to minimize the impacts to the Buffer.

This office cannot support the expansion of the shed because the Buffer is a designated Habitat Protection Area (HPA) designed to act as a natural filter for runoff and provide habitat to both terrestrial and aquatic species. Disturbance of the Buffer is prohibited except for water-dependent facilities and dwellings on grandfathered lots. Accessory structures are not expressly prov ided for in the Critical Area Program. The Criteria, in Section 27.01.09.01, and the Anne Arundel County Critical Area Program specifically prohibit development within the Buffer of non-water dependent uses. As proposed, this office cannot support the shed expansion.

All new disturbance should be mitigated at a 3:1 ratio with native species. Disturbance includes grading, footprint and clearing. Those plantings should be between the existing dwelling and wetland.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 48-99

dge John C. 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 26, 1999

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

RE: 99-WP-0842, Jeff & Laurie Deane
99-WP-0843, Kent McNew

Dear Mr. Cuthbertson:

I would like to offer your office comments regarding the above-referenced public notices. Both applicants propose to eradicate Phragmites and replant native wetland vegetation by dredging an 8 to 10-foot wide channel and depositing the material on an upland site. Collectively, three timber foot bridges and a 10 x 10-foot timber observation deck are also proposed. I have outlined my comments below.

We support the applicants' proposal to restore native wetland vegetation to an area that historically supported a native wetland. However, any required reforestation plans filed with Anne Arundel County in conjunction with prior building permits should be upheld. The species selected for the wetland restoration project are appropriate. We defer to your office in regard to the channel design.

The proposed dredged material placement sites for both applications are on septic easements. Your office should verify whether this type of activity is permitted on these septic easements. It appears the dredged material will not be placed in a designated Habitat Protection Area (HPA). If the material cannot be accommodated in the proposed locations, it should not be placed in an HPA.

It appears the 10 x 10 observation platform and proposed foot bridges are in the tidal wetlands. We do not support these structures if they are in the Buffer. These structures may require a variance from Anne Arundel County and this office will not support a variance for these accessory structures in the Buffer. The Buffer is a HPA that provides both water quality and habitat functions. No new development is permitted in the Buffer according to the County Critical Area Program.

The proposed paths are also in the Buffer. There is no information included with the submittal we received that supports their existence through a wetland or how the paths will cross the upland portion of the Buffer to reach the wetland. While shoreline access is permitted, it typically is via one path to the shoreline, not several paths. Paths that run parallel to the shoreline are not appropriate and may also require a variance to the Anne Arundel County program.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA Co. Tidal Wetlands File

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

February 23, 1999

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

Re: Jean Crimmins
1998-0440-V

Dear Ms. Morgan:

I have received the revised plan for the above-referenced case. The applicant has reduced the overall footprint, clearing and impervious surface on the site. However, the plan still shows an accessory structure in the expanded Buffer for steep slopes. We cannot support a variance to the Buffer provisions for an accessory structure on this lot. It appears there may be an area just outside the expanded Buffer that could accommodate this use without the need for a Buffer variance. Based on the revised plan, we have a few remaining recommendations.

1) A letter dated February 19, 1999 from Mark Weber indicates that the perc tests have not yet been performed. We have some concerns regarding where the actual location of the sewage disposal trenches will be as a result of those perc tests. We may need to review the locations of the trenches when the tests are completed.

2) As a result of siting the sewage disposal trenches, the clearing figures will change. The current site plan shows the trenches, but does not account for the clearing involved in installing these trenches.

3) The proposed stormwater management trenches on the plan appear to require excessive clearing in the expanded Buffer for steep slopes. Considering these trenches are located in a Habitat Protection Area, we recommend they be sited closer to the dwelling to minimize clearing and disturbance.

4) Mitigation for clearing should be at a 3:1 ratio for all new disturbance to the Buffer.

This office can support a variance to allow the single family dwelling taken with the above recommendations. If you have any questions, please call me at (410) 260-7032.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 646-98

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

February 18, 1999

Mr. Stephen Del Sordo, Zoning Administrator
P.O. Box 206
St. Michaels, Maryland 21663-0206

Dear Mr. Del Sordo:

I received your letter requesting that the Commission provide input on the request for growth allocation submitted by the Midland Companies for the proposed Miles Point Development. According to the information provided to us, the St. Michaels Planning Commission made the following finding regarding this request:

> "... the majority of the St. Michaels Planning Commission recommends to the Commissioners of St. Michaels that the requested growth allocation reclassification for the Project as submitted, from RCA to IDA, be **DENIED**."

Based on this finding, it is not appropriate for the Commission to comment on this proposal at this time since a favorable recommendation was not given.

If you have any questions, please do not hesitate to contact me at (410) 260-7032.

Sincerely,

Lisa Hoerger
Environmental Specialist

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 18, 1999

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

Re: Eva Tom, 1999-0042-V

Dear Mr. Dooley:

I have received the above-referenced request to construct a single family dwelling that will be closer to the side street than allowed. This office has no comment regarding the immediate request; however, we do have some concerns regarding this request in general.

According to the soils maps there are hydric soils (Elkton and Othello) on this lot. It appears the County has decided not to expand the Buffer in this case, presumably because it was determined the development will not impact streams, wetlands, or other aquatic environments. We have no objection to this determination.

Our concern lies with the proposed infiltration trench to treat stormwater. These soils can have seasonably high water tables that range between zero and one foot below the surface. The infiltration trench is designed to be at least four feet below the surface; therefore we are concerned that this method of treating stormwater may not be appropriate for this site. Mitigation for clearing should be at a minimum 1:1 ratio.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: - AA 78-99

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 18, 1999

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

Re: Daniel Ruegg, Lots 117, 118
1998-0443-V

Dear Mr. Dooley:

I have received the above-referenced request to disturb the 100-foot and expanded Buffer and to disturb steep slopes. Provided the lots are properly grandfathered, this office will not oppose the placement of a single family dwelling. However, this proposal is excessive and we cannot support is as currently proposed.

We could support a proposal showing a smaller footprint, which will result in less clearing and grading. The proposed method of stormwater management is not clear; however disturbance to the Buffer should be the minimum possible. Mitigation should be at a 3:1 ratio.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 75-99

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

Re: Daniel Ruegg, Lots 114, 115
1998-0444-V

Dear Mr. Dooley:

I have received the above-referenced request to permit disturbance to steep slopes and the expanded Buffer. Provided these lots are properly grandfathered, this office will not oppose the placement of a single family dwelling. However, the entire site is covered with steep slopes greater than 25%.

As proposed, this office cannot support the request. We could support a request that reduces the impacts for clearing, impervious area and grading. The entirety of the lots are slopes that are greater than 25%. The necessary clearing and grading for the dwelling is excessive. We recommend the applicant reduce the footprint, thereby reducing the amount of clearing and grading. In addition, the proposed method of stormwater management is not clear; however disturbance to the Buffer should be the minimum possible. Mitigation should be at a 3:1 ratio of native species.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 76-99

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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February 18, 1999

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

Re: W. Calvin Gray, 1999-0041-V

Dear Mr. Dooley:

I have received the above-referenced request to construct a single family dwelling that will require less setbacks, impact steep slopes and intrude into the Buffer. We are unaware of a requirement in the County's Critical Area program that dictates there be a 100-foot Buffer from the edge of nontidal ponds. In any case, we will not oppose a variance to site a single family dwelling provided the lot is properly grandfathered.

In regard to the request, we recommend that the footprint be scaled down and the proposed dwelling be pulled closer to Blue Lake Drive in order to minimize clearing for the driveway. The site plan shows a proposed pool and patio. Unlike the primary dwelling, these amenities may not be in a designated Habitat Protection Area designated by the County. These amenities also cannot be directly impacting steep slopes.

The stormwater management note states that the non-tidal lake will act as a retention facility for stormwater leaving the site after development. We do not agree with this proposal. The stormwater leaving the site after development should be treated before it reaches the nontidal lake.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 77-99

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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February 18, 1999

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

Re: Joseph Dumsha
1999-0033-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an accessory structure with less setbacks and without a principal structure. Provided no Habitat Protection Areas will be impacted, this office has no comment regarding setbacks and the principal structure issues.

However, we are concerned that the impervious surface limitations of this site comply with current State law. The information provided concerning the total site area was confusing; therefore it was difficult to determine whether the impervious surface limitations were being met. The County should ensure this before final approvals are obtained.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 72-99

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 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.

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

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 quality 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:

-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 A. Hoerger

Lisa Hoerger
Environmental Specialist

Claudia Jones

Claudia Jones
Science Advisor

cc: Mr. Steve Callahan
Mr. Sean Davis
Ms. Katherine McCarthy
Ms. Regina Esslinger

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 15, 1999

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

RE: 99-WL-0783
Anne Arundel County Department of Public Works

Dear Mr. Cuthbertson:

I have received notice of the above-referenced request to construct 193 feet of closed drainage outfall pipe and to emplace stone rip rap 26 feet channelward of mean high water. According to the 1995 SAV Survey, there may be Zannichellia palustris nearby or within the project area. We recommend the applicant avoid disturbance to any SAV beds. If disturbance cannot be avoided and the request is granted, we recommend mitigation for the SAV as prescribed by your office. In addition, any clearing in the 100-foot Buffer that is associated with the installation of this pipe and rip rap should be mitigated at a 1:1 ratio with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA Tidal Wetlands File

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

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 15, 1999

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

RE: 99-WL-0982
James Quinn

Dear Mr. Cuthbertson:

I have received the above-referenced request to mechanically maintenance dredge a 51-foot long by 16 to 54-foot wide spur channel and slip area to the 6-foot depth. According to the 1995 SAV survey, there may be Potamogeton pectinatus and Zannichellia palustris present. All efforts should be made to avoid any SAV beds at this site. If avoidance is not possible and this request is granted, then mitigation as prescribed by your office should occur.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA Tidal Wetlands File

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

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

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 15, 1999

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

RE: 99-WL-0890
Arden Beaches, Inc.

Dear Mr. Cuthbertson:

I have received the above-referenced request to construct a new 82-foot long by 16-foot wide boat ramp within 40 channelward of the mean high water and to construct a 50-foot long timber pier. This office has no objection to the requests provided the Buffer at the location of the old boat ramp be restored with native vegetation. Any clearing associated with the construction of the new boat ramp should be replaced in the Buffer at a 2:1 ratio with native species. Any clearing necessary for access to the new pier should be replaced at a 1:1 ratio with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA Tidal Wetlands File

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

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

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

February 15, 1999

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

RE: 99-WL-0945
Vincent Salvatori

Dear Mr. Cuthbertson:

I have received the above-referenced request to mechanically maintenance dredge a 150-foot long by 20-foot wide slip and turning area to the 7.9-foot depth, and to emplace 103 feet of stone revetment within 6 feet channelward of mean high water. Any disturbance to the Buffer resulting from the construction of the revetment should be mitigated for at a 1:1 ratio with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA Tidal Wetlands File

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

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

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

February 10, 1999

Robert F. Karge, Town Clerk
Town of Easton
P.O. Box 520
Easton, Maryland 21601

Re: Resolution No. 5631

Dear Mr. Karge:

The Critical Area Commission received the notice that the Town of Easton has annexed 217.851 acres of land under Resolution No. 5631. We are accepting this notice as a complete submittal, and Chairman North will make a refinement determination within thirty days of the date of this letter. I will notify you subsequent to his decision.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: Mr. Tom Hamilton
Mr. Lynn Thomas
Mr. Dan Cowee

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 4, 1999

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

Re: Pellicot Property
MS 99-005

Dear Ms. Chalkley:

I have received the above-referenced request to create an additional lot from a two acre parcel. From the site plan provided, it appears the newly created lot with have a split Critical Area designation of Limited Development Area (LDA) and Resource Conservation Area (RCA). The development activities associated with Lot 3 should remain outside of the RCA portion of the lot.

Clearing and impervious cover should remain below 15%. Mitigation at a 1:1 ratio for any clearing is required. We recommend native species. Adequate stormwater and sediment and erosion control devices should also be provided during and after construction.

Thank you for the opportunity to comment. Please call me if you have any questions or need additional information.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 25-99

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

February 4, 1999

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

Re: Deale Shopping Center, Planned Commercial Complex
C 99-001

Dear Ms. Chalkley:

I have received the above-referenced site plan to construct a Safeway store. It appears the only disturbance to the Critical Area will involve the replacement of two culverts in the expanded Buffer for hydric soils. The Critical Area report states that no clearing of vegetation will be involved with the removal and replacement of the culverts. Any disturbance that will result to the area should be mitigated with native species. We recommend that the applicant consider restoring the Buffer, where possible, with native vegetative cover to further enhance the habitat value and water quality of this site.

Thank you for the opportunity to comment. Please call me if you have questions or need additional information.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 56-99

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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February 2, 1999

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

Re: Matthew Herath
1999-0028-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a pier that will have a greater length than otherwise permitted. This office offers no comment regarding pier length. The applicant should be seeking permits from the Maryland Department of the Environment, Tidal Wetlands Division. If permitted, mitigation as prescribed by this agency should be considered by the County.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 52-99

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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February 2, 1999

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

Re: Steven and Ann Morgan
1999-0017-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a deck that will require less setbacks. This office offers no comment regarding the setback issue.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 49-99

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 2, 1999

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

Re: Clark and Debbie Oxendine
1999-0022-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an accessory structure with greater impervious coverage than allowed. According to current State law, a lot between 21,781-36,300 square feet is permitted up to 5,445 square feet of impervious surface. The applicants request 6,165 square feet or 720 feet greater than permitted. It appears the applicants propose to remove three existing accessory structures, an asphalt area and a concrete pad.

As proposed this office cannot support the request. We recommend the driveway be reduced in width and length, and the proposed accessory structure be moved closer to the road to reduce driveway length. Also, the size of the structure might be reduced to meet the impervious surface limitations.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 50-99

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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February 2, 1999

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

Re: Status of the Four Year Comprehensive Review

Dear Ms. Gawel:

This letter serves as a follow-up to our last correspondence of March 18, 1998 concerning the Anne Arundel County Comprehensive Review (letter enclosed). Since that time, Critical Area Commission staff have identified several additional issues that will be communicated to the Critical Area Commission panel assigned to the County's four-year comprehensive review. I have outlined these issues below.

1) The Commission staff will be meeting with the County to discuss uses in the Resource Conservation Area. As you may be aware, this issue was left unresolved after the County's first comprehensive review which was completed in 1993. While this item may be considered under a separate amendment, the County may wish to include it with the comprehensive review package.

2) The Commission requests that a full set of the updated Critical Area maps that display the 1000' boundary and the Critical Area designations overlaid on the County tax maps be provided at the 600 foot scale.

3) The current Buffer Exemption Area (BEA) Program does not address commercial or industrial sites that are designated as BEAs. I understand you have been working on some language to address this issue. Commission staff are also aware of the County's plans to redevelop the David Taylor site. We believe this site may require unique and special BEA provisions. We would like to work with you to develop appropriate language for the site. We encourage the County to proceed with developing more generic language to address the other commercial and industrial sites in the County. Commission staff are working on updating the Commission's BEA Policy which may provide guidance for these sites.

4) Recently, we have been alerted to some language in Article 21 that may be in conflict with the Critical Area Criteria. This language is found in Article 21 §2-213(c)(6)(i) and reads as follows:

(6) clearing or grading on existing slopes of 15% or greater is prohibited in limited development and resource conservation areas unless:

> (i) the development is pursuant to a variance, buffer exemption program, or necessary roads, bridges, or utilities in the buffer; or

As written, this provision can allow for disturbance of steep slopes without a variance. While COMAR 27.01.02.04 allows roads, bridges and utilities to cross Habitat Protection Areas when no feasible alternative exists, this provision does not apply to steep slopes.

5) We would like some clarification as to how the County is tracking impervious surface limits on grandfathered lots and parcels. For instance, how does the County track the impervious surface totals of a property owner who is developing several contiguous individual parcels or lots?

6) We would also like verification that the County is forwarding all projects required under COMAR 27.03.01.03 to the Commission. Commission staff have not been receiving all projects outlined in COMAR. For example, the Assisted Living Facility in Pasadena was not forwarded to Commission staff, yet total disturbance was over 5,000 square feet in the Resource Conservation Area.

7) Under the existing County program, the Critical Area Commission does not review local government projects in the Critical Area. Our Anne Arundel County panel members have expressed concern about this process and would like to review it for possible change.

8) All disturbance in the Buffer, including shore erosion control structures for which no permit is required from the Department of the Environment, require notice to the Critical Area Commission. If bulkheads or other structures or disturbance have been permitted by the County that were above mean high water, they may be subject to the variance provisions found in the County zoning ordinance. The County and the Critical Area Commission need to develop notice and review procedures for these projects.

Thank you for your cooperation thus far with the comprehensive review. I am available to assist you in any way, so please call me at (410) 260-7032 if you have any questions or need assistance.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

Enclosure

cc: Larry Duket,
James Foor
Diane Evans
Louise Lawerence
David Cooksey
Ren Serey
Mary Owens

Judge John C. 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 1, 1999

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

Re: Polm Property
S 86-036, P 9-010

Dear Ms. Allen:

I have received the above-referenced request to create a lot to construct a single family dwelling. Outlined below are our comments regarding this request.

1) It is my understanding this lot is being created from a one acre parcel that is almost entirely within the Resource Conservation Area (RCA). The new lot and the proposed septic systems are also partially inside the Critical Area. Since the septic system is considered a development activity, and it will serve development outside the RCA, its location must be outside the RCA portion of the lot.

2) No new development activities are permitted within the RCA portion of the lot. A plat note should be provided to alert future lot owners to this situation.

3) The site plan provided has labeled the new lot as lot 3. Also, the northern portion of the lot is labeled 1 and the southern portion labeled 2. This is confusing and needs to be clarified.

4) As always, this subdivision should not create the need for any variance, especially variances to any Habitat Protection Areas in the Critical Area.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 32-99

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 1, 1999

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

Re: DNR Clearinghouse Review of Local POS Project #3523-2-176
South River Farm SRF (Gilner Estate) - A.A. County

Dear Mr. Dehart:

I have received notice of the Department's intention to purchase .68 aces of land to provide for protection or access to exiting parkland and stream valleys to South River Farm. From the site plan provided, I was unable to locate this parcel. However, it is likely that the parcel may be in the Critical Area, therefore I have outlined the concerns of this office below.

1) If the parcel will be used for access, any new road is restricted to 15% impervious surface coverage.

2) Any clearing must be replaced a minimum 1:1 ratio if clearing remains under 20%. If clearing is between 20-30%, the replacement ratio is 2:1. Native species are recommended.

3) All intermittent and perennial streams in the Critical Area require a minimum 100-foot Buffer. The Buffer is expanded in the case of slopes greater than 15% or hydric or highly erodible soils.

4) All other Habitat Protection Areas found in COMAR 27.01.09 shall not be disturbed.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA Clearinghouse File

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

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 1, 1999

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

Re: Palisades on the Severn

Dear Mr. Soldano:

I have received the above-referenced request to create two lots from 39 lots in the Resource Conservation Area. It appears this is consistent with the Anne Arundel County Critical Area Program. At the time of construction, the applicant shall meet all requirements concerning allowable clearing, impervious area and provide adequate stormwater and sediment and erosion control measures.

This office asks that the County not issue final approval until a response is received by the Department of Natural Resources Heritage and Biodiversity Division concerning potential habitats that could be impacted by development.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 36-99

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

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

Re: Councill Property
MS 99-007

Dear Ms. Allen:

I have received the above-referenced subdivision request to create one additional lot. The majority of the newly created lot is outside of the Critical Area. However, the rear portion of the proposed lot is in the Resource Conservation Area (RCA). No new development activities are permitted on this portion of the lot. The County should consider placing an easement on this portion of the lot, and adding a plat note alerting future homeowners to this situation. The County should also add to the plat notes that any clearing in the Critical Area must be replaced at a minimum 1:1 ratio. No new density is permitted within the RCA portion of this site or the open space.

Final approvals should be reserved until the County has received comments back from the Department of Natural Resources, Heritage and Biodiversity Division that no rare, threatened or endangered species, or Forest Interior Dwelling Bird habitat was found on this parcel. If such species are identified, we may have further comments.
Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 28-99

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

January 27, 1999

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

Re: Buffer Violation at 325 St. John Road
BA 71-98A

Dear Mr. Johnson:

As a result of our site visit earlier this afternoon at the above-referenced property, I would like to take this opportunity to clarify our office's position regarding Buffer violations. This office has consistently advised all jurisdictions in the Critical Area that a mitigation ratio of 3:1 is appropriate when a violation has occurred. As you are aware, the Buffer is a designated Habitat Protection Area designed to provide two primary functions. A fully vegetated Buffer provides water quality benefits to the receiving water body. Also, the Buffer provides important habitat to species in both the terrestrial and aquatic systems.

This site has lost its canopy cover. Therefore, an important component of this Buffer has been lost and will not be regained for many years. Mitigation can restore this component. In addition, the clearing occurred on steep slopes. Clearing on steep slopes can impair the stability of the slope and create immediate or future erosion problems. We support your determination that a plantings plan be required to mitigate this site with native species at a 3:1 ratio.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 37-98

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. Bill Love
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6002
Annapolis, Maryland 21401

Re: Hickory Trail, Herald Harbor
Lots 47, 48 - G02006913
Lots 53, 54, 55 - G02006914

Dear Mr. Love:

Subsequent to our meeting on site yesterday, I would like to take this opportunity to clarify our position regarding current County policies with respect to streams in the Critical Area. The properties mentioned above raised the question as to whether the County can perform field determinations when a mapped stream is believed to be in error.

Anne Arundel County Code, Article 28, §1-101, (68E) defines a tributary stream as follows:

> "Tributary streams" means perennial and intermittent streams in the critical area in the County that are shown on the most recent U.S. Geological Survey seven-and-one-half-minute topographic quadrangle maps, soil survey of Anne Arundel County, or on County maps.

This definition instructs the County to require a minimum 100-foot Buffer if the natural feature is <u>mapped</u> as a stream on one of the maps included in the definition. The property we visited yesterday did have a natural feature that is mapped as a stream on County maps. However, the County may allow field determination under the existing program if it is believed the maps may be in error. We informed Mr. Cover that the County should develop a process for this situation in a letter dated September 12, 1996 (enclosed).

In this case, after a field visit, County staff and Commission staff agree that the natural feature on this site is a stream that requires a 100-foot Buffer.

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

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

If you have any questions, please call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: Ren Serey, Executive Director, CBCAC

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

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

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

September 12, 1996

Mr. Steven R. Cover, AICP
Director, Department of Planning
and Code Enforcement
2664 Riva Road
P.O. Box 6675, MS 6301
Annapolis, Maryland 21401

Dear Mr. Cover:

I am writing in response to your questions regarding delineation of the Critical Area Buffer from tributary streams. You have asked whether Anne Arundel County must delineate a minimum 100 foot Buffer if it determines that 1) the relevant U.S.G.S. topographical maps or other County maps are in error regarding the presence of a stream; or 2) a swale, ditch or other physical feature does not meet the County definition of a tributary stream. It is not necessary to delineate a Buffer in either circumstance; however, the County should develop a process for deciding if the maps are in error and standards to determine if the definition of tributary stream has been met. I suggest the following:

1) Any determination that a Buffer will not be required from a mapped tributary stream should involve on-site verification by County staff. Commission staff are available to assist in this effort.

2) County standards for determining when a swale, ditch or other feature does not meet the definition of tributary stream should clearly set out the characteristics necessary for meeting the definition. I have enclosed guidance from the U.S. Army Corps of Engineers for your consideration in this regard.

3) The County should notify the Critical Area Commission before it makes a final determination that a Buffer will not be established from a mapped stream.

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

Sincerely,

Ren Serey
Executive Director

cc: Regina Esslinger
Lisa Hoerger
Claudia Jones

S Army Corps
f Engineers
altimore District
:ENAB-OP-R

Branch Guidance Letter

No. 95-01 Date 17 October 1994 Expires NONE

SUBJECT: Identification of Intermittent Versus Ephemeral Streams - Not Ditches

1. The District has received a number of requests to provide clarification and guidance for determining the upper reaches of Federal regulatory jurisdiction pursuant to Section 404 of the Clean Water Act for intermittent and ephemeral streams, which may or may not be considered waters of the United States.

2. Project Managers are frequently required to determine the upstream limits of regulatory jurisdiction, including differentiating between intermittent streams, which are regulated [33 CFR 328.3(a)(3)], and ephemeral streams, which are not regulated. Corps regulations, however, provide neither definitions nor criteria for making consistent determinations of jurisdiction in these stream types.

The only guidance provided is found at 33 CFR 328.4(c)(1), which defines the lateral limits of jurisdiction in nontidal waters as "the ordinary high water mark (OHM) provided the jurisdiction is not extended by the presence of wetlands." "When adjacent wetlands are present, the jurisdiction extends beyond the ordinary high water mark to the limit of the adjacent wetlands (33 CFR 328.4(c)(2). When the waters of the United States consists only of wetlands, the jurisdiction extends to the limit of the wetland" (33 CFR 328.4(c)(3). Therefore, as stated in the preamble to 33 CFR, Part 328.4, ". . .it should be concluded that in the absence of wetlands, the upstream limit of Corps jurisdiction also stops when the ordinary high water mark is no longer perceptible."

3. 33 CFR 328.3 defines the OHM as "that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas."

4. Since ephemeral streams, by definition, are always above the water table and receive no groundwater contribution, they act as rain gutters, conveying water for brief periods of time during and immediately following precipitation events. Because water is present in ephemeral streams for such brief periods, an OHM does not develop within these channels. In contrast, intermittent streams not only flow in response to precipitation events, but also intercept the groundwater table, at least seasonally. Since

water is present in these streams for longer periods of time, an OHM is more likely to develop within intermittent channels. Therefore, the presence of an OHM is one indicator that a channel is an intermittent stream and is within Federal regulatory jurisdiction.

5. The following criteria are suitable for identifying intermittent streams. The presence of at least one of these criteria is adequate to make an intermittent stream determination and establish Federal regulatory jurisdiction. Although this information is for regulatory purposes only, an attempt has been made to base the criteria on current scientific knowledge.

a. An ordinary high water mark as defined in item #3 above.

b. Designation on official maps, such as USGS, SCS and county topographic maps. Clearly, the fact that a stream is not shown on one or all of these maps is not conclusive evidence that the channel is not an intermittent stream. However, if the channel is not designated on at least one of these maps, the presence of one of the other criteria is necessary to make an intermittent stream determination.

c. Sediments which exhibit some hydric soil characteristics, such as evidence of oxidation/reduction reactions (e.g. redoxymorphic features). Obviously, if the channel substrate is not sediment/soil (e.g. gravel, cobble, bedrock), hydric soil characteristics will not develop and the presence of one of the other criteria will be needed to make an intermittent stream determination.

d. Evidence of aquatic life, such as insects, bivalves, crustaceans, etc. The types of aquatic life present may be dependent on the channel substrate [e.g., mayflies (Ephemeroptera) with bedrock, fingernail clams (Pisidium) with rubble, snails (Physa) with cobble-gravel, snails (Lymnea) with sand, crayfish (Procambarus) with mud, and oligochaete worms with organic material]. The species present may also be influenced by water quality, and for at least some species, their presence may be seasonal and periodic.

e. Data from monitoring wells to determine whether the stream receives at least seasonal contributions from groundwater. However, monitoring wells should be used ONLY in the most extreme circumstances.

BGL 95-01
SUBJECT: Identification of Intermittent Versus Ephemeral Streams

6. In summary, if a stream or swale does not exhibit at least one of the criteria listed above, it is not considered to be regulated waters of the United States. Unless it can be demonstrated, using these criteria, that the channel is an intermittent stream, the channel is presumed to be an ephemeral stream, which is not waters of the United States. In all cases, the burden of producing evidence to support a determination of Federal jurisdiction is with the Corps and not the project proponent.

7. This guidance remains in effect until revised or rescinded.

DONALD W. ROESEKE
Chief, Regulatory Branch

Judge John 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 21, 1999

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

Re: Carl & Jean Hutchinson
1999-0005-V

Dear Mr. Dooley:

I have received the above-referenced variance to permit a single family dwelling that will require less setbacks and be in the expanded Buffer for steep slopes. This office offers no comment regarding the setback issue. Provided the lot is properly grandfathered, the lot may accommodate one dwelling.

However, it appears the disturbance to the Buffer and steep slopes may not be the minimum necessary to accommodate a dwelling. We recommend that the footprint be reduced and the dwelling be cited closer to Leatherleaf Lane. The driveway and parking area should also be reduced. We also recommend that mitigation of native species at a 3:1 ratio be required for all new disturbance to the Buffer.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 20-99

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

January 21, 1999

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

Re: Richard Polm
1998-0449-V

Dear Mr. Dooley:

I have received the above-referenced variance to construct a new dwelling that will require less setbacks and Buffer, and will require greater height and impervious area. This office offers no comment regarding the setback and height issues.

From the site plan provided, it appears a corner of the proposed dwelling will impact the nontidal wetland buffer. The applicant should be seeking a permit from the Maryland Department of the Environment (MDE), Nontidal Wetlands Division. That permit should be in hand before the County grants any variances. If MDE issues a permit, mitigation should be as prescribed by MDE.

The disturbance to the 100-foot Buffer that will result from the removal of two existing structures should be temporary. The Buffer should be reestablished in native vegetation. The disturbance to the steep slope for the driveway appears to be unavoidable. If the County determines a better access to this lot that would not disturb the steep slope, this office would support that position.

In regard to the impervious surface variance, we see no need for the variance. It appears the impervious surface would be at 16%. There was no indication in the information submitted by the applicant cannot meet the 15% requirement.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 19-99

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

January 21, 1999

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

Re: Shawna Mahshie
1998-0454-V

Dear Mr. Dooley:

I have received the above-referenced variance to permit an addition that will require less setbacks. This office offers no comment regarding the setback issue.

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 notif y the Commission of the decision made in this case.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 23-99

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

January 20, 1999

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

Re: Benjamin C. Lathroum
1999-0006-V

Dear Mr. Dooley:

I have received the above-referenced variance to construct a garage that will require less setbacks. This office has no comment regarding the setback issue.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 21-99

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

January 20, 1999

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

Re: Suzanne Wentworth
1998-0451-V

Dear Mr. Dooley:

I would like to comment on the above-referenced variance request to permit a shed with less setbacks. This office offers no comment regarding the setback issue.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 22-99

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

January 20, 1999

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

Re: Richard & Catherine Jones
1999-0001-V

Dear Mr. Dooley:

I would like to comment on the above-referenced variance to permit a dwelling addition with greater height and lot coverage than allowed and with less setbacks and Buffer than required. This office offers no comment regarding the height, lot coverage and setback issue. In regard to the Buffer issue, this office does not oppose the request provided mitigation is performed at a 3:1 ratio for new disturbance waterward of the existing footprint.

In addition to the mitigation required for new Buffer disturbance, the applicant is required to address the 10% Pollutant Reduction Rule since the property is in an Intensely Developed Area. On small residential lots, plantings are considered an appropriate means to address this rule.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: Mr. Jones
AA 35-99

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

January 15, 1999

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

Re: Daniel & Diane Ruegg
1998-0444-V

Dear Mr. Dooley:

I have received the above-referenced request to allow two single family dwellings to intrude into the Buffer and impact steep slopes. Provided the lots are properly grandfathered, this office has no objection to the request to site the dwellings.

However, while we do not oppose dwellings on these lots, we cannot support the current proposal. Since the lots are under the same ownership, we recommend that they be combined to reduce impacts to the Buffer.

If combining the lots is not possible, there is opportunity to eliminate the circular driveway and site the dwelling on the waterfront lot farther outside of the Buffer. Also, the footprint of each dwelling should be reduced to further reduce Buffer and slope impacts. Mitigation should be at a 3:1 ratio of native species for all new disturbance.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 648-98

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 15, 1999

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

Re: Nancy Stansbury
1998-0353-V

Dear Ms. Morgan:

I have received the revised plan for the above-referenced request to permit a single family dwelling in the 100-foot Buffer and on steep slopes. If the County has determined this lot to be properly grandfathered, we do not oppose a single family dwelling on this lot notwithstanding its severe development constraints. However, we do not support the request as depicted on the site plan.

The proposed dwelling appears to be only ten feet from the edge of tidal wetlands. Its dimensions are 30' x 50'. We would support a smaller footprint that is as far away from the edge of tidal wetlands as possible. Mitigation should be provided on a 3:1 ratio with native species.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: 550-98

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

dge John C. 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 13, 1999

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

Re: Hopewell Farm, M971

Dear Ms. Renshaw:

I have received the above-referenced subdivision request to create three lots. It appears the request is consistent with the Talbot County Critical Area Program. I have outlined my remaining comments below.

1) The County should determine whether the Buffer requires expansion for hydric soils. Lots 4, 7 and 8 raise concern as to whether there is adequate room to site a dwelling and septic system outside of the Buffer.

2) Since the use will change from agricultural to residential, the 100-foot Buffer shall be established with native species.

3) The site selected to address the 9.4 acre afforestation requirement is acceptable. However, the plan mentions the stand will consistent solely of Loblolly pine. We suggest the applicant consider a mixed hardwood stand of native species.

4) The County should verify with the Department of Natural Resources that no rare, threatened or endangered species utilize this site before final approvals are granted.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: TC 6-99

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

January 5, 1999

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

Re: Jean Crimmins
1998-0440-V

Dear Mr. Dooley:

I have received the above-referenced variance to permit the construction of a single family dwelling and accessory structures on steep slopes with less setbacks and in the Buffer. Provided this lot is properly grandfathered, this office has no objection to siting a single family dwelling on this lot. However, the proposal does not appears to be the minimum disturbance. I have outlined my comments below.

1) The 100-foot Buffer, and its expansion for steep slopes of 15% or greater, is a designated Habitat Protection Area (HPA) as described in COMAR 27.01.09.01. Its disturbance is prohibited except for water-dependent facilities or dwellings on grandfathered lots. Since a variance is required for single family dwellings sited in the Buffer, the proposal must exhibit the least disturbance in order for it to be the minimum variance necessary to afford relief. We recommend scaling down the proposal.

2) From the information provided, the applicant will be clearing 36,300 square feet and creating 14,420 square feet of impervious area. These figures represent 7.7% and 3.1% of the ten acre lot respectively. While these percentages appear low, almost all of the disturbance will be in the Buffer and directly impacting steep slopes.

3) The environmental report that accompanied the application mentions a stream that runs along the south and east sides of the property; however, the site plan does not show the location of the stream.

4) Does the adjoining subdivision have water or sewer service? If either is available, particularly sewer service, we recommend the applicant consider connecting to these services in order to minimize disturbance and avoid future adverse effects the septic system could have on Scotts Cove.

5) If sewer service is available, we recommend the applicant consider siting the dwelling in the area where the initial and replacement trenches are currently located.

6) The split driveway appears excessive considering the amount of clearing involved and the inability to provide in-kind reforestation.

7) The site plan shows a patio, porch, and deck attached to the dwelling. While this office does not oppose these additions to a dwelling, we recommend they also be scaled down.

8) How does the applicant propose to treat stormwater?

This office cannot support variances for the proposed accessory structures in the expanded Buffer. Because the Buffer is a designated Habitat Protection Area (HPA) designed to act as a natural filter for runoff and provide habitat to both terrestrial and aquatic species, its disturbance is prohibited except for water-dependent facilities and dwellings on grandfathered lots. Accessory structures are not expressly provided for in the Critical Area Program. The Criteria, in Section 27.01.09.01 , and the Anne Arundel County Critical Area Program specifically prohibit development within the Buffer of non-water dependent uses. As proposed, this office cannot support the requested variances.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 646-98

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

January 5, 1999

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

Re: Maryland Port Administration
98-WL-0413

Dear Mr. Cuthbertson:

I have received notice of the above-referenced project to renovate and reconfigure an existing dredge material disposal facility. The proposed activities will impact certain Habitat Protection Areas (HPAs) provided for in COMAR 27.02.05. Since these activities are proposed on State-owned lands by a State agency, this project will require formal approval by the Chesapeake Bay Critical Area Commission. The Project Subcommittee of the Commission was briefed by the applicant on the extent of this project, however formal approval has not yet been obtained. The comments below will outline the concerns of the Commission regarding the proposal to emplace and backfill with sand 501 feet of stone revetment 110 feet channelward, and the wetland impacts.

1) The 100-foot Buffer is a designated HPA that will be impacted by the proposed stone revetment. Any clearing of natural vegetation or grading that will result from this structure will require mitigation. It is our understanding the purpose of this project is not only to provide shore erosion control, but to also stabilize the existing dike. Therefore, we recommend mitigation at a 1:1 ratio for all disturbance to the Buffer.

2) The total impact to tidal wetlands will be 7.8 acres. We strongly encourage this impact be further minimized to the extent possible in order to conserve State wetlands. We understand the circumstances of this project involve balancing the need to protect wetlands with the need to provide adequate stability to a structure that will contain dredged material. Mitigation for these impacts will be required.

3) The proposed impacts to nontidal wetlands should also be minimized to the extent possible. COMAR 28.02.05 defers to the Maryland Department of the Environment, Nontidal Wetlands Division, for recommendations concerning mitigation for the nontidal wetland impacts (COMAR 27.02.05.10).

4) This office is unaware of any rare, threatened or endangered species present at the proposed site. However, if the Heritage and Biodiversity Division of the Department of Natural Resources (DNR) identify any of these species, the MPA will be required to develop protection programs (COMAR 27.02.05.11).

5) The project area may support habitat for colonial waterbird nesting sites and historic waterfowl staging and concentration areas. If these habitats are identified by the Heritage and Biodiversity Division of DNR, then the Maryland Port Administration (MPA) shall be required to develop measures to ensure protection of these habitats (COMAR 27.02.05.12).

6) It is our understanding that the Patapsco River has been identified as anadromous fish propagation waters. If the proposal is approved and the bottom of this river is impacted, the MPA must demonstrate that water quality and fisheries habitat can be improved. Also, construction will be prohibited between March 1 and May 15 (COMAR 27.02.05.13). This may also affect pier construction.

7) The MPA has discussed its mitigation plans for the tidal and nontidal wetland impacts. Commission staff are currently reviewing this mitigation package.

Commission staff are available to assist in providing protection measures for any HPAs that may be impacted by this project. If you have any questions, please call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: Abigail A. Hopkins, Chief, Western Shore, ACOE
Ray Dintaman, Director, Environmental Review, DNR

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

January 5, 1999

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

Re: Frank & Nelson Gibson
1998-0442-V

Dear Mr. Dooley:

I have received the above-referenced request. The applicants propose to construct a single family dwelling that will require less setbacks and buffer. This office offers no comment regarding the setback issue. In regard to the buffer, it is unclear where the buffer is located on this lot and whether this is the 100-foot Buffer or the 25-foot buffer to nontidal wetlands? If the 100-foot Buffer is on this lot, the dwelling should be sited outside of the 100-foot Buffer as far as possible. Any new disturbance to the 100-foot Buffer should be mitigated for at a 3:1 ratio with native species.

This lot is in an Intensely Developed Area (IDA). Therefore, the applicant is required to address the 10% Pollutant Reduction Rule. Since this is a small, residential lot, plantings may be provided to address this rule.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 647-98

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

January 5, 1999

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

Re: Richard Howard
1998-0431-V

Dear Mr. Dooley:

I would like to comment on the above-referenced project. The applicant proposes to construct a single family dwelling that will require less setbacks and impact the 25-foot nontidal wetland buffer. Provided these lots are properly grandfathered, this office has no objection to siting a single family dwelling. From the site plan provided, it appears the applicant has sited the dwelling to minimize disturbance to nontidal wetland buffer.

COMAR 27.01.09.02 defers review and permit authority of nontidal wetlands to the Maryland Department of the Environment (MDE), Nontidal Wetlands Division. Therefore, the applicant should be seeking a permit for this disturbance from MDE. Mitigation should be as recommended by MDE.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 641-98

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 5, 1999

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

Re: Bernard Kaminski
1998-0432-V

Dear Mr. Dooley:

I have received the above-referenced variance to permit an 8' x 10' balcony that will be in the 100-foot Buffer. It is not clear whether the balcony will be impervious or will be constructed as a deck and be pervious. We recommend the structure be pervious. It is also not clear whether the balcony will be off of the first floor or second floor. Mitigation should be at a 3:1 ratio of native species for any disturbance that results to the Buffer.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

cc: AA 642-98

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

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 4, 1999

Mr. Ken Shanks
Land & Water Conservation Service
Resource Planning, E-4
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Jonas Green State Park: Development Concept

Dear Mr. Shanks:

I have received your request for comments regarding the above-referenced project. A few months ago, I sent comments to Ms. Wanda Cole in a letter dated September 1, 1998. I have attached that letter for your information. Since that time I have met with Mr. Gregory Stewart of the Anne Arundel County Department of Public Works to discuss this project. Below are updated comments based on the plans you sent and my discussion with Mr. Stewart.

1) Just as a reminder, any development activities must be approved by the Chesapeake Bay Critical Area Commission since those activities would be on State-owned property. I know you are familiar with our approval process, but I have attached a copy of our checklist for project approval for your information.

2) Our office was made aware of the Citizens Advisory Group and has been invited to participate with that group. Gregory Stewart has agreed to keep us updated on the proposal as it progresses. In the meantime, we provided him with some guidance concerning the current proposal.

3) Unlike private property that can be classified as Intensely Developed, Limited Development or Resource Conservation Area, State property is classified as either areas of intense development or areas not intensely developed under COMAR 27.02.05.03. The County mapped this property as an RCA. Commission staff believe that a portion of this park could be considered an area of intense development. Therefore, the uses currently proposed are not inconsistent with the intent of the Criteria.

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

4) Under a scenario that considers the area proposed for redevelopment as an area of intense development, there would be no limits on impervious surfaces; however, the applicant will be required to address the 10% Pollutant Reduction Rule and provide for some method of treating stormwater.

5) Many of the proposed development activities are outside of the 100-foot Buffer and do not appear to be sited in any other designated Habitat Protection Area. The development activity proposed in the Buffer is a pedestrian promenade. The Commission developed guidelines for public walkways in the Buffer. I have attached those guidelines for your information. As you will see, we recommend walkways meander inside and outside the Buffer.

6) Any clearing in the Buffer must be mitigated at a 3:1 ratio with native species. Clearing associated with water-dependent facilities are mitigated at a 1:1 ratio.

7) The County proposes to include several shelters on the fishing pier and to repair the existing bridge abutment. We have advised Gregory Stewart to coordinate with Mr. Robert Cuthbertson of the Maryland Department of the Environment, Tidal Wetlands Division concerning these issues.

8) Your memorandum mentions that Jonas Green State Park is within a grid identified by the Maryland Historical Trust for archeological resources. Any proposed development activities not on fill should be reviewed for potential archeological value.

Thank you for the opportunity to comment. If you have any questions, or would like additional information, please do not hesitate to contact me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

Enclosures

cc: Mr. Gregory Stewart, AA Co. DPW
Mr. Robert Cuthbertson, MDE
AA File

Staff Correspondence: Lee Anne January - June 1999 51832-142-4

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

January 5, 1999

Mr. Edward Dichter
Calvert County Dept. Of Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Tax Map 16, Parcel 219, Lot 4-Plat 2 of Roosevelt Cliffs

Dear Mr. Dichter:

Thank you for providing information on the building permit requested for the above referenced property. The applicant is requesting a building permit to build a single family dwelling, pool, and related septic system. The property contains 20.055 acres and is designated RCA. The property also falls within a state designated Natural Heritage Area and may also contain forest interior dwelling bird habitat.

This office does not oppose the siting of a single family dwelling on this lot. However, impacts from development should be minimized to the greatest extent possible. As indicated in previous correspondence with regard to the sensitive areas in the vicinity of this site, State Critical Area Regulations (COMAR 27.01.09.04) require protection of natural heritage areas from alteration due to development activities or cutting or clearing so that the structure and species composition of the areas are maintained. Commission staff recommends that the clearing on this site be further minimized. Why is the applicant clearing for both the first and second septic systems? What are the dark shaded areas on the site plan? If these are in fact proposed extra parking and driveway areas, it appears that some of the new driveway is located on steep slopes. Development on slopes of 15% or greater is prohibited within the Critical Area. Because this lot is not part of a grandfathered subdivision, development of the lot should not require a variance to the Critical Area regulations.

In addition, because the forest on site is potential habitat for forest interior dwelling birds, the conservation measures outlined in the December 5, 1990 letter from the Department of Natural Resources should be followed unless updated by a subsequent letter from the Department. The plan does not show the entire site, including the driveway from the dwelling to the road. Previous correspondence indicates that the entire lot falls within the Critical Area. As such, the entire site should be shown on the plan, including proposed limits of disturbance, grading, and clearing necessary for the driveway.

Finally, the Calvert County Conservation Manual states that if a proposed activity will impact a Natural Heritage Area, then the developer must develop a Habitat Protection Plan. Has a Habitat Protection Plan been developed for this property and its proposed development? Has a Conservation agreement been drawn up for this property? Please provide this information as it becomes available.

Thank you for the opportunity to review and comment on this building permit application. As additional information becomes available, please forward it to this office for further review. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA653-98

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

January 5, 1999

Mr. Edward Dichter
Calvert Co. Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Property of Howard S. Blake, 3441 Horn Drive, Huntingtown, Maryland

Dear Mr. Dichter:

This is a follow-up letter to our numerous discussions regarding shore erosion control and related grading for the above referenced property. Below I have summarized the information the Commission has received and described the specific conditions of this situation which led to the decisions made in this case.

The subject property is 2.9 acres located directly on the Patuxent River and is developed with a single family dwelling, a 10' by 10' "crab house," steps to the water, and a pier with covered boat house. Pictures provided with the tidal wetlands permit application show the eroding banks (approximately 20 feet high) along the shoreline of the property. The property owner applied for and received a permit to place a bulkhead/retaining wall with toe-scour protection along 300' of shoreline. The bulkhead was constructed in April, 1998. It was placed an average of 6 feet from the toe of the bank, leaving gaps as large as nine feet with no fill behind it. The property owner subsequently approached the County for a permit to grade the bank and fill the area behind the bulkhead. A site visit was conducted with County and Commission staff after which a detailed grading plan was requested from the property owner.

The grading plan shows the proposed grading on one side of the property, where erosion is threatening several large trees and the crab house. Fill from the grading will be placed behind the bulkhead. Additional fill will be brought in and placed behind the remainder of the bulkhead through the use of some type of chute at several access points.

The issue of primary concern is the grading of the bank. This grading will occur within the 100-foot Critical Area Buffer, an area where development activity of any kind (including clearing, grading, etc.) is generally prohibited. However, for the specific reasons listed below, some grading of the bank on this property may occur. Please note that this is an atypical case and grading of a bank should not be perceived as a permitted or encouraged activity within the Buffer.

- It is not known why this bulkhead was permitted by the Maryland Department of the Environment. Typically, in cases such as this one, the use of a stone revetment would be approved rather than a new wooden bulkhead structure. It appears that the use of a stone revetment in this case may have avoided the problems currently at hand.

- The general tidal wetlands license issued (#98-GL-1295) authorized the construction of "a 300-foot long timber retaining wall landward of the mean high water line (MHW), ...the placement of 300-feet of toe scour protection that is 4 foot wide and to within a maximum of 3 feet channelward of the mean high water line but landward of all marsh vegetation...". The post-construction pictures taken by County staff on May 8, 1998 show that the bulkhead was not placed flush against the bank and may have been placed channelward of MHW. This misjudgement in engineering or construction created the situation (i.e, the need to provide significant fill behind the bulkhead).

- Further with regard to the placement of the bulkhead, the original tidal wetlands permit application specifically stated that there would be no disturbed area, no fill and that the bank would be allowed to slump down naturally. Further, it said that all bulkhead material and supporting stone would be brought in by water. It is unknown as to why the plans later changed.

- Several large trees on the top of the bank were immediately threatened by erosion. It is likely that if these were allowed to fall naturally, the integrity of the bulkhead would be threatened, as would be to the crab house structure. Grading and stabilizing the bank in that area will provide some protection to the structure and will help ensure the bulkhead is not damaged by large falling trees.

Commission staff does not generally support grading within the 100-foot Buffer. Staff continues to be concerned with regard to this project. Specifically, within the proposed area to be graded, stabilization of the newly created 2 to 1 slope with vegetation will likely be difficult. It will also be difficult to provide a stable transition from the graded to the non-graded areas of the bank. We recommend that appropriate mitigation be required for the trees that are cleared.

Thank you for the opportunity to review this project. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA126-98

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 15, 1999

Mr. Steve Dodd
Planning & Zoning Office
County Office Building
PO Box 107
Cambridge, Maryland 21613

RE: Variance Case #1908

Dear Mr. Dodd:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance from the impervious surface limitation to place an accessory building on the property. The property is designated LDA and is developed with a house, pool, and an extensive driveway. The permitted impervious surface on this .40 acre property is 5,445 square feet or 31.25% of the lot area. Current development already covers 6,098 square feet or 35% of the lot area.

This office recommends that alternative locations for the shed be pursued such that this variance would not be necessary. The property is already heavily developed and impervious surfaces should not exceed the existing grandfathered level. The shed could be placed upon the large concrete parking pad without obtaining this variance.

The proposed project does not meet the variance standards set forth in Section 27.01.11.01 of COMAR nor does it meet the conditions set forth in Article VII, §155-38 part M of the Dorchester County Zoning Regulations. All standards must be met in order to grant the variance. Therefore, this office recommends denial of this variance.

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 this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: DC667-99

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

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January 15, 1999

Mr. Robert M. Corletta
Charles County
Planning & Growth Management
P.O. Box B
La Plata, Maryland 20646

RE: Eastview Farms, XRS980203

Dear Mr. Corletta:

Thank you for providing information on the above referenced subdivision. The applicant proposes to subdivide a 27 acre parcel into 3 lots for an intrafamily transfer. The plat note indicates that only Lot 3 is intrafamily. If so, three lots may not be created. Further, please take note of the following:

- Information was not provided as to the total amount of existing forest on site. State and County regulations require 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. The total amount of forest should therefore be documented and afforestation should be required if it does not total 15 percent of the parcel. In addition, all forest that are removed must be replaced in accordance with the Charles County Critical Area Program.

- For lot 3, the proposed septic area is located directly adjacent to the 100-foot Buffer. Plat notes stating that this is a no-disturbance Buffer may help protect it during site development.

- Information was not provided as to the soils present on site. The Buffer should be expanded as appropriate for any highly erodible soils on site.

Thank you for the opportunity to review this proposed subdivision. Please include this letter in your file and submit it as part of the record for this project. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CS665-99

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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January 15, 1999

Mr. Douglas G. Wetmore
DH Steffens Co.
P.O. Box 1709
La Plata, Maryland 20646

RE: Candland Property

Dear Mr. Wetmore:

Thank you for the opportunity to review the concept plan for the subdivision of the Candland Property in Charles County. Commission staff has reviewed the information provided and has the following comments:

- A delineation between State and private tidal wetlands is necessary to properly calculate the allowed density on this site. State tidal wetlands can not be included when determining allowed density. Appropriate documentation for this information should be provided.

- The General Notes state at #4 that 5 lots are allowed. This should be clarified further to state the allowed density within the Critical Area at 1 dwelling unit per 20 acres (not including State Tidal wetlands). The number of lots allowed within the Critical Area is not affected by the total parcel size.

- In addition, a tabulation of the various areas of the site within the Critical Area would be useful. It should include acreage for the total site, State wetlands, private wetlands, non-tidal wetlands, and upland. Again, this information is necessary to properly calculate the allowed density on this site.

- As currently proposed, the layout of the subdivision may create lots that will require a variance to the Buffer regulations in order to be developed. Such a lot would not meet the variance standards and thus would not be buildable. Any new lots created must meet all Critical Area requirements, including the 100-foot no-disturbance Buffer. Also, access to lots 2 and 3 would disturb tidal wetlands and this would require a permit. As this disturbance appears avoidable, it is likely such a permit request would be denied.

If you have any questions or concerns in regard to the above comments, please contact me at (410) 260-7035. Please forward additional or revised information to this office for further review.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Robert Corletta, Charles County
CS661-99

Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION
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January 15, 1999

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

RE: 1998-0016-V, Edward and Tamara Cegelski

Dear Ms. Miley:

I would like to comment on the appeal of Edward and Tamara Cegelski. The applicants have appealed the decision of the administrative hearing officer, who denied a variance to allow an accessory structure in the front yard of a waterfront lot with less setbacks and buffer than required. This office would like to offer comments as to why we cannot support a variance to allow an accessory structure, such as a shed, in the 100-foot Buffer.

The Law

Any person in the Critical Area who wishes to apply for a variance to the Critical Area Criteria must meet five variance standards that are specifically listed in COMAR 27.01.11 and the Anne Arundel Critical Area Program in Article 3, Title 2 Zoning Appeals 2-107B (1-5). All five standards must be met in order for a variance to be granted. This office opines that none of the five variance standards have been met in this case. Below is a brief outline of the required standards.

1. Section 2-107B1 addresses site features that are unique to the subject property or structure and the unwarranted hardship resulting from denial of the variance. Unwarranted hardship results only when denial of an applicant's variance request would result in denial of all reasonable use of the property. To our understanding, there is nothing unique about this 6,837 square foot property; it is typical of many lots created prior to the implementation of the Critical Area regulations. The applicants currently enjoy reasonable use of their property which is developed with a dwelling, decks and a private pier. Furthermore, this office firmly believes that denial of an accessory structure would not result in an unwarranted hardship to the applicant.

2. Section 2-107B2 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 Limited Development Area. All property owners within the Critical Area are similarly limited by the Critical Area Law and the County's program.

3. Section 2-107B3 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 clearly would confer upon this property owner a special privilege because all similar properties are restricted from locating new structures, such as a shed, within the Buffer.

4. Section 2-107B4 addresses conditions or circumstances that are self-imposed and conditions or circumstances related to adjacent properties. Although the applicant's request does not arise from conditions of adjacent properties, it appears to be self-imposed since this was an after-the-fact variance request.

5. Section 2-107B5 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 General Assembly instituted the requirements for protection of the Buffer because of the cumulative impact of construction in the Buffer. Approval of the proposed variance will contribute to these cumulative impacts and therefore is not consistent with the general spirit and intent of the Critical Area Program.

Accessory Structures

This office has consistently opposed the placement of accessory structures, including sheds, 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 Buffer's ability to achieve these functions is greatly reduced by structures that are in the Buffer. Certainly, this shed 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 arguably would have a detrimental effect on the Bay.

The Critical Area Commission opposes the placement of accessory structures in the Buffer because no disturbance is permitted in Habitat Protection Areas, including the 100-foot Buffer, except for water-dependent facilities. An accessory structure is not a water-dependent facility as defined in the Critical Area Criteria. Simply stated, a shed does not need to be within 100-feet of the shoreline for it to function as such.

In addition, the Criteria, in Section 27.01.09.01, and the Anne Arundel County Critical Area Program specifically prohibit development within the Buffer. Again, this office does not believe that the applicant has satisfied any of the variance standards.

The Buffer Exemption Program

This lot is in a mapped Buffer Exemption Area (BEA). This fact does not alter the requirement to obtain a variance for locating a new structure in the Buffer closer to the water than the existing home. The Critical Area Commission and Anne Arundel County recognized at the inception of the new Buffer Exemption Program that the shoreline area needed protection and enhancement where possible even if that area was mapped as Buffer Exempt. Thus, the policy allows applicants in a BEA to site new structures and impervious areas in the Buffer only if those structures would be sited no further waterward than the existing dwelling. The County considers and treats the remainder of the Buffer waterward of the existing dwelling the same as the Buffer in non BEA areas. In other words, a variance is still required for new structures or impervious areas sited waterward of the existing dwelling. As stated before, the variance process includes five standards, that while difficult to meet, were considered necessary even in mapped BEAs. This office is of the opinion, as described above, that the applicant has not met any of the five variance standards in this case.

While both the Critical Area Commission and the County approved this lot as a BEA, this lot retains important qualities of a functioning Buffer, which must be protected. For instance, the applicant describes in the Critical Area Report submitted to this office, that plantings were done in the Buffer according to a Buffer Management Plan approved by the County. Certainly, this area provides some degree of infiltration and perhaps habitat for small mammals.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Marianne D. Mason, Esq.
AA54-98

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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January 19, 1999

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

RE: Variances 1998-0438-V and 1998-0439-V, Amanda Smith/Jessica Wiswall

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance applications. The applicant is requesting variances to permit single family dwellings that will impact a habitat protection area on two adjacent lots. The properties are designated LDA and are currently undeveloped.

Provided the lots are properly grandfathered, this office has no objection to the request to site the dwellings. However, while we do not oppose dwellings on these lots, we cannot support the current proposal. Since the lots are under the same ownership, we recommend that they be combined to reduce impacts to a habitat protection area. The site plans show that siting a dwelling on Lot 5A will require a 4-foot variance to the non-tidal wetland buffer. However, siting a dwelling on Lot 5 will involve substantial impact to the non-tidal wetland buffer. The non-tidal wetlands buffer is an HPA under County law and impacts should be minimized.

In addition, the applicant proposes to clear over 30% of each lot. This excessive level of clearing could also be avoided if the lots were combined. As currently proposed, mitigation should be at a 3:1 ratio for all disturbance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA645-98

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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January 19, 1999

Mr. Robert M. Corletta
Charles County
Planning & Growth Management
P.O. Box B
La Plata, Maryland 20646

RE: Gunston Property, XRS98-0206

Dear Mr. Corletta:

Thank you for providing information on the above referenced subdivision. The applicant proposes to subdivide a parcel of 102.8476 acres, 94.4583 of which are in the Critical Area, into 2 parcels. Parcel B-1 is being created for the purpose of transferring it to another owner. The plan states that Parcel B-2, incorporating 34.2825 acres, is not a buildable lot at this time. Commission staff has reviewed the information provided and has the following comments:

- Please provide a delineation between State and private tidal wetlands on Parcel B-2. State tidal wetlands can not be included when determining allowed density within the RCA.
- With uplands of only 19.6663 acres, Parcel B-2 may not be buildable without growth allocation.
- Information was not provided as to the soils present on site. The Buffer should be expanded as appropriate for any hydric or highly erodible soils on site.
- Topographical information was also not provided on the site plan. Development is prohibited on slopes of 15% or greater.
- Information regarding potential habitat protection areas on site was not provided. A comment letter from the Department of Natural Resources, Heritage and Biodiversity Conservation Programs should be provided.

Thank you for the opportunity to review this proposed subdivision. Please include this letter in your file and submit it as part of the record for this project. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CS666-99

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION
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January 19, 1999

Mr. Robert M. Corletta
Charles County
Planning & Growth Management
P.O. Box B
La Plata, Maryland 20646

RE: Hult Farm, XRS98-0212

Dear Mr. Corletta:

Thank you for providing information on the above referenced subdivision. The applicant proposes to subdivide a parcel with 33.6 acres in the Critical Area into 2 lots. Information was not provided as to the size of the entire parcel. Commission staff has reviewed the information provided and has the following comments:

- The site plan shows Lot 1 as having 20.7708 acres while the notes show Lot 1 as having 20.0 acres. This should be clarified.

- Lot 2 has a total of 59.6 acres with 13.59 acres in the Critical Area. All development activity (dwelling, access, septic, well, etc.) on Lot 2 must be located outside of the Critical Area as this lot does not meet the 1 per 20 density requirement. This should be stated in an appropriate plat note.

- Information was not provided as to the total amount of existing forest on site. State and County regulations require 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. The total amount of forest should therefore be documented and afforestation should be required if it does not total 15 percent of the parcel. In addition, all forest that are removed must be replaced in accordance with the Charles County Critical Area Program.

- Information was not provided as to the soils present on site. The Buffer should be expanded as appropriate for any hydric or highly erodible soils on site.

- Topographical information was also not provided on the site plan. Development is prohibited on slopes of 15% or greater.

- Information regarding potential habitat protection areas on site was not provided. A comment letter from the Department of Natural Resources, Heritage and Biodiversity Conservation Programs should be provided.

Thank you for the opportunity to review this proposed subdivision. Please include this letter in your file and submit it as part of the record for this project. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CS668-99

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 21, 1999

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance 98-2502, Allen Norton - REVISED PLAN

Dear Ms. Whitt:

Thank you for providing the additional information on the above referenced variance application. The Commission appreciates the opportunity to review the revised plan. The applicant is requesting a Buffer variance for construction of a new single family dwelling. The property is designated IDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. It appears that the applicant has moved the proposed house closer to the front building restriction line. The Critical Area Buffer covers most of this lot and it is likely that any development would require some disturbance to the Buffer. With the proposed best management practices listed on the new site plan, it appears that the applicant is minimizing impacts to the Buffer while also minimizing clearing. This office does not oppose the granting of this variance.

Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA593-98

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 25, 1999

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: MSD-98-34, James Wood, Lot 1

Dear Ms. Vidotto:

Thank you for providing information on the above referenced proposed subdivision. The applicant wishes to subdivide a parcel of approximately 25 acres to create a new lot for the purpose of intrafamily transfer. Commission staff has reviewed the proposed subdivision and has the following comments:

- The information provided does not accurately present the acreage of the parent property within the Critical Area. This information is necessary in order to determine the number of lots permitted through intrafamily transfer, if in fact this parcel was on record in March 1986.

- The information provided also does not specify what the remainder of the property is to be used for. By our calculations, the residue would be approximately 23.5 acres though it is unclear if there are existing dwellings or if the residue will be used exclusively for agricultural purposes.

- The color site plan (scale of 1" = 600'), does not show the Critical Area boundary. It shows (in the pink outline) that there are 2 existing buildings on the site (in addition to the barn noted on the other plan provided). If these are existing dwellings, establishing this newly proposed lot of 1.54 acres could potentially be the last permitted dwelling on this property.

- The siting of the driveway to serve the proposed lot is an issue of concern. Not only would it require a variance to the County wetland buffer requirements, it would also require a variance to cross steep slopes in the Critical Area. Alternative locations for this access road should be explored. The large scale site plan shows relatively level ground along the property frontage on Route 231 that could be considered an access point. Any new lots created must not require a Critical Area variance in order to be developed.

- The Critical Area form does not indicate how many square feet of trees will be planted to provide for the required 15% afforestation of this parcel. It is recommended that this afforestation occurs according to the following priority schedule provided in 4-8.07(A)(5)(a)(i) of the Calvert County Zoning Ordinance: (a) Buffers adjacent to tidal and nontidal wetlands and waterways; (b) Eroding or destabilized areas; c) slopes 15% or greater.

Thank you for the opportunity to comment. If additional or revised information is provided, please forward it to this office for further review. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA26-99

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 25, 1999

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

RE: Variance 1999-0003-V, John J. Schwarz

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling on steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts to steep slopes should be minimized to the greatest extent possible. The currently proposed location for the dwelling does not appear to minimize the impact to the steep slopes on site. The driveway in particular will have a large impact to the slopes. Extensive clearing of large trees is also proposed on steep slopes. The Critical Area report states that the location of specimen trees is provided on the site plan, however the locations are not indicated. This office recommends that the applicant consider moving the house location to the level area towards the front center part of the property or directly forward towards the street. Although some impact to steep slopes and some clearing would be necessary, it would be much less than currently proposed.

If the house location remains as currently proposed, Commission staff recommends that alternative locations and perhaps a more direct route for the driveway be explored to reduce impacts to the steep slopes. Further, the large 25 foot by 25 foot parking area could be reduced since there is a garage. The well should also be moved to a level portion of the property to eliminate the impact of drilling equipment on the steep slopes. Mitigation for the currently proposed forest clearing should occur at a 1.5 to 1 ratio.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA24-99

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

January 26, 1999

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance 99-2514, Marvin Farrugia

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a new single family dwelling on steep slopes within the Critical Area. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. This lot is constrained by steep slopes over most of its area and it appears that some disturbance to these slopes is necessary in order to site a dwelling. It appears that the applicant has attempted to minimize disturbance by building as close as possible to the front building restriction line.

Although the proposed clearing is below the limit of 6,000 square feet, this office is concerned that this level of clearing will have an erosive effect on the slopes on site. We recommend that the areas of clearing be re-vegetated as soon as possible after construction. Further, mitigation should be provided at a 1:1 ratio, with at least some of this occurring on site through the planting of some trees and shrubs.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA30-99

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

dge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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January 26, 1999

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance 99-2516, Theresa Cranford

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct an attached garage on steep slopes within the Critical Area. The property is designated LDA and is currently undeveloped, though a proposed house, driveway and septic system are planned. These were approved through Variance Case #96-2262.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. The majority of the lot is encompassed by steep slopes, making it virtually unbuildable without a variance. It appears that the applicant has attempted to minimize disturbance by building as close as possible to the building restriction lines. If the applicant has satisfied all of the conditions of the order from her previous variance case, this office does not oppose the addition of the attached garage as it appears to be of reasonable size and it appears to fall within the limit of disturbance for the previously approved house.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA29-99

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

January 27, 1999

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

RE: Variance 1999-0004-V, Jonathan Meyer

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an accessory structure with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

According to the information provided, the proposed detached garage will not require any clearing or grading. Since no Habitat Protection Areas will be disturbed and impervious surfaces are not an issue, this office does not object to the requested variance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA35-99

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

January 28, 1999

Ms. Wilda Cheseldine
11700 Perry Branch Road
Newburg, Maryland 20664

Dear Ms. Cheseldine:

As a follow-up to our recent telephone conversation regarding shore erosion on your property, I have enclosed a number of publications which may be of use to you. They were distributed at the shore erosion control workshop held in Charlotte Hall on the evening of January 27, 1999.

Shore erosion is a natural process. However, it does impact the water quality of creeks, rivers, and ultimately the Bay. The need for shore erosion control is determined on a site by site basis. Factors such as historical erosion rates, type and size of the water body, and shoreline soils determine what will work in each situation. The document entitled, "Shore Erosion Control Guidelines for Waterfront Property Owners," contains some basic background information that may help you determine what you should do.

I encourage you to contact the Charles County Department of Planning and Growth Management at (301) 645-0540 and the Charles Soil Conservation District at (301) 934-9590 for further assistance. In addition, in order to perform shore erosion control, a state tidal wetlands permit is required from the Maryland Department of the Environment. Their southern regional office is located in Prince Frederick and they may be reached at (410) 414-3400 ext. 302. I hope this information is helpful to you. If you have any further questions, please feel free to contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
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

February 1, 1999

Ms. Olivia Vidotto
Department of Planning and Zoning
Calvert County
150 Main St.
Prince Frederick, Maryland 20678

RE: SD-98-22, Holland Cliff Shores, Lots 15B & 15C

Dear Ms. Vidotto:

Thank you for the opportunity to review the above referenced subdivision. It appears that the applicant wishes to re-subdivide parcel fifteen to create a total of 3 lots. The portion of the property within the Critical Area is designated LDA and is currently developed with an existing house (Lot 15A). The two new lots (15B & 15C) will be located outside of the Critical Area with the exception of the driveways.

Because the parcel is designated LDA, there are no Critical Area density issues of concern. However, it should be noted that future development of the newly created lots will entail some work within the Critical Area and must fully comply with all Critical Area regulations. Any trees which are removed within the Critical Area must be replaced in accordance with the Calvert County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this subdivision. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA40-99

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 2, 1999

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance 99-2515, Tilden Garner

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a new single family dwelling on steep slopes on a proposed new lot within the Critical Area. The property is designated LDA and is currently developed with an existing house.

This office opposes the requested variance. The property in question is already developed with an existing house. The proposed lot would require this variance in order to be developed. Any newly created lots must not require a variance in order to be developed because it would not meet the strict variance standards set forth in Section 27.01.11.01 of COMAR nor would it meet the criteria set forth in Section 7-3.01(B) of the County's Zoning Ordinance. All standards must be met in order to grant the variance.

Section 7-3.01(B)(1) addresses the standard of unwarranted hardship. Under recent Maryland appellate court decisions, unwarranted hardship exists only where, due to special circumstances or unique physical conditions peculiar to the land, the restriction would deprive the property owner of reasonable use of the property. As stated above, the property is already developed with an existing house. The standard of unwarranted hardship can not be met.

Section 7-3.01(B)(2) 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 are similarly limited by the Critical Area Law and the County's program. Full compliance with the Critical Area regulations is required for non-grandfathered lots. Development on slopes of 15% or greater is prohibited throughout the County's Limited Development District. Thus, denial of this variance will not deprive the property owner of rights enjoyed by other property owners in the Critical Area.

Section 7-3.01(B)(3) addresses special privileges that may be conferred upon an applicant with the granting of a variance when such privileges would be denied to other lands within the County's Critical Area. The granting of this variance clearly would confer a special privilege to this property owner because all similar properties are restricted from disturbing slopes of 15% or greater.

Section 7-3.01(B)(4) addresses conditions or circumstances which are the result of actions by the applicant and conditions or circumstances related to adjacent properties. We believe that the need for this variance would be self-imposed. The applicant proposes to create a buildable lot which does not conform to the County's Critical Area regulations.

Section 7-3.01(B)(5) 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. Steep slopes are specifically protected through the State and County Critical Area regulations. Disturbance of steep slopes may cause increased runoff and accelerated erosion and sediment transport. Increased runoff and sedimentation from development on steep slopes leads to decreases in water quality. Approval of the proposed variance will contribute to the cumulative impacts of runoff and sedimentation and therefore is not consistent with the general spirit and intent of the Critical Area Program.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Marianne Mason, Esq.
CA31-99

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

MEMORANDUM

Date: February 3, 1999

To: Judge North

From: LeeAnne Chandler LAC

Subj: Panel Hearing for proposed amendments to the Calvert County Critical Area Program

Calvert County is proposing a map amendment and a text amendment to their Critical Area Program. The map amendment is a comprehensive revision of the Critical Area line based on interpretations of the County's Aerial Orthophotographs. The text amendment revises the Calvert County Zoning Ordinance to recognize the County's 1999 Critical Area maps as the official Critical Area map for Calvert County.

The Board of County Commissioners of Calvert County and the Calvert County Planning Commission will be holding a joint public hearing on these amendments on Wednesday, February 24, 1999. Commission staff recommends that a Critical Area Commission panel also participate at that time. The potential panel members are Dave Bourdon, Michael Whitson, David Cooksey, and Bob Goodman.

If this panel is agreeable to you, please let me know and I will move forward with finalizing arrangements for the hearing. Thank you.

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

dge John C. 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 9, 1999

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

RE: Variance 1999-0026-V, David and Christine O'Neill

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling in the expanded Buffer on steep slopes with less setbacks and greater impervious coverage than allowed. The property is designated LDA and is currently developed with a large garage and associated concrete pad.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. However, clearing and grading within the expanded Buffer must be minimized to the greatest extent possible and impervious coverage should be kept to the limit allowed by law. The site plan is not clear with regard to the limits of the gravel drive (i.e., is this existing or proposed?; is this in addition to the proposed asphalt drive?) nor is it clear where or how the garage would be entered. Further, the applicant is proposing to clear and grade the entire site. This is not minimizing site impacts.

This office recommends that the applicant reassess the constraints of the site and redesign accordingly. For example, the dwelling could be moved to sit straight on the site. This may help eliminate some of the grading and may allow direct garage access, thus eliminating excess impervious surface. In addition, given the steepness of the site, the proposed house could be constructed on pilings, allowing the vegetation to be cut at the surface but eliminating the need to disturb the soils. Mitigation in the form of native forest plantings should occur at a 3:1 ratio in accordance with the County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA51-99

dge John C. 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 9, 1999

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

RE: Variance 1998-0446-V, Richard Garner

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owner has applied for a variance to permit a dwelling on steep slopes within the Critical Area. The property is designated LDA and is currently undeveloped.

According to the Critical Area report which accompanied the site plan, as well as the Anne Arundel County Soil Survey, there is an intermittent tributary stream on this property. As such, it requires a minimum 100-foot Buffer. Because the Buffer encompasses the entire site, it appears that a Buffer variance is necessary in order to develop this site and reapplication may be necessary.

Notwithstanding the above, providing this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Development of this lot should minimize impacts to steep slopes and minimize clearing wherever possible. All clearing should be mitigated (as Buffer clearing) in accordance with the Anne Arundel County Zoning Ordinance. It should be noted that the stated amount of impervious coverage does not properly include the area of the driveway. Further, this office is concerned that the stormwater outfall will have an erosive effect on the intermittent stream and notes that a direct outfall into a tributary stream may require a permit from the Maryland Department of the Environment.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA60-99

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

February 9, 1999

TO: Calvert County Panel

Dave Bourdon (chair)/ David Cooksey/ Bob Goodman/ Michael Whitson

FROM: LeeAnne Chandler

SUBJ: Public Hearing for the proposed Calvert County Critical Area Program Amendments

A panel hearing on a proposed map amendment and a text amendment to the Calvert County Critical Area Program is scheduled for Wednesday, February 24, 1999 at 7:00 p.m. in Circuit Courtroom #1, Courthouse, 175 Main Street, Prince Frederick. This panel hearing will be held in conjuntion with a joint public hearing on these amendments held by the Board of County Commissioners of Calvert County and the Calvert County Planning Commission. The map amendment is a comprehensive revision of the Critical Area line based on an interpretation of the State Tidal Wetland maps relative to the County's Aerial Orthophotographs. The text amendment revises the Calvert County Zoning Ordinance to recognize the County's new 1999 Critical Area aerial maps as the official Critical Area map for Calvert County.

I have attached the draft language for these amendments as well as the County staff report to provide some background information. I have also included a map of Prince Frederick, highlighted with the location of the Courthouse. If you have any questions, please contact me at (410) 260-7035.

Thank you in advance for your participation on this panel.

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

Comprehensive Revision of the Calvert County Critical Area Line

The Planning Commission and Board of County Commissioners of Calvert County have scheduled a Public Hearing at 7:00 PM on Wednesday, February 24, 1999 in the Circuit Courtroom #1, Courthouse, Prince Frederick to consider a proposed map amendment and text amendment (CAMA 98-4 and CATA 99-1, respectively, below) to the Critical Area Program. These amendments are part of the Critical Area Comprehensive Review (majority of text and map amendments completed previously) and concerns adjusting the Critical Area Line based on more accurate mapping techniques. The Critical Area maps and text amendment will be available for review in the Department of Planning and Zoning any working day (8:30 AM to 4:30 PM) prior to the public hearing and in Circuit Courtroom #1 from 6:00-7:00 PM on the day of the public hearing. For additional information, please contact the Department of Planning & Zoning at (410) 535-2348 or (301) 855-1243, ext. 337. Calvert County services are accessible to individuals with disabilities. Maryland relay for impaired hearing or speech available statewide toll free at (800) 735-2258.

CAMA 98-4. Comprehensive Revision of the Critical Area Line in Calvert County Based on Interpretations of the County's Aerial Orthophotographs

The County's aerial orthophotographs (geographically corrected aerials, 1992) are more accurate than the aerial photography (1970) used by the State to map its tidal wetlands and the County's Critical Area Line (1000 ft from tidal waters, tidal wetlands and heads of tide). It is proposed to change the Critical Area Line, where necessary, to more accurately depict its actual position based on the County's interpretation of the State Tidal Wetland Maps relative to the County's aerial orthophotographs. In many areas there are no changes, in other areas there are minor changes and in five areas there are significant changes (greater than 100 ft). In only one of these sites (Drum Point), change involved increasing the amount of land in the Critical Area. At these five sites, 17 acres were removed from the Critical Area and 5 acres were added for a net reduction of 12 acres.

CATA 99-1. Text Amendment Recognizing the County's 1999 Critical Area Maps as the Official Critical Area Map for Calvert County

Revise section 4-6.02 as follows:

All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands; and

All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides. **THE WETLANDS AND HEADS OF TIDE ARE AS INDICATED ON THE STATE WETLANDS MAPS AND THE CRITICAL AREA LINE IS AS INDICATED ON THE CALVERT COUNTY CRITICAL AREA AERIAL MAPS.**

Staff Report

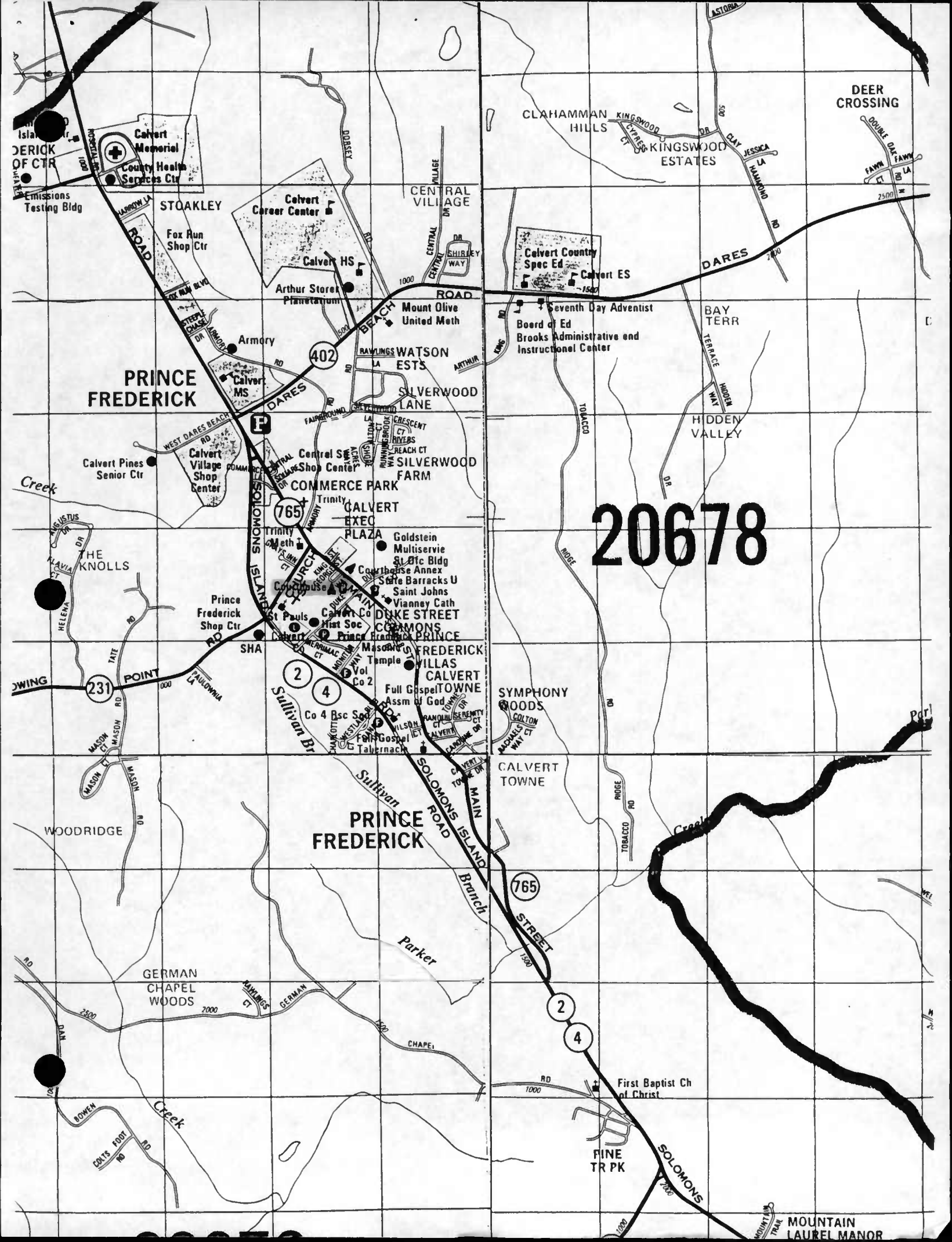
The Critical Area Law defines the Critical Area as:

> All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 9 of this article; and
>
> All land and water areas within 1000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of this article.

In 1988 the County adopted its Critical Area Program and Critical Area Map. The Map the County created was based on a Tax Map base, which is the best we had at the time. However, many errors were discovered and on May 5, 1992 the County adopted the State Wetland Maps which have a Critical Area Line on them as the Official County Critical Area Line. Again problems arose. The State Wetland Maps are based on 1970 aerial photography, which is not geographically corrected. In addition, not all areas of the County were mapped and in some places overlapping State Wetland Maps indicated different positions for the Critical Area Line in the same location.

To resolve these inconsistencies, the tidal wetlands were transferred from the State Tidal Wetland Maps to the County Orthophotographs. Orthophotographs are highly geographically corrected digital aerial photographs from which the County's topographic maps were created. Once the tidal wetlands were added to the County's Orthophotographs (1992), the Critical Area Line was drawn 1000 ft from the tidal wetlands. Critical Area Commission and Maryland Department of the Environment, Tidal Wetland Division staff reviewed the proposed Calvert County Critical Area Maps created by this process. These are the maps that are being presented to you at this public hearing. These maps are the most accurate representation of the County Critical Area Line. The revised Critical Area Line differed from the Line on the State Wetland Maps by 100 feet or more in only five locations and in only one of these did change involve increasing the amount of land in the Critical Area. At these five sites 17 acres were removed from the Critical Area and 5 acres were added for a net reduction of 12 acres.

To be consistent with the State Law, and protect the County from liability, we should use the most accurate information available to us. We thus recommend that the Planning Commission recommend to the Board of County Commissioners that they adopt these maps as the official Calvert County Critical Area Maps.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PRINCE FREDERICK
Calvert Memorial
County Health Services Ctr
Emissions Testing Bldg
STOAKLEY
Fox Run Shop Ctr
Calvert Career Center
Calvert HS
Arthur Storer Planetarium
CENTRAL VILLAGE
Mount Olive United Meth
Armory
Calvert MS
WATSON ESTS
SILVERWOOD LANE
SILVERWOOD FARM
Calvert Pines Senior Ctr
Calvert Village Shop Center
Central Sq Shop Center
COMMERCE PARK
Trinity
CALVERT EXEC PLAZA
Trinity Meth
Goldstein Multiservice St Otc Bldg
Courthouse Annex
Courthouse
State Barracks U
Saint Johns
Vianney Cath
Prince Frederick Shop Ctr
St Pauls
Calvert Co Hist Soc
Prince Frederick Masonic Temple
DUKE STREET COMMONS
PRINCE FREDERICK VILLAS
CALVERT TOWNE
Vol Co 2
Full Gospel Assm of God
Co 4 Bsc Soc
Full Gospel Tabernacle
Sullivan Br
Sullivan Branch
SOLOMONS ISLAND ROAD
MAIN STREET
PRINCE FREDERICK
THE KNOLLS
WOODRIDGE
GERMAN CHAPEL WOODS
Parker Creek
Creek
CLAHAMMAN HILLS
KINGSWOOD ESTATES
DEER CROSSING
Calvert Country Spec Ed
Calvert ES
Seventh Day Adventist
Board of Ed Brooks Administrative and Instructional Center
BAY TERR
HIDDEN VALLEY
SYMPHONY WOODS
CALVERT TOWNE
First Baptist Ch of Christ
PINE TR PK
MOUNTAIN LAUREL MANOR
DARES BEACH ROAD
DARES ROAD
POINT ROAD
SOLOMONS ISLAND ROAD
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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 9, 1999

Mr. Robert M. Corletta
Charles County Planning & Growth Management
P.O. Box B
La Plata, Maryland 20646

RE: XRS990002-0006, Stickel Property

Dear Mr. Corletta:

Thank you for providing information on the above referenced subdivision. The applicant proposes to subdivide a parcel of 439 acres (with 104.5 acres in the Critical Area) into 4 lots. Commission staff has reviewed the information provided and has the following comments:

- At the time of development, overall density within the Critical Area portion of the site must not exceed 1 dwelling unit per 20 acres of upland and private wetlands. State wetlands may not be used in calculating density.

- The proposed Lot 1, with 1.56 acres in the Critical Area, will not be permitted a dwelling within the Critical Area portion of the site. Any newly subdivided lot in the RCZ must meet the density requirement of 1 per 20 acres.

- Future development of the lots within the Critical Area must meet all requirements as specified in Section 132 part (h) of the Charles County Zoning Ordinance.

- Information regarding potential habitat protection areas on site was not provided. A comment letter from the Department of Natural Resources, Heritage and Biodiversity Conservation Programs should be provided when development is proposed.

Thank you for the opportunity to review this proposed subdivision. Please include this letter in your file and submit it as part of the record for this project. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CS57-99

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 19, 1999

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

RE: Special Exception, 1999-0032-S, Bell Atlantic Mobile

Dear Mr. Dooley:

Thank you for providing information on the above referenced special exception application. The applicant is requesting a special exception to permit a commercial telecommunications facility. The property is designated LDA, zoned R2 and is currently developed with a private club lodge and associated parking area.

Because this property is designated LDA, the use of the property for the proposed purpose is not a Critical Area issue of concern. However, all requirements of developing in the LDA must be met. According to the site plan provided, there will be no clearing of existing forest on site and additional impervious surfaces will be offset through the installation of turfstone pavers (which are 40% pervious) over a portion of existing parking lot. This office has two concerns with regard to the impervious surfaces on site because the grandfathered amount of impervious surface already significantly exceeds the 15% limit. First, given that the turfstone pavers will be placed over an existing gravel parking lot, the pavers may not achieve even the 40% perviousness. Second, it is Commission staff's understanding that turfstone pavers are most appropriate for light or periodic use. Information as to the traffic or other use of the parking lot was not provided but regardless, future permeability of the surface will require regular maintenance.

In addition, the General Notes listed on the site plan state that the project will result in a very small increase in storm drainage runoff for a ten-year storm. State and County regulations (at COMAR 27.01.02.04 (D)(2)(a) and §1A-104(b)(4) respectively state that [within LDAs] "Development may not cause downstream property, watercourses, channel or conduits to receive stormwater runoff at a higher volume or rate than would have resulted from a 10-year storm were the land in its predevelopment state." Any increase in storm runoff should be appropriately managed.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA71-99

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

dge John C. 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. Kevin Dooley
Anne Arundel County Dept. of Planning and Code Enforcement
2664 Riva Rd., MS 6301
Annapolis, Maryland 21401

RE: Variance 1999-0040-V, James McFarland

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owner has applied for a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt, and is currently developed with a dwelling and associated driveway.

According to the Critical Area report which accompanied the site plan, the proposed new deck (which replace an existing deck) will be 5 feet closer to the water. It was not stated whether this deck will be pervious or impervious. This office recommends that the deck be pervious. Provided that the footings will be hand-dug, this office does not oppose a variance for a deck of reasonable size, though at 14 feet by 50 feet, this office recommends that this deck be scaled down. Mitigation in accordance with the Anne Arundel County Zoning ordinance should be provided for all new disturbance, including both the deck as well as any other additions which may fall within the 100-foot Buffer. The 100-foot Buffer should be clearly identified on the site plan and Buffer disturbance should be quantified prior to permit approvals.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA74-99

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 24, 1999

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

RE: Variance 1999-0048-V, Bill Vining

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owner has applied for a variance to permit a dwelling on steep slopes with less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not object to the siting of a single family dwelling on it. However, impacts of the development should be minimized to the greatest extent possible. As currently proposed, Commission staff has two concerns with this application. First, it appears that the amount of clearing proposed on the steep slopes could be further minimized. Second, although the proposed plan is within the 15% impervious surface limit, it appears that the amount of impervious surface, especially the driveway, could be further minimized. Eliminating the loop in front of the house would also allow the house to be moved further off the steep slopes. A plat note should be included to state that any future structure or addition on this property can not exceed 496 square feet without a variance to the impervious surface limit. With regard to stormwater, it appears that the infiltration trench will treat the runoff from the house, but it is not clear whether the driveway runoff will also be captured.

Mitigation for clearing 24% of the lot should be provided at a 1.5 to 1 ratio (a total of 16,905 square feet) in accordance with the Anne Arundel County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA85-99

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 24, 1999

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

RE: Variance 1999-0064-V, Robert and Betsey Rider

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owner has applied for a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling.

Because no habitat protection areas will be affected and because the proposed addition will be placed over existing impervious surface, this office does not object to this variance. Information was not provided as to necessary removal of any vegetation on site, but Commission staff recommends that any vegetation that is removed be replaced in accordance with the County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA94-99

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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February 24, 1999

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

RE: Variance 1999-0071-V, William and Claire Parker

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owner has applied for a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling.

Because no habitat protection areas will be affected and because the proposed addition will be placed over existing impervious surface, this office does not object to the requested variance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA96-99

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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February 25, 1999

Ms. Bobbie Hutchison
Calvert County Planning & Zoning Department
150 Main Street
Prince Frederick, Maryland 20678

RE: Beltway Iron Company - SPR 98-56

Dear Ms. Hutchison:

Thank you for providing information on the above referenced site plan. I received it on February 19, 1999, after review by the Planning Commission on February 17, 1999. Regardless, I am submitting the following comments:

- In your cover memo, you have noted that any Planning Commission approval will be contingent upon compliance with the 10% pollution reduction requirement. Please provide this office with a copy of the 10% worksheets and any design plans for the stormwater management facility, as they are essential to our review of projects in the IDA. As the planning staff noted in their comments, the 10% pollution reduction must be met by on-site stormwater management.

- Notwithstanding the above, on the site plan you have provided, note # 15 states that "Stormwater Management is provided by a regional facility." If this is still the proposal, this office has several concerns: Where is this regional facility? How does stormwater get to the facility? What is the size of the regional facility? How is the 10% reduction in pollutants measured? Does the facility manage for quality as well as quantity? Is it designed to manage phosphorus? How much capacity does it have? Please provide this information if use of a regional facility is still proposed.

In the past, Calvert County has not provided the Commission with 10% worksheets for projects within the IDA. Commission staff would appreciate the opportunity to receive and review the 10% worksheets in the future. We are aware that currently, the Calvert County Public Works Department reviews the worksheets. However, it is also appropriate that the Commission review them and also have them to make our project files complete in case we receive any calls or complaints about any particular project.

Thank you for the opportunity to review this project. As stated above, please forward the 10% worksheets provided for this project when they are submitted. Please call me at (410) 260-7035 if you have any questions or concerns.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Roxana Whitt
David Brownlee
CA84-99

Judge John C. North, II
Chairman

Ren Serey
Executive Director

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February 26, 1999

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland

RE: Variance 99-2524, Mark Taylor

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a Buffer variance for construction of an addition, deck and porch on an existing single family dwelling. The property is designated LDA and is developed with a house with an attached deck, detached carport, and garage.

The small size of this lot and the fact that most of the lot is within the 100-foot Buffer limits the potential location for expansion outside the Buffer This office does not oppose the granting of this variance as the addition is of reasonable size and the new deck will be no further waterward than the existing one. Mitigation should be provided for all disturbance within the Buffer at a 3:1 ratio in accordance with the Calvert County Zoning Ordinance.

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 this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA82-99

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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March 1, 1999

Mr. Ken McLawhon, Town Manager
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

RE: FY 99 Critical Area Grant

Dear Mr. McLawhon:

This letter is in response to your memo of February 11, 1999. It is our understanding that the Town has not replaced the Planning and Zoning Administrator and therefore has not incurred any Critical Area related costs since October 1, 1999. In your memo, you indicated that the Town was considering hiring a consultant to do Critical Area related work.

It is possible to amend your existing contract. However, work to be performed by outside consultants, contractors, or lawyers for which a "contractual agreement is legally entered into", must be specifically identified in the Scope of Work. The scope description must include: name of vendor (if available), a detailed description of the services to be performed, the time-frame for completion of each task, the expected work product(s), and an itemized budget. Work products (such as maps, ordinances, plans, etc.) produced by consultants must be submitted with the quarterly report and invoice. Other guidelines as to the information required for the scope of work are described in Appendix A in the FY 99 Grant Agreement. Please provide this information as soon as possible.

In addition, because half of the grant period will have expired before a consultant will be hired, our fiscal administrator has recommended that we consider reducing the total grant amount to $3500. This would not affect the Town's allocation for FY 2000. In recent years, several Counties and Towns have not spent out their grants, for a variety of reasons (e.g., loss of staff), and the Commission in turn had to return those funds to the Coastal Zone Management Program (CZM) of the Department of Natural Resources. Because these funds were allocated on an annual basis, they could not be re-allocated and were forfeited back to the Federal government.

Commission staff is available to meet with you to go through this amendment process. In addition, I am available to assist the Town with reviewing projects proposed in the Critical Area. Please contact me at your earliest convenience to set up a meeting date and time. I can be reached at (410) 260-7035. I look forward to working with you.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Veronica Moulis
Indian Head FY99 Contract file

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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March 5, 1999

Ms. Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: SD-98-34, Deer Run

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. The applicant is proposing to subdivide an 86.45 acre parcel into twenty (20) lots. Approximately 45.7 acres of the parcel are within the Critical Area and are designated RCA. There are three lots proposed within the Critical Area. One lot, Lot 19, has an existing dwelling on it and it is proposed to be an intrafamily transfer lot.

Commission staff has reviewed the information provided and has the following comments:

- Lot 20, as currently proposed, would require a variance to disturb steep slopes in order to be developed. This office would oppose such a variance request because the need for the variance would be self-created. All new development, including subdivision, must fully comply with all Critical Area requirements.

- This office recommends that the lots within the Critical Area be reconfigured such that a variance would not be necessary. A potential scenario would be the creation of two 1.0 acre lots (in the vicinity of the currently proposed Lot 17) in addition to the large intrafamily transfer lot. It appears that this would provide three lots as permitted under the intrafamily transfer provisions and also avoid the need for a variance as it would not require disturbance of steep slopes.

- Under normal RCA density requirements (Section 4-9.04 of the Calvert County Zoning Ordinance), the portion of the parcel within the Critical Area could be permitted to be subdivided into a maximum of two (2) lots. Under the intrafamily transfer provisions (Section 4-9.08), the parcel could be permitted to be subdivided into a maximum of three (3) lots, as is currently proposed. However, this is a maximum and a property is not guaranteed

the maximum if site features, such as steep slopes or wetlands, limit the amount of developable land. Any new lots created, either under regular RCA provisions or the intrafamily transfer provisions, must comply with all of the Critical Area regulations.

- As currently proposed, this subdivision is not consistent with the County Critical Area Program or the County Zoning Ordinance. The Commission recommends that Lot 20 be eliminated or reconfigured such that a variance would not be necessary in order to develop any of the lots.

Thank you for the opportunity to review this subdivision. Please include this letter in your file and submit it as part of the record for this subdivision. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Roxana Whitt
CA97-99

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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March 5, 1999

Ms. Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: MSD-99-01

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. The applicant is proposing to subdivide a 2.65 acre parcel into two lots, one of which is already developed. The new lot, Lot 2, requires a variance to disturb steep slopes in the Critical Area in order to be developed.

This office recommended denial of the variance requested in a letter dated February 2, 1999 (copy enclosed). Please include that letter in the file for this subdivision as our position has not changed.

The information provided on the Critical Area Form indicated that an application has been made to connect this property to public water and sewer. If that application is not approved, this office strongly recommends that this subdivision not be permitted to occur. Development of this lot on an individual septic system would involve much more disturbance to steep slopes, which is prohibited in the Critical Area. A revised plan and variance application would also be necessary.

Thank you for the opportunity to review this subdivision. Please include this letter in your file and submit it as part of the record for this subdivision. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA31-99

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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

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March 5, 1999

Mr. Eric See, President
See Environmental Services, Inc.
2444 Solomons Island Road, Suite 217
Annapolis, MD 21401

RE: Robinson Terminal Property, Town of Indian Head

Dear Mr. See:

Thank you for the opportunity to review the revised Interim Use Site Plan dated February 17, 1999. Commission staff has reviewed the plan and it appears that most of our previous concerns have been effectively eliminated. Our remaining concerns are listed below:

1. The 100' Buffer along the shoreline and the expanded Buffer along the stream should be shown as one continuous line. As it is currently drawn it is misleading – the requirements and restrictions of the 100' Buffer and the expanded Buffer are one and the same and it should be presented as such. In addition, the Buffer should be expanded to the top of the slope along the pocket of non-tidal wetlands on the North side of the property. (Although no development is proposed in this area it is required to be shown properly on all site plans.) Please see the attached sketch for further clarification of this comment.

2. In your letter you have indicated that the retaining walls have been eliminated from the plans. However, there is still a label for a retaining wall close to the pathway to the water on the south side of the parking lot. Is this an oversight or is there still a retaining wall planned in that location?

3. The Commission recommends that the proposed scenic overlook be eliminated from the plans. Access to water views is provided at the ticketing office and along the boardwalk to the waiting area/elevator building. In addition, it appears that there will be access to water views from the termination of the nature trail on the property that will be deeded to the Town.

4. Mitigation will be required at a 1:1 ratio for all clearing in the LDA portion of the site and at a 3:1 ratio for all disturbance within the 100-foot Buffer. Some of this mitigation requirement will be met through landscaping of the parking lot. However, some additional mitigation may be necessary. Final mitigation requirements will be calculated when the final plans have been approved and the impacts quantified.

5. In addition, stormwater calculations for the 10% pollution reduction are required for the IDA part of the site. These calculations should be included in the submittal to the Town.

As you are aware, new structures within the Buffer usually require a variance and are generally prohibited. While we do not oppose a facility that enables the handicapped to reach the pier, impacts to the Buffer must be minimized to the greatest extent possible. Please provide more detailed plans for the ticketing and elevator buildings for review when they are available.

Thank you for the opportunity to review the draft plan. Please contact me if you have any questions or concerns regarding the issues listed above. I can be reached at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: V. Paul Zanecki, Esq.
Kenneth McLawhon, Town Manager
IH60-98

ge John C. North, II
Chairman

Ren Serey
Executive Director

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

March 15, 1999

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

RE: Special Exception 1999-0080-S, Frank Sanderson

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owner has applied for a special exception to permit the expansion of a non-conforming use. The property is designated LDA and is currently developed with a single family dwelling and a detached garage with an accessory apartment.

Because there are no density issues of concern, no habitat protection areas will be affected and because the proposed expansion will not change the existing footprint, this office does not object to the requested special exception.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA111-99

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

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Executive Director

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March 15, 1999

Mr. Miles Barnard
James Urban, ASLA
915 Creek Drive
Annapolis, Maryland 21403

RE: Annmarie Garden Boardwalk/Pier

Dear Mr. Barnard:

A project proposed at the Dundee and Saltpeter Creeks Park in Baltimore County is similar in nature to the proposed boardwalk/pier at Annmarie Garden. In order to be consistent in making recommendations on this type of local project, I have reviewed that file and would like to offer the following examples of what was recommended (by the County staff or the Commission) in that case. The project has not been built yet, as final design specifications have not been completed.

1. An environmental education center building was originally proposed within the 100' Buffer. The plans were changed such that the entirety of the building footprint was located outside of the 100' Buffer, with minimum impacts to riparian habitat and forest.

2. Clearing of understory between the building and the water was proposed. The Critical Area regulations specify that the Buffer be maintained as forest. The proposed clearing was not permitted with the exception of replacing nonnative invasive species (Phragmites and multiflora rose) with native species. Clearing of vegetation in the Buffer to create a view is not permissible.

3. Removal of a young sapling forest was proposed to create an open meadow. It was recommended that removal of forest be limited to that which is necessary for construction of the building. It was further noted that there is a minimum 1:1 replacement for all forest cleared in the Critical Area, with additional mitigation for clearing in the Buffer.

4. The original proposal contained numerous trails, many of which ran continuously through the Buffer. While public access is encouraged, it is recommended that trails are not continuously in the Buffer. Further, while we recognize that the trail is intended for nature studies, the trail/boardwalk system must minimize disturbance to forest, tidal and nontidal wetlands and associated Buffers. Any trail or boardwalk should be designed to

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meander around trees and avoid impacting their critical root zone. All paths should be constructed with pervious materials, except where handicap accessible trails are necessary. Clearing associated with trails should be minimized to avoid opening the canopy.

5. A boardwalk loop was proposed over a tidal marsh. Final plans include only two boardwalk "spurs" with end platforms with a maximum size of 200 square feet (as this is the maximum permitted under tidal wetland regulations).

6. Stormwater management had to be handled on site and bio-retention was recommended.

Dundee and Saltpeter Creeks Park did not have steep slope issues to deal with and this office recognizes the difficulty in providing handicap access to the shoreline when steep slopes are involved. Each project is different and the plans for Annmarie Gardens will be reviewed with the site conditions in mind. The overall emphasis will be to minimize impacts wherever possible.

I hope you find this information useful. Please contact me at (410) 260-7035 if you have any questions or concerns. I look forward to reviewing the final plans when they are available.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Roxana Whitt
Jennifer Draxton
Annmarie Garden file

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

MEMORANDUM

To: Grant Dehart
From: LeeAnne Chandler
Subject: Local POS Project #3507-4-35
Date: March 15, 1999

Thank you for the opportunity to review the above referenced project. Commission staff has reviewed the information provided and has the following comments:

1. The Critical Area Commission must receive certification from the local jurisdiction that the project is consistent with the local Critical Area Program. A description of the proposed development, detailed plans, and a request for local certification must be submitted to the Commission prior to construction.

2. If the local jurisdiction provides certification to the Commission regarding this project and appropriate mitigation is required, this project will not conflict with the Critical Area Law and Criteria.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-7035.

cc: David Brownlee

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

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ge John C. North, II
Chairman

Ren Serey
Executive Director

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March 17, 1999

Ms. Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: MSD-99-12, Charlotte Ersoy

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. The applicant is proposing to subdivide an 11.35 acre parcel to create an intrafamily transfer lot (Lot 1- 2.4 acres) and leave an 8.95 acre residue. The property is designated RCA and is currently developed with a barn.

It is unclear if this subdivision will be consistent with the Calvert County Critical Area Program. I have several questions with regard to the information provided. First, the Critical Area form states that disturbance to the Buffer is proposed, although the site plan does not show any development within the Buffer. New development must be consistent with Buffer requirements. Second, the form states that an additional acre of impervious surface will be created by the proposed development. The nature and location of the impervious surface was not provided on the site plan. One acre of impervious surface out of a 2.4 acre lot would be 42%, far exceeding the 15% limit. This would require a variance. This office would recommend denial of such a variance.

Thank you for the opportunity to review this subdivision. Please include this letter in your file and submit it as part of the record for this subdivision. If additional information becomes available, please forward it to this office. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA107-99

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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March 19, 1999

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

RE: Variance 1999-0083-V, Edward Hartman

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owner has applied for a variance to permit a deck and addition with less setbacks and Buffer than required and on steep slopes. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling.

The site plan shows an existing house built on steep slopes with several attached decks. The house is 38 feet from the water while the new deck and addition will be 52 and 62 feet respectively from the water. The addition appears to be of reasonable size and it is proposed to be no further waterward than the primary dwelling. Provided that impacts to the Buffer and steep slopes are minimized, this office does not oppose the granting of this variance. Mitigation should be provided for all disturbance within the 100 foot Buffer at a 2:1 ratio as required by the Anne Arundel County Buffer Exemption Policy.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA115-99

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

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ge John C. North, II
Chairman

Ren Serey
Executive Director

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March 19, 1999

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

RE: Variance 1999-0086-V, H. R. Fitzpatrick

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owner has applied for a variance to permit a dwelling addition with less setback than required. The property is designated LDA (see below), is Buffer Exempt and is currently developed with a single family dwelling.

Because no habitat protection areas will be impacted and impervious surfaces are not an issue, this office does not object to the requested variance. However, a portion of the proposed garage will be placed within the 100' Buffer. Mitigation for all disturbance in the Buffer should be provided at a 2:1 ratio as required by the Anne Arundel County Buffer Exemption Policy.

Also, I would like to bring the following to your attention. It is not clear if this property is designated IDA or LDA. The "notification of project application" lists it as LDA, the Critical Area Report checklist says it is LDA, the written Critical Area Report lists it as IDA, and the County PACE Application system says it is LDA. Also, in the previous variance granted for this property (1998-0271-V, heard on October 6, 1998), the findings by the Hearing Officer states that the property is LDA, while the applicant claimed it is IDA. This should be clarified and the applicant should provide offsets to satisfy the 10% pollutant reduction if in fact the property is designated IDA. Also, the information provided on the "notification of project application" is inconsistent with regard to impervious surfaces. It states that 2,020 square feet exist, 150 square feet are proposed, and the total will be 2,460. This does not add up.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA117-99

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

e John C. North, II
Chairman

Ren Serey
Executive Director

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March 19, 1999

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

RE: Variance 1999-0089-V, Daniel Ball

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owner has applied for a variance to permit a dwelling, driveway, septic area and stormwater management facility with less setback and Buffer, with greater clearing and with disturbance to steep slopes. The property is designated LDA and is currently undeveloped.

Provided this parcel is properly grandfathered, this office does not object to the siting of a single family dwelling on it. However, impacts to sensitive features must be minimized and the variance must be the minimum necessary to provide relief. As currently proposed, it does not appear that impacts have been minimized. First, with regard to access to the site, the proposed driveway crosses slopes of 15% or greater for a significant length. Would it be possible to shift the driveway to the east (where the parcel starts to widen) to avoid the steepest slopes on site? It may be important to note that "pipestem" part of the parcel, providing access to the road, was added to the parcel in 1991 when the Severn Side Farm (County subdivision 90-337) was platted. The pipestem happens to cross the steepest part of the area between Parcel 166 and the road.

The forest on this property may qualify as a habitat protection area (HPA). According to the definition of "habitat protection area" in the County Zoning Ordinance (§1-101(28B), riparian forests 300 feet or more in width are HPAs. The riparian forest on this site is 480 feet in width. The Critical Area Report provided states that "the site consists of grass, areas with a few trees and shrubs." However, the tree line shown on the site plan, as well as site conditions observed in the field (from the road), indicate that the entire site is forested. It may be habitat for forest interior dwelling birds, as it appears that there is a closed canopy as well as an understory. There are many holly trees on site that were not noted in the list of vegetation provided. The County Zoning Ordinance (§1A-104(a)(5)) states that "existing forests and developed woodlands identified as habitat protection areas shall be protected."

This office recommends that limits of clearing be kept to the minimum and maintaining canopy closure over the driveway. Also, it is recommended that the footprint of the house and garage be reduced. If the footprint were reduced and reshaped, it appears that the house could be moved to reduce the impact to steep slopes and perhaps the stormwater management device could be decreased in size. Is the current design of the septic system the only way to handle septic on-site? The septic tank and pump are located on slopes of 25% or greater and are 140 feet away from the initial septic field. Such a distance requires an extremely large limit of disturbance and significant grading, which potentially could be avoided. Also, it is not clear how runoff from the proposed house will reach the stormwater management device.

As stated above, this office does not oppose the siting of a single family dwelling on this parcel. However, it appears that there are opportunities to further minimize impacts to this sensitive site. Mitigation should be provided in accordance with the County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA119-99

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

March 23, 1999

Mr. Rick Dwyer
Salisbury-Wicomico County
Dept. of Planning & Zoning
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: Case # WA-9918, Keith & Tammy Johnson

Dear Mr. Dwyer:

Thank you for providing information on the above reference variance application. The applicant is requesting a variance from the Critical Area Buffer requirements in order to build an addition to an existing single family dwelling.

The existing dwelling is located partially within the 100' Buffer. A reasonable expansion of living space is often acceptable, provided impacts to the Buffer are minimized. Notwithstanding the future location of the septic system, it appears that there may be opportunity to further minimize impacts to the Buffer by shifting the proposed addition away from the water. Also, the site plan shows an existing garage and a new proposed garage. Would it be possible to expand the existing, rather than constructing an additional one? This would also help reduce impacts to the Buffer.

The Commission recommends mitigation for all disturbance within the Buffer at a 3:1 ratio as described in the County Staff Report.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: WI145-99

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

March 22, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #99-2539, C & P Telephone

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance from the impervious surface and clearing limits to permit expansion of an existing commercial use. The property is 0.454 acres, is designated LDA and is developed with a one-story telephone switching station.

The permitted level of imperviousness for this parcel is 25% or 4944 square feet. The proposed level of imperviousness is 40.4% or 7990 square feet. This office opposes the variance requested because the proposed level of impervious surface far exceeds that permitted by the County Program and Zoning Ordinance.

In order to allow the expansion of the existing use on this property, it would be appropriate for the applicant to apply for growth allocation to change the Critical Area designation from LDA to IDA. Given its commercial nature and its proposed level of imperviousness, the character of this property would be consistent with IDA characteristics. The medical office building site which borders this property on two sides was the subject of a growth allocation granted in 1992, which changed the designation of that parcel from LDA to IDA. In addition, according to the Critical Area maps, the property is bordered on the other two sides by federal property.

In addition, it appears that stormwater from this property will be directed into the drainage system being built for the medical office building. Is the stormwater facility for that site of adequate size to accept additional runoff? This office never received information as to stormwater management and 10% calculations for that site.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA140-99

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

March 22, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #99-2537, Dennis Schade

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of a single family dwelling, driveway and septic system on steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts to steep slopes should be minimized to the greatest extent possible. Clearing should be kept to the minimum necessary, as significant clearing may have a highly erosive effect on the steep slopes on this site. Mitigation should be provided in accordance with the Calvert County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA138-99

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

dge John C. 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 22, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #99-2534, Crouch/Baca

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit construction of a single family dwelling and septic system on steep slopes. They are also requesting variances to the cliff setback and extended Buffer requirements because a portion of the septic system is proposed within the cliff setback and extended Buffer. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts to steep slopes should be minimized to the greatest extent possible. This office recommends that the footprint of this house be decreased in size to reduce the impacts to steep slopes. Can the deck be cantilevered to avoid further impact to the steep slopes? Though information was not provided as to the results of the perc tests, it is recommended that the septic system be relocated landward of the cliff setback line if possible. Clearing should be kept to the minimum necessary, as significant clearing may have a highly erosive effect on the steep slopes on this site. Mitigation should be provided in accordance with the Calvert County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA135-99

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

March 22, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #99-2540, Gayle Matthews

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of a porch and deck addition within the Critical Area Buffer. The property is designated RCA and is currently developed with a single family dwelling.

Because the proposed addition and new deck are of reasonable size and are located no further waterward of the existing deck, this office does not oppose the variance requested. Mitigation should be provided for all disturbance within the 100-foot Buffer in accordance with the Calvert County Zoning Ordinance. Mitigation should be provided on site, within the 100-foot Buffer.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA141-99

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

e John C. 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 23, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #99-2536, P.H. Andrews

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting amendment to a condition required under a previous variance (Case No. 92-1718). That variance was granted to permit construction of a single family dwelling on steep slopes, though the condition required the house to be built on pilings. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. The applicants are requesting a change to the condition on the previous variance to allow the construction of the house on a crawlspace rather than pilings. However the house is constructed, impacts to steep slopes should be minimized to the greatest extent possible. The limits of disturbance should be kept to the minimum necessary. Mitigation should be provided in accordance with the Calvert County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA137-99

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 25, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 99-2541, Tim Yatman

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The property owners are requesting a variance to permit construction of an accessory building partially within the 100' Critical Area Buffer. The property is currently developed with an accessory building located wholly within the Buffer, steps to the water and a pier with a boat house.

Because the majority of the lot is located within the Buffer, there is limited opportunity to develop completely outside of the Buffer. Expansion of an existing accessory use without a primary dwelling is a local zoning issue to be considered. This office would first recommend that the property owners, because they also own the adjacent parcel, consider alternative locations, outside of the Buffer, for the "workshop."

This office opposes expansion of an accessory use within the 100-foot Buffer and we recommend denial of this variance request. The Buffer is a designated Habitat Protection Area designed to act as a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The ability of the Buffer to perform these functions is greatly reduced when impervious surfaces are placed in the Buffer. The Commission opposes the granting of this variance to the Buffer regulations because Section 4-4.07(D)(1) of the Calvert County Zoning Ordinance prohibits new non-water dependent structures within the Buffer. A workshop is not water dependent. Further, the proposed project does not meet the standards set forth in Section 27.01.11.01 of COMAR nor does it meet the criteria set forth in Section 7-3.01(B) of the County's Zoning Ordinance. All standards must be met in order to grant the variance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA142-99

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

March 25, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 99-2538, John Scott

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The property owner has applied for a variance to permit the construction of an addition within the Critical Area Buffer. The property is designated RCA, and is currently developed with a house, numerous decks and patios and an extensive driveway.

As you are aware, we discussed this variance case on March 24, 1999 when I called to ask you for clarification of the site plan. You informed me that the site plan provided does not accurately represent either the conditions currently on-site or the location of the proposed addition. You also said that several years ago the property owner applied for a building permit to replace an existing dwelling with a new one. The new house was supposed to be built on the same footprint as the existing. A variance was not deemed necessary because the construction of the new house would involve no further impact to the Buffer on site. However, upon visiting the site for the purpose of this variance, you discovered that the new dwelling has extensive impervious decks and patios in the Buffer that extend far beyond the previously existing footprint.

You also discovered that the actual proposed location of the addition is beyond one of the decks on the southwestern side of the house, just 8 feet from the edge of the wetlands. From the verbal description provided, it seems that the addition will not actually be attached to the main dwelling and may be an accessory structure. This office recommends that the site plan be revised to accurately reflect all of the development currently on-site as well as the actual proposed location of the addition. We will provide additional comments on the proposed addition upon receipt of revised plans.

Based on the information currently available, this office opposes the variance requested. The Buffer is a designated Habitat Protection Area (HPA) designed to act as a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The ability of the Buffer to perform these functions is greatly reduced when impervious surfaces are placed in the Buffer. Accessory structures are prohibited in the Critical Area Buffer. The Commission opposes the granting of this variance to the Buffer regulations because Section 4-4.07(D)(1) of the Calvert County Zoning Ordinance prohibits new non-water dependent structures within the Buffer. Further, the proposed project does not meet the standards set forth in Section 27.01.11.01 of COMAR nor does it meet the criteria set forth in Section 7-3.01(B) of the County's Zoning Ordinance. All standards must be met in order to grant the variance.

With regard to the decks and patios you described to me, this office recommends that the applicant be required to obtain after-the-fact variances or to remove the structures. As stated above, a revised site plan should be provided which accurately shows the existing and proposed conditions. Also, the table on the site plan provided does not include any decks nor the proposed addition. This information should be revised as well to assess compliance with the 15% imperviousness limit.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA139-99

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

March 25, 1999

Mr. Edward Dichter
Calvert County Dept. Of Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Tax Map 16, Parcel 219, Lot 6, Roosevelt Cliffs

Dear Mr. Dichter:

Thank you for providing information on the building permit requested for the above referenced property. The applicant is requesting a building permit to build a single family dwelling and related septic system. The property contains 20.091 acres and is designated RCA. The property falls within a state designated Natural Heritage Area and may also contain forest interior dwelling bird habitat.

This office does not oppose the siting of a single family dwelling on this lot. However, impacts from development should be minimized to the greatest extent possible. The conservation measures outlined in the February 26, 1999 letter from the Department of Natural Resources (prepared for Lot 4 of this subdivision) should be followed unless updated by a subsequent letter from the Department. The plan does not show the entire site, including the driveway from the dwelling to the road. It is Commission staff's understanding that the boundary of the Critical Area for this entire subdivision was extended to Route 261 through the County's Critical Area Amendment #CAA 88-1(see attached). Therefore, it is our position that this entire lot falls within the Critical Area and the entire site should be shown on the plan, including proposed limits of disturbance, grading, and clearing necessary for the driveway.

Thank you for the opportunity to review and comment on this building permit application. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA156-99

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 26, 1999

Ms. Roxana Whitt
Calvert County Dept. of Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance 99-2535, Richard Fischer

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The property owner is requesting a variance from the waterfront setback requirements in order to construct a deck. The property is designated IDA, is Buffer Exempt, and is developed with a waterfront restaurant with existing decks and associated parking.

Development and redevelopment rules for existing structures within a Buffer Exemption Area state, "In such cases where a set back line exists as defined by structures on adjacent lots or parcels, the expansion or redevelopment of the structure may not extend shoreward of that line" (Section 4-4.07(E)(3)). Information was not provided as to the setback line as defined by structures on adjacent lots but it appears that this deck may be permitted under the regulations contained in the County Zoning Ordinance as long as it does not extend shoreward of that line. Please be aware that if the edge of the deck extends shoreward of the mean high water line, it will require a tidal wetlands permit.

Regulations in the Solomons Zoning Ordinance however, may not permit this deck. In Chapter VIII, "Waterfront Development Standards," section (A) defines a 30-foot setback in primarily developed areas under certain conditions including (d) "only water dependent facilities are allowed within this area." A deck is not a water-dependent facility as defined in County and State law.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA136-99

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 26, 1999

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

RE: Variance 1999-0102-V, Steven Andraka

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owner has applied for a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently undeveloped.

Provided this parcel is properly grandfathered, this office does not object to the siting of a single family dwelling on it. However, impacts to sensitive features must be minimized and the variance must be the minimum necessary to provide relief. As currently proposed, it does not appear that impacts have been minimized. First and foremost, it appears that impacts to the 100-foot Critical Area Buffer can easily be avoided by: 1) shifting the proposed house to the north such that the limit of disturbance is outside of the 100-foot Buffer; or 2) reducing the footprint of the house such that the limit of disturbance is outside of the 100-foot Buffer. The Buffer is a designated Habitat Protection Area designed to act as a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The ability of the Buffer to perform these functions is greatly reduced when impervious surfaces are placed in the Buffer. New development activities are prohibited in the Buffer except for water dependent facilities. The proposed house is not a water dependent facility. The subject property is 617 feet deep from the shoreline to the road. The plans for development could be accommodated without disturbance to the 100' Buffer.

With regard to the disturbance of steep slopes, the proposed driveway crosses slopes of 15% or greater for a significant length. However, there is an existing farm road and it appears that it will be used as the base for the new driveway. New grading and clearing for the driveway should be kept to the minimum necessary. Development of the house on the top of the knoll will also involve disturbance to steep slopes, though this appears unavoidable because steep slopes dominate the wider portion of the property. Again, grading and clearing should be kept to the minimum necessary.

The forest on this property may qualify as a habitat protection area (HPA). According to the definition of "habitat protection area" in the County Zoning Ordinance (§1-101(28B), riparian forests 300 feet or more in width are HPAs. The riparian forest on this site is several hundred feet in width. It may be habitat for forest interior dwelling birds, as it appears that there is a closed canopy as well as an understory. The County Zoning Ordinance (§1A-104(a)(5)) states that "existing forests and developed woodlands identified as habitat protection areas shall be protected." This office recommends that limits of clearing be kept to the minimum and maintaining canopy closure over the driveway (or, not making the opening any wider than it may be existing).

Finally, it may be important to note that the area marked "open space" on the eastern side of the property could be tidal wetlands. The soils map enclosed with the Critical Area report indicate soil type "Tm" or tidal marsh in this area. If this area is tidally influenced, it also needs a 100-foot Buffer and it should be marked accordingly on the site plan.

As stated above, this office does not oppose the siting of a single family dwelling on this parcel. However, it appears that there are opportunities to further minimize impacts to this sensitive site. Mitigation should be provided in accordance with the County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA148-99

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 26, 1999

Ms. Sharon Alderton
State Highway Administration
Environmental Planning - C301
707 N. Calvert St.
Baltimore, Maryland 21203

RE: MD 354, Adkins Pond

Dear Ms. Alderton:

Pursuant to your request, I have reviewed the Wicomico County Critical Area Maps. The two structures associated with MD 354 crossing Adkins Pond are not within the Chesapeake Bay Critical Area. The project is not required to be submitted to the Critical Area Commission for review and approval.

Please contact me at (410) 260-7035 if you have any questions or concerns.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
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

March 29, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 99-2538, John Scott REVISED

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The property owner has applied for a variance to permit the construction of an addition within the Critical Area Buffer. The property is designated RCA, and is currently developed with a house, numerous decks and patios and an extensive driveway.

As you are aware, we discussed this variance case on March 24, 1999 when I called to ask you for clarification of the site plan. You informed me that the site plan provided does not accurately represent either the conditions currently on-site or the location of the proposed addition. You also said that several years ago the property owner applied for a building permit to replace an existing dwelling with a new one. The new house was supposed to be built on the same footprint as the existing. A variance was not deemed necessary because the construction of the new house would involve no further impact to the Buffer on site. However, upon visiting the site for the purpose of this variance, you discovered that the new dwelling has extensive impervious decks and patios in the Buffer that extend far beyond the previously existing footprint.

You also discovered that the actual proposed location of the addition may be as close as 8 feet from the edge of the wetlands. This office recommends that the site plan be revised to accurately reflect all of the development currently on-site as well as the actual proposed location of the addition. We will provide additional comments on the proposed addition upon receipt of revised plans.

Based on the information currently available, this office opposes the variance requested. The Buffer is a designated Habitat Protection Area (HPA) designed to act as a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The ability of the Buffer to perform these functions is greatly reduced when impervious surfaces are placed in the Buffer. The Commission opposes the granting of this variance to the Buffer regulations because Section 4-4.07(D)(1) of the Calvert County Zoning Ordinance prohibits new non-water dependent structures within the Buffer. Further, the proposed project does not meet the standards set forth in Section 27.01.11.01 of COMAR nor does it meet the criteria set forth in Section 7-3.01(B) of the County's Zoning Ordinance. All standards must be met in order to grant the variance.

With regard to the decks and patios you described to me, this office recommends that the applicant be required to obtain after-the-fact variances or to remove the structures. As stated above, a revised site plan should be provided which accurately shows the existing and proposed conditions. Also, the table on the site plan provided does not include any decks or patios nor the proposed addition. This information should be revised as well to assess compliance with the 15% imperviousness limit.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA139-99

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

April 2, 1999

Dr. David Brownlee
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: CAMA 98-4 & CATA 99-1

Dear Dr. Brownlee:

The Critical Area Commission has received mapping amendment CAMA 98-4 and text amendment CATA 99-1 and has accepted the proposed amendments for processing. The Commission's 90-day review period begins as of the date of this letter.

As you know, Chairman North appointed a panel to conduct a public hearing on these amendments and that hearing was held February 24, 1999 in conjunction with the required local public hearings. Pending a panel recommendation, the Commission will vote on these amendments at the next Commission meeting.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Calvert amendment file

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

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

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 5, 1999

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

RE: Variance 1999-0120-V, Thomas James Harner

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owners have applied for a variance to permit an addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling, driveway and carport.

Since no Habitat Protection Areas will be disturbed and there will be no conflict with regard to impervious surface limits, this office has no comment on the setback issue.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA162-99

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 5, 1999

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

RE: Variance 1999-0124-V, Dan Ringenbach

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owners have applied for a variance to permit construction of a single family dwelling on steep slopes with less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Though this lot is not waterfront, the expanded Buffer is a Habitat Protection Area and impacts from development should be minimized the greatest extent possible. A variance should be the minimum necessary to provide relief. From the site plan provided, it appears that impacts to steep slopes and the expanded Buffer could be further minimized. Notwithstanding any subdivision covenants, the front building restriction line in an R-1 district is 40 feet. By bringing the house forward by 25 feet, the house footprint would avoid directly impacting steep slopes. In addition, impacts could be further minimized by combining the deck with the patio, off of the steep slopes. Mitigation should be provided at a 3:1 ratio in accordance with the Anne Arundel County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA165-99

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 5, 1999

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

RE: Variance 1999-0113-V, James and Megan Baldecchi

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owners have applied for a variance to permit an addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling.

The site plan was not clear as to the distance from the addition to the water or the location of the Buffer. Nonetheless, this office does not oppose the variance requested as the area is Buffer Exempt and because the addition appears to be of reasonable size and will not expand further than the existing dwelling walls. Impacts to the Buffer should be minimized and mitigation should be provided in accordance with the Anne Arundel County Buffer Exemption Policy.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA160-99

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 8, 1999

Dr. David Brownlee
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: CAMA 98-4 & CATA 99-1

Dear Dr. Brownlee:

At the April 7, 1999 Critical Area Commission meeting, the Commission voted to approve the proposed amendments (CAMA 98-4 and CATA 99-1) to the Calvert County Critical Area Program.

Pursuant to Natural Resources Article 8-1809(o)(2), Annotated Code of Maryland, as amended, the County shall, within 120 days of receipt of this letter, incorporate the approved program amendments into its adopted Program.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Calvert amendment file

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

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

April 9, 1999

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

RE: Variance 1999-0026-V, David and Christine O'Neill

Dear Ms. Miley:

Thank you for providing the revised information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling in the expanded Buffer on steep slopes with less setbacks and greater impervious coverage than allowed. The property is designated LDA and is currently developed with a large garage and associated concrete pad.

As indicated in our previous comments, provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. It appears that the applicant has reduced the proposed amount of grading, clearing, and impervious surfaces since the previous submittal. In the letter listing the changes made, #8 is not clearly explained nor is it shown clearly on the site plan. It states, "The existing wood retaining wall will be backed up by an extension of the existing garage, poured concrete foundation/retaining wall...". This should be clarified.

Mitigation in the form of native forest plantings should occur at a 3:1 ratio in accordance with the County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA51-99

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

April 9, 1999

Ms. Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: MSD-99-12, Charlotte Ersoy

Dear Ms. Vidotto:

Mr. Edward Dichter of the Calvert County staff has provided additional information on the above referenced subdivision. The applicant is proposing to subdivide an 11.35 acre parcel to create an intrafamily transfer lot (Lot 1- 2.4 acres) and leave an 8.95 acre residue. The property is designated RCA and is currently developed with a barn.

Based on the title history and the allowances under the Agricultural Preservation District designation, it appears that this subdivision will be consistent with the Calvert County Critical Area Program. Mr. Dichter has indicated that the proposed Buffer disturbance will actually be installation of a private pier at some date in the future. Access to such a private pier is permissible under the Critical Area regulations. In addition, Mr. Dichter has indicated that the impervious surface issue will be addressed by the applicant and it will not exceed the 15% limit.

Thank you for the opportunity to review this subdivision. Please include this letter in your file and submit it as part of the record for this subdivision. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: E. Dichter
CA107-99

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

RE: Variance 1999-0129-V, June Cook

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks and Buffer than allowed. The property is designated LDA, is Buffer Exempt, and is currently developed with a single family dwelling.

This property was the subject of a similar variance request in 1994 (V-391-94). According to our files, the variance was granted by the Administrative Hearing Officer on March 2, 1995. It is not clear why the same request has been submitted again. The information provided is identical to the previous submittal.

As stated above, this lot is Buffer Exempt. However, because the proposed additions are closer to the water than the existing dwelling, a variance is necessary. Almost the entire lot is within the Buffer whereby little room is left outside of the Buffer to site the garage, deck and addition. Because the garage is only partially in the Buffer and the addition is of reasonable size, this office does not oppose this variance request. Impacts to the Buffer must be minimized and it appears that the size of the proposed deck could be reduced to lessen the intrusion in the Buffer. Mitigation should be provided for trees removed for the construction as well as all new impervious surfaces within the Buffer in accordance with the Anne Arundel County Buffer Exemption Policy.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA177-99

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

RE: Variance 1999-0134-V, John Mazzone

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a pier and pilings with less setbacks than required. This office offers no comment with regard to the setback issue. The applicant should obtain a permit from the Maryland Department of the Environment, Tidal Wetlands Division.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA179-99

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

Ms. Olivia Vidotto
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: MSD-95-12, Engh Family Property

Dear Ms. Vidotto:

Thank you for providing the most recent information on the above referenced subdivision. Commission staff has reviewed the information provided and also visited the site with Calvert County staff. Pursuant to the site visit, we have the following comments:

1. Information with regard to topography and the steep slopes on site does not appear to be accurate. The most recent site plan is very difficult to read and is not consistent with previous site plans as to the extent of steep slopes on site. Previous plans (by the same survey company) show steep slopes in the vicinity of the proposed new driveway as well as the proposed house site for Lot 2. In addition, while at the site, it appeared that other parts of the site have 15% or greater slopes. This information should be verified and clearly shown on the site plan. As currently shown, it appears that the newly required driveway may involve grading on steep slopes. This will require a variance. This office will recommend denial of such a variance request because this is a new lot.

2. In order to accurately assess the amount of clearing that has already been done, a plat showing where the forest line was at the time of adoption of the County Critical Area regulations is necessary, along with a plat accurately showing the current tree line. The tree line shown on the most recent site plan is incorrect. There has been significant unauthorized clearing of both understory and canopy on this site and this clearing will be counted against the 30% clearing limit. Any additional clearing above 30% will require a variance. This office will recommend denial of such a variance request.

3. The septic recovery area for Lot 3 is shown in a different location than where the perc tests were done. This should be clarified.

4. The Buffer and the boundaries of the designated Habitat Protection Area must be clearly shown on all site plans.

5. The total allowable impervious surfaces on the entire site is 15% or 3.27 acres. In the table shown on the site plan, it appears that the total impervious surfaces will exceed the limit when the existing private lane is included. This will require a variance. This office will recommend denial of such a variance request.

6. Under "General Notes," item 4 states that slopes of 25% or greater are conservation areas and that no building will occur there unless approved by County agencies. Within the Critical Area, no development (including clearing and grading) is permitted on slopes of 15% or greater without a variance.

7. There must be a plat note referencing the subdivision and associated requirements as an intrafamily transfer. Any lots created under the intrafamily transfer may not be subsequently conveyed to persons other than immediate family members unless it meets the strict requirements of Section 4-9.08(D) of the County Zoning Ordinance.

8. The unauthorized clearing mentioned in Comment 2 above has impacted a designated Habitat Protection Area. This office recommends that the area be restored and placed under permanent conservation easement.

Under normal RCA density requirements (Section 4-9.04 of the Calvert County Zoning Ordinance), this parcel within the Critical Area would be permitted to be developed with one dwelling. Under the intrafamily transfer provisions (Section 4-9.08), the parcel could be permitted to be subdivided into a maximum of three (3) lots, as is currently proposed. However, this is a maximum and a property is not guaranteed the maximum if site features, such as steep slopes, limit the amount of developable land. The Planning Commission decision to require an additional private lane for the two additional lots may necessitate disturbance to steep slopes. A variance would be required and this office would have no legal basis to support such a variance request. Any new lots created, either under regular RCA provisions or the intrafamily transfer provisions, must comply with all of the Critical Area regulations and must not require a variance in order to be developed.

Thank you for the opportunity to review this subdivision. Please include this letter in your file and submit it as part of the record for this subdivision. If additional or revised information becomes available, please forward it to this office for futher revew. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Eddie Dichter
CA608-97

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

April 13, 1999

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

RE: Rezoning 1998-0234-R, Herald Harbor Marina

Dear Mr. Burkins:

This letter is in response to a request from Mr. Harry C. Blumenthal outlined in a letter to me dated April 1, 1999. This case involves the requested rezoning of a property in Herald Harbor from MA-2 (Commercial Marina) to R-5 Residential, to allow subdivision of the site. The application states that commercial use of the site has been abandoned. The property is designated IDA and contains 3.824 acres.

As stated in previous correspondence, this office has no objection to the proposed rezoning as it satisfies the requirements of the Critical Area Act, Natural Resources Article §8-1809(h)(2). Specifically, that section states:

> (2) (i) Except for program amendments or program refinements developed during program review under subsection (g) of this section, a zoning map amendment may be granted by a local approving authority only on proof of a mistake in the existing zoning.
>
> (ii) The requirement in paragraph (2) (i) of this subsection that a zoning map amendment may be granted only on proof of a mistake does not apply to proposed changes to a zoning map that:
>
> 1. Are wholly consistent with the land classifications in the adopted program; or
> 2. Propose the use of a part of the remaining growth allocation in accordance with the adopted program.

This proposed rezoning is consistent with the current IDA designation.

Commission staff would again like to take this opportunity to emphasize that if this property is subdivided, it is no longer grandfathered and therefore no longer Buffer Exempt. Future development activities on newly-created lots will be required to follow the Buffer regulations of the County's ordinance. The site is limited by steep slopes and expanded Buffer. This office will oppose future Critical Area variance requests on newly-created lots.

Please include this letter in your file and submit it as part of the record for this rezoning. Also, please notify the Commission of the decision made in this case.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Harry C. Blumenthal, Esq.
AA382-98

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

April 15, 1999

Mr. Louis H. Ege, Jr., Deputy Director
Office of Planning and Preliminary Engineering
Mailstop C-301
State Highway Administration
P.O. Box 717
Baltimore, Maryland 21203-0717

RE: Project No. CH605A11, MD 5 Hughesville

Dear Mr. Ege:

Thank you for providing information on the above referenced project. Commission staff has reviewed the information provided. According to Figure S-2 and Charles County Critical Area Maps, this Project is located wholly outside of the Critical Area. Therefore, this project does not need Commission review and approval.

If you have any questions, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
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

April 20, 1999

Mr. Douglas G. Wetmore
Charles County, Planning & Growth Management
P.O. Box B
La Plata, MD 20646

RE: Lot 14, Indian Creek Estates (SFD990219)

Dear Mr. Wetmore:

Thank you for providing information on the above referenced permit application. The applicant is proposing to remove 12,012 square feet of forest in order to construct a single family dwelling, driveway and septic system.

Commission staff has reviewed the plans and does not oppose the approval of building and grading permits. It appears that this project will be consistent with the Charles County Critical Area Program provided that forest replacement occurs at a 1:1 mitigation ratio.

Thank you for the opportunity to review this project. If you have any questions or comments, or if the proposed project changes significantly, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CS189-99

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 20, 1999

Mr. Douglas G. Wetmore
Charles County, Planning & Growth Management
P.O. Box B
La Plata, MD 20646

RE: XRS990022 - Woodberry Farms

Dear Mr. Wetmore:

Thank you for providing information on the above referenced subdivision application. The applicant is proposing to subdivide a large parcel to provide three lots within the Critical Area portion of the site. It appears that one of the lots is already developed with a single family dwelling. Commission staff has reviewed the information provided and has the following comments:

1. Information was not provided as to the soils, forests, topography or sensitive species on site. This information should be provided to ensure consistency with Critical Area regulations regarding clearing and/or afforestation, expansion of the Buffer, and protection of Habitat Protection Areas. Any new lots must comply with all of the Critical Area regulations and must not require a variance in order to be developed. This office can not support variances for newly created lots.

2. It is not clear if the proposed septic easement for lot 2 is the location of the existing septic system for the existing house. If it is not already existing, the septic system should be placed outside of the 100-foot Buffer.

Thank you for the opportunity to comment. If additional or revised information is provided, please forward it to this office for further review. If you have any questions, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CS188-99

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 21, 1999

Mr. Rudy Espinoza
Worcester County Planning, Permits & Inspections
Room 116, Courthouse
Snow Hill, MD 21863

RE: Critical Area Ordinance

Dear Mr. ~~Espinoza~~: Rudy

Enclosed, please find the revised Worcester County Critical Area Ordinance prepared by Mary Owens, Chief of Program Implementation for the Critical Area Commission. This ordinance is based on the existing Worcester County Program and includes all of the mandatory criteria as required by the Critical Area Law and COMAR Title 27. New language is in **bold** and deleted language is in ~~strikeout~~. The enclosed disk contains this document under "worfinal.wpd".

Please begin reviewing this document to ensure that all of the County's concerns are addressed. The section on Growth Allocation (1-507) refers to an Appendix D for application procedures and this will need to be developed in the future. I will contact you next week to schedule a meeting to begin refining the ordinance for the County approval process. If you have any questions or concerns in the interim, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
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

April 22, 1999

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

RE: Variance 1999-0153-V, Majorie and Leslie Davis

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owners have applied for a variance to permit an addition with less setbacks than required. The property is currently developed with a single family dwelling and is Buffer Exempt.

Since no Habitat Protection Areas will be disturbed and there will be no conflict with regard to impervious surface limits, this office has no comment on the setback issue. The application indicates the property is designated IDA. According to the Critical Area map in our office, this property is designated LDA. This should be verified. If in fact the property is designated IDA, then the applicant is required to meet the 10% pollutant reduction requirement as indicated in §1A-104(b)(3) of the County Zoning Ordinance.

Also, a large portion of the proposed garage is located within the 100-foot Buffer. Mitigation for all new impervious surfaces within the 100-foot Buffer should occur at a 2:1 ratio in accordance with the County Buffer Exemption Policy. The site plan shows the garage as being 18' x 18'6", however in measuring the proposed garage, it appears to be 28' x 18'6". This should be clarified. As currently drawn on the site plan, it appears that approximately 444 square feet of new impervious surface will be placed within the 100-foot Buffer.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA202-99

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 22, 1999

Mr. Ken McLawhon, Town Manager
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

RE: Robinson Terminal - Major Site Plan Submittal

Dear Mr. McLawhon:

Thank you for the opportunity to review the final Major Site Plan Submittal for the Robinson Terminal Property. As you know, this office has reviewed many versions of plans for this property and has previously submitted comments and recommendations to the Town and to the applicant. The applicant has addressed or resolved many of our previous concerns, however, Commission staff would like to take this opportunity to bring the following to your attention:

1. On page 8 of the Critical Area Consistency Report, #3 discusses stormwater management and states that the engineers computations are included in the package. However, this information was not included. It is important that 10% pollutant reduction worksheets are completed and submitted to this office for review prior to final site plan approval. The report discusses two offsets located outside of the Critical Area which will be used to meet the 10% pollutant reduction requirement. It is not clear why on-site compliance is not feasible such that offsets are necessary.

2. Page 9, #5 discusses public access to the shoreline. It states that a sidewalk and benches on the bluff will provide limited "quasi-public" access to the shoreline. The sidewalk and benches were not shown on the site plan but nonetheless should not be located within the 100-foot Buffer. (This is also discussed on page 13 under C, #4.)

3. Forest and tree clearing are addressed in several sections of the report. It states that tree clearing will be necessary only for the access road, pier access and stormwater outfalls. It further states that the proposed clearing for the entrance road is approximately 0.68 acres and mitigation for this clearing will be provided at a 1:1 ratio. However, **please note that mitigation is also required for clearing for the pier access and stormwater outfalls**. Although the pier access and the stormwater outfalls are permitted water-dependent uses within the Buffer (and therefore do not require a variance), mitigation for clearing is still required. A previous letter from myself to Eric See incorrectly stated that clearing in the Buffer for these water-dependent facilities would require mitigation at a 3:1 ratio. The Commission recommends that mitigation be provided for the pier access clearing at a 2:1 ratio and for the stormwater management outfalls at a 1:1 ratio. At a minimum, mitigation must occur for all

clearing at a 1:1 ratio because the Town's Critical Area Ordinance states, "The total acreage in forest coverage within Indian Head's Critical Area shall be maintained or, preferably, increased." The total amount of all clearing and mitigation should be quantified prior to site plan approval.

4. Some of the acreage figures provided in the report are not consistent. In several places, the report states that of 19.72 acres within the Critical Area, 9 are IDA and 10.72 are LDA. However, on page 17, the report states that 9.11 acres are IDA and 10.86 acres are LDA, adding up to a total of 19.97 acres within the Critical Area. This should be clarified. According to our amendment record for the growth allocation in 1993, the correct acreage of IDA is 9.00 acres.

5. With regard to the Site Plan (Sheet 3), there are two details that should be addressed. First, the 100' Buffer along the shoreline and the expanded Buffer (which is not properly labeled) along the stream should be shown as one continuous line. As it is currently drawn it is misleading – the requirements and restrictions of the 100' Buffer and the expanded Buffer are one and the same and it should be presented as such. In addition, the Buffer should be expanded to the top of the slope along the pocket of non-tidal wetlands on the North side of the property. (Although no development is proposed in this area it is required to be shown properly on all site plans.)

6. Second, previous correspondence and a draft plan dated February 17, 1999 indicated that the proposed retaining walls were eliminated from the plans. However, they have reappeared on the plans enclosed with the final package. The use of retaining walls should be avoided to the greatest extent possible. In previous visits to the site, Commission staff and the applicant's consultant have discussed the retaining walls and determined that they may not be necessary and they may impact the expanded Buffer. If safety is the concern in these areas, some type of fence may be more appropriate.

7. Though unrelated to the development plans for the Robinson Terminal Property, the nature trail should be designed such that impacts to sensitive features of the site are minimized. This office would be happy to assist the town in developing plans for the nature trail.

Thank you for the opportunity to review and provide comments on this final site plan. Commission staff is available to meet with you as necessary to provide assistance during the approval process. Please contact me at (410) 260-7035 if you have any questions or concerns.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: IH60-98
Eric See, See Environmental Services

Judge John C. 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. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #99-2550, Ralph Dwan

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of an addition and new septic system on steep slopes within the Buffer. The property is designated LDA and is currently developed with a single family dwelling and associated driveway. The property is located at Scientist Cliffs, a State-Listed species site and a Habitat Protection Area (HPA) under the Calvert County Critical Area Program.

This office often does not oppose additions of reasonable size, provided that impacts to the Buffer are minimized. This proposal involves clearing and grading (for the septic system) on very steep slopes within the expanded Buffer. It is not clear from the information provided if the existing septic system is failing or if it is just being moved due to the proposed addition. This office recommends that the applicant consider placing the addition on the north side of the house, where there are no steep slopes and where it is already cleared. If the addition were placed there, perhaps the septic system would not have to be replaced. With regard to the deck, it is recommended that the deck be cantilevered to minimize disturbance within the Buffer and to steep slopes. Clearing on steep slopes may contribute to erosion and eventually have a deleterious effect on the Scientist Cliffs HPA. Mitigation should be provided for all disturbance within the Buffer in accordance with the Calvert County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA199-99

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

April 26, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #99-2546, Michael Willis

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of an addition and deck within the Buffer. The property is designated LDA and is currently developed with a single family dwelling and associated driveway.

This office does not oppose the variance requested as it appears that the proposed addition will primarily be placed over existing impervious surface and it will intrude no further into the Buffer than the existing structure. With regard to the deck, if possible, it is recommended that the deck be cantilevered to minimize disturbance within the Buffer and to potentially steep slopes (though topography was not shown on the site plan). Mitigation should be provided for all disturbance within the 100-foot Buffer in accordance with the Calvert County Zoning Ordinance. This mitigation should occur on site, within the Buffer.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA194-99

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. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #99-2545, Michael Kubisiak

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of a single family dwelling within the 100-foot Buffer and with more clearing than permitted. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts to the Buffer must be minimized to the greatest extent possible. All five variance standards must be addressed and the variance should be the minimum necessary to provide relief. As currently proposed it does not appear that impacts to the Buffer and clearing have been minimized. It appears that the majority of the house could be placed outside of the Buffer. This would significantly shorten the driveway and reduce the clearing necessary. The deck could be reduced in size and cantilevered to minimize disturbance within the Buffer. Mitigation should be provided for clearing and for all disturbance within the Buffer in accordance with the Calvert County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA195-99

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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April 26, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #98-2422, John Kennedy

Dear Ms. Whitt:

Thank you for providing the revised information on the above referenced variance application. The applicant is requesting a variance to permit construction of a single family dwelling with more clearing than permitted. The applicant previously received variances for disturbance of steep slopes and disturbance within the expanded Buffer. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized to the greatest extent possible. All potential alternatives should be explored in order to ensure that clearing is kept to the minimum possible. All five variance standards should be addressed. It appears that the applicant has attempted to minimize the effect of clearing in excess of 6000 square feet through installation of a vegetative swale and a dry well to hold the runoff. The adequacy of the stormwater management proposed should be assessed by the appropriate local authorities. Mitigation for clearing in excess of 6000 square feet should be provided at a 3:1 ratio in accordance with the Calvert County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA621-97

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

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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April 26, 1999

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

RE: Variance 1999-0089-V, Daniel Ball - COMMENTS ON REVISED PLANS

Dear Ms. Schappert:

This office has received revised plans for the above referenced variance application. The property owner has applied for a variance to permit a dwelling, driveway, septic area and stormwater management facility with less setback and Buffer, with greater clearing and with disturbance to steep slopes. The property is designated LDA and is currently undeveloped.

Provided this parcel is properly grandfathered, this office does not object to the siting of a single family dwelling on it. However, impacts to sensitive features must be minimized and the variance must be the minimum necessary to provide relief. The revised plans reflect changes made to address our previous concerns including shifting the driveway to a less steep portion of the site, ensuring the limit of disturbance does not impact the 100-foot Buffer, and moving the septic tank closer to the initial septic field. The revised plans have also decreased the amount of clearing necessary to under 30% of the site, therefore the clearing variance may not be necessary.

As indicated in my previous letter, the forest on this property may qualify as a habitat protection area (HPA). The limit of disturbance as indicated on the revised plans should be carefully staked prior to any grading or clearing. Also, in order to minimize clearing and disturbance to steep slopes, as much work as possible should be done by hand rather than machinery (such as the installation of roof leaders as indicated on the revised plan). Mitigation should be provided in accordance with the County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Roy Little, Terrain, Inc.
AA119-99

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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April 28, 1999

Mr. Douglas G. Wetmore
Charles County, Planning & Growth Management
P.O. Box B
La Plata, MD 20646

Dear Mr. Wetmore:

I am writing to follow up on the conversation we had today regarding the partially built dwelling within the 100-foot Buffer. A question was raised as to whether or not rebuilding or finishing such a structure would be allowed within the 100-foot Buffer and if so, if it would require a variance. A variance would be required for such a proposal.

Both the State Criteria and Charles County's Zoning Ordinance contain language with regard to grandfathering of existing uses within the Critical Area. They both also stipulate that the grandfathering provisions do not apply to either water-dependent uses or habitat protection areas. Specifically, COMAR 27.01.02.07 (D) states, "Nothing in this regulation may be interpreted as altering any requirements for development activities set out in COMAR 27.01.03 (Water Dependent Facilities) and COMAR 27.01.09 (Habitat Protection Areas) of this subtitle." The County Zoning Ordinance is consistent with the State Criteria and states, "Any new development grandfathered by the provisions listed above must meet the habitat protection and water-dependent facilities requirements in the Charles County Critical Area Program and this Ordinance."

Also, on page 14 of the Charles County Program, the second to last paragraph states (with regard to grandfathering), "habitat protection requirements must be met or applicants must obtain a variance." Therefore, because this partially built dwelling is within the 100-foot Buffer, a designated Habitat Protection Area, completing construction on the dwelling requires a variance.

If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
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

April 29, 1999

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland

RE: Variance 99-2508, Sheldon Vanek - REVISED PLAT

Dear Ms. Whitt:

Thank you for providing the revised plans for the above referenced variance application. The applicant is requesting a variance in order to construct a single family dwelling and septic system on steep slopes. The property is designated LDA and is currently undeveloped.

This office does not oppose the siting of a single family dwelling on this lot. Overall site impacts, including clearing and grading on steep slopes, must be minimized to the greatest extent possible. It appears that the septic area has changed from the previous submittal. While this office understands that some grading on steep slopes is necessary for the septic area, it is not clear why the area of 25% or greater slopes also has to be graded (especially since the slope after grading will still be 25% or more). This office recommends that the applicant explore other options, such as installation of a retaining wall or similar structure, to avoid grading and more importantly clearing on the very steep slopes. Once this area is cleared, it is doubtful that trees could be reestablished on the slope. Again, no information was provided in regard to the amount of existing forested area and proposed clearing. Mitigation for clearing should be provided at the appropriate ratio in accordance with the Calvert County Zoning Ordinance.

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 this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA637-98

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

April 29, 1999

Ms. Charlene Morgan, Zoning Analyst
Anne Arundel County Dept. of Planning and Code Enforcement
2664 Riva Rd., MS 6301
Annapolis, Maryland 21401

RE: Variance 1999-0102-V, Steven Andraka - REVISED PLAN

Dear Ms. Morgan:

This office is in receipt of the revised plans for the variance application referenced above. According to the cover letter, revisions to the plan were required by the Health Department for approval of the septic system. The revised plans do not alleviate any of the concerns and issues raised in our March 26, 1999 comment letter for this case. Therefore, please refer to that letter for the Commission's comments on this variance.

Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA148-99

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 3, 1999

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

RE: Variance 1999-0180-V, David and Linda Crump

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owners have applied for a variance to permit a dwelling with less setbacks and in steep slopes. The property is currently developed with a single family dwelling (to be demolished) and is Buffer Exempt.

This office has no comment on the setback issue. With regard to the impact to steep slopes, it appears that the new house will be placed primarily on the footprint of the existing house. Impacts to the steep slopes should be minimized as much as possible, especially during demolition of the existing house. Any vegetation which is removed should be replaced in kind. In addition, areas where structures are removed should be revegetated wherever possible.

Please note that the location of the proposed parking area is not shown on the site plan. In addition, the narrative statement says that the total area of on-site construction will be roughly 35600 square feet. As the lot area is only 7351 square feet, this should be clarified and corrected.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA222-99

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 4, 1999

Mr. Douglas G. Wetmore
Charles County Planning and Growth Management
P.O. Box B
La Plata, MD 20646

Dear Mr. ~~Wetmore~~: Doug

It has recently come to our attention that Charles County reforestation requirements may not be consistent with either the Chesapeake Bay Critical Area Criteria or the requirements of other southern Maryland counties. It is our understanding that forests and developed woodlands are being cleared, and that in some cases reforestation is not required. COMAR 27.01.02.04 (C)(3) states that "The total acreage in forest coverage within a jurisdiction in the Critical Area shall be maintained or, preferably, increased" and states, "All forests that are allowed to be cleared or developed shall be replaced in the Critical Area on not less than an equal area basis." It is our understanding that the County is authorizing forest clearing on smaller lots without requiring reforestation. The Criteria do not contain provisions to exempt smaller lots from the reforestation provisions. As you can see from the above provisions, the requirements are mandatory.

It appears that the County's Program contains language that is consistent with the Criteria; therefore, it is unclear how this exemption evolved and on what it is based. We are concerned that the cumulative effect with be an overall decrease in forest coverage within the Charles County Critical Area. This is contrary to the requirements of COMAR.

I have enclosed a copy of the reforestation section of both Calvert's and St. Mary's Zoning Ordinances to provide details on how these requirements are implemented elsewhere in Southern Maryland. Commission staff would like to meet with you to discuss this matter at your earliest convenience. I will contact you to schedule a date and time. If you have any questions, please contact me at (410) 260-7035.

Sincerely,

LeeAnne

LeeAnne Chandler
Natural Resources Planner

enc.

cc: Ren Serey
Mary Owens
Regina Esslinger

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

May 4, 1999

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

RE: Variance 1999-0184-V, Thomas Egan

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owner has applied for a variance to permit a deck addition with less setbacks and on steep slopes. The property is currently developed with a single family dwelling.

This office has no comment on the setback issue. The extent of the proposed impact to the steep slopes is not clear from the information provided. This office recommends that impacts to steep slopes be kept to a minimum through either cantilevering the deck or installing the footers by hand. Any vegetation which is removed should be replaced in kind.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA225-99

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 4, 1999

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

RE: Variance 1999-0183-V, Robert Mauck

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owner has applied for a variance to permit an addition with less setbacks and Buffer than required. The property is designated IDA, is Buffer Exempt and is currently developed with a single family dwelling.

It is not clear from the information provided if the deck which appears on the site plan is already existing. Nonetheless, because the addition is of reasonable size and no additional Habitat Protection Areas will be impacted, this office does not oppose the variance requested. Mitigation for the new impervious surface within the Buffer should be provided at a 2:1 ratio in accordance with the Anne Arundel County Zoning Ordinance. This mitigation should consist of native woody vegetation and occur on-site within the Buffer.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA224-99

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 5, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 99-2538, John Scott

Dear Ms. Whitt:

Thank you for providing the revised site plan on the above referenced variance application. The property owner has applied for a variance to permit the construction of an addition within the Critical Area Buffer. The property is designated RCA, and is currently developed with a house, numerous decks and patios and an extensive driveway.

It is our understanding that several years ago the property owner applied for a building permit to replace an existing dwelling with a new one. The new house was supposed to be built on the same footprint as the existing. A variance was not deemed necessary because the construction of the new house would involve no further impact to the Buffer on site. However, it appears that the new house and associated unpermitted decks and walkways are much more extensive than that which previously existed.

The decks and walkways which currently exist on site are located waterward of the house, within the Critical Area Buffer. Development within the Buffer requires Board of Appeals approval, though it is our understanding that such an approval was not requested, nor granted. The applicants are now requesting a variance to place additional impervious surface within 15 feet of the wetlands. This office opposes the variance requested. Development of this property has already exceeded that which was permitted.

The Buffer is a designated Habitat Protection Area (HPA) designed to act as a natural filter for runoff and provide habitat to both terrestrial and aquatic species. The ability of the Buffer to perform these functions is greatly reduced when impervious surfaces are placed in the Buffer. The Commission opposes the granting of this variance to the Buffer regulations because Section 4-4.07(D)(1) of the Calvert County Zoning Ordinance prohibits new non-water dependent structures within the Buffer.

Further, the proposed project does not meet the standards set forth in Section 27.01.11.01 of COMAR nor does it meet the criteria set forth in Section 7-3.01(B) of the County's Zoning Ordinance. All

standards must be met in order to grant the variance, including the standard of an unwarranted hardship. Under recent Maryland appellate court decisions, unwarranted hardship exists only where, due to special circumstances or unique physical conditions peculiar to the land, the restriction would deprive the property owner of reasonable use of the property. See White v. North 121 Md.App. 196 (1998). There are no special circumstances peculiar to this property such that denial of this variance would remove all reasonable use of the land. As stated above, the property is already developed with a newly constructed house with an attached patio, deck, driveway and wooden walkway to the water. The standard of unwarranted hardship can not be met. Again, the Commission recommends denial of this variance.

With regard to the decks and patios which were built without permits, this office recommends that the applicant be required to obtain after-the-fact variances or to remove the structures.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA139-99

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

MEMO

To: Tracey Greene
From: LeeAnne Chandler
Subject: Buffer Violation - Fees-in-lieu
Date: April 30, 1999

To follow up on our conversation regarding mitigation/ fees-in-lieu cost estimates, I have enclosed the information collected several years ago by Susan and Greg. The table outlines all the counties requirements for reforestation and afforestation, including costs, size requirements of replacement trees, and planting agreement components.

We briefly discussed this subject (as Roby might have told you) at the last planners' meeting. The general consensus was that fees-in-lieu probably should not be accepted at all for violations (i.e., if they cleared an area in the Buffer, there is obviously room to plant at least 1 to 1 on-site). As to the fees to be charged, various options were discussed, including a certain square footage rate. Whatever is charged for fee-in-lieu, it should equal what it would cost the town to plant the same number of trees (either containerized or balled & burlap). Justification can be obtained by surveying local retail nurseries as to the costs of those sized trees.

The discussion did not come to any specific agreement or conclusion. Roby is going to try to add some language to the generic ordinance to require adequate fees in lieu for mitigation as well as addressing the violation issue. I am collecting some examples from some other programs which have specific requirements spelled out in their ordinances. We will probably need to talk about it at another planners' meeting in the near future.

If you have any questions or comments, please give me a call at (410) 260-7035.

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

Dr. David Brownlee
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: CAMA 99-1

Dear Dr. Brownlee:

The Critical Area Commission has received the Bell Atlantic Growth Allocation requesting 0.46 acres to be reclassified from LDA to IDA. We are accepting the application as a complete submittal, and Chairman North will make a refinement determination within thirty days of the date of this letter. I will notify you subsequent to his decision.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Calvert amendment file

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

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

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

May 17, 1999

Mr. Melvin C. Beall
Charles County Planning & Growth Management
Development and Capital Services Division
P.O. Box B
La Plata, MD 20646

RE: Neale Sound Jetty Consistency Report

Dear Mr. Beall:

As stated in previous correspondence dated August 4, 1998, the Neale Sound Jetty project is considered a locally sponsored project under COMAR 27.02.02 (because it is occurring on County-owned land) and therefore requires certification from the County that it is consistent with the County's Critical Area Program. I have had several conversations with Mr. Joseph Schwing of the U.S. Army Corps of Engineers regarding the comments listed in the August 4, 1998 letter. Some of the comments in that letter related to the jetty itself and activity that will occur below mean high water (MHW). Provided the project has all of its necessary State (MDE) and Federal permits, it appears that those comments have been addressed. The other comments were more informational in nature and, provided the County is satisfied with the proposed plans, those also have been addressed.

If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CS391-98

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 17, 1999

Mr. Jim Doughty
Municipal Building
P.O. Box 348
Snow Hill, Maryland 21863

RE: Variance request for Macard, Inc. Office Building

Dear Mr. Doughty:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit disturbance within the 100-foot Critical Area Buffer. The property is designated part Intensely Developed Area (IDA) and part Limited Development Area (LDA) and is partially developed with several office buildings.

The proposed project involves the construction of a new two story office building and associated parking within the IDA portion of this property. In order to meet the 10% pollutant reduction requirement, expansion of an existing stormwater management pond is necessary. Creation of a drainage swale is also necessary in order to convey the stormwater to the expanded pond. This drainage swale is proposed to be within the 100-foot Buffer and will involve significant grading.
The existing Buffer consists of grass and a concrete pad.

Provided that no new impervious surfaces will be placed within the 100-foot Buffer and that the Buffer will be fully planted with native vegetation, this office will not oppose the variance requested. A planting plan should be provided to this office for review. The Town may also wish to require some type of planting agreement to provide surety that the planting will occur and the vegetation will survive.

Also, if the proposal includes any changes to the outfall structure of the stormwater management pond, a permit application must be filed with the Maryland Department of the Environment.

Thank you for the opportunity to provide comments on this variance. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please feel free to contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Tracey Greene, OP
SN246-99

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 17, 1999

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

RE: Variance 1999-0190-V, Howard Shofer

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owners have applied for a variance to permit a dwelling with less setbacks and Buffer than required. The property is currently developed with a single family dwelling (to be demolished) and is designated LDA, Buffer Exempt.

From the information provided, it appears that there will be an overall decrease in impervious surfaces within the 100-foot Buffer. Provided that impacts to the Buffer are minimized as much as possible, this office does not oppose the variance requested. Mitigation should be provided within the Buffer in accordance with the Anne Arundel County Zoning Ordiance. Areas where structures are removed should be restored and planted with native vegetation to insure perviousness.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA251-99

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

dge John C. 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. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Cases #99-2547, #99-2548, #99-2549, Rymer/Sheridan

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance applications. The applicants are requesting variances to permit construction of three (3) single family dwellings within the non-tidal wetland Buffer. The properties are designated LDA and are currently undeveloped.

Provided these lots are properly grandfathered, this office does not oppose the siting of single family dwellings on them. However, impacts should be minimized to the greatest extent possible. The wetlands adjacent to these properties are a designated Habitat Protection Area because they are a State-Listed Species Site. A Habitat Protection Plan should be made part of a conservation agreement between the developer and the County to ensure impacts are kept to the minimum necessary and that disturbance to the soil, vegetation and hydrology of the wetland subsequent to construction is prohibited. Further, a plat note or deed restriction should be included so there is full disclosure to prospective buyers so they understand that they will not be legally allowed to have a typical backyard. Mitigation should be provided for clearing and for all disturbance within the Buffer in accordance with the Calvert County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA196-99
CA197-99
CA198-99

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

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

RE: Variance 1999-0212-V, Anne & Roland Van Allen

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owners have applied for a variance to permit a dwelling with less setbacks than required. The property is currently developed with a single family dwelling and is designated LDA, Buffer Exempt.

Because the variance requested is for the side-yard setback of the existing structure, this office has no comment on the setback issue. However, there are significant new impervious surfaces within the 100-foot Buffer. While a variance is not necessary for the disturbance to the Buffer (because the lot is Buffer Exempt), this office recommends that impacts be minimized to the extent possible. For example, the applicant could consider using the existing driveway so fewer trees would have to be removed. Mitigation should be provided within the Buffer at a 2:1 ratio for all new impervious surface within the 100-foot Buffer. The area of the existing driveway (if a new driveway is used) should be restored and planted with native vegetation to ensure perviousness.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA266-99

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 25, 1999

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

RE: Variance 1999-0223-V, Howard Lock

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owners have applied for a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is currently developed with a single family dwelling and is designated LDA.

Because the proposed addition is of reasonable size and is being placed partially over existing impervious surface, this office does not oppose the variance requested. However, impacts to the Buffer should be minimized to the extent possible. From the site plan, it appears that the limit of disturbance could be further minimized. Mitigation in the form of native plantings should be provided at a 3:1 ratio for all new impervious surface within the Buffer.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA286-99

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

e John C. 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 1, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 99-2558, William Payne

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance from the Critical Area Buffer requirements in order to construct an attached deck within the Buffer. The property is designated LDA and is currently developed with a single family dwelling (located 51 feet from mean high water) and driveway.

Because the proposed deck is of reasonable size and the existing house is located wholly within the Buffer, this office does not oppose the variance requested. Mitigation should be provided for all disturbance within the Buffer at a 2:1 ratio in accordance with the Calvert County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA273-99

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
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(410) 260-7516 Fax: (410) 974-5338

June 1, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 99-2559, Oubliette Eight, Inc.

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance from the Critical Area steep slope and extended Buffer requirements in order to construct a house, deck, driveway and septic system. The property is designated LDA and is currently undeveloped.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. However, clearing and grading in the extended Buffer should be minimized as much as possible. Due to the steepness of the entire site, some grading is necessary. Would it be possible to move the house closer to the front building restriction line (and slightly shift the septic areas) to further minimize clearing and grading? This office is concerned that clearing on such steep slopes will cause future erosion problems. Mitigation should be provided for all disturbance within the extended Buffer at a 2:1 ratio.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA274-99

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 1, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 99-2556, John Schwenk

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicants are requesting variances from the Critical Area steep slope and limit of disturbance requirements and a variance from the cliff setback requirements for construction of a house, driveway, septic system and well. The property is designated LDA, is 1.9 acres in size and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts must be minimized and the variance requested should be the minimum to provide relief. As currently proposed, it does not appear that impacts have been minimized nor are the variances requested the minimum necessary to provide relief. In addition to the variances already being requested, it appears that a variance from the extended Buffer requirements is necessary as well. In order to accurately assess the extent of impact, this office recommends that field-run topography be provided, as the site plan does not appear to reflect the conditions on site. Further, a site visit revealed extensive clearing that has already taken place.

From the site plan provided and conditions observed on site, it appears that a house could be accommodated in the landward half of the parcel (i.e., the half closest to the road). Much of this area has already been cleared and it appears to be reasonably level. As proposed, the extensive loop driveway crosses a ravine-like area and also necessitates at least 10,000 square feet of grading. The proposed house location straddles steep slopes. This does not minimize impacts to this sensitive site. Also, what type of stormwater management is proposed for this site? Is there a stream located in the ravine crossing the site?

As stated above, this office does not oppose the siting of a single family dwelling on this parcel. However, it appears that there are opportunities to further minimize impacts to this sensitive site. Without additional information, this office recommends denial of the variances requested as they do not appear to be the minimum necessary to provide relief.

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

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance case. If additional or revised information becomes available, please forward it to this office for review. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA271-99

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

June 1, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 99-2560, Richard Wolfe

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance from the Critical Area steep slope requirements in order to construct a block foundation to support a parking pad. The property is designated LDA and is currently undeveloped.

From the information provided, it is not clear if the applicants have ownership of lot 50 and have joined lots 49 (where their house is) and 50 (where the proposed parking is). Also from the information provided, it is difficult to assess the extent of impact on steep slopes. This office recommends that an engineered site plan (with topography) be provided such that impacts can be quantified and the limits of disturbance appropriately determined. In addition, it could be possible that the lot is constrained by an extended Buffer as well. Nonetheless, any structure which may be proposed on this lot should be sited to minimize clearing and grading on the steep slopes. Mitigation should be provided in accordance with the Calvert County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance case. If additional or revised information becomes available, please forward it to this office for review. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA275-99

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

e John C. 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 1, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 99-2561, Brian Catlett

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance from the Critical Area steep slope requirements in order to allow completion of a partially constructed deck. The property is designated LDA and is currently developed with a single family dwelling allowed under Variance Case No. 94-1959.

It appears that the proposed deck is within the previously approved limits of disturbance. Provided impacts are minimized and appropriate mitigation provided, this office does not oppose allowing the applicant to complete construction of the deck. However, in the written decision of Variance Case No. 94-1959, the findings section stated that "the steepest portion of the property is to be left undisturbed." A site visit revealed that the limits of disturbance as approved by the Board in 1994 have far been exceeded, resulting in clearing of almost the entire lot. This office recommends against amending the condition that the steepest portion of the property is to be left undisturbed. Mitigation for this unauthorized clearing violation should be provided at a 4:1 ratio in accordance with Section 4-8.07(A)(3)(d) of the Calvert County Zoning Ordinance. At least a portion of the plantings should occur on-site in the area cleared without authorization.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CA276-99

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 4, 1999

Dr. David Brownlee
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: CAMA 99-1, Bell Atlantic Growth Allocation

Dear Dr. Brownlee:

At its meeting on June 2, 1999, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the Bell Atlantic Growth Allocation qualifies as a refinement to the Calvert County Critical Area Program. Chairman North has approved this refinement to the County's Program. A total of 0.46 acres of growth allocation will be deducted from the County's reserve.

Pursuant to Natural Resources Article 8-1809(o)(2), Annotated Code of Maryland, as amended, the County shall make the necessary changes and incorporate this refinement into the Calvert County program within 120 days of receipt of this letter.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Calvert amendment file

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 15, 1999

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

RE: Variance 1999-0222-V, Robert Vollono

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA, Buffer Exempt and is currently developed with a new single family dwelling.

This office does not oppose the variance requested as the addition appears to be of reasonable size and its proposed location appears to be the only available due to the pie-shaped configuration of the lot. Also, impervious surface limits will not be exceeded by this proposal. Additional mitigation for the addition should be added to the plantings that were required for construction of the house. This mitigation should occur on-site, within the Buffer.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA303-99

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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

June 15, 1999

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

RE: Variance 1999-0234-V, Mark Luckett

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA, Buffer Exempt and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. The majority of the lot is a non-tidal wetland, a designated Habitat Protection Area and it appears that some impact is unavoidable. Development of this lot should be designed to minimize clearing and minimize impacts to the wetland and Buffer. The applicant should obtain permits from the Maryland Department of the Environment for disturbance of non-tidal wetlands and wetland buffer. Mitigation should be provided in accordance with the Anne Arundel County Zoning Ordinance and MDE permit conditions.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA304-99

dge John C. 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 15, 1999

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

RE: Variance 1999-0238-V, Holly Point Community Association

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit a pier with greater length than allowed.

Because it appears that no Habitat Protection Areas were affected and because water access is permitted, this office defers to the Maryland Department of the Environment (MDE) as the permitting agency on this issue. Modifications to the tidal wetlands permit for this pier should be requested as appropriate from MDE.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA306-99

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 15, 1999

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

RE: Variance 1999-0237-V, Howard Griffin

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit a dwelling with less setbacks and Buffer than required and with greater height than allowed. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts of development should be minimized and the variance requested should be the minimum necessary to provide relief. As currently proposed, it does not appear that impacts have been minimized nor are the variances requested the minimum to provide relief.

From the site plan provided, it appears that there are opportunities to further minimize impacts to the Buffer. The proposal currently requires over 10,000 square feet of grading (disturbing 68% of the lot). This extensive grading may be due to the irregular shape of the house. In addition, two stormwater management devices are shown on the site plan, including an outfall directly into tidal waters. (Such an outfall may require authorization from the Maryland Department of the Environment.) This office recommends that the applicant consider redesigning and perhaps reducing the footprint of the house and garage to minimize impacts to the Buffer. If the footprint of the house were reduced in size, perhaps a single stormwater management device would suffice and further reduce the limits of disturbance. Mitigation in the form of native plantings at a 3:1 ratio should be provided for all impervious surfaces created inside the 100-foot Buffer. As much mitigation as possible should be provided on-site within the Buffer.

As stated above, this office does not oppose the siting of a single family dwelling on this parcel. However, it appears that there are opportunities to further minimize impacts to this sensitive site. As currently proposed, this office recommends denial of the variances because they do not appear to be the minimum to provide relief.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA305-99

dge John C. 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

Ms. Sharon Alderton
State Highway Administration
Environmental Planning - C301
707 N. Calvert St.
Baltimore, Maryland 21203

RE: US 13, Leonards Mill Pond

Dear Ms. Alderton:

Pursuant to your request, I have reviewed the Wicomico County Critical Area Maps in relation to the bridge widening project for US Route 13. Leonards Mill Pond is not within the Chesapeake Bay Critical Area. Therefore, this project is not required to be submitted to the Critical Area Commission for review and approval.

Please contact me at (410) 260-7035 if you have any questions or concerns.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
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

dge John C. 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 29, 1999

The Honorable P. Douglas Gosnell, President
Commissioners of Sharptown
P.O. Box 338
Sharptown, Maryland 21861-0338

RE: Cherry Beach Boating Access Improvements

Dear Mr. Gosnell:

Thank you for providing information and a local consistency report for the above referenced project. The project appears to be a State agency action resulting in development of local significance on local jurisdictional land in accordance with Title 27 Subtitle 2 Chapter 2 of COMAR.

The Critical Area Law and Criteria encourage both shore erosion control (where necessary) and public access to the water. This project appears to accomplish these tasks in compliance with the local Critical Area Program. Mitigation for tree clearing should be provided at a 1:1 ratio and all disturbed areas should be stabilized and revegetated after construction.

Thank you for the opportunity to review this project. If you have any questions or concerns, or if the project changes significantly, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Roby Hurley
Carla Fleming
SH330-99

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

June 29, 1999

Mr. Robert Corletta
Charles County, Planning & Growth Management
County Government Building
P.O. Box B
La Plata, Maryland 20646

RE: XRS990056, Woodrow Milstead

Dear Mr. Corletta:

Thank you for providing information on the above-referenced proposed subdivision. As we discussed on the telephone yesterday, this proposed subdivision was previously submitted to this office for review in 1997, with revisions in 1998. At that time, I believe the local case number was XRS970048. I have reviewed the latest submittal and have the following comments:

1. The site plan does not include information about soil types. The Charles County Soil Survey indicates that there is hydric soils adjacent to the tidal wetlands on this property. These hydric soils (Bo - Bibb silt loam) and the expanded Buffer need to be shown on the plat. The Charles County Critical Area Overlay Zoning Ordinance provisions require the Buffer to be expanded to include adjacent hydric soils.

2. The latest site plan does not include topographic information. A site plan previously submitted to this office in January 1998 did include topography and indicated the presence of steep slopes over a large portion of Lots 2 and 3. This information is necessary in order to protect steep slopes.

3. Both the U.S.G.S. quadrangle of the area and the soil survey map indicated the presence of a stream ("Reeder Run") directly east of the property. This is a blue line tributary stream and would require at least a 100-foot Buffer. This stream and its Buffer should be shown on the plan.

Based on the information provided to date (including the topographical information) this intrafamily subdivision does not appear to be consistent with the Charles County Critical Area Program and Zoning Ordinance. Under Section 132(h) "Development standards in Limited Development Zone and Resource Conservation Zone" of the County Zoning Ordinance, part viii states that "Development on slopes greater than 15 percent shall be prohibited." Access to all

three of these lots would require a variance and the Commission would oppose such a variance request. By creating these lots, the applicant would be creating the need for the variance, which in itself is a reason for denial under Article XIX, Section 416, part ii of the Charles County Zoning Ordinance.

Under normal RCA density requirements (Section 132(a)(iii)) of the CharlesCounty Zoning Ordinance), the portion of the parcel within the Critical Area would be permitted to be developed with a maximum of 1 dwelling unit. Under the intrafamily transfer provisions (Section 132(b)), the parcel could be permitted to be subdivided into a maximum of three (3) lots, as is currently proposed. However, this is a maximum and a property is not guaranteed the maximum if site features, such as steep slopes or wetlands, limit the amount of developable land. Any new lots created, either under regular RCA provisions or the intrafamily transfer provisions, must comply with all of the Critical Area regulations.

Thank you for the opportunity to review this proposed subdivision. If additional or revised information is provided, please forward it to this office for further review. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: CS332-99

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 29, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 99-2568, Gerald Black

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance from the Critical Area steep slope requirements in order to construct a house, driveway and septic system. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Overall site impacts, including clearing and grading on steep slopes, must be minimized to the greatest extent possible and a variance should be the minimum necessary to provide relief. It appears that impacts could be further reduced, and perhaps the need for the clearing variance eliminated, if the house and driveway were reconfigured. Extensive clearing on steep slopes may contribute to future erosion problems. Mitigation should be provided for all clearing in accordance with the County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA325-99

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

June 29, 1999

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 99-2565, John Yatsko

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance from the Critical Area steep slope requirements in order to construct a house, driveway and septic system. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Overall site impacts, including clearing and grading on steep slopes, must be minimized to the greatest extent possible. There is a flat area in the more northern part of this property that may be more appropriate for the house site. While some disturbance to steep slopes would be necessary for access, it appears that it would be much less than currently proposed. If the house location remains as presented, this office recommends that the limits of disturbance be further minimized because the extensive clearing on steep slopes may contribute to future erosion problems. Mitigation should be provided for all clearing in accordance with the County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA331-99

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

ge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 29, 1999

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

RE: Variance 1999-0241-V, Christopher Mirenzi

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less Buffer to steep slopes than allowed. The property is designated IDA and is currently developed with a single family dwelling and driveway.

Because the dwelling addition appears to be a reasonable expansion of living space and because the existing dwelling is within the Buffer to steep slopes, this office does not oppose the variance requested. Because this lot is designated IDA, the 10% pollutant reduction requirement must be met in accordance with the Anne Arundel County Zoning Ordinance. On a lot of this size, plantings are usually sufficient to meet this requirement.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA328-99

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

June 29, 1999

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

RE: Variance 1999-0239-V, Donald Wilson

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling and driveway.

It appears that the dwelling addition will be placed over existing impervious surfaces and no habitat protection areas will be affected by this proposal. Therefore, this office has no comment regarding the setback issue. Mitigation at a 1:1 ratio of native species should be required if any clearing occurs as a result of construction.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA326-99

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

June 29, 1999

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

RE: Variance 1999-0240-V, Albert Lee

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling, septic system and driveway.

From the information provided, it appears that the proposed redevelopment of this lot will decrease impervious surfaces and will not further intrude into the 100-foot Buffer. Provided that impacts are minimized, this office does not oppose the variance requested. However, a variance should be the minimum necessary to provide relief. It is not clear why redevelopment of this lot will require the installation of the proposed retaining walls and the other impacts to steep slopes. Given that a house already exists on the site, it appears that a replacement house could be accomodated with less impacts to steep slopes.

Mitigation in the form of native plantings should be provided for all new impervious surfaces in accordance with the Anne Arundel County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA327-99

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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June 29, 1999

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

RE: Variance 1999-0242-V, Edwin Lee

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling and driveway.

This office does not oppose the variance requested as it appears that the proposed dwelling addition will be placed over existing impervious surfaces and no other habitat protection areas will be affected. Mitigation should be provided for disturbance within the Buffer in accordance with the Anne Arundel County Zoning Ordinance.

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

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA329-99

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